

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County

Honorable J. Derham Cole, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MICHAEL TYRUS JETER,

APPELLANT

APPELLATE CASE NO. 2025-000056

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State of South Carolina	)	Court of General Sessions
County of Charleston	)	Ninth Judicial Circuit
	)	
STATE OF SOUTH CAROLINA,	)	Case Number:
	)	2024-GS-10-01974
Plaintiff,	)	
	)	
vs.	)	
	)	
MICHAEL TYRUS JETER,	)	JURY TRIAL
	)	
Defendant.	)	TRANSCRIPT OF RECORD
_____	)	

January 6-7, 2025
Charleston, South Carolina

B E F O R E:

The Honorable J. Derham Cole, Jr.

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

MS. TYRA S. ROBERTS,
and MS. JORDAN A. NORVELL,
Assistant Solicitors,
for the Plaintiff;

MS. KAITLIN M. CORNWELL-GOULOOZE
and MR. PATRICK S. GOODWYN,
Assistant Public Defenders,
for the Defendant.

Jamie Bickett
Official Court Reporter

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1 (Court called to order at 11:02 a.m., Monday, January 6,
2 2025, in the presence of the potential jurors.)

3 THE COURT: Okay. Good morning, everyone. Can everyone
4 hear me?

5 Okay. Thank you all for being here. My name is Judge
6 Derham Cole. I'm presiding here in Charleston this week but
7 I'm from the Upstate, so I'm glad to be down here. It's a
8 little bit warmer than it was up there.

9 And I want to thank you. Happy New Year to everyone.
10 You may not have necessarily anticipated kicking your year
11 off with jury service and jury duty, but you are a vital part
12 of the judicial system and we are grateful for your being
13 here and your service.

14 We are here to pick a jury in the case of the State of
15 South Carolina versus Michael Tyrus Jeter. And I want to
16 make sure with --

17 I'd ask counsel, I know we've changed the order up a
18 little bit, but just to make sure the jury panel is not
19 waiting. I know there's some other cases have fallen off.
20 So are y'all ready to go with voir dire and picking a jury?

21 MS. CORNWELL-GOULOZE: Yes, your Honor.

22 MS. ROBERTS: The State is ready to proceed, your Honor.

23 THE COURT: Okay. All right.

24 MS. NORVELL: Your Honor, before you start, may we
25 approach briefly?

1 THE COURT: Yes.

2 (An off-the-record discussion was had at the bench in
3 the presence of the potential jurors but outside the hearing
4 of the potential jurors.)

5 THE COURT: Okay, ladies and gentlemen. We are ready to
6 begin with the jury selection in the first case that's going
7 to require some of your participation. And again, the title
8 of that case is State of South Carolina versus Michael Tyrus
9 Jeter.

10 Mr. Jeter has been accused by the State of having
11 committed one offense, which has been true-billed by the
12 grand jury. It arises out of -- allegedly arises out of an
13 incident occurring on December 30, 2023. I'm going to read
14 the allegations that are contained in the indictment.

15 And the indictment is not proof of anything. It does
16 not establish anything. It is simply the charging paper.
17 It's like an arrest warrant. It sets forth what charge the
18 State has brought against a defendant. Of course, the
19 indictment serves to put a defendant on notice as to what
20 crime the State claims they have committed so they will be
21 able to prepare for the trial in the case.

22 Now, in this particular case, the State has indicted
23 Mr. Jeter on one offense, and it is set forth in the
24 indictment. And that is -- well, it's Arrest Warrant
25 2024A1021000002. And it is an indictment for failure to stop

1 for a blue light.

2 Specifically, the indictment reads that in Charleston
3 County, South Carolina, on or about December 30, 2023, the
4 defendant Michael Tyrus Jeter, while driving a motor vehicle
5 on a road, street, or highway of the state, did in the
6 absence of mitigating circumstances knowingly fail to stop
7 after being signaled to do so by a law enforcement vehicle by
8 means of flashing light and/or siren, in violation of Section
9 56-5-750 of the South Carolina Code of Laws as amended.

10 Now, as to the allegations in the indictment, the
11 defendant Mr. Jeter has entered a plea of not guilty. Where
12 a defendant enters a plea of not guilty, the burden is on the
13 State to establish the defendant's guilt beyond a reasonable
14 doubt. In other words, the State has the burden of proving
15 the allegations as have been set forth in the indictment.
16 The State has the burden of proving each of the essential
17 elements of the crime which is alleged against the defendant.
18 Therefore, the State has the burden of proving the
19 defendant's guilt to the satisfaction of 12 jurors beyond a
20 reasonable doubt before any verdict of guilty could be
21 returned as it relates to any one of the -- any of the
22 indictments.

23 Therefore, we are going to be selecting 13 of you.
24 There will be 12 primary jurors and one additional juror to
25 serve as an alternate. And by way of your participation, you

1 are simply going to be called upon to listen to testimony
2 that will come from witnesses testifying from the witness
3 stand and to consider any other evidence that may be
4 introduced during the trial of the case.

5 At the trial's conclusion, you as the jury will be asked
6 to deliberate. In other words, you'll be called upon to
7 carefully evaluate the witnesses' testimony to determine what
8 you believe to be the true facts as they relate to these
9 allegations, apply the law that I will have provided you
10 before you go back to deliberate, and the jury will determine
11 whether or not the defendant's guilt has been proven beyond a
12 reasonable doubt as to the charge. If it has, then the
13 verdict would be guilty as to that charge. If it has not,
14 then the verdict would be not guilty as to the charge.

15 Now, before we begin with jury selection, I have a few
16 questions to ask you as a group. And the purpose of these
17 questions is to determine whether or not there's a reason why
18 any of you jurors should not be selected to participate in
19 the trial of this particular case. In other words, I need to
20 know if you have some reason why you could not be fair and
21 impartial as a juror if you are called upon to serve in this
22 particular case.

23 So as these questions are asked, in the event you need
24 to respond to them, I'll ask that you please stand and I'll
25 address the matter with you individually.

1 First of all, I'm going to be introducing some people to
2 you. Those are going to include the defendant and the person
3 -- the defendant, the potential witnesses to be called, as
4 well as the lawyers that are involved in the trial. The
5 reason I'm introducing these people to you is because I need
6 to find out if any member of the jury panel is connected by
7 blood or by marriage or whether you have any close personal,
8 social, professional, business, or other relationship with
9 any of these individuals. I simply need to know if you know
10 any of these people, if you have any connection or
11 relationship with them whatsoever.

12 So as they are introduced, if you have a connection, I'm
13 going to ask that you please stand so we can determine what
14 that connection is and whether or not it would have any
15 effect on your ability to be fair and impartial.

16 Now, first, as I told you, the defendant -- the person
17 who is accused of having committed these offenses is Michael
18 Tyrus Jeter.

19 Mr. Jeter, if you will stand and face the jury panel
20 now.

21 Okay. Thank you. You can be seated.

22 At the defense table with Mr. Jeter are his counsel. We
23 have Kaitlin Cornwell-Goulouze and Patrick Goodwyn.

24 Anyone else with you?

25 MS. CORNWELL-GOULOZE: My investigator is also here,

1 your Honor.

2 THE COURT: Okay.

3 MS. CORNWELL-GOULOZE: His name is Robert Duvall.

4 THE COURT: Okay. All right. Thank you.

5 Okay. And presenting the case on behalf of the State
6 are solicitors Jordan Norvell and Tyra Roberts.

7 And is there anyone else with y'all that you need to
8 introduce?

9 MS. ROBERTS: This is the lead officer in the case, Troy
10 Aratan. And we also have our investigator Mike Intini
11 present with us.

12 THE COURT: Okay. And I'm going to call -- thank you.
13 I'm going to call your witness -- the witnesses on your list
14 out as well, so we'll cover it.

15 Does anyone have any knowledge or connection of the
16 folks we've introduced so far?

17 Okay. Seeing no one raise their hand, we will move on.

18 Okay. So in addition to the folks we just introduced --
19 including the defendant, the defense team, and the
20 prosecution team -- there are the following potential
21 witnesses who may be called. And they are again Officer Troy
22 Aratan of the North Charleston Police Department; Officer
23 Hattie Perry of the North Charleston Police Department;
24 Lieutenant Todd Morgan of the North Charleston Police
25 Department; and Melissa High, Charleston County records

1 custodian.

2 Anyone have any connection with them?

3 Okay. Defense, do you have anyone you need to announce
4 at this time?

5 MS. CORNWELL-GOULOOZE: No, Judge.

6 THE COURT: Any witnesses? Okay. Thank you.

7 Okay. As I've told you, based upon my reading of the
8 allegations in the indictment, this is an event that
9 allegedly occurred back on December 30, 2023, in Charleston
10 County. Has -- I don't expect that there would be, but I
11 need to know if any of the jury panel has heard, seen, or
12 read anything about the facts or circumstances that might
13 relate to this particular case. In other words, have you
14 been exposed to any information about this case from any
15 source, whether it be media or whether it be individuals
16 talking about the case or just any source whatsoever? If so,
17 please stand.

18 Okay. Seeing no one standing.

19 Has any member of the jury panel already formed an
20 opinion or made up your mind as to how you think the case
21 ought to be decided based upon what you have heard up to this
22 point, if anything, or based upon any other consideration? I
23 just need to know if any of the jurors has made up your mind
24 or formed an opinion as to the outcome. If so, please stand.

25 No one standing.

1 Does any member of the -- oh, I'm sorry.

2 Ma'am, can you state your juror number and name.

3 POTENTIAL JUROR: I'm 29, Barbara Branch.

4 THE COURT: Okay. And what do you have to tell us?

5 POTENTIAL JUROR: I believe I know of the second charge,
6 which would possibly disqualify me from being a juror in the
7 way that I have a partial opinion.

8 THE COURT: There's one -- you know something about the
9 charge in this case?

10 POTENTIAL JUROR: I believe that I know one of the
11 charges in the case.

12 THE COURT: There's just -- there's one -- there's one
13 charge.

14 POTENTIAL JUROR: Oh, okay. I thought there was a
15 second one.

16 THE COURT: No. There's one charge. The indictment is
17 failure to stop for a blue light.

18 POTENTIAL JUROR: Okay.

19 THE COURT: Does that satisfy your concern?

20 MR. GOODWYN: Can we bring her up and maybe figure out
21 what the confusion maybe is?

22 THE COURT: Yes.

23 Could you please approach.

24 If counsel would approach.

25 COURT REPORTER: Judge, do you want me to get this?

1 THE COURT: Not right now.

2 (An off-the-record discussion was had at the bench in
3 the presence of the potential jurors but outside the hearing
4 of the potential jurors.)

5 THE COURT: Ms. Branch, if you could remain standing,
6 please.

7 Okay. Just for the record, Ms. Branch and counsel just
8 had a bench conference, and there was a concern raised but it
9 was something that did not apply to this case.

10 And so with that understanding, Ms. Branch, given what
11 you previously said on the record and what we said at the
12 bench conference, is there any reason that you could not be a
13 fair and impartial juror in this case?

14 POTENTIAL JUROR: Not based on what you told me.

15 THE COURT: Okay. Thank you.

16 Counsel?

17 (No audible response.)

18 THE COURT: Okay.

19 Anyone else?

20 Okay. Thank you.

21 Okay. I've had some questions submitted by counsel, so
22 I'm going to ask these as well. They may be very similar or
23 overlap with what has been asked, but I'm going to ask them
24 just for the sake of completeness.

25 Are you -- is any juror aware of any reason why you

1 could not be fair and impartial to the defendant or the
2 State? If so, please stand.

3 No one standing.

4 Do you have any personal feelings or relationships that
5 would make it difficult for you to believe police testimony?
6 If so, please stand.

7 No one standing.

8 Has any member of the jury had negative interactions
9 with law enforcement, other than a traffic ticket, that would
10 make it difficult for you to be fair and impartial? If so,
11 please stand.

12 Yes, sir. What's your -- could you state your name and
13 juror number, please.

14 POTENTIAL JUROR: Eric Young, 298.

15 THE COURT: Okay. And what is your response to that
16 question?

17 POTENTIAL JUROR: In college I had incidents, when I
18 went to UNH, where police lied under oath.

19 THE COURT: Okay. And would that affect your ability to
20 be fair and impartial in this case?

21 POTENTIAL JUROR: I feel so.

22 THE COURT: Okay. We'll excuse you then. Thank you.
23 Please stay seated, but we'll excuse you from service.

24 Okay. Does any member of the jury panel have any
25 religious or personal beliefs that would interfere with your

1 sitting in judgment of another based on the age or race of a
2 person? If so, please stand.

3 No one is standing.

4 Anything from counsel?

5 MS. CORNWELL-GOULOZE: No, Judge.

6 MS. ROBERTS: No.

7 THE COURT: Okay.

8 Okay. We will now proceed to drawing a jury. As your
9 name is called, you're going to come forward.

10 (The Court consulted with the Clerk of Court.)

11 THE COURT: Counsel, five and five.

12 MR. GOODWYN: That's correct.

13 THE COURT: And then the alternate would be one and two.

14 MS. CORNWELL-GOULOZE: That's correct.

15 THE COURT: Yeah. Okay.

16 Okay. Correction. Make sure you know how people do
17 things in other counties where you come.

18 When your name is called, you are just going to stand in
19 place, and then we will proceed from there.

20 If you'll bear with us a moment, the clerk is going to
21 print a list of jurors and we will proceed when she is ready.
22 Thank you.

23 (Pause in proceedings.)

24 THE COURT: Anything further from counsel before we
25 proceed?

1 MS. CORNWELL-GOULOZE: No, Judge.

2 MS. ROBERTS: No.

3 THE COURT: Okay. Please proceed.

4 CLERK OF THE COURT: Ladies and gentlemen, when I call
5 your jury number, if you'll please stand and face the
6 attorneys for selection.

7 Juror Number 143.

8 What say you for the State?

9 MS. ROBERTS: Please excuse this juror.

10 CLERK OF THE COURT: Ma'am, if you'll have a seat,
11 you've been excused from the trial of this case.

12 Juror Number 113.

13 What say you for the State?

14 MS. ROBERTS: Please present this juror.

15 CLERK OF THE COURT: What say you for the defendant?

16 MS. CORNWELL-GOULOZE: Please excuse this juror.

17 CLERK OF THE COURT: Sir, if you'll have a seat, you've
18 been excused from the trial of this case.

19 Juror Number 175.

20 What say you for the State?

21 MS. ROBERTS: Please present this juror.

22 CLERK OF THE COURT: What say you for the defendant?

23 MS. CORNWELL-GOULOZE: Please seat this juror.

24 CLERK OF THE COURT: Ma'am, if you'll gather your
25 belongings and stand on the wall, you've been selected as a

1 juror in the trial of this case.

2 Juror Number 173.

3 What say you for the State?

4 MS. ROBERTS: Please present this juror.

5 CLERK OF THE COURT: What say you for the defendant?

6 MS. CORNWELL-GOULOOZE: Please seat this juror.

7 CLERK OF THE COURT: Ma'am, if you'll gather your
8 belongings and please stand on the wall, you've been selected
9 as a juror in the trial of this case.

10 Juror Number 276.

11 What say you for the State?

12 MS. ROBERTS: Please present this juror.

13 CLERK OF THE COURT: What say you for the defendant?

14 MS. CORNWELL-GOULOOZE: Please seat this juror.

15 CLERK OF THE COURT: Sir, if you'll gather your
16 belongings and stand on the wall, you've been selected as a
17 juror in the trial of this case.

18 Juror Number 157.

19 What say you for the State?

20 MS. ROBERTS: Please present this juror.

21 CLERK OF THE COURT: What say you for the defendant?

22 MS. CORNWELL-GOULOOZE: Please excuse this juror.

23 CLERK OF THE COURT: Ma'am, if you'll have a seat,
24 you've been excused from the trial of this case.

25 Juror Number 289.

1 What say you for the State?

2 MS. ROBERTS: Please excuse this juror.

3 CLERK OF THE COURT: Ma'am, if you'll have a seat,
4 you've been excused from the trial of this case.

5 Each side has exhausted two of their five strikes.

6 Juror Number 124.

7 MS. NORVELL: Could you please repeat the juror number.

8 CLERK OF THE COURT: 124.

9 MS. NORVELL: Thank you.

10 CLERK OF THE COURT: What say you for the State?

11 MS. ROBERTS: Please present this juror.

12 CLERK OF THE COURT: What say you for the defendant?

13 MS. CORNWELL-GOULOZE: Please seat this juror.

14 CLERK OF THE COURT: Sir, if you'll gather your
15 belongings and stand on the wall, you've been selected as a
16 juror in the trial of this case.

17 Juror Number 172.

18 What say you for the State?

19 MS. ROBERTS: Please present this juror.

20 CLERK OF THE COURT: What say you for the defendant?

21 MS. CORNWELL-GOULOZE: Please seat this juror.

22 CLERK OF THE COURT: Ma'am, if you'll gather your
23 belongings and stand on the wall, you've been selected as a
24 juror in the trial of this case.

25 Juror Number 231.

1 What say you for the State?

2 MS. ROBERTS: Please present this juror.

3 CLERK OF THE COURT: What say you for the defendant?

4 MS. CORNWELL-GOULOZE: Please seat this juror.

5 CLERK OF THE COURT: Ma'am, if you'll gather your
6 belongings and stand on the wall, you've been selected as a
7 juror in the trial of this case.

8 Juror Number 184.

9 What say you for the State?

10 MS. ROBERTS: Please present this juror.

11 CLERK OF THE COURT: What say you for the defendant?

12 MS. CORNWELL-GOULOZE: Please seat this juror.

13 CLERK OF THE COURT: Sir, if you'll gather your
14 belongings and stand on the wall, you've been selected as a
15 juror in the trial of this case.

16 Juror Number 165.

17 What say you for the State?

18 MS. ROBERTS: Please present this juror.

19 CLERK OF THE COURT: What say you for the defendant?

20 MS. CORNWELL-GOULOZE: Please excuse this juror.

21 CLERK OF THE COURT: Sir, if you'll have a seat, you've
22 been excused from the trial of this case.

23 Juror Number 245.

24 What say you for the State?

25 MS. ROBERTS: Please present this juror.

1 CLERK OF THE COURT: What say you for the defendant?

2 MS. CORNWELL-GOULOOZE: Please seat this juror.

3 CLERK OF THE COURT: Ma'am, if you'll gather your
4 belongings and stand on the wall, you've been selected as a
5 juror in the trial of this case.

6 Juror Number 239.

7 What say you for the State?

8 MS. ROBERTS: Please present this juror.

9 CLERK OF THE COURT: What say you for the defendant?

10 MS. CORNWELL-GOULOOZE: Please seat this juror.

11 CLERK OF THE COURT: Ma'am, if you'll gather your
12 belongings and stand on the wall, you've been selected as a
13 juror in the trial of this case.

