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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County
The Honorable David P. Caraker, Jr., Circuit Court Judge
Appellate Case No. 2024-001615

THE STATE,

Appellant,

vs.

ELISABETH ANNE GERMAIN,

Respondent.

RECORD ON APPEAL

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THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

STATE’S EXHIBIT NO. 5 (OFFICER DURISTA’S BODY CAM FIRST ENCOUNTER)
STATE’S EXHIBIT NO. 6 (OFFICER DURISTA’S BODY CAM SECOND ENCOUNTER)

Sep 24 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON) 2024 SEP 23 FOR THE NINTH JUDICIAL CIRCUIT
STATE OF SOUTH CAROLINA,)
JULIE J. ARMSTRONG)
CLERK OF COURT)
INDICTMENT NUMBERS: 2023GS10-4935
2023GS10-4936

Plaintiff,)
- versus-)
ELISABETH ANNE GERMAIN,)
Defendant.)
ORDER GRANTING DEFENSE
MOTION TO DISMISS

This matter came before the Court on August 21, 2024, after the Defendant, by and through her attorney, J. Scott Bischoff, II, submitted a Motion to Dismiss after the call of this case. The Defendant was present, and was represented by her attorney, J. Scott Bischoff, II. The State was represented by Assistant Solicitors Jewel Gearding and Andrew McAllister. After hearing from witnesses for both parties, and hearing arguments from counsel, the court grants the Defendant's motion, and makes the following findings of fact and law:

BRIEF FACTS AS PRESENTED

The state presented deputies who testified that they received a call for service to respond to the Defendant's residence due to some sort of domestic dispute. Unbeknownst to the deputies at the time, the Defendant had called 911 several times to ask for help. The calls to 911 became increasingly angrier when it took law enforcement an inordinate amount of time to respond to the calls. The Defendant had apparently been calling 911 and cursing at the operators. There was later testimony that it took police 73 minutes to arrive at the residence. The deputies, however, were on other calls, and were unaware of the extended period of time that had elapsed between the first call and their arrival at the home.

When the deputies arrived at the Defendant's residence, she was described as belligerent, using profanity, and being under the influence of alcohol. The Defendant later admitted to drinking a bottle of wine. The Defendant had made allegations of some kind of domestic situation going on in the residence, but would not elaborate with the deputies. The Defendant wanted the deputies to make her live-in boyfriend leave the residence. When they told her they could not do that, she became angrier still, and more upset. After speaking with the Defendant, the deputies made the decision that no domestic violence had occurred. They told the Defendant that, if she called 911 again, she was going to be arrested. The state played body-worn camera footage from one of the deputies, which confirmed their testimony. The deputies had not listened to the 911 calls up until then.

Before the deputies could get out of the neighborhood, the Defendant had called 911 again, and had again used profanity towards the 911 operator. The deputies went back the Defendant's residence. When they arrived, and were still out by the road, the Defendant went from her front porch into her home. Deputies went up the door and knocked several times, trying to get her to the door. When they would walk away from the door occasionally, she would open the door and yell at the deputies, closing it immediately. At some point, with the Defendant inside her home, behind a closed door, and the deputies outside, one of the deputies told her that she was under arrest. They told her that if she didn't come out, that would be resisting arrest, which would be another charge. One of the deputies then warned the Defendant that, if she didn't come to the door, he would kick the door down. Deputies would later admit that they knew they could not kick the door down; that it was just a tactic to try to get her to the door.

Body-worn camera footage showed that, at some point after the threat to kick down the door, the Defendant opened the door and stood inside the threshold of the doorway. One of the deputies then reached across the threshold, pulled the Defendant out of her home, and placed her under arrest, charging her with Unlawful Use of 911, and Resisting Arrest. The deputies did not have arrest warrants for the Defendant at this time. It should be noted here that both charges are misdemeanors.

CONCLUSIONS OF LAW

A. Warrantless arrest for a misdemeanor

Defense counsel argued that an officer may only make a warrantless arrest for a misdemeanor when the crime occurs in the officer's presence. That is one instance when an officer may make such an arrest. The other situation is when the misdemeanor crime has been "freshly committed." South Carolina Code Ann. § 17-13-30 (1985) states that sheriffs and deputy sheriffs "may arrest without warrant any and all persons who, within [the officers'] view, violate any of the criminal laws ... if such arrest be made at the time of such violation of law or immediately thereafter." However, in *State v. Martin*, 275 S.C. 141, 268 S.E.2d 105 (1980), the court noted that the rule in § 17-13-30 must be interpreted in light of S.C. Code Ann. § 23-13-60 (1989), which provides that such officers "may for any suspected freshly committed crime, whether upon view or upon prompt information or complaint, arrest without warrant...." Thus, *Martin* holds "an officer can arrest for a misdemeanor [not committed within his presence] when the facts and circumstances observed by the officer give him probable cause to believe that a crime has been freshly committed." 275 S.C. at 146, 268 S.E.2d at 107 (emphasis in original).

In *Fradella v. Town of Mount Pleasant*, Fradella had wrecked his car, and left it on the side of the road. Someone picked him up and gave him a ride home, then returned to the accident scene. Meanwhile, police had been called out to the scene. See *Fradella*, 325 S.C. 469, 482 S.E.2d 482 (Ct. App. 1997). Through investigation, police figured out that Fradella had the car that night. *Id.* The bystander told police he had given Fradella a ride home, and that he smelled of alcohol. *Id.* Police went and spoke to Fradella, and he admitted that he was the one driving the car that night. *Id.* He failed a field sobriety test, and officers noted that he smelled of alcohol, had slurred speech, and bloodshot eyes. *Id.* The Court of Appeals held that "as long as the facts and circumstances observed or perceived by an officer justify the conclusion that a crime has been freshly committed, then the *Martin* rule is satisfied." *Id.* at 477.

In this case, the Defendant made the calls to 911, asking, at first for help. She never denied making the calls. She admitted to police that she made the calls, and, although she called numerous times, the officers arrived shortly after they had been informed about the calls for service. Because of these facts, the court finds that the facts and circumstances here fit the "freshly committed" requirement, obviating the need for an arrest warrant.

B. Resisting arrest

Deputies here charged the Defendant with Resisting Arrest after telling her that she was under arrest, through the closed doorway to her home. They never laid hands on her until she came to the doorway, when they reach across the threshold, removing her from her home.

The concepts of arrest and seizure, while similar, are distinguishable because a person can be seized without being under arrest. See *Terry v. Ohio*, 392 U.S. 1, 16, 88 S.Ct. 1868, 1877, 20

L.Ed.2d 889 (1968). Furthermore, the concepts of arrest and seizure are also distinguishable because each concept requires a distinct analysis. In determining whether an arrest has occurred, the focus is on the intent of the police officer and the suspect. *State v. Brannon*, 388 S.C. 697 S.E.2d 593, 596 (2010), citing *State v. Williams*, 237 S.C. 252, 257, 116 S.E.2d 858, 860–61 (1960). By contrast, an individual is seized under the Fourth Amendment when a reasonable person, in view of all the circumstances of a particular case, would not believe he was free to leave. *Michigan v. Chesternut*, 486 U.S. 567, 573, 108 S.Ct. 1975, 1979, 100 L.Ed.2d 565 (1988).

In the *Brannon* case, police were called to the scene of a motor vehicle break-in, where the suspect had left, but had entered another nearby vehicle. When police arrived, they saw Brannon standing outside the other vehicle. They yelled to him, “stop, police.” A foot chase ensued, where Brannon was caught and arrested for B&E Motor Vehicle and Resisting Arrest. Brannon was tried and convicted of both charges. The Court of Appeals reversed, saying that Brannon was not “seized under the Fourth Amendment, and therefore not under arrest when he ran. The Supreme Court upheld the result, but noted that the Court of Appeals had used the wrong analysis. See *Brannon* at 501.

In analyzing whether an arrest was being made, the Supreme Court cited *Williams*, 237 S.C. at 257, 116 S.E.2d at 860–61. Where the police officer does not manually touch the suspect, an arrest requires intent on the part of the officer to arrest the suspect and intent on the part of the suspect to submit to the arrest, under the belief that submission was necessary. *Id.* This requires a subjective analysis. Probable cause does not figure into the analysis in this case. *Brannon*, at 504.

In this case, it is quite clear the police had the intention to arrest the Defendant. However, the Defendant had no intention to submit to the arrest, at all. Further, the officers never physically touched the Defendant, and in fact, told her she was under arrest through a closed doorway. There was no arrest being made at the time, therefore the resisting charge is unsupported by the facts of this case, and the law of resisting arrest.

C. The arrest itself

The Fourth Amendment to the United States Constitution prohibits unreasonable searches and seizures through its exclusionary rule. U.S. CONST. amend IV. An individual in a private residence normally expects privacy, free of governmental intrusion not authorized by a warrant, and society recognizes this as a justifiable expectation. *State v. Herring*, 387 S.C. 201, 209, 692 S.E.2d 490, 494 (2009). As such, a warrantless search is inherently unreasonable, and thus, it violates the Fourth Amendment's prohibition against unreasonable searches and seizures. *State v. Johnson*, 410 S.C. 10, 17, 763 S.E.2d 36, 40 (Ct. App. 2014). However, "because the ultimate touchstone of the Fourth Amendment is 'reasonableness,' the warrant requirement is subject to certain exceptions." *Herring*, 387 S.C. at 210, 692 S.E.2d at 494 (citing *Katz v. United States*, 389 U.S. 347, 357, 88 S.Ct. 507, 19 L.Ed.2d 576 (1967)).

"The exigent circumstances doctrine provides an exception to the Fourth Amendment['s] protection against warrantless searches, but only where, from an objective standard, a compelling need for official action and no time to secure a warrant exist." *State v. Dobbins*, 420 S.C. 538, 803 S.E. 2d 826, (Ct. App. 2017), citing *Abdullah*, 357 S.C. at 351, 592 S.E.2d at 348. This exception was argued in this case. "Exigent circumstances—such as imminent destruction of

evidence, the potential for a suspect to flee, or a risk of danger to police or others—may justify a warrantless entry, but absent hot pursuit, there must be at least probable cause to believe the exigent circumstances were present.” *Dobbins*, at 592, citing *Minnesota v. Olson*, 495 U.S. 91, 100, 110 S.Ct. 1684, 109 L.Ed.2d 85 (1990).

In the present case, the court finds that no exigency existed here. There was no concern about the destruction of evidence in this case. The calls to 911 were recorded, and custody of the recordings is with the 911 system operators. Given the defendant’s condition, there was no real chance that she would even attempt to flee the area. All she did was go into her home. Finally, there was no indication that any weapons were present or that the defendant could have or would have obtained one. The officers could see into the home and could have seen her coming at them if she had a weapon.

Among the smaller issues in this case, the major issue was the arrest of the defendant in the threshold of the doorway to her home. In viewing the body-worn camera that was presented, the court was able to view the events leading up to the arrest, as well as the arrest itself. After being told that she was under arrest, through a closed doorway, and being told that the police were going to kick the door down, the defendant finally came to the door and opened it. She did not go out, nor did she cross the threshold of the doorway. The officer then reached into the home and removed the defendant, arresting her.

In support of its view that the arrest was proper, the State cited the case of *United States v. Santana*, 427 U.S. 38, 96 S.Ct. 2406, 49 L.Ed.2d 300 (1976). In that case, police had information that Santana had marked police buy money in her possession after a controlled drug

buy from her residence. See *Santana*, generally. When police went to her home, they saw her standing in her doorway, holding a brown paper bag. *Id.* at 40. As police pulled up, she retreated into the entryway of her home, where she was caught and arrested. *Id.* The Court found that Santana was in a public place when the police pulled up, having no expectation of privacy. *Id.* at 42. "What a person knowingly exposes to the public, even in his own house or office, is not a subject of Fourth Amendment protection." *Id.* citing *Katz v. United States*, 389 U.S. 347, 351, 88 S.Ct. 507, 511, 19 L.Ed.2d 576 (1967). Citing to the "hot pursuit" exception to the warrant requirement, the Court noted that, just because the chase ended almost as soon as it started, it was of no matter. *Id.* at 43. Moreover, the Court recognized the possibility of the destruction of evidence in this case should Santana have gotten away. *Id.* In that case, the Court also went on to hold that an arrest that has been set into motion in a public place cannot be defeated by escaping into a private place. *Id.*

The facts of this case are distinguishable from those in *Santana*. In that case, officers were attempting to make a warrantless felony arrest. In this case, the defendant was being arrested for two misdemeanors. In *Santana*, that defendant was standing outside of her residence, holding a paper bag, after doing a drug deal with an informant. The police pulled up to within fifteen feet of her, and yelled, "police!" She then turned and ran into her residence. In the instant case, the defendant went inside her residence while the police were still at the street, and had not yet engaged her. It wasn't until after she was inside her home that she was told that she was under arrest, or until the police even attempted contact with her.

Four years after *Santana*, the Supreme Court decided the case of *Payton v. New York*. That was a part of a challenge to New York's law, which allowed police to enter someone's home,

with or without force, in order to affect a routine felony arrest. See *Payton v. New York*, 445 U.S. 573, 100 S.Ct. 1371, 63 L.Ed.2d 639 (1980), generally. In that case, police developed Payton as a murder suspect and went to his residence to affect a warrantless arrest of him. *Id.* Upon entry, they learned that Payton was not home but found a spent .30 caliber shell casing that was eventually admitted against him in his murder trial. *Id.* Payton was eventually convicted and had his conviction affirmed all the way to the United States Supreme Court. *Id.* The Court noted, too, that this case involved a warrantless entry in order to make an arrest when there was ample time to get an arrest warrant.

After a discussion about warrantless entry and the need for recognized exceptions, the court held "[a]t the very core [of the Fourth Amendment] stands the right of a man to retreat into his own home and there be free from unreasonable governmental intrusion." *Id.* at 1382, citing *Silverman v. United States*, 365 U.S. 505, 511, 81 S.Ct. 679, 683, 5 L.Ed.2d 734. In terms that apply equally to seizures of property and to seizures of persons, the Fourth Amendment has drawn a firm line at the entrance to the house. Absent exigent circumstances, that threshold may not reasonably be crossed without a warrant.

The court, in the instant case, also considered the reasoning in *Unites States v. McCraw*, 920 F.2d 224 (4th Cir. 1990). In that case, the Fourth Circuit held that a person does not surrender his expectation of privacy in his hotel room or consent to police officers' entry into room when he partially opened door to determine identity of officers knocking on door. Additionally, the reasoning in *United States v. Jones*, 204 F.3d 541, 543 (4th Cir. 2000), was also persuasive. In that case, the Fourth Circuit recognized that, even assuming the existence of probable cause, exigent circumstances are required to justify an officer's warrantless entry into a residence. In

that case, however, there was exigency that allowed the officers' entry into his home. Those conditions are not present here.

CONCLUSION AND ORDER

For the foregoing reasons, the Defendant's motion is hereby granted.

IT IS SO ORDERED

September 6, 2024


The Honorable David P. Caraker, Jr.
Presiding judge for the 9th Circuit

FILED

2024 SEP 23 PM 3:03

JULIE J. ARMSTRONG
CLERK OF COURT

BY _____

FILED

STATE OF SOUTH CAROLINA) IN THE GENERAL SESSIONS COURT
2024 AUG 22 PM 1:56) FOR THE NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON) INDICTMENT NUMBERS: 2023GS10-4935
JULIE J. ARMSTRONG) 2023GS10-4936
CLERK OF COURT)
STATE OF SOUTH CAROLINA)

Plaintiff,)
BY) NUNC PRO TUNC
) MOTION TO DISMISS FOR
-versus-) VIOLATION OF DEFENDANT'S RIGHTS
) PURSUANT TO THE FOURTH AMENDMENT
ELISABETH ANNE GERMAIN,)
Defendant.)
_____)

The Defendant, Elisabeth Germain ("Germain"), hereby requests the Court dismiss the above-referenced Indictments since both were procured after a warrantless arrest for two misdemeanor offenses while inside her home in violation of her rights under the Fourth Amendment of the United States Constitution and Article I, section 10 of the South Carolina Constitution.

This Motion was previously provided to the trial judge, The Honorable Judge David Caraker, as well as the Assistant Solicitor who prosecuted this case, Jewell Gearding of the Ninth Circuit Solicitor's Office, via email the night of August 20, 2024, as well as in-person in judge's chambers the morning of August 21, 2024, prior to selecting a jury in the trial of this case.

Facts

At 11:38pm on July 18, 2023, Germain contacted Charleston County 911 and reported she needed assistance in removing her live-in boyfriend from her home because he would not leave – despite a written, notarized agreement between them that he would take an Uber and leave upon request. The two had been arguing and tensions were building between them over the past few weeks, including a July 17th incident where Charleston County Sheriff's Office ("CCSO") deputies responded to her house under similar circumstances that resulted in her live-in boyfriend leaving for the night after being picked up by a family member. The written agreement was Germain's effort to gain some control over their relationship which was growing increasingly stressful, contentious and chaotic.

During the initial call to 911 at 11:38pm, Germain told the 911 operator her live-in boyfriend had been drinking and was yelling at her from a bedroom inside the residence, but no physical altercations had occurred between them yet. 911 dispatch took down the information and told her law enforcement would be dispatched and would arrive as soon as an officer was available to respond. Germain was told to call back if anything changed with her situation or if she had any new information to report. According to the CAD report provided in Discovery, 911 dispatch would not assign an officer to the call until 12:28am – almost an hour after Germain’s initial call for help.

Germain’s initial call to 911 was at 11:38pm. CCSO did not arrive at her house until 12:51am. During the course of those 73 minutes while waiting for help, Germain called 911 multiple times, each time being told her was “still in pending [status]” and they would “send an officer out” to her as soon as one was available. After the initial 911 call, all subsequent calls were brief, lasting slightly more or slightly less than one minute each time she called. As the calls progressed, Germain grew increasingly agitated and frustrated by the fact that nobody was coming to help her. During some, but not all, of these calls Germain uses profanity and has an angry tone in her voice. By the time the first officer arrives at her house at 12:51am, it is very clear the long wait for help has caused her to lose control of her emotions. Her interactions on scene with both CCSO Deputy Durista (“Durista”) and the other officer on the call, CCSO Deputy Hendricks (“Hendricks”), are captured by both officers’ body worn camera and were provided to Germain in Discovery.

Upon their initial arrival, Germain is outside on her porch in front of her house and is very upset. At times she yells and uses profanity. She tells officers that her live-in boyfriend and her were involved in an altercation and she was fearful he would harm her. At times you can hear Hendricks talking to Germain in a frustrated and authoritarian tone. Durista does not speak much and lets Hendricks essentially speak for both of them. Both officers eventually leave when Germain tells them she no longer needs their help.

After both officers left Germain’s house, she called 911 again to voice her frustration with how they handled the call and says she does not need anyone else to come to the house. She is audibly upset and emotional. Dispatch recordings reveal the 911 operator tells the deputies she called 911 again and they then go back to Germain’s house a second time. Just like the first time they responded, their actions and words are captured on their body worn cameras.

The videos show Hendricks and Durista lingering outside Germain's house, telling her she's under arrest, shining flashlights inside her home, and telling her they will "kick this door in [if she does not] come outside." Hendricks tells her that refusing to come out was justification for charging her with Resisting Arrest. Neither officer has a warrant for her arrest nor a search warrant for her home, but they are lying in wait for her to open the door so they can arrest her. After the aforementioned threats and commands to open the door, Germain unwillingly cracks open the door and is physically pulled out of her house, placed in handcuffs and arrested for two misdemeanor charges without a warrant for either offense.

Law

The Fourth Amendment to the U.S. Constitution provides:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

South Carolina's counterpart constitutional protection against warrantless intrusions and arrests is found in Article I, Section 10. In some instances, the State constitution may give South Carolinians even greater protection than the Fourth Amendment. State v. Weaver, 649 S.E.2d 479, 483 (S.C. 2007). Historically, the Fourth Amendment has been interpreted to protect citizens right to privacy in various places, but especially within their home where their right to privacy is paramount. Florida v. Jardines, 133 S.Ct 1409, 1414 (2013) Entry into a citizens home is a "search" and all arrests are "seizures" under the Fourth Amendment. Under both federal and state law, a warrantless arrest for a misdemeanor offense is not permitted unless the offense is committed in the officer's presence. See United States v. Watson, 423 U.S. 411 (1976) (holding a warrantless public arrest for felony is permissible); State v. Mims, 263 S.C. 45, 48 (holding that it is the law of this State that an officer cannot arrest one charged with a misdemeanor, no committed in his presence, without a proper warrant for such arrest being in the possession of the officer at the time of the arrest (citing State v. Francis, 152 S.C. 17 (S.C. 1929)); and State v. Tyndall, 336 S.C. 8, 518 S.E. 2d 278 (Ct. App.1999) (holding a judicial determination of probable cause is required when arresting for a misdemeanor not committed in the officer's presence).

Furthermore, an officer must have lawful access via a warrant or exigent circumstances to arrest a person in their home. Collins v. Virginia, 138 S.Ct. 1663, 1667 (2018). Our courts have consistently held “a person’s home is their castle” and the sanctity of one’s privacy interest in their home is to be protected against intrusion by police officer at all costs especially when officers do not have a search warrant or arrest warrant. As stated in Johnson v. United States, 333 U.S. 10, 13-14 (1948):

The point of the Fourth Amendment, which often is not grasped by zealous officers, is not that it denies law enforcement the support of the usual inferences which reasonable men draw from evidence. Its protection consists in requiring that those inferences be drawn by a neutral and detached magistrate instead of being judged by the officer engaged in the often competitive enterprise of ferreting out crime. Any assumption that evidence sufficient to support a magistrate’s disinterested determination to issue a search warrant will justify the officers in making a search without a warrant would reduce the Amendment to a nullity and leave the people’s homes secure only in the discretion of police officers. Crime, even in the privacy of one’s own quarters is, of course, of grave concern to society, and the law allows such crime to be reached on proper showing. The right of officers to thrust themselves into a home is also a grave concern, not only to the individual but to a society which chooses to dwell in reasonable security and freedom from surveillance. When the right of privacy must reasonably yield to the right of search, is, as a rule, to be decided by a judicial officer, not by a policeman or government enforcement agent.

Any arrest, but especially an arrest without a warrant for a misdemeanor offense not committed in an officer’s presence and while that person is inside their own home is unlawful. The following cases are controlling on this issue:

United States v. Allen, 813 F.3d 76, 82-82 (2nd Cir. 2016) (warrantless arrest in doorway of defendant’s home unlawful because officers may not “effect a warrantless ‘across the threshold’ arrest” when they summoned defendant to the door and defendant remained inside);

Payton v. New York, 445 U.S. 573, 586 (1980) (police cannot reach across threshold of doorway to make a warrantless arrest);

McClish v. Nugent, 483 F.3d 1231, 1247-48 (11th Cir. 2007) (warrantless arrest in doorway of defendant's home unlawful because officer reached into home and grabbed defendant to make arrest);

United States v. McCraw, 920 F.2d 224, 229 (4th Cir. 1990) (warrantless arrest in defendant's home unlawful because opening the door halfway does not imply consent for officers to enter);

United States v. Jones, 204 F.3d 541, 543 (4th Cir. 2000) (arrest warrant required for arrest inside arrestee's home, even when probable cause exists unless there are exigent circumstances);

New York v. Harris, 495 U.S. 14, 19-20 (1990) (doorway arrest exception does not apply where cop secures arrestee's presence at the door and then uses that as rationale for warrantless entry and arrest);

United States v. Saari, 272 F.3d 804, 807 (6th Cir. 2001) (police officers ordering defendant to exit his home while they were outside with guns drawn rendered involuntary the act of opening the door under those coercive circumstances); and

United States v. Morgan, 743 F.2d 1158 (6th Cir. 1984) (holding the coercive action of the police ordering defendant outside without a warrant to be in violation of the protections of the Fourth Amendment).

Finally, all citizens in South Carolina have the right to resist an unlawful arrest. In State v. Robertson, 191 S.C. 509 (S.C. 1939) the court held, "[t]he law as to the right of a person to resist an unlawful arrest is well stated in State v. Bethune, 112 S.C. 100 (S.C. 1919), where the Court lays down the rule, citing numerous authorities, that a person has the right to resist an unlawful arrest, even to the extent of taking the life of the aggressor, if it be necessary, in order to regain his liberty." Over the last almost 100 years, this right has not changed in South Carolina. See State v. McGowan, 347 S.C. 618 (S.C. 2001); State v. Poinsett, 250 S.C. 293 (S.C. 1967); State v. Francis, 152 S.C. 17, 38-39 (S.C. 1929); and State v. Lacoste, 347 S.C. 153 (S.C. 2001).

Argument

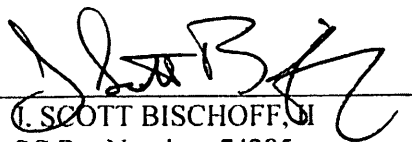
In the case before the Court, Germain was taken into custody only after being physically pulled from inside her home without an arrest warrant and without a search warrant. When police came back to her house a second time around 1:00am on July 19, 2023, they did so to arrest her for Unlawful Use of 911 in violation of South Carolina Code of Laws §23-47-80, a misdemeanor which carries up to six months in prison. When she refused to come to the door of her own home and allow police entry, they threatened her with "kicking [her] door in if [she] did

not come outside.” When she refused after that threat, they told her she was now resisting arrest and would be charged with that, too. All of this was captured by the responding officers body worn cameras and is available for the Court to review. Approximately seven minutes into the relevant body worn camera video of her arrest, officers are seen pulling Germain out of her house after she cracks the door while telling them they are not welcome in her house and they place her under arrest for Unlawful Use of 911 and for Resisting Arrest in violation of South Carolina Code of Laws §16-9-320(A), a misdemeanor offense that carries up to one year in prison. Officers had no lawful right to pull her from her home under these circumstances and without a warrant. The charges before the Court are two misdemeanor offenses – they are not felonies. Pursuant to the above-referenced caselaw and the constitutional protections afforded to all citizens, but especially Germain, the Court should dismiss both charges on account of these violations and this deprivation of her right to be free from unlawful government intrusion and secure in her own home. Even if the Court finds the arrest for Unlawful Use of 911 is lawful, the law stated herein supports dismissing the offense of Resisting Arrest because a person cannot resist arrest in their own home in the absence of a warrant.

Respectfully submitted.

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Charleston, South Carolina
August 22, 2024

FILED
2024 AUG 22 PM 1:56
JULIE J. ARMSTRONG
CLERK OF COURT

State of South Carolina	)	Court of General Sessions
County of Charleston	)	Ninth Judicial Circuit
	)	
STATE OF SOUTH CAROLINA,	)	Case Numbers:
	)	2023-GS-10-04935
Plaintiff,	)	2023-GS-10-04936
	)	
vs.	)	
	)	PRETRIAL HEARING ON
ELISABETH GERMAIN,	)	DEFENDANT'S MOTION
	)	TO DISMISS
Defendant.	)	
_____	)	TRANSCRIPT OF RECORD

August 21, 2024
Charleston, South Carolina

B E F O R E:

The Honorable David P. Caraker, Jr.

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

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and MS. ANDREW L. MCALLISTER
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1 (The following excerpt of proceedings was had in open
2 court outside the presence of the jury.)

3 THE COURT: All right. Counsel, I'm going to say I'll
4 just kind of let y'all, you know, fire when ready. I know
5 sometimes some motions, you know, obviate others or sometimes
6 may necessitate others. So however y'all want to present it,
7 you're more than welcome. I'm not going to tell you who has
8 to go first.

9 MR. BISCHOFF: Judge, I mean, I'm with you. I think
10 either side is fine. I do think probably the best thing to
11 do is since we made the motion to dismiss on account of the
12 violation of the Fourth Amendment, that perhaps in this case
13 it was a warrantless arrest, the burden would be on the
14 State, so they should, I believe, go first to see whether or
15 not they can articulate enough reason why the arrest without
16 a warrant was reasonable. But if you would like us to
17 proceed and call Ms. Germain first, then we can do that too.
18 So I'm up for either.

19 MS. GEARDING: We'll start with Defendant's motion, and
20 I'll call my witnesses. After that, then we'll go into the
21 State's motions.

22 THE COURT: Sounds good.

23 MS. GEARDING: Thank you.

24 THE COURT: All right.

25 MR. MCALLISTER: The State calls Deputy Duritsa.

1 CLERK OF THE COURT: Please raise your right hand and
2 place your left hand on the Bible.

3 (Witness sworn.)

4 CLERK OF THE COURT: Please be seated.

5 Please state your full name, spelling your last name
6 directly in the microphone.

7 THE WITNESS: Brandon Tyler Duritsa. Duritsa is
8 D-U-R-I-T-S-A.

9 THE COURT: All right. Go ahead, Solicitor.

10 MR. MCALLISTER: Thank you, Judge.

11 BRANDON DURITSA,
12 called as a witness on behalf of the State, being first duly
13 sworn, was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY MR. MCALLISTER:

16 Q. Deputy Duritsa, where are you currently employed?

17 A. I'm currently employed at the Charleston County
18 Sheriff's Office.

19 Q. How long have you been employed with the sheriff's
20 department?

21 A. Since November of 2022.

22 Q. What is your current role?

23 A. Deputy sheriff in patrol.

24 Q. And was that your same role in July of 2023?

25 A. Yes.

1 Q. Can you tell us what your job entails, what your duties
2 are?

3 A. So deputy sheriff in patrol, so it's responding to calls
4 for service, traffic control, and overall public safety.

5 Q. What is a "call for service"?

6 A. A call for service is calls to 911 for emergency
7 assistance and also nonemergency calls.

8 Q. Did you receive a call for service on July 19, 2023?

9 A. Yes.

10 Q. To [REDACTED] Honeysuckle Lane?

11 A. Yes.

12 Q. What was the -- what were you aware of when you were
13 dispatched to that incident location?

14 A. We got a call for service in regards to a disturbance at
15 [REDACTED] Honeysuckle Lane. We were advised by dispatch that the
16 individual was cussing out dispatch and that there was just a
17 physical disturbance there.

18 Q. So you responded to the incident location?

19 A. Yes.

20 Q. Who was with you?

21 A. Deputy Hendricks.

22 Q. What were you wearing?

23 A. My patrol uniform.

24 Q. And that identifies you as a sheriff's department
25 employee?

1 A. Yes.

2 Q. Did you arrive in your patrol vehicle?

3 A. Yes.

4 Q. What happened when you arrived?

5 A. When we arrived, the defendant was acting belligerent.
6 Upon arrival, walking up to the residence, you could smell
7 the odor of alcohol and she was using profane language
8 against us.

9 Q. Were you -- can you describe her demeanor in a little
10 more detail?

11 A. Her demeanor, she seemed very angry it took a while --
12 that it took a while for us to respond to her call.

13 Q. And getting back to why you were out there, what had
14 dispatch advised you of before you arrived?

15 A. They advised that she called -- she made multiple calls
16 to 911 and cussing out our dispatchers.

17 Q. When you arrived, did she make any domestic violence
18 allegations?

19 A. Yes.

20 Q. Can you describe those?

21 A. She just advised that there was a physical altercation
22 at the residence.

23 Q. Was there anything that would lead you to believe that
24 was the case?

25 A. No.

1 Q. You didn't see any injuries?

2 A. No.

3 Q. You didn't see anything in disarray on the porch?

4 A. No.

5 Q. And I guess I'll elaborate. This primary -- this

6 interaction occurred where?

7 A. [REDACTED] Honeysuckle Lane.

8 Q. At what part of her house?

9 A. On the front porch.

10 Q. And you guys didn't go -- you guys spent the entire time

11 on the porch; is that correct?

12 A. Correct.

13 Q. Was anyone else with her outside?

14 A. No.

15 Q. Did you interact with anyone else during that call?

16 A. Yes.

17 Q. Who's that?

18 A. It would be the boyfriend.

19 Q. During the first interaction you -- during the first

20 time at the house you interacted with the boyfriend?

21 A. No, not the first time we arrived to the location.

22 Q. Yeah, I guess I should be more specific. I'm focusing

23 only on the first time you went to the house.

24 A. Okay. Okay.

25 Q. Based on everything you reviewed, what did you conclude

1 about the existence or nonexistence of a domestic
2 disturbance?

3 A. We concluded that there was no signs or any
4 manifestations of any physical injury or any evidence of any
5 physical disturbance for that matter.

6 Q. Did the defendant give you any indication of -- did
7 you -- did she give you any indication of why -- what she
8 wanted you to do that night?

9 A. It was not clear, no.

10 Q. Did she want you to have her boyfriend removed from the
11 house?

12 MR. BISCHOFF: Objection.

13 BY MR. MCALLISTER:

14 A. Yes.

15 Q. What did she ask you to do while you were at the home?

16 A. It was a physical disturbance, so she just wanted -- she
17 wanted her boyfriend removed from the residence.

18 Q. Did you require him to leave?

19 A. No.

20 Q. Why not?

21 A. Because it was his house as well. And also, if she had
22 anything requiring him to leave, we can't enforce anything.
23 It was a contract.

24 Q. How did the defendant respond when you informed her that
25 you could not enforce her civil contract?

1 A. She became angry.

2 Q. Can you elaborate?

3 A. She started cussing us out and just continued to be
4 angry and dismissal -- er, dismiss -- she kept dismissing us.

5 Q. What did you guys do next?

6 A. After our first interaction, we left the residence.

7 Q. Was the defendant under arrest at the time?

8 A. No.

9 Q. Where did the defendant go when you left?

10 A. She went back into her residence.

11 Q. Deputy Duritsa, do you -- what's a body-worn camera?

12 A. Yes.

13 Q. What is a body-worn camera?

14 A. Oh, sorry. A body-worn camera is a camera that is on
15 our uniform that records incidents that we respond to.

16 Q. Were you wearing a body-worn camera when you responded
17 to the defendant's residence?

18 A. Yes.

19 Q. Was it activated?

20 A. Yes.

21 Q. Did you have an opportunity to review that footage?

22 A. Yes.

23 Q. Does it accurately reflect what you saw that night?

24 A. Yes.

25 MR. MCALLISTER: Your Honor, permission to approach the

1 witness?

2 THE COURT: Yeah. You guys can approach freely.

3 MR. MCALLISTER: Thank you, Judge.

4 Q. [By Mr. McAllister] I'm showing you what's marked
5 State's Exhibit 5 for the Court's purposes. Do you recognize
6 that disk?

7 A. Yes, sir.

8 Q. I'll let you hold it. What is it?

9 A. It is a copy of the body-worn camera that I wore that
10 night of the incident.

11 Q. And does it fairly and accurately reflect what you saw?

12 A. Yes.

13 Q. Is it altered in any way?

14 A. No.

15 MR. MCALLISTER: Judge, I would move to publish this to
16 the Court for purposes of this hearing.

17 THE COURT: Any objection?

18 MR. BISCHOFF: No, your Honor.

19 THE COURT: Okay.

20 BY MR. MCALLISTER:

21 Q. And while we're cueing it up, I kind of want to make it
22 clear; how many times did you go to the defendant's house?

23 A. Twice.

24 Q. And this particular body-cam footage shows which time?

25 A. The first encounter.

1 Q. Thank you.

2 (Video played in open court.)

3 THE COURT: Is there any way you can turn that up?

4 MS. GEARDING: Not on my end.

5 THE COURT: I'm having a hard time hearing her end of
6 the conversation.

7 BY MR. MCALLISTER:

8 Q. And before we show what's marked as State's Exhibit 5, I
9 kind of want to ask you a couple more questions. Where is
10 the camera mounted?

11 A. It's mounted on the front of my uniform.

12 Q. So who's doing the talking? Who's the deputy that's
13 doing the most interaction with the defendant?

14 A. Currently that would be Deputy Hendricks.

15 Q. So when we watch this video, what we're viewing is
16 Deputy Hendricks from your vantage point?

17 A. Yes, sir.

18 Q. Thank you.

19 MR. MCALLISTER: Please play the video.

20 (Video played in open court.)

21 BY MR. MCALLISTER:

22 Q. What was the last thing Deputy Hendricks said to the
23 defendant?

24 A. If she calls 911 again, she will be going to jail.

25 Q. I want to address a couple things in the video. It

1 begins with Deputy Hendricks interacting with the defendant.

2 Is that -- that's not how you arrived at the house, right?

3 A. No.

4 Q. Where was the defendant when you arrived at the home?

5 A. She was on the front porch.

6 Q. You didn't ask her to leave the house?

7 A. No.

8 Q. Can you describe the neighborhood?

9 A. It's just houses.

10 Q. Are the houses -- how close are the houses to each
11 other?

12 A. Pretty close. Probably about five yards apart each.

13 Q. Could -- were neighbors aware of the situation going on
14 at the home you were at?

15 A. Yes.

16 Q. How do you know that?

17 A. There was neighbors standing outside as we were making
18 our contacts with her each time that we were on scene.

19 Q. The defendant's volume was such that you --

20 MR. BISCHOFF: Objection. Leading, Judge.

21 THE COURT: This is a preliminary matter, but see if you
22 can get there another way.

23 MR. MCALLISTER: Sure, Judge.

24 Q. [By Mr. McAllister] Can you describe the volume of the
25 defendant's voice?

1 A. It was enough for her to cause a disturbance to disturb
2 the neighbors to come outside.

3 Q. Ultimately, though, where did Defendant retreat when you
4 left? Where did she go when you left?

5 A. She went right back into the residence.

6 Q. You guys -- what did you guys do next?

7 A. On our first encounter?

8 Q. Right. Where did you go after you left her house?

9 A. We departed from the neighborhood.

10 Q. All right. Before I move on to the next time you
11 arrived, can you be a little more specific about what you
12 were aware of when you arrived at the home: what dispatch
13 advised you of, how long it had been since she called 911,
14 just the details that you were aware of when you arrived?

15 A. The details that I was aware of, we were called -- we'd
16 been advised that she'd called multiple times prior. And
17 then upon arrival, we could tell that she was being very
18 belligerent and angry that it took a while for us to respond.
19 And you could smell the odor of alcohol pretty strongly as we
20 were walking up to the residence.

21 Q. Does dispatch advise you of the attitude of a caller
22 normally?

23 A. Typically, if it's in a manner that is aggressive
24 towards dispatchers, they'll advise, especially if it's any
25 kind of threatening or any kind of tone that they're getting

1 from the caller.

2 Q. Does that impact the way you respond to a call?

3 A. It creates a little bit more, like, a caution.

4 Q. After you left the defendant's house, were you
5 dispatched to the location again?

6 A. Yes.

7 Q. Why?

8 A. Dispatch advised us that she was calling for another
9 time and also using profane language against our dispatchers
10 again, so we returned for the misuse of 911.

11 Q. The same house?

12 A. Correct.

13 Q. What's the address?

14 A. [REDACTED] Honeysuckle Lane.

15 Q. About how soon after you left did you receive the
16 dispatch?

17 A. Three to five minutes after we left.

18 Q. When you arrived the second time, what was the first
19 thing that the defendant was told?

20 A. That she was under arrest.

21 Q. For what?

22 A. For misuse of 911.

23 Q. Was she aware she was being arrested?

24 A. I would assume so, based off of her interactions with
25 us.

1 Q. And where was she when she was made aware of the fact
2 that she was under arrest?

3 A. She was in her living room area. The door has a window,
4 and we advised her that she was placed under arrest as we
5 were looking at her through the window.