14 Juror Number 29.

15 What say you for the State?

16 MS. ROBERTS: Please present this juror.

17 CLERK OF THE COURT: What say you for the defendant?

18 MS. CORNWELL-GOULOOZE: Please excuse this juror.

19 CLERK OF THE COURT: Ma'am, if you'll have a seat,
20 you've been excused from the trial of this case.

21 Defense has exhausted four of their five strikes.

22 Juror Number 84.

23 What say you for the State?

24 MS. ROBERTS: Please present this juror.

25 CLERK OF THE COURT: What say you for the defendant?

1 MS. CORNWELL-GOULOOZE: Please seat this juror.

2 CLERK OF THE COURT: Sir, if you'll gather your
3 belongings and stand on the wall, you've been selected as a
4 juror in the trial of this case.

5 Juror Number 37.

6 What say you for the State?

7 MS. ROBERTS: Please excuse this juror.

8 CLERK OF THE COURT: Sir, if you'll have a seat, you've
9 been excused from the trial of this case.

10 Juror Number 133.

11 What say you for the State?

12 MS. ROBERTS: Please present the juror.

13 CLERK OF THE COURT: What say you for the defendant?

14 MS. CORNWELL-GOULOOZE: Please seat this juror.

15 CLERK OF THE COURT: Sir, if you'll gather your
16 belongings and stand on the wall, you've been selected as a
17 juror in the trial of this case.

18 Juror Number 11.

19 What say you for the State?

20 MS. ROBERTS: Please present this juror.

21 CLERK OF THE COURT: What say you for the defendant?

22 MS. CORNWELL-GOULOOZE: Please seat this juror.

23 CLERK OF THE COURT: Ma'am, if you'll gather your
24 belongings and stand on the wall, you've been selected as a
25 juror in the trial of this case.

1 Now selecting for our alternate.

2 Juror Number 185.

3 What say you for the State?

4 MS. ROBERTS: Please present this juror.

5 CLERK OF THE COURT: What say you for the defendant?

6 MS. CORNWELL-GOULOZE: Please seat this juror.

7 CLERK OF THE COURT: Ma'am, if you'll gather your
8 belongings, you've been selected as an alternate in the trial
9 of this case.

10 Your Honor, you have your jury.

11 THE COURT: Okay. Thank you.

12 And thank you all again who have been selected for
13 service, as well as those who were not. You played an
14 important role either way.

15 Okay. Those who were not selected will be dismissed for
16 the afternoon. But please call back at --

17 Madam Clerk, what time?

18 CLERK OF THE COURT: At 6:00 p.m.

19 THE COURT: -- at 6:00 p.m. for further instructions
20 about the rest of the week. Thank you so much.

21 And the ones that were selected, if you will just wait.

22 (Remaining potential jurors exited the courtroom at
23 11:34 a.m.)

24 THE COURT: If counsel could please approach.

25 (An off-the-record discussion was had at the bench in

1 the presence of the jury but outside the hearing of the
2 jury.)

3 THE COURT: Okay. Ladies and gentlemen of the jury,
4 thank you again for your service. Just to give you just a
5 general idea of the schedule -- well, first of all, we're
6 going to go ahead and dismiss you for lunch so you can eat.
7 Number 1, eat lunch. Also, make arrangements -- any kind of
8 arrangements you may need to make logistically for family,
9 work, or otherwise. And I'm going to ask you to come back at
10 2:30, and then we'll get started.

11 The lawyers and I have some pretrial matters that we
12 need to take up before we get started with the trial itself.
13 And then typically -- just for, you know, planning -- we will
14 go till about 5:00. If we're in the middle of a witness or
15 something, it may run a little bit over, but I'm going to try
16 to get you out as close to 5:00, if not before.

17 Counsel have estimated this to be approximately a
18 two-day trial, but that really just -- that depends on -- you
19 know, it depends on several factors: the length the
20 witnesses take and deliberations. So we're just
21 approximating two days, but please don't hold us to that. I
22 can't make any promises on that front.

23 And we haven't started the case yet, but please, when
24 you leave here, before you come back and you're at lunch,
25 please don't -- I know you don't know anything about the case

1 yet, but I still have to ask you. Please don't discuss the
2 case with one another. Please don't discuss the case with
3 anyone else. Don't do any independent research about the
4 case. I don't really know if there's any media coverage or
5 not, but don't try to go find it. You're going to base your
6 deliberations and your decisions on the testimony and the
7 evidence presented at trial. So you will not deliberate
8 until you're instructed by the Court to do so.

9 So as you leave, please keep that in mind. I will keep
10 reminding you not because -- just to make sure we're all --
11 we all stay on the right path.

12 So with that, you're welcome to leave. Please report
13 back at 2:30. The trial of the case will be in the courtroom
14 on the fourth floor. So when you come back through security,
15 just tell them you're here for the trial of the case this
16 afternoon and they will direct you to your jury room.

17 So thank you all again for your service. We'll see you
18 after lunch at 2:30.

19 (The jury was released for lunch and exited the
20 courtroom at 11:40 a.m.)

21 (Court recessed.)

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

23 THE COURT: All right. Good afternoon, everyone. We'll
24 proceed with our pretrial matters and motions.

25 Defense, do you want to deal with the -- defense, do you

1 want to deal first with the withdrawal of the motion to be
2 relieved?

3 MS. CORNWELL-GOULOOZE: Sure, your Honor, just to put it
4 on the record.

5 I met with my client. Obviously, we talked about the
6 previously filed motion to be relieved. He's asked that I
7 stay on his case. So we would like to withdraw that motion,
8 your Honor, but wanted to have it on the record.

9 THE COURT: Okay. So noted.

10 Mr. Jeter, do you agree with what your lawyer said? You
11 want to keep them on --

12 THE DEFENDANT: Yes, sir.

13 THE COURT: -- as your counsel and withdraw the motion
14 to be relieved?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Okay. Very well. So ordered.

17 I guess we can proceed with your motion to suppress and
18 then go with your motions in limine or other matters.

19 Do you have your pretrial brief?

20 MS. CORNWELL-GOULOOZE: (Indicated.)

21 THE COURT: Okay.

22 MS. CORNWELL-GOULOOZE: All right. Thank you, Judge.

23 As it relates to the motion to suppress any evidence of
24 my client allegedly speeding, your Honor, the argument is
25 based on Officer Aratan's use -- sole use of visual

1 estimating of his speed, which is referred to as tracking.

2 Your Honor, Officer Aratan received his Class 1 LE
3 officer certification on May 12 of 2023. According to his
4 training records, he is not certified in the speed -- in the
5 use of speed-measuring devices such as a radar gun, nor is
6 there ever any indication that one was used, your Honor.
7 Officer Aratan only alleges how fast his vehicle was going in
8 an attempt to reach my client's vehicle. There is no
9 documented speed of my client's vehicle in the report.

10 Therefore, we ask for any mention of my client's speed
11 to be suppressed in this trial.

12 THE COURT: Okay.

13 Solicitor.

14 MS. NORVELL: Thanks, Judge.

15 The State doesn't have any need to focus any testimony
16 about the speed because there is an independent alternate
17 basis for the -- er, probable cause basis for the stop: the
18 improper tag display.

19 However, we do think that the case law is clear that
20 it's perfectly appropriate for the officer to have
21 corroborating evidence other than his visual observation,
22 meaning the corroborating evidence in this case would be that
23 dash camera. That is connected to his car, and his car is
24 manufactured to have the actual speed in which he's
25 traveling. The cases are, you know, pretty clear that, you

1 know, as I said, if it's a little bit over the speed limit,
2 that your visual observation isn't enough; if it's a pretty
3 significant amount of speed over the limit, then your visual
4 observation can suffice, especially when you have
5 corroborating circumstances.

6 We think we're fine to be able to elicit testimony about
7 it, but we don't need to so we're not really going to fight
8 about it. We're fine.

9 THE COURT: Okay. So we can -- by agreement of the --

10 MS. NORVELL: The basis for the stop is the improper tag
11 display.

12 THE COURT: Okay. So by agreement of the parties --

13 MS. NORVELL: Yes.

14 THE COURT: -- the issue of the speeding will not be --

15 MS. NORVELL: If the question is asked by the defense,
16 our witnesses will answer the questions that they are asked.
17 But the State has no intention of eliciting testimony from
18 our witnesses that the speed was the basis for the stop.

19 THE COURT: Okay.

20 MS. CORNWELL-GOULOZE: Thank you, Judge.

21 As it relates to my motion to suppress any evidence of
22 the failure to stop for a blue light which stems from our
23 argument that there's a violation of his Fourth Amendment
24 rights, your Honor, the U.S. Constitution and the state
25 constitution under Article 1, Section 10, grants the right to

1 be free from unreasonable searches and seizures.

2 Your Honor, under *State v. Tindall*, an officer may ask
3 for a driver's license, vehicle registration, run a computer
4 check, and issue a citation. An officer may also order
5 occupants out of the vehicle without violation of the Fourth
6 Amendment under *Pennsylvania v. Mimms*. However, your Honor,
7 the Supreme Court is clear in *Rodriguez v. United States* that
8 any detention beyond the purpose of the traffic stop without
9 probable cause violates the Fourth Amendment.

10 Your Honor, *Rodriguez v. United States*, which was
11 decided in 2015, further elaborates on the previously decided
12 *Illinois v. Caballes* that if the purpose of the stop is to
13 address the traffic infraction, it may last no longer than to
14 effectuate that purpose. Your Honor, a K-9 dog sniff is not
15 an ordinary incident to a traffic stop and, as was decided
16 both in *Rodriguez* and *Caballes*, the question is not whether
17 the sniff happened before or after the issuance of the
18 traffic ticket, rather if conducting the sniff would prolong
19 or add time to the reason for the initial stop. Your Honor,
20 my client was stopped for a tinted license plate cover.

21 I think it's especially important for you to know the
22 order in which the officers communicated to him.

23 Officer Perry is the second officer on scene. She asks
24 her questions to my client, and her first question is, "Do
25 you mind if we search?" My client rightfully denied consent

1 to the search by saying, "Yes, I do mind." It was at this
2 time that my client reasonably believed that she was going to
3 perform the search despite his denied consent, and that's
4 corroborated, your Honor, by her last statement to him, which
5 was, "Step out of the car because I'm going to run my dog
6 around your vehicle because you said no to searching."

7 Your Honor, Officer Perry is using his refusal as a
8 means to continue her detention, which the Supreme Court held
9 in *Florida v. Bostick* does not furnish the minimum level of
10 objective justification needed for detention or seizure.
11 Further, your Honor, not only is Officer Perry attempting to
12 prolong this traffic stop with a K-9 sniff, but there is no
13 point where Officer Aratan or Officer Perry indicate any
14 probable cause to conduct a search.

15 The South Carolina Court of Appeals ruled in *State v.*
16 *Williams* that an officer's knowledge of prior arrests or
17 criminal record is in no way probative of a present crime and
18 thus cannot serve as the basis for reasonable suspicion in a
19 search. Your Honor, therefore, Officer Perry stating in her
20 report that she recognized him from previous incidents with
21 law enforcement does not meet probable cause. Neither
22 officer gives any indication that they suspect illegal drugs
23 to be present, nor does either officer state they saw
24 anything in plain view, such as a weapon.

25 It's for these reasons, your Honor, the defense

1 respectfully requests for any evidence of the failure to stop
2 for a blue light to be suppressed.

3 THE COURT: Okay. Thank you.

4 Solicitor.

5 MS. NORVELL: Thank you, Judge.

6 In *Illinois v. Caballes*, this specifically discussed
7 when a traffic stop can be unjustifiably extended for a dog
8 sniff. In that case, the Supreme Court of the United States
9 said that an officer can conduct certain unrelated checks
10 during an otherwise lawful traffic stop. The normal traffic
11 stop functions are checking the license to make sure that
12 that's not suspended, checking the vehicle registration to
13 make sure the car's properly registered, all of those things.
14 Officer Aratan had just gotten back to his patrol car, had
15 not been able to even start that process in the time that the
16 defendant is alleging that he was illegally seized.

17 Essentially, Judge, *Caballes* found that the critical
18 question is not whether the dog sniff occurs before or after
19 the officer issues the ticket, but whether the dog sniff
20 prolongs -- i.e., adds time -- to the stop. In this case,
21 Judge, the State's position is that the defendant was not
22 illegally seized because he didn't stay. There was no
23 seizure. He did not stay. No dog was procured. No dog was
24 -- he did not get out of his car. He was not forced out of
25 his car. There was no sniff, and there was no time added to

1 the stop.

2 As the State mentioned in our brief, Judge, from the
3 time that Officer Aratan began pulling the defendant over
4 until the time that he and Officer Perry had both spoken with
5 him and the defendant fled the initial traffic stop, only
6 3 minutes and 15 seconds had elapsed. I know that the
7 pivotal question is not the length of time that elapsed, but
8 I think that's important for the Court to understand that
9 this is insignificant and he could not have even completed
10 the normal functions of a traffic stop in that amount of
11 time.

12 The State provided the Court with a copy of both
13 officers' body cams and Officer Aratan's in-car camera for
14 your review prior to these hearings. I'm not sure if you had
15 an opportunity to watch that, but if you did, you would see
16 in Officer Aratan's body-worn camera, Judge, when Officer
17 Perry waves him back to complete his functions of the traffic
18 stop, he sits down in his vehicle, he lifts up the driver's
19 license that the defendant handed him -- the defendant's
20 driver's license, and he starts to type on his computer. He
21 doesn't even have an opportunity to call any -- call the
22 driver's license number in to dispatch to check on that, he
23 doesn't have an opportunity to type in the defendant's name,
24 because the defendant peeled out and left the traffic stop.

25 THE COURT: Okay. I have not had a chance to watch that

1 video. I mean, can we --

2 MS. NORVELL: Would you like me to play it for you?

3 THE COURT: Yes.

4 MS. NORVELL: Would you like to review the entire
5 3 minutes and 15 seconds of the stop and then the body-worn
6 cam of Officer Aratan, or would you like to just review the
7 -- I think that would probably be the most beneficial to the
8 Court.

9 THE COURT: Yeah. Let's just do it all.

10 (Video played in open court.)

11 MS. NORVELL: And Judge, this is 3 minutes and 15
12 seconds after the officer's camera comes on --

13 THE COURT: Okay.

14 MS. NORVELL: -- which is before he has activated his
15 blue lights to initiate the initial traffic stop.

16 I'm going to play his body camera now so you can see the
17 inside of his car once he gets that driver's license and
18 comes back in.

19 (Video played in open court.)

20 MS. NORVELL: And Judge, this is where the pursuit
21 begins. That was only 15 seconds after Officer Aratan had
22 obtained the license and walked back to his patrol vehicle.

23 It's important for the Court to understand that Officer
24 Perry, the K-9 officer, had arrived on scene about seven
25 seconds after Officer Aratan had stopped the defendant's

1 vehicle. There was no prolonging, no waiting around for her.
2 I know we commonly hear that it takes upwards of 10 to 20
3 minutes for a K-9 officer to respond to the scene once the
4 officer determines that they want to run a dog around the
5 car. That's not what we have here. We have an almost
6 simultaneous response. We have Officer Perry responding to
7 the car so that Aratan can complete the normal traffic
8 functions of running that license, running the tag, and
9 writing his ticket.

10 As you can see, he plainly had no opportunity to do so.
11 There was no function of the stop that had been completed at
12 all or even initiated.

13 And there was -- there's no time that has been added to
14 this. It would be just patently -- the defendant was not
15 seized illegally here in this situation. He was not seized.
16 He did not remain on scene. This would be a very different
17 conversation if he had stayed and something else had
18 happened, but nothing happened. He didn't get out of the
19 car. The dog did not get out of the officer's vehicle.

20 I think that it's important to also say it's North
21 Charleston's K-9 policy to have the driver of the vehicle or
22 any passenger in the vehicle come out of the car in order to
23 run that dog around it, to run a free-air sniff. So she's
24 not asking something that's not in her own agency's policy.

25 And again, the *Rodriguez* case that the defense cited

1 states that absent reasonable suspicion, a dog sniff that
2 prolongs or adds time to the stop, whether performed during
3 the stop or after the completion of the stop, will transform
4 it then into an unlawful seizure. That's the case law that
5 the defense has brought to you, and that's not the situation
6 that you have before you, your Honor.

7 I don't know how many ways I can say --

8 THE COURT: Okay.

9 MS. NORVELL: -- that there was no time added to the
10 stop.

11 THE COURT: Anything further from the defense?

12 MS. CORNWELL-GOULOZE: Nothing further, your Honor.

13 THE COURT: Okay. Thank you.

14 I'm going to deny defendant's motion to suppress. The
15 traffic stop was not unreasonably long. It was not long at
16 all. And defendant didn't leave the car. The K-9 officer
17 arrived just mere moments after Officer Aratan had initiated
18 the stop. And Officer Aratan didn't even have enough time to
19 conduct normal incidences of such a traffic stop before it
20 ended abruptly. So therefore, I'm denying the motion to
21 suppress.

22 Okay. What else? What do we have next?

23 MS. ROBERTS: Next we have the State's motion in limine
24 to exclude a certain portion of Officer Hattie Perry's
25 body-worn camera.

1 So the State intends to introduce the time portions from
2 11 seconds to 41 seconds, and then omit 41 seconds to
3 1 minute and 6 seconds, and then pick that clip back up at
4 1 minute and 6 seconds to 1 minute and 30 seconds. The
5 portion of the clip that -- or the video that we intend to
6 exclude is Officer Perry talking about how she's going to
7 come and get her dog to sniff around the vehicle and her
8 asking the defendant to step out of the vehicle. We believe
9 that that should be excluded for multiple reasons.

10 Firstly, I believe it's irrelevant. It makes no fact of
11 consequence more or less likely in this case. It does not go
12 to any of the elements of failure to stop for a blue light.

13 Second, I believe that that clip would confuse the jury.
14 The issue of Hattie Perry conducting the sniff and asking him
15 to step out is a pretrial matter of law, so we're handling it
16 now. It does not go to the facts of this case and Michael
17 Jeter's failure to stop.

18 *State v. Johnson*, which is a Court of Appeals case from
19 2004 -- the cite is 410 S.C. 10 -- that is a similar case to
20 this. There was a pretrial matter regarding drugs, and the
21 Court held that -- it was regarding the weight of the drugs
22 and what evidence goes to show the weight, and the Court
23 suppressed that evidence. The defense wanted to introduce
24 that and talk to the jury about that anyway, and the court of
25 appeal held that that would be an erroneous statement of law

1 to allow the defense to argue that.