6 Q. What happened next?

7 A. She would continue opening the door, taunting us,
8 cussing, yelling at us. And then whenever we'd get close to
9 the door, she would shut the door and go back in the house.

10 Q. Did you get handcuffs on the defendant?

11 A. Yes.

12 Q. How?

13 A. When she came to the door for the final time, I was able
14 to grab her wrist and escort her outside and place handcuffs
15 on her.

16 Q. What happened next?

17 A. After that, her boyfriend came to the door.

18 Q. And what was his demeanor?

19 A. He seemed to be calm. He also seemed like he was trying
20 to calm her down. And he looked like he was probably
21 sleeping prior to coming to the door.

22 Q. Did you observe any physical manifestations of any
23 injuries?

24 A. No.

25 Q. How'd the area look? Did it look disheveled? Did it

1 look put together? Did it look like there had been a
2 disturbance?

3 A. There was no signs of any disturbance.

4 Q. Were you also wearing a body camera during your second
5 response to the defendant's house?

6 A. Yes.

7 Q. Did you have occasion to review that body-cam footage?

8 A. Yes.

9 Q. I'm showing you what's been marked as State's Exhibit 6.
10 Do you recognize this disk?

11 A. Yes.

12 Q. What's on that disk?

13 A. It is my initials and the date that I reviewed the night
14 of the incident.

15 Q. If I were to put that into a disk drive, what would it
16 show?

17 A. It would show the night of the incident.

18 Q. Has it been modified or altered in any way?

19 A. No.

20 Q. It accurately reflects what you saw that night?

21 A. Yes.

22 MR. MCALLISTER: The State moves to publish Duritsa's
23 body-cam footage from that evening.

24 THE COURT: Any objection?

25 MR. BISCHOFF: No, your Honor.

1 THE COURT: All right. Go right ahead, sir.

2 (Video played in open court.)

3 BY MR. MCALLISTER:

4 Q. So there are -- how many clips are on that disk that I
5 showed you? How many videos?

6 A. That would be three videos.

7 Q. Why -- did anything happen after that video?

8 A. After that video, yes.

9 Q. Why is there a break between the two videos?

10 A. You know, I don't recall.

11 Q. How much is not captured by your body-cam footage? How
12 long is your camera off?

13 A. Not long because, typically, if we're about to leave the
14 scene or we're discussing anything privately, we'll turn off
15 the body camera. But as soon as we're about to have
16 interaction again, it's reactivated.

17 Q. So you said there were three videos on that disk. If I
18 show you the final video, where is that in time from where
19 that video ended?

20 A. It should be shortly after.

21 Q. Thank you.

22 (Video played in open court.)

23 BY MR. MCALLISTER:

24 Q. Okay. Just a couple more questions, Deputy.

25 How many times did the defendant call after you left the

1 first time and before you arrived this time? How many times
2 did she call 911?

3 A. I believe it was just one more time after.

4 Q. And how do you know that?

5 A. Based off of the prior -- from the first time and then
6 also a combination of going back a second time.

7 Q. Okay. So I'll ask you this. Who informs you that she
8 called 911 again?

9 A. That would be dispatch.

10 Q. And who is the person on video arresting the defendant?

11 A. That would be me.

12 MR. MCALLISTER: Thank you. No further questions from
13 the State. Please answer any questions the defense has.

14 THE COURT: Counsel?

15 MR. BISCHOFF: Thank you, your Honor.

16 CROSS-EXAMINATION

17 BY MR. BISCHOFF:

18 Q. Deputy Duritsa, good morning still.

19 A. Morning.

20 Q. How are you, sir?

21 A. Good.

22 Q. This is your case, right? You're the arresting officer?

23 A. Yes, sir.

24 Q. And you're the one who obtained a warrant for
25 Ms. Germain?

1 A. Yes.

2 Q. And you obtained that warrant hours after taking her in
3 custody when we saw -- based on what we saw in the video,
4 right?

5 A. Yes.

6 Q. And you met with Judge Haselden?

7 A. Judge Haselden?

8 Q. Yeah, to sign the warrant?

9 A. Yes.

10 Q. Let me show you a document -- a two-page document. Do
11 you recognize that?

12 A. Yes.

13 Q. And that's the arrest warrant for unlawful use of 911 in
14 this case?

15 A. Yes.

16 Q. And this particular version, we don't see an exact time
17 when Judge Haselden signs it. Does she usually put a time on
18 the warrant when they sign it?

19 A. I'm not familiar how she does it, no.

20 Q. But you took it to her and had her sign it?

21 A. So we have a bond court deputy. That's not my signature
22 that's signed up at the top. My bond court deputy typically
23 handles that for us. So I did not meet with Judge Haselden,
24 no.

25 Q. Okay. And so did the bond court deputy -- is he the one

1 that drafted the warrant?

2 A. I believe so, yes.

3 Q. So when he says that the 911 system was called six times
4 on July 19 during the hours of -- well, it looks like
5 12:09 a.m., 12:34 a.m. --

6 A. Mm-hmm.

7 Q. -- 12:40 a.m., 12:47 a.m., and 1:05 a.m., that's not
8 accurate, is it?

9 A. It should be accurate based off of my own words and the
10 affidavit.

11 Q. Okay. I'm going to leave this here with you.

12 MR. BISCHOFF: Judge, could I mark this as a Court's
13 Exhibit 1?

14 THE COURT: Sure.

15 (Court's Exhibit Number 1 marked for the record.)

16 BY MR. BISCHOFF:

17 Q. Deputy Duritsa, I'm going to leave these here with you
18 because I'm going to ask you some questions about the timing
19 of everything. Okay?

20 Now, you are familiar with an incident detail report,
21 correct?

22 A. Yes.

23 Q. And let me -- I'll ask you some questions about that.

24 Did you have a chance to review the incident detail
25 report in this case?

1 A. Yes.

2 MR. BISCHOFF: And Judge, I'm going to mark this Court's
3 Exhibit 2 for purposes of this hearing.

4 (Court's Exhibit Number 2 marked for the record.)

5 BY MR. BISCHOFF:

6 Q. All right. Deputy Duritsa, if you would, take a look at
7 that and tell me, you know, what is an incident detail
8 report?

9 A. It shows our CAD notes when we responded and also when
10 the complainant calls and just all the notes and response
11 times.

12 Q. So it's a report that documents dispatch receiving a 911
13 call at a particular time?

14 A. Correct.

15 Q. And their communication with really anybody who's out in
16 the field working with law enforcement?

17 A. Yes, sir.

18 Q. It's the way the document -- the time a call comes in
19 and information that the caller is actually giving the 911
20 operator; is that right?

21 A. Correct.

22 Q. Do you actually listen to the 911 call on your way to a,
23 you know, a particular location? You don't listen to them,
24 right?

25 A. No, sir.

1 Q. So you rely on that report from dispatch --

2 A. Correct.

3 Q. -- in terms of the information that you get?

4 A. Yes, sir.

5 Q. All right. So I want to talk first about the first call
6 and what time that comes in.

7 A. All right.

8 Q. Now, actually, on the first page here, you can see it
9 comes from Ms. Germain, right?

10 A. Mm-hmm.

11 Q. And it's got her cell phone number there on the first
12 page?

13 A. Yes.

14 Q. And we're talking about [REDACTED] Honeysuckle Lane is the
15 location?

16 A. Yes.

17 Q. And is that an automatic thing, or is that the
18 information she's giving 911 dispatch?

19 A. So typically when a call comes in, it's in a generalized
20 area and it gets a pinpoint. And then also they ask for,
21 like, the exact address from -- the call taker will typically
22 get that.

23 Q. Okay. So we can be pretty sure that she's calling from
24 that [REDACTED] Honeysuckle Lane location?

25 A. Yes, sir.

1 Q. And that's where she lives?

2 A. Yes.

3 Q. And that's a house that she owns?

4 A. That I'm not sure.

5 Q. You never looked to see whether or not --

6 A. I never looked to see whose name was on any --

7 Q. And that's not information provided to you at the time

8 of the call?

9 A. No.

10 Q. Okay. On page 2 there, am I correct in saying that the

11 initial call comes in at 11:38 p.m. on the 18th?

12 A. Yes.

13 Q. So that report right there tells us that Ms. Germain

14 called 911 first at 11:38 p.m.?

15 A. Okay.

16 Q. Right?

17 A. Yes.

18 Q. That's accurate?

19 A. Yes.

20 Q. We know that's what time the first call came in?

21 A. Yes.

22 Q. What time did you actually arrive at her house?

23 A. It's showing 12:51.

24 Q. 12:51 a.m.?

25 A. A.M., yes, sir.

1 Q. So 73 minutes later --

2 A. Mm-hmm.

3 Q. -- you're the first officer on scene at her house?

4 A. Correct.

5 Q. Can you tell when else she calls? Because obviously the
6 warrant is not correct, right? The first call doesn't come
7 in at 12:09 a.m. It comes in at 11:38 p.m.

8 Are you able to tell from that report what other times
9 calls come in leading up to your arrival 73 minutes after her
10 first call?

11 A. I'm having trouble finding that.

12 Q. It's kind of buried in there, right?

13 A. Yeah.

14 Q. It's tough to see?

15 A. Yeah.

16 Q. All right. So let's -- if you would -- if you allow me
17 to get to this place and we're going to kind of go over a few
18 things.

19 A. Yeah.

20 Q. What we do know, though, is that it was not assigned to
21 you --

22 A. Mm-hmm.

23 Q. -- until 12:28 a.m., right?

24 A. Right.

25 Q. And so, I mean, that's not your fault. You're assigned

1 the case essentially an hour after she calls 911, and then
2 you respond as quickly as you can?

3 A. Yes.

4 Q. Are you aware at that time that the call came in 73
5 minutes before your arrival?

6 A. No.

7 Q. Okay. Is this the first you're knowing that today?

8 A. No. Typically, sometimes calls are left in pending if
9 we have other calls that take higher priority.

10 Q. Yeah. And you were working another call that night,
11 right?

12 A. Correct.

13 Q. And so was Deputy Hendricks?

14 A. Correct.

15 Q. And it was a motor vehicle accident?

16 A. I don't recall. It's been over a year now.

17 Q. I think that's what Deputy Hendricks says on the video.
18 But you don't remember that?

19 A. Right. I don't remember that.

20 Q. But nevertheless --

21 A. Mm-hmm.

22 Q. -- when you get to her house that night, you're not
23 aware that she's been waiting 73 minutes --

24 A. No.

25 Q. -- for y'all?

1 A. No.

2 Q. And then what we also note from this report is that
3 Deputy Hendricks is really kind of right behind you, right?

4 A. Yes.

5 Q. Two minutes later?

6 A. Yes.

7 Q. Well, I'm sorry. I put in the wrong thing. He's
8 assigned the call two minutes after you are at 12:30 a.m. --

9 A. Right.

10 Q. -- but he arrives really about the same time you do; is
11 that right?

12 A. Yes.

13 Q. So you both are the first responders to get to the
14 scene?

15 A. Yes.

16 Q. And you don't get -- you two don't get there until
17 12:51 a.m.?

18 A. Yes.

19 Q. Okay. And then on the far right-hand side of this
20 second page here of Court's Exhibit Number 2, we see that --
21 it looks like "complete." Does that mean that a call is
22 over?

23 A. Yes.

24 Q. So that's 1:04 --

25 A. Mm-hmm.

1 Q. -- a.m.?

2 A. Yes.

3 Q. But y'all are there longer than that, right?

4 A. For the first call, no. For the second call, yes.

5 Q. Well, I think that encompasses both calls, does it not?

6 A. No, because after the first call, we cleared it out.

7 And then we got another call from 911, and we responded back
8 again.

9 Q. Okay. So you're saying that you stayed on scene for 13
10 minutes the first time?

11 A. No.

12 Q. Okay. Sorry. So you arrive on scene at 12:51?

13 A. Yes.

14 Q. And then it says "Call complete" at 1:04 a.m. Maybe my
15 math is off a little bit, but yeah -- well, no. Thirteen
16 minutes is right. Is that -- help me understand. When is
17 she actually under arrest? I mean, it's your case. Do you
18 know what time you actually put her under arrest?

19 A. I would have to go back and look at the exact time that
20 we placed her under arrest.

21 Q. It's pretty soon after that, right?

22 A. It would be the second call --

23 Q. All right.

24 A. -- responding back.

25 Q. All right. So if you would, flip the page. And then

1 we've got what's more of a narrative type of a report, right?

2 A. Mm-hmm.

3 Q. If you would, let me take a look at it here.

4 And again, we've got 718 at 11:38 p.m. That's the first
5 time the call comes in?

6 A. Mm-hmm.

7 Q. And we've got some information here that really is sort
8 of maybe internal information. And then we see "Caller
9 advised her partner would not leave. Verbal domestic
10 disturbance." Is that right? Is that what the report says?

11 A. Yes.

12 Q. And so she's not alleging that there's anything physical
13 going on when she first calls?

14 A. Right.

15 Q. She tells 911, "I need him to leave. We're having a
16 verbal disagreement" --

17 A. Mm-hmm.

18 Q. -- "and he won't leave." Right?

19 A. Right.

20 Q. She tells 911 that the suspect is on scene, right?

21 A. (Indicated.)

22 Q. And she also says that they're currently separated,
23 meaning -- that's what 911 advised her to do, right?

24 A. Right.

25 Q. They typically say, "Can you separate from" -- are you

1 aware -- have you listened to the 911 calls yet?

2 A. Briefly.

3 Q. And you're aware that the 911 operator continues to tell
4 her, "They're on the way. They're on the way"?

5 A. Mm-hmm.

6 Q. All right. And you know that the first call, she's very
7 calm?

8 A. Yes.

9 Q. And the second call, she's still like, "Hey, where are
10 you? No one's coming"?

11 A. Mm-hmm.

12 Q. And they said, "We're on our way. We'll be there.
13 They're on other calls." You've heard that too, correct?

14 A. (Indicated.)

15 Q. And then by the time we get to calls maybe 5 and 6,
16 that's when she uses profanity?

17 A. Mm-hmm.

18 Q. And she seems to be very stressed and angry that
19 nobody's there yet?

20 A. Correct.

21 Q. All right. So the information that you had when you
22 arrived at 12:51 a.m. -- again, 73 minutes after she's called
23 911 -- you testified earlier that she was saying that there
24 was a physical altercation at the house?

25 A. Mm-hmm.

1 Q. All right. But I mean, she basically says, "All right.
2 Fine. Things are physical. I need you here now"?

3 You listened to the call, right?

4 A. I only listened to the first call, but it was very
5 briefly.

6 Q. And so you're not aware that she briefly mentions "Okay.
7 Things are physical" in an act of frustration because they're
8 not there yet? You haven't heard that part?

9 A. I haven't heard that part, no.

10 Q. In your testimony, you seemed pretty confident that she
11 was alleging that there were physical altercations?

12 A. Correct.

13 Q. And you seemed very confident that there was no signs of
14 any sort of physical confrontation?

15 A. Correct.

16 Q. But you never even went in the house, right?

17 A. Right.

18 Q. You never stepped inside the house to look around?

19 A. No, sir.

20 Q. Now, when you respond to a call about a verbal domestic,
21 you are aware that under the statute your responsibility is
22 to figure out who might be the primary aggressor, to ask
23 questions, etc., correct?

24 A. Correct.

25 Q. And you guys get there -- and look, I'll give you -- I

1 mean, it's -- she's confrontational and she's agitated --
2 right? -- when you get there. But you guys put her under
3 arrest before you even talked to the boyfriend who's in the
4 house, correct?

5 A. Correct.

6 Q. And when you take her into custody -- we saw it -- she's
7 in the doorway of her house, right? And you pull her out of
8 the house and put her in handcuffs?

9 A. Mm-hmm.

10 Q. And you take her to the patrol car. And then you and
11 Deputy Hendricks talk to the boyfriend thereafter, correct?

12 A. Yes, sir.

13 Q. And he tells you something that's pretty important about
14 Ms. Germain's history, does he not?

15 A. Yes, sir.

16 Q. What did he tell you? Do you remember?

17 A. I don't entirely recall that conversation.

18 Q. Do you remember that he said that "Hey, look, guys. I
19 mean, no offense to you and the other officer, but there was
20 this incident in 2020 with the sheriff's office that's got
21 her pretty messed up"?

22 MR. MCALLISTER: Objection.

23 MR. BISCHOFF: It's an evidentiary hearing.

24 THE COURT: What's the grounds?

25 MR. MCALLISTER: It's hearsay. I do agree it's an

1 evidentiary hearing. I don't think it's particularly
2 relevant to the issue at hand.

3 THE COURT: It's a preliminary matter, so I'll allow
4 that.

5 MR. BISCHOFF: And I'll try to be as efficient, your
6 Honor, as I can be.

7 THE COURT: Thank you.

8 BY MR. BISCHOFF:

9 Q. But he tells you, like, she's got PTSD from this
10 incident --

11 A. Mm-hmm.

12 Q. -- correct?

13 A. Correct.

14 Q. And he tells you that she reported a sexual assault --

15 A. Mm-hmm.

16 Q. -- to your law enforcement agency? Not you, not Deputy
17 Hendricks, but that she had reported it, right?

18 A. Right.

19 Q. In 2020?

20 A. (Indicated.)

21 Q. And that no arrests were made? Do you remember that?

22 A. I don't entirely remember it, but if it was on the body
23 camera and he stated that and it was caught on body camera,
24 then I would take it. Yeah.

25 Q. Do you remember, though, hearing that she suffered from

1 PTSD and had some emotional challenges that maybe someone who
2 wasn't the victim of sexual assault didn't have?

3 A. Yes, very vaguely. But yeah, I do remember some
4 altercation that she had.

5 Q. But this is after you had already put her in the car and
6 made the arrest, correct?

7 A. Correct.

8 Q. So you've been to the academy?

9 A. Yes, sir.

10 Q. And you've had training there?

11 A. Mm-hmm.

12 Q. And some of the training that you get is essentially how
13 to deal with someone who's in an emotional crisis --

14 A. Yes.

15 Q. -- correct?

16 A. Correct.

17 Q. Now, I get it's later in the evening and you guys arrive
18 on scene with a person who's been waiting there for 73
19 minutes and she's very upset.

20 A. Mm-hmm.

21 Q. I understand that. And you smell alcohol. But you're
22 taught in your training to essentially try to do everything
23 you can to help somebody who's in an emotional crisis, yes?

24 A. Absolutely.

25 Q. And with the fact that Ms. Germain was on scene and she

1 was up and down emotionally --

2 A. Mm-hmm.

3 Q. -- and the fact that her live-in boyfriend tells you
4 that "Look, she's got PTSD" --

5 A. Mm-hmm.

6 Q. -- "and with your agency in particular, there's some
7 issues that could trigger her," did that -- why did you not
8 document any of that in your report thereafter? Is that
9 something that is for someone else to make a decision on? Or
10 does that play into your decision to arrest at all?

11 A. No, it doesn't play into the decision to arrest. It's
12 just based off of the actual action of her calling the
13 emergency line and it's not an immediate emergency.

14 Q. Well, how are you able to ascertain whether it's a real
15 immediate emergency for someone with PTSD when they first
16 call 911?

17 A. Well --

18 Q. You just don't know that, right?

19 A. Pardon?

20 Q. You don't know?

21 A. Don't know what?

22 Q. If someone is really in an objectively, you know,
23 correct crisis. I mean, you can't tell from just a call.
24 That's fair to say, right?

25 A. I mean, while we're on scene, yes, we can make a

1 determination based off of what we see and whether it
2 establishes any elements of the crime as well.

3 Q. Right. But now that you know that she called 73
4 minutes --

5 A. Mm-hmm.

6 Q. -- earlier, before you could get there --

7 A. Mm-hmm.

8 Q. -- isn't it possible that 73 minutes ago, that there was
9 a valid reason for her to be calling 911? Did you look into
10 that at all?

11 A. No.

12 Q. Okay. And you're aware that you have to get a warrant
13 to make an arrest --

14 A. It could be an on- --

15 Q. -- for a misdemeanor?

16 A. It could be an on-site arrest based off of what we have.
17 So she utilized 911 unlawfully, and that's what we can have
18 to make an on-field arrest -- on-site arrest.

19 Q. You're aware there is an intent element to unlawful use
20 of 911, correct?

21 A. Correct.

22 Q. And one of the intent elements that is required is to
23 harass 911 operators?

24 A. Yes.

25 Q. Would you agree with me that, based on your review of

1 the 911 calls, they really don't last more than a minute,
2 give or take, for each one?

3 A. I've only listened to the first one. I don't recall the
4 rest of them.

5 Q. And if --

6 A. What we have going into it we base off of what
7 dispatchers are advising us is what --

8 Q. And they told you that she sounded drunk?

9 A. No.

10 Q. They did not?

11 A. I don't believe so.

12 Q. Well, what did they tell you?

13 A. That she was calling dispatch and cussing at them
14 constantly.

15 Q. Okay. So --

16 A. And then we made a determination that she was
17 intoxicated when we were on scene.

18 Q. And so at that point in time, you knew that you had
19 someone that was calling 911 a couple times -- multiple
20 times?

21 A. Yes.

22 Q. You weren't quite sure how many times she had called?

23 A. Prior to the first time, no.

24 Q. And you weren't quite sure when those calls were made;
25 you just know that dispatch said, "Look, this lady's called

1 multiple times" --

2 A. Mm-hmm.

3 Q. -- "and she's using profanity"?

4 A. (Indicated.)

5 Q. And you didn't talk to the boyfriend before you arrested
6 her?

7 A. No, I did not.

8 Q. And you made the decision there at that time based on
9 what you had --

10 A. Mm-hmm.

11 Q. -- to take her into custody?

12 A. Yes.

13 Q. Now, when you respond back a second time, you and Deputy
14 Hendricks are kind of just sort of loitering around the
15 house, the body cam shows, right? You're waiting for her to
16 possibly come out of the house again?

17 A. Correct.

18 Q. But you hear Deputy Hendricks tell her that he's going
19 to kick the door in if she doesn't come outside? You heard
20 that?

21 A. Correct.

22 Q. Would that have been lawful?

23 A. No.

24 Q. Okay. And you hear Deputy Hendricks tell her that
25 failure to come outside is now resisting arrest?

1 A. Yes.

2 Q. And based on your training and experience, you think
3 that's lawful?

4 A. For her to be resisting arrest by not coming outside
5 once she's been advised?

6 Q. For her to remain in her home when you don't have a
7 warrant. Do you think it is lawful or unlawful for her to
8 remain in her home under those circumstances?

9 A. I don't really recall whether it was -- no.

10 Q. Do you remember Deputy Hendricks sort of being a little
11 bit down from the porch and saying, "I can see her through
12 the window. She's on the couch"? Do you remember that part?

13 A. Yes.

14 Q. And do you remember that he said, "Oh, I've told her to
15 bring the boyfriend in" or "go get the boyfriend"?

16 A. Mm-hmm.

17 Q. "Have the boyfriend come to the door, and we won't
18 arrest you." Do you remember him saying that?

19 A. No, I don't recall that part.

20 Q. What is the first point in time when you actually
21 observed the boyfriend inside the house? Because you made
22 the statement, "Oh, the boyfriend is here."

23 A. Yeah. I believe he walked out into the hallway portion,
24 but it was only for a brief period of time.

25 Q. And then he walked away out of your view?

1 A. Yes.

2 Q. Could you see Ms. Germain at that point in time?

3 A. I don't entirely recall.

4 Q. You're not sure?

5 A. No. Yeah.

6 Q. But you agree when she opens that door the final time,
7 the boyfriend is right behind her?

8 A. Mm-hmm.

9 Q. Right?

10 A. Yes.

11 Q. And you can kind of hear him on the video where y'all
12 are taking her into custody, right?

13 A. Yes, sir.

14 Q. Now, you mentioned that there were neighbors that were
15 outside?

16 A. Yes.

17 Q. Did you ever talk to the neighbors?

18 A. No, we did not.

19 Q. You haven't been to her house since this night for any
20 reason, right?

21 A. No.

22 MR. BISCHOFF: Beg the Court's indulgence one second.

23 THE COURT: Of course.

24 MR. BISCHOFF: No more questions, your Honor. Thank
25 you.

1 THE COURT: Any redirect?

2 MR. MCALLISTER: Just a couple questions. I'll be
3 brief, Judge.

4 THE COURT: All right.

5 REDIRECT EXAMINATION

6 BY MR. MCALLISTER:

7 Q. Deputy, did you arrest the defendant the first time you
8 went to her house?

9 A. No.

10 Q. What was the last thing you told her?

11 A. If she calls 911 again, she will be placed under arrest.

12 Q. What did you know the second time you came to her house?

13 A. Pardon me? Can you repeat it?

14 Q. What brought you to her house the second time?

15 A. For misuse of 911.

16 Q. And what did dispatch tell you?

17 A. That she is calling into dispatch and cussing out our
18 dispatchers.

19 Q. And you don't recall what you were doing prior to
20 responding to that house?

21 A. Prior to responding the first time?

22 Q. Right.

23 A. It's been a while. I don't exactly remember what call I
24 was on before that.

25 Q. Do you have any say in the priority with which you are

1 given a call?

2 A. Yes and no. But based off of there being no one in
3 danger -- in immediate danger, it's put in a lower priority
4 call.

5 Q. Did you look for any signs of domestic violence?

6 A. Yes.

7 Q. Did you see any?

8 A. No.

9 Q. And what's the last thing you told the defendant when
10 you left her house the first time?

11 A. If she calls 911 again, she will be placed under arrest.

12 Q. Why didn't you arrest her the first time?

13 A. Because we're not trying to arrest anyone technically.
14 We try to, you know, advise people of the law. And then if
15 they continue to break the law, then that's when we enforce
16 it.

17 MR. MCALLISTER: Thank you. No further questions.

18 THE COURT: Anything else, Counsel?

19 MR. BISCHOFF: No, your Honor.

20 THE COURT: Madam Solicitor, will you do me a favor,
21 please, and play that first clip for me again?

22 MS. GEARDING: Of the second --

23 THE COURT: On the -- on the second disk, the first
24 clip.

25 MS. GEARDING: Just one second.

1 THE COURT: Deputy, you can step down. Thank you, sir.

2 (Witness excused.)

3 MS. GEARDING: And then I will have one more witness
4 after him that should be brief.

5 THE COURT: Okay.

6 (Video played in open court.)

7 THE COURT: That's all I need. Thank you.

8 All right. Call your next witness.

9 MS. GEARDING: The State calls Deputy Michael Hendricks.
10 (Witness sworn.)

11 CLERK OF THE COURT: Please be seated.

12 Please state your full name, spelling your last name
13 directly in the microphone.

14 THE WITNESS: Michael Wade Hendricks. Last name is
15 H-E-N-D-R-I-C-K-S.

16 THE COURT: Go ahead, Solicitor.

17 MICHAEL HENDRICKS,
18 called as a witness on behalf of the State, being first duly
19 sworn, was examined and testified as follows:

20 DIRECT EXAMINATION

21 BY MS. GEARDING:

22 Q. Deputy Hendricks, where do you currently work?

23 A. Charleston County Sheriff's Office.

24 Q. And how long have you been employed there?

25 A. Since April 7, 2023.

1 Q. And what is your current role with the Charleston County
2 Sheriff's Office?

3 A. I'm a deputy sheriff in the patrol division.

4 Q. And can you explain what that job entails?

5 A. That job entails calls for service, public safety,
6 enforce traffic laws, and enforcing the laws of the state.

7 Q. What was your role with Charleston County Sheriff's
8 Office on July 18, 2023?

9 A. I was in the patrol division.

10 Q. Did you have the same duties then as you do now?

11 A. Yes, ma'am.

12 Q. How did you become involved in the case that we're here
13 for today?

14 A. I responded with Deputy Duritsa to a 911 call that had
15 been pending.

16 Q. And when someone calls 911, how are you made aware of
17 that?

18 A. By dispatch. Dispatch advises us over the radio and
19 assigns a deputy to the call.

20 Q. Are you made aware of the reason that somebody calls
21 911?

22 A. Not all the time. If there is a reason given, we are
23 advised of that reason.

24 Q. And so did you know the reason that this defendant had
25 called 911 before you responded that day?

1 A. Some kind of verbal disturbance. It was very vague.

2 Q. Can you remember what time you arrived at that location?

3 A. I believe it was right before 1:00 a.m.

4 Q. Can you recall how many times this defendant called 911
5 before you arrived the first time?

6 A. Five times, I believe.

7 Q. And can you remember how long it took you to get to that
8 location from the time that you were made aware of the call?

9 A. Minutes. It was not very long.

10 Q. So you went to the defendant's home that night, correct?

11 A. Correct.

12 Q. Were you dressed in uniform?

13 A. Yes, ma'am.

14 Q. Does your uniform identify you as part of the sheriff's
15 office?

16 A. Yes, ma'am. On both sleeves and the front of my vest
17 and the back of my -- front and the back of my patrol vest.

18 Q. Where was this defendant when you arrived at her
19 residence?

20 A. On her front porch.

21 Q. And whenever you arrived at the defendant's home, what
22 did you observe?

23 A. She was not happy with us. She was sitting on the front
24 porch. She was very angry with us that it had taken us so
25 long to get there. Walking up the driveway, we observed

1 empty beer cans in the yard.

2 Q. Was she the only one outside?

3 A. Yes, ma'am.

4 Q. So when you got to the scene, you said that you weren't
5 entirely sure the reason for the call; is that a correct
6 statement?

7 A. Yes, ma'am.

8 Q. Okay. So when speaking with the defendant, did you ask
9 her why she called?

10 A. Yes, ma'am.

11 Q. And then what did she tell you that her reason for
12 calling was?

13 A. She didn't. She said she wanted somebody out of the
14 house, but would not elaborate any further.

15 Q. Is it your job as a sheriff's deputy to remove somebody
16 from a home?

17 A. No, ma'am.

18 Q. In what instance would that happen?

19 A. If they were being evicted or if they're being placed
20 under arrest or if they did not live there.

21 Q. At any point did you ask her what the situation was?

22 A. Yes, ma'am.

23 Q. And what did she tell you?

24 A. Nothing. She said she made a mistake and she shouldn't
25 have called.

1 Q. Did she speak about the -- about Michael Fordney at all?

2 A. I'm sorry. Repeat that for me.

3 Q. Did she mention Michael Fordney at all when speaking
4 with you when you arrived?

5 A. No.

6 Q. So her reason for calling was a domestic dispute,
7 correct?

8 A. Correct.

9 Q. Did she seem to be in any danger when you arrived at her
10 home?

11 A. No, ma'am.

12 Q. Did she seem to be in any danger when you were speaking
13 with her?

14 A. No, ma'am.

15 Q. And why do you think that?

16 A. She was very comfortable, badgering us over explaining
17 to me what was going on, her reason for calling 911. She was
18 very evasive when she was asked why she was calling 911 or
19 who we were talking about inside the house. And when I
20 attempted to make contact at the door, she did not want me
21 going in the house.

22 Q. Did you observe any marks on this defendant that would
23 indicate an altercation of any kind?

24 A. No.

25 Q. Did the defendant tell you that her boyfriend was being

1 verbally abusive?

2 A. No.

3 Q. Did she tell you that her boyfriend was being physically
4 abusive?

5 A. No.

6 Q. Did she speak poorly of her boyfriend at all while you
7 guys were on scene?

8 A. No, ma'am.

9 Q. Did you make any attempts to locate her boyfriend?

10 A. Yes, ma'am.

11 Q. And what were those attempts?

12 A. I left Ms. Germain to speak with Deputy Duritsa, and I
13 attempted to get him to come to the front door. I knocked on
14 the front door several times, and she told me, no, not to do
15 that.

16 Q. Did you eventually leave the defendant's home?

17 A. Yes, ma'am.

18 Q. Why did you decide to leave the defendant's home?

19 A. There was no immediate danger. She would not confirm
20 why she needed him removed from the house. There was no
21 evidence of a domestic disturbance at all. And she would not
22 allow us to make contact with the male.

23 Q. Did you advise her of anything before you left her
24 residence the first time?

25 A. Yes, ma'am. She was advised of 911 policy, that 911 was

1 for emergencies only, and not to call 911 again or she would
2 be placed under arrest for misuse.

3 Q. Did she call 911 again after that?

4 A. Yes, ma'am. Twice.

5 Q. Can you recall how soon after you left the scene that
6 she called 911?

7 A. Less than five minutes.

8 Q. How soon after those calls came in did you arrive back
9 at her residence?

10 A. Within about the same timeframe. We were at the front
11 of her neighborhood.

12 Q. And so you arrived back at her residence shortly after
13 you had left the first time?

14 A. Correct.

15 Q. What did you observe when you arrived at her residence
16 the second time?

17 A. She was standing outside yelling, cursing at us. Her
18 neighbors across the street were already standing outside
19 watching what was going on.

20 Q. Do you know -- so you said her boyfriend was inside of
21 the home?

22 A. Yes, ma'am.

23 Q. At any point did he come outside of the home?

24 A. Yes, ma'am.

25 Q. Okay. And what did he look like in this time? What did

1 you observe in speaking with him?

2 A. He looked like he was asleep.

3 Q. What was his demeanor?

4 A. He was calm and collected.

5 Q. Did you observe any injuries on the boyfriend whenever
6 you were speaking with him?

7 A. No, ma'am, I did not.

8 Q. After speaking with her boyfriend, did you believe that
9 the defendant was in any danger at all that night?

10 A. No, ma'am.

11 Q. After speaking with the boyfriend, did you believe that
12 the defendant was not safe?

13 A. No, ma'am.

14 Q. When you arrived back at that residence the second time,
15 what was your intention?

16 A. The second time the intention was to arrest Ms. Germain
17 for misuse of 911.

18 Q. Now, as Defense has already stated, you did not have a
19 warrant to make that arrest; is that correct?

20 A. No.

21 Q. Now, as a deputy, are you allowed to make an arrest
22 without a warrant for a misdemeanor?

23 A. Yes, ma'am.

24 Q. Okay. And in what situations are you allowed to do
25 that?

1 A. Crimes that are committed in my presence, exigent
2 circumstances, crimes that are still actively being committed
3 and/or freshly committed.

4 Q. And is that the case in this present situation?

5 A. Yes, ma'am.

6 Q. Can you recall how many times throughout the entirety of
7 this night that this defendant was advised that she was going
8 to be placed under arrest?

9 A. Several.

10 Q. Several times. You can't remember an exact number?

11 A. No, ma'am, I cannot.

12 Q. Now, we watched Deputy Duritsa's body-cam video.

13 Throughout that body-cam video, it has shown that there's a
14 flashlight going through the windows. Is that a correct
15 statement?

16 A. Yes, ma'am.

17 Q. Why was that happening?

18 A. At that point it was to make sure she didn't go back
19 inside to grab a weapon, a firearm. At that point it was for
20 our safety, you know, so I could see what she's doing.

21 Q. You didn't see inside of her home -- you could not see
22 what was inside of her home throughout this night, could you?

23 A. No, ma'am. Not in its entirety.

24 Q. So you had no idea if this defendant had a weapon inside
25 her home?

1 A. No, ma'am.

2 Q. What did you know was inside of her home?

3 A. A male.

4 Q. A male? So did you know if he had any weapons on him?

5 A. No, ma'am.

6 Q. At any point before making the arrest, whenever the
7 defendant was advised she was being placed under arrest, was
8 she ever asked to come to the door?

9 A. Yes.

10 Q. How many times was that?

11 A. Several.

12 Q. Did she come to the door?

13 A. No. Not until the final moment she didn't come to the
14 door.

15 Q. At any point when you guys were on scene there to arrest
16 her did she open the door at all after barricading herself
17 inside?

18 A. Oh, yes. Yes. Several times to taunt us.

19 Q. You say "taunt." Can you explain what that means?

20 A. She'd open the door, curse at us, she'd give us the
21 finger, and then she'd slam the door if we got close.

22 Q. Now, we watched that body cam of the actual arrest.
23 Were you able to see that?

24 A. Yes, ma'am.

25 Q. Can you recall that night vividly?

1 A. Yes, ma'am.

2 Q. All right. Whenever she came to that door to be placed
3 under arrest, how was that door? Was it all the way open?
4 Was it cracked? Was it semi shut? Can you recall the
5 situation of the door?

6 A. It was all the way open at that point. She opened the
7 door.

8 Q. Perfect. And where was she situated?

9 A. She was standing in the threshold of the door between
10 the porch and the house.

11 MS. GEARDING: Beg the Court's indulgence.

12 THE COURT: Sure.

13 BY MS. GEARDING:

14 Q. All right. You stated that you arrived to this
15 residence two times that night?

16 A. Yes, ma'am.

17 Q. Both times, where was the defendant originally situated
18 when you initially arrived on scene?

19 A. Front porch.

20 Q. On the front porch?

21 A. Mm-hmm.

22 Q. You stated that she was angry; is that correct?

23 A. Yes, ma'am.

24 Q. How did you know she was angry?

25 A. She was screaming at us, cursing at us when we first got

1 there, that it took us so f'ing long to get there.

2 Q. Did you ask her to quiet down at any point?

3 A. I did, yes, ma'am.

4 Q. So was her volume of her voice high?

5 A. Yes, ma'am.

6 Q. Did you observe anybody else to witness her yelling?

7 A. Her neighbors across the street were outside already
8 before we showed up.

9 Q. And why do you think that was?

10 A. They could hear her screaming.

11 Q. Now, whenever you showed up to the defendant's home that
12 first night, did you want -- er, the first encounter, my
13 apologies, did you want to arrest her?

14 A. No, ma'am.

15 Q. You didn't? You still advised her, though, that she was
16 being placed under arrest; is that correct?

17 A. The second time, yes, ma'am.

18 Q. And why did you advise her that she was being under
19 arrest if you didn't want to arrest her?

20 A. She wasn't going to stop.

21 Q. And when you say "She wasn't going to stop," wasn't
22 going to stop doing what?

23 A. She made it clear that she was not going to stop calling
24 911 that night. And there was something there -- there was
25 something else going on that she was not going to stop

1 calling 911. And the last two times it was a clear
2 indication that she was harassing dispatch at that point.

3 MS. GEARDING: Beg the Court's indulgence.

4 THE COURT: Of course.

5 BY MS. GEARDING:

6 Q. Just to be clear --

7 A. Mm-hmm.

8 Q. -- you stated that you had advised this defendant that
9 she was going to be placed under arrest multiple times; is
10 that correct?

11 A. Correct.

12 Q. She went inside and outside of her home multiple times,
13 correct?

14 A. Yes, ma'am.

15 Q. Before or after being advised --

16 A. Both.

17 Q. -- that she was going to be placed --

18 A. After.

19 Q. And when you originally told her that she was going to
20 be placed under arrest for unlawful use of 911, where was she
21 situated?