2 I believe that's the same situation that we have here
3 today. We have a pretrial ruling that Hattie Perry was
4 allowed to conduct that free-air sniff. And allowing the
5 defense to argue that that was a violation of his Fourth
6 Amendment right to the jury would be an erroneous statement
7 of law.

8 And lastly, I believe it would just confuse the jury.
9 You are the sole finder of the law, and the judge -- er, the
10 jury is here to be the fact finder. And I just believe that
11 allowing them to hear that testimony would confuse them.

12 THE COURT: Yes.

13 MS. CORNWELL-GOULOZE: Thank you, Judge. May it please
14 the Court.

15 The defense would request the entire clip of Officer
16 Perry's interaction to come in, 1, under the doctrine of
17 completeness, your Honor. We don't see how showing the
18 interaction between Officer Perry and my client would confuse
19 the jury in any way. Rather, the defense would like the jury
20 to see and hear how the officer interacts with my client at
21 his window.

22 As it relates to keeping out the video due to Fourth
23 Amendment rights arguments in front of the jury, regardless
24 of whether or not there was a Fourth Amendment violation, our
25 defense would be that it goes towards my client's fear in

1 that moment based on the interaction. He was fearful of her
2 searching him without probable cause, and it is established
3 by him saying, "You're profiling me." Any arguments made by
4 the defense on Fourth Amendment goes towards the defense --
5 our defense itself, your Honor.

6 I quickly read over the case that the State cited. It
7 appears the two parties were arguing over whether the defense
8 could ask the jury to decipher what the true weight of
9 methamphetamine was due to it allegedly being a mixture.
10 Obviously not the same here, your Honor. We're not arguing
11 law in front of the jury.

12 You know, the defense would further ask that you allow
13 the jury to decide -- er, the defense is not asking for the
14 jury to decide if there was a Fourth Amendment issue. It
15 just goes toward our defense itself, your Honor, and that is
16 my client's fear, which is part of mitigating circumstances
17 that is written in the statute.

18 Your Honor, if you are inclined to keep out that portion
19 of the video, the defense would request under *Dukes v. Smoak*
20 that we be allowed to introduce the remainder of the video
21 during cross-examination if the whole video does not
22 initially come in.

23 THE COURT: Okay.

24 Solicitor.

25 MS. ROBERTS: Yes.

1 Preliminarily, we have the video to play for your Honor
2 if you would like to see the entire portion that they would
3 like to be played. Do you want to see that?

4 THE COURT: Yes, please.

5 (Video played in open court.)

6 MS. ROBERTS: Your Honor, to respond to the defense's
7 argument, they stated two reasons why they want that portion
8 of the clip to be played.

9 The second reason that is stated was because they want
10 to show their client's fear in the moment for search without
11 probable cause. That is a matter of law -- whether there was
12 probable cause to conduct the search -- and you have ruled on
13 that, that the search was lawful.

14 Second, they said they want to show how the officers
15 interact with their client. I believe that is irrelevant.
16 It does not go to prove the elements of the crime, which is
17 who was driving the car, whether they were on a road of this
18 state, whether they signaled by blue lights and sirens, and
19 whether they stopped.

20 THE COURT: Okay. I am going to allow defense to
21 introduce that -- the omitted portion of the video that the
22 State has redacted -- if they wish to do so just, you know,
23 based on the doctrine of completeness. I think it shows the
24 entirety of the interaction and would aid the jury in seeing
25 the facts and circumstances that were part of the stop and

1 are part of the case.

2 MS. ROBERTS: Thank you, your Honor.

3 The next matter is Hattie Perry's personal knowledge of
4 the defendant. We do not feel the need -- we intend to
5 elicit testimony of when she comes up to the car and she
6 says, "Hey, is it Michael?" that she has knowledge of him and
7 she recognizes him by face and name. We don't believe the
8 defense objects to that, but we just included it in there to
9 anticipate.

10 MS. CORNWELL-GOULOZE: So long as she doesn't get into
11 any prior involvement and it's face and name alone, your
12 Honor, we have no objection to that.

13 MS. NORVELL: That's all we intend to elicit.

14 THE COURT: Okay. Yeah. This is limited to sort of an
15 antiseptic identification of the defendant in that time.

16 MS. NORVELL: And the last pretrial matter, Judge, is
17 the defendant's Facebook posts, the authentication thereof,
18 and the adoptive admissions that he makes.

19 So here -- it was brought to our attention last week by
20 one of our officers that the defendant has been using a
21 Facebook account by the name of "Bamma Yo" and posting
22 material directly related to this case. No issue with him
23 posting anything directly related to that. In fact, we kind
24 of like it.

25 So South Carolina Rules of Evidence 801(d)(2)(A) governs

1 admissions by a party opponent. We are -- the State is
2 permitted to offer statements against a party if it's the
3 party's own statement in either an individual or
4 representative capacity. Of course, these statements have to
5 be authenticated properly, and that is governed by Rule 901.
6 Evidence can be authenticated by the appearance, the content,
7 substance, internal patterns, or other distinctive
8 characteristics taken in conjunction with the circumstances
9 of the case.

10 Now, in this situation, Judge, we have a couple of
11 cases: *State versus Benton*, which is a 2021 case, and *State*
12 *versus Green*, which is a 2019 case. The Court of Appeals in
13 our state actually wrote the opinion on the social media
14 authentication in both of those situations. The Supreme
15 Court then reviewed both *Green* and *Benton* and simply stated
16 that they affirmed the Court of Appeals' opinion as it was
17 modified. So the Supreme Court did adopt the reasoning and
18 ruling of the Court of Appeals.

19 In *Green*, Judge, the case states that the judges of the
20 Court of Appeals state that the circumstantial evidence
21 related to the content, tenor, and timing of messages is
22 sufficient to meet that low bar of authentication of 901.
23 And it is a low bar, Judge. We simply have to show -- make
24 the proffer, this showing, and that's enough. And we think
25 that we can do that here.

1 Authentication can also be accomplished by referencing
2 unique facts or circumstances of the situation that only a
3 limited group or limited number of individuals would know.
4 And that's important in this case because the posts that the
5 State seeks to admit are two, but we have several for the
6 purpose of authentication to show that timing, the
7 circumstances, the tenor, the distinctive characteristics.
8 I'm going to pass all of these up to you, Judge, after I
9 discuss them.

10 So actually, I -- do you mind if I bring them up to you
11 now to review?

12 THE COURT: Please. And I think defense has seen these?

13 MS. CORNWELL-GOULOZE: That's correct, your Honor.

14 MS. NORVELL: All of these have been emailed to the
15 defense.

16 This is a big stack. We are not, again, seeking to
17 admit everything in that stack.

18 Chronologically, Judge, the way that we uncovered these
19 messages, first, on December 17 of 2024, the defendant posted
20 a video. It was a recording of him apparently viewing the
21 body-cam video of Officer Perry in this case. He posted a
22 caption on that: "See what I'm up against. This is the
23 stuff I deal with." This video was recorded by the defendant
24 -- by the user of this Facebook account posted on that
25 account.

1 On January 12, 2024, the defendant, the same user of
2 this same account, shared a Live 5 news article which
3 identified him as the driver of the vehicle in this
4 particular traffic stop. It was an article recounting the
5 facts of the incident and the defendant's arrest on those
6 charges. The caption of that post states, "I guess they
7 ain't got nothing better to do." A comment was left on the
8 post, and we'll take this up in the adoptive admissions part.

9 Next post was over the weekend, January 3 of 2025. Same
10 user, the defendant, shares a post stating, "I guess the
11 right person saw that video."

12 Next day, January 4, 2025, the defendant, same user of
13 that same Facebook, reshares the same body-worn camera
14 recording that was originally shared on December 17 of '24.

15 And finally -- well, I guess not finally after today --
16 same Facebook post. The defendant shares a post saying,
17 "They are trying to ban me from posting my stuff." And it's
18 sharing that same Live 5 news article that was originally
19 shared in January of last year which identified him as the
20 driver and the person facing charges in this incident.

21 The video that is shared -- excuse me. Let me stop.

22 As of today, it was brought to our attention that the
23 user of that account, the same Bamma Yo Facebook account,
24 posted a live photo with the tagged location of the
25 Charleston County Courthouse. It's a selfie of the defendant

1 wearing the same shirt he was wearing this morning in jury
2 selection, same hairstyle. And then there is a following
3 post saying, "I'm really not ready to deal with court today."

4 Judge, all of these posts, taken in conjunction, these
5 are the distinctive characteristics. These are the unique
6 facts known to a limited group. The only parties to this
7 action are the State, the officers in this case, and the
8 defendant. There is no one else in the car. He's the driver
9 and sole occupant. He is the only person that would be privy
10 to that body-cam video other than the prosecutors and the
11 defense attorneys.

12 There is a standing discovery protective order that was
13 signed in 2020 by our chief administrative judge at the time
14 that video and audio is not to be distributed. There are no
15 copies of that video floating around. The only people that
16 have access to that are law enforcement who provided the
17 State access, and the State who provided the defense
18 attorneys access, and the defense attorneys who are obligated
19 to provide access to their client. There are no copies that
20 are permitted to be made pursuant to that order.

21 Secondly, and significantly, the State advised the
22 defense attorneys on January 2 -- which is prior to the posts
23 on January 3, 4, 5, and today -- that we intended to offer
24 into evidence these posts from the Bamma Yo Facebook account
25 dated January 12, '24, and December 17, '24. So taking into

1 account that timing, followed by the comments, the captions,
2 and the commentary that is made that is specifically directed
3 towards this case, the only person that would have that
4 information that could be posting this information is the
5 defendant in this case.

6 The captions of these videos and these posts are
7 self-identifying. The captions in these posts and video
8 refer to the poster, the user, this page, this owner as "I."
9 "See what I gotta deal with." "The right people saw that
10 video." "They trying to ban me from posting my stuff."
11 These self-identifying characteristics and this timing and
12 this resharing of the video in this case goes to prove each
13 fact in this chain as the only person being the user of this
14 account being the defendant.

15 As to timing, Judge, the surrounding circumstances, the
16 self-identification, and the facts in this case, the videos
17 that were known by a limited group, and the unique facts of
18 the sole identified arrestee certainly meets the low bar for
19 authentication pursuant to the Rules of Evidence 901(b)(4).
20 It should put the Court's conscience at ease that this is
21 unmistakably the defendant as the user of this account, this
22 Bamma Yo account, posting information about this specific
23 case in which he is the only person charged.

24 And the State would ask for a ruling on authentication
25 because that kind of discerns whether or not we need to even

1 talk about the adoptive admissions.

2 THE COURT: All right. So how would you authenticate
3 those, though?

4 MS. NORVELL: How would we actually authenticate it?

5 THE COURT: Yes.

6 MS. NORVELL: By questioning the officer who located
7 them.

8 THE COURT: Okay. Defense.

9 MR. GOODWYN: Yeah. Judge, I think that that question
10 sort of gets to the crux of what this is. You can't have
11 somebody that doesn't have knowledge of the account -- to
12 begin with, it's not the officer's account. At least
13 according to the State, it's my client's account, and he's
14 the only person they should be able to get it in through
15 because it would be -- specific to authentication purposes,
16 you can't authenticate a Facebook account through someone
17 who's not either the Facebook -- the company of Facebook and
18 their representatives or my client or anybody else that had
19 access to the account. All right?

20 The officer clearly doesn't have access to the account,
21 and we would be opposed to any testimony that says they did.
22 So on its face, the officer is not going be able to
23 authenticate these posts. I think, Judge, if we were talking
24 about we get down the line and my client were to testify,
25 then, you know, I understand that the State would probably be

1 able to get into authenticating the posts through him. But
2 we have some issues with some of the -- one of the particular
3 posts is of a trial prep meeting in his attorney's office.

4 Now, I think -- just big picture, Judge; we're not
5 arguing identity in this case to begin with. So I think
6 getting into these Facebook posts, as far as linking our
7 client to that account, is cumulative and confusing to the
8 jury because we're not going to make that argument anyway.
9 And if they want to make the argument of who the person is
10 driving the car, they can do that in their case-in-chief.
11 They can't get in Facebook posts in their case-in-chief
12 through the officer.

13 THE COURT: Okay. Solicitor, any response to that?

14 MS. NORVELL: Yes, Judge.

15 The cases don't require authentication to be determined
16 by a certain person or a certain witness. The cases only
17 show and the rules only state that authentication must be
18 shown. And authentication is shown and can be shown -- as
19 the rules state -- in timing, surrounding circumstances, the
20 facts known to a limited group of people, and these unique
21 and identifying characteristics. And so that's how
22 authentication can happen.

23 We don't have to have only the defendant testify about
24 it. We can admit them through a person who's able to look at
25 these publicly posted materials, who found them and provided

1 them to the State. And taking in the timing and
2 circumstances and all of this information, that is sufficient
3 for authentication. So it does not have to only come in
4 through the defendant is the only -- excuse me, is the only
5 distinction that the State would like to make.

6 THE COURT: Okay. Anything further?

7 MR. GOODWYN: Yeah, Judge, just briefly.

8 I mean, that would be like me saying that I could find
9 something on Facebook and say, "Well, I saw this comment." I
10 could go in to somebody that I don't know and, as long as I
11 reviewed their Facebook enough, I could be hauled into court
12 for somebody that I did not know to testify that, "Yeah, that
13 looks like the person that is in the photos," which would
14 just open the sliding door to all sorts of improper
15 authentication.

16 MS. NORVELL: And additionally, as we just heard in the
17 last pretrial motion, this officer does have independent
18 experience with this defendant predating this incident in the
19 case we're present for at trial now. She knew him before
20 that. She knew him during this incident. And then she knows
21 exactly who it is posting the video on Facebook -- her video
22 -- regarding this case.

23 THE COURT: Okay. I will take that one under advisement
24 briefly. I'm going to take a look at just a couple cases and
25 look at what you handed up.

1 But do we have anything else that we need to take up
2 before we do that? We'll finish up as much as we can.

3 MS. ROBERTS: Lastly, your Honor, we wanted to address
4 this defendant's bond during the pendency of this trial. It
5 is the State's position that, just in general cases, the bond
6 terminates once the case is called for trial because the
7 overriding purpose of bond is to assure the defendant's
8 appearance at trial.

9 And then furthermore, just considering the nature of
10 this case, the fact that it's a failure to stop for a blue
11 light, this defendant is evading law enforcement, and his
12 knowing violation of a standing protection order in this
13 case, we believe that his bond should be terminated at this
14 point.

15 MS. CORNWELL-GOULOZE: And your Honor, defense
16 obviously requests that he be allowed to stay out on bond.
17 He's been out on bond, has not picked up any new charges
18 since he was arrested in January of 2024. Your Honor, he
19 turned himself in for this. And your Honor, we would argue
20 that any alleged violation of that court order does not go to
21 his bond conditions.

22 THE COURT: What are the bond conditions? Do you have
23 the current order?

24 And it will be extinguished once the jury's sworn too.
25 That's correct.

1 MS. CORNWELL-GOULOZE: Your Honor, he's on a GPS
2 monitor in his phone through his bondsman and to maintain
3 good behavior.

4 MS. ROBERTS: And your Honor, if I may speak to that, I
5 would argue that this defendant has not maintained good
6 behavior in intentionally and knowingly violating a
7 protection order, and then once his attorneys speak to him
8 about it, doubling down, showing that he does not care about
9 this Court's orders -- not yours specifically, but just a
10 standing order in this circuit. We believe that he has not
11 been on good behavior and his bond should be terminated.

12 THE COURT: Okay. The purpose of bond is to secure the
13 defendant's appearance for trial, and that trial is about to
14 begin. We're about to swear in the jury. So once the bond
15 is extinguished, the defendant will be remanded into custody
16 for the remainder of trial.

17 MS. ROBERTS: Thank you, your Honor.

18 THE COURT: Anything further before I take a look
19 further at these Facebook motions? Any other that we need to
20 take up before we bring the jury in?

21 MS. ROBERTS: Nothing further from the State.

22 MR. GOODWYN: Just, do we want to address the adoptive
23 admissions portion, or do you want to make a decision on the
24 authentication first?

25 THE COURT: If you want to -- let's go ahead and make

1 that argument so I can consider it all at one time.

2 MS. NORVELL: Thank you, Judge.

3 The same hearsay rule that your Honor was just given for
4 authentication but at subsection 801(d)(2)(B), a statement is
5 not hearsay if the statement is offered against a party that
6 is a statement of which the party has manifested a belief in
7 its truth. I know that defense raised some concern in our
8 chambers conference this morning that this is hearsay. Well,
9 I'd like to address that head-on. It's specifically not
10 hearsay when the Court has made a finding that the defendant
11 has manifested a belief in its truth.

12 There's not a wealth of South Carolina case law on this
13 topic, Judge. However, there are a few cases that are
14 instructive in determining how you could possibly find that
15 this defendant has manifested a belief in its truth.

16 There's a case, *State v. Sharpe*, where the Supreme Court
17 found that a statement made in the presence of a defendant by
18 a third person was admissible as an adoptive statement when
19 the person simply did not deny the statement.

20 Admissions may be implied from acquiescence. But
21 acquiescence, to have the effect of an admission, must
22 exhibit some act of the mind and amount to voluntary demeanor
23 or conduct of the party. It must plainly appear that the
24 language is fully understood by the party. And that's *State*
25 *versus Sudduth*, 74 S.C. 498.

1 In this case, Judge, we are not arguing that this is
2 mere acquiescence. We're not arguing that this is a head
3 nod. We are arguing that this is a direct response of the
4 defendant that goes to his state of mind, his motive, his
5 reasoning, his intent for leaving that traffic stop. And
6 what I'm referring to is the comment on the January 12, 2024,
7 post, which is the Live 5 news article, Judge.

8 One point that I forgot to mention in our prior argument
9 about the authentication, January 12, 2024, is the date that
10 the defendant turned himself in and these warrants were
11 served on him.

12 The comment made is, "I'll take the high-speed charge
13 before the dope and gun." The defendant responds and says,
14 "Word. Any day." Judge, that is a very clear manifesting a
15 belief in the truth of that statement.

16 Like I mentioned, South Carolina case law is pretty thin
17 on this, Judge. There are some instructive federal cases
18 that can help in this sort of situation.

19 THE COURT: Let me -- not to interrupt, but let me ask
20 you this question in case it impacts how you would argue the
21 rest.

22 Now, this one that says, "I'll take the" -- I guess the
23 -- I don't think you're saying that's a comment to the Live 5
24 news article. But someone writes, "I'll take the high-speed
25 charge before the dope and the gun," and the response is,

1 "Word. Any day." Regardless of how I side with the rest of
2 it, I'm not inclined to admit that. I don't -- the mention
3 of the dope and the gun seems to be unduly prejudicial. It
4 outweighs any probative value in the context of this case and
5 failure to stop for a blue light.