22 A. On the front porch.

23 Q. She was outside of her home?

24 A. Correct.

25 Q. Could the neighbors hear at this point?

1 A. Yes, ma'am.

2 MS. GEARDING: Beg the Court's indulgence.

3 THE COURT: Sure.

4 MS. GEARDING: I have no further questions for this
5 witness. Please answer any question Defense may have.

6 THE WITNESS: Yes, ma'am.

7 THE COURT: Counsel?

8 MR. BISCHOFF: Thank you, Judge.

9 CROSS-EXAMINATION

10 BY MR. BISCHOFF:

11 Q. Deputy Hendricks, good afternoon at this point.

12 A. Good afternoon, sir.

13 Q. How are you today?

14 A. Good. How are you, sir?

15 Q. Good.

16 I'm going to ask you some questions about the incident
17 detail report.

18 A. Okay.

19 Q. This has been marked as Court's Exhibit Number 2. You
20 know what that is, right?

21 A. Yes, sir.

22 Q. And I asked Deputy Duritsa about this, but you would
23 agree with me that report shows that the initial call for 911
24 came in at 11:38 p.m. on July 18?

25 A. That shows phone pickup at 11:38, so I would -- I don't

1 work at dispatch so I don't know how the system works, but I
2 would assume that's the time they answered the phone.

3 Q. All right. If you'll flip to the next page, that's
4 typically an incident detail report?

5 A. Mm-hmm.

6 Q. You recognize the narrative on the far right-hand side
7 of the page there, right?

8 A. Yes, sir.

9 Q. And that's the regular format for incident detail
10 reports? You've seen those before?

11 A. Correct.

12 Q. And the first line item entry is at 2338 hours --

13 A. Correct.

14 Q. -- on July 18, 2023?

15 A. Correct.

16 Q. So that's when this incident detail report begins is at
17 11:38 p.m., right?

18 A. Correct.

19 Q. And then if you'll flip back to the second page, in the
20 middle of the page -- and is it Deputy Hendricks?

21 A. It's Deputy Hendricks. Yes, sir.

22 Q. Deputy Hendricks. What time do you arrive on the scene?

23 A. 12:51 and 41 seconds.

24 Q. And based on your memory of the night, does that seem
25 pretty accurate --

1 A. Yes, sir.

2 Q. -- of what time you got there?

3 A. Yes, sir.

4 Q. So some 73 minutes later?

5 A. Yes.

6 Q. But you didn't actually know about the call until about

7 12:30 a.m., according to the incident detail report --

8 A. Correct.

9 Q. -- would you agree with that?

10 A. Correct.

11 Q. And I think you told Ms. Germain and maybe even her

12 boyfriend that you guys were on another call where a car had

13 flipped?

14 A. Correct. We had a rollover accident with several

15 serious injuries on Johns Island.

16 Q. Okay. And so you were working on that?

17 A. Correct.

18 Q. And you got there as quickly as you could?

19 A. Correct.

20 Q. All right. Were you aware when you arrived that she had

21 called at 11:38 p.m.?

22 A. Not that I recall, no.

23 Q. Okay. So you didn't know when you got there that she

24 had been waiting for --

25 A. No. Those calls were placed in "Pending" by a

1 supervisor.

2 Q. Okay. And then on the other -- if you'll flip again to
3 that third page there. At the top where we just talked about
4 the initial call coming in, you would agree that the report
5 indicates that Ms. Germain was reporting that there was a
6 verbal domestic disturbance, right? When she first calls,
7 she says, "I want him to leave. There's a verbal"
8 disturbance, basically. She doesn't say anything about it
9 being physical during that initial call, right?

10 A. Correct.

11 Q. Okay.

12 A. So her initial comments were her partner would not
13 leave. So that is normally coded by dispatch as a verbal
14 domestic disturbance. That does not mean that person is
15 describing it as that.

16 Q. Okay. Thank you for the correction. That's important.

17 A. That is all coded by dispatch based on what they're
18 hearing from a caller.

19 Q. If she had --

20 A. That is not reported by them.

21 Q. Okay. If she had said, "Oh, my God. He's beating the
22 hell out of me," you would see something that indicates a
23 physical disturbance --

24 A. Correct.

25 Q. -- on that?

1 A. Correct.

2 Q. Okay. I'm going to also show you what's been marked as
3 Court's Exhibit Number 1. And I know you didn't write that
4 warrant. I know that's Deputy Duritsa's warrant, and it's
5 signed by somebody else. But can you tell me, based on your
6 knowledge of the case, those times that are indicated on that
7 warrant regarding the times that 911 was called, you agree
8 that's not accurate based on the incident detail report?

9 A. They're accurate all except for the call at 11:38.

10 Q. So based on the incident detail report, that warrant
11 just leaves out the initial call at 11:38?

12 A. Correct.

13 Q. So she doesn't call back until 12:09 a.m.?

14 A. This states here she called twice, so 11:38 and then the
15 caller was back on the line at 11:52.

16 Q. All right. But that's not referenced in the warrant,
17 right?

18 A. That's correct.

19 Q. So then do we have a call again at 12:09? Is that the
20 next call after the 11:52?

21 A. Correct.

22 Q. Okay. So calls that were made on July 18 did not end up
23 in the warrant?

24 A. It would appear that way.

25 Q. But the other calls on July 19, the day that she was

1 arrested, those are in the warrant?

2 A. Correct.

3 Q. For purposes of figuring out when the calls were made?

4 A. Correct.

5 Q. Okay. Thank you. Can I have those forms back, please?

6 A. Absolutely.

7 Q. Now, as a law enforcement officer, you have to actually
8 get credit from training in mental health disorders, right?

9 A. Correct.

10 Q. That's part of your training? There's a statute even
11 that talks about how you have to have, you know, a certain
12 number of credits over a three-year period or something. Are
13 you familiar with the statute?

14 A. I am.

15 Q. Okay. And you get the training that satisfies that
16 statute and any of your other law enforcement training at the
17 Criminal Justice Academy?

18 A. And outside sources. That's correct.

19 Q. Outside sources as well? Is it safe to say primarily at
20 the Criminal Justice Academy?

21 A. Primarily, yes.

22 Q. Okay. I'm going to show you what is a document from the
23 Criminal Justice Academy, and I've highlighted the portion
24 that I want to refer you to. But this is the actual cover
25 page; we won't deal with that.

1 Do you recognize that? Or have you been trained in
2 mental illness, this lesson plan? I mean, does this look
3 like something you may have been taught at the academy?

4 A. Yes.

5 Q. All right. If you would, would you turn to the
6 highlighted portion? I think it's on page 11.

7 A. Mm-hmm.

8 Q. And that section, do you agree with me -- well, first of
9 all, the lesson, that is on mental illness, is it not?

10 A. Correct.

11 Q. And the section that I have directed your attention to
12 on page 11 is under the "Major Mental Health Conditions"
13 section of this particular lesson, correct?

14 A. Is there --

15 Q. It's on page 8, if you want to see it. But you're
16 familiar that you're taught to look for these sorts of
17 disorders and things in the field when you're out --

18 A. Correct.

19 Q. -- responding to calls because you just don't know what
20 the individual is going to be like?

21 A. Right.

22 Q. They could have been drinking. And Ms. Germain had been
23 drinking?

24 MS. GEARDING: Your Honor, may I just see what he handed
25 up to him?

1 THE COURT: Oh, yeah. I thought you had showed it to
2 her already.

3 MR. BISCHOFF: Sure. Yeah.

4 MS. GEARDING: Thank you.

5 BY MR. BISCHOFF:

6 Q. So and again, the reason that you get this training is
7 because it's for your benefit and the benefit of the public
8 both, right?

9 A. Correct.

10 Q. You could respond to a scene and if someone is
11 schizophrenic and they are seeing things, that's a dangerous
12 situation for you guys?

13 A. Correct.

14 Q. One of the major mental health conditions that they
15 teach you about is posttraumatic stress disorder, right?

16 A. Correct.

17 Q. And on page 11 of that document that I just showed you,
18 if you would, would you read the highlighted portion that
19 summarizes exactly what you're taught?

20 A. "Posttraumatic stress disorder, PTSD, is a potentially
21 debilitating anxiety disorder triggered by exposure to a
22 traumatic experience such as an interpersonal event like
23 physical or sexual assault, exposure to disaster, accidents,
24 combat, or witnessing a traumatic event. People with
25 posttraumatic stress disorder have their natural response

1 mechanisms damaged, which causes feelings of stress or fear
2 when they are no longer in danger. Those suffering from PTSD
3 may experience three main clusters of symptoms: distress and
4 impairments caused by the first two symptom clusters that
5 might include feeling tense, difficulty sleeping, and angry
6 outbursts."

7 Q. And so, I mean, they -- when you responded to this call,
8 before she was arrested, you did not know that she suffered
9 from PTSD?

10 A. We did not.

11 Q. And then when you put her in the patrol car, you spoke
12 to the live-in boyfriend and he told you about an incident --

13 A. Correct.

14 Q. -- that she was involved in, right? And it wasn't your
15 case. It was someone else's case. But it was the sheriff's
16 office, correct?

17 A. Correct.

18 Q. And he had told you guys that essentially there was no
19 arrest that was made after she reported a sexual assault a
20 few years earlier, correct?

21 A. He advised there was ill will towards the sheriff's
22 office at that time.

23 Q. And he said that it kind of messed her up. I mean,
24 she's got PTSD from it and she gets triggered by certain
25 things and was trying to tell you guys like, "No disrespect

1 to you guys, but this did involve the sheriff's office and
2 she's probably ratcheted up over that"?

3 A. Right.

4 Q. Okay. I'll take that back. Thank you.

5 Now, earlier you testified that you could make an arrest
6 for a misdemeanor if it was committed in your presence?

7 A. Correct.

8 Q. Do you believe that you have the authority to reach into
9 someone's home without a warrant and pull them out for
10 arrest?

11 A. We didn't enter her home.

12 Q. You did not?

13 A. We did not enter her home. No, not at that time.

14 Q. You don't believe Deputy Duritsa reached in and pulled
15 her outside her home when he took her into custody?

16 A. He reached into the threshold of the door. There was no
17 entrance into her home.

18 Q. And he grabbed her arm and pulled her out as you're
19 saying "Step outside, ma'am"?

20 A. Correct.

21 Q. And you believe that that was lawful without a warrant?

22 A. Yes, sir.

23 Q. Okay. You did not nor did Deputy Duritsa -- you did not
24 get an arrest warrant before arresting her that night?

25 A. No.

1 Q. You obtained -- er, Deputy Duritsa, through a colleague
2 of y'all's, obtained that much later, correct?

3 A. Correct. Deputy Duritsa wrote the affidavit. It was
4 given to Deputy Hotchkins to have a judge sign.

5 Q. Okay. And there are judges that are on call in the
6 middle of the night?

7 A. Not that I'm aware of. We're not given access to that.

8 Q. You don't believe that there are judges that sign search
9 warrants in the middle of the night?

10 A. Sure. But patrol deputies are not privy to that
11 information.

12 Q. So you don't believe there is -- you have the ability to
13 go and present that case to a magistrate for their
14 consideration?

15 MS. GEARDING: Your Honor, I think he's already answered
16 that question.

17 MR. BISCHOFF: Just curious. Last one.

18 Q. [By Mr. Bischoff] But you're saying you don't believe
19 you have the ability to do that?

20 A. I'm sure the ability was present, but we're not privy to
21 the information of who's on call.

22 Q. Okay. And you didn't do it that night?

23 A. Correct.

24 Q. Okay. Did you talk to the prosecutor before coming to
25 testify today?

1 A. I did.

2 Q. And did they talk to you about the problems with the
3 case at all?

4 A. No problems I'm aware of.

5 Q. About a warrantless arrest and what was important for a
6 warrantless arrest?

7 A. There's not an issue with the case I see. No, sir.

8 Q. But I'm just asking did you discuss it?

9 A. No.

10 Q. You didn't discuss it at all?

11 A. Regarding a warrantless arrest?

12 Q. Yes.

13 A. We discussed it, yes. But there was no discussion of an
14 issue.

15 Q. And whether or not they needed you to testify concerning
16 the fact in order to, you know, justify the warrantless
17 arrest, did you have those discussions?

18 A. We went over testimony of the incident, yes.

19 Q. But did they specifically talk about crossing the
20 threshold?

21 A. Briefly. Briefly, yes.

22 Q. And they told you that you needed to make sure that the
23 door was opened voluntarily in order to effectuate that
24 arrest. Did they tell you that?

25 A. Not that I recall. No, sir.

1 Q. Okay. Now, you do talk -- you do indicate that there
2 was a call the night before on July 17 to the same location
3 by Ms. Germain?

4 A. Correct.

5 Q. And you weren't there for that call?

6 A. No.

7 Q. But your colleagues were?

8 A. Yes.

9 Q. And if I have this correct, they actually wait with the
10 live-in boyfriend, the same guy that y'all spoke to the night
11 that she was arrested, while he waited for a ride and left
12 the house?

13 A. I don't remember that. I haven't seen that far into a
14 video or read that far into that call.

15 Q. All right. What did you know about the details of that
16 prior call?

17 A. That Ms. Germain had called. She wanted him to leave
18 the residence based on some contract they had drafted
19 together that was not enforceable by law enforcement.

20 Q. That was your understanding of why she called on the
21 17th?

22 A. Correct.

23 Q. Okay. And do you -- are you aware that they actually
24 made him leave and he left the scene, or are you not sure
25 about that?

1 A. I'm not sure if they made him leave. That would have
2 been unlawful if they did.

3 Q. Okay. But you're aware he did leave?

4 A. I'm not aware of that.

5 Q. Okay. And she had that agreement kind of with her when
6 she was talking with you guys, right?

7 A. Correct.

8 Q. But you didn't review it and she didn't hand it over to
9 you to review. You guys said, "Look, that's a civil issue"?

10 A. Correct.

11 Q. "That's not our" --

12 A. It's not signed by a judge. It's a civil issue. It's
13 not enforceable by law enforcement.

14 Q. Are you aware your colleagues told Mikey Fordney that it
15 was enforceable because it was notarized and signed by him?

16 A. I'm unaware of who would have told him that.

17 Q. It was one of the deputies that responded that night.

18 A. Okay.

19 Q. And look, I've got a job to do. I know you have a job
20 to do. I know that scene is tense, and I can tell in your
21 voice that you're going to do a great job of remaining calm.
22 I mean, it's annoying. It's stressful.

23 At one point in time, you do tell Ms. Germain that
24 you're going to kick the door in?

25 A. Correct.

1 Q. Was that just a little bit out of frustration? You
2 weren't going to --

3 A. It was more of a tactic to get her to open the door more
4 than anything else.

5 Q. Okay.

6 A. I would never unlawfully kick in someone's door.

7 Q. Okay. And the tactic being, like, if you sort of tell
8 her you're going to do it, then maybe she'll come to the door
9 and open up the door?

10 A. Correct.

11 Q. And if you maybe, you know, tell her it's going to
12 happen, she'll think, "I don't want the door kicked in, so
13 I'm going to open the door for these guys." Is that --

14 A. After she was advised she was being placed under
15 arrested, yes.

16 Q. So the tactic being that you want her to know that you
17 might kick the door in so that she says, "Oh, my God. I
18 don't want my door kicked in. Let me just open the door"?

19 A. A tactic, yes.

20 Q. Okay.

21 A. We were not going to do that, though.

22 Q. Did you see -- or did you tell her to go get Michael
23 Fordney, Mikey, the live-in boyfriend, at any point in time
24 while you were talking to her through the window?

25 A. Not that I recall.

1 Q. But he was right behind her as she's walking to the
2 front door when she's arrested?

3 A. When she opened the door, yes.

4 Q. Okay. And you tell her that failure to come out is
5 actually resisting arrest?

6 A. Correct.

7 Q. And so you believe that her failure to walk outside
8 after you told her she was under arrest, that that is
9 resisting arrest?

10 A. She'd already committed the offense of resisting arrest
11 when she went in the house after being told she was under
12 arrest to evade being arrested.

13 Q. You didn't tell her she was going to be arrested the
14 first call -- the first time you responded, right?

15 A. At the end of that, yes, when we left we told her -- I
16 told her she would be placed under arrest for misuse if she
17 called 911 again. She was advised of that.

18 Q. But at the time that you were at the first call, you
19 didn't say, "You are under arrest." You said, "Look, if we
20 come back, if you call 911, we're going to arrest you"?

21 A. Correct.

22 Q. And then when you got there the second time, you told
23 her that she was under arrest?

24 A. Correct.

25 Q. And her failure to come out of the house at that point

1 in time that we see on video, when you tell her "Now you're
2 under arrest," in your mind she was not coming out so that
3 was resisting arrest; is that correct?

4 A. Correct.

5 MR. BISCHOFF: Thank you, Deputy. Appreciate it.

6 THE WITNESS: Yes, sir.

7 THE COURT: Redirect?

8 MS. GEARDING: Very briefly.

9 REDIRECT EXAMINATION

10 BY MS. GEARDING:

11 Q. Did you investigate anything when you arrived on scene
12 that first time?

13 A. Yes, ma'am.

14 Q. What did you investigate?

15 A. I spoke -- I was trying to speak to Ms. Germain about
16 the situation. She told dispatch about her partner not
17 leaving. I tried to ascertain the relationship between her
18 and the person inside the house. She would not elaborate on
19 it. She would not give me the information.

20 Q. Now, as far as calls for service, do you assign yourself
21 those calls?

22 A. Sometimes.

23 Q. How do you get notification of the calls?

24 A. Dispatch enters it into our CAD system.

25 Q. And then that's when you are made aware of those calls?

1 A. Correct.

2 Q. Now, how soon after you left were you advised that the
3 defendant had called 911 again after you advised her not to?

4 A. Less than five minutes.

5 Q. Do you know within your own personal training and
6 experience what a warrantless arrest is?

7 A. Yes.

8 Q. And do you know, based on your own personal training and
9 experience, when you are allowed to make a warrantless
10 arrest?

11 A. Yes.

12 Q. What is that?

13 A. Freshly committed or committed within my presence or
14 ongoing.

15 Q. Anything else?

16 A. No, ma'am.

17 Q. Why would you arrest somebody for unlawful use of 911?

18 A. It's in the statute that it is unlawful to misuse 911
19 emergency services and/or use 911 telephone lines to harass
20 dispatchers.

21 Q. Why would you arrest somebody for resisting arrest?

22 A. The charge of that after she was advised she was being
23 arrested. She chose to evade arrest and deputies and began
24 to taunt us, so that is -- and that is a charge for resisting
25 arrest.

1 Q. Where was that defendant, in fact, arrested?

2 A. Outside of her home.

3 Q. How was that door situated whenever she was placed under
4 arrest?

5 A. Open.

6 Q. So Defense has brought up that the defendant may have
7 PTSD?

8 A. Correct.

9 Q. We don't know that for sure; just that she might have
10 PTSD?

11 A. Yes.

12 Q. PTSD is kind of dangerous, wouldn't you think?

13 A. Yes, ma'am.

14 MR. BISCHOFF: Objection, Judge.

15 THE COURT: Yeah. I --

16 MR. BISCHOFF: He's not qualified --

17 MS. GEARDING: He --

18 MR. BISCHOFF: -- to answer questions about the
19 dangerousness of PTSD.

20 THE COURT: I understand what you're trying to get at.
21 I think you can get at it another way.

22 MS. GEARDING: Just for the record, Defense did say that
23 PTSD is dangerous.

24 THE COURT: That's true.

25

1 BY MS. GEARDING:

2 Q. Even though you found out that the defendant had PTSD,
3 did she still unlawfully use 911?

4 A. Yes.

5 Q. Even though you found out that that defendant had PTSD,
6 did she still resist arrest?

7 A. Yes.

8 Q. Even though you had found out that this defendant had
9 PTSD, would you still have arrested her for unlawful use of
10 911 and resisting arrest?

11 A. Yes, ma'am. She did not present any indication that her
12 mental faculties were diminished in any way for her decision
13 making.

14 MS. GEARDING: Beg the Court's indulgence.

15 THE COURT: Sure.

16 MS. GEARDING: I have no further questions for this
17 witness.

18 MR. BISCHOFF: Judge, I think I have some redirect --
19 er, recross, rather, in light of the testimony. I need to
20 pull up a video, so I may need --

21 MS. GEARDING: I gotcha.

22 MR. BISCHOFF: -- to pull this up real quick.

23 Your Honor, for purposes of this hearing -- and I
24 appreciate the Court's indulgence -- what I'd like to do is
25 I'd like to just play the foundation, mark it as Court's

1 Exhibit Number 3, and then -- or we can even do Defense
2 Exhibit 1 if we need to, since I'm the one putting it in and
3 it's a little different than the other documents. But I'll
4 put it on a thumb drive during the break, and then we'll give
5 it to the court reporter with everything else. It's
6 apparently not on the other two disks that have already been
7 admitted.

8 THE COURT: Okay. Solicitor, are you aware of this
9 disk? You got any objection to it?

10 MS. GEARDING: No. I think just what he's saying is the
11 State plans to stop this disk once she gets into the car --

12 THE COURT: Right.

13 MS. GEARDING: -- to not show any of the statements that
14 Michael may have made to law enforcement. But I have no
15 objection to him admitting it himself.

16 MR. BISCHOFF: For purposes of this hearing, I think
17 it's important to play. I may not play it at trial, but for
18 just purposes of this hearing and Deputy Hendricks, I'd just
19 like to play it for your Honor's benefit.

20 THE COURT: Yes, sir. Go ahead.

21 (Video displayed on screen in open court.)

22 RECROSS-EXAMINATION

23 BY MR. BISCHOFF:

24 Q. Deputy, let me first ask you, do you recognize the video
25 that we see on the screen right now?

1 A. Yes, sir.

2 Q. And it's body-cam video from you responding to the call
3 that night?

4 A. This looks like Deputy Duritsa's body camera. Yes, sir.

5 Q. Yeah. And you're going to -- you're kind of close by
6 with him; you'll see in a second. But do you recognize the
7 scene? We'll play it in a second.

8 A. Yes.

9 Q. You recognize it enough to know that it is relevant and
10 it is from that night of Ms. Germain's arrest?

11 A. Correct.

12 Q. What I hope we're going to be able to play is once
13 Ms. Germain is placed in the patrol, you and Deputy Duritsa
14 go back and actually have a conversation with Michael
15 Fordney --

16 A. Mm-hmm.

17 Q. -- about the facts and circumstances that night. I'd
18 like to play that.

19 A. Sure.

20 Q. And you let me know if you don't recognize it for some
21 reason.

22 (Video played in open court.)

23 (Video paused.)

24 BY MR. BISCHOFF:

25 Q. Now, is that Michael Fordney --

1 A. Yes, sir.

2 Q. -- Deputy Hendricks, in the doorway?

3 A. Yes, sir.

4 Q. And I believe he's starting to tell you guys about the
5 2020 incident; is that right?

6 A. Correct.

7 Q. And you remember this conversation? This is both you
8 guys there talking to him?

9 A. Yes, sir.

10 (Video resumed.)

11 (Video paused.)

12 BY MR. BISCHOFF:

13 Q. So that's you acknowledging that the behavior is
14 something other than just drinking?

15 A. Yes, sir. To a point.

16 (Video resumed.)

17 (Video paused.)

18 BY MR. BISCHOFF:

19 Q. I'm going to try to -- there's a point when he's sitting
20 on the porch. Do you remember that? And y'all kind of talk
21 a little bit more about some of the behavior?

22 A. Yeah.

23 Q. I'm going to try to forward to that.

24 A. Yes, sir.

25 Q. I'll be as fast as I can be. I apologize.

1 (Video resumed.)

2 (Video paused.)

3 BY MR. BISCHOFF:

4 Q. Did you hear that part? Do you remember him telling you
5 she had trouble seeing your cars?

6 A. Yes.

7 Q. Okay.

8 (Video resumed.)

9 BY MR. BISCHOFF:

10 Q. All right. So I'll sort of jump to the end here, but
11 he's explaining to you that there's a history of this PTSD.
12 And I know that you did not have the benefit of that
13 information at the time that you were interacting with her.
14 But that is what he is saying?

15 A. Mm-hmm.

16 Q. The live-in boyfriend -- you would agree that he said
17 they were engaged? No reason to doubt that, correct?

18 A. Correct. He also explained the history of alcohol
19 abuse.

20 Q. And he also explained that this PTSD thing is real, that
21 he's seen it, and it's not your fault, but that he's observed
22 it in a number of situations, especially with the sheriff's
23 office, for whatever reason?

24 A. Right.

25 MR. BISCHOFF: That's it. I don't have any more

1 questions, Judge. Thank you.

2 THE COURT: Deputy, you can step down. Thank you, sir.

3 THE WITNESS: Thank you, sir.

4 (Witness excused.)

5 THE COURT: Anything else, Solicitor?

6 MS. GEARDING: Yes. Briefly, your Honor.

7 All right, your Honor. According to South Carolina Code
8 Section 17-13-30, sheriffs and deputies may arrest without a
9 warrant any person who within their view violates any
10 criminal law of South Carolina and such arrest is made at the
11 time of the violation or immediately thereafter, your Honor.

12 MR. BISCHOFF: Judge, I'm sorry, but we -- I was going
13 to call Ms. Germain as a witness before --

14 Were you getting into argument?

15 MS. GEARDING: Yeah. Go ahead.

16 THE COURT: Yeah, let's --

17 MR. BISCHOFF: I was going to call her as a witness, and
18 then I don't have any more witnesses other than her.

19 THE COURT: Please do. Go right ahead.

20 MR. BISCHOFF: Can she have a quick bathroom break,
21 Judge?

22 THE COURT: We'll be at ease for ten minutes.

23 (Court recessed.)

24 (Court resumed outside the presence of the jury.)

25 THE COURT: We got everybody we need?

1 MR. BISCHOFF: Yes, sir.

2 MS. GEARDING: I believe so, your Honor.

3 THE COURT: All right. Counsel, go ahead.

4 MS. GEARDING: Oh, yeah. Do you mind if I go ahead and
5 -- I don't know what the Court's schedule looks like for
6 today, but can I have my witnesses go ahead and go to lunch?

7 THE COURT: Yes.

8 MS. GEARDING: What time would you like them to come
9 back?

10 THE COURT: Well, how much long do y'all think --

11 MS. GEARDING: We can just text them.

12 THE COURT: Yeah. But, you know, we told the jury to be
13 back at 1:45. Obviously, we are all not going to be ready by
14 2:00 because, you know, I need everybody to eat and refresh
15 themselves and all that good kind of stuff. So 2:30?

16 MS. GEARDING: Also, I wasn't sure if you were made
17 aware, but there's going to be a couple more. They've all
18 been sitting in here for their 403s.

19 THE COURT: Okay.

20 MS. GEARDING: Just so you're made aware.

21 THE COURT: Sounds good.

22 MR. BISCHOFF: Ready, your Honor?

23 THE COURT: Yes, sir, Counsel. Go right ahead.

24 MR. BISCHOFF: I call Beth Germain, Judge.

25 CLERK OF THE COURT: Please raise your right hand.

1 (Witness sworn.)

2 CLERK OF THE COURT: Please be seated.

3 Please state your full name, spelling your last name
4 directly in the microphone.

5 THE WITNESS: Elisabeth Germain, G-E-R-M-A-I-N.

6 ELISABETH GERMAIN,
7 called as a witness on her own behalf, being first duly
8 sworn, was examined and testified as follows:

9 DIRECT EXAMINATION

10 BY MR. BISCHOFF:

11 Q. Ms. Germain, if you would, please, give the judge a
12 little bit of information regarding your background, when you
13 came to Charleston. And if you would, just sort of start out
14 letting him know a little bit about yourself.

15 A. Okay. I grew up in upstate New York. I went to St.
16 John's Law, graduated in 2010. There weren't a lot of jobs
17 in the state at the time, so I came down for three months in
18 2011 and I've been here ever since.

19 Q. And do you have a family? Mom? Dad? Siblings?

20 A. Yeah, of course. I grew up in upstate New York, in
21 Schenectady County. My father worked for GE. My mom was an
22 elementary school librarian. They were married until about
23 my early teens. I have one younger brother and a stepsister.
24 My mom has been remarried since.

25 Q. And where does your brother live now?

1 A. Schenectady, New York.

2 Q. And your father?

3 A. My father passed away in 2016.

4 Q. And can you talk a little bit about the relationship
5 between you and your father?

6 A. It was really estranged throughout. When my mom left,
7 we stayed half and half with him and her, and he was a fairly
8 abusive alcoholic. That's how he passed away at the age of
9 65. He drank himself to death after getting fired from
10 General Electric.

11 Q. And how close are you with your brother?

12 A. Not very.

13 Q. When was the last time you talked to your brother?

14 A. Last summer. There's manic depression runs in the
15 family, and he was supposed to go to a course in 2020. That
16 has gotten a little better, but struggles -- he struggles.

17 Q. And was he diagnosed with that at an early age, or
18 somewhat later in life?

19 A. No. Not till 2020.

20 Q. And you also have a diagnosis, correct?

21 A. I have a PTSD diagnosis.

22 Q. If you would, tell the judge a little bit about how that
23 diagnosis came about.

24 A. I admitted a past sexual assault to the sheriff's office
25 in 2020 and did my best to work with them to just find out

1 what they would do and just try to work them. And they
2 didn't take it seriously. They filed it as "information" as
3 opposed to "assault." It took several weeks for them to
4 address it. And I had to talk to Al Cannon -- emailed Al
5 Cannon directly at the advice of city police to get
6 attention, and then they kind of treated me as an adversary
7 throughout the rest of the proceedings.

8 Q. Beth, when did the incident occur where you were
9 sexually assaulted?

10 A. It had occurred three years prior to the report, so it
11 took place in 2017. And then it unraveled in 2020 to Michael
12 and friends and family of the assailant kind of pressured me
13 into reporting.

14 Q. Who knew about the sexual assault after it happened in
15 2017?

16 A. Michael reached out to the assailant, whose wife saw the
17 texts between the two of them and then told her mother. Her
18 mother came to me and said, "If this is real, I need you to
19 report. My daughter is also being assaulted by the
20 gentleman."

21 Q. And did you show law enforcement all these text messages
22 when it came out?

23 A. They never asked. I tried. They didn't -- they didn't
24 ask for anything.

25 Q. And did you get the impression that law enforcement was

1 aware of the strife within the family as a result of this
2 incident coming out that you had been sexually assaulted by
3 this person?

4 A. Yes.

5 Q. Tell the judge a little bit about that.

6 A. Because of the day that I decided to report, the
7 mother-in-law convinced the wife of the assailant to leave
8 him while he was at work, take his baby, take his dogs, and
9 move out. And so he was going to get home from a long shift
10 as a bartender to a home nearby my home, and I just needed to
11 know when the mother-in-law tells him "This is because Beth
12 reported."

13 Like, "What are y'all going to do to make sure this
14 doesn't escalate further?" Or "When are you going to do it
15 all?" Because Michael and I said, "Look, we'll go on
16 vacation for a couple days just to see how this all settles
17 out when we hear back from the family." And they didn't
18 communicate with me what they would do. I waited three weeks
19 to contact the assailant, and his wife and kids and dogs had
20 already moved back in the house.

21 Q. And when is this? About what time? What year?

22 A. 2020.

23 Q. Okay.

24 A. Summer of 2020.

25 Q. So you're in the middle of the family troubles and

1 Michael's involved and you go to law enforcement to report
2 the incident. And how many meetings do you remember having
3 with law enforcement about this report that you have been
4 sexually assaulted?

5 A. First they sent a patrol person. We called the
6 nonemergency number, and they sent a patrol who came and took
7 my statement. He's the one that I said, "I really need to
8 know just what you're going to do so we can navigate how we
9 think we -- if we should leave town just for a little bit."
10 He goes, "No. We file it as assault."

11 I waited some time to contact Al Cannon. I just emailed
12 him. And they set me up with a homicide detective. And then
13 after that, they brought me in and they said it was just for
14 an update. They had the assistant sheriff and all the heads
15 of the departments, and they suggested I should stop
16 cooperating and withdraw my FOIA request about the experience
17 of the people involved. And --

18 Q. Beth, let me stop you. What is a "FOIA request"?

19 A. I just made a request about -- strictly out of curiosity
20 as to how it was being handled about the original character
21 that I talked to and if he had experience talking with people
22 who were sexually assaulted, because we assumed that perhaps
23 calling the nonemergency number would trigger getting to talk
24 to somebody with experience on that front.

25 Q. And so you sort of used your lawyer skills on that and

1 you filed a FOIA. And the department was aware of the FOIA?

2 A. Mm-hmm. They asked me to withdraw it.

3 Q. Is that why they called you in, or did they call you in
4 to ask questions about the report itself?

5 A. They didn't talk to me about the report. They told me
6 why they weren't going to do anything and then asked me what
7 I think they should do.

8 Q. Was the sheriff at that meeting?

9 A. The sheriff was sick. The assistant sheriff was there.

10 Q. And how many other people from the sheriff's office were
11 at that meeting?

12 A. Five, I think. There was head of investigations, head
13 of FOIA, and a couple others. They had emailed me after and
14 told me who was there.

15 So I left with the impression that I was basically being
16 told "We're not doing anything." And I emailed the head of
17 investigations, and he said, "There's plenty more to be
18 done." And then weeks -- a couple weeks later, they hadn't
19 done anything. They closed my case, and Al Cannon asked me
20 to come in to tell me why they'd done everything
21 appropriately by doing nothing.

22 Q. And did you take that meeting?

23 A. Mm-hmm. Yeah.

24 Q. When was that meeting, Beth? Do you remember?

25 A. September.

1 Q. September of 2020?

2 A. (Indicated.)

3 Q. So for a couple of months there in the summer and
4 September 2020, you were in the middle of reporting the
5 sexual assault, meeting with people and telling them what had
6 happened, but you felt like there was no real action done by
7 them to take it seriously. Is that a fair assessment?

8 A. Correct.

9 Q. How did that affect you emotionally?

10 A. It was tough. I went in expecting to hear "We're not
11 really going to do anything." And if somebody had said that
12 to me, I'd know how to navigate. I know the guy involved. I
13 know the underlying. I've got an idea of what's going on.
14 But then they keep telling me, "We're going to do something,"
15 and I'm like, "Well, what are you going to do?" and they keep
16 going "Something."

17 And then eventually they just close it and hadn't done
18 anything really. They didn't investigate the other
19 jurisdictions he's lived in. I know he has DUIs across the
20 country. He had been accused of strangling his girlfriend in
21 a city. And I was like, "Did you talk to her?" They said
22 no. So it was overwhelming.

23 Q. Did it affect your relationship with Michael?

24 A. Yeah, it put a strain on it. In ways it made us
25 stronger, and in ways it made it more difficult.

1 Q. Now, is this before or after -- Michael tells law
2 enforcement y'all are engaged. Is this before or after the
3 engagement?

4 A. This is before.

5 Q. Okay. And did it get to the point where you sought
6 medical treatment --

7 A. I did.

8 Q. -- for the emotional distress?

9 A. Mm-hmm.

10 Q. Please tell the judge a little bit about that, when you
11 sought treatment.

12 A. I went to the MUSC program for victims of sexual
13 assault. I think it's supposed to be about a 14-week
14 program. It was telehealth at the time because it was COVID,
15 but I did -- I have since got the records. I did about 20
16 sessions, about hour-long sessions, for treatment
17 specifically of the PTSD.

18 Q. And does the name John Tressy --

19 A. Yep. He was my --

20 Q. Who is John Tressy?

21 A. He was my counselor.

22 Q. And does he work over at MUSC for the National Crime
23 Victims Research and Treatment Center?

24 A. Mm-hmm.

25 Q. And that's the person that you talked to about all the

1 emotional turmoil from reporting and no arrests thereafter?

2 A. Yep.

3 Q. And what was his opinion about the cause of the PTSD?

4 A. That the assault -- it lingered and obviously meant
5 something to me. I brought it up with Michael in an
6 argument. It was a fraction of the PTSD that was brought on
7 by the way that I was treated in trying -- after being
8 pressured by someone else, trying to work with them to report
9 it.

10 Q. And are you seeing a counselor now?

11 A. Not currently.

12 Q. Why not?

13 A. Just before -- before the arrest, I had talked to some
14 friends who had suggested unconventional therapy that has to
15 do with eye movement. It's to do with PTSD and trauma. And
16 they thought that might be a good supplement to what I had
17 done in 2020, like a better fit for me just based on how my
18 mind works. But I spoke to a couple clinicians after the
19 arrest, and when I shared what was going on acutely, they
20 said, "Unfortunately, because of what sounds like a domestic
21 matter, we can't take you on at this time." So I put that
22 aside for maybe a future therapeutic goal.

23 Q. What have you been doing since then to treat the PTSD or
24 to manage your emotional challenges and damages?

25 A. I would say after the arrest, it got a little bit worse.

1 But I mean, it's cheesy stuff. I mean, like, mindfulness
2 and, you know, breathing and being aware of getting -- kind
3 of hyperventilating, knowing the symptoms and grounding
4 yourself, taking care of yourself like you would a child.
5 Give yourself a glass of water. Go walk. I try to do some
6 art. I read. I kind of fill my time up with healthier
7 hobbies than I had in the past.

8 Q. And that's since the arrest?

9 A. Yeah. Yeah. Things went worse for a little while, but
10 I realized, you know, I could make a little more space from
11 Michael, take time out and do my own things. And I mean, it
12 is some stuff that's definitely helping.

13 Q. And so leading up to the arrest on July 19, 2023, what
14 were you doing to manage your anxiety and PTSD symptoms?

15 A. It was at a simmering level. I -- we can always all get
16 better, but it wasn't overwhelming at that point. Obviously,
17 this night kind of threw it out of whack for a minute. It
18 obviously isn't super healthy to let it linger, and I should
19 be doing more to address it. But I'm working on it since.

20 Q. Were you drinking?

21 A. Yeah.

22 Q. Was Michael drinking?

23 A. Oh, yeah.

24 Q. How many drinks typically per week would Michael have
25 around this time of your arrest?

1 A. Per week?

2 Q. Or if you want to break it down by day. I mean, give
3 the judge a little bit of an idea of both of y'all's drinking
4 habits as a couple, essentially, around this time.

5 A. It wasn't good. So in late May or early June -- he kind
6 of mentioned it on the video -- I left to stay with my family
7 for a little bit, explore, kind of separate the relationship,
8 trying to keep the business working. And I came back in July
9 to work on that and keep the business working and continue to
10 live in the same residence.

11 It didn't go great. So in that two-week time when I got
12 back to late July, he was drinking at least 12 Stellas a day
13 and I was probably around a bottle of wine. We don't keep
14 liquor in the house.

15 Q. So the night of July 17, 2023 -- so essentially, the
16 night before the night that led to your arrest -- had both of
17 you been drinking that night?

18 A. Yes.

19 Q. And how much had Michael had to drink that night, if you
20 remember or recall?

21 A. Around that time it was usually a 12-pack of Stella.
22 And if there was one left in the morning, it's a surprise.

23 Q. How many times during the week was he drinking a 12-pack
24 of Stella?

25 A. Every day.

1 Q. And you've seen the videos -- the body-cam videos from
2 both those calls, right? The call on July 17, 2023?

3 A. Huh?

4 Q. You did not see that video?

5 A. I don't think so.

6 Q. Did you see the video from --

7 A. Well, we all --

8 Q. -- that we played in court?

9 A. -- saw that.

10 Q. What is your response to someone who says Michael
11 doesn't look drunk on the video?

12 A. He's a very -- he's very capable of composing himself.
13 With the habitual nature of it, he can get to nine Stellas
14 and somebody wouldn't know he's been drinking if you didn't
15 know him. Or at least seven. But he had been asleep for a
16 little bit because it had taken so long for them to get
17 there. But he's -- unlike myself, he can compose himself
18 very quickly as needed.