6 MS. NORVELL: I think that it's extremely probative
7 because it goes to motive. Why would somebody run from a
8 traffic stop? And I think the State should be allowed to
9 argue that this is a direct adoption, a manifestation of why
10 somebody would do that. It's clear on a commonsense level.
11 It's clear under the rules of evidence that not just this is
12 what a friend believes; this is a very understandable reason
13 why somebody would flee from a traffic stop, because it
14 appears to be less serious to get a high-speed charge than to
15 get a dope and a gun charge.

16 THE COURT: Okay. Mr. Goodwyn, I suspect you disagree.

17 MR. GOODWYN: I disagree fully, Judge, on the hearsay
18 argument and especially on the 403 argument. I'll go with
19 the 403 argument first because I think that's the one that
20 screams that this needs to stay out.

21 One, the case *the State v. Sharpe* that the solicitor
22 brought up as instructive -- and Judge, don't hold me to this
23 -- the real issue what we have here is the user name "Mugga
24 Man" is not here. I understand he puts a pretty clear
25 statement out there, but we don't know his intent. We're not

1 allowed to cross-examine him. I think that is dangerous
2 alone to have a statement that my client is allegedly
3 commenting to.

4 He's not even saying, "Yes, that's what I did." He's
5 saying, "Word. Any day." Well, that's not a direct
6 admission or an agreement with what he's saying. I think to
7 allow that in is, 1, it violates the hearsay rule because
8 we're not able to talk to the first person that made the
9 comment; and, 2, it's not a direct admission. "Word. Any
10 day" can mean a lot of things. And I don't think having the
11 jury debate that in the room about what it means is a good
12 use of the Court's time.

13 Two, and I think the more important one, is this is
14 highly prejudicial because it gets to motive. And while I
15 respect the State's strategy here, they just tried to keep
16 out a portion of the video that's talking about a search. So
17 I don't know that that's exactly -- you know, "We're trying
18 to keep that part of it out and also put this part of it in,"
19 which they kind of go together. We're talking about a K-9
20 search, and we're talking about guns and drugs. To say you
21 want to keep that part out but put that part in is not fair.
22 And this is clearly prejudicial.

23 MS. NORVELL: It is prejudicial, and that's the point of
24 a trial. We're not trying to not be prejudicial. But the
25 question is, is it more prejudicial than the probative value?

1 And the State is entitled to prove motive, Judge, and we are
2 entitled to at least argue these rules of evidence in that
3 journey.

4 This rule -- the South Carolina Rule of Evidence
5 801(d)(2)(B), Judge, this is identical to the federal rule.
6 There is an 11th Circuit case that explains: The primary
7 inquiry is whether the statement was such that under the
8 circumstances an innocent defendant would normally be induced
9 to respond and whether there is sufficient foundational facts
10 from which the jury could infer that the defendant heard,
11 understood, and acquiesced to the statement.

12 Again, in this situation we are not arguing that the
13 defendant simply acquiesced, didn't respond, felt like he
14 couldn't say anything because he didn't want that to be used
15 against him. We're not using any random comment on this post
16 or seeking to introduce any random comment on this post. We
17 are only seeking to introduce the comment on this post that
18 says "Any day." That is a manifested belief that "I would
19 any day rather take the high-speed charge than the dope and
20 the gun."

21 He was not induced to reply to that statement, Judge.
22 It, again, provides that certain motive. This reaction is
23 equivalent to -- it's *U.S. v. Carter*, that case that I quoted
24 to you, Judge. In that situation, there was a head nod that
25 the Court found was acquiescence and that was an

1 appropriately admissible acquiescence. We would argue that
2 this situation is similar to that, that head nod that was
3 found to be appropriate.

4 But more so than that, it's a direct response. He had
5 to take the time to seek this person's comment out and
6 respond to that directly.

7 And that's our argument.

8 THE COURT: Okay. Thank you.

9 He's not charged with any offenses related to drugs or
10 guns. I just think it's -- that, in particular, regardless
11 of the decision on the rest of these posts, is -- I'm going
12 to exclude that just based on 403, it being unduly
13 prejudicial and outweighing the probative value.

14 MS. NORVELL: Thank you, your Honor.

15 THE COURT: Any -- does that impact anything else that
16 you want me to consider with these posts?

17 MS. NORVELL: Beg the Court's indulgence one second,
18 your Honor.

19 THE COURT: Sure.

20 MS. NORVELL: Nothing as to that ruling, your Honor. I
21 think the other post that we were seeking to introduce was
22 the comment on the other -- the repost of that same article
23 saying, "I swear to God her begging you not to peel off lives
24 rent free in my mind."

25 THE COURT: Okay. I saw that in the -- what you

1 provided in chambers.

2 MS. NORVELL: Right.

3 THE COURT: I didn't see it as part of this sheaf of
4 papers, so I just wanted -- if that's what you're --

5 MS. NORVELL: We --

6 THE COURT: -- intending to do still, I need to just --

7 MS. NORVELL: I don't believe that we do still intend to
8 introduce that, if that's something that you want to consider
9 and me to argue.

10 THE COURT: That's fine. No, I'll consider that -- any
11 comment on that one specifically before we take a brief
12 recess.

13 MR. GOODWYN: Judge, specific to somebody else saying
14 that -- correct me if I'm wrong. It's somebody else saying
15 "you peeling off lives rent free in my head"; is that
16 correct?

17 THE COURT: Correct.

18 MR. GOODWYN: I mean, I think we'll make the same
19 hearsay argument here, Judge. It's somebody else talking
20 that we're not able to cross-examine. I mean, I understand
21 that it's posted to the news media article of this arrest,
22 but we're still opening the door to somebody -- a statement
23 that -- he didn't even comment on the statement. I think it
24 even goes past the analysis that we would on the previous
25 post. He didn't respond to that, unless the State is

1 alleging he did respond to it, but I haven't seen that.

2 But we're talking about somebody else's post that he
3 didn't even -- we're not even talking about a head nod. If
4 he posted a comment on every Facebook -- on every time
5 somebody posted on an article, then that's acquiescence. If
6 he doesn't, that's a problem.

7 THE COURT: Well, let me -- I'll let them speak their
8 position. I think their position is that he did respond to
9 it.

10 MS. NORVELL: Yeah, there's a -- there is not a direct,
11 like, written response like there was in the last one.
12 There's the reaction, like the --

13 MR. GOODWYN: It's an emoji -- a laughing emoji.

14 Judge, I would renew my same arguments that I made on
15 the other one. I mean, we don't have that person here to --
16 I mean, again, I understand that this was on the arrest -- on
17 the media article. But not allowing defense to be able to
18 probe into that person's comment under cross-examination, it
19 would be a violation of Mr. Jeter's rights under the hearsay
20 rule.

21 THE COURT: Do you have a copy of that?

22 MS. NORVELL: Yes, your Honor.

23 May I approach, Judge?

24 THE COURT: Yes, please.

25 MS. NORVELL: Sorry about that.

1 THE COURT: Okay. Thank you.

2 MR. GOODWYN: And Judge, I'll just say, specific to that
3 post, it's not like the previous post that speaks to motive.
4 I mean, what I assume the solicitor is trying to get out is
5 that it's his identity, that this is the person. We've
6 already said that, and that is not an argument that we're
7 trying to make. And I think allowing that in will be
8 confusing, at least, to the jury.

9 THE COURT: Okay. What's your response to that?

10 MS. NORVELL: That is exactly what I would be arguing is
11 this is the defendant peeling out.

12 THE COURT: All right. I'm going to take a look at
13 this.

14 In just a few minutes we need to get the jury out, but
15 anything further?

16 Okay. We'll be at ease for just a few minutes.

17 (Court recessed.)

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

19 THE COURT: Okay. We'll go back on the record.

20 I want to address the last remaining pretrial motion we
21 had.

22 I've taken into consideration counsels' arguments on the
23 Facebook post. I also reviewed again the cases that have
24 been cited, including *State v. Green*. And under *State v.*
25 *Green*, the solicitor -- the prosecution can -- will have the

1 opportunity to make a prima facie showing that the
2 authentication burden has been met on the Facebook page,
3 obviously subject to cross-examination and the jury's weight
4 as to the credibility if it's ultimately admitted, subject to
5 the earlier ruling that the comment exchange that includes
6 "the guns and dope" reference will be excluded.

7 MS. NORVELL: And your ruling on that is based on the
8 prejudicial nature of that comment?

9 THE COURT: Correct, the 403.

10 MS. NORVELL: Thank you, Judge.

11 THE COURT: Yes.

12 Okay. Anything further?

13 Okay. Well, let's bring in the jury, please.

14 THE BAILIFF: Yes, your Honor.

15 (The jury entered the courtroom at 3:22 p.m.)

16 THE BAILIFF: All jurors are present, your Honor.

17 THE COURT: Thank you.

18 Y'all please be seated.

19 Okay. Ladies and gentlemen of the jury, thank you for
20 your patience as we took up some pretrial matters with the
21 lawyers here that hopefully will make the trial go even more
22 smoothly and will be more efficient on that end, even though
23 it took a little more time than we anticipated this
24 afternoon. So thank you for that.

25 So ladies and gentlemen, we are ready to begin the trial

1 of the case for which you have been selected.

2 Ms. Makepeace, I'm going to ask you to serve as the
3 foreperson of the jury. As the foreperson, you will have
4 three specific duties that none of the other jurors will
5 have.

6 Number 1, you're going to be asked to serve as the
7 spokesperson for the jury. So if during the trial something
8 arises that needs to be brought to my attention -- that is,
9 if you or a fellow juror has some difficulty or a problem or
10 a question -- if you'll let the bailiff know, he will let me
11 know and I will address that problem or answer that question
12 to the best of my ability.

13 Secondly, you will be called to preside over the jury
14 deliberations when that time comes. And that, of course,
15 won't be until the end of the trial after all the evidence
16 has been received and I have instructed you on the law that
17 is applicable to the case. But when the time does come for
18 jury deliberations, you are called upon to preside over that
19 process in the jury room simply to ensure that those
20 deliberations are carried out in some orderly fashion.

21 And thirdly, you'll be asked to actually write the jury
22 verdict or the decision of the jury. You'll do that on
23 verdict forms I will provide you at the trial's conclusion on
24 which you will indicate the jury's unanimous decision as it
25 relates to the particular charge.

1 Now, the foreperson has those specific duties that I
2 have just indicated, but that does not, however, mean that
3 she is any more important than any of you other jurors
4 because the decision of the jury is the unanimous consensus
5 opinion of all 12 jurors. Therefore, all of you will have an
6 equal say and an equal vote in what the ultimate decision
7 would be in the case. Someone simply has to be delegated
8 those responsibilities that I have just indicated, and I've
9 delegated those to Ms. Makepeace in appointing her as
10 foreperson. But all of you jurors are equally important so
11 far as the ultimate decisions in this case are concerned
12 because, as I have stated, the decision has to be unanimous.
13 All of you must be in agreement.

14 Now, Ms. McNeil, you have been selected as an alternate
15 juror. The function of the alternate is to take the place of
16 one of the original 12 jurors in the event one of the
17 original 12 cannot continue to serve for some reason during
18 the trial of the case. And if a juror is called away because
19 of an illness or an emergency and cannot continue, then you
20 would be called upon to take that person's place. In that
21 event, you would become the 12th juror.

22 If, when the time comes for jury deliberations, all the
23 original 12 are able to participate, your service would end.
24 You would not participate any further because the decision of
25 the jury is that of 12. No more than 12 are permitted to

1 engage in the deliberation process.

2 But it is important that you pay just as careful
3 attention as we ask all the jurors in the case because it
4 does occur from time to time, for one reason or another, that
5 one of the original 12 may be unable to continue. In that
6 event, you become the 12th. So we do appreciate your
7 participation as an alternate juror just as we appreciate the
8 participation of each of you jurors who have been selected
9 for the purpose of deciding the verdicts in this particular
10 case.

11 Madam Clerk, you may swear the panel.

12 CLERK OF THE COURT: If the defendant would stand.

13 Ladies and gentlemen, if you'll please stand and raise
14 your right hand.

15 (The jury was sworn to try the issues.)

16 CLERK OF THE COURT: If you accept this oath, please be
17 seated. If you have not accepted this oath, please remain
18 standing.

19 Let the record reflect all jurors have been seated.

20 THE COURT: Okay. Thank you.

21 Now, ladies and gentlemen, as you well know, you've been
22 selected to decide the verdict in the case of the State
23 versus Michael Tyrus Jeter based on the indictment that I
24 read to you earlier, failure to stop for a blue light, which
25 is alleged to have occurred on December 30, 2023. As to the

1 allegation contained in the indictment and as to the charge
2 that has been brought against the defendant, I told you he
3 has entered a plea of not guilty. The plea of not guilty,
4 therefore, always places upon the State, because they brought
5 the charge against the defendant, to establish his guilt to
6 the satisfaction of you 12 jurors beyond a reasonable doubt
7 for any verdict of guilty that could be returned as to any
8 indictment that has been brought against him.

9 Any time that a person is accused of a crime, the person
10 accused of the crime is always, under the law, presumed to be
11 innocent. That presumption of innocence remains with any
12 defendant, as it does with this defendant, from the time that
13 he is placed under arrest and throughout the course of the
14 criminal process and even throughout the course of the actual
15 trial of the case. That presumption of innocence will be
16 with Mr. Jeter even as you are asked to go back and begin
17 your deliberations at this trial's conclusion, and that
18 presumption of innocence will be with him in the jury room.
19 It will be with him forever unless you 12 jurors determine
20 that he is no longer entitled to the presumption of
21 innocence.

22 In other words, after you have carefully considered all
23 of the evidence in the case and after considering that
24 evidence, you have decided the facts as it relates to a
25 charge, and upon deciding those facts you apply the law that

1 I will have provided you, if you 12 jurors unanimously
2 determine that his guilt has been proven beyond a reasonable
3 doubt as it relates to a particular charge, then under those
4 circumstances he would no longer be entitled to that
5 presumption of innocence. But it's only if, unless, and
6 until you are satisfied of his guilt beyond a reasonable
7 doubt that the presumption of innocence would no longer be
8 applicable.

9 As I've told you previously, the indictment is the
10 charging paper. It is not proof of anything. It is not
11 evidence of anything. It does not establish anything.

12 Ms. Foreperson, you are going to be asked to indicate
13 the jury's unanimous decision as it relates to a particular
14 charge, and that would be on the back of the indictment, but
15 that would be the only reason it would be back in the jury
16 room. So while -- if it's in the jury room, it is not
17 evidence of anything and it doesn't mean anything as far as
18 you are concerned.

19 Now, the way the trial will proceed is that in a moment,
20 the lawyers are going to address you in what are called
21 opening statements. There are two occasions in the trial of
22 the case where lawyers are permitted to address the jury
23 personally and directly, and that is at the beginning of the
24 trial before any evidence has been introduced and then at the
25 conclusion of the trial after all of the evidence has been

1 received.

2 Please keep in mind, however, that the statements of
3 lawyers are not evidence. You will not base your decision on
4 statements made by lawyers in the case. They are not going
5 to be telling you anything about this case they know of their
6 own personal knowledge or perceptions, like the witnesses
7 will be. The lawyers are not going to take the witness
8 stand. They are not going to testify under oath. They are
9 not going to be subjected to direct and cross-examination, as
10 each of the witnesses will be. And that's why what the
11 lawyers tell you -- er, their statement is not to be
12 considered by you as any evidence upon which you will base
13 your decision.

14 But it is important to listen to what the lawyers tell
15 you in those statements because those statements do serve a
16 purpose. The opening statements will serve to provide you
17 with a basic understanding of this case from both the
18 perspective of the State and the defendant so that you will
19 have some context in which to place the evidence that we will
20 be receiving shortly thereafter.

21 The closing arguments will occur after all of the
22 evidence has been received. And again, while those
23 statements are not evidence, they do permit the lawyers an
24 opportunity to discuss with you the evidence that you have
25 seen and heard during the trial of the case. Through that

1 discussion, each lawyer will have an opportunity to try to
2 persuade you or convince you that that evidence does not
3 support a particular decision.

4 And it's in between the opening and the closing
5 statements accomplished by the lawyers that we will actually
6 receive the evidence upon which you will base your decision.
7 The State, as you know, has the burden of proof, so the State
8 will go forward first in the presentation of evidence. After
9 the State has concluded its presentation of evidence, the
10 defendant has the same opportunity to testify or to call
11 witnesses or to produce evidence.

12 But understand that while the State does have the burden
13 of proving a defendant's guilt beyond a reasonable doubt, a
14 defendant in a criminal trial has no burden of proof. A
15 defendant never has to produce evidence. A defendant never
16 has to prove that he or she is not guilty or that he or she
17 is innocent because in some cases that might not even be
18 possible. The burden is always upon the State -- because
19 they have brought this charge -- to prove the defendant's
20 guilt beyond a reasonable doubt.

21 And so in the trial of a criminal case, a defendant may
22 not testify. A defendant may not call any witnesses. A
23 defendant may not produce any evidence. And if he or she
24 does not, that is not something the jury may consider in any
25 way whatsoever in your deliberations or in your determination

1 as to whether or not the evidence in this case proves him to
2 be guilty beyond a reasonable doubt. You can't draw any
3 conclusion or draw any inference from the fact that a
4 defendant does not testify or does not call witnesses in the
5 trial of the case, but a defendant is afforded an opportunity
6 to present evidence and to testify if a defendant chooses to
7 do so.

8 After all of the evidence has been received and after
9 you hear the final summations of the lawyers, I will then
10 instruct you fully on the law as it relates to the criminal
11 law in general and as it relates to the particular crime
12 alleged in this case, after which you will be asked to go
13 back and begin with your deliberations in the case. Through
14 that process, you will examine the evidence, decide the
15 facts, apply the law, and arrive at a fair and just decision,
16 whatever that decision may be.

17 Now, it's important that you give every witness the same
18 degree of attention as the witness testifies because one of
19 your prerogatives as a juror is to evaluate, assess, and
20 determine the credibility of each witness that testifies.
21 Therefore, you may choose to believe everything a witness
22 testifies to; you may choose to believe none of it. You may
23 believe one portion of a witness's testimony and reject some
24 other portion of that same witness's testimony. And in a
25 given case, you can believe one witness as opposed to several

1 or several as opposed to one.

2 But whatever your good judgment and common sense tells
3 you is the most believable and credible testimony is the
4 testimony that you should accept, and you should reject any
5 testimony or other evidence that you find not to be credible
6 or believable. That's why it's important that you give every
7 witness the same degree of attention as they testify so that
8 you will be in a proper position at this trial's conclusion
9 to fairly assess that witness's credibility in light of just
10 -- not just that witness's testimony, but in light of all the
11 testimony and all the evidence received during the trial.