19 Q. Okay. After the disagreement, the argument, on the 17th
20 of July, how did Michael leave the house that night?

21 A. I called and the sheriff's office monitored him in --

22 Q. You called who?

23 A. The sheriff's office. I called 911 because of the
24 stupid agreement. We finally -- things had been so bad with
25 the volatility in the household that we boiled it down to if

1 either one of us says things are escalating, somebody's got
2 to go. Mikey's going to go, and he's going to take an Uber.
3 He has a house downtown he can stay in.

4 So the 17th, we got in a fight. I said, "You gotta go."
5 He says, "No." And that's the first time I think -- the
6 first time we had this agreement would be that day, and the
7 first time I called the sheriff's office to have it
8 effectuated. And his niece came and got him and took him
9 downtown.

10 Q. Why did he not drive?

11 A. Because he had had several Stellas and there was a
12 handful of sheriffs in the front yard.

13 Q. And he had a car at the time?

14 A. Mm-hmm.

15 Q. He could have driven away?

16 A. Mm-hmm.

17 Q. What happened to resort to an agreement like this? Can
18 you give the judge a little bit of an idea of why you decided
19 to, you know, come to this agreement and have this thing
20 signed?

21 A. In the two weeks from when I -- from July 1 to
22 July 18-19, when I was back living in the house, there was a
23 lot of arguing. What had been kind of a volatile
24 relationship from time to time, it was every day. The
25 drinking was out of control, the fighting was out of control,

1 and now money was involved.

2 I indicated to him that I was looking to uncouple from
3 him. I was willing to try to keep the business going
4 forward. His family started to get involved. And as I said,
5 it's a business that I started, I funded, and then he ended
6 up kind of working with me. And then his family started to
7 suggest that he should own half the business. It just kind
8 of started to get really messy. And that's why -- we had his
9 father's opinions and his -- other people's opinions, people
10 on my end with opinions.

11 So we said, "Look, we want to keep trying to get along,
12 but we need to make a set of rules about what's going on
13 here." We were going to try to keep doing business. We were
14 going to try to keep having him live at Honeysuckle with me.
15 If things get out of control, he's got to go. And if I
16 decide to sell Honeysuckle, I'll give him a month's notice.
17 And that's where the provision of separating for an evening
18 when --

19 Q. All right. I'm going to show you a document here that
20 I'm going to mark as --

21 MR. BISCHOFF: Well, is it Court's Exhibit 3, Judge?

22 THE COURT: I thought you were going to mark it as a
23 Defense exhibit.

24 MS. GEARDING: Yeah.

25 MR. BISCHOFF: Defense exhibit?

1 MS. GEARDING: Defendant's 3.

2 MR. BISCHOFF: All right. I'd like to do a Court's
3 exhibit, just for --

4 THE COURT: Well, I was just asking. The video, you
5 were going back and forth whether you were going to mark it
6 Court's 3 or Defense 1, and I wasn't clear as to which one it
7 was.

8 MR. BISCHOFF: If you're okay, I'll just stick with
9 Court's exhibits.

10 THE COURT: Okay.

11 MR. BISCHOFF: So the video would be Court's Exhibit 3
12 and this would be Court's Exhibit 4.

13 (Court's Exhibit Numbers 3 and 4 marked for the record.)

14 BY MR. BISCHOFF:

15 Q. Beth, I'm going to show you what's been marked as
16 Court's Exhibit 4. Take a look at that document and let me
17 know if you recognize that.

18 A. Yep.

19 Q. What is that?

20 A. It's the agreement Michael and I drafted on Monday,
21 July 17, which is the agreement that includes he'll leave if
22 things escalate.

23 Q. All right. And on the second page, do you see his
24 signature?

25 A. Yes. Yeah, we took it to the Pack & Mail on Camp Road

1 and got it notarized.

2 Q. Okay. And that was before law enforcement came to your
3 house on the 17th?

4 A. Yeah.

5 Q. So when you told law enforcement "I've got an agreement
6 that he'll leave when I ask him to," that's the agreement
7 that you're talking about?

8 A. Mm-hmm.

9 Q. And on the night of the 17th, he left?

10 A. Mm-hmm.

11 Q. Do you remember how quickly law enforcement responded to
12 the scene when you called on the 17th?

13 A. I think fairly quickly. My -- that whole time is a
14 little bit blurry, but Mikey said they got there really
15 quickly.

16 Q. But he definitely left that night?

17 A. Mm-hmm.

18 Q. Why did you -- why were you so insistent on him leaving
19 and staying away? Were there any prior instances that stood
20 out in your mind as a reason to say, like, "You got to go
21 away for the night. We have to separate for the night," not
22 just separate for a few minute or so?

23 A. We are oil and water. We have trouble -- both of us
24 have trouble together deescalating.

25 So through those weeks in particular, throughout the

1 relationship, but it would get to a boiling point where he
2 would say, "Well, I'm just going to leave" and "I'm going to
3 go downtown." Or the next night would be like, "Dude, I
4 can't fight with you. You gotta leave." And he'd be, "No.
5 I won't leave." And then the next night it would be like,
6 "I'm going to go downtown." Then he'd show up at 3 a.m. and
7 I'd have the front door locked, and if he wouldn't have a key
8 he would climb through the window at 3 a.m.

9 It was disregulating. It was jarring. So in an attempt
10 to just control the kind of chaos, if we can just say, "Look,
11 if we decide, either one of us, that it's time to leave for
12 the night, it's you, it's an Uber, and you're going
13 downtown."

14 Q. And Michael, on his own free will, signed that and
15 agreed to do that?

16 A. Yeah. He negotiated it with me.

17 Q. Now, on the 18th of July, you end up being -- seeing
18 Michael again the next day, right?

19 A. I went and picked him up from downtown.

20 Q. And do you remember if you two spent the entire day
21 together? Part of the day?

22 A. I think most of it. I felt bad making him -- I -- it
23 was just important to him. I felt bad having the sheriff
24 there. I felt bad sending him downtown. So I went and got
25 him. We have the ability to bounce back or else this would

1 be impossible. And we both did -- I don't know what we did.
2 Nothing stands out but a normal day.

3 And then one of my good friends that I had for a long
4 time and I had planned to go for a walk on the beach that
5 night because he and his fiance had spoke with me in May or
6 June about might decide to uncouple. They had been there for
7 the entire relationship and kind of knew both of us and
8 wanted to just walk and talk and see how it was doing.

9 Q. So he was aware that you had called 911 and had Mikey
10 leave the night before?

11 A. Mm-hmm.

12 Q. Had you called 911 and had him leave at any time before
13 that?

14 A. No.

15 Q. So the 17th was the first time that you called for help
16 getting him out of the house?

17 A. Yes.

18 Q. On the 18th, you said you took a walk with this friend
19 on the beach. What time do you remember leaving the beach
20 that night and starting to head back to your house where you
21 and Mikey lived?

22 A. Right around sunset, 8:30-ish that time of year.

23 Q. And did you call Michael on the way home?

24 A. Yep.

25 Q. Do you remember how that call went?

1 A. He had already started drinking, and we had said that we
2 were going to try to have a nice night after what had
3 happened the night before. We were going to try to go to an
4 Asian place that we like. And because I was a little bit
5 late, we wouldn't have made it to dinner. So I figured I'd
6 get home and we could figure out how we were going to
7 refigure dinner. That's kind of also -- well, I know I got
8 home around 9:00.

9 Q. Was he upset with you arriving home late?

10 A. Yeah. It was immediately "We were supposed to go out
11 and have a nice dinner because of what you did last night."

12 Q. Who's saying this, Beth?

13 A. Sorry?

14 Q. Who's --

15 A. Mikey. Yeah. And then --

16 Q. He's upset that you're late?

17 A. Mm-hmm.

18 Q. Had he been drinking?

19 A. Yes.

20 Q. And do y'all end up going out to dinner or grabbing
21 dinner or doing anything about food that night?

22 A. No. We didn't eat.

23 Q. If you would, please describe to the judge exactly what
24 you remember about the disagreement and how things escalated
25 to you feeling like you had to call 911.

1 A. At the time -- I don't have a play-by-play of that
2 night. I know dinner started it. I know then we were going
3 to go to Publix and get dinner, and then I was a minute late
4 on that and they close at 9:00 and so then that was a
5 problem. And then it went into me calling the police the
6 night before and how we can't do that and how if he doesn't
7 want that, then he can just abide by what we agreed on and he
8 can leave when we argue.

9 It went back to money at the time, with his father
10 trying to get involved in the business. We were supposed to
11 be in Michigan at that time for his father's birthday at a
12 golf tournament and to go to the family's cottage. We didn't
13 go. And that was, of course, my fault too.

14 And it all just kind of escalated. And finally he
15 went -- I said, "You gotta go. You just got to go. I don't
16 want to call them. I don't want to do the same as last
17 night. You just -- just go. Just get an Uber." And he went
18 and laid down and kept yelling at me from the bedroom. And I
19 went, "Okay. I'm gonna call." And here we are.

20 Q. When did you start drinking that night?

21 A. I had one Bud Lite on the beach with Joe when we walked
22 and chatted. And then I came back and went and started to
23 argue with Michael and opened a bottle of wine.

24 Q. What's Michael's demeanor when he's been drinking and
25 y'all are arguing? How does it make you feel?

1 A. He gets -- he can go from zero to really angry really
2 easy. He's a big dude. He is overwhelming. It's not an
3 argument about trying to get to the bottom of something.
4 It's about blame. It's about power. It's --

5 Q. Is it more verbal than physical?

6 A. Yes.

7 Q. Are there times when it has been physical?

8 A. Yes.

9 Q. That night, what was your impression of the mood and
10 where things were going?

11 A. Things were -- at this stage, things were more off the
12 rails than they'd ever been. But I don't know. You know, I
13 don't know. Once he -- it's always hard to say. But it had
14 started to get worse and worse, as it does, and I just wanted
15 it to end.

16 Q. And you felt like you had a valid agreement to get him
17 out of the house?

18 A. I felt that way. I mean, I guess I didn't a thousand
19 percent think it through. But first of all, the night
20 before, they honored it and they said, "Yeah, you got an
21 agreement." But that's me, my understanding it. And in my
22 mind, it turned someone who had been living in my house as an
23 ex-fiance at this point into somebody who we had entered into
24 a new agreement where if tensions are high, I become a
25 trespasser. I become someone that has to leave because I

1 agreed to.

2 Q. Did Michael own the house, Beth?

3 A. No.

4 Q. Is his name on the deed?

5 A. No. No.

6 Q. I'm going to show you what we'll mark for Court's
7 Exhibit Number 5.

8 (Court's Exhibit Number 5 marked for the record.)

9 BY MR. BISCHOFF:

10 Q. Beth, have you ever seen that information before?

11 A. Mm-hmm.

12 Q. What is that?

13 A. It is the tax information for [REDACTED] Honeysuckle.

14 Q. And whose name is listed as the owner?

15 A. This shows -- this shows Eclipse 29, which is my
16 business. So Eclipse 29 was sold -- my business sold it to
17 Elisabeth Germain for mortgage reasons. So Elisabeth Germain
18 is now the sole owner.

19 Q. Okay. Is Michael's name on that at all?

20 A. No.

21 Q. So when y'all are arguing and around this time in your
22 life, is it safe to say that you were commingled in a number
23 of different ways? With the business?

24 A. Mm-hmm.

25 Q. With finances?

1 A. The finances, yes, in that --

2 Q. And the relationship?

3 A. Yes.

4 Q. And what was your intent in calling 911 at 11:38 p.m.
5 for the first time on July 18, 2023?

6 A. To get him out of my house.

7 Q. Have you listened to that phone call?

8 A. Yes.

9 Q. How would you describe your demeanor during that initial
10 phone call?

11 A. At that point, fairly reasonable.

12 Q. And at that point, did you think that someone was going
13 to come to help you?

14 A. Mm-hmm. Just like they did the night before.

15 Q. How long would it take for law enforcement to arrive at
16 your house that night?

17 A. Seventy-three minutes.

18 Q. And by the time that they got there, had you continued
19 to drink that bottle of wine that you opened up?

20 A. Yep.

21 Q. Had you finished it by the time they got there?

22 A. Yep.

23 Q. And were you angry when they arrived?

24 A. Yeah.

25 Q. Did you have any intent on intimidating any of the 911

1 operators?

2 A. No.

3 Q. Did you have any intent on harassing any of them?

4 A. No.

5 Q. What was your purpose in calling 911 multiple times?

6 A. To get officers to arrive to monitor Michael to leave
7 the house and have somebody pick him up or get him out of
8 there.

9 Q. Did you feel like you were in a difficult situation? A
10 traumatic situation?

11 A. I did. It harkened back to 2020 very easily where it
12 was over a longer course of time where I went, "Who's helping
13 me and how?" And the answer was, "We don't know" or
14 "Nobody." And I do not -- I get more upset watching that
15 video than anyone in this room. It was a trauma response.
16 It was unfair to everybody involved. It was awful. But it
17 -- and it's not an excuse that it took 73 minutes to get
18 there, but it's a little bit of an explanation.

19 Q. And the longer it took to get there, how did that make
20 you feel?

21 A. Abandoned, like they weren't coming at all, like there
22 was nobody to help me, like I now have to go deal with what I
23 guess was now a sleeping man, but one who's mad that I'm
24 calling them in the first place.

25 Q. When you were calling 911, did you feel like you had

1 anybody else that could show up to help you?

2 A. No.

3 Q. Is it safe to say that you were sort of emotionally
4 overloaded at that point?

5 A. I think it's pretty clear.

6 Q. Was the alcohol part of the reason why you were
7 emotionally disregulated?

8 A. It certainly didn't help.

9 Q. And when law enforcement gets there, and what we all saw
10 on the video, had you already reached your tipping point at
11 that point?

12 A. Of the alcohol, of temper, of not understanding why this
13 was taking an hour-plus. Yeah.

14 Q. When you were on the porch the first time the officers
15 arrived, did you tell them that you no longer needed their
16 help?

17 A. That's what the video looked like. I was surprised to
18 see that I didn't more articulate. But I needed it. And I
19 was so disregulated at that point I feel like I'm almost
20 mute.

21 Q. Do you remember then going inside and telling them you
22 don't need them to come back?

23 A. Mm-hmm.

24 Q. Why did you call 911 after they left?

25 A. I don't know. I don't -- certainly my intent wasn't to

1 mess with the system. I think in my addled state to put
2 somewhere on the record "Look, I needed help and I didn't get
3 it."

4 Q. When you told them that if you -- he wakes up -- Michael
5 wakes up and has murdered you, why would you say that?

6 A. I don't know. It's ridiculous exaggeration, hyperbole
7 to make a point. It was the only -- I wish I could come up
8 with a logical way, but I don't even remember saying that
9 that night. It was out of unreasonable escalation.

10 Q. And when you did call before they came back the second
11 time, how long was the call?

12 A. I don't know.

13 Q. Do you remember listening to it in my office?

14 A. It was short.

15 Q. Were you just angry?

16 A. Yeah.

17 Q. And called and hung up?

18 A. I guess.

19 Q. Did they tell you that they were on their way multiple
20 times after each of those calls?

21 A. Yes.

22 Q. And when you went inside the house and one of the
23 deputies told you that you were under arrest, what did you
24 think at that point?

25 A. I was confused. And I understand watching it now that

1 the first time they were there they suggested that they'd
2 come back and arrest me. I don't remember him saying that.
3 I was in a state where -- of course in retrospect, I would
4 never behave that way again. But I was surprised when -- I
5 know they'd been kind of hanging around and making some
6 suggestions about arresting me, but when they said from
7 outside, you know, standing there and "You're under arrest,"
8 I was surprised, whether that's rational, reasonable, or not.

9 Q. What else do you remember them saying from outside your
10 house when you were inside?

11 A. That they were going to kick my door down.

12 Q. And how did that make you feel?

13 A. Afraid.

14 Q. Did you believe that --

15 A. Yes.

16 Q. -- they were going to kick the door in?

17 A. Yeah. And in fact, he told Mikey after that we were
18 lucky he didn't.

19 Q. And when you finally come to the door that last time,
20 who -- is Mikey right behind you?

21 A. Mm-hmm.

22 Q. Why is he right behind you? What has happened to get
23 him up or get him to that point?

24 A. I know they both say they don't remember it. I was in
25 my office and he was shining the light in at me and telling

1 me I had multiple charges. You know, I'm sitting there, and
2 at this point I'm scared. And I videotaped some of it, and I
3 watch myself and I'm just breathing like -- like it sounds
4 just like a trapped animal.

5 And in my recollection, the one at the window tapped on
6 it and said, "If you go get Mikey, we won't arrest you." And
7 in that time, that would make sense, it seemed, that if I go
8 get Mikey or I tell Mikey, "They won't arrest me if you come
9 to the door." And then we go to the door and I open it and
10 they yank me out of it.

11 Q. Where are you in proximity to outside the door when you
12 open the door?

13 A. Inside.

14 Q. Did you open the door the entire way --

15 A. I --

16 Q. -- before they first made contact with you?

17 A. Maybe at least partway.

18 Q. Do you remember telling them they're not welcome in your
19 house?

20 A. Yes.

21 Q. Why did you say that?

22 A. Because they weren't. I didn't know what their plan was
23 here. I didn't think it was to snatch me out and arrest me.
24 I didn't want them to knock my door down. And I thought
25 that, really, they might talk to Mikey and just not arrest

1 me.

2 Q. How did you get outside?

3 A. He yanked me.

4 Q. How did he yank you?

5 A. He grabbed me by the arm and removed me from my home.

6 Q. Did you step outside voluntarily?

7 A. No. I didn't even come to the door voluntarily.

8 Q. When they put you in handcuffs, were you wearing your
9 shoes?

10 A. No.

11 Q. And you were still upset?

12 A. Yeah.

13 Q. When they put you in the patrol car and they talked to
14 Mikey thereafter -- is Mikey aware of your PTSD?

15 A. Oh, yeah.

16 Q. And what types of things have you discussed with him
17 regarding the symptoms of PTSD or what you -- the effects
18 from your PTSD when you've been around him?

19 A. Well, he's been kind of there from the beginning and
20 went to the meetings with me and watched how it affected me.

21 But like you said, there were times when, like, a
22 sheriff's car would turn its lights on kind of unexpectedly,
23 it would cause nausea. It caused hyper- -- you know, my skin
24 would get hot. Even when it was first -- you know, in 2020
25 through September when it was first kind of really stressful,

1 even seeing a firefighter in a grocery store, like, made me
2 for a second go "Whoa." And then I'm like, "Okay. That's
3 crazy."

4 But just over the years and through the PTSD therapy,
5 those initial, really, visual symptoms have dissipated.

6 Q. So when Mikey tells the officers that he's seen it and
7 that you do suffer from PTSD, is he making that up?

8 A. No.

9 MR. BISCHOFF: Please answer any questions that the
10 prosecutor has for you.

11 THE WITNESS: Mm-hmm.

12 MS. GEARDING: Very briefly.

13 THE COURT: Solicitor, go ahead.

14 MS. GEARDING: Very briefly, your Honor.

15 CROSS-EXAMINATION

16 BY MS. GEARDING:

17 Q. Hey, Elisabeth.

18 A. Hey.

19 Q. How do you feel that you're here today?

20 A. I would rather be anywhere else.

21 Q. I understand that.

22 I just want to start off by saying that I'm very sorry
23 about that sexual assault and what happened there. I'm very
24 sorry about that.

25 When did that assault occur?

1 A. The assault occurred in, like, '17 but the reporting and
2 the first time anyone ever knew about it was 2020. So that's
3 where the -- really where the PTSD began.

4 Q. Was Deputy Hendricks involved in that?

5 A. Oh, no. No. Of course not, no. I think they both
6 testified that they had been hired well past 2020.

7 Q. Thank you.

8 All right. So even though we kind of went into a lot of
9 the PTSD, the sexual assault, all of the traumas there, I'm
10 going to kind of tailor to just this incident.

11 A. Mm-hmm.

12 Q. If that's okay with you.

13 So you stated that Michael does not live at [REDACTED]

14 A. In the video or?

15 Q. Just then, whenever your attorney was questioning you,
16 his name was not on --

17 A. I said he does not own it.

18 Q. Okay.

19 A. He resides there.

20 Q. He does reside there. Okay.

21 Did you call 911 that night?

22 A. Mm-hmm.

23 Q. Can you recall how many times?

24 A. I don't know. Six to eight.

25 Q. Okay. Do you remember saying to 911, "There's not

1 someone here to" -- excuse my language -- "fucking help me"?

2 A. It was all a blur. Again, this was over drinking,
3 fighting, my life being a medical mess, and then over the
4 course of 70 minutes having some brief phone calls with 911.
5 If you're saying I said it, I'm sure I said it.

6 Q. Do you remember saying, "You are going to be in big
7 trouble" while speaking with 911?

8 A. I was acting irrationally. And I just felt, again, so
9 -- I don't want to use the term like I was the victim, but I
10 just felt like the way -- to have someone wait 73 minutes to
11 have them respond to a call -- I shouldn't have said that.

12 Q. But you did say it?

13 A. If you say it's so.

14 Q. Did you say, "I'm now going to say it's getting very
15 violent"?

16 A. Again, if -- I wish certainly that I hadn't. I did not
17 intend to interfere with the 911 system. I just wanted
18 somebody to get out there so I could get over -- would get
19 finished with what I had started to have the call be put in
20 place in the first place.

21 Q. Law enforcement came to your residence, correct?

22 A. Mm-hmm.

23 Q. They asked you questions about the reason that you
24 called, correct?

25 A. Mm-hmm.

1 Q. You did not provide them any information other than the
2 fact that you had a document that says that Michael is to
3 leave the home if asked; is that correct?

4 A. I guess.

5 Q. Did law enforcement advise you that that is not what
6 they are for?

7 A. It's -- I mean, I guess.

8 Q. Okay. Now, while they were there, they advised you
9 before they left the first time that if you call 911 again
10 you're going to be under arrest for unlawful use of 911; is
11 that correct?

12 A. I don't remember hearing him say that, but we all just
13 saw him say that.

14 Q. So you don't remember hearing him saying that; you just
15 heard him say that?

16 A. I don't remember hearing him say that. In this
17 courtroom today I heard him say that.

18 Q. Okay. Where were you whenever he said that?

19 A. I think going back into the house.

20 Q. So outside of the home?

21 A. I don't know. We all watched it. I'm not positive.

22 Q. Okay. And so law enforcement then left, correct?

23 A. Yep.

24 Q. You called back?

25 A. Mm-hmm.

1 Q. And did you say on that call "It is on you fuck morons"?

2 A. I was incredibly out of line, and I wish I could take
3 the first call back, let alone the subsequent ones.

4 Q. And you hung up on that first call after law enforcement
5 left?

6 A. If you say so.

7 Q. And you called law -- er, you called 911 again two times
8 after law enforcement had left?

9 A. If you say so.

10 Q. Well, do you remember?

11 A. No.

12 Q. Okay. Let me refresh your recollection.

13 Okay. Looking at your calls here, so we already know
14 that law enforcement left around, what, before 1:04?

15 A. If you say so.

16 Q. Based on their testimony?

17 A. Okay.

18 Q. Okay. This is the first CAD report from after law
19 enforcement had left. Looking at this time right here, can
20 you tell me what time that was?

21 A. 1:05.

22 Q. Okay. And then can you tell me here what address that
23 phone call came from?

24 A. [REDACTED] Honeysuckle.

25 Q. Okay. And then can you tell me what time this call came

1 in?

2 A. 1:06 to 1:07.

3 Q. So is that safe to say there's two calls?

4 A. Sure.

5 Q. Okay. Did you say to 911 that you hope that they are on
6 the line for a lot of money?

7 A. I was out of my mind. I know that I said that because I
8 listened to it with Scott yesterday. I am embarrassed. I
9 don't have a logical explanation.

10 Q. But did you say that?

11 A. If you say so -- er, yeah, I listened to it with Scott
12 yesterday.

13 Q. Okay. Now, you stated whenever Scott was questioning
14 you that in your previous incident, as far as that sexual
15 assault goes, you called the 911 emergency line because you
16 thought that -- or because you thought that you would get a
17 better response?

18 A. I think I said the nonemergency line.

19 Q. You stated you had previously called the nonemergency
20 line and then you had then called the 911 emergency line
21 because you knew that you would get a better response. Are
22 you saying you did not say that to your attorney?

23 A. I don't think so.

24 Q. Okay. We'll move past that.

25 So you stated that you did not come to that door

1 voluntarily; is that correct?

2 A. I came under the threat of it being kicked in and -- my
3 recollection -- being told through my office window that if
4 Michael came to the door with me and spoke with them, I
5 wouldn't be arrested.

6 Q. Now, we all watched that body cam. We're now aware that
7 that was never said?

8 A. It's when -- we don't have his body cam when he's up
9 against my --

10 Q. I can show you. I have it. Would that help?

11 A. Yeah. I mean, that was my recollection.

12 Q. Okay. And you say you didn't come to the door
13 voluntarily at that time that you were arrested. Is that a
14 safe assessment to say?

15 A. Right. I came because he was threatening to kick my
16 door in, because they were shining lights in my office,
17 because they were telling me that my charges were getting
18 worse because I was resisting arrest from inside my house.

19 Q. And we saw that body cam and we saw Officer Hendricks
20 say to you, "If you do not open this door, I will kick that
21 door in." We saw that.

22 A. Mm-hmm.

23 Q. Not his best moment, huh?

24 A. Hm-mmm.

25 Q. However, what we also did see is that minutes passed

1 from that statement to the time that you were placed under
2 arrest. We saw that. That's correct, correct?

3 A. Mm-hmm.

4 Q. Okay. So you say you didn't come to that door
5 voluntarily. Did you come to that door voluntarily the first
6 time whenever you continued to badger law enforcement? They
7 weren't even at the door. They were still standing in the
8 driveway.

9 A. I guess.

10 Q. Did you or did you not come voluntarily at that point?

11 A. I guess.

12 Q. Okay. What about the second time you opened the door
13 and proceeded to cuss at law enforcement, was that
14 voluntarily?

15 A. I guess.

16 Q. What about the third?

17 A. I guess.

18 Q. Okay. I'm not going to go through all of that with you
19 here.

20 But just to make it clear, you made eight 911 calls that
21 night, correct?

22 A. Mm-hmm.

23 Q. Just to make it clear, you used language and made
24 threatening statements to 911 on those calls, correct?

25 A. I agree that I used foul language.

1 Q. "You are going to be in big trouble."

2 A. I --

3 Q. How about "You are on the line for a lot of money"?

4 A. I think it's a stretch to call it a real threat.

5 Q. Okay. That's fine.

6 You opened that door and started to cuss at law
7 enforcement with Michael standing behind you; is that
8 correct?

9 A. If you say so. I say, "You're not welcome here." And
10 there was a cuss in there.

11 Q. That door was open?

12 A. Huh?

13 Q. Your door was open at that point?

14 A. When I said, "You're not welcome"?

15 Q. Yes.

16 A. Mm-hmm. The door was open.

17 Q. Okay. Once you opened that door, Deputy Duritsa then
18 took your arm and made sure that you were outside of your
19 home; is that correct?

20 A. Yeah, he pulled me out.

21 Q. Right at that doorway?

22 A. Yeah, he pulled me out of my home.

23 Q. With that open door?

24 A. Yes.

25 Q. While you continued to use language and raise your

1 voice; is that correct?

2 A. If you say so.

3 MS. GEARDING: All right. Beg the Court's indulgence.

4 THE COURT: Sure.

5 MS. GEARDING: No further questions.

6 THE COURT: Thank you.

7 Any redirect?

8 MR. BISCHOFF: No, your Honor. Thank you.

9 THE COURT: You may step down.

10 (Witness excused.)

11 THE COURT: Any other witnesses from the defense,
12 Counsel?

13 MR. BISCHOFF: No, your Honor.

14 THE COURT: All right. Just so everybody knows we're
15 all on the same page, I just cut the jury loose for the day.
16 It looked like you were -- looked like we might be going a
17 little bit longer than we all expected. And I don't want
18 them waiting back there because none of us have had lunch yet
19 and I fully intend to give everybody a full lunch break.

20 We'll continue now. I just want you guys to all
21 understand kind of where my head is. Please take your time.
22 We've cut the jury loose. You know, I'll hear whatever you
23 have to say.

24 MR. BISCHOFF: Thank you, Judge. And I really do
25 appreciate the Court's willingness to give us some more time

1 to have this hearing pretrial. I think it's an extremely
2 important issue.

3 And I don't find -- on the front end, your Honor, I
4 don't find fault with the -- I guess, the instinct, perhaps,
5 of the officers who were there that night. But procedurally,
6 what they did is just something that is a clear violation of
7 the protection of the Fourth Amendment. And it has been a
8 longstanding protection that people are -- have the utmost
9 expectation of privacy in their homes and that arrests
10 without a warrant for a misdemeanor are strongly discouraged.

11 I provided your Honor with a motion to dismiss for these
12 Fourth Amendment violations last night and provided a copy to
13 the prosecutor.

14 But we start in this case with the fact that we know
15 that both charges that Ms. Germain is on trial for are two
16 misdemeanor offenses. We also start with the fact that she
17 was arrested and she was pulled from her home without an
18 arrest warrant and without a search warrant. And that's
19 where we start.

20 And I believe that the constitution and all the cases
21 that I cited -- and there was cases that I didn't cite --
22 clearly stand for the legal principle that from that starting
23 point, we have to assume that the conduct is unlawful, that
24 the conduct is unreasonable based on the protections of the
25 Fourth Amendment. And then if there is an exception, like an

1 exigent circumstance, then perhaps the Court can find that
2 the conduct was permissible under the Fourth Amendment.

3 I want to direct your attention, your Honor, to the
4 fourth page of my motion, if you have a copy or I can give
5 you a copy if you need it.

6 THE COURT: I think I've got the latest one.

7 MR. BISCHOFF: Okay.

8 THE COURT: Is it the one with the *Johnson versus United*
9 *States*?

10 MR. BISCHOFF: Yes, sir.

11 THE COURT: Bold? The block quote? Okay.

12 MR. BISCHOFF: That's it. And again, I think that this
13 case dating back to 1948 is so instructive to the Court in a
14 situation like this.

15 "The point of the Fourth Amendment which often is not
16 grasped by zealous officers is not that it denies law
17 enforcement the support of the usual inferences which
18 reasonable men draw from evidence. Its protection consists
19 in requiring that those inferences be drawn by a neutral and
20 detached magistrate, instead of being judged by the officer
21 engaged in the often competitive enterprise of fettering out
22 crime.

23 "Any assumption that evidence sufficient to support a
24 magistrate's disinterested determination to issue a search
25 warrant will justify the officers in making a search without

1 a warrant would reduce the amendment to a nullity and leave
2 the people's homes secure only in the discretion of police
3 officers. Crime, even in the privacy of one's own quarters,
4 is, of course, of grave concern to society, and the law
5 allows such crime to be reached on proper showing.

6 "The right of officers to thrust themselves into a home
7 is also of grave concern, not only to the individual but to a
8 society which chooses to dwell in reasonable security and
9 freedom from surveillance. When the right of privacy must
10 reasonably yield to the right of search is, as a rule, to be
11 decided by a judicial officer, not by a policeman or
12 government enforcement agent."

13 And that is the essence of my request that you dismiss
14 both of these charges. What we know from the video --
15 everything is on video. Ms. Germain should not have been
16 acting that way. I believe that she was having an emotional
17 disturbance. She was disregulated. You've heard testimony
18 about how she suffers from PTSD. You've heard testimony
19 about how the PTSD is directly related to the law enforcement
20 agency that it took 73 minutes to respond to her 911 call.

21 You've heard that she exhibits these characteristics
22 that even Officer Hendricks said that they're taught at the
23 Criminal Justice Academy. I believe your Honor was a former
24 police officer. I mean, there are clear indications that she
25 is having an emotional instance -- crisis in that situation

1 that, yes, is mixed with some alcohol, but that's not who she
2 is.

3 And when she is in her home and she closes the door and
4 only comes to the door after being told that her door would
5 be kicked in or that failure to come outside has resulted in
6 a new charge of resisting arrest or only after law
7 enforcement continues to shine flashlights into her home and
8 says, "You need to come out. You need to come out. Don't
9 make it worse," that takes away the voluntariness of her
10 coming to the door such that opening the door, based on the
11 cases that I've cited, is not justification to let officers
12 into her home at that point in time.

13 A warrantless arrest in the doorway of the defendant's
14 home was unlawful in *United States v. Allen* because officers
15 may not effect a warrantless "across the threshold" arrest
16 when they summoned the defendant to the door and the
17 defendant remained inside.

18 *Payton v. New York*. Judge, I really direct your
19 attention to that case. There are multiple *Law Review*
20 articles out there about warrantless arrests, and essentially
21 what they say is there's the *Payton* rule. And the *Payton*
22 rule is that police cannot reach across the threshold of a
23 doorway to make a warrantless arrest, period. And that is
24 exactly what they did.

25 The video is unequivocal. It shows that she is in her

1 home and they say, "Step outside, ma'am," and they pull her
2 out of her house, onto her porch, and put her in handcuffs.
3 They don't have a warrant, not for her arrest, not for a
4 search of her home. *Payton v. New York* says they cannot do
5 that.

6 And yes, there are cases out there that interpret the
7 fact that *Payton* says, "Well, they can't reach across the
8 threshold of the doorway to make a warrantless arrest, but
9 there are some exceptions." But all of those exceptions
10 involve essentially voluntariness of the defendant in coming
11 to the door. Not in this case, where Ms. Germain is inside
12 her home and only comes out after she's threatened with
13 having her door kicked in, being arrested for an additional
14 charge, or making matters worse.

15 But the Fourth Amendment, Judge, protects all of us from
16 that kind of conduct. And I hope that your Honor and the,
17 you know, officers here today don't look at this as a -- if
18 you were to grant my motion, as an indictment on their
19 decision that night or that they're bad police officers. No,
20 they're not bad police officers at all. They didn't have all
21 the information.

22 They had no idea she had waited 73 minutes for
23 somebody -- anybody to respond when she's constantly being
24 told "They'll be there in a little bit. They're on their
25 way." No, they weren't on their way. These gentlemen didn't

1 get notified of the call until an hour, more or less, after
2 she called.

3 It's not an indictment on them as individual officers.
4 It's just simply the fact that our constitution, the Fourth
5 Amendment, there's case law that supports the idea that when
6 someone is in their home, that is their place of sanctity. A
7 person's home is their castle. And in this case, they reach
8 in and they grab her and pull her out without a warrant for
9 misdemeanors, Judge. Not felonies, but for misdemeanors.

10 If your Honor is willing to entertain the government's
11 argument that in this case the unlawful use of 911 was an
12 offense that was committed in the officers' presence -- I do
13 believe that the officers had indication that there were
14 calls being made from a female at that location. And I do
15 believe that Ms. Germain's statements to them on her porch
16 were that she did call 911.

17 But I don't think it's unreasonable to say that there
18 was no effort whatsoever to ascertain what was the reason for
19 the call to 911. And her not giving them an answer does not
20 mean that they can say, "Well, we must be able to assume that
21 the intent was to harass 911 or to intimidate 911 or to
22 interfere with the 911 process." We cannot legally make that
23 connection and that jump to that assumption when we know that
24 nobody responded for 73 minutes, Judge.

25 Seventy-three minutes for a woman who is in her home in

1 an argument with a loved one who she told you things have
2 been escalating between them and things were not great and
3 she felt triggered, for whatever reason. Triggers are very
4 difficult to understand. I would imagine your Honor's
5 familiar with mental health disorders and how what may be
6 triggering to one person is not going to be triggering to the
7 next person, even though they both may have been diagnosed
8 with the same disorder. It's subjective.

9 And Ms. Germain was absolutely triggered by the fact
10 that her loved one, her boyfriend, would not leave when she
11 asked him to leave. She got frustrated and further triggered
12 by the fact that no one was going to help her even though she
13 had this agreement and they helped her last night. Why are
14 they not helping her tonight? If he had left the house, we
15 wouldn't be here.

16 But I think it's within that context that you heard
17 testimony about her suffering from PTSD, about her emotional
18 dysregulation, that it's safe for the Court to say, "I'm just
19 not convinced that this lady, with no prior record, who is
20 having a bad moment but yet was waiting 73 minutes for
21 someone to call and respond to her cry for help."
22 Objectively reasonable. Subjectively reasonable. She told
23 you that she felt triggered and dysregulated.

24 Seventy-three minutes, Judge. I think that is
25 imperative that the Court not overlook that fact. That is

1 the reason she's calling multiple times. No one's coming to
2 help her. If someone had come to help and then she'd called
3 back and said, "It took forever. I'm going to drive down
4 there and shoot up the place," that's a real threat. But
5 telling them "You're in big trouble," I think it's semantics.
6 It's semantics within the context of the situation, again,
7 where we are pulling someone out of their home without an
8 arrest warrant, without a search warrant, for two misdemeanor
9 charges.

10 If your Honor does think that there is sufficient
11 evidence, however, to say that a crime was being committed
12 within the officers' presence -- I don't think there is
13 enough evidence to say that, but if your Honor believes that
14 there is, I would ask that you also recognize the fact that
15 for the protection of the officers, for the protection of
16 citizens, for the protection of everybody involved, nothing
17 would have been different if they said, "Fine. We're going
18 to go and we're going to get the recordings from 911 and
19 we're going to go to a magistrate and we're going to get an
20 arrest warrant. We're going to listen to those calls." They
21 did not listen to them before they got to the location.

22 "We're going to listen to them and, based on the
23 information we have, we're going to allow a judge to make the
24 determination." As *Johnson v. United States* tells us, Judge,
25 you have to let a judge make that decision. It is not a

1 situation here where it's so freshly committed, like a DUI
2 case, for example, one of the cases that South Carolina has
3 addressed this issue on and Justice Hearn wrote the opinion.
4 It's much different than that.

5 In that case, the defendant is outside of his home,
6 Judge. He's admitted, "I was driving. I've been drinking."
7 But he's not inside his home. But Ms. Germain was. She was
8 inside her home at the key pivotal moment when they pulled
9 her out of her house in her nightgown, no shoes, and put her
10 in handcuffs and arrested her.

11 Given all the testimony, Judge, I hope that you find
12 that -- you know, I spared the Court of calling anybody to
13 say, "Yes, I'm the one who diagnosed her with PTSD," but
14 she's got PTSD. She sought treatment for it. She was
15 triggered that night. She did not handle it well. She'd be
16 the first person to tell you she wished things had been
17 different. But I don't know whether or not that in and of
18 itself, cussing at a police officer -- which is uncalled
19 for -- that's not the issue.

20 The issue here is they arrested her for misdemeanor
21 charges by pulling her out of her home without a warrant. No
22 question about it. It's not a close call. They pulled her
23 out of the house without a warrant, without an arrest
24 warrant, a search warrant, and for misdemeanors, Judge. And
25 the case law and the constitutional principles that are

1 applicable support a finding that we just cannot say that's
2 okay. We have to say, "Sorry. In this situation, you guys
3 crossed the line. Next time, just call the magistrate and
4 get a warrant." And we would avoid any sort of possible
5 danger to them or anybody else if they just allow a judge to
6 make that determination as, again, the Supreme Court has said
7 is required, rather than them making it themselves.