12 And of course, it's important that you keep an open mind
13 throughout the course of the trial. And that just means
14 you're not beginning to make up your minds or formulating
15 your opinions as to what you think the ultimate decisions in
16 this case ought to be until all of the evidence has been
17 received, until I've instructed you on the law that's
18 applicable in the case, and until you've been asked to begin
19 with your deliberations at the trial's conclusion.

20 That is the process that is designed for you 12 jurors
21 to arrive at a fair and just decision in the case. And I
22 want to thank you in advance for your participation, as well
23 as for your careful attention. I'm going to ask the lawyers
24 if they have any matters to take up after the preliminary
25 charge. If not, they will proceed into opening statements.

1 Okay?

2 And if I may, I want to anticipate a question. Some of
3 you may wonder if you are allowed to take notes or not. I'm
4 not going to allow taking -- the jury to take notes in this
5 case partially for the reasons I just discussed in the
6 charge. I want you to come to your own conclusions and
7 decision-making process at the time of deliberation, and I
8 want you to observe the witnesses as they are testifying.
9 Sometimes when you're taking notes, it's natural to tend to
10 get distracted and focus on what you're writing and not
11 necessarily focusing on all the aspects of the witness and
12 the evidence being presented. So there will be no note
13 taking.

14 So before we get into opening statements, is there
15 anything we need to take up with counsel?

16 MS. ROBERTS: Nothing, your Honor.

17 THE COURT: Okay.

18 MS. CORNWELL-GOULOZE: Nothing from the defense, your
19 Honor.

20 THE COURT: All right. Well, then we will proceed with
21 opening statements.

22 Solicitor.

23 MS. ROBERTS: May it please the Court.

24 THE COURT: Yes.

25 MS. ROBERTS: The average adult attention span is less

1 than 40 seconds. So as attorneys come and we stand up here
2 and we get one of our few opportunities to talk to you all
3 directly, we want to hook you in. We want to grab your
4 attention from the beginning to get you to listen to whatever
5 it is we have to say past those initial 40 seconds.

6 So when I started to plan what I wanted to come up here
7 and say to you all, I thought to myself, "What is going to be
8 my hook? What is the most interesting thing about this
9 case?" And I couldn't think of anything because there is no
10 hook. This case is truly as straightforward as it gets.
11 This defendant Michael Jeter is charged with failure to stop
12 for a blue light because he so clearly failed to stop for a
13 blue light.

14 Now, it's so simple that the State is only going to call
15 two witnesses, and you're likely going to be done with this
16 case by tomorrow. But the flip side to that same coin is
17 that the State is only going to call two witnesses. There
18 aren't going to be any sort of witnesses where you can just
19 kind of doze off and not pay attention. You're going to have
20 to lean in and pay attention to every single detail.

21 The two witnesses that you're going to hear from are
22 officers Troy Aratan and Hattie Perry. Aratan was the lead
23 officer in this case, and Hattie Perry was backup.

24 Aratan is going to detail for you how on the night of
25 December 30 of 2023, at nearly 1:30 in the morning, he was

1 patrolling the area of Ashley Phosphate when he sees a red
2 Jaguar go zipping past him. The speed of that Jaguar caught
3 his attention, so as officers so often do, he tried to get
4 the license plate information on that vehicle. But he was
5 not able to see the license plate on that red Jaguar because
6 it was covered by a tinted license plate cover.

7 Now, obstructing the view of your license plate is
8 illegal in the state of South Carolina. So as that red
9 Jaguar began to pull into a 7-Eleven gas station, Officer
10 Aratan initiated his blue lights to conduct a traffic stop.
11 This is when Officer Hattie Perry pulled up.

12 Officer Aratan gets out of his vehicle, and he
13 approaches the red Jaguar on the passenger side. Officer
14 Perry approaches at the driver's side. This defendant
15 engages in a brief face-to-face conversation with these two
16 officers, and then he hands Officer Aratan his driver's
17 license. Officer Aratan then heads back to his law
18 enforcement vehicle to begin to process the traffic stop, and
19 Officer Perry remains at that driver's side window.

20 She asks the driver if he has any drugs or guns in his
21 car, and he said he did not. She asked him if it would be
22 okay if she searched his vehicle, and he declined. Now,
23 Officer Perry is a trained K-9 handler, so she advised the
24 defendant that she was going to get her K-9 to come and
25 conduct a free-air sniff around the vehicle, so she asked him

1 to step out of the vehicle.

2 It was at this moment that the defendant decided he was
3 done with this traffic stop. He put his hand on his
4 gearshift, and he began to switch his car into drive.
5 Officer Perry noticed this, and she said, "Ah, ah, Michael,
6 don't you go." Spoiler alert: He didn't listen. He left.

7 Officer Aratan was already in his vehicle, so he started
8 to pursue Michael. Then Hattie Perry rushed back to her
9 vehicle, and she was the second law enforcement vehicle in
10 that pursuit.

11 As Aratan was pulling out of the 7-Eleven gas station,
12 he initiated his siren because his blue lights were already
13 on from the initial traffic stop. Now Officer Aratan has his
14 lights flashing and sirens blazing, but Michael decides he's
15 not going to stop. He speeds up to 60 miles per hour, 70
16 miles per hour, 80 miles per hour, 90 miles per hour, 100
17 miles per hour. He actually goes over 100 miles per hour.
18 Officer Aratan reached speeds up to 118 miles per hour trying
19 to catch up to Michael Jeter.

20 Now, unfortunately, Michael Jeter was not caught that
21 night. He got away. But luckily, Michael Jeter handed his
22 driver's license -- with his name, his photo, his address,
23 all this identifying information -- to Officer Aratan, so he
24 was caught.

25 Now, in the state of South Carolina, it is unlawful for

1 a driver of a vehicle while driving on a road of this state
2 and being signaled by law enforcement lights or sirens to
3 fail to stop. So to break that down a little bit for you,
4 there are essentially four elements that the State must and
5 will produce beyond a reasonable doubt before you find
6 Michael Jeter guilty.

7 The first element is that he was driving that vehicle.
8 And he was. You will see video evidence to prove that.

9 The second element is that he was driving on a road of
10 this state. And he was. You will see video evidence to
11 prove that.

12 The third element is that he was signaled by law
13 enforcement lights or sirens. And he was. You will see
14 video evidence to prove that.

15 The last element is that he failed to stop. And he did
16 fail to stop. You will see video evidence to prove that.

17 Like I said, ladies and gentlemen, this case is truly as
18 straightforward as it gets. The fact that Michael Jeter
19 pulled into the 7-Eleven and initially stopped doesn't really
20 mean anything. It doesn't mean that he complied with the law
21 because he was not free to leave. Officer Perry made that
22 clear to him. And as he was going over 110 miles per hour
23 down Palmetto Commerce, he's being signaled by law
24 enforcement lights and sirens to stop. And he did not stop.

25 This case is as straightforward as it gets, and you must

1 find Michael Jeter guilty of failure to stop for a blue
2 light.

3 Thank you.

4 THE COURT: Defense.

5 MS. CORNWELL-GOULOOZE: May it please the Court.

6 THE COURT: You may proceed.

7 MS. CORNWELL-GOULOOZE: This case is not about identity.
8 It was my client, Michael Jeter, that stopped for Officer
9 Aratan on December 30, 2023, and it was my client that left
10 that stop. What I'm going to ask each of you to focus on for
11 the duration of this what's likely to be a very short trial
12 is why he left that stop.

13 Michael left that stop because of mitigating
14 circumstances. Mitigating circumstances are so important
15 that when the State legislature was writing the law for
16 failure to stop for a blue light, they started with "in the
17 absence of mitigating circumstances." Mitigating
18 circumstances may include road conditions, lighting, the
19 weather. But in this instance and the reason why Michael
20 left that stop was for driver safety.

21 Officer Aratan turned on his blue lights when pulling
22 into the 7-Eleven, and Michael stopped. He was being pulled
23 over for a tinted license plate violation. You'll see
24 throughout the duration of his interaction with Officer
25 Aratan that he was compliant with him. When Officer Aratan

1 walks to his passenger side of his vehicle, he asks him to
2 roll down both windows, which he does. He asks him to hand
3 over his ID and his registration, which he does.

4 What you won't hear Officer Aratan say while he takes
5 the stand is that he saw anything illegal or that he smelled
6 anything illegal. This was going to be a routine traffic
7 stop, again, for a tinted driver's plate cover if it weren't
8 for Officer Perry showing up.

9 Officer Perry showed up because, as she will say, she
10 was nearby. She's a K-9 officer. She pulls her vehicle next
11 to Officer Aratan. She gets out of her vehicle, and she
12 walks to Michael's driver's side of his car. The first thing
13 she does is she calls Michael by his name. And the first
14 thing she asks him is, "Can I search your car?" When Michael
15 denied consent, which is his constitutional right to do so,
16 she didn't like that. She then asked him to step out of the
17 vehicle while pulling at his car door handle, and then she
18 said she's going to get her K-9 and she's going to perform a
19 search.

20 Now, Officer Perry, you'll see during her interaction
21 with Michael that Michael tells her that he has, 1, diabetes
22 and, 2, he feels that she is racially profiling him. Just
23 like Officer Aratan, you won't hear Officer Perry say that
24 she saw anything illegal or smelled anything illegal. Again,
25 she had no articulable suspicion beyond that of this being a

1 minor traffic violation. She just really wanted to search
2 his car.

3 Now, Michael left the scene because of his safety, and
4 Michael turned himself in after he left that stop. I think
5 that's very important for you all to know.

6 I'm going to leave you all with the reminder that who
7 carries the burden in this case, and that's the government.
8 The government has the highest burden in the state, what's
9 called beyond a reasonable doubt. And it's because of that
10 high burden and because of the mitigating circumstances that
11 we will present during this case that we are going to ask the
12 12 of you collectively as a jury to find my client, Michael
13 Jeter, not guilty of failure to stop for a blue light.

14 THE COURT: The State may proceed with its first
15 witness.

16 MS. NORVELL: Thank you, Judge.

17 The State calls Officer Troy Aratan.

18 (Witness sworn.)

19 CLERK OF THE COURT: Please have a seat for me.

20 THE WITNESS: Yes, ma'am.

21 CLERK OF THE COURT: Please state your full name for the
22 record, spelling your last name, please.

23 THE WITNESS: My name is Troy Aratan -- Officer Aratan.
24 I spell my last name A-R-A-T-A-N.

25

1 TROY ARATAN,
2 called as a witness on behalf of the State, being first duly
3 sworn, was examined and testified as follows:

4 DIRECT EXAMINATION

5 BY MR. NORVELL:

6 Q. Thank you, Officer Aratan.

7 There is a microphone that's right in front of you. If
8 you can just talk directly into that so we can make sure that
9 everybody in the jury and I can hear you.

10 A. Yes, ma'am.

11 Q. Thanks for being with us.

12 Where are you currently employed?

13 A. North Charleston Police Department.

14 Q. And how long have you been an officer at North
15 Charleston Police Department?

16 A. Approximately two years.

17 Q. Okay. And what's your position at North Charleston?

18 A. Patrolman.

19 Q. Okay. Have you -- can you describe for the jury what
20 your responsibilities are as a patrol officer.

21 A. Our responsibilities are to patrol the areas that I'm
22 assigned and to engage with the community, patrol, etc.

23 Q. Are you assigned to a specific area in North Charleston,
24 or do you cover the entire city?

25 A. I'm assigned to a specific area.

1 Q. And what would that area be?

2 A. The North Bureau.

3 Q. And what jurisdiction or what -- can you just give us
4 some highlights of what the North Bureau covers.

5 A. Rivers Avenue, Ashley Phosphate, Cross County,
6 Dorchester, and that's about it.

7 Q. Officer Aratan, were you working in your capacity as a
8 patrol officer for the North Charleston Police Department on
9 December 30, 2023?

10 A. I was. Yes, ma'am.

11 Q. What area of the city were you patrolling that night?

12 A. Cross County and Ashley Phosphate.

13 Q. Did you have the occasion to conduct a traffic stop on
14 this defendant Michael Jeter?

15 A. I did. Yes, ma'am.

16 Q. Can you explain to the jury why you initiated that stop.

17 A. I initiated the traffic stop for what originally caught
18 my eye: The vehicle appeared to be traveling a high rate of
19 speed out of a business. I got behind the vehicle and
20 realized that I could not see the license plate because the
21 license plate was tinted. And that's the reason for the
22 traffic stop.

23 Q. All right.

24 MS. NORVELL: May I approach the witness, your Honor?

25 THE COURT: Yes.

1 BY MS. NORVELL:

2 Q. I'm showing you what's been marked for identification as
3 State's Exhibit 1. Do you recognize this document?

4 A. I do. Yes, ma'am.

5 Q. And how do you recognize that document?

6 A. It is a still image from my in-car camera.

7 Q. And does that fairly and accurately reflect your
8 observations during your traffic stop on December 30, 2023?

9 A. It does. Yes, ma'am.

10 MS. NORVELL: Judge, at this time the State would offer
11 State's 1 into evidence.

12 I have already showed the defense all of our exhibits.

13 And if you would just put on the record --

14 MS. CORNWELL-GOULOZE: Yeah, I have no objection to
15 this exhibit specifically, your Honor.

16 THE COURT: Okay. Without objection, so admitted.

17 (State's Exhibit Number 1 admitted into evidence.)

18 MS. NORVELL: May I publish, Judge?

19 THE COURT: Yes.

20 (Exhibit displayed on screen in open court.)

21 BY MS. NORVELL:

22 Q. All right, Officer Aratan. What -- can you describe for
23 the jury what we're looking at here in State's Exhibit
24 Number 1. What road can we see right in front of us?

25 A. The road I'm on is Cross County.

1 Q. And can you show the jury -- like, what do you mean when
2 you say that the license plate was covered?

3 A. You said this is a touch screen?

4 Q. That should be a touch screen.

5 A. Okay. So you can see right there, that's where the
6 license plate is supposed to sit on a vehicle.

7 The license plate comes from the DMV. It's issued by
8 the DMV to put onto your vehicle. When it's issued to you,
9 it has a reflective, I guess you could say, tape or paint
10 that is on it so at nighttime it illuminates so that we can
11 see your license plate.

12 There's two little white dots you can see in there, kind
13 of like right there and right there. Those are your tag
14 lights. They're supposed to shine down onto your license
15 plate to illuminate it so that we can see it. What you're
16 seeing is a license plate cover that is tinted to the point
17 that even being illuminated by working tag lights, it's
18 obscured and you cannot see it due to that license plate
19 cover.

20 Q. And is that a traffic violation in the state of South
21 Carolina to improperly display your license tag?

22 A. Yes, ma'am, it is.

23 Q. And that's also what you have pointed out and
24 demonstrated in State's Exhibit Number 1?

25 A. Yes, ma'am.

1 Q. Can you explain where you conducted or began to initiate
2 this traffic stop.

3 A. I began to initiate the traffic stop at Cross County
4 coming up to Ashley Phosphate, next to the 7-Eleven gas
5 station.

6 Q. And is that area in the city of North Charleston?

7 A. It is. Yes, ma'am.

8 Q. Is that in the county of Charleston?

9 A. Yes, ma'am.

10 Q. How did you signal the defendant to pull over at that
11 time?

12 A. I activated my blue lights.

13 Q. And is there any way on your in-car camera that we can
14 know that your blue lights are activated?

15 A. Yes, ma'am. It will say -- it will have a little -- it
16 should have, like, a little circle at the bottom and then it
17 will turn orange. And then also, my camera will turn on
18 whenever I activate my blue lights.

19 Q. Okay. And did the defendant stop at this time when you
20 activated your blue lights going into the 7-Eleven gas
21 station?

22 A. He did. Yes, ma'am.

23 Q. Where did he stop?

24 A. He stopped under a very lit gas pump awning at the
25 7-Eleven.

1 Q. Okay. So he actually pulled into that gas station?

2 A. He did. Yes, ma'am.

3 Q. I am showing you what's been marked as State's Exhibit
4 Number 2. Do you recognize this document?

5 A. I do. Yes, ma'am.

6 Q. And does that fairly and accurately reflect the area in
7 which you conducted your traffic stop on the defendant on
8 December 30, 2023?

9 A. It does. Yes, ma'am.

10 MS. NORVELL: Judge, the State would offer State's 2
11 into evidence. I've already shown the defense this picture.

12 MS. CORNWELL-GOULOZE: No objection, your Honor.

13 THE COURT: Okay. Without objection, so admitted.
14 (State's Exhibit Number 2 admitted into evidence.)

15 MS. NORVELL: May I publish, Judge?

16 THE COURT: You may.

17 (Exhibit displayed on screen in open court.)

18 BY MS. NORVELL:

19 Q. All right, Officer Aratan. Can you please sort of just
20 show us what we're looking at. Direct us on this map where
21 you are and where your stop was.

22 A. Okay. So we're at -- this road right here is going to
23 be Cross County, and this road right here is going to be
24 Ashley Phosphate. Where I stopped at was right here, which
25 is the 7-Eleven gas station at Cross County and Ashley

1 Phosphate.

2 Q. And where were you, roundabout on this map, when you
3 first got behind the defendant's vehicle?

4 A. Like, right behind it or when I saw it?

5 Q. When you first saw the vehicle and then pulled up behind
6 him.

7 A. Okay. I first saw the vehicle in this general area
8 right here. And then I got behind the vehicle where I could
9 see in right about this area here.

10 Q. Okay. And so you were traveling towards Ashley
11 Phosphate?

12 A. Yes, ma'am.

13 Q. All right. I'm showing you what's been marked as
14 State's Exhibit 3. Do you recognize this?

15 A. Yes, ma'am.

16 Q. Does it fairly and accurately reflect the intersection
17 where you conducted your traffic stop?

18 A. Yes, ma'am.

19 MS. NORVELL: Judge, the State would offer to admit
20 State's 3 into evidence.

21 MS. CORNWELL-GOULOOZE: No objection.

22 THE COURT: Without objection, so admitted.

23 (State's Exhibit Number 3 admitted into evidence.)

24 (Exhibit displayed on screen in open court.)

25

1 BY MS. NORVELL:

2 Q. All right. And orient us on this map, Officer Aratan.

3 A. All right. Again, this is Ashley Phosphate and then
4 this is Cross County and then this is the 7-Eleven that we
5 stopped at.

6 Q. I guess Google maps hasn't caught up with us quite yet,
7 but this is actually a gas station?

8 A. Yes, ma'am.

9 Q. And there's, like, gas pumps and that? Normal awning?

10 A. Yes, ma'am.

11 Q. Is that -- can you make a mark what side of the building
12 that's on.

13 A. What side of the building the stop was on?

14 Q. Yeah, where you stopped under that awning.

15 A. I believe it was right in this area.

16 Q. Okay. So on the side closest to Ashley Phosphate?

17 A. Yes, ma'am.

18 Q. Okay. And after the defendant stopped, what did you do?

19 A. I parked my patrol vehicle behind the defendant's
20 vehicle. I exited my vehicle and approached his vehicle.

21 Q. Can you describe the vehicle that the defendant was
22 driving on the night of December 30, 2023.

23 A. It was a red Jaguar with tinted black windows. Right
24 next to the license plate, it had, like, a paw -- a black paw
25 magnet or emblem.

1 Q. Okay. As you were -- you mentioned you approached the
2 defendant after you parked behind him. Did you call any
3 information in to dispatch as you were approaching the
4 vehicle?

5 A. I did. Yes, ma'am.

6 Q. And what was that information?

7 A. The license plate.

8 Q. Why did you only call the license tag number into
9 dispatch as you were approaching the vehicle?

10 A. Because at that point I could see the license plate due
11 to the very bright lights that were, you know, put in over
12 the gas pumps.

13 Q. Can you explain to the jury what you did when you
14 approached the defendant's vehicle.

15 A. I approached the passenger side, knocked on the window,
16 and asked him to roll down his windows because I couldn't see
17 inside of them. When he rolled them down, I advised him for
18 the reason for the stop and asked him for his license,
19 registration, and proof of insurance.

20 Q. Did he comply? Did the driver comply?

21 A. He did. Yes, ma'am.

22 Q. Was there anyone else in the vehicle other than the
23 driver?

24 A. There was not. No, ma'am.

25 Q. And once the window was down, did you ever advise him

1 the reason for your stop?

2 A. I did. Yes, ma'am.

3 Q. And were you able to identify the driver of the vehicle?

4 A. I was. Yes, ma'am.

5 Q. And who did you identify -- er, did you ask -- did you
6 look at the driver's license that you received to see if it
7 matched the driver's face?

8 A. Yes, ma'am.

9 Q. Were you clearly able to see the face of the driver when
10 he parked under that 7-Eleven gas station awning?

11 A. Yes, ma'am.

12 Q. I'm showing you what's been marked as State's
13 Exhibit 11. Do you recognize this document?

14 A. Yes, ma'am.

15 Q. What is that?

16 A. It is a snapshot from my body-worn camera.

17 Q. Is that from December 30, 2023, during your traffic stop
18 of the defendant?

19 A. Yes, ma'am.

20 Q. Does it fairly and accurately reflect your observations
21 that night during the traffic stop?

22 A. Yes, ma'am.

23 MS. NORVELL: Judge, the State would offer State's 11
24 into evidence.

25 MS. CORNWELL-GOULOZE: No objection.

1 THE COURT: Without objection, so admitted.

2 (State's Exhibit Number 11 admitted into evidence.)

3 (Exhibit displayed on screen in open court.)

4 BY MS. NORVELL:

5 Q. Officer Aratan, who was driving this red Jaguar on
6 December 30, 2023, when you conducted your traffic stop at
7 the 7-Eleven gas station?

8 A. The defendant Michael Tyrus Jeter.

9 Q. Do you see him sitting in the courtroom today?

10 A. I do. Yes, ma'am.

11 Q. Where is he sitting?

12 A. Right over there with a black and gray shirt on.

13 MS. NORVELL: Judge, at this time would you please allow
14 the record to reflect that the witness has identified the
15 defendant as the driver of the vehicle?

16 THE COURT: It is so reflected.

17 BY MS. NORVELL:

18 Q. Following the receipt of the defendant's driver's
19 license, what did you do next?

20 A. Officer Hattie had arrived on scene, so I went back to
21 my patrol vehicle to start the process of paperwork that you
22 do on a traffic stop.

23 Q. What does that paperwork process involve?

24 A. It involves running the license plate to make sure the
25 car's not stolen; running the name and the driver's license

1 number to make sure they're not wanted by law enforcement;
2 making sure they have insurance, the car's registered; making
3 sure their driver's license isn't suspended; and starting the
4 ticket or warning for the stop.

5 Q. Did you have an opportunity to finish that paperwork
6 process on the night of December 30, 2023?

7 A. I didn't. No, ma'am.

8 Q. What prevented you from actually even starting that
9 process?

10 A. I saw the vehicle's brake lights turn on and observed
11 the vehicle speed off.

12 Q. Which vehicle specifically?

13 A. The red Jaguar.

14 Q. The vehicle that the defendant was driving?

15 A. Yes, ma'am.

16 Q. Had you completed your traffic stop when the defendant
17 left?

18 A. I didn't. No, ma'am.

19 Q. And was the defendant free to leave when he sped out of
20 the gas station?

21 A. No, ma'am.

22 Q. Did you give the defendant any indication that he was
23 free to leave prior to him fleeing the traffic stop?

24 A. No.

25 Q. Officer Aratan, were you wearing your North Charleston

1 Police Department-issued body-worn camera during your entire
2 traffic stop and interaction with the defendant on
3 December 30, 2023?

4 A. I was. Yes, ma'am.

5 Q. Did you preserve that video?

6 A. Yes, ma'am.

7 Q. I am showing you what's been marked for identification
8 as State's Exhibit 5. Do you recognize this disk?

9 A. I do. Yes, ma'am.

10 Q. How are you able to recognize the disk without looking
11 at the contents of it?

12 A. I reviewed it, signed it, and dated it so that I could
13 recognize it today in court.

14 Q. Does this disk fairly and accurately reflect what you
15 observed and what was recorded and captured on your body-worn
16 camera on December 30, 2023?

17 A. Yes, ma'am.

18 Q. Do you have the ability to get into the system that
19 stores your body camera and alter or change or modify the
20 footage in any way?

21 A. I do not. No, ma'am.

22 Q. Did you do that? Did you modify or change this footage
23 in any way?

24 A. No, ma'am.

25 MS. NORVELL: Judge, at this time the State would offer

1 State's 5 into evidence.

2 MS. CORNWELL-GOULOZE: No objection.

3 THE COURT: Without objection, so admitted.

4 (State's Exhibit Number 5 admitted into evidence.)

5 MS. NORVELL: May I publish?

6 THE COURT: You may.

7 (Video played in open court.)

8 (Video paused.)

9 BY MS. NORVELL:

10 Q. Officer Aratan, looking at this footage, can you explain
11 what is listed in the top right-hand corner of the video.

12 A. Yes, ma'am. So what's listed is the date and time. It
13 has the date and time of 12/30/2023 at 1:22 in the morning.
14 And then the BWL7-003218 is just an identification number for
15 my body camera.

16 Q. Okay. And I can't make this bottom toggle go away. But
17 can you see the bottom right-hand corner information?

18 A. I can. Yes, ma'am.

19 Q. And what is that information on the screen?

20 A. It's just my name and, again, my body-worn camera
21 number.

22 Q. And is your -- how is your name auto populated on this
23 video? Is it possible for you and other officers to switch
24 out your body cameras?

25 A. No, ma'am.

1 Q. Okay. You can't ever -- like, you don't manually go in
2 at the beginning of your shift and put your name on this
3 particular camera; this is actually your issued camera?

4 A. Yes, ma'am.

5 (Video resumed.)

6 (Video paused.)

7 BY MS. NORVELL:

8 Q. Officer Aratan, what are you doing at this part of the
9 body camera?

10 A. I'm headed back to my patrol vehicle to start the
11 paperwork process.

12 Q. And what did you have in your hand that we just saw in
13 the bottom frame of the video?

14 A. The vehicle's registration and the defendant's driver's
15 license.

16 (Video resumed.)

17 (Video paused.)

18 BY MS. NORVELL:

19 Q. Officer Aratan, you just called out something over the
20 radio. What happened next? What's happening here?

21 A. I am calling out the number "10-80." 10-80 stands for
22 someone's running or a car is taking off from us. I'm
23 attempting to get behind the vehicle to pursue it is what I'm
24 doing.

25 Q. And if you look down in the left-hand corner you can see

1 the elapsed time. Your body-cam video started as you
2 initiated -- started to walk up to the defendant's vehicle.
3 How much time has passed at this traffic stop?

4 A. Two minutes and ten seconds.

5 Q. And was that enough time for you to complete your entire
6 traffic stop, investigation, citation, calling in all the
7 information that you testified to previously?

8 A. No, ma'am.

9 Q. Once you got that information and you said you were
10 going back to your car to complete the paperwork process, did
11 you even start it?

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

13 Q. All right. And when you -- so at this time, what are
14 you doing next in your body-cam video?

15 A. I am pursuing the vehicle.

16 Q. You're pursuing whose vehicle?

17 A. The defendant Michael Tyrus Jeter's vehicle.

18 Q. Were you signaling the defendant in any way to stop the
19 vehicle during that second pursuit?

20 A. I was. Yes, ma'am.

21 Q. How were you doing that?

22 A. My blue light were activated, and then I turned on my
23 sirens.

24 Q. Were your blue rights already activated?

25 A. Yes, ma'am.

1 Q. How were they already activated?

2 A. Because I initiated a traffic stop.

3 Q. When had you initially activated your blue lights?

4 A. Pulling in to the 7-Eleven.

5 Q. So at the very beginning of what we'll call the first
6 stop?

7 A. Yes, ma'am.

8 Q. Prior to the defendant actually stopping?

9 A. Yes, ma'am.

10 Q. And do you leave your blue lights on during the entirety
11 of the traffic stop?

12 A. I do. Yes, ma'am.

13 Q. Which way did the defendant leave the gas station?

14 A. He left and made a right onto Ashley Phosphate.

15 Q. During this time, was the defendant violating any
16 traffic laws?

17 A. He was. Yes, ma'am.

18 Q. What were those?

19 A. He blew through two stop signs and then was speeding.

20 Q. What speeds did you reach on Ashley Phosphate while you
21 were pursuing him?

22 A. I believe 104, 101.

23 Q. And did you ever lose sight of the defendant's vehicle
24 while you were pursuing him on Ashley Phosphate Road
25 immediately after him fleeing the traffic stop?

1 A. I did not, no.

2 Q. Did he stay -- drive -- continue driving on Ashley
3 Phosphate Road?

4 A. He did not.

5 Q. Where did he turn?

6 A. He made a left on Palmetto Commerce.

7 Q. And when the defendant was speeding away from you,
8 attempting to evade this stop, did he continue to do so on
9 Palmetto Commerce?

10 A. Yes, ma'am.

11 Q. Were you able to keep his pace while you were pursuing
12 him on Palmetto Commerce Parkway?

13 A. I was not. No, ma'am.

14 Q. What speeds did you reach while you were pursuing him
15 and attempting to encourage him to stop?

16 A. 118 miles an hour.

17 Q. On Palmetto Commerce?

18 A. Yes, ma'am.

19 Q. Were you able to keep a -- maintain an observation or
20 eyesight on his vehicle while you were pursuing him at speeds
21 of 118 miles per hour?

22 A. No, ma'am.

23 Q. So he actually got away from you when you were going
24 that fast?

25 A. Yes, ma'am.

1 Q. So you lost sight of the vehicle?

2 A. I did.

3 Q. Once you lost sight of the vehicle, did you continue
4 this pursuit? Did you continue following him -- er,
5 following that direction with blue lights and sirens?

6 A. No, ma'am. We canceled the pursuit.

7 Q. And why did you do that?

8 A. Because we had lost sight.

9 Q. Is there a landmark location where you canceled the
10 pursuit on Palmetto Commerce?

11 A. Palmetto Commerce and Weber Boulevard.

12 Q. Okay. Officer Aratan, did your patrol vehicle also have
13 an in-car camera installed?

14 A. Yes, ma'am.

15 Q. Was that on and operating on December 30, 2023?

16 A. Yes, ma'am.

17 Q. Were you actually driving your -- okay. We talked about
18 this earlier with your body cam, how it has your name
19 populated in that bottom corner and you only get one body cam
20 that you switch out every shift you take.

21 Were you actually driving your issued patrol vehicle?

22 A. I was not. No, ma'am.

23 Q. And why not?

24 A. My issued patrol vehicle was in the shop for
25 preventative maintenance: getting an oil change, getting a

1 checkup.

2 Q. What do you -- like, when your issued patrol vehicle is
3 in the shop, what do you drive?

4 A. A reserve vehicle for other officers.

5 Q. And is the -- are reserve vehicles noted in any way?
6 Does it say, like, "Reserve" at the bottom of the camera? Or
7 does it say something else?

8 A. It says something else. It usually says who the car was
9 last assigned to.

10 Q. Do you know who the car was last assigned to on your
11 patrol vehicle?

12 A. Patrolman Rife.

13 Q. And does it indicate that in the bottom right-hand
14 corner of the in-car camera as well?

15 A. Yes, ma'am.

16 Q. Did you preserve the video that was recorded from the
17 in-car camera of the vehicle that you were driving on
18 December 30, 2023?

19 A. Yes, ma'am.

20 Q. I am showing you what's been marked as State's
21 Exhibit 4. Do you recognize this disk?

22 A. Yes, ma'am, I do.

23 Q. How do you recognize the disk?

24 A. I reviewed it, signed it, and dated it so that I could
25 recognize it here in court today.

1 Q. Okay. And does this fairly and accurately reflect the
2 recording of your in-car camera from December 30, 2023?

3 A. Yes, ma'am, it does.

4 Q. Do you have the ability to get into the system that
5 stores the in-car cameras and change those recordings in any
6 way?

7 A. No, ma'am.

8 Q. Did you change this recording in any way?

9 A. No, ma'am.

10 MS. NORVELL: Judge, the State would offer State's
11 Exhibit 4 into evidence.

12 MS. CORNWELL-GOULOZE: No objection.

13 THE COURT: Without objection, so admitted.

14 (State's Exhibit Number 4 admitted into evidence.)

15 (Video played in open court.)

16 (Ms. Norvell began asking questions while the video
17 played.)

18 BY MS. NORVELL:

19 Q. And Officer Aratan, is this the date and time of your
20 stop?

21 A. Yes, ma'am.

22 Q. And in the bottom right corner, is that what you were
23 testifying to as to whom the vehicle was last issued?

24 A. Yes, ma'am.

25 Q. And the middle of the bottom, what are those buttons,

1 for lack of a better word?

2 A. They're indications that say what's on and what's not
3 on.

4 Q. Okay. So at this point are your lights and sirens on?

5 A. They are not. No, ma'am.

6 Q. At this point are your lights or sirens on?

7 A. Yes, ma'am.

8 Q. Which?

9 A. My blue lights.

10 Q. Why is there initially no sound with it then switching
11 to sound being on?

12 A. Whenever we activate our lights, the camera goes back I
13 believe it's a minute or two from when the blue lights were
14 activated, and there's no sound between that time.

15 Q. And is this an overview -- (indiscernible over the audio
16 from the video playing.)

17 COURT REPORTER: I'm sorry. I can't you hear you over
18 the audio.

19 (Video paused.)

20 MS. NORVELL: I'm so sorry, ma'am.

21 Q. [By Ms. Norvell] Is this an overview of the video that
22 we watched from your body camera earlier?

23 A. Yes, ma'am.

24 (Video resumed.)

25 (Video paused.)

1 BY MS. NORVELL:

2 Q. And can you see now whether you have activated your
3 lights and your sirens?

4 A. Yes, ma'am.

5 Q. And can you show us -- is there a spot on your in-car
6 camera that shows what speeds your vehicle is traveling?

7 A. Yes, ma'am. It's at the bottom left corner.

8 Q. Okay. And how do we know that that speed is accurate?

9 A. The camera is connected to my car, and my car is
10 manufactured with mile-per-hour certification. It means that
11 what speed my car is going is the speed that's shown on the
12 speedometer.

13 Q. Thank you.

14 (Video resumed.)

15 (Video paused.)

16 BY MS. NORVELL:

17 Q. What road is this currently?

18 A. Ashley Phosphate.

19 (Video resumed.)

20 (Video paused.)

21 BY MS. NORVELL:

22 Q. And now what road is this currently?

23 A. Palmetto Commerce.

24 Q. And throughout this entire pursuit, did you maintain
25 your lights and sirens on?

1 A. Yes, ma'am.

2 (Video resumed.)

3 (Video paused.)

4 BY MS. NORVELL:

5 Q. Officer Aratan, at this point in the chase, how fast are
6 you going?

7 A. At this point I'm going 114 miles an hour.

8 Q. And at this point have you been able to maintain visual
9 sight of the defendant's vehicle?

10 A. No, ma'am.

11 Q. Have you canceled the chase at this point?

12 A. Not yet. No, ma'am.

13 (Video resumed to completion.)

14 BY MS. NORVELL:

15 Q. And at this point have you canceled the chase?

16 A. Yes, ma'am.

17 Q. How do you know that?

18 A. You can see that my lights and sirens have been turned
19 off and my speed is decreasing.

20 Q. I am showing you what's been marked as State's
21 Exhibit 6. Do you recognize this document?

22 A. I do. Yes, ma'am.

23 Q. Does that fairly and accurately reflect the location in
24 which you pursued the defendant following his flight from
25 your original traffic stop on December 30, 2023?

1 A. I do -- uh, yes, ma'am.

2 MS. NORVELL: Judge, the State would offer State's 6
3 into evidence.

4 MS. CORNWELL-GOULOOZE: No objection.

5 THE COURT: Without objection, so admitted.

6 (State's Exhibit Number 6 admitted into evidence.)

7 (Exhibit displayed on screen in open court.)

8 BY MS. NORVELL:

9 Q. All right. Officer Aratan, would you please orient us
10 with this map, where was your traffic stop initially?

11 A. It was right here.

12 Q. And in which direction does the defendant flee that
13 traffic stop?

14 A. He went right on Ashley Phosphate and came this way, and
15 then he made a left onto Palmetto Commerce and we came all
16 the way down here, and then this is where I canceled the
17 pursuit right there.

18 Q. That's where you canceled? That circle at the top?

19 A. Yes, ma'am.

20 Q. Once the pursuit was canceled, what did you initially
21 do?

22 A. I stopped and pulled over and spoke to Officer Perry.

23 Q. And did you make any updates on the radio?

24 A. I did. Yes, ma'am. I read out the South Carolina
25 driver's license that was provided to me.

1 Q. And whose driver's license was that?

2 A. Michael Tyrus Jeter, the defendant.

3 Q. And he left it with you?

4 A. He did. Yes, ma'am.

5 Q. I'm showing you what has been marked as State's 7. Do
6 you recognize this disk?

7 A. I do. Yes, ma'am.

8 Q. How do you recognize it?

9 A. I signed it and then I dated it so that I could
10 recognize it here in court.

11 Q. Okay. And does this fairly and accurately reflect a
12 clip from your body cam of you reviewing the defendant's
13 driver's license?