8 With all due respect about the difficulty in the field,
9 I understand that. I know it was a tough decision. But I
10 just think that, based on everything we saw on video, there's
11 no misunderstanding what the facts are in this case. They
12 just acted in a way that we cannot say is okay.

13 THE COURT: Thank you, Counsel.

14 I do have a question for you. You know, I'm well aware
15 of the *Payton* rule. But I do have -- do you have any case
16 law that cites or stands for the proposition that someone
17 opening a door or coming out under duress is either unlawful
18 or improper?

19 MR. BISCHOFF: Yes, sir. Let me just review real quick,
20 Judge, in my motion.

21 THE COURT: I have one in the back of my head and I
22 can't remember it to save my life, so I'm hoping you can give
23 me that citation.

24 MR. BISCHOFF: So, you know, there is one -- essentially
25 what you're asking, Judge, is you're getting to the issue of

1 whether or not opening the door was voluntary or involuntary?

2 THE COURT: That's correct.

3 MR. BISCHOFF: *United States v. Morgan* that I cited in
4 my motion, holding that the coercive action of police
5 ordering the defendant outside without a warrant to be in
6 violation of the protections of the Fourth Amendment.

7 *United States v. Saari*, a Sixth Circuit case. Police
8 officers ordering a defendant to exit his home while they
9 were outside with guns drawn rendered involuntary the act of
10 opening the door under those coercive circumstances.

11 *New York v. Harris*, a Supreme Court case. Doorway
12 arrest exception does not apply where cop secures arrestee's
13 presence at the door and then uses a rationale for
14 warrantless entry and arrest.

15 Essentially -- and there are examples, Judge, through
16 the testimony today that "I'm going to kick in the door."
17 The officer said that was a tactical thing to tell people to
18 get them to think that, you know, they're going to really
19 kick the door in unless the person comes to the door.

20 Telling them that -- telling Ms. Germain that "You know
21 what? You're not coming out. That's another charge." The
22 charge of resisting arrest, which is pending, we're here
23 today on that. Consistently tell her that "You're making it
24 worse. Come outside. You're making it worse," I believe
25 that those actions are coercive in nature.

1 And when she comes to the door, opening it with her
2 boyfriend behind her -- as she said, she remembers that they
3 told her "Get Mikey to the door." She's bringing Mikey to
4 the door. She's thinking that perhaps there's a way for her
5 still not to be arrested. And I don't think she would open
6 that door but for Mikey being right behind her and all those
7 other statements about additional charges and making matters
8 worse.

9 So I think the cases that I just referenced are
10 essentially cases that the Court can look to to say that, you
11 know, we've got the *Payton* rule, but then when there is
12 police conduct, it doesn't have to rise to the level of guns
13 being drawn, but telling someone "You're making it worse,"
14 "Because you're not coming out, I got another charge," "I'm
15 going to kick the door in." As we see it all play out on the
16 video, I think those things were so sequential that it's very
17 reasonable to say that -- and she said, "I wouldn't have
18 opened the door but for them essentially telling me those
19 things."

20 So I think that's the turning point at which point it
21 becomes involuntary because of the coercive conduct of law
22 enforcement.

23 And while I'll let the prosecutor present her argument,
24 I believe there's another case or two, Judge, that I can
25 offer to the Court before we conclude the hearing. But those

1 are the ones that come to mind to answer your question off
2 the top of my head.

3 THE COURT: All right. Thank you, sir.

4 Solicitor, I'll be happy to hear from you.

5 MS. GEARDING: Thank you, your Honor.

6 According to South Carolina Code Section 17-13-30,
7 sheriffs and deputies may arrest without a warrant any person
8 who within their view violates any criminal laws of South
9 Carolina if such arrest is made at the time of the violation
10 of law or immediately thereafter. A crime is committed in
11 the presence of an officer when the facts and circumstances
12 occurring within his observation, in connection with what
13 under the circumstances may be considered as knowledge, if
14 there's probable cause to believe or reasonable grounds to
15 suspect that such is the case, your Honor.

16 As far as the doorway argument, your Honor, looking to
17 *United States versus Santana*, that case stated that while
18 standing in a doorway of her home, Defendant "was in a public
19 place for purposes of the Fourth Amendment since she was not
20 in an area where she had any expectation of privacy and was
21 not merely visible to the public, but was exposed to public
22 view, speech, hearing, and touch as if she had been standing
23 completely outside her house. Thus, when the police, who
24 concededly had probable cause to do so, sought to arrest her,
25 they merely intended to make a warrantless arrest in a public

1 place ... and did not violate the Fourth Amendment."

2 A suspect may not defeat an arrest which has been set in
3 motion in a public place by escaping to a private place, the
4 inside of their home.

5 Your Honor, I also believe here that -- Defense had
6 cited *United States versus McCraw*. However, I would also
7 contend that that kind of helps our position as well, your
8 Honor. *McCraw*, officers here forced their way into a hotel
9 room when the defendant partially opened the door to
10 determine the identity of officers knocking on the door. An
11 arrest warrant is not required when the arrest is made in
12 public based on probable cause.

13 This case actually cites to *Santana*, the case that I
14 just referred to. The warrant requirement for an arrest in a
15 home is supposed to protect the home and anything
16 incriminating law enforcement officers gain as a result of an
17 illegal arrest taking place in the home.

18 Your Honor, here we have testimony. I know Defense may
19 argue that the defendant may have felt coerced. However, we
20 have seen video. There's more video where she has
21 voluntarily opened that door not once, twice, three, four,
22 five times to continue to badger law enforcement. Law
23 enforcement advised her she was under arrest multiple times.

24 Even before they left the first time, they said, "If you
25 call 911 again, you're going to be placed under arrest." She

1 proceeds to call two more times, harassing dispatch. Law
2 enforcement then comes back to the scene immediately when
3 they receive the call.

4 They leave. She calls a minute after. Law enforcement
5 then comes back to the scene, your Honor.

6 While law enforcement is on the scene, as I stated and
7 as we saw, Deputy Hendricks did say at one point "Come to
8 this door or I will kick it in." He said that minutes before
9 the defendant actually came to the door with her boyfriend.
10 In fact, even after he said that, she continued to open the
11 door to badger law enforcement, continued to shut it, open
12 the door and badger law enforcement, continued to shut it.
13 It wasn't until Michael had came to the door that she then
14 proceeded to open it all the way.

15 Your Honor, also within that -- I'm going to pull this
16 up really quick, your Honor.

17 Looking at all the cases that the defense has cited, any
18 binding authority that he has cited within his motion all
19 have to do with the actual entrance into a home, not the
20 doorway. They all have to do with the entrance into a home.

21 You saw the body cam. These officers did not enter her
22 home. The door was wide open. She was screaming in a public
23 place. Her neighbors even came out to watch to see what was
24 going on. The door was wide open. She was right there,
25 right at that door frame. They did not go into her home at

1 all whatsoever.

2 Not one of his binding cases -- other than *McCraw*, which
3 I have just stated -- have anything to do with a doorway
4 arrest. I don't believe that any of those cases are kind of
5 relevant to the issue at fact here, your Honor.

6 Further, exigent circumstances -- such as imminent
7 destruction of evidence, the potential for a suspect to flee,
8 or a risk of danger to the police or others -- may justify a
9 warrantless entry. But absent hot pursuit, there must be at
10 least probable cause to believe that exigent circumstances
11 were present.

12 Your Honor, here we've also had testimony from law
13 enforcement. They arrived at the scene. She was
14 belligerent. They knew at one point that she was cussing at
15 them. She was badgering them. She was cussing at 911. She
16 was badgering them as well. There was a beer can on the
17 front steps. They knew when speaking with her that what was
18 wrong with her was not just alcohol. Something else was
19 going on. Defense even stated himself: PTSD is dangerous.

20 Your Honor, they had no idea what was inside of that
21 home when that defendant kept barricading herself into the
22 home. She proceeded to open and yell, go back in, and walk
23 around. You saw law enforcement, and they even testified to
24 it. They shined the flashlight into the home because they
25 didn't know if she had a gun in there or not. They didn't

1 know if Michael had a gun or not.

2 That was the first time they had even seen him to begin
3 with. Whenever they opened that door to arrest her and she
4 was standing at the doorway, Michael was standing right
5 behind her. Law enforcement hadn't talked to him. Law
6 enforcement hadn't had any contact with him whatsoever. They
7 had no idea if he had a weapon or not as well, your Honor.

8 I do believe that based on all of the facts that were
9 presented here today, based on -- I know Defense tried to
10 make an argument, like, that the defendant may not have
11 called 911 to harass dispatch. I don't believe that that --
12 arguing that is necessarily appropriate for the suppression
13 for the arrest.

14 There was probable cause here. The defendant did call
15 911. She did cuss at dispatch. She even stated herself that
16 she called the 911 emergency line because she thought it
17 would get a better response. There's enough evidence here
18 that was given to law enforcement for the charge of unlawful
19 use of 911. They even told her "If you call again, you're
20 going to be placed under arrest." And she calls immediately
21 thereafter, not once, but twice. Law enforcement then
22 immediately goes back to her home. They're allowed to make a
23 warrantless arrest as a sheriff's deputy.

24 The issue of the home invasion, if you don't believe
25 that exigent circumstances exist as far as officer safety

1 based on all of their testimony, then I do believe that the
2 actual doorway arrest itself is not unconstitutional, your
3 Honor. I mean, even -- like I said, *Santana* says itself:
4 While standing in the doorway of her home, the defendant "was
5 in a public place for purposes of the Fourth Amendment since
6 she was not in an area where she had any expectation of
7 privacy and was not merely visible to the public, but was
8 exposed to public view, speech, hearing, and touch as if she
9 had been standing completely outside of her house."

10 Your Honor, I think based on all of the facts that I've
11 presented to you and based on the testimony that you've heard
12 from the two law enforcement officers that we called, and
13 even the testimony from the defendant herself, I think that
14 you can see that this is not an unlawful arrest, your Honor.

15 Beg the Court's indulgence.

16 THE COURT: Sure.

17 MS. GEARDING: And law enforcement -- briefly, law
18 enforcement even testified themselves that if they had not
19 come back to that home to place that defendant under arrest
20 for unlawful use of 911, they believed she was going to
21 continue to call all night long and continue to harass
22 dispatch and continue to tie up all of the 911 lines.

23 Nothing further from the State, your Honor.

24 THE COURT: Okay. Let me ask you. I understand the
25 cite to *McCraw*, but doesn't it infer the language in *McCraw*

1 clarifies that an arrest warrant is always required to arrest
2 someone inside the arrestee's home even when PC exists as an
3 exigent circumstance?

4 MS. GEARDING: Yes, your Honor. And that's what I'm
5 arguing. My argument essentially is that that doorway is not
6 inside that defendant's home based on *United States v.*
7 *Santana*.

8 Your Honor, in *McCraw*, the argument here was that law
9 enforcement was knocking on the door and the defendant had no
10 idea who was at the door. He cracked the door open and law
11 enforcement then went all the way into the home, not the
12 doorway itself. Here a doorway does not constitute the
13 invasion into somebody's home. Law enforcement didn't step
14 foot into the defendant's home. Not one foot at all
15 whatsoever. And the door was wide open at this point.

16 THE COURT: Is it your contention that for an officer to
17 reach into the threshold and remove someone from their home,
18 it's not covered by a case like *McCraw*?

19 MS. GEARDING: I think it is covered by *United States v.*
20 *Santana*, which *United States v. McCraw* cites to.

21 THE COURT: So it's essentially reaching in past the
22 threshold and removing someone from their home. It's okay to
23 do that?

24 MS. GEARDING: Whenever they voluntarily open the door,
25 yes.

1 I think there's enough evidence here that the defendant
2 did voluntarily open her door. I know she tried to testify
3 that it was under coercion, but we've seen the body cam, your
4 Honor. We saw her open the door multiple, multiple, multiple
5 times in an attempt to yell at law enforcement officers.
6 Hendricks made that statement minutes before she even opened
7 that door that last time of the arrest. Even after he made
8 that statement, she then proceeded to still open the door and
9 yell.

10 So I know that her argument may be that she was coerced
11 to open it, but I think based on all of the body cam that
12 we've seen today, that that is truly not the case. She
13 voluntarily opened her door. She was standing at her
14 doorway, making herself visible to the public, screaming loud
15 enough for the public to hear her, to even pay attention to
16 her.

17 THE COURT: All right. And so -- and I want to touch on
18 the resisting charge.

19 MS. GEARDING: Mm-hmm.

20 THE COURT: There's a case out there, *State v. Brannon*.
21 It's a 2010 case. It says that the law enforcement officer
22 -- there's some conditions that have to be satisfied for a
23 resisting charge, one of the them when the officers don't lay
24 hands on the person. Which that didn't happen here.

25 MS. GEARDING: Not here, your Honor.

1 THE COURT: All right. Admittedly.

2 So two things. One, the law enforcement must have the
3 intent to arrest the defendant. Which I think we probably
4 have that here.

5 MS. GEARDING: Mm-hmm.

6 THE COURT: Number 2, the defendant has to have the
7 intention to submit to the law enforcement officer. Can you
8 explain to me where we have that here?

9 MS. GEARDING: Submit to law enforcement officers?

10 THE COURT: To the law enforcement officer. In that
11 *State v. Brannon* case -- it's 388 S.C. 498, 697 S.E.2d 593 --
12 there's two conditions: that the law enforcement officer has
13 to have the intention to arrest the defendant, and that the
14 defendant must have the intention to submit to the law
15 enforcement officer.

16 I think we have one, but I question whether we have the
17 other based upon the evidence that I've seen in the body
18 camera. Can you reconcile that for me?

19 MS. GEARDING: Yes. Briefly -- one second, your Honor.
20 Briefly, your Honor, we're trying to read that case now.

21 THE COURT: That's all right.

22 MR. MCALLISTER: Your Honor?

23 THE COURT: Yes, Solicitor?

24 MR. MCALLISTER: Andrew McAllister for the State. If
25 you don't mind, I'm going to briefly answer --

1 THE COURT: Sure.

2 MR. MCALLISTER: -- your question regarding *Brannon*.
3 I'm just reading that case.

4 THE COURT: Are you -- I know it's different
5 circumstances.

6 MR. MCALLISTER: Right. Right. I think *Brannon* was --
7 the facts indicate he was probably aware of why they were
8 coming, so that's a disingenuous argument. I just think
9 consent is more applicable here. She called law enforcement
10 to the house. She knew it was going to happen if they came
11 back. They told her. You shouldn't get to retreat into your
12 own home after you're told you're under arrest.

13 I agree that there was no physical seizure and she did
14 not physically submit to the arrest, is the element under the
15 majority. I just think the dissent in that case is a more
16 appropriate analysis of what resisting arrest is. I think
17 officers intended in the *Brannon* case to question Brannon.
18 So I think that distinction is also important. They were
19 discussing a Terry seizure, not necessarily a custodial
20 arrest. They intended to do more investigation. I think
21 that's the important distinction between the two cases.

22 They -- in the instant case before you, they intended to
23 arrest the defendant. They told her she was under arrest.
24 All the circumstances should have suggested to her that she
25 was under arrest. A reasonable person would assume the same

1 thing. In the *Brannon* case, they wanted to seize him for the
2 purposes of further investigation, so I think that's the
3 distinction between the two.

4 But I think the dissent more appropriately -- I think
5 that's a more appropriate analysis for this case.

6 THE COURT: So them telling her "If I have to come back
7 here, I'm going to arrest you" -- them telling her that, is
8 she in custody at that time?

9 MR. MCALLISTER: No. And I guess I should be more
10 clear, Judge. I'm not saying at that point -- I think under
11 a totality of the circumstances, that's a factor that should
12 be considered when, upon their second arrival, they told her
13 she was under arrest. If that makes more sense.

14 THE COURT: And I'll ask you -- and I promise I'm going
15 to leave it alone soon.

16 But had they -- when they left and said "If I have to
17 come back here, you call 911 again, I'm going to arrest you,"
18 if she had walked -- hypothetically, if she had walked in the
19 house and the male half of that maybe/maybe not domestic
20 violence situation had attacked her with a baseball bat and
21 she called 911, when they show up, are they going to arrest
22 her?

23 MR. MCALLISTER: I can't answer that question. That's
24 -- she should not be arrested in that circumstance, no.

25 THE COURT: Okay.

1 MS. GEARDING: That's not the facts here, though.

2 THE COURT: I understand that. It's a complete
3 hypothetical.

4 MS. GEARDING: Yeah.

5 THE COURT: But I'm just trying to, like, ascertain
6 where the boundaries are here.

7 MS. GEARDING: Well, I think at that point too, when law
8 enforcement had left and advised her if she had called again
9 that she was going to be placed under arrest, they had
10 already come to the conclusion themselves that nothing was
11 happening inside the home. Whenever she called back again,
12 they were advised that she had called again for the mere
13 purpose of cussing them out. They were not advised that she
14 called again because she actually was being beat at that
15 time. They called again because she had proceeded to call
16 and harass them.

17 THE COURT: Right. I was just saying --

18 MS. GEARDING: Yeah.

19 THE COURT: -- it's a hypothetical --

20 MS. GEARDING: Yeah.

21 THE COURT: -- like we all like to do sometimes.

22 MS. GEARDING: Mm-hmm.

23 THE COURT: Okay. All right. Anything further from the
24 State on that?

25 MS. GEARDING: I'm going to also, your Honor -- I would

1 like to just remind you that the State does believe that
2 exigent circumstances did exist here as well, based on what I
3 have previously just said to you.

4 THE COURT: Thank you.

5 I'll give you the last word.

6 MR. BISCHOFF: Thank you, Judge.

7 I think the video shows when they get there a second
8 time, they actually are by the street for an extended period
9 of time. They don't go right up to the house and tell her
10 that "You're under arrest." I mean, they're out by the
11 street.

12 And you can hear her in the doorway on the video from
13 the street, but she's not -- I mean, she's sort of yelling to
14 them from the doorway. It's not like they tell her "You're
15 under arrest" and then she retreats into the house. She's
16 already in the house. And just opening the door does not
17 mean that she's putting herself essentially in a public place
18 such that if they tell her "You're under arrest," then she's
19 just got to freeze. That's just an illogical way to look at
20 it.

21 And when they hear her yell again in the doorway, they
22 say, "That's it. We're going to go up." And when they tell
23 her "You're under arrest," what I saw in the video is that
24 she was inside her home when they first tell her "We are here
25 and you are under arrest."

1 And I acknowledge that when they left the first time
2 they said, "If you call 911 again, we're going to arrest
3 you." But I don't think that really is part of the analysis.
4 I mean, really we've got to focus in on what are they telling
5 her at the time under the *Brannon* case, that I just read as
6 well.

7 And I think the *Brannon* case stands for the analysis
8 that if they are within arm's reach of someone and they're
9 saying "You're under arrest" and then they flee, then that's
10 resisting arrest. But saying "All right. That's it," and
11 then walking up and then telling her, when the door's closed
12 and she's inside, "You're under arrest" and her opening the
13 door a couple times, I just think that that's a fact that
14 doesn't really have much of a place in the overall analysis
15 under *Brannon*.

16 Just real briefly, Judge, in terms of this analysis of
17 threshold, there would not be the term "threshold" if there
18 were not cases within which the Court is analyzing whether or
19 not someone being in the doorway of their home and not
20 crossing the threshold was significant to the Court. We
21 would not have that term if that was not something that had
22 previously been discussed. And I think what the prosecutor
23 argued was that she agreed that, you know, opening the door
24 in and of itself is not enough to present yourself. The
25 analysis is whether or not that was voluntary or involuntary.

1 There is a case, *United States v. Berkowitz*, and the
2 cite is 927 F.2d 1376. It's a Seventh Circuit case, 1991,
3 where essentially they tackle this issue of warrantless
4 doorway arrests when the defendant is still standing behind
5 the threshold, unless the defendant acquiesces to the arrest.

6 So in that case, it's a case where IRS agents show up.
7 And there is conflicting testimony from the witness stand,
8 but basically, the Court indicated that, as the Court noted
9 in *Payton*, there is no place where a person's expectation of
10 privacy is greater than in his own home. A person does not
11 abandon his privacy interest in his home by opening his door
12 from within to answer a knock.

13 Answering a knock at the door is not an invitation to
14 come in the house. We think society would recognize a
15 person's right to choose to close his door on and exclude
16 people he does not want within his home. The right to
17 exclude is one of the most, if not the most, important
18 components of a person's privacy expectation in his home.

19 So I think what the Court is getting at and the dicta
20 there in the opinion is essentially saying, you know, just
21 because the door is open, that's not really the analysis.
22 The analysis is, Is the threshold crossed in some way? And
23 in that case, I believe they essentially reached in and
24 pulled him out of the house.

25 And then -- I know we keep talking about *Santana*, but I

1 think -- not *Santana*, but there's another case, *Santiago*,
2 where a Judge assesses it from the perspective of answering a
3 doorbell. And you open the door a variety of different ways,
4 but by opening the door in response to a ring or a knock and
5 standing there briefly so that our feet are on the threshold
6 rather than just inside it, we do not abandon our heightened
7 expectation of privacy in our homes and place ourselves in a
8 public place.

9 That is a state case out of Connecticut, 619 A.2d 1132,
10 Connecticut of 1993. I realize that's not as persuasive as a
11 federal case, but nonetheless, the analysis is sort of the
12 same.

13 And that is our main point here is that just opening the
14 door is not sufficient. And I think that your Honor can use
15 your own eyes and your own ears to hear what happens and see
16 what happens. They pull her from inside her home. That's
17 why you see her say, as she's opening the door, "You're not
18 allowed in here." She's not going to say "You're not allowed
19 in here" if she's stepping outside the house. She's not
20 going to say "You're not allowed in here" if she's opening
21 the door to invite them in. She's making it clear "I'm
22 opening the door, but you're not allowed to come in."

23 And then you don't -- you know, the body cam kind of
24 shifts a bit, but you can tell -- I think it's very
25 reasonable to conclude, and somewhat illogical to conclude

1 otherwise, that they pull her out of the house. "Ma'am, step
2 outside." They pull her out and put her in handcuffs.

3 So that is our main, you know, complaint here is that at
4 that point in time, they are reaching across the threshold
5 into someone's home. They don't have to physically intrude
6 in. They don't have to step all the way in. That is the
7 same thing as, you know, barging into the house because the
8 courts have said the analysis is essentially from this
9 perspective of opening the door is not an invitation to come
10 in. And especially it's not an invitation to come in or to
11 pull an individual out of their home when there's all this
12 coercive conduct leading up to that point.

13 THE COURT: All right. Thank you, sir.

14 MR. BISCHOFF: Thank you, Judge.

15 THE COURT: All right. Y'all, we've been at it for
16 quite a while. I know everybody needs a break. I know the
17 court staff needs a break. Would coming back at 4:00 be okay
18 for everybody, or do y'all need a little longer than that?

19 Madam Clerk, would coming back at 4:00 be okay?

20 CLERK OF THE COURT: Yes.

21 THE COURT: Madam Court Reporter, would that be okay?

22 COURT REPORTER: Yes, sir.

23 THE COURT: All right. We'll see y'all at 4:00. Thank
24 you.

25 (Court recessed.)

1 (Court resumed outside the presence of the jury.)

2 THE COURT: Any updates before we get started?

3 MS. GEARDING: No update, your Honor, at this time. We
4 said drug court option, as it's expungeable. I do not
5 believe that that also wants to be taken.

6 THE COURT: Okay.

7 MR. BISCHOFF: Judge, a 30-day misdemeanor option is not
8 available despite my best efforts. We even reached out to
9 the elected solicitor about it. I agree with you; I think
10 that's exactly what this case -- how this case could be
11 resolved. But she said no -- not directly, but indirectly
12 communicated to Ms. Gearding and Mr. McAllister that that was
13 not an option because it's on the trial docket.

14 THE COURT: All right. Well, I sure appreciate you guys
15 trying to get it resolved.

16 All right. Is there anything else to take up right this
17 moment before the motion to dismiss?

18 MR. BISCHOFF: Nothing from the defense, your Honor.

19 THE COURT: Anything?

20 MS. GEARDING: Nothing from the State, your Honor.

21 However, I do believe that as far as it goes, I believe that
22 the motion would be for suppression. And then based on that
23 suppression, then the resisting arrest would be dismissed.

24 MR. BISCHOFF: Judge, my motion is to dismiss the whole
25 case. I mean, I think --

1 THE COURT: That was my read of it.

2 MS. GEARDING: That is not how I understood it. His
3 arguments were based on suppression for a Fourth Amendment
4 violation.

5 THE COURT: Okay. It looks like the motion is titled --
6 and I know it only means so much -- "Motion to Dismiss for
7 Violation of Defendant's Rights Pursuant to Fourth
8 Amendment." Do you -- that's -- I mean, I think that
9 probably encompasses both charges, doesn't it?

10 MS. GEARDING: I believe it is labeled "Motion to
11 Dismiss," but I believe the appropriate remedy for that would
12 be suppression as opposed to a straight-out dismissal for
13 both charges. His only issue is the unconstitutionality of
14 the entrance of the home for the resisting arrest, not
15 necessarily for her calling 911 many times.

16 THE COURT: Okay. So with regard to that, as a
17 threshold matter -- just to touch on a couple of things --
18 one of the deputies testified, and I think correctly so, that
19 law enforcement can make a misdemeanor arrest without a
20 warrant under two circumstances. One is if the offense
21 occurred in their presence. And two is if it's freshly
22 committed. I think that's pretty plain.

23 With regard to what "freshly committed" is, I think the
24 -- I did some looking around, and the *Fradella* case versus
25 *Mount Pleasant* is a case out of this area where they kind of

1 touched on what "freshly committed" was. And that was a DUI
2 case that was on appeal from a magistrate.

3 And what happened was that officers responded to a
4 single-car accident. They get there. They figure out that
5 this guy was the driver; Fradella was the driver. They found
6 someone who gave him a ride from the scene and said he
7 smelled of alcohol. They go to his residence. And then once
8 they get to his residence, the guy admits, "Yeah, that was me
9 driving." And he also tells dispatch, "Yeah, I was the guy
10 driving." They said even though some time had lapsed, they
11 said that suffices for "freshly committed."

12 So here in this particular case, we have the defendant
13 calling 911. She asks for some help multiple times. She
14 admitted to the police that she did when they got there. And
15 they got there a little while -- depending on when we think
16 they were -- when they arrived or when they were informed,
17 but not long after they were actually informed about the
18 case. She had obviously called a good bit before that, but
19 the officers didn't know that until it probably came up on
20 their MDT or they were notified by their dispatcher.

21 So as a threshold issue, I think that the fact that they
22 were able to make an arrest, they could lawfully make an
23 arrest given the right circumstances, I think they could have
24 done that.

25 As to the resisting, looking at the *State versus Brannon*

1 case, and as I said and I was asking the solicitor about it,
2 you know, you have to have the intent to arrest by law
3 enforcement, which I think is present here. You also must
4 have the intention by the defendant to submit, which I think
5 you do not have here. I think clearly she has every
6 intention but submitting to their attempts to arrest her.

7 Being under arrest -- and I looked up the U.S. Supreme
8 Court case *Stanley* (phonetic) *versus U.S.* Being under arrest
9 means being taken into custody or otherwise deprived of
10 freedom of action in any significant way. *Brannon*: There
11 can be no resisting where an arrest never occurred. So with
12 regard to the resisting, I do not believe that meets the
13 elements according to *State versus Brannon*. And I would
14 certainly have to say that that arrest is not proper under
15 these circumstances and under the statute and under the case
16 law.

17 MS. GEARDING: Your Honor, can you give me that case one
18 more time for the "freshly committed"?

19 THE COURT: With the -- oh, freshly committed. I think
20 it's *Fradella*, I believe F-R-A-D-E-L-L-A, *versus Town of*
21 *Mount Pleasant*.

22 MS. GEARDING: Thank you.

23 THE COURT: With regard to the arrest in the threshold
24 of the doorway, there's cases that are all over the place.
25 As a threshold matter there, I find that no exigency existed

1 in this particular case. There was no violence being done.
2 There was no hot pursuit. There was no possibility of the
3 destruction of evidence. The evidence is certainly the
4 recording of the 911 call. There's no danger. She wasn't
5 going to -- she couldn't flee.

6 I took a good read of the *Santana* case. That particular
7 case dealt with a felony arrest after seeing a defendant on
8 the front porch after she had allegedly committed a drug
9 deal. Police approach her. She turns to run with a bag in
10 her hand. There was exigency in that case because of the
11 destruction of evidence and hot pursuit. Those are two
12 exceptions to the warrant requirement for entry into a
13 residence. That arrest actually did start in the public.
14 She was outside on her porch.

15 In this particular case, telling the defendant in this
16 case that she is under arrest through a doorway is not an
17 arrest in public. Telling her that "I'm going to arrest you
18 if I come back" is also not an arrest in public. That
19 doesn't fit.

20 As a matter of fact, law enforcement questions whether
21 they are allowed to go in the residence. That's when I had
22 the tape played the second time, when I had the body cam
23 played the second time. One of the deputies asks the other
24 "Can we go in for an arrest?" I don't know that it was ever
25 answered. I never heard an answer, but it was questioned on

1 the body camera. And so they were at least thinking --

2 And I used to warn my officers about that all the time.
3 Turn your body camera off when you talk to each other. You
4 know, that's investigative techniques.

5 And then further on in questioning, the deputies
6 admitted that they could not have kicked the door down. They
7 didn't have cause to do that, which means they knew they
8 couldn't go in the house. They didn't have a warrant. There
9 wasn't a warrant issued. They could have gotten a warrant.

10 I think whether the behavior continued doesn't fit in
11 the analysis with regard to exigency and with regard to
12 whether the arrest at the threshold of the doorway was
13 proper.

14 As I said, the cases are all over the place. The
15 *Santana* case I believe is from 1976. The *Payton* case, where
16 the *Payton* rule comes from, is from 1980. It was a U.S.
17 Supreme Court case, and it says that police cannot cross the
18 threshold to make a warrantless arrest. Later in 1990, in
19 the Fourth Circuit, the *McCraw* case that we talked about, a
20 warrantless arrest in a defendant's home is unlawful because
21 opening the door halfway is not consent. It's not consent by
22 the defendant to have the police enter the residence. And
23 another more recent case -- that was Fourth Circuit. Another
24 Fourth Circuit case, *U.S. versus Jones*, warrant required for
25 arrest inside the home even when PC exists, absent exigency,

1 which I do not believe we have here.

2 Given those -- I understand the *Santana* case, and I
3 understand what the ruling was there. But there are
4 conflicting cases that are newer. And if I'm going to make a
5 mistake, I'm going to make a mistake -- I'm going to err on
6 the side of a defendant in a criminal case.

7 I find that that arrest was not proper because on the
8 video, they had to reach into the door to get her out of the
9 residence. And I would liken that to someone walking up to
10 an open window in a house and grabbing a piece of jewelry or
11 a firearm off the counter. Is that a burglary? I think it
12 is. And so from no more of an entry than that, that's
13 exactly what the officers did here. They just reached in and
14 grabbed her. I mean, that was quite clear from the body
15 camera. So I find that that arrest was improper as well.

16 As a result, is there anything further with regard to
17 those two matters?

18 MS. GEARDING: Nothing further from the State.

19 THE COURT: All right. Thank you, ma'am.

20 Anything from the defense?

21 MR. BISCHOFF: Your Honor, do I need to draft an order?

22 THE COURT: Is the State --

23 MR. BISCHOFF: I'm happy to --

24 THE COURT: Do y'all believe you can proceed?

25 MS. GEARDING: Yeah.

1 THE COURT: Okay. All right. Yes, if you'll draft the
2 order. Make sure they get a copy of it, and then get it to
3 me.

4 MR. BISCHOFF: Thank you, Judge.

5 THE COURT: All right. Thank you.

6 (End of proceedings.)
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CERTIFICATE OF REPORTER

State of South Carolina

County of Charleston

I, Jamie L. Bickett, an Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had and evidence introduced in the hearing of the captioned case in the Ninth Judicial Circuit, the Court of General Sessions for Charleston County, South Carolina.



Official Court Reporter

Dated this 5th day
of September, 2024.

ARREST WARRANT

2023A1010204049

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

THE STATE
against

Elisabeth Anne Germain

Address: [REDACTED]

Charleston, SC 29412-9704

Phone: [REDACTED] SSN: [REDACTED]

Sex: F Race: W Height: 5 2 Weight: 102

DL State: SC DL #: [REDACTED]

DOB: [REDACTED] Agency ORI #: SC0100000

Prosecuting Agency: Charleston County Sheriff

Prosecuting Officer: Brandon T Duritsa - S02195

Offense: Telephone / Use of 911 number unlawfully

Offense Code: 1298

Code/Ordinance Sec: 23-47-0080

This warrant is **CERTIFIED FOR SERVICE** in the
☐ County/ ☐ Municipality ofThe accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date: [REDACTED]

RETURN

A copy of this arrest warrant was delivered to
defendant
on [REDACTED]

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
Charleston County Judicial Center
100 Broad Street, Suite 106
Charleston, SC 29401

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

AFFIDAVIT

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518Personally appeared before me the affiant Brandon T Duritsa who
being duly sworn deposes and says that defendant Elisabeth Anne Germain
did within this county and state on or about 7/19/2023 violate the criminal laws of the
State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Charleston)
in the following particulars:

DESCRIPTION OF OFFENSE: Telephone / Use of 911 number unlawfully

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

Affiant's Address 3691 Leeds Avenue
North Charleston, SC 29405-

Affiant's Telephone [REDACTED]

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 7/19/2023 defendant Elisabeth Anne Germain

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Charleston) as set forth below:

DESCRIPTION OF OFFENSE: Telephone / Use of 911 number unlawfully

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable
Sworn to and subscribed before me
on 7/19/2023

Signature of Issuing Judge (L.S.)

Amanda Haselden

Judge Code: 7412Judge's Address 3831 Leeds Avenue, Suite 200
North Charleston, SC 29405-Judge's Telephone (843)746-9822Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

BAIL set by

WITNESSES

Judge Haselden
on 7/19/2023
Type and Amount: \$10,000⁰⁰/PR
Name of Surety: _____

Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____



PRELIMINARY HEARING held by

Judge _____
on _____
Defendant Attorney: _____
Decision: _____

Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____

DISPOSITION before

Judge _____
on _____
by _____
(indicate jury trial, bench trial, plea, nol. pros., etc.)
Disposition: _____
Sentence: _____

Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____

JURORS

Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____

CODEFENDANTS

BY

2023 JUL 26 AM 11:11
JULIE J. ARMSTRONG
CLERK OF COURT

FILED

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

AFFIDAVIT
OCA# 2023-009155
WARRANT # _____

Personally appeared before me, one  who, first being duly sworn, deposes and says that

ELISABETH GERMAIN

did within this county and state on the 19th day of July, violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE
UNLAWFUL USE OF THE 911 EMERGENCY SYSTEMS
23-47-80

The affiant states that there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based on the following facts:

That on July 19, 2023, while at [REDACTED], James Island, SC in Charleston county and State aforesaid, the above named defendant, **Elisabeth Germain**, did commit the offense of violation section **23-47-80** of the South Carolina State Code of Laws, 1976, as amended, **Unlawful Use Of The 911 Emergency System**, in that she did willfully and unlawfully call the Charleston County 911 emergency telephone number six times while using profane and vulgar language, providing false information, as well as tied up emergency services.

Facts to establish the same are that the defendant, **Elisabeth Germain**, called the 911 system six times on July 19th, 2023, during the hours of 0009, 0034, 0040, 0047, and 0105. The defendant was yelling and using profanities towards 911 dispatch multiple times each time she called 911. The defendant stated that she was in fear for her safety from her boyfriend, and that the Charleston County deputies were no help for her. As deputies arrived at the residence, the defendant continued to be noncompliant and uncooperative with deputies. The defendant would then state that she was okay and wanted deputies to leave. Following deputies departing based off of the defendant's request, the defendant would then call 911 dispatch in the same manner as prior 911 calls for the final time, leading to her being charged and arrested for **Unlawful Use of The 911 Emergency System**.

This is based on an official investigation conducted by Deputy Duritsa of the Charleston County Sheriff's Office. All of which is against the form of the statute as such cases made and provided.

Sworn to Subscribed before me
this 19 day of July 2023.


Signature of Judge


Affiant

Address: 3691 Leeds Avenue
North Charleston SC 29405
Phone: (843) 202-1700

ARREST WARRANT

2023A1010204050

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

THE STATE
against

Elisabeth Anne Germain

Address:

Charleston, SC 29412-9704

Phone: SSN: [REDACTED]
Sex: F Race: W Height: 5 2 Weight: 102

DL State: SC DL #: [REDACTED]

DOB: [REDACTED] Agency ORI #: SC0100000

Prosecuting Agency: Charleston County Sheriff

Prosecuting Officer: Brandon T Duritsa - S02195

Offense: Resisting / Resisting Arrest; Oppose or resist law
enforcement officer serving process or making

Offense Code: 0326

Code/Ordinance Sec: 16-09-0320(A)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality ofThe accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant
on

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
Charleston County Judicial Center
100 Broad Street, Suite 106
Charleston, SC 29401

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

Personally appeared before me the affiant Brandon T Duritsa who
being duly sworn deposes and says that defendant Elisabeth Anne Germain
did within this county and state on or about 7/19/2023 violate the criminal laws of the
State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Charleston)
in the following particulars:

DESCRIPTION OF OFFENSE: Resisting / Resisting Arrest; Oppose or resist law enforcement officer serving process or making arrest

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

Affiant's Address 3691 Leeds Avenue
North Charleston, SC 29405-

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 7/19/2023 defendant Elisabeth Anne Germain

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Charleston) as set forth below:DESCRIPTION OF OFFENSE: Resisting / Resisting Arrest; Oppose or resist law enforcement officer serving process or making
arrestHaving found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable
Sworn to and subscribed before me

on 7/19/2023

Signature of Issuing Judge (L.S.)
Amanda Haselden

Judge Code: 7412

Judge's Address 3831 Leeds Avenue, Suite 200
North Charleston, SC 29405-

Judge's Telephone (843) 746-9822

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCGA 518

BAIL set by

WITNESSES



Judge Haseeldin
on 7/19/2023
Type and Amount: \$10,000⁰⁰/PR
Name of Surety: _____

Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____

PRELIMINARY HEARING held by

Judge _____
on _____
Defendant Attorney: _____
Decision: _____

Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____

DISPOSITION before

Judge _____
on _____
by _____
(indicate jury trial, bench trial, plea, nol. pros., etc.)
Disposition: _____
Sentence: _____

Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____

JURORS

Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____

CODEFENDANTS

2023 JUL 26 AM 11:11
JULIE J. ARMSTRONG
CLERK OF COURT

FILED

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

AFFIDAVIT
OCA# 2023-09155
WARRANT # _____

Personally appeared before me, one _____
says that



ELISABETH GERMAIN

did within this county and state on the 19th day of July 2023, violate the criminal laws of the State of South Carolina in the following particulars:

**DESCRIPTION OF OFFENSE
RESISTING ARREST
VIOLATION OF SECTION 16-9-320**

The Affiant states that there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based on the following facts:

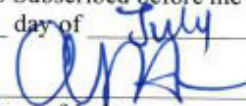
That on July 19th 2023 at 0115 hours, while at _____ in James Island, SC in Charleston County, within the county and state aforesaid, the defendant, **Elisabeth Germain**, did violate section **16-9-320** of the South Carolina Code of Laws of 1976, as amended, **Resisting Arrest**, in that he did knowingly and willfully oppose and resist law enforcement officers who were attempting to arrest her on misuse of 911.