14 A. Yes, ma'am.

15 Q. It hasn't been changed in any way?

16 A. No, ma'am.

17 MS. NORVELL: Judge, the State would offer State's 7
18 into evidence.

19 MS. CORNWELL-GOULOZE: No objection, your Honor.

20 THE COURT: Without objection, so admitted.

21 (State's Exhibit Number 7 admitted into evidence.)

22 MS. NORVELL: May I publish, Judge?

23 THE COURT: You may.

24 (Video played in open court.)

25

1 BY MS. NORVELL:

2 Q. Officer Aratan, after you called that driver's license
3 in, did you document the license in any way that evening of
4 your stop?

5 A. I did. Yes, ma'am.

6 Q. And how did you document that?

7 A. Took a picture of it.

8 Q. I'm showing you what's been marked as State's 8. Do you
9 recognize this?

10 A. I do. Yes, ma'am.

11 Q. How do you recognize it?

12 A. I reviewed it. It's also a picture that I took on
13 December 30, 2023, at 1:51 a.m.

14 Q. Fairly and accurately reflect the photograph that you
15 took of the defendant's driver's license?

16 A. Yes, ma'am.

17 MS. NORVELL: Judge, the State would offer State's 8
18 into evidence.

19 MS. CORNWELL-GOULOZE: No objection, your Honor.

20 THE COURT: Without objection, so admitted.

21 (State's Exhibit Number 8 admitted into evidence.)

22 MS. NORVELL: May I publish, your Honor?

23 THE COURT: You may.

24 (Exhibit displayed on screen in open court.)

25

1 BY MS. NORVELL:

2 Q. And this is the license that the defendant had handed to
3 you back at 7-Eleven?

4 A. Yes, ma'am.

5 Q. What did you do after documenting -- calling out his
6 name, address, and documenting this driver's license?

7 A. We patrolled the area of Palmetto Commerce and
8 surrounding areas to see if his vehicle crashed out.

9 Q. Why would you do that?

10 A. Palmetto Commerce is very curvy and wind-y and bendy.
11 And at the speeds we were going, it's very likely somebody
12 could have crashed.

13 Q. Did you find any evidence of a crash that night?

14 A. No, ma'am.

15 Q. So that was a precautionary --

16 A. Yes, ma'am.

17 Q. -- safety thing?

18 A. Yes, ma'am.

19 Q. Did you locate the defendant again that night?

20 A. I didn't. No, ma'am.

21 Q. He didn't get to his house and call you to come there?

22 A. No, ma'am.

23 Q. He didn't stop anywhere along Palmetto Commerce and call
24 y'all to come back and meet him?

25 A. No, ma'am.

1 Q. After your shift that night, did you do anything else on
2 this case?

3 A. I went back to the North Bureau, and I completed the
4 paperwork for an arrest warrant.

5 Q. For the defendant?

6 A. Yes, ma'am.

7 Q. Did you ever have a chance to return the defendant's
8 driver's license and vehicle registration?

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

10 Q. Did you do anything with it?

11 A. Placed it into NCPD evidence under safekeeping.

12 Q. Why did you do that?

13 A. I placed it in there, 1, because I had it and couldn't
14 return it to him; and, 2, we would have active warrants for
15 him, so when he came to pick up his license and registration,
16 we would be able to serve him with those warrants.

17 Q. I'm showing you what's been marked as States's 9. Do
18 you recognize that?

19 A. I do. Yes, ma'am.

20 Q. Does that fairly and accurately reflect the evidence log
21 that you created in this case?

22 A. It does. Yes, ma'am.

23 MS. NORVELL: Judge, the State would offer State's 9
24 into evidence.

25 MS. CORNWELL-GOULOZE: No objection, your Honor.

1 THE COURT: Without objection, so admitted.

2 (State's Exhibit Number 9 admitted into evidence.)

3 MS. NORVELL: May I publish, your Honor?

4 THE COURT: You may.

5 (Exhibit displayed on screen in open court.)

6 BY MS. NORVELL:

7 Q. And Officer Aratan, what is this document?

8 A. It's a list from our evidence department that says what
9 it is and what happened to it -- or where it's at.

10 Q. And this is the driver's license -- the defendant's
11 license?

12 A. Yes, ma'am.

13 Q. And was it ever returned?

14 A. No, ma'am.

15 Q. What was -- what happened to it?

16 A. After a certain amount of time of it being in
17 safekeeping, if someone doesn't come and claim it, it's
18 destroyed or disposed.

19 MS. NORVELL: Beg the Court's indulgence.

20 All right. Thank you, Officer Aratan. I have no
21 additional questions for you right at this moment. Thank you
22 so much.

23 THE WITNESS: Yes, ma'am.

24 THE COURT: Defense, your witness.

25

1 CROSS-EXAMINATION

2 BY MS. CORNWELL-GOULOZE:

3 Q. Good afternoon, Officer Aratan.

4 A. Good afternoon.

5 Q. You testified that you had been working at NCPD for a
6 few years. How long were you working as a patrol officer as
7 of December 30, 2023?8 A. Patrol officer specifically or just employed with North
9 Charleston?

10 Q. Patrol officer.

11 A. Patrol officer? I don't really know the amount of time
12 I was a patrol officer, but I'd been employed with the
13 department for a year or two.

14 Q. Okay. And was this your first job as a police officer?

15 A. Yes, ma'am.

16 Q. And you testified already that you were on patrol,
17 obviously, early morning hours of December 30, 2023?

18 A. Yes, ma'am.

19 Q. And you radioed into dispatch that a red Jaguar had a
20 tinted license plate?

21 A. Yes, ma'am.

22 Q. You turned your lights on, as we saw, when you were
23 pulling into the 7-Eleven?

24 A. Yes, ma'am.

25 Q. And Michael Jeter stopped at the gas pump?

1 A. He did. Yes, ma'am.

2 Q. When you walked up to his passenger side window, you
3 asked him to roll down the back window and he complied?

4 A. Yes, ma'am.

5 Q. And the front window and he complied?

6 A. Yes, ma'am.

7 Q. And he asked you -- er, you asked him for his driver's
8 license, which he complied?

9 A. Yes, ma'am.

10 Q. And his insurance information, which he complied?

11 A. I never got insurance information.

12 Q. Er, his -- sorry, his registration.

13 A. Yes, ma'am.

14 Q. And you testified that this was obviously, as we can
15 see, a very lit gas station?

16 A. Yes, ma'am.

17 Q. You never saw any marijuana in the car?

18 A. No, ma'am.

19 Q. You never said you smelled marijuana?

20 A. No, ma'am.

21 Q. You never testified -- you didn't testify and you never
22 said you saw a gun in his vehicle?

23 A. No, ma'am.

24 Q. So you didn't see or smell anything illegal inside his
25 vehicle when you were there?

1 A. No, ma'am.

2 Q. And you never radioed for assistance for this stop when
3 you pulled into 7-Eleven, correct?

4 A. No, ma'am.

5 Q. Officer Hattie just showed up?

6 A. Yes, ma'am.

7 Q. And Officer Perry, as we kind of saw in your dash-cam
8 footage, she kind of waves you off and you go back to your
9 car?

10 A. Yes, ma'am.

11 Q. You -- before that, you heard my client state that he
12 needed to leave so that he could take his shot, correct?

13 A. I don't recall exactly what he said.

14 Q. He was talking to -- before you left, though, he was
15 talking to Officer Perry and to you. And do you recall him
16 saying that he had diabetes?

17 A. Yes, ma'am.

18 Q. Okay. And then after that, he said, "I need to leave so
19 I can take my shot"?

20 A. I don't recall that. I just know somebody said
21 something about diabetes.

22 Q. All right.

23 MS. CORNWELL-GOULOZE: Beg the Court's indulgence.

24 Your Honor, we have nothing further at this time for
25 this witness.

1 THE COURT: Any redirect?

2 MS. NORVELL: Brief redirect, Judge.

3 REDIRECT EXAMINATION

4 BY MS. NORVELL:

5 Q. Do you -- have you ever heard from somebody that you've
6 pulled over in a traffic stop that they had diabetes before?

7 A. No, ma'am.

8 Q. Okay. Thank you.

9 MS. NORVELL: No further questions, Judge.

10 THE COURT: Anything further?

11 MS. CORNWELL-GOULOZE: No, Judge.

12 THE COURT: Okay.

13 MS. NORVELL: We would have nothing else for this
14 witness, Judge. We would just ask that he be subject to
15 recall.

16 THE COURT: Okay.

17 You may step down. Thank you.

18 THE WITNESS: Yes, sir. Thank you.

19 (Witness excused.)

20 MS. ROBERTS: Your Honor, may we approach?

21 THE COURT: Yes.

22 (An off-the-record discussion regarding scheduling was
23 had at the bench.)

24 THE COURT: Okay. Ladies and gentlemen of the jury,
25 thank you for your attention. We are going to break here

1 today before beginning a new witness. So we will resume
2 at -- well, I'm going to ask you to be back in your jury room
3 by 9:30 in the morning.

4 Again, we're just starting the case. Please don't
5 discuss the case with one another whether in the jury room or
6 anywhere else. Your family and friends and others may be
7 curious to know what happened here today and ask you about
8 that. Please do not discuss anything about the case with
9 them either. I don't know that there will be any media
10 coverage, but again, as I requested earlier, don't try to do
11 any independent research on the internet or phones or media
12 or otherwise. You will be instructed when you can
13 deliberate, and we're not at that point yet.

14 So with that, you can return to the jury room and
15 retrieve your belongs. Please be back in the jury room by
16 9:30 in the morning. Thank you, and have a good evening.

17 (The jury was released for the day and exited the
18 courtroom at 4:35 p.m.)

19 (The following proceedings were had outside the presence
20 of the jury.)

21 THE COURT: Okay. Anything we need to take up outside
22 the jury's presence before we break for the day?

23 MS. NORVELL: Yes, Judge.

24 The Court made a pretrial ruling in this case, Judge,
25 that the Facebook message that the defendant responded to was

1 more prejudicial than probative. In the defense's opening
2 and then again on cross-examination of Officer Aratan, the
3 defense questioned -- er, the defense is alleging that
4 mitigating circumstances arose which is the reason why the
5 defendant fled the stop. In cross-examination, they asked
6 Officer Aratan to confirm that he never saw marijuana, that
7 he never smelled drugs, that he didn't see or smell anything
8 illegal, and that he did not see a gun. We believe that the
9 defense has now opened the door to allow the State to get in
10 evidence that they previously claimed was too prejudicial for
11 them to get into.

12 They cannot use -- er, make an argument as both a sword
13 and shield for them to be able to talk about it but not the
14 State. The State is now -- or should now be permitted to get
15 into that comment that the defendant adopted as an admission
16 to counteract these mitigating circumstances that the defense
17 is going to argue and has argued in front of the jury are the
18 reasons why he failed to stop at this traffic stop.

19 If the Court would consider that maybe overnight and let
20 us know in the morning, we would appreciate that. But we
21 firmly believe that the defense has opened the door to this.
22 This is not propensity evidence. This is not character
23 evidence. This is evidence of a motive. This is evidence of
24 intent to leave that stop that the Court initially ruled was,
25 again, too prejudicial for us to be permitted to get into.

1 But it's completely inappropriate for the defense to be able
2 to talk about it but the State to be hamstrung from
3 mentioning something that we have at -- that we -- this
4 information that we have.

5 Thank you, Judge.

6 THE COURT: Okay.

7 Defense?

8 MR. GOODWYN: That's true, Judge. But I don't think
9 that us asking a police officer during the course of their
10 investigation what their investigation revealed, if
11 anything -- they're free to talk about motive, but that
12 specific post is what your Honor ruled on. We're not talking
13 about questions about what the police officer did in their
14 normal course of their investigation. We haven't opened the
15 door to anything. That's specific to that post.

16 They're not -- they're still free to ask questions of
17 the officer about a photo of, you know, what -- you know, in
18 the normal course of operation, what a police officer -- what
19 they were investigating. I mean, they can -- you know, I'm
20 not suggesting they can speculate as to motive, but they can
21 ask the police officer on the stand anything they want. Your
22 Honor ruled on that post specifically. We're not trying to
23 open the door to say that they can't argue what they think
24 the motive is.

25 THE COURT: Okay. Anything further?

1 MS. NORVELL: Nothing else, Judge.

2 THE COURT: All right. I will take it under advisement
3 and will issue a ruling in the morning before we get started.

4 MS. NORVELL: Thank you, Judge.

5 MR. GOODWYN: Thank you, Judge.

6 MS. NORVELL: Thank you for your time today.

7 THE COURT: Thank you. Y'all have a good evening.

8 MS. NORVELL: We appreciate it.

9 What time do you want us to be back, Judge, if the
10 jury's going to be here at 9:30?

11 THE COURT: I mean, do you anticipate having anything
12 other than just getting a ruling on this?

13 MS. NORVELL: No, your Honor.

14 THE COURT: Just let's -- just be here about 9:15.

15 MS. NORVELL: Sounds good.

16 THE COURT: If anything comes up, and we can take care
17 of the ruling on the issue. And if there isn't anything
18 else, we'll bring the jury out and we'll do that.

19 MS. NORVELL: Perfect. Thank you so much.

20 THE COURT: All right. Thank you.

21 (Court recessed at 4:40 p.m., to resume at 9:15 a.m.,
22 Tuesday, January 7, 2025.)

23

24

25

1 (Court resumed at 9:29 a.m., Tuesday, January 7, 2025,
2 outside the presence of the jury.)

3 THE COURT: Good morning, everyone.

4 All right. Before we bring the jury in, I know we have
5 a couple of matters to take up.

6 The first of which would be what I'm characterizing as
7 the State's motion to reconsider the Court's ruling excluding
8 one comment on a Facebook post, which is the Mugga Man
9 stating, "I'll take the high-speed charge before the dope and
10 the gun," and then Bamma Yo's retort, "Any day." The Court
11 has ruled that that post would be unduly prejudicial under
12 Rule 403 of the Rules of Evidence. The State argues that the
13 defense opened the door to the admission of that post with
14 certain questions in the cross-examination of Officer Aratan
15 yesterday when questioned about whether -- generally
16 characterized, whether he observed any other illegal activity
17 at the time of the traffic stop and including a specific
18 mention of guns or drugs.

19 The Court has considered the arguments of the parties
20 that we heard just before we recessed yesterday. The Court
21 finds that the defendant did not open the door with questions
22 about other potential illegal activity observed. And if it
23 were deemed to open the door, the evidence is still unduly
24 prejudicial under 403. The post was made by an unknown party
25 at this point, and it's too attenuated to connect to the

1 defendant.

2 So the State's motion to reconsider that ruling of
3 yesterday is denied.

4 MS. NORVELL: Thank you, Judge.

5 THE COURT: Is there anything else the parties wish to
6 bring before the Court before we bring the jury in?

7 MS. ROBERTS: Nothing from the State.

8 MR. GOODWYN: Judge, just briefly from the defense.

9 We just wanted to -- I know that the other Facebook
10 messages your Honor has allowed the State to get into through
11 Officer Perry. We would just like to renew our
12 authentication objections to that from yesterday, as well as
13 just to be clear that any questions that were to be elicited
14 on cross of Officer Perry or any other officer the State
15 calls regarding any -- in terms of their investigation into
16 sight, smell of anything illegal, that the Court's ruling on
17 that specific Facebook post that the door was not open and is
18 unduly prejudicial would remain to be the Court's ruling.

19 THE COURT: I'm not -- well, let me hear from the State.

20 MS. NORVELL: The State would object to a preemptory
21 ruling that can't be undone based on any questions that they
22 may or may not ask. That's like asking us to keep our hands
23 behind our back and let them ask anything that they want and
24 we can't say anything to refute it. And that's just simply
25 improper procedure.

1 So, you know, any questions that may or may not be asked
2 will be presented by the State to the judge for a
3 reconsideration if it's appropriate. If nothing they say is
4 outside of the bound or the realms of what we argued
5 yesterday, then the Court's ruling is still binding. But
6 we're not there yet. We can't -- you can't preemptively know
7 what they're going to say at this point and bind your ruling
8 forevermore.

9 THE COURT: Yeah, I'm going to -- I mean, the defense
10 can make objections as they're warranted or relevant during
11 cross. I mean, the ruling on the post is specific to the
12 post. I'm not going to try to anticipate or preempt what the
13 witness may say. You'll just need to object
14 contemporaneously.

15 But on that note, I was going to raise the issue of the
16 authentication. I mean, I have not ruled that the posts are
17 authenticated. And I was going to ask the State if we need
18 to have a hearing outside the -- well, if you plan to use any
19 of the other -- try to use any other posts, then we need to
20 have an authentication hearing outside the jury. Because if
21 they're not deemed authentic -- I mean, we -- because I
22 didn't hear any testimony yesterday. I was just saying they
23 could try to authenticate it if they wanted to.

24 MS. NORVELL: I think that the -- we can have a hearing
25 -- like, we can have an in-camera hearing where we proffer

1 the testimony of Officer Perry and I guess lay the
2 foundation, or they can just object in front of the jury,
3 whichever way you prefer it. But I think we'd have to lay
4 the proper foundation to authenticate it for it to be
5 admissible. We are not intending to introduce anything other
6 than what the defendant himself actually posted.

7 THE COURT: Okay. Well, yeah, I agree with that. But
8 if we try to -- if we try to do this in front of the jury and
9 it's not ultimately deemed -- ruled to be authenticated, then
10 we can't unring the bell. So we need to do that outside the
11 presence of the jury.

12 MS. NORVELL: Sure. What was the Court's ruling
13 yesterday regarding -- what was the Court's ruling yesterday?

14 THE COURT: I mean, it was -- you anticipated -- I mean,
15 it was a motion in limine anticipating introducing these
16 posts --

17 MS. NORVELL: Mm-hmm.

18 THE COURT: -- and we discussed authentication. So I
19 said you could -- you would be able to attempt to
20 authenticate and have these admitted.

21 MS. NORVELL: Perfect. Okay. Do you want to do that
22 in-camera hearing now? Officer Perry is in the courtroom.

23 THE COURT: Yeah, let's go ahead and do that so we can
24 minimize having the jury come in and out.

25 Y'all ready to proceed with that?

1 MR. GOODWYN: Beg the Court's indulgence.

2 THE COURT: Sure.

3 MR. GOODWYN: Okay, Judge.

4 THE COURT: Okay. All right. State, please proceed to
5 call your witness.

6 MS. ROBERTS: The State calls Officer Hattie Perry.

7 (Witness sworn.)