Facts to establish the same are that the defendant, **Elisabeth Germain**, misused 911 six times on July 19, 2023, during the hours of 0009, 0034, 0040, 0047, and 0105. The defendant stated that she was in fear for her safety from her boyfriend, and that the Charleston County deputies were no help for her. As deputies arrived at the residence, the defendant continued to be noncompliant and uncooperative with deputies. The defendant would then state that she was okay and wanted deputies to leave. Following deputies departing based off the defendant's request, the defendant would then call 911 dispatch in the same manner as prior 911 calls for the final time. Deputies would then return to the defendant's address and advised her that she was under arrest for Unlawful Use of the 911 Emergency System. Based on her actions, of her repeatedly closing the door on law enforcement, willfully opposing them and their abilities to place her under arrest. Once the defendant opened the door to taunt deputies, deputies were able to place the defendant into custody.

This is based on an official investigation conducted by Deputy Duritsa of the Charleston County Sheriff's Office.

Sworn to Subscribed before me
this 19 day of July 2019.

Signature of Judge



Affiant

Address: 3691 Leeds Avenue
North Charleston SC 29405
Phone: (843) 202-1700



Incident Detail Report

Incident Status Closed
Incident Number 202300453263
Incident Date 7/18/2023 23:38:59

Incident Information

Incident Type: 114D
Priority: LP2_Delta
Determinant: 114D02
Base Response #: 07192023-0015434
Confirmation #:
Taken By: Houston, Melinda M
Response Area: CCSO D9 111
Disposition: LCCN_Call Completed/ No Rep
Cancel Reason:
Incident Status: Closed
Certification:
Longitude: 79954982
MGRS: 17SNS9792221556

Alarm Level:
Problem: 114D02_Verbal Domestic
Agency: Law Enforcement
Jurisdiction: Sheriff_CCSO
Division: SOD9
Battalion: SOD9
Response Plan: LL06
Command Ch:
Primary TAC:
Alternate TAC:
Delay Reason:
Latitude: 32727455
UTM: 17S 597923 3621556

Incident Location

Location Name:
Address: [REDACTED]
Apartment:

Building:
City, State, Zip: JAMES ISLAND, SC 29412

County: CHARLESTON
Location Type:
Cross Street: FIELDS CIR/VALLEY RD
Tow Provider Area: SPA CCSO DIS 9
Map Reference:

Call Receipt

Caller Name: ELISBETH
Method Received:
Caller Type:
Caller Address:
Caller City, State, Zip: ,

Call Back Phone: 518-810-7587
Caller Location:
Caller Apt/Bldg: /
Caller County:

Time Stamps

Description	Date	Time	User
Phone Pickup	7/18/2023	23:38:59	
1st Key Stroke	7/18/2023	23:38:59	
In Pending Queue	7/18/2023	23:39:39	
Call Taking Complete	7/18/2023	23:47:21	Houston, Melinda
1st Unit Assigned	7/19/2023	00:28:53	
1st Unit Enroute	7/19/2023	00:29:01	
1st Unit Arrived	7/19/2023	00:51:33	
Incident Under Control			
Time Sent to Other CAD			
Incident Closed	7/19/2023	01:04:04	Rizzo, Celia R

Elapsed Times

Description	Time
Received to In Queue	00:00:40
Call Taking	00:08:22
In Queue To 1st Assign	00:49:14.8
Call Received to 1st Assign	00:49:54.8
Assigned to 1st Enroute	00:00:07.6
Enroute to 1st Arrived	00:22:32.2
Incident Duration	01:25:05

ANI/ALI Calls

Time Received	Phone Number	Address	City
7/18/2023 11:38 PM	518-810-7587		

Units Assigned

Unit	Assigned	Disposition	Enroute	Staged	Arrived	At Patient	Delay Avail	Complete	Odm. Enroute	Odm. Arrived	Cancel Reason
SO276	7/19/2023 00:28:53		7/19/2023 3 00:29:01		7/19/2023 00:51:33			7/19/2023 01:04:04			
SO245	7/19/2023 00:30:03		7/19/2023 3 00:30:06		7/19/2023 00:51:41			7/19/2023 01:04:04			

Personnel Assigned

Unit	Name
SO276	Duritsa, Brandon (276) (SO120138)
SO245	Hendricks, Michael (245) (SO10813)

Pre-Scheduled Information

No Pre-Scheduled Information

Special Equipment

No Special Equipment

Transports

No Transports

Transport Legs

No Transport Legs

Comments

Date Time User Type Confidential Comment
 This document was created using an EVALUATION version of ActiveReports. Only a licensed user may legally create reports for use in production. Please report infractions or address questions to powersales@grapecity.com.
 Report Generated: 6/26/2022 16:46:05
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7/18/2023	23:38:59	SYS	Response	[1] WIRELESS CALL SHERIFF FIRE-QUERY FOR LO COUNTY EMS
7/18/2023	23:38:59	SYS	Response	[2] additional info W SECTOR
7/18/2023	23:39:20	Automatic by System	Response	
7/18/2023	23:39:21	SYS	Response	[4] additional info W SECTOR
7/18/2023	23:39:21	SYS	Response	[5] WIRELESS CALL SHERIFF FIRE-QUERY FOR LO COUNTY EMS
7/18/2023	23:39:21	SYS	Response	[6] A cellular re-bid has occurred, check the ANI/ALI Viewer for details
7/18/2023	23:39:46	MMH	Response	[7] CALLER ADVD THAT HER PARTNER WILL NOT LEAVE
7/18/2023	23:40:32	MMH	Response	[8] [ProQA: Case Entry Complete] Problem Description: CALLER ADVD HER PARTNER WOULD NOT LEAVE Chief Complaint: 114, CCText: Domestic Disturbance / Violence
7/18/2023	23:41:18	MMH	Response	[9] [ProQA Dispatch] Dispatch Level: 114D02 (Verbal DOMESTIC DISTURBANCE) Response Text: Delta
7/18/2023	23:41:18	MMH	Response	[10] [ProQA: Key Questions] > This incident involves a DOMESTIC DISTURBANCE. > This incident is in progress. > The caller is on scene. > The victim caller is on scene. > No one has access to weapons. > This incident involves a verbal DOMESTIC DISTURBANCE.
7/18/2023	23:42:07	MMH	Response	[11] [ProQA Person Information] Person 1 (Suspect) Info: Race : WHITE, Sex : MALE, Age : 51, Clothing : TSHIRT AND JEANS, Name : MICHAEL FORDNEY
7/18/2023	23:42:37	MMH	Response	[12] [ProQA: Key Questions] > Two people are involved. > The suspect/person is on scene. > The suspect's description is: > No one is reported to be in danger. > There are no children present. > Alcohol or drugs are involved.
7/18/2023	23:47:01	DNP	Response	[13] ADV SO69 PENDING
7/18/2023	23:52:11	MMH	Response	[14] CALLER BACK ON LINE
7/18/2023	23:59:17	CRR	Response	[15] Incident linked to [Law Enforcement] [202300453288]
7/18/2023	23:59:34	SEC	Response	[16] CALLER ADV THEY ARE SEPARATED [Shared]
7/18/2023	23:59:45	CRR	Response	[17] COPY ITS AN EXTENDED ETA [Shared]
7/18/2023	23:59:57	SEC	Response	[18] ADV CALLER OF LINE 12 [Shared]
7/19/2023	00:00:49	CRR	Response	[19] [Law Enforcement] has closed their incident [202300453288]
7/19/2023	00:09:48	SYS	Response	[21] [Appended, 00:11:49] [1] WIRELESS CALL SHERIFF FIRE-QUERY FOR LO COUNTY EMS
7/19/2023	00:09:48	SYS	Response	[22] [Appended, 00:11:49] [2] additional info W SECTOR
7/19/2023	00:09:49	Automatic by System	Response	
7/19/2023	00:10:09	SYS	Response	[24] [Appended, 00:11:49] [4] additional info W SECTOR
7/19/2023	00:10:09	SYS	Response	[25] [Appended, 00:11:49] [5] WIRELESS CALL SHERIFF FIRE-QUERY FOR LO COUNTY EMS
7/19/2023	00:10:09	SYS	Response	[26] [Appended, 00:11:49] [6] A cellular re-bid has occurred, check the ANI/ALI Viewer for details
7/19/2023	00:10:20	CXG	Response	[27] [Appended, 00:11:49] [7] I NEED HELP NOW

7/18/2023	23:39:40	Waiting Pending Incident Time Warning		Waiting Pending Incident Time Warning timer expired	
7/18/2023	23:39:40	Problem Nature		Incident problem nature changed from <Blank> to *Dom Disturb/Viol_In Progress	MMH
7/18/2023	23:39:43	Read Incident		Incident 288 was Marked as Read.	DNP
7/18/2023	23:39:54	Remove Waiting Pending Incident Warning		Removing Waiting Pending Incident Time Warning timer expired	
7/18/2023	23:39:55	Incident in Waiting Queue Timer Clear			
7/18/2023	23:40:24	Incident Late			
7/18/2023	23:40:24	Pending Incident Time Warning		Pending Incident Time Warning timer expired	
7/18/2023	23:41:18	ProQA		ProQA determinant sent	MMH
7/18/2023	23:42:07	Supplemental Information		Supplemental Person record 1329288 - Suspect was added for MICHAEL FORDNEY	MMH
7/18/2023	23:59:18	Linked Incident		Incident link created from [Law Enforcement] Inc # [202300453288]	CRR
7/19/2023	00:11:49	Linked Incident		Incident link created for [Law Enforcement] Inc # [202300453303]	CRR
7/19/2023	00:11:49	Supplemental Information		Supplemental Person record 1329297 - was added for VERIZON	CRR
7/19/2023	00:11:49	Append Incident		Dispatcher Appended [202300453303] to this incident	CRR
7/19/2023	00:28:53	Incident Timer Clear		Incident Late Timer cleared for 202300453263	CRR
7/19/2023	00:28:53	SO276	Dispatched	EVANS WAY\RIVER RD [REDACTED] Response Number: 07192023-0015434;	CRR
7/19/2023	00:28:53	SO276	Update Sector	[REDACTED] From Sector SOD10 to SOD9	CRR
7/19/2023	00:29:01	SO276	Responding	[REDACTED] Responding From = EVANS WAY\RIVER RD.	CRR
7/19/2023	00:30:03	SO245	Dispatched	EVANS WAY\RIVER RD [REDACTED] Response Number: 07192023-0015435;	CRR
7/19/2023	00:30:03	SO245	Update Sector	[REDACTED] From Sector SOD10 to SOD9	CRR
7/19/2023	00:30:06	SO245	Responding	[REDACTED] Responding From = EVANS WAY\RIVER RD.	CRR
7/19/2023	00:36:43		Linked Incident	[REDACTED] Incident link created for [Law Enforcement] Inc # [202300453330]	CRR
7/19/2023	00:36:43		Supplemental Information	[REDACTED] Supplemental Person record 1329302 - was added for ELISBETH	CRR

7/19/2023	00:36:43		Append Incident		Dispatcher Appended [202300453330] to this incident	CRR
7/19/2023	00:39:07	SO276	Route Deviation	RIVERLAND DR\DAWSON RD	Unit SO276 deviated from original driving directions route	SO276
7/19/2023	00:44:17		Linked Incident		Incident link created for [Law Enforcement] Inc # [202300453340]	CRR
7/19/2023	00:44:18		Supplemental Information		Supplemental Person record 1329304 - was added for VERIZON	CRR
7/19/2023	00:44:18		Append Incident		Dispatcher Appended [202300453340] to this incident	CRR
7/19/2023	00:50:19		Linked Incident		Incident link created for [Law Enforcement] Inc # [202300453357]	CRR
7/19/2023	00:50:19		Supplemental Information		Supplemental Person record 1329307 - was added for ELISBETH	CRR
7/19/2023	00:50:19		Append Incident		Dispatcher Appended [202300453357] to this incident	CRR
7/19/2023	00:51:33	SO276	At Scene			CRR
7/19/2023	00:51:41	SO245	At Scene			CRR
7/19/2023	00:54:34		Incident Late		Active incident marked as late	
7/19/2023	00:58:56		Premise History Access		Premise History Viewed	CRR
7/19/2023	01:04:04	SO276	Available		Unit Cleared From Incident 202300453263	CRR
7/19/2023	01:04:04	SO276	Available		„BELLIGERANTLY DRUNK NO EVIDENCE ML IS EVEN IN THE HOME ADV OF MISUSE OF 911	CRR
7/19/2023	01:04:04	SO245	Available		Unit Cleared From Incident 202300453263	CRR
7/19/2023	01:04:04		Incident Timer Clear		Incident Late Timer cleared for 202300453263	CRR
7/19/2023	01:04:04	SO245	Response Closed		Response Disposition: LCCN_Call Completed/ No Rep	CRR
7/19/2023	01:04:04	SO245	Available		„BELLIGERANTLY DRUNK NO EVIDENCE ML IS EVEN IN THE HOME ADV OF MISUSE OF 911	CRR

Edit Log

Date	Time	Field	Changed From	Changed To	Reason	Table	Workstation	User
7/18/2023	23:38:58	Agency Name		Law Enforcement	(Response Viewer)	Incident	911DSP18	MMH
7/18/2023	23:38:59	Longitude	0	79954797	Entry Selected/R eturned	Response_Master_Incident	911DSP18	MMH

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7/18/2023	23:38:59	Latitude	0	32727099	from GeoLocato r Entry Selected/R eturned from GeoLocato r	Response_Master_Incident	911DSP18	MMH
7/18/2023	23:38:59	City		JAMES ISLAND	Updated City	Response_Master_Incident	911DSP18	MMH
7/18/2023	23:38:59	Address	32° 43'37.56"N / 079° 57'17.27"W	1358 VALLEY RD	Entry Selected/R eturned from GeoLocato r	Response_Master_Incident	911DSP18	MMH
7/18/2023	23:38:59	ResponsePlanType	0	0	(Response Viewer)	Response_Master_Incident	911DSP18	MMH
7/18/2023	23:38:59	Response_Area	CCSO D9 111	CCSO D9 111	(Response Viewer)	Response_Master_Incident	911DSP18	MMH
7/18/2023	23:38:59	Battalion	SOD9	SOD9	(Response Viewer)	Response_Master_Incident	911DSP18	MMH
7/18/2023	23:38:59	Division	SOD9	SOD9	(Response Viewer)	Response_Master_Incident	911DSP18	MMH
7/18/2023	23:38:59	Jurisdiction	Sheriff_CCSO	Sheriff_CCSO	(Response Viewer)	Response_Master_Incident	911DSP18	MMH
7/18/2023	23:38:59	Address	(Blank)	32° 43'37.56"N / 079° 57'17.27"W	New Entry	Response_Master_Incident	911DSP18	MMH
7/18/2023	23:38:59	Call Back Phone		518-810- 7587	(Response Viewer)	Incident	911DSP18	MMH
7/18/2023	23:38:59	Unread Comment	False	True	(Response Viewer)	Incident	911DSP18	MMH
7/18/2023	23:39:11	Address	1358 VALLEY RD	1054 HINE	Address Change	Response_Master_Incident	911DSP18	MMH
7/18/2023	23:39:20	Longitude	79954797	79954982	Change Verified	Response_Master_Incident	911DSP18	MMH
7/18/2023	23:39:20	Latitude	32727099	32727455	Change Verified	Response_Master_Incident	911DSP18	MMH
7/18/2023	23:39:20	City		JAMES ISLAND	Updated City	Response_Master_Incident	911DSP18	MMH
7/18/2023	23:39:20	Address	1054 HINE		Change Verified	Response_Master_Incident	911DSP18	MMH
7/18/2023	23:39:20	ResponsePlanType	0	0	(Response Viewer)	Response_Master_Incident	911DSP18	MMH
7/18/2023	23:39:20	ResponsePlanType	0	0	(Response Viewer)	Response_Master_Incident	911DSP18	MMH
7/18/2023	23:39:20	Response_Area	CCSO D9 111	CCSO D9 111	(Response Viewer)	Response_Master_Incident	911DSP18	MMH
7/18/2023	23:39:20	Battalion	SOD9	SOD9	(Response Viewer)	Response_Master_Incident	911DSP18	MMH

7/18/2023	23:39:20	Division	SOD9	SOD9	Viewer) (Response Viewer)	Response_Master_Incident	911DSP18	MMH
7/18/2023	23:39:20	Jurisdiction	Sheriff_CCSC	Sheriff_CCSC	(Response Viewer)	Response_Master_Incident	911DSP18	MMH
7/18/2023	23:39:39	Problem		*Dom Disturb/Viol_In Progress	(Response Viewer)	Response_Master_Incident	911DSP18	MMH
7/18/2023	23:39:43	Read Call	False	True	(Response Viewer)	Response_Master_Incident	911DSP26	DNP
7/18/2023	23:40:14	Caller_Name	VERIZON	ELISBETH	(Response Viewer)	Response_Master_Incident	911DSP18	MMH
7/18/2023	23:40:15	Pro Qa Case Number Police		8855288	(Response Viewer)	Incident	911DSP18	MMH
7/18/2023	23:41:18	CIS_Used	0	null	(Response Viewer)	Response_Master_Incident	911DSP18	MMH
7/18/2023	23:41:18	EMD_Used	0	1	(Response Viewer)	Response_Master_Incident	911DSP18	MMH
7/18/2023	23:41:18	Determinant		114D02	(Response Viewer)	Response_Master_Incident	911DSP18	MMH
7/18/2023	23:41:18	Problem	*Dom Disturb/Viol_In Progress	114D02_Verbal Domestic	Updated by ProQA	Response_Master_Incident	911DSP18	MMH
7/18/2023	23:43:04	CIS_Used	0	null	(Response Viewer)	Response_Master_Incident	911DSP18	MMH
7/18/2023	23:43:04	Pro QA Termination State Code		C	(Response Viewer)	Incident	911DSP18	MMH
7/18/2023	23:43:04	ProQATerminationStateCode		C	(Response Viewer)	Incident	911DSP18	MMH

Custom Time Stamps

No Custom Time Stamps

Custom Data Fields

No Custom Data Fields

Case Number

No Case Numbers

Attachments

No Attachments

Dispositions

Date	Time	Unit	Disposition	User
7/19/2023	01:04:04	SO276	LCCN_Call Completed/ No Rep	CRR
7/19/2023	01:04:04		LCCN_Call Completed/ No Rep	CRR

Supplemental Person

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Name	Date of Birth	License Number	License State	Street Address	Apt.	City	State	Zip	Phone	SSN
------	---------------	----------------	---------------	----------------	------	------	-------	-----	-------	-----

FORDNEY,
MICHAEL

Gender	M	Race	White	Hair Color	Eye Color
--------	---	------	-------	------------	-----------

Weapon	Age	51	Flight Direction
Hat	Min Age		Flight Mode
Jacket	Max Age		

Shirt	Height	Characteristics
Pants	Min Height	Comments
Shoes	Max Height	Description

Clothes: TSHIRT AND JEANS
Suspect

Facial	Weight
Glasses	Min Weight
Build	Max Weight

VERIZON,

518-810-7587

Gender	Race	Hair Color	Eye Color
--------	------	------------	-----------

Weapon	Age	Flight Direction
Hat	Min Age	Flight Mode
Jacket	Max Age	

Shirt	Height	Characteristics
Pants	Min Height	Comments
Shoes	Max Height	Description

Facial	Weight
Glasses	Min Weight
Build	Max Weight

ELISBETH,

518-810-7587

Gender	Race	Hair Color	Eye Color
--------	------	------------	-----------

Weapon	Age	Flight Direction
Hat	Min Age	Flight Mode
Jacket	Max Age	

Shirt	Height	Characteristics
Pants	Min Height	Comments
Shoes	Max Height	Description

Facial	Weight
Glasses	Min Weight
Build	Max Weight

VERIZON,

518-810-7587

Gender	Race	Hair Color	Eye Color
Weapon		Age	Flight Direction
Hat		Min Age	Flight Mode
Jacket		Max Age	
Shirt		Height	Characteristics
Pants		Min Height	Comments
Shoes		Max Height	Description
Facial		Weight	
Glasses		Min Weight	
Build		Max Weight	

ELISBETH,

518-810-7587

Gender	Race	Hair Color	Eye Color
Weapon		Age	Flight Direction
Hat		Min Age	Flight Mode
Jacket		Max Age	
Shirt		Height	Characteristics
Pants		Min Height	Comments
Shoes		Max Height	Description
Facial		Weight	
Glasses		Min Weight	
Build		Max Weight	

Supplemental Property

No Supplemental Property

Supplement Vehicle

No Supplemental Vehicles

Supplemental Weapon

No Supplemental Weapons

Incident Detail Report

Incident Status Closed
Incident Number 202300453288
Incident Date 7/18/2023 23:58:09

Incident Information

Incident Type: 114D
Priority: LP2_Delta
Determinant:
Base Response #:
Confirmation #:
Taken By: Clifton, Sarah E
Response Area: CCSO D9 111
Disposition: L2_Unneeded Spawned Call
Cancel Reason: LDC_Duplicate Call
Incident Status: Closed
Certification:
Longitude: 79954982
MGRS: 17SNS9792221556

Alarm Level:
Problem: *Dom Disturb/Viol_In Progress
Agency: Law Enforcement
Jurisdiction: Sheriff_CCSO
Division: SOD9
Battalion: SOD9
Response Plan: LL06
Command Ch:
Primary TAC:
Alternate TAC:
Delay Reason:
Latitude: 32727455
UTM: 17S 597923 3621556

Incident Location

Location Name:
Address: [REDACTED]
Apartment:

Building:
City, State, Zip: JAMES ISLAND, SC 29412

County: CHARLESTON
Location Type:
Cross Street: FIELDS CIR/VALLEY RD
Tow Provider Area: SPA CCSO DIS 9
Map Reference:

Call Receipt

Caller Name: ELISBETH
Method Received:
Caller Type:
Caller Address:
Caller City, State, Zip: ,

Call Back Phone: 518-810-7587
Caller Location:
Caller Apt/Bldg: /
Caller County:

Time Stamps

Description	Date	Time	User
Phone Pickup	7/18/2023	23:58:08	
1st Key Stroke	7/18/2023	23:58:09	
In Pending Queue	7/18/2023	23:58:42	
Call Taking Complete	7/19/2023	00:00:00	Clifton, Sarah E
1st Unit Assigned			
1st Unit Enroute			
1st Unit Arrived			
Incident Under Control			
Time Sent to Other CAD			
Incident Closed	7/19/2023	00:00:49	Rizzo, Celia R

Elapsed Times

Description	Time
Received to In Queue	00:00:33
Call Taking	00:01:51
In Queue To 1st Assign	
Call Received to 1st Assign	
Assigned to 1st Enroute	
Enroute to 1st Arrived	
Incident Duration	00:02:41

ANI/ALI Calls

Time Received	Phone Number	Address	City
7/18/2023 11:58 PM	518-810-7587		

Units Assigned

No Units Assigned

Personnel Assigned

No Personnel Assigned

Pre-Scheduled Information

No Pre-Scheduled Information

Special Equipment

No Special Equipment

Transports

No Transports

Transport Legs

No Transport Legs

Comments

Date	Time	User	Type	Confidential	Comment
7/18/2023	23:58:08	SYS	Response		[1] WIRELESS CALL SHERIFF FIRE-QUERY FOR LO COUNTY EMS
7/18/2023	23:58:08	SYS	Response		[2] additional info W SECTOR
7/18/2023	23:58:09	Automatic by System	Response		[3] [Address: 1054 HONEYSUCKLE LN] [Medium] [Dispatch Info]
7/18/2023	23:58:29	SYS	Response		[4] additional info W SECTOR
7/18/2023	23:58:29	SYS	Response		[5] WIRELESS CALL SHERIFF FIRE-QUERY FOR LO COUNTY EMS
7/18/2023	23:58:29	SYS	Response		[6] A cellular re-bid has occurred, check the ANI/ALI Viewer for details

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7/18/2023	23:58:45	SEC	Response	[7] [Notification] [Law Enforcement]-Problem changed from *Disturbance/Nuisance_In Progr to *Dom Disturb/Viol_In Progress by Law Enforcement
7/18/2023	23:59:05	SEC	Response	[8] CALLER BACK ON THE LINE
7/18/2023	23:59:17	SEC	Response	[9] CALLER WONDERING WHY OFFICERS ARE NOT THERE YET
7/18/2023	23:59:17	CRR	Response	[10] Incident linked to [Law Enforcement] [202300453263]
7/18/2023	23:59:34	SEC	Response	[11] CALLER ADV THEY ARE SEPARATED [Shared]
7/18/2023	23:59:45	CRR	Response	[12] COPY ITS AN EXTENDED ETA [Shared]
7/18/2023	23:59:57	SEC	Response	[13] ADV CALLER OF LINE 12 [Shared]
7/19/2023	00:09:48	SYS	Response	[14] [Appended, 00:11:49] [1] WIRELESS CALL SHERIFF FIRE-QUERY FOR LO COUNTY EMS [Shared]
7/19/2023	00:09:48	SYS	Response	[15] [Appended, 00:11:49] [2] additional Info W SECTOR [Shared]
7/19/2023	00:09:49	Automatic by System	Response	[16] [Appended, 00:11:49] [3] [Address: [REDACTED]]
7/19/2023	00:10:09	SYS	Response	[17] [Appended, 00:11:49] [4] additional info W SECTOR [Shared]
7/19/2023	00:10:09	SYS	Response	[18] [Appended, 00:11:49] [5] WIRELESS CALL SHERIFF FIRE-QUERY FOR LO COUNTY EMS [Shared]
7/19/2023	00:10:09	SYS	Response	[19] [Appended, 00:11:49] [6] A cellular re-bid has occurred, check the ANI/ALI Viewer for details [Shared]
7/19/2023	00:10:20	CXG	Response	[20] [Appended, 00:11:49] [7] I NEED HELP NOW [Shared]
7/19/2023	00:10:22	CXG	Response	[21] [Appended, 00:11:49] [8] CALL BACK ON LINE [Shared]
7/19/2023	00:10:45	CRR	Response	[22] [Appended, 00:11:49] [9] WHAT HAS CHANGED [Shared]
7/19/2023	00:10:51	CXG	Response	[23] [Appended, 00:11:49] [10] ITS GETTING VIOLENT NOW [Shared]
7/19/2023	00:11:00	CRR	Response	[24] [Appended, 00:11:49] [11] KEEP SEPARATED [Shared]
7/19/2023	00:11:12	CXG	Response	[25] [Appended, 00:11:49] [12] I NEED SOMEONE TO GET TO ME NOW AND NOW AND NOW2 [Shared]
7/19/2023	00:11:16	CXG	Response	[26] [Appended, 00:11:49] [13] CALLER HUNG UP [Shared]
7/19/2023	00:34:50	SYS	Response	[27] [Appended, 00:36:43] [1] WIRELESS CALL SHERIFF FIRE-QUERY FOR LO COUNTY EMS [Shared]
7/19/2023	00:34:50	SYS	Response	[28] [Appended, 00:36:43] [2] additional info W SECTOR [Shared]
7/19/2023	00:34:51	Automatic by System	Response	[29] [Appended, 00:36:43] [3] [Address: [REDACTED]]
7/19/2023	00:35:11	SYS	Response	[30] [Appended, 00:36:43] [4] additional info W SECTOR [Shared]
7/19/2023	00:35:11	SYS	Response	[31] [Appended, 00:36:43] [5] WIRELESS CALL SHERIFF FIRE-QUERY FOR LO COUNTY EMS [Shared]
7/19/2023	00:35:11	SYS	Response	[32] [Appended, 00:36:43] [6] A cellular re-bid has occurred, check the ANI/ALI Viewer for details [Shared]
7/19/2023	00:35:19	SEC	Response	[33] [Appended, 00:36:43] [7] CALLER BACK ON THE LINE AGAIN [Shared]
7/19/2023	00:35:24	SEC	Response	[34] [Appended, 00:36:43] [8] ADVD OFFICERS ENR [Shared]
7/19/2023	00:35:31	CRR	Response	[35] [Appended, 00:36:43] [9] TY [Shared]
7/19/2023	00:40:51	SYS	Response	[36] [Appended, 00:44:17] [1] WIRELESS CALL SHERIFF FIRE-QUERY FOR LO COUNTY EMS [Shared]
7/19/2023	00:40:51	SYS	Response	[37] [Appended, 00:44:17] [2] additional info W SECTOR [Shared]
7/19/2023	00:40:52	Automatic by System	Response	[38] [Appended, 00:44:17] [3] [Address: [REDACTED]]

7/19/2023	00:41:09	KAG	Response	[39] [Appended, 00:44:17] [4] 911 OPEN LINE [Shared]
7/19/2023	00:41:26	Automatic by System	Response	[40] [Appended, 00:44:17] [5] [Address: [REDACTED]]
7/19/2023	00:41:29	KAG	Response	[41] [Appended, 00:44:17] [6] RAPID SOS LOC [Shared]
7/19/2023	00:42:07	KAG	Response	[42] [Appended, 00:44:17] [7] https://www.smart911.com/dispatch/tinyURL/Ga62opd1Nt [Shared]
7/19/2023	00:43:53	KAG	Response	[43] [Appended, 00:44:17] [8] CT ATT CB [Shared]
7/19/2023	00:44:02	CRR	Response	[44] [Appended, 00:44:17] [9] DUP FOR DOMESTIC [Shared]
7/19/2023	00:47:57	SYS	Response	[45] [Appended, 00:50:19] [1] WIRELESS CALL SHERIFF FIRE-QUERY FOR LO COUNTY EMS [Shared]
7/19/2023	00:47:57	SYS	Response	[46] [Appended, 00:50:19] [2] additional info [Shared]
7/19/2023	00:48:22	SYS	Response	[47] [Appended, 00:50:19] [3] additional info [Shared]
7/19/2023	00:48:22	SYS	Response	[48] [Appended, 00:50:19] [4] WIRELESS CALL SHERIFF FIRE-QUERY FOR LO COUNTY EMS [Shared]
7/19/2023	00:48:22	SYS	Response	[49] [Appended, 00:50:19] [5] A cellular re-bid has occurred, check the ANI/ALI Viewer for details [Shared]
7/19/2023	00:48:48	SYS	Response	[50] [Appended, 00:50:19] [6] additional info [Shared]
7/19/2023	00:48:48	SYS	Response	[51] [Appended, 00:50:19] [7] WIRELESS CALL SHERIFF FIRE-QUERY FOR LO COUNTY EMS [Shared]
7/19/2023	00:48:48	SYS	Response	[52] [Appended, 00:50:19] [8] A cellular re-bid has occurred, check the ANI/ALI Viewer for details [Shared]
7/19/2023	00:49:02	Automatic by System	Response	[53] [Appended, 00:50:19] [9] [Address: [REDACTED]]
7/19/2023	00:49:20	SEC	Response	[54] [Appended, 00:50:19] [10] CALLER BACK ON THE LINE [Shared]
7/19/2023	00:49:24	SEC	Response	[55] [Appended, 00:50:19] [11] CALLER UPSET AND CUSSING [Shared]
7/19/2023	00:49:31	SEC	Response	[56] [Appended, 00:50:19] [12] CALLER ADV SHE IS IN DANGER [Shared]
7/19/2023	00:49:53	SEC	Response	[57] [Appended, 00:50:19] [13] WHEN CT ASKS IF SHE CAN LEAVE SHE SAYS "WHY SHOULD I" [Shared]
7/19/2023	00:50:03	SEC	Response	[58] [Appended, 00:50:19] [14] CALLER HUNG UP ON CT [Shared]
7/19/2023	01:04:04	CRR	Response	[59] SO276 „BELLIGERANTLY DRUNK NO EVIDENCE ML IS EVEN IN THE HOME ADV OF MISUSE OF 911 [Shared]
7/19/2023	01:04:04	CRR	Response	[60] [Law Enforcement] has closed their incident [202300453263]

Address Changes

No Address Changes

Priority Changes

No Priority Changes

Transport Changes

No Transport Changes

Transport Priority Changes

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No Transport Priority Changes

Alarm Level Changes

No Alarm Level Changes

Activity Log

Date	Time	Unit	Activity	Location	Log Entry	User
7/18/2023	23:58:08		RapidSOS		No location records found	RSOS
7/18/2023	23:58:09		Read Comment		Comment for Incident 318 was marked as read.	SEC
7/18/2023	23:58:42		Incident in Waiting Queue			
7/18/2023	23:58:42		ANI/ALI Statistics		INT Insert:Jul 18 2023 23:58:08 / INT SendNP:Jul 18 2023 23:58:08 / WS RecvNP:Jul 18 2023 23:58:08 / WS Process:Jul 18 2023 23:58:42	SEC
7/18/2023	23:58:42		Waiting Pending Incident Time Warning		Waiting Pending Incident Time Warning timer expired	
7/18/2023	23:58:43		Problem Nature		Incident problem nature changed from <Blank> to *Disturbance/Nuisance_In Progr	SEC
7/18/2023	23:58:45		Problem Nature		Incident problem nature changed from *Disturbance/Nuisance_In Progr to *Dom Disturb/Viol_In Progress	SEC
7/18/2023	23:58:52		Read Incident		Incident 318 was Marked as Read.	CRR
7/18/2023	23:58:57		Remove Waiting Pending Incident Warning		Removing Waiting Pending Incident Time Warning timer expired	
7/18/2023	23:58:58		Incident in Waiting Queue Timer Clear			
7/18/2023	23:59:18		Linked Incident		Incident link created for [Law Enforcement] Inc # [202300453263]	CRR
7/18/2023	23:59:27		Incident Late			
7/18/2023	23:59:27		Pending Incident Time Warning		Pending Incident Time Warning timer expired	
7/19/2023	00:00:49		Cancel Response		Cancellation Reason: LDC_Duplicate Call, Response Disposition: L2_Unneeded Spawned Call	CRR

Edit Log

Date	Time	Field	Changed From	Changed To	Reason	Table	Workstation	User
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7/18/2023	23:58:08	Agency Name		Law Enforcement	(Response Viewer)	Incident	911DSP12	SEC
7/18/2023	23:58:08	Call Back Phone		518-810-7587	(Response Viewer)	Incident	911DSP12	SEC
7/18/2023	23:58:09	Longitude	0	79954982	Entry Selected/Returned from GeoLocator	Response_Master_Incident	911DSP12	SEC
7/18/2023	23:58:09	Latitude	0	32727455	Entry Selected/Returned from GeoLocator	Response_Master_Incident	911DSP12	SEC
7/18/2023	23:58:09	City		JAMES ISLAND	Updated City	Response_Master_Incident	911DSP12	SEC
7/18/2023	23:58:09	Address	32° 43'38.84"N / 079° 57'17.94"W		Entry Selected/Returned from GeoLocator	Response_Master_Incident	911DSP12	SEC
7/18/2023	23:58:09	ResponsePlanType	0	0	(Response Viewer)	Response_Master_Incident	911DSP12	SEC
7/18/2023	23:58:09	Response_Area	CCSO D9 111	CCSO D9 111	(Response Viewer)	Response_Master_Incident	911DSP12	SEC
7/18/2023	23:58:09	Battalion	SOD9	SOD9	(Response Viewer)	Response_Master_Incident	911DSP12	SEC
7/18/2023	23:58:09	Division	SOD9	SOD9	(Response Viewer)	Response_Master_Incident	911DSP12	SEC
7/18/2023	23:58:09	Jurisdiction	Sheriff_CCSO	Sheriff_CCSO	(Response Viewer)	Response_Master_Incident	911DSP12	SEC
7/18/2023	23:58:09	Address	(Blank)	32° 43'38.84"N / 079° 57'17.94"W	New Entry	Response_Master_Incident	911DSP12	SEC
7/18/2023	23:58:09	Unread Comment	False	True	(Response Viewer)	Incident	911DSP12	SEC
7/18/2023	23:58:42	Problem		*Disturbance /Nuisance_In Progr	(Response Viewer)	Response_Master_Incident	911DSP12	SEC
7/18/2023	23:58:45	Incident_Type	113D	114D	(Response Viewer)	Response_Master_Incident	911DSP12	SEC
7/18/2023	23:58:45	Response_Plan	LL05	LL06	(Response Viewer)	Response_Master_Incident	911DSP12	SEC
7/18/2023	23:58:45	Problem	*Disturbance/ Nuisance_In Progr	*Dom Disturb/Viol_ In Progress	(Response Viewer)	Response_Master_Incident	911DSP12	SEC
7/18/2023	23:58:52	Read Call	False	True	(Response Viewer)	Response_Master_Incident	911DSP27	CRR
7/18/2023	23:58:57	Caller_Name	VERIZON	ELISBETH	(Response Viewer)	Response_Master_Incident	911DSP12	SEC

Viewer)

Custom Time Stamps

No Custom Time Stamps

Custom Data Fields

No Custom Data Fields

Case Number

No Case Numbers

Attachments

No Attachments

Dispositions

Date	Time	Unit	Disposition	User
7/19/2023	00:00:49		L2_Unneeded Spawned Call	Rizzo, Celia R

Supplemental Person

No Supplemental Persons

Supplemental Property

No Supplemental Property

Supplement Vehicle

No Supplemental Vehicles

Supplemental Weapon

No Supplemental Weapons

Incident Detail Report

Incident Status Closed
Incident Number 202300453303
Incident Date 7/19/2023 00:09:49

Incident Information

Incident Type: 114D
Priority: LP2_Delta
Determinant:
Base Response #:
Confirmation #:
Taken By: Green, Christina X
Response Area: CCSO D9 111
Disposition: LDC_Duplicate Call
Cancel Reason: LDC_Duplicate Call
Incident Status: Closed
Certification:
Longitude: 79954982
MGRS: 17SNS9792221556

Alarm Level:
Problem: 114D02_Verbal Domestic
Agency: Law Enforcement
Jurisdiction: Sheriff_CCSO
Division: SOD9
Battalion: SOD9
Response Plan: LL06
Command Ch:
Primary TAC:
Alternate TAC:
Delay Reason:
Latitude: 32727455
UTM: 17S 597923 3621556

Incident Location

Location Name:
Address:
Apartment:
Building:
City, State, Zip: JAMES ISLAND, SC 29412

County: CHARLESTON
Location Type:
Cross Street: FIELDS CIR/VALLEY RD
Tow Provider Area: SPA CCSO DIS 9
Map Reference:

Call Receipt

Caller Name: VERIZON
Method Received: Emergency Rule 2
Caller Type:
Caller Address:
Caller City, State, Zip: ,

Call Back Phone: 518-810-7587
Caller Location:
Caller Apt/Bldg: /
Caller County:

Time Stamps

Description	Date	Time	User
Phone Pickup	7/19/2023	00:09:48	
1st Key Stroke	7/19/2023	00:09:48	
In Pending Queue	7/19/2023	00:10:12	
Call Taking Complete	7/19/2023	00:11:17	Green, Christina X
1st Unit Assigned			
1st Unit Enroute			
1st Unit Arrived			
Incident Under Control			
Time Sent to Other CAD			
Incident Closed	7/19/2023	00:11:49	Rizzo, Celia R

Elapsed Times

Description	Time
Received to In Queue	00:00:23
Call Taking	00:01:28
In Queue To 1st Assign	
Call Received to 1st Assign	
Assigned to 1st Enroute	
Enroute to 1st Arrived	
Incident Duration	00:02:01

ANI/ALI Calls

Time Received	Phone Number	Address	City
7/19/2023 12:09 AM	518-810-7587		

Units Assigned

No Units Assigned

Personnel Assigned

No Personnel Assigned

Pre-Scheduled Information

No Pre-Scheduled Information

Special Equipment

No Special Equipment

Transports

No Transports

Transport Legs

No Transport Legs

Comments

Date	Time	User	Type	Confidential	Comment
7/19/2023	00:09:48	SYS	Response		[1] WIRELESS CALL SHERIFF FIRE-QUERY FOR LO COUNTY EMS
7/19/2023	00:09:48	SYS	Response		[2] additional info W SECTOR
7/19/2023	00:09:49	Automatic by System	Response		[3] [Address: [REDACTED]] [Medium] [Dispatch Info]
7/19/2023	00:10:09	SYS	Response		[4] additional info W SECTOR
7/19/2023	00:10:09	SYS	Response		[5] WIRELESS CALL SHERIFF FIRE-QUERY FOR LO COUNTY EMS
7/19/2023	00:10:09	SYS	Response		[6] A cellular re-bid has occurred, check the ANI/ALI Viewer for details

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7/19/2023	00:10:20	CXG	Response	[7] I NEED HELP NOW
7/19/2023	00:10:22	CXG	Response	[8] CALL BACK ON LINE
7/19/2023	00:10:45	CRR	Response	[9] WHAT HAS CHANGED
7/19/2023	00:10:51	CXG	Response	[10] ITS GETTING VIOLENT NOW
7/19/2023	00:11:00	CRR	Response	[11] KEEP SEPARATED
7/19/2023	00:11:12	CXG	Response	[12] I NEED SOMEONE TO GET TO ME NOW AND NOW AND NOW2
7/19/2023	00:11:16	CXG	Response	[13] CALLER HUNG UP
7/19/2023	00:11:49	CRR	Response	[14] LINK: [202300453303] to [202300453263] because [202300453303] appends to [202300453263]

Address Changes

No Address Changes

Priority Changes

No Priority Changes

Transport Changes

No Transport Changes

Transport Priority Changes

No Transport Priority Changes

Alarm Level Changes

No Alarm Level Changes

Activity Log

Date	Time	Unit	Activity	Location	Log Entry	User
7/19/2023	00:09:48		Read Comment		Comment for Incident 337 was marked as read.	CXG
7/19/2023	00:09:48		RapidSOS		No location records found	RSOS
7/19/2023	00:10:12		Incident in Waiting Queue			
7/19/2023	00:10:12		ANI/ALI Statistics		INT Insert:Jul 19 2023 00:09:48 / INT SendNP:Jul 19 2023 00:09:48 / WS RecvNP:Jul 19 2023 00:09:48 / WS Process:Jul 19 2023 00:10:12	CXG
7/19/2023	00:10:12		Waiting Pending Incident Time Warning		Waiting Pending Incident Time Warning timer expired	
7/19/2023	00:10:12		Problem Nature		Incident problem nature changed from <Blank> to 114D02_Verbal Domestic	CXG
7/19/2023	00:10:27		Remove Waiting Pending Incident Warning		Removing Waiting Pending Incident Time Warning timer expired	
7/19/2023	00:10:27		Incident in Waiting			

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		Queue Timer Clear	
7/19/2023	00:10:33	Read Incident	Incident 337 was Marked as Read. CRR
7/19/2023	00:10:57	Incident Late	
7/19/2023	00:10:57	Pending Incident Time Warning	Pending Incident Time Warning timer expired
7/19/2023	00:11:49	Cancel Response	██████████ Cancellation Reason: LDC_Duplicate Call, Response Disposition: LDC_Duplicate Call CRR
7/19/2023	00:11:49	Linked Incident	██████████ Incident link created from [Law Enforcement] Inc # [202300453263] CRR
7/19/2023	00:11:49	Append Incident	██████████ Incident closed, Appended to Inc [202300453263] CRR

Edit Log

Date	Time	Field	Changed From	Changed To	Reason	Table	Workstation	User
7/19/2023	00:09:48	Agency Name		Law Enforcement	(Response Viewer)	Incident	911DSP16	CXG
7/19/2023	00:09:48	Call Back Phone		518-810-7587	(Response Viewer)	Incident	911DSP16	CXG
7/19/2023	00:09:48	Unread Comment	False	True	(Response Viewer)	Incident	911DSP16	CXG
7/19/2023	00:09:49	Longitude	0	79954982	Entry Selected/Returned from Geolocator	Response_Master_Incident	911DSP16	CXG
7/19/2023	00:09:49	Latitude	0	32727455	Entry Selected/Returned from Geolocator	Response_Master_Incident	911DSP16	CXG
7/19/2023	00:09:49	City		JAMES ISLAND	Updated City	Response_Master_Incident	911DSP16	CXG
7/19/2023	00:09:49	Address	32° 43'38.84"N / 079° 57'17.94"W	██████████	Entry Selected/Returned from Geolocator	Response_Master_Incident	911DSP16	CXG
7/19/2023	00:09:49	ResponsePlanType	0	0	(Response Viewer)	Response_Master_Incident	911DSP16	CXG
7/19/2023	00:09:49	Response_Area	CCSO D9 111	CCSO D9 111	(Response Viewer)	Response_Master_Incident	911DSP16	CXG
7/19/2023	00:09:49	Battalion	SOD9	SOD9	(Response Viewer)	Response_Master_Incident	911DSP16	CXG
7/19/2023	00:09:49	Division	SOD9	SOD9	(Response Viewer)	Response_Master_Incident	911DSP16	CXG

7/19/2023	00:09:49	Jurisdiction	Sheriff_CC	Sheriff_CC	(Response Viewer)	Response_Master_Incident	911DSP16	CXG
7/19/2023	00:09:49	Address	(Blank)	32° 43'38.84"N / 079° 57'17.94"W	New Entry	Response_Master_Incident	911DSP16	CXG
7/19/2023	00:10:12	Problem		114D02_Verbal Domestic	(Response Viewer)	Response_Master_Incident	911DSP16	CXG
7/19/2023	00:10:33	Read Call	False	True	(Response Viewer)	Response_Master_Incident	911DSP27	CRR
7/19/2023	00:11:00	MethodOfCallRcvd		Emergency Rule 2	(Response Viewer)	Response_Master_Incident	911DSP16	CXG

Custom Time Stamps

No Custom Time Stamps

Custom Data Fields

No Custom Data Fields

Case Number

No Case Numbers

Attachments

No Attachments

Dispositions

Date	Time	Unit	Disposition	User
7/19/2023	00:11:49		LDC_Duplicate Call	CRR

Supplemental Person

No Supplemental Persons

Supplemental Property

No Supplemental Property

Supplement Vehicle

No Supplemental Vehicles

Supplemental Weapon

No Supplemental Weapons

Incident Detail Report

Incident Status Closed
Incident Number 202300453330
Incident Date 7/19/2023 00:34:50

Incident Information

Incident Type: 114D
Priority: LP2_Delta
Determinant:
Base Response #:
Confirmation #:
Taken By: Clifton, Sarah E
Response Area: CCSO D9 111
Disposition: LDC_Duplicate Call
Cancel Reason: LDC_Duplicate Call
Incident Status: Closed
Certification:
Longitude: 79954982
MGRS: 17SNS9792221556

Alarm Level:
Problem: *Dom Disturb/Viol_In Progress
Agency: Law Enforcement
Jurisdiction: Sheriff_CCSO
Division: SOD9
Battalion: SOD9
Response Plan: LL06
Command Ch:
Primary TAC:
Alternate TAC:
Delay Reason:
Latitude: 32727455
UTM: 17S 597923 3621556

Incident Location

Location Name:
Address: [REDACTED]
Apartment:

Building:
City, State, Zip: JAMES ISLAND, SC 29412

County: CHARLESTON
Location Type:
Cross Street: FIELDS CIR/VALLEY RD
Tow Provider Area: SPA CCSO DIS 9
Map Reference:

Call Receipt

Caller Name: ELISBETH
Method Received:
Caller Type:
Caller Address:
Caller City, State, Zip: ,

Call Back Phone: 518-810-7587
Caller Location:
Caller Apt/Bldg: /
Caller County:

Time Stamps

Description	Date	Time	User
Phone Pickup	7/19/2023	00:34:50	
1st Key Stroke	7/19/2023	00:34:50	
In Pending Queue	7/19/2023	00:35:14	
Call Taking Complete	7/19/2023	00:35:33	Clifton, Sarah E
1st Unit Assigned			
1st Unit Enroute			
1st Unit Arrived			
Incident Under Control			
Time Sent to Other CAD			
Incident Closed	7/19/2023	00:36:43	Rizzo, Celia R

Elapsed Times

Description	Time
Received to In Queue	00:00:24
Call Taking	00:00:43
In Queue To 1st Assign	
Call Received to 1st Assign	
Assigned to 1st Enroute	
Enroute to 1st Arrived	
Incident Duration	00:01:53

ANI/ALI Calls

Time Received	Phone Number	Address	City
7/19/2023 12:34 AM	518-810-7587		

Units Assigned

No Units Assigned

Personnel Assigned

No Personnel Assigned

Pre-Scheduled Information

No Pre-Scheduled Information

Special Equipment

No Special Equipment

Transports

No Transports

Transport Legs

No Transport Legs

Comments

Date	Time	User	Type	Confidential	Comment
7/19/2023	00:34:50	SYS	Response		[1] WIRELESS CALL SHERIFF FIRE-QUERY FOR LO COUNTY EMS
7/19/2023	00:34:50	SYS	Response		[2] additional info W SECTOR
7/19/2023	00:34:51	Automatic by System	Response		[3] [Address: [REDACTED]] [Medium] [Dispatch Info]
7/19/2023	00:35:11	SYS	Response		[4] additional info W SECTOR
7/19/2023	00:35:11	SYS	Response		[5] WIRELESS CALL SHERIFF FIRE-QUERY FOR LO COUNTY EMS
7/19/2023	00:35:11	SYS	Response		[6] A cellular re-bid has occurred, check the ANI/ALI Viewer for details

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7/19/2023	00:35:19	SEC	Response	[7] CALLER BACK ON THE LINE AGAIN
7/19/2023	00:35:24	SEC	Response	[8] ADVD OFFICERS ENR
7/19/2023	00:35:31	CRR	Response	[9] TY
7/19/2023	00:36:43	CRR	Response	[10] LINK: [202300453330] to [202300453263] because [202300453330] appends to [202300453263]
7/19/2023	01:04:04	CRR	Response	[11] [Law Enforcement] has closed their incident [202300453263]

Address Changes

No Address Changes

Priority Changes

No Priority Changes

Transport Changes

No Transport Changes

Transport Priority Changes

No Transport Priority Changes

Alarm Level Changes

No Alarm Level Changes

Activity Log

Date	Time	Unit	Activity	Location	Log Entry	User
7/19/2023	00:34:50		RapidSOS		No location records found	RSOS
7/19/2023	00:34:50		Read Comment		Comment for Incident 366 was marked as read.	SEC
7/19/2023	00:35:14		Incident in Waiting Queue			
7/19/2023	00:35:14		ANI/ALI Statistics		INT Insert:Jul 19 2023 00:34:50 / INT SendNP:Jul 19 2023 00:34:49 / WS RecvNP:Jul 19 2023 00:34:49 / WS Process:Jul 19 2023 00:35:14	SEC
7/19/2023	00:35:14		Waiting Pending Incident Time Warning		Waiting Pending Incident Time Warning timer expired	
7/19/2023	00:35:14		Problem Nature		Incident problem nature changed from <Blank> to *Dom Disturb/Viol_In Progress	SEC
7/19/2023	00:35:21		Read Incident		Incident 366 was Marked as Read.	CRR
7/19/2023	00:35:29		Remove Waiting Pending Incident Warning		Removing Waiting Pending Incident Time Warning timer expired	
7/19/2023	00:35:30		Incident in Waiting Queue Timer Clear			

7/19/2023	00:35:59	Incident Late	
7/19/2023	00:35:59	Pending Incident Time Warning	Pending Incident Time Warning timer expired
7/19/2023	00:36:43	Cancel Response	██████████ Cancellation Reason: LDC_Duplicate Call, Response Disposition: LDC_Duplicate Call CRR
7/19/2023	00:36:43	Linked Incident	██████████ Incident link created from [Law Enforcement] Inc # [202300453263] CRR
7/19/2023	00:36:43	Append Incident	██████████ Incident closed, Appended to Inc [202300453263] CRR

Edit Log

Date	Time	Field	Changed From	Changed To	Reason	Table	Workstation	User
7/19/2023	00:34:50	Address	(Blank)	32° 43'38.84"N / 079° 57'17.94"W	New Entry	Response_Master_Incident	911DSP12	SEC
7/19/2023	00:34:50	Agency Name		Law Enforcement	(Response Viewer)	Incident	911DSP12	SEC
7/19/2023	00:34:50	Call Back Phone		518-810-7587	(Response Viewer)	Incident	911DSP12	SEC
7/19/2023	00:34:50	Unread Comment	False	True	(Response Viewer)	Incident	911DSP12	SEC
7/19/2023	00:34:51	Longitude	0	79954982	Entry Selected/Returned from GeoLocator	Response_Master_Incident	911DSP12	SEC
7/19/2023	00:34:51	Latitude	0	32727455	Entry Selected/Returned from GeoLocator	Response_Master_Incident	911DSP12	SEC
7/19/2023	00:34:51	City		JAMES ISLAND	Updated City	Response_Master_Incident	911DSP12	SEC
7/19/2023	00:34:51	Address	32° 43'38.84"N / 079° 57'17.94"W	██████████	Entry Selected/Returned from GeoLocator	Response_Master_Incident	911DSP12	SEC
7/19/2023	00:34:51	ResponsePlanType	0	0	(Response Viewer)	Response_Master_Incident	911DSP12	SEC
7/19/2023	00:34:51	Response_Area	CCSO D9 111	CCSO D9 111	(Response Viewer)	Response_Master_Incident	911DSP12	SEC
7/19/2023	00:34:51	Battalion	SOD9	SOD9	(Response Viewer)	Response_Master_Incident	911DSP12	SEC
7/19/2023	00:34:51	Division	SOD9	SOD9	(Response Viewer)	Response_Master_Incident	911DSP12	SEC

7/19/2023	00:34:51	Jurisdiction	Sheriff_CC	Sheriff_CC	Viewer)	Response_Master_Incident	911DSP12	SEC
7/19/2023	00:35:14	Problem		*Dom Disturb/Viol_ In Progress	(Response Viewer)	Response_Master_Incident	911DSP12	SEC
7/19/2023	00:35:21	Read Call	False	True	(Response Viewer)	Response_Master_Incident	911DSP27	CRR
7/19/2023	00:35:30	Caller_Name	VERIZON	ELISBETH	(Response Viewer)	Response_Master_Incident	911DSP12	SEC

Custom Time Stamps

No Custom Time Stamps

Custom Data Fields

No Custom Data Fields

Case Number

No Case Numbers

Attachments

No Attachments

Dispositions

Date	Time	Unit	Disposition	User
7/19/2023	00:36:43		LDC_Duplicate Call	CRR

Supplemental Person

No Supplemental Persons

Supplemental Property

No Supplemental Property

Supplement Vehicle

No Supplemental Vehicles

Supplemental Weapon

No Supplemental Weapons

Incident Detail Report

Incident Status Closed
Incident Number 202300453340
Incident Date 7/19/2023 00:40:52

Incident Information

Incident Type: 911 Open Line
Priority: LP6_Omega
Determinant:
Base Response #:
Confirmation #:
Taken By: Gervasi, Kelsey A
Response Area: CCSO D9 111
Disposition: LDC_Duplicate Call
Cancel Reason: LDC_Duplicate Call
Incident Status: Closed
Certification:
Longitude: 79955080
MGRS: 17SNS9791321559

Alarm Level:
Problem: 911 Open Line
Agency: Law Enforcement
Jurisdiction: Sheriff_CCSO
Division: SOD9
Battalion: SOD9
Response Plan:
Command Ch:
Primary TAC:
Alternate TAC:
Delay Reason:
Latitude: 32727490
UTM: 17S 597913 3621560

Incident Location

Location Name:
Address: [REDACTED]
Apartment:

Building:
City, State, Zip: JAMES ISLAND, SC 29412

County: CHARLESTON
Location Type:
Cross Street: FIELDS CIR/VALLEY RD
Tow Provider Area: SPA CCSO DIS 9
Map Reference:

Call Receipt

Caller Name: VERIZON
Method Received:
Caller Type:
Caller Address:
Caller City, State, Zip: ,

Call Back Phone: 518-810-7587
Caller Location:
Caller Apt/Bldg: /
Caller County:

Time Stamps

Description	Date	Time	User
Phone Pickup	7/19/2023	00:40:51	
1st Key Stroke	7/19/2023	00:40:51	
In Pending Queue	7/19/2023	00:41:05	
Call Taking Complete	7/19/2023	00:41:05	Gervasi, Kelsey A
1st Unit Assigned			
1st Unit Enroute			
1st Unit Arrived			
Incident Under Control			
Time Sent to Other CAD			
Incident Closed	7/19/2023	00:44:17	Rizzo, Celia R

Elapsed Times

Description	Time
Received to In Queue	00:00:13
Call Taking	
In Queue To 1st Assign	
Call Received to 1st Assign	
Assigned to 1st Enroute	
Enroute to 1st Arrived	
Incident Duration	00:03:26

ANI/ALI Calls

Time Received	Phone Number	Address	City
7/19/2023 12:40 AM	518-810-7587		

Units Assigned

No Units Assigned

Personnel Assigned

No Personnel Assigned

Pre-Scheduled Information

No Pre-Scheduled Information

Special Equipment

No Special Equipment

Transports

No Transports

Transport Legs

No Transport Legs

Comments

Date	Time	User	Type	Confidential	Comment
7/19/2023	00:40:51	SYS	Response		[1] WIRELESS CALL SHERIFF FIRE-QUERY FOR LO COUNTY EMS
7/19/2023	00:40:51	SYS	Response		[2] additional info W SECTOR
7/19/2023	00:40:52	Automatic by System	Response		[3] [Address: [REDACTED]] [Medium] [Dispatch Info]
7/19/2023	00:41:09	KAG	Response		[4] 911 OPEN LINE
7/19/2023	00:41:26	Automatic by System	Response		[5] [Address: [REDACTED]] [Medium] [Dispatch Info]

7/19/2023	00:41:29	KAG	Response	[6] RAPID SOS LOC
7/19/2023	00:42:07	KAG	Response	[7] https://www.smart911.com/dispatch/tinyURL/Ga62opd1Nt
7/19/2023	00:43:53	KAG	Response	[8] CT ATT CB
7/19/2023	00:44:02	CRR	Response	[9] DUP FOR DOMESTIC
7/19/2023	00:44:17	CRR	Response	[10] LINK: [202300453340] to [202300453263] because [202300453340] appends to [202300453263]
7/19/2023	01:04:04	CRR	Response	[11] [Law Enforcement] has closed their incident [202300453263]

Address Changes

Date	Time	Location/Address/Apt/Bldg City, State, Zip	User
7/19/2023	00:41:25	[REDACTED] JAMES ISLAND, SC 29412	Gervasi, Kelsey A

Priority Changes

No Priority Changes

Transport Changes

No Transport Changes

Transport Priority Changes

No Transport Priority Changes

Alarm Level Changes

No Alarm Level Changes

Activity Log

Date	Time	Unit	Activity	Location	Log Entry	User
7/19/2023	00:40:51		Read Comment		Comment for Incident 377 was marked as read.	KAG
7/19/2023	00:40:52		RapidSOS		Location found 32. 72749/-79.95508	RSOS
7/19/2023	00:41:05		Incident in Waiting Queue			
7/19/2023	00:41:05		ANI/ALI Statistics		INT Insert:Jul 19 2023 00:40:51 / INT SendNP:Jul 19 2023 00:40:51 / WS RecvNP:Jul 19 2023 00:40:51 / WS Process:Jul 19 2023 00:41:05	KAG
7/19/2023	00:41:05		Waiting Pending Incident Time Warning		Waiting Pending Incident Time Warning timer expired	
7/19/2023	00:41:06		Problem Nature	[REDACTED]	Incident problem nature changed from <Blank> to 911 Open Line	KAG
7/19/2023	00:41:10		Remove Waiting Pending Incident Warning		Removing Waiting Pending Incident Time Warning timer expired	

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7/19/2023	00:41:10	Incident in Waiting Queue Timer Clear		
7/19/2023	00:41:26	Address Update	Address Update, Incident ID Assigned: 8855377	KAG
7/19/2023	00:43:43	Read Incident	Incident 377 was Marked as Read.	CRR
7/19/2023	00:44:17	Cancel Response	Cancellation Reason: LDC_Duplicate Call, Response Disposition: LDC_Duplicate Call	CRR
7/19/2023	00:44:17	Linked Incident	Incident link created from [Law Enforcement] Inc # (202300453263)	CRR
7/19/2023	00:44:18	Append Incident	Incident closed, Appended to Inc [202300453263]	CRR

Edit Log

Date	Time	Field	Changed From	Changed To	Reason	Table	Workstation	User
7/19/2023	00:40:51	Agency Name		Law Enforcement	(Response Viewer)	Incident	911DSP19	KAG
7/19/2023	00:40:51	Call Back Phone		518-810-7587	(Response Viewer)	Incident	911DSP19	KAG
7/19/2023	00:40:51	Unread Comment	False	True	(Response Viewer)	Incident	911DSP19	KAG
7/19/2023	00:40:52	Address	(Blank)	32° 43'38.84"N / 079° 57'17.94"W	New Entry	Response_Master_Incident	911DSP19	KAG
7/19/2023	00:40:52	Jurisdiction	Sheriff_CCSO	Sheriff_CCSO	(Response Viewer)	Response_Master_Incident	911DSP19	KAG
7/19/2023	00:40:52	Division	SOD9	SOD9	(Response Viewer)	Response_Master_Incident	911DSP19	KAG
7/19/2023	00:40:52	Battalion	SOD9	SOD9	(Response Viewer)	Response_Master_Incident	911DSP19	KAG
7/19/2023	00:40:52	Response_Area	CCSO D9 111	CCSO D9 111	(Response Viewer)	Response_Master_Incident	911DSP19	KAG
7/19/2023	00:40:52	ResponsePlanType	0	0	(Response Viewer)	Response_Master_Incident	911DSP19	KAG
7/19/2023	00:40:52	Address	32° 43'38.84"N / 079° 57'17.94"W		Entry Selected/Returned from GeoLocator	Response_Master_Incident	911DSP19	KAG
7/19/2023	00:40:52	City		JAMES ISLAND	Updated City	Response_Master_Incident	911DSP19	KAG
7/19/2023	00:40:52	Latitude	0	32727455	Entry Selected/Returned from GeoLocator	Response_Master_Incident	911DSP19	KAG

7/19/2023	00:40:52	Longitude	0	79954982	Entry Selected/R eturned from GeoLocato r	Response_Master_Incident	911DSP19	KAG
7/19/2023	00:41:05	Problem		911 Open Line	(Response Viewer)	Response_Master_Incident	911DSP19	KAG
7/19/2023	00:41:25	House_Number			Powerline Command	Response_Master_Incident	911DSP19	KAG
7/19/2023	00:41:25	Prefix_Directional	-		Powerline Command	Response_Master_Incident	911DSP19	KAG
7/19/2023	00:41:25	Name_Component			Powerline Command	Response_Master_Incident	911DSP19	KAG
7/19/2023	00:41:25	Street_Type			Powerline Command	Response_Master_Incident	911DSP19	KAG
7/19/2023	00:41:25	Post_Directional	-		Powerline Command	Response_Master_Incident	911DSP19	KAG
7/19/2023	00:41:25	House_Number_Su ffix	-		Powerline Command	Response_Master_Incident	911DSP19	KAG
7/19/2023	00:41:25	Latitude	32727455	32727490	Powerline Command	Response_Master_Incident	911DSP19	KAG
7/19/2023	00:41:25	Longitude	79954982	79955080	Powerline Command	Response_Master_Incident	911DSP19	KAG
7/19/2023	00:41:25	ResponsePlanType	0	1	Powerline Command	Response_Master_Incident	911DSP19	KAG
7/19/2023	00:41:25	Address			Update Address Form	Response_Master_Incident	911DSP19	KAG
7/19/2023	00:43:43	Read Call	False	True	(Response Viewer)	Response_Master_Incident	911DSP27	CRR

Custom Time Stamps

No Custom Time Stamps

Custom Data Fields

No Custom Data Fields

Case Number

No Case Numbers

Attachments

No Attachments

Dispositions

Date	Time	Unit	Disposition	User
7/19/2023	00:44:17		LDC_Duplicate Call	CRR

Supplemental Person

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No Supplemental Persons

Supplemental Property

No Supplemental Property

Supplement Vehicle

No Supplemental Vehicles

Supplemental Weapon

No Supplemental Weapons

Incident Detail Report

Incident Status Closed
Incident Number 202300453357
Incident Date 7/19/2023 00:47:57

Incident Information

Incident Type: 114D
Priority: LP2_Delta
Determinant:
Base Response #:
Confirmation #:
Taken By: Clifton, Sarah E
Response Area: CCSO D9 111
Disposition: LDC_Duplicate Call
Cancel Reason: LDC_Duplicate Call
Incident Status: Closed
Certification:
Longitude: 79954982
MGRS: 17SNS9792221556

Alarm Level:
Problem: *Dom Disturb/Viol_In Progress
Agency: Law Enforcement
Jurisdiction: Sheriff_CCSO
Division: SOD9
Battalion: SOD9
Response Plan: LL06
Command Ch:
Primary TAC:
Alternate TAC:
Delay Reason:
Latitude: 32727455
UTM: 17S 597923 3621556

Incident Location

Location Name:
Address:
Apartment:

Building:
City, State, Zip: JAMES ISLAND, SC 29412

County: CHARLESTON
Location Type:
Cross Street: FIELDS CIR/VALLEY RD
Tow Provider Area: SPA CCSO DIS 9
Map Reference:

Call Receipt

Caller Name: ELISBETH
Method Received:
Caller Type:
Caller Address:
Caller City, State, Zip: ,

Call Back Phone: 518-810-7587
Caller Location:
Caller Apt/Bldg: /
Caller County:

Time Stamps

Description	Date	Time	User
Phone Pickup	7/19/2023	00:47:57	
1st Key Stroke	7/19/2023	00:48:07	
In Pending Queue	7/19/2023	00:49:13	
Call Taking Complete	7/19/2023	00:49:13	Clifton, Sarah E
1st Unit Assigned			
1st Unit Enroute			
1st Unit Arrived			
Incident Under Control			
Time Sent to Other CAD			
Incident Closed	7/19/2023	00:50:19	Rizzo, Celia R

Elapsed Times

Description	Time
Received to In Queue	00:01:16
Call Taking	
In Queue To 1st Assign	
Call Received to 1st Assign	
Assigned to 1st Enroute	
Enroute to 1st Arrived	
Incident Duration	00:02:22

ANI/ALI Calls

Time Received	Phone Number	Address	City
7/19/2023 12:47 AM	911-407-8110		

Units Assigned

No Units Assigned

Personnel Assigned

No Personnel Assigned

Pre-Scheduled Information

No Pre-Scheduled Information

Special Equipment

No Special Equipment

Transports

No Transports

Transport Legs

No Transport Legs

Comments

Date	Time	User	Type	Confidential	Comment
7/19/2023	00:47:57	SYS	Response		[1] WIRELESS CALL SHERIFF FIRE-QUERY FOR LO COUNTY EMS
7/19/2023	00:47:57	SYS	Response		[2] additional info
7/19/2023	00:48:22	SYS	Response		[3] additional info
7/19/2023	00:48:22	SYS	Response		[4] WIRELESS CALL SHERIFF FIRE-QUERY FOR LO COUNTY EMS
7/19/2023	00:48:22	SYS	Response		[5] A cellular re-bid has occurred, check the ANI/ALI Viewer for details
7/19/2023	00:48:48	SYS	Response		[6] additional info
7/19/2023	00:48:48	SYS	Response		[7] WIRELESS CALL SHERIFF FIRE-QUERY FOR LO COUNTY EMS

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7/19/2023	00:48:48	SYS	Response	[8] A cellular re-bid has occurred, check the ANI/ALI Viewer for details
7/19/2023	00:49:02	Automatic by System	Response	[9] [Address: [REDACTED]] [Medium] [Dispatch Info]
7/19/2023	00:49:20	SEC	Response	[10] CALLER BACK ON THE LINE
7/19/2023	00:49:24	SEC	Response	[11] CALLER UPSET AND CUSSING
7/19/2023	00:49:31	SEC	Response	[12] CALLER ADV SHE IS IN DANGER
7/19/2023	00:49:53	SEC	Response	[13] WHEN CT ASKS IF SHE CAN LEAVE SHE SAYS "WHY SHOULD I"
7/19/2023	00:50:03	SEC	Response	[14] CALLER HUNG UP ON CT
7/19/2023	00:50:19	CRR	Response	[15] LINK: [202300453357] to [202300453263] because [202300453357] appends to [202300453263]
7/19/2023	01:04:04	CRR	Response	[16] [Law Enforcement] has closed their incident [202300453263]

Address Changes

No Address Changes

Priority Changes

No Priority Changes

Transport Changes

No Transport Changes

Transport Priority Changes

No Transport Priority Changes

Alarm Level Changes

No Alarm Level Changes

Activity Log

Date	Time	Unit	Activity	Location	Log Entry	User
7/19/2023	00:47:57		RapidSOS		No location records found	RSOS
7/19/2023	00:47:57		Read Comment		Comment for Incident 393 was marked as read.	SEC
7/19/2023	00:49:13		Incident in Waiting Queue			
7/19/2023	00:49:13		ANI/ALI Statistics		INT Insert:Jul 19 2023 00:47:57 / INT SendNP:Jul 19 2023 00:47:57 / WS RecvNP:Jul 19 2023 00:47:57 / WS Process:Jul 19 2023 00:49:13	SEC
7/19/2023	00:49:13		Waiting Pending Incident Time Warning		Waiting Pending Incident Time Warning timer expired	
7/19/2023	00:49:13		Problem Nature	[REDACTED]	Incident problem nature changed from <Blank> to *Dom Disturb/Viol_In Progress	SEC

7/19/2023	00:49:28	Remove Waiting Pending Incident Warning	Removing Waiting Pending Incident Time Warning timer expired
7/19/2023	00:49:28	Incident in Waiting Queue Timer Clear	
7/19/2023	00:49:33	Read Incident	Incident 393 was Marked as Read. CRR
7/19/2023	00:49:58	Incident Late	
7/19/2023	00:49:58	Pending Incident Time Warning	Pending Incident Time Warning timer expired
7/19/2023	00:50:19	Cancel Response	██████████ Cancellation Reason: LDC_Duplicate Call, Response Disposition: LDC_Duplicate Call CRR
7/19/2023	00:50:19	Linked Incident	██████████ Incident link created from [Law Enforcement] Inc # [202300453263] CRR
7/19/2023	00:50:19	Append Incident	██████████ Incident closed, Appended to Inc [202300453263] CRR

Edit Log

Date	Time	Field	Changed From	Changed To	Reason	Table	Workstation	User
7/19/2023	00:47:57	Address	(Blank)	██████████	New Entry	Response_Master_Incident	911DSP12	SEC
7/19/2023	00:47:57	Agency Name		Law Enforcement	(Response Viewer)	Incident	911DSP12	SEC
7/19/2023	00:47:57	Call Back Phone		911-407-8110	(Response Viewer)	Incident	911DSP12	SEC
7/19/2023	00:47:57	Unread Comment	False	True	(Response Viewer)	Incident	911DSP12	SEC
7/19/2023	00:48:06	Address	██████████		Entry Selected/Returned from Geolocator	Response_Master_Incident	911DSP12	SEC
7/19/2023	00:48:06	Latitude	0	32729147	Entry Selected/Returned from Geolocator	Response_Master_Incident	911DSP12	SEC
7/19/2023	00:48:06	Longitude	0	79942884	Entry Selected/Returned from Geolocator	Response_Master_Incident	911DSP12	SEC
7/19/2023	00:48:07	City		JAMES ISLAND	Updated City	Response_Master_Incident	911DSP12	SEC
7/19/2023	00:48:07	Jurisdiction	Sheriff_CCSC	Sheriff_CCSC	(Response Viewer)	Response_Master_Incident	911DSP12	SEC

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7/19/2023	00:48:07	Division	SOD9	SOD9	(Response Viewer)	Response_Master_Incident	911DSP12	SEC
7/19/2023	00:48:07	Battalion	SOD9	SOD9	(Response Viewer)	Response_Master_Incident	911DSP12	SEC
7/19/2023	00:48:07	Response_Area	CCSO D9 111	CCSO D9 111	(Response Viewer)	Response_Master_Incident	911DSP12	SEC
7/19/2023	00:48:07	ResponsePlanType	0	0	(Response Viewer)	Response_Master_Incident	911DSP12	SEC
7/19/2023	00:49:00	Address	[REDACTED]		Address Change	Response_Master_Incident	911DSP12	SEC
7/19/2023	00:49:02	Jurisdiction	Sheriff_CCSO	Sheriff_CCSO	(Response Viewer)	Response_Master_Incident	911DSP12	SEC
7/19/2023	00:49:02	Division	SOD9	SOD9	(Response Viewer)	Response_Master_Incident	911DSP12	SEC
7/19/2023	00:49:02	Battalion	SOD9	SOD9	(Response Viewer)	Response_Master_Incident	911DSP12	SEC
7/19/2023	00:49:02	Response_Area	CCSO D9 111	CCSO D9 111	(Response Viewer)	Response_Master_Incident	911DSP12	SEC
7/19/2023	00:49:02	ResponsePlanType	0	0	(Response Viewer)	Response_Master_Incident	911DSP12	SEC
7/19/2023	00:49:02	ResponsePlanType	0	0	(Response Viewer)	Response_Master_Incident	911DSP12	SEC
7/19/2023	00:49:02	Address	[REDACTED]		Change Verified	Response_Master_Incident	911DSP12	SEC
7/19/2023	00:49:02	City		JAMES ISLAND	Updated City	Response_Master_Incident	911DSP12	SEC
7/19/2023	00:49:02	Latitude	32729147	32727455	Change Verified	Response_Master_Incident	911DSP12	SEC
7/19/2023	00:49:02	Longitude	79942884	79954982	Change Verified	Response_Master_Incident	911DSP12	SEC
7/19/2023	00:49:09	Call Back Phone	911-407-8110	518-810-7587	(Response Viewer)	Incident	911DSP12	SEC
7/19/2023	00:49:13	Problem		*Dom Disturb/Viol_ In Progress	(Response Viewer)	Response_Master_Incident	911DSP12	SEC
7/19/2023	00:49:33	Read Call	False	True	(Response Viewer)	Response_Master_Incident	911DSP27	CRR
7/19/2023	00:50:12	Caller_Name	T-MOBILE USA	ELISBETH	(Response Viewer)	Response_Master_Incident	911DSP12	SEC

Custom Time Stamps

No Custom Time Stamps

Custom Data Fields

No Custom Data Fields

Case Number

No Case Numbers

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Attachments

No Attachments

Dispositions

Date	Time	Unit	Disposition	User
7/19/2023	00:50:19		LDC_Duplicate Call	CRR

Supplemental Person

No Supplemental Persons

Supplemental Property

No Supplemental Property

Supplement Vehicle

No Supplemental Vehicles

Supplemental Weapon

No Supplemental Weapons

Incident Detail Report

Incident Status Closed
Incident Number 202300453380
Incident Date 7/19/2023 01:05:22

Incident Information

Incident Type:	114D	Alarm Level:	
Priority:	LP2_Delta	Problem:	*Dom Disturb/Viol_In Progress
Determinant:		Agency:	Law Enforcement
Base Response #:	07192023-0015436	Jurisdiction:	Sheriff_CCSO
Confirmation #:		Division:	SOD9
Taken By:	Clifton, Sarah E	Battalion:	SOD9
Response Area:	CCSO D9 111	Response Plan:	LL06
Disposition:	LCCR_Call Comp/ Report Taken	Command Ch:	
Cancel Reason:		Primary TAC:	
Incident Status:	Closed	Alternate TAC:	
Certification:		Delay Reason:	
Longitude:	79954982	Latitude:	32727455
MGRS:	17SNS9792221556	UTM:	17S 597923 3621556

Incident Location

Location Name:		County:	CHARLESTON
Address:		Location Type:	
Apartment:		Cross Street:	FIELDS CIR/VALLEY RD
		Tow Provider Area:	SPA CCSO DIS 9
Building:		Map Reference:	
City, State, Zip:	JAMES ISLAND, SC 29412		

Call Receipt

Caller Name:	VERIZON	Call Back Phone:	518-810-7587
Method Received:		Caller Location:	
Caller Type:		Caller Apt/Bldg:	/
Caller Address:		Caller County:	
Caller City, State, Zip:			

Time Stamps

Description	Date	Time	User
Phone Pickup	7/19/2023	01:05:22	
1st Key Stroke	7/19/2023	01:05:22	
In Pending Queue	7/19/2023	01:05:46	
Call Taking Complete	7/19/2023	01:09:06	Clifton, Sarah E
1st Unit Assigned	7/19/2023	01:06:11	
1st Unit Enroute	7/19/2023	01:06:25	
1st Unit Arrived	7/19/2023	01:08:08	
Incident Under Control			
Time Sent to Other CAD			
Incident Closed	7/19/2023	02:28:14	Rizzo, Celia R

Elapsed Times

Description	Time
Received to In Queue	00:00:24
Call Taking	00:03:44
In Queue To 1st Assign	00:00:25.6
Call Received to 1st Assign	00:00:49.6
Assigned to 1st Enroute	00:00:13.4
Enroute to 1st Arrived	00:01:43.7
Incident Duration	01:22:52

ANI/ALI Calls

Time Received	Phone Number	Address	City
7/19/2023 1:05 AM	518-810-7587		

Units Assigned

Unit	Assigned	Disposition	Enroute	Staged	Arrived	At Patient	Delay Avail	Complete	Odm. Enroute	Odm. Arrived	Cancel Reason
SO245	7/19/2023 01:06:11	LDIV_Divert to Higher Pri Call						7/19/2023 01:06:17			LDIV_Divert to Higher Pri Call
SO276	7/19/2023 01:06:17	LCCR_Call Comp/ Report Taken	7/19/202 3 01:08:18		7/19/2023 01:15:33			7/19/2023 02:28:14			
SO245	7/19/2023 01:06:21		7/19/202 3 01:06:25		7/19/2023 01:08:08			7/19/2023 01:55:14			
SO69	7/19/2023 01:15:35		7/19/202 3 01:15:35					7/19/2023 01:59:22			

Personnel Assigned

Unit	Name
SO69	Cheek, Brittany (66) (SO10828)
SO276	Duritsa, Brandon (276) (SO120138)
SO245	Hendricks, Michael (245) (SO10813)
SO245	Hendricks, Michael (245) (SO10813)

Pre-Scheduled Information

No Pre-Scheduled Information

Special Equipment

No Special Equipment

Transports

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No Transports

Transport Legs

No Transport Legs

Comments

Date	Time	User	Type	Confidential	Comment
7/19/2023	01:05:22	Automatic by System	Response		[3] [Address: [REDACTED]] [Medium] [Dispatch Info]
7/19/2023	01:05:22	SYS	Response		[1] WIRELESS CALL SHERIFF FIRE-QUERY FOR LO COUNTY EMS
7/19/2023	01:05:22	SYS	Response		[2] additional info W SECTOR
7/19/2023	01:05:42	SYS	Response		[4] additional info W SECTOR
7/19/2023	01:05:42	SYS	Response		[5] WIRELESS CALL SHERIFF FIRE-QUERY FOR LO COUNTY EMS
7/19/2023	01:05:42	SYS	Response		[6] A cellular re-bid has occurred, check the ANI/ALI Viewer for details
7/19/2023	01:06:05	SEC	Response		[7] CALLER UPSET THAT OFFICERS WERE SO RUDE
7/19/2023	01:06:24	SEC	Response		[8] CALLER ADV IT WILL BE CCSO FAULT IF BOYFRIEND WAKES UP AND MURDERS HER
7/19/2023	01:06:30	SEC	Response		[9] CALLER CUSSING
7/19/2023	01:06:35	SEC	Response		[10] CT HUNG UP
7/19/2023	01:06:39	SYS	Response		[12] [Appended, 01:08:15] [1] additional info W SECTOR
7/19/2023	01:06:39	SYS	Response		[13] [Appended, 01:08:15] [2] WIRELESS CALL SHERIFF FIRE-QUERY FOR LO COUNTY EMS
7/19/2023	01:06:40	Automatic by System	Response		[14] [Appended, 01:08:15] [3] [Address: [REDACTED]]
7/19/2023	01:07:00	SYS	Response		[15] [Appended, 01:08:15] [4] additional info W SECTOR
7/19/2023	01:07:00	SYS	Response		[16] [Appended, 01:08:15] [5] WIRELESS CALL SHERIFF FIRE-QUERY FOR LO COUNTY EMS
7/19/2023	01:07:00	SYS	Response		[17] [Appended, 01:08:15] [6] A cellular re-bid has occurred, check the ANI/ALI Viewer for details
7/19/2023	01:07:46	MMH	Response		[18] [Appended, 01:08:15] [7] CALLER ADV NOT TO HAVE ANYBODY COME OUT BECAUSE THE ONES THAT DID WERE HORRIBLE AND IF SHE DIES TONIGHT IT WILL BE ON THEM
7/19/2023	01:08:15	CRR	Response		[11] LINK: [202300453382] to [202300453380] because [202300453382] appends to [202300453380]
7/19/2023	01:18:26	SBS	Response		[19] SO245 ONE DETAINED
7/19/2023	01:19:50	SBS	Response		[20] SO245 NOW ADV ONE IN CUSTODY
7/19/2023	01:20:10	SBS	Response		[21] ****TIMES---0106---0108---IC @ 0119
7/19/2023	01:28:49	SBS	Response		[22] SO245 DL / 011341635
7/19/2023	01:29:09	SBS	Response		[23] SO276 DL / 102859139
7/19/2023	01:41:40	CRR	Response		[24] Requested Case Number(s) issued for Incident #[202300453380], Jurisdiction: Sheriff_CCSO. Case Number(s): 2023-009155. requested by SO276.
7/19/2023	01:43:30	CRR	Response		[25] Secondary Location for SO276: CHARLESTON COUNTY DETENTION CENTER - JAIL, 3841 LEEDS AV,NORTH CHARLESTON, SC 29405.
7/19/2023	01:43:30	Automatic by System	Response		[26] [2nd Address: 3841 LEEDS AV [CHARLESTON COUNTY DETENTION CENTER - JAIL]] [Medium] [Dispatch Info] Per Capt. Williams, dispatch

7/19/2023 01:43:30 CRR

Response

[27] SO276 ,STARTING MILEAGE: 99431

Address Changes

No Address Changes

Priority Changes

No Priority Changes

Transport Changes

No Transport Changes

Transport Priority Changes

No Transport Priority Changes

Alarm Level Changes

No Alarm Level Changes

Activity Log

Date	Time	Unit	Activity	Location	Log Entry	User
7/19/2023	01:05:22		Read Comment		Comment for Incident 420 was marked as read.	SEC
7/19/2023	01:05:22		RapidSOS		Location found 32. 72753/-79.95506	RSOS
7/19/2023	01:05:46		Incident in Waiting Queue			
7/19/2023	01:05:46		ANI/ALI Statistics		INT Insert:Jul 19 2023 01:05:21 / INT SendNP:Jul 19 2023 01:05:21 / WS RecvNP:Jul 19 2023 01:05:21 / WS Process:Jul 19 2023 01:05:46	SEC
7/19/2023	01:05:46		Waiting Pending Incident Time Warning		Waiting Pending Incident Time Warning timer expired	
7/19/2023	01:05:46		Problem Nature		Incident problem nature changed from <Blank> to *Dom Disturb/Viol_In Progress	SEC
7/19/2023	01:05:49		Read Incident		Incident 420 was Marked as Read.	SBS
7/19/2023	01:06:01		Remove Waiting Pending Incident Warning		Removing Waiting Pending Incident Time Warning timer expired	
7/19/2023	01:06:02		Incident in Waiting Queue Timer Clear			
7/19/2023	01:06:11	SO245	Dispatched	CAMP RD\JULIA ST	Response Number: 07192023-0015436;	CRR
7/19/2023	01:06:17	SO245	Performing unit reassign	CAMP RD\JULIA ST	Performing unit reassign through Inform UI Queue, Source: unit SO276, Target: unit SO245 on	CRR

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incident 8855420.

7/19/2023	01:06:17	SO245	ReAssign Vehicle	[REDACTED]	ReAssign Reason: LDIV__Divert to Higher Pri Call	CRR
7/19/2023	01:06:17	SO245	ReAssign Vehicle	[REDACTED]	Clearing Primary Unit Flag	CRR
7/19/2023	01:06:17	SO276	Dispatched	CAMP RD\JULIA ST	Response Number: 07192023-0015437	CRR
7/19/2023	01:06:21	SO245	Dispatched	CAMP RD\JULIA ST	[REDACTED] Response Number: 07192023-0015438;	CRR
7/19/2023	01:06:25	SO245	Responding	[REDACTED]	Responding From = CAMP RD\JULIA ST.	CRR
7/19/2023	01:08:08	SO245	At Scene	[REDACTED]		CRR
7/19/2023	01:08:15		Linked Incident	[REDACTED]	Incident link created for [Law Enforcement] Inc # [202300453382]	CRR
7/19/2023	01:08:15		Supplemental Information	[REDACTED]	Supplemental Person record 1329309 - was added for VERIZON	CRR
7/19/2023	01:08:15		Append Incident	[REDACTED]	Dispatcher Appended [202300453382] to this incident	CRR
7/19/2023	01:08:17		Incident Late		Active incident marked as late	
7/19/2023	01:08:18	SO276	Responding	[REDACTED]	Responding From = [REDACTED]	CRR
7/19/2023	01:08:20	SO276	Primary Vehicle Status Change	[REDACTED]	Primary Vehicle Status removed.	CRR
7/19/2023	01:08:20	SO245	Primary Vehicle Status Change	[REDACTED]	Primary Vehicle Status set.	CRR
7/19/2023	01:08:54		Premise History Access		Premise History Viewed	SEC
7/19/2023	01:11:08		Incident Late		Active incident marked as late	
7/19/2023	01:15:33	SO276	At Scene	[REDACTED]		SBS
7/19/2023	01:15:33		Incident Late		Active incident marked as late	
7/19/2023	01:15:35	SO69	Dispatched	AZALEA DR\LEEDS AV	[REDACTED]; Response Number: 07192023-0015439;	SBS
7/19/2023	01:15:35	SO69	Update Sector	[REDACTED]	From Sector SOADM to SOD9	SBS
7/19/2023	01:15:35	SO69	Responding	[REDACTED]	Responding From = AZALEA DR\LEEDS AV.	SBS
7/19/2023	01:15:36		Incident Late		Active incident marked as late	
7/19/2023	01:30:35	SO276	Reset System Timer	[REDACTED]	[Timer] Reset System Timer [Reset Reason] Status/Safety Check [Next Late Check Time] 7/19/2023 01:35:35	SBS
7/19/2023	01:30:40	SO245	Reset System Timer	[REDACTED]	[Timer] Reset System Timer [Reset Reason] Status/Safety Check [Next Late Check Time] 7/19/2023 01:35:40	SBS

7/19/2023	01:35:36		Incident Late		Active Incident marked as late
7/19/2023	01:41:40	SO276	Requested Case Number	[REDACTED]	Requested Case Number(s) issued for Incident #[202300453380], Jurisdiction: Sheriff_CCSC. Case Number(s): 2023-009155. CRR
7/19/2023	01:43:30	SO276	Responding 2nd Loc	CHARLESTON COUNTY DETENTION CENTER - JAIL	Incident ID = 8855420, 3841 LEEDS AV 32845445, 80013541, /sm 99431 CRR
7/19/2023	01:55:14	SO245	Available	[REDACTED]	Unit Cleared From Incident 202300453380 CRR
7/19/2023	01:59:22	SO69	Available	[REDACTED]	Unit Cleared From Incident 202300453380 CRR
7/19/2023	02:28:14	SO276	Disposition	[REDACTED]	LCCR_Call Comp/ Report Taken CRR
7/19/2023	02:28:14	SO276	Available	[REDACTED]	Unit Cleared From Incident 202300453380 CRR
7/19/2023	02:28:14	SO276	Response Closed	[REDACTED]	Response Disposition: LCCR_Call Comp/ Report Taken CRR

Edit Log

Date	Time	Field	Changed From	Changed To	Reason	Table	Workstation	User
7/19/2023	01:05:21	Agency Name		Law Enforcement	(Response Viewer)	Incident	911DSP12	SEC
7/19/2023	01:05:22	Address	(Blank)	32° 43'38.84"N / 079° 57'17.94"W	New Entry	Response_Master_Incident	911DSP12	SEC
7/19/2023	01:05:22	Longitude	0	79954982	Entry Selected/R returned from GeoLocator	Response_Master_Incident	911DSP12	SEC
7/19/2023	01:05:22	Latitude	0	32727455	Entry Selected/R returned from GeoLocator	Response_Master_Incident	911DSP12	SEC
7/19/2023	01:05:22	Address	32° 43'38.84"N / 079° 57'17.94"W	[REDACTED]	Entry Selected/R returned from GeoLocator	Response_Master_Incident	911DSP12	SEC
7/19/2023	01:05:22	Call Back Phone		518-810-7587	(Response Viewer)	Incident	911DSP12	SEC
7/19/2023	01:05:22	Unread Comment	False	True	(Response Viewer)	Incident	911DSP12	SEC
7/19/2023	01:05:23	ResponsePlanType	0	0	(Response Viewer)	Response_Master_Incident	911DSP12	SEC

7/19/2023	01:05:23	Response_Area	CCSO D9 111	CCSO D9 111	(Response Viewer)	Response_Master_Incident	911DSP12	SEC
7/19/2023	01:05:23	Battalion	SOD9	SOD9	(Response Viewer)	Response_Master_Incident	911DSP12	SEC
7/19/2023	01:05:23	Division	SOD9	SOD9	(Response Viewer)	Response_Master_Incident	911DSP12	SEC
7/19/2023	01:05:23	Jurisdiction	Sheriff_CCSO	Sheriff_CCSO	(Response Viewer)	Response_Master_Incident	911DSP12	SEC
7/19/2023	01:05:23	City		JAMES ISLAND	Updated City	Response_Master_Incident	911DSP12	SEC
7/19/2023	01:05:46	Problem		*Dom Disturb/Viol_ In Progress	(Response Viewer)	Response_Master_Incident	911DSP12	SEC
7/19/2023	01:05:49	Read Call	False	True	(Response Viewer)	Response_Master_Incident	911DSP31	SBS
7/19/2023	01:19:54	Date_Time		Jul 19 2023 01:19:54	In Custody Time	Response_User_TimeStamp s	911DSP31	SBS

Custom Time Stamps

Description	Date	Time	User
In Custody Time	7/19/2023	01:19:54	SBS

Custom Data Fields

No Custom Data Fields

Case Number

Case Number	Method	Radio Name
2023-009155	Request	SO276

Attachments

No Attachments

Dispositions

Date	Time	Unit	Disposition	User
7/19/2023	01:06:17	SO245	LDIV_Divert to Higher Pri Call	Rizzo, Celia R
7/19/2023	02:28:14		LCCR_Call Comp/ Report Taken	CRR

Supplemental Person

Name	Date of Birth	License Number	License State	Street Address	Apt.	City	State	Zip	Phone	SSN
VERIZON,									518-810-7587	
	Gender	Race		Hair Color		Eye Color				

Weapon	Age	Flight Direction
Hat	Min Age	Flight Mode
Jacket	Max Age	
Shirt	Height	Characteristics
Pants	Min Height	Comments
Shoes	Max Height	Description
Facial	Weight	
Glasses	Min Weight	
Build	Max Weight	

Supplemental Property

No Supplemental Property

Supplement Vehicle

No Supplemental Vehicles

Supplemental Weapon

No Supplemental Weapons

Incident Detail Report

Incident Status Closed
Incident Number 202300453382
Incident Date 7/19/2023 01:06:40

Incident Information

Incident Type: 122B
Priority: LP4_Bravo
Determinant:
Base Response #:
Confirmation #:
Taken By: Houston, Melinda M
Response Area: CCSO D9 111
Disposition: LDC_Duplicate Call
Cancel Reason: LDC_Duplicate Call
Incident Status: Closed
Certification:
Longitude: 79954982
MGRS: 17SNS9792221556

Alarm Level:
Problem: *Miscellaneous
Agency: Law Enforcement
Jurisdiction: Sheriff_CCSO
Division: SOD9
Battalion: SOD9
Response Plan: LL02
Command Ch:
Primary TAC:
Alternate TAC:
Delay Reason:
Latitude: 32727455
UTM: 17S 597923 3621556

Incident Location

Location Name:
Address:
Apartment:
Building:
City, State, Zip: JAMES ISLAND, SC 29412

County: CHARLESTON
Location Type:
Cross Street: FIELDS CIR/VALLEY RD
Tow Provider Area: SPA CCSO DIS 9
Map Reference:

Call Receipt

Caller Name: VERIZON
Method Received:
Caller Type:
Caller Address:
Caller City, State, Zip: ,

Call Back Phone: 518-810-7587
Caller Location:
Caller Apt/Bldg: /
Caller County:

Time Stamps

Description	Date	Time	User
Phone Pickup	7/19/2023	01:06:39	
1st Key Stroke	7/19/2023	01:06:40	
In Pending Queue	7/19/2023	01:07:11	
Call Taking Complete	7/19/2023	01:07:11	Houston, Melinda
1st Unit Assigned			
1st Unit Enroute			
1st Unit Arrived			
Incident Under Control			
Time Sent to Other CAD			
Incident Closed	7/19/2023	01:08:15	Rizzo, Celia R

Elapsed Times

Description	Time
Received to In Queue	00:00:31
Call Taking	
In Queue To 1st Assign	
Call Received to 1st Assign	
Assigned to 1st Enroute	
Enroute to 1st Arrived	
Incident Duration	00:01:36

ANI/ALI Calls

Time Received	Phone Number	Address	City
7/19/2023 1:06 AM	518-810-7587		

Units Assigned

No Units Assigned

Personnel Assigned

No Personnel Assigned

Pre-Scheduled Information

No Pre-Scheduled Information

Special Equipment

No Special Equipment

Transports

No Transports

Transport Legs

No Transport Legs

Comments

Date	Time	User	Type	Confidential	Comment
7/19/2023	01:06:39	SYS	Response		[1] additional info W SECTOR
7/19/2023	01:06:39	SYS	Response		[2] WIRELESS CALL SHERIFF FIRE-QUERY FOR LO COUNTY EMS
7/19/2023	01:06:40	Automatic by System	Response		[3] [Address: [REDACTED]] [Medium] [Dispatch Info]
7/19/2023	01:07:00	SYS	Response		[4] additional info W SECTOR
7/19/2023	01:07:00	SYS	Response		[5] WIRELESS CALL SHERIFF FIRE-QUERY FOR LO COUNTY EMS
7/19/2023	01:07:00	SYS	Response		[6] A cellular re-bid has occurred, check the ANI/ALI Viewer for details

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7/19/2023	01:07:46	MMH	Response	[7] CALLER ADVD NOT TO HAVE ANYBODY COME OUT BECAUSE THE ONES THAT DID WERE HORRIBLE AND IF SHE DIES TONIGHT IT WILL BE ON THEM
7/19/2023	01:08:15	CRR	Response	[8] LINK: [202300453382] to [202300453380] because [202300453382] appends to [202300453380]

Address Changes

No Address Changes

Priority Changes

No Priority Changes

Transport Changes

No Transport Changes

Transport Priority Changes

No Transport Priority Changes

Alarm Level Changes

No Alarm Level Changes

Activity Log

Date	Time	Unit	Activity	Location	Log Entry	User
7/19/2023	01:06:39		RapidSOS		Location found 32. 72753/-79.95498	RSOS
7/19/2023	01:06:39		Read Comment		Comment for Incident 422 was marked as read.	MMH
7/19/2023	01:07:12		ANI/ALI Statistics		INT Insert:Jul 19 2023 01:06:39 / INT SendNP:Jul 19 2023 01:06:38 / WS RecvNP:Jul 19 2023 01:06:38 / WS Process:Jul 19 2023 01:07:12	MMH
7/19/2023	01:07:12		Problem Nature		Incident problem nature changed from <Blank> to *Miscellaneous	MMH
7/19/2023	01:07:15		Read Incident		Incident 422 was Marked as Read.	SBS
7/19/2023	01:08:15		Cancel Response		Cancellation Reason: LDC_Duplicate Call, Response Disposition: LDC_Duplicate Call	CRR
7/19/2023	01:08:15		Linked Incident		Incident link created from [Law Enforcement] Inc # [202300453380]	CRR
7/19/2023	01:08:15		Append Incident		Incident closed, Appended to Inc [202300453380]	CRR

Edit Log

Date	Time	Field	Changed From	Changed To	Reason	Table	Workstation	User
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7/19/2023	01:06:39	Agency Name		Law Enforcement	(Response Viewer)	Incident	911DSP18	MMH
7/19/2023	01:06:39	Call Back Phone		518-810-7587	(Response Viewer)	Incident	911DSP18	MMH
7/19/2023	01:06:39	Unread Comment	False	True	(Response Viewer)	Incident	911DSP18	MMH
7/19/2023	01:06:40	Address	(Blank)	32° 43'38.84"N / 079° 57'17.94"W	New Entry	Response_Master_Incident	911DSP18	MMH
7/19/2023	01:06:40	Jurisdiction	Sheriff_CC SO	Sheriff_CC SO	(Response Viewer)	Response_Master_Incident	911DSP18	MMH
7/19/2023	01:06:40	Division	SOD9	SOD9	(Response Viewer)	Response_Master_Incident	911DSP18	MMH
7/19/2023	01:06:40	Battalion	SOD9	SOD9	(Response Viewer)	Response_Master_Incident	911DSP18	MMH
7/19/2023	01:06:40	Response_Area	CCSO D9 111	CCSO D9 111	(Response Viewer)	Response_Master_Incident	911DSP18	MMH
7/19/2023	01:06:40	ResponsePlanType	0	0	(Response Viewer)	Response_Master_Incident	911DSP18	MMH
7/19/2023	01:06:40	Address	32° 43'38.84"N / 079° 57'17.94"W		Entry Selected/Returned from GeoLocator	Response_Master_Incident	911DSP18	MMH
7/19/2023	01:06:40	City		JAMES ISLAND	Updated City	Response_Master_Incident	911DSP18	MMH
7/19/2023	01:06:40	Latitude	0	32727455	Entry Selected/Returned from GeoLocator	Response_Master_Incident	911DSP18	MMH
7/19/2023	01:06:40	Longitude	0	79954982	Entry Selected/Returned from GeoLocator	Response_Master_Incident	911DSP18	MMH
7/19/2023	01:07:11	Problem		*Miscellaneous	(Response Viewer)	Response_Master_Incident	911DSP18	MMH
7/19/2023	01:07:15	Read Call	False	True	(Response Viewer)	Response_Master_Incident	911DSP31	SBS

Custom Time Stamps

No Custom Time Stamps

Custom Data Fields

No Custom Data Fields

Case Number

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No Case Numbers

Attachments

No Attachments

Dispositions

Date	Time	Unit	Disposition	User
7/19/2023	01:08:15		LDC_Duplicate Call	CRR

Supplemental Person

No Supplemental Persons

Supplemental Property

No Supplemental Property

Supplement Vehicle

No Supplemental Vehicles

Supplemental Weapon

No Supplemental Weapons

Incident Detail Report

Incident Status Closed
Incident Number 202300453380
Incident Date 7/19/2023 01:05:22

Incident Information

Incident Type: 114D
Priority: LP2_Delta
Determinant:
Base Response #: 07192023-0015436
Confirmation #:
Taken By: Clifton, Sarah E
Response Area: CCSO D9 111
Disposition: LCCR_Call Comp/ Report Taken
Cancel Reason:
Incident Status: Closed
Certification:
Longitude: 79954982
MGRS: 17SNS9792221556

Alarm Level:
Problem: *Dom Disturb/Viol_In Progress
Agency: Law Enforcement
Jurisdiction: Sheriff_CCSO
Division: SOD9
Battalion: SOD9
Response Plan: LL06
Command Ch:
Primary TAC:
Alternate TAC:
Delay Reason:
Latitude: 32727455
UTM: 17S 597923 3621556

Incident Location

Location Name:
Address:
Apartment:

Building:
City, State, Zip: JAMES ISLAND, SC 29412

County: CHARLESTON
Location Type:
Cross Street: FIELDS CIR/VALLEY RD
Tow Provider Area: SPA CCSO DIS 9
Map Reference:

Call Receipt

Caller Name: VERIZON
Method Received:
Caller Type:
Caller Address:
Caller City, State, Zip: ,

Call Back Phone: 518-810-7587
Caller Location:
Caller Apt/Bldg: /
Caller County:

Time Stamps

Description	Date	Time	User
Phone Pickup	7/19/2023	01:05:22	
1st Key Stroke	7/19/2023	01:05:22	
In Pending Queue	7/19/2023	01:05:46	
Call Taking Complete	7/19/2023	01:09:06	Clifton, Sarah E
1st Unit Assigned	7/19/2023	01:06:11	
1st Unit Enroute	7/19/2023	01:06:25	
1st Unit Arrived	7/19/2023	01:08:08	
Incident Under Control			
Time Sent to Other CAD			
Incident Closed	7/19/2023	02:28:14	Rizzo, Celia R

Elapsed Times

Description	Time
Received to In Queue	00:00:24
Call Taking	00:03:44
In Queue To 1st Assign	00:00:25.6
Call Received to 1st Assign	00:00:49.6
Assigned to 1st Enroute	00:00:13.4
Enroute to 1st Arrived	00:01:43.7
Incident Duration	01:22:52

ANI/ALI Calls

Time Received	Phone Number	Address	City
7/19/2023 1:05 AM	518-810-7587		

Units Assigned

Unit	Assigned	Disposition	Enroute	Staged	Arrived	At Patient	Delay Avail	Complete	Odm. Enroute	Odm. Arrived	Cancel Reason
SO245	7/19/2023 01:06:11	LDIV_Divert to Higher Pri Call						7/19/2023 01:06:17			LDIV_Divert to Higher Pri Call
SO276	7/19/2023 01:06:17	LCCR_Call Comp/ Report Taken	7/19/2023 3 01:08:18		7/19/2023 01:15:33			7/19/2023 02:28:14			
SO245	7/19/2023 01:06:21		7/19/2023 3 01:06:25		7/19/2023 01:08:08			7/19/2023 01:55:14			
SO69	7/19/2023 01:15:35		7/19/2023 3 01:15:35					7/19/2023 01:59:22			

Personnel Assigned

Unit	Name
SO69	Cheek, Brittany (69) (SO10828)
SO276	Duritsa, Brandon (276) (SO120138)
SO245	Hendricks, Michael (245) (SO10813)
SO245	Hendricks, Michael (245) (SO10813)

Pre-Scheduled Information

No Pre-Scheduled Information

Special Equipment

No Special Equipment

Transports

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No Transports

Transport Legs

No Transport Legs

Comments

Date	Time	User	Type	Confidential	Comment
7/19/2023	01:05:22	Automatic by System	Response		
7/19/2023	01:05:22	SYS	Response		[1] WIRELESS CALL SHERIFF FIRE-QUERY FOR LO COUNTY EMS
7/19/2023	01:05:22	SYS	Response		[2] additional info W SECTOR
7/19/2023	01:05:42	SYS	Response		[4] additional info W SECTOR
7/19/2023	01:05:42	SYS	Response		[5] WIRELESS CALL SHERIFF FIRE-QUERY FOR LO COUNTY EMS
7/19/2023	01:05:42	SYS	Response		[6] A cellular re-bid has occurred, check the ANI/ALI Viewer for details
7/19/2023	01:06:05	SEC	Response		[7] CALLER UPSET THAT OFFICERS WERE SO RUDE
7/19/2023	01:06:24	SEC	Response		[8] CALLER ADV IT WILL BE CCSO FAULT IF BOYFRIEND WAKES UP AND MURDERS HER
7/19/2023	01:06:30	SEC	Response		[9] CALLER CUSSING
7/19/2023	01:06:35	SEC	Response		[10] CT HUNG UP
7/19/2023	01:06:39	SYS	Response		[12] [Appended, 01:08:15] [1] additional info W SECTOR
7/19/2023	01:06:39	SYS	Response		[13] [Appended, 01:08:15] [2] WIRELESS CALL SHERIFF FIRE-QUERY FOR LO COUNTY EMS
7/19/2023	01:06:40	Automatic by System	Response		[14] [Appended, 01:08:15] [3] [Address: ██████████] [Medium] [Dispatch Info] PLEASE NOTIFY KAREN HANNIFAN WHENEVER PD IS RESPONDING TO THIS LOCATION DUE TO MOTHER'S MENTAL STATUS - 843-614-0123
7/19/2023	01:07:00	SYS	Response		[15] [Appended, 01:08:15] [4] additional info W SECTOR
7/19/2023	01:07:00	SYS	Response		[16] [Appended, 01:08:15] [5] WIRELESS CALL SHERIFF FIRE-QUERY FOR LO COUNTY EMS
7/19/2023	01:07:00	SYS	Response		[17] [Appended, 01:08:15] [6] A cellular re-bid has occurred, check the ANI/ALI Viewer for details
7/19/2023	01:07:46	MMH	Response		[18] [Appended, 01:08:15] [7] CALLER ADV NOT TO HAVE ANYBODY COME OUT BECAUSE THE ONES THAT DID WERE HORRIBLE AND IF SHE DIES TONIGHT IT WILL BE ON THEM
7/19/2023	01:08:15	CRR	Response		[11] LINK: [202300453382] to [202300453380] because [202300453382] appends to [202300453380]
7/19/2023	01:18:26	SBS	Response		[19] SO245 ONE DETAINED
7/19/2023	01:19:50	SBS	Response		[20] SO245 NOW ADV ONE IN CUSTODY
7/19/2023	01:20:10	SBS	Response		[21] ****TIMES----0106---0108---IC @ 0119
7/19/2023	01:28:49	SBS	Response		[22] SO245 DL / 011341635
7/19/2023	01:29:09	SBS	Response		[23] SO276 DL / 102859139
7/19/2023	01:41:40	CRR	Response		[24] Requested Case Number(s) issued for Incident #[202300453380], Jurisdiction: Sheriff_CCSO. Case Number(s): 2023-009155. requested by SO276.
7/19/2023	01:43:30	CRR	Response		[25] Secondary Location for SO276: CHARLESTON COUNTY DETENTION CENTER - JAIL, 3841 LEEDS AV,NORTH CHARLESTON, SC 29405.
7/19/2023	01:43:30	Automatic by System	Response		[26] [2nd Address: 3841 LEEDS AV [CHARLESTON COUNTY DETENTION CENTER - JAIL]] [Medium] [Dispatch Info] Per Capt. Williams, dispatch

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7/19/2023 01:43:30 CRR

Response

[27] SO276 ,STARTING MILEAGE: 99431

Address Changes

No Address Changes

Priority Changes

No Priority Changes

Transport Changes

No Transport Changes

Transport Priority Changes

No Transport Priority Changes

Alarm Level Changes

No Alarm Level Changes

Activity Log

Date	Time	Unit	Activity	Location	Log Entry	User
7/19/2023	01:05:22		Read Comment		Comment for Incident 420 was marked as read.	SEC
7/19/2023	01:05:22		RapidSOS		Location found 32. 72753/-79.95506	RSOS
7/19/2023	01:05:46		Incident in Waiting Queue			
7/19/2023	01:05:46		ANI/ALI Statistics		INT Insert:Jul 19 2023 01:05:21 / INT SendNP:Jul 19 2023 01:05:21 / WS RecvNP:Jul 19 2023 01:05:21 / WS Process:Jul 19 2023 01:05:46	SEC
7/19/2023	01:05:46		Waiting Pending Incident Time Warning		Waiting Pending Incident Time Warning timer expired	
7/19/2023	01:05:46		Problem Nature		Incident problem nature changed from <Blank> to *Dom Disturb/Viol_In Progress	SEC
7/19/2023	01:05:49		Read Incident		Incident 420 was Marked as Read.	SBS
7/19/2023	01:06:01		Remove Waiting Pending Incident Warning		Removing Waiting Pending Incident Time Warning timer expired	
7/19/2023	01:06:02		Incident in Waiting Queue Timer Clear			
7/19/2023	01:06:11	SO245	Dispatched	CAMP RD\JULIA ST	Response Number: 07192023-0015436;	CRR
7/19/2023	01:06:17	SO245	Performing unit reassign	CAMP RD\JULIA ST	Performing unit reassign through Inform UI Queue, Source: unit SO276, Target: unit SO245 on	CRR

Incident 8855420.

7/19/2023	01:06:17	SO245	ReAssign Vehicle		ReAssign Reason: LDIV_Divert to Higher Pri Call	CRR
7/19/2023	01:06:17	SO245	ReAssign Vehicle		Clearing Primary Unit Flag	CRR
7/19/2023	01:06:17	SO276	Dispatched	CAMP RD\JULIA ST	Response Number: 07192023-0015437	CRR
7/19/2023	01:06:21	SO245	Dispatched	CAMP RD\JULIA ST	; Response Number: 07192023-0015438;	CRR
7/19/2023	01:06:25	SO245	Responding		Responding From = CAMP RD\JULIA ST.	CRR
7/19/2023	01:08:08	SO245	At Scene			CRR
7/19/2023	01:08:15		Linked Incident		Incident link created for [Law Enforcement] Inc # [202300453382]	CRR
7/19/2023	01:08:15		Supplemental Information		Supplemental Person record 1329309 - was added for VERIZON	CRR
7/19/2023	01:08:15		Append Incident		Dispatcher Appended [202300453382] to this incident	CRR
7/19/2023	01:08:17		Incident Late		Active incident marked as late	
7/19/2023	01:08:18	SO276	Responding		Responding From = HONEYSUCKLE LN\FARMINGTON RD.	CRR
7/19/2023	01:08:20	SO276	Primary Vehicle Status Change	HONEYSUCKLE LN\FARMINGTON RD	Primary Vehicle Status removed.	CRR
7/19/2023	01:08:20	SO245	Primary Vehicle Status Change		Primary Vehicle Status set.	CRR
7/19/2023	01:08:54		Premise History Access		Premise History Viewed	SEC
7/19/2023	01:11:08		Incident Late		Active incident marked as late	
7/19/2023	01:15:33	SO276	At Scene			SBS
7/19/2023	01:15:33		Incident Late		Active incident marked as late	
7/19/2023	01:15:35	SO69	Dispatched	AZALEA DR\LEEDS AV	; Response Number: 07192023-0015439;	SBS
7/19/2023	01:15:35	SO69	Update Sector		From Sector SOADM to SOD9	SBS
7/19/2023	01:15:35	SO69	Responding		Responding From = AZALEA DR\LEEDS AV.	SBS
7/19/2023	01:15:36		Incident Late		Active incident marked as late	
7/19/2023	01:30:35	SO276	Reset System Timer	HONEYSUCKLE LN\VALLEY RD	[Timer] Reset System Timer [Reset Reason] Status/Safety Check [Next Late Check Time] 7/19/2023 01:35:35	SBS
7/19/2023	01:30:40	SO245	Reset System Timer	HONEYSUCKLE LN\FIELDS CIR	[Timer] Reset System Timer [Reset Reason] Status/Safety Check [Next Late Check Time] 7/19/2023 01:35:40	SBS

7/19/2023	01:35:36		Incident Late		Active incident marked as late	
7/19/2023	01:41:40	SO276	Requested Case Number	HONEYSUCKLE LN\VALLEY RD	Requested Case Number(s) issued for Incident #[202300453380], Jurisdiction: Sheriff CCSO. Case Number(s): 2023-009155.	CRR
7/19/2023	01:43:30	SO276	Responding 2nd Loc	CHARLESTON COUNTY DETENTION CENTER - JAIL	Incident ID = 8855420, 3841 LEEDS AV 32845445, 80013541, /sm 99431	CRR
7/19/2023	01:55:14	SO245	Available		Unit Cleared From Incident 202300453380	CRR
7/19/2023	01:59:22	SO69	Available		Unit Cleared From Incident 202300453380	CRR
7/19/2023	02:28:14	SO276	Disposition		LCCR_Call Comp/ Report Taken	CRR
7/19/2023	02:28:14	SO276	Available		Unit Cleared From Incident 202300453380	CRR
7/19/2023	02:28:14	SO276	Response Closed		Response Disposition: LCCR_Call Comp/ Report Taken	CRR

Edit Log

Date	Time	Field	Changed From	Changed To	Reason	Table	Workstation	User
7/19/2023	01:05:21	Agency Name		Law Enforcement	(Response Viewer)	Incident	911DSP12	SEC
7/19/2023	01:05:22	Address	(Blank)	32° 43'38.84"N / 079° 57'17.94"W	New Entry	Response_Master_Incident	911DSP12	SEC
7/19/2023	01:05:22	Longitude	0	79954982	Entry Selected/Returned from Geolocator	Response_Master_Incident	911DSP12	SEC
7/19/2023	01:05:22	Latitude	0	32727455	Entry Selected/Returned from Geolocator	Response_Master_Incident	911DSP12	SEC
7/19/2023	01:05:22	Address	32° 43'38.84"N / 079° 57'17.94"W		Entry Selected/Returned from Geolocator	Response_Master_Incident	911DSP12	SEC
7/19/2023	01:05:22	Call Back Phone		518-810-7587	(Response Viewer)	Incident	911DSP12	SEC
7/19/2023	01:05:22	Unread Comment	False	True	(Response Viewer)	Incident	911DSP12	SEC
7/19/2023	01:05:23	ResponsePlanType	0	0	(Response Viewer)	Response_Master_Incident	911DSP12	SEC

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7/19/2023	01:05:23	Response_Area	CCSO D9 111	CCSO D9 111	(Response Viewer)	Response_Master_Incident	911DSP12	SEC
7/19/2023	01:05:23	Battalion	SOD9	SOD9	(Response Viewer)	Response_Master_Incident	911DSP12	SEC
7/19/2023	01:05:23	Division	SOD9	SOD9	(Response Viewer)	Response_Master_Incident	911DSP12	SEC
7/19/2023	01:05:23	Jurisdiction	Sheriff_CCSO	Sheriff_CCSO	(Response Viewer)	Response_Master_Incident	911DSP12	SEC
7/19/2023	01:05:23	City		JAMES ISLAND	Updated City	Response_Master_Incident	911DSP12	SEC
7/19/2023	01:05:46	Problem		*Dom Disturb/Viol_ In Progress	(Response Viewer)	Response_Master_Incident	911DSP12	SEC
7/19/2023	01:05:49	Read Call	False	True	(Response Viewer)	Response_Master_Incident	911DSP31	SBS
7/19/2023	01:19:54	Date_Time		Jul 19 2023 01:19:54	In Custody Time	Response_User_TimeStamps	911DSP31	SBS

Custom Time Stamps

Description	Date	Time	User
In Custody Time	7/19/2023	01:19:54	SBS

Custom Data Fields

No Custom Data Fields

Case Number

Case Number	Method	Radio Name
2023-009155	Request	SO276

Attachments

No Attachments

Dispositions

Date	Time	Unit	Disposition	User
7/19/2023	01:06:17	SO245	LDIV_Divert to Higher Pri Call	Rizzo, Celia R
7/19/2023	02:28:14		LCCR_Call Comp/ Report Taken	CRR

Supplemental Person

Name	Date of Birth	License Number	License State	Street Address	Apt.	City	State	Zip	Phone	SSN
VERIZON,									518-810-7587	
	Gender	Race		Hair Color		Eye Color				

Weapon	Age	Flight Direction
Hat	Min Age	Flight Mode
Jacket	Max Age	
Shirt	Height	Characteristics
Pants	Min Height	Comments
Shoes	Max Height	Description
Facial	Weight	
Glasses	Min Weight	
Build	Max Weight	

Supplemental Property

No Supplemental Property

Supplement Vehicle

No Supplemental Vehicles

Supplemental Weapon

No Supplemental Weapons

RECEIVED

May 20 2025

SC Court of Appeals

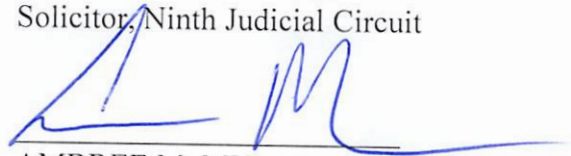
CERTIFICATE OF COUNSEL

Counsel for Appellant certifies this Record on Appeal contains all material proposed to be included by the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014, order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

ALAN WILSON
Attorney General

AMBREE MULLER
Assistant Attorney General

SCARLETT A. WILSON
Solicitor, Ninth Judicial Circuit



AMBREE M. MULLER
Bar # 104213

ATTORNEYS FOR APPELLANT

May 20, 2025

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May 20 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
The Honorable David P. Caraker, Jr., Circuit Court Judge

Appellate Case No. 2024-001615

THE STATE,

Appellant,

v.

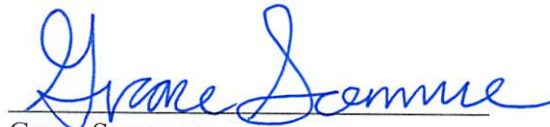
ELISABETH ANNE GERMAIN,

Respondent.

PROOF OF SERVICE

I, Grace Sommer, certify that I have served the within Record on Appeal on J. Scott Bischoff, II, Esquire, counsel of record for the Respondent by electronic mail to the address listed for counsel in AIS.

I further certify that all parties required by Rule to be served have been served.
This 20th day of May, 2025.



Grace Sommer
Legal Assistant

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