8 CLERK OF THE COURT: Please have a seat for me.

9 If you'll state your name for the record, spelling your
10 last name, please.

11 THE WITNESS: Hattie Perry, P-E-R-R-Y.

12 HATTIE PERRY,

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

15 PROFFER DIRECT EXAMINATION

16 BY MS. ROBERTS:

17 Q. Good morning, Officer Perry.

18 Did you ever have the occasion to locate any Facebook
19 posts regarding this defendant?

20 A. I did.

21 Q. And do you typically search through any defendant's
22 social media?

23 A. I do not. But it was sent to me from another officer,
24 and I wanted to verify who had posted it. And that's when I
25 saw that it was the defendant's Facebook posts.

1 Q. Okay. So why were any Facebook posts sent to you?

2 A. Because they were asking me -- they were like, "Hey,"
3 like, "How did somebody get your body-worn camera?" Like, I
4 figured, like, maybe another officer had posted it and sent
5 it to somebody, which they can't do. But it turned out to be
6 the defendant had posted it to his own social media from his
7 attorneys whenever he was viewing it.

8 Q. Okay. So --

9 MS. ROBERTS: May I approach the witness?

10 THE COURT: You may.

11 BY MS. ROBERTS:

12 Q. I'm showing you what's been marked as State's Exhibits
13 15 and 17. Do you recognize those posts?

14 A. Yes, ma'am.

15 Q. And what are they?

16 A. Exhibit 15 is his own post that he had sent that says,
17 "Saying no to searching is only going to get you searched in
18 North Charleston. I was just trying to get home so I could
19 take my insulin," face palm emoji, laughing emoji. Then it's
20 like a screenshot of my body-worn camera, which it's
21 technically the video. And that says, "In South Carolina you
22 have no rights." And that's what he had posted over the
23 video.

24 And then Exhibit 17 is him sharing his own arrest of the
25 Live 5 news article, which says, "I guess they ain't got

1 nothing else better to do," laughing emoji, tongue out emoji,
2 laughing emoji.

3 Q. And did you personally observe these posts on that
4 Facebook account?

5 A. I did.

6 Q. And so after you viewed -- what's the name on the
7 Facebook?

8 A. Bamma Yo. And Bamma has two M's.

9 Q. Okay. And that's not the defendant's name, correct?

10 A. No.

11 Q. So how did you confirm that this page was the
12 defendant's Facebook page?

13 A. So if you go -- well, it's simple. Like, he posted --
14 well, we'll say Bamma Yo posted a public post that you can
15 just clearly see on Facebook if you're not friends. Which
16 Bamma Yo has posted photos, so if you just go click on
17 photos, there are pictures of him -- and other friends, but
18 pictures of him, this red car that he was seen in driving
19 that he claimed was his wife's, this post. I mean, it was
20 clear that you could clearly tell it was his and not somebody
21 else's Facebook.

22 Q. Okay. And did you have the occasion to watch any live
23 videos --

24 A. I did.

25 Q. -- on this Facebook account?

1 A. I did.

2 Q. And who was depicted in those live videos?

3 A. It was the defendant Michael Jeter.

4 Q. So it was his face in the videos?

5 A. It was his face.

6 Q. And what's the most recent post that you see from that
7 Facebook account?

8 A. Today is what, January 7?

9 Q. Yes.

10 A. I think he had one yesterday, the day before. Yesterday
11 was a selfie in court, wearing the same outfit. The day
12 before was a live video of him with cars outside of his face.
13 Like, there wasn't really anybody else in it.

14 Q. Okay. And so today, let's step back to that Facebook
15 post that you mentioned that was your body-worn camera. Who
16 all has access to that?

17 A. Others officers do have access to it, but they would get
18 in trouble and lose their job if they did. But you guys do
19 and attorneys, officers who were involved in the incident,
20 I.A. That's about it.

21 Q. Okay. So you said people who were involved in the
22 incident. Who all was involved in this incident on
23 December 30?

24 A. Me, Officer Aratan, clearly Michael Jeter, and that was
25 it, those three. And then attorneys.

1 Q. Okay. So on Exhibit 17 -- State's Exhibit 17, what's
2 the date of that post?

3 A. January 12 of 2024.

4 Q. And do you know the date that this defendant turned
5 himself in to be arrested?

6 A. I believe it was January 12, somewhere around there. It
7 was close. It was like a week later after his arrest. So
8 maybe this was what, December 30? The incident? So it was a
9 week later or so.

10 Q. And did the language on those posts -- I think you said
11 that the caption says -- would it refresh your recollection
12 of the date he was arrested if I showed you your report?

13 A. Yes.

14 Q. Okay.

15 A. Okay. So January 12 was the date of his arrest, and
16 that's the same exact date that he had posted the Live 5 news
17 article.

18 Q. I can get that report back from you.

19 A. Here you go.

20 Q. Thank you.

21 And on the State's Exhibit 15, what did you say the
22 caption was?

23 A. "Saying no to searching is only going to get you
24 searched in North Charleston. I was just trying to get home
25 so I could take my insulin," face palm emoji, laughing emoji.

1 Q. And did the language of that stick out to you in any
2 way?

3 A. Yes, it did, because he had told me while I was on
4 scene, "She knows me. She knows I got diabetes." And I
5 said, "No, I do not know that."

6 MS. ROBERTS: Beg the Court's indulgence.

7 Nothing further, your Honor.

8 THE COURT: Okay. Defense?

9 MS. CORNWELL-GOULOZE: Beg the Court's indulgence just
10 briefly, your Honor.

11 THE COURT: Sure.

12 PROFFER CROSS-EXAMINATION

13 BY MS. CORNWELL-GOULOZE:

14 Q. I just have a few questions.

15 A. Okay.

16 Q. As far as this specific Facebook account, you did not
17 create this Facebook account, correct?

18 A. No.

19 Q. And you don't have access to the Facebook account?

20 A. From whenever you can search somebody publicly and it --
21 like, yeah, I can look at it publicly. But I don't have
22 access to posts as Bamma Yo, no.

23 Q. Correct. And there was no search warrant produced or
24 obtained to get information into this account outside of just
25 viewing it on Facebook?

1 A. No, because it was all public posts, so I don't believe
2 you need a search warrant for that.

3 Q. And you do not specifically work for Facebook?

4 A. No.

5 Q. And this information wasn't obtained through a phone
6 dump of my client's phone?

7 A. No.

8 Q. And you're not personally aware of where the posting
9 took place of the body-worn camera video?

10 A. No. But whenever I initially saw the video, I was at
11 home on maternity leave and I got it sent to me. And I sent
12 it -- I immediately contacted our I.A., because if another
13 officer got that, like, that needs to be addressed; and I
14 sent it to him. But it was in a different format that our
15 officers do not have availability at our offices to see. So
16 I knew it was -- I.A. told me it was in a different format
17 that attorneys would receive.

18 Q. But you were told that; you didn't have personal
19 knowledge of it besides being told that from another source,
20 your I.A.?

21 A. Correct.

22 Q. Or A.I.? Sorry.

23 A. No, you're good.

24 I.A. was the one who said that, okay, this is a
25 different format that we don't have access to personally as

1 officers.

2 Q. And just for the record, what is I.A.?

3 A. Oh, jeez. Pregnant brain's going to get me. Internal
4 investigations? It's --

5 Q. Okay.

6 A. Yeah, I can't remember.

7 Q. Okay. I'm just not familiar with --

8 A. You're good.

9 Q. -- what that means.

10 A. It's who investigates us in our work.

11 Q. Okay.

12 MS. CORNWELL-GOULOZE: Beg the Court's indulgence.

13 I have nothing further, your Honor.

14 MS. ROBERTS: Just a couple more questions.

15 THE COURT: Go ahead. Please proceed.

16 PROFFER REDIRECT EXAMINATION

17 BY MS. ROBERTS:

18 Q. So did you personally view these Facebook posts?

19 A. I did for sure.

20 Q. And do State's Exhibit 15 and 17 fairly and accurately
21 represent the posts that you observed on Bamma Yo's Facebook
22 account?

23 A. They do.

24 Q. And you have personal knowledge of the defendant,
25 correct?

1 A. Yes.

2 Q. And you recognize his face?

3 A. One hundred percent.

4 MS. ROBERTS: Nothing further.

5 THE COURT: May I see the 15 and 17? I know you gave me
6 several of the posts, but I want to see specifically what's
7 been shown.

8 MS. ROBERTS: 17 has that comment which will be removed.

9 THE COURT: Defense, you saw these?

10 MS. CORNWELL-GOULOZE: We have seen these, your Honor.

11 THE COURT: Okay.

12 MS. ROBERTS: May I approach?

13 THE COURT: Yes. Thank you.

14 MS. NORVELL: Judge, are you ready for argument?

15 THE COURT: Yes.

16 MS. NORVELL: Judge, at this time, after those questions
17 by Ms. Roberts, the State would offer those exhibits into
18 evidence.

19 The officer testified and -- testified specifically
20 about the appearance, contents, patterns, distinctive
21 characteristics, and other circumstances related to the
22 content and timing of these posts. Her testimony is her
23 personal knowledge of public posts by an individual that she
24 has prior knowledge of prior to the case in which we are here
25 in court today, including the case in which we're here in

1 court today.

2 She -- these posts are publicly distributed. They
3 reference materials that only a limited group of people
4 can -- would know. And those people, as the officer
5 testified to, are her, Officer Aratan, and the defendant.
6 The posts are in such close timing and proximity to the
7 defendant's arrest that he actually posted the article of his
8 arrest on the day he was taken into custody and released from
9 the detention center.

10 The contents, the distinctive characteristics, and the
11 patterns are demonstrated in the language that she testified
12 to, and the captions or comments of -- not comments, but the
13 captions of those posts are self-identifying language. The
14 defendant takes ownership of the situation, and he talks
15 about circumstances that no one else would know. "I was just
16 trying to leave to go home and get my insulin." No one else
17 would know that information without being present on scene
18 because this body cam is not distributable pursuant to the
19 Ninth Circuit's standing discovery protective order. No one
20 else would know what he told officers but him.

21 Rule 901(b)(4) is a very low bar, and circumstantial
22 evidence that's related to these unique facts, content,
23 tenor, and timing is sufficient to meet that low bar required
24 for the authentication and admissibility. They're admissible
25 pursuant to 901(b)(4), and they're also admissible pursuant

1 to the rule on hearsay exceptions. This is a statement of a
2 party opponent. These are the defendant's own statements.
3 At this time the State is not seeking to introduce any
4 comments or commentary by any other parties.

5 The rules of evidence do not require that a data
6 extraction or a search warrant is completed by the company
7 when an individual posts messages publicly and distributes
8 those to the general public. We aren't required to get a
9 search warrant to authenticate them. Nowhere in the rules is
10 that required. Nowhere in the case law is that required. I
11 can understand why they would like for that to be, but if
12 everybody is able to view this, an officer who has personal
13 knowledge of the defendant is certainly able to meet that low
14 bar for authentication.

15 THE COURT: Defense?

16 MR. GOODWYN: Thank you, Judge.

17 We would -- I don't have a lot as far as authentication
18 goes. I think it speaks for itself that the create --
19 someone other than the custodian of the account, the user of
20 the account, or somebody through Facebook testifying to the
21 authenticity of who that person is, I think that that is a
22 slippery slope that we're getting on.

23 As far as if your Honor intends to -- just briefly. The
24 only person that could authenticate it is my client, if he
25 were to testify. And I think that's the problem, that the

1 State would want to get into that. If the Court disagrees
2 with that, I would say that we need to address it because the
3 State said that they would not get into or try to offer into
4 evidence any post that was not made by allegedly my client's
5 account.

6 I know that there is one specific post that your Honor
7 was contemplating letting in that the State wants to offer,
8 particularly the one about "The picture of you peeling off
9 lives rent free in my head," and my client allegedly leaves a
10 laughing emoji. I think that that is, 1, going to be hearsay
11 under the same arguments we made yesterday, as well as unduly
12 prejudicial. And we would make that objection to that
13 specific post.

14 MS. NORVELL: That's not before the Court. That -- we
15 haven't offered that.

16 THE COURT: Yeah, that's not one of the exhibits that
17 they are --

18 MR. GOODWYN: Okay. I didn't see the exhibits that --

19 MS. CORNWELL-GOULOZE: What specific ones are you
20 offering?

21 MS. NORVELL: It's the --

22 MR. GOODWYN: May we approach, your Honor, so I can see
23 them?

24 THE COURT: Yes, please.

25 MR. GOODWYN: Your Honor, if -- I will leave the other

1 one for later if they try to introduce that one. But, you
2 know, my same arguments for authentication goes for this one.
3 But I understand if your Honor's --

4 THE COURT: Okay.

5 MR. GOODWYN: -- tending to agree with --

6 THE COURT: Okay. Very well.

7 Having considered the arguments of counsel, the Court
8 finds that the exhibits in evidence proposed to be admitted
9 have been adequately authenticated under Rule 901(b)(4) of
10 the South Carolina Rules of Evidence, which enables
11 authentication to be proven by appearance, content,
12 substance, internal patterns, or other distinctive
13 characteristics taken in conjunction with the circumstances
14 and without limiting what the State presented of the limited
15 access to the body-worn camera video assisting in linking the
16 Facebook post to the defendant, as well as the timing of the
17 post of the news article the day of his arrest.

18 And that is -- I think that is consistent with the
19 Court's opinion in *State v. Green*, where the Court decides
20 whether a reasonable jury could find the evidence authentic;
21 therefore, the proponent need only make a prima facie showing
22 that the true author is who the proponent claims it to be.
23 The Court rules they have -- the State has made a prima facie
24 showing, and the Court will make a determination -- its own
25 determination as to the authenticity and weight it gives that

1 evidence.

2 MS. NORVELL: Thank you, your Honor.

3 MR. GOODWYN: Thank you, Judge.

4 THE COURT: Okay. Anything else before we bring in the
5 jury?

6 MS. NORVELL: Do you want us to have Officer Perry
7 remain on the stand, or do you want us to call her from the
8 gallery when the jury comes in?

9 THE COURT: If you'll -- yeah, if you'll step down
10 briefly.

11 Then you can recall her.

12 MS. NORVELL: Thank you, Judge.

13 Nothing else from the State before we bring in the jury.

14 THE COURT: Okay. Anything from the defense?

15 MR. GOODWYN: Nothing from the defense.

16 THE COURT: Okay. Bailiff, will you bring in the jury,
17 please.

18 THE BAILIFF: Yes, your Honor.

19 (The jury entered the courtroom at 9:56 a.m.)

20 THE BAILIFF: All jurors are present, your Honor.

21 THE COURT: Thank you, sir.

22 Good morning, everyone. I hope everyone had a restful
23 evening and are ready to go again today. We're going to
24 get -- oh, please be seated.

25 If you'll recall, yesterday the State presented the

1 first witness in its case and will now -- is about to call
2 its second witness.

3 So State, defense, if you're ready to proceed, we're
4 ready when you are.

5 MS. ROBERTS: The State calls Officer Hattie Perry.

6 (Witness sworn.)

7 CLERK OF THE COURT: If you'll have a seat for me.

8 Please state your full name for the record, spelling
9 your last name, please.

10 THE WITNESS: Hattie Perry, P-E-R-R-Y?

11 HATTIE PERRY,

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 MS. ROBERTS:

16 Q. Good morning, Officer Perry. How are you doing?

17 A. I'm doing good. How are you doing?

18 Q. I'm doing well.

19 Can you start by telling the jury where you're currently
20 employed.

21 A. North Charleston Police Department.

22 Q. And how long have you been employed by the North
23 Charleston Police Department?

24 A. Close to eight years.

25 Q. What is your current position with the department?

1 A. I'm currently a patrolman first class, but I'm a K-9
2 handler.

3 Q. And how long have you been a K-9 handler?

4 A. Three years.

5 Q. Did you have any other jobs prior to becoming a K-9
6 handler?

7 A. So I worked patrol for a few years, and then I was on a
8 power shift, which is kind of like a proactive, get out with
9 people, prevent drug crimes, shootings in heavier crime areas
10 in North Charleston.

11 Q. Okay. So you mentioned that you're a K-9 handler. Can
12 you describe for the jury what your responsibilities are as a
13 K-9 handler.

14 A. So a typical day, I'll show up around 5:00 to where I
15 work, and then I'll run my dog and play with him and train
16 him for a few minutes, because we have a certain amount of
17 time we have to train them per month. So I'll train him.

18 We'll respond to any type of K-9 calls, which could be
19 like burglary in process or tracks from when a suspect ran
20 from somebody or from a building or some type of crime.
21 We'll assist officers and back them up. We'll do our own
22 traffic stops. Train my dog. That's a typical day.

23 Q. Okay. And are you currently on leave from your job?

24 A. I am.

25 Q. And why is that?

1 A. I had a baby girl about five weeks ago.

2 Q. Congratulations.

3 A. Thank you.

4 Q. So let's get into why you're here today.

5 Have you seen this defendant before?

6 A. Yes, ma'am.

7 Q. And what -- do you know his name?

8 A. Michael Tyrus Jeter.

9 Q. And when was the last time that you saw Mr. Jeter prior
10 to this trial?

11 A. It was the time of the interaction of the traffic stop,
12 so December 30, around 1:30 in the morning, 2023.

13 Q. Okay. Can you explain to the jury what led up to that
14 meeting on December 30, 2023.

15 A. Yeah. So Officer Aratan -- you guys had him speak to
16 you yesterday -- he did a traffic stop. And I was right
17 around the corner, so I just went and assisted him. And
18 that's how I met -- well, that's how I saw him again.

19 Q. And what was the location of that traffic stop?

20 A. It was at the Circle K at the corner of Cross County and
21 Ashley Phosphate. It was brand new. And that was in North
22 Charleston.

23 Q. Was it a Circle K?

24 A. 7-Eleven. 7-Eleven.

25 Q. Okay. And what county is that located in?

1 A. It's Charleston County.

2 Q. So you said Officer Aratan conducted the traffic stop.
3 How did you get there?

4 A. I was just right around the corner, so I wanted to
5 assist him because I heard him call it out. I was right
6 there on Ashley Phosphate. I pulled in. I saw that he was
7 speaking to the defendant on the passenger side window, so I
8 walked over to the driver's side window.

9 Q. Did Officer Aratan specifically call for backup?

10 A. He did not.

11 Q. So why did you just show up?

12 A. It's just typical for us to assist officers if we're
13 close by. It's safer to do so.

14 Q. So you said that you went and you saw Aratan at the
15 passenger window and you approached from the driver's side
16 window. Can you tell the jury what happened next.

17 A. Yeah. So as I approached the driver's side window, his
18 window was down and -- or his driver's window was down. And
19 so he was talking to Officer Aratan, and then he turned over
20 to me. I think he handed him -- Officer Aratan his license
21 at that time. And he was kind of talking back and forth, but
22 I couldn't really hear it a little bit. And I was kind of
23 standing behind the pillar of the door frame right there.

24 So he turns to me whenever he notices that I'm standing
25 there, and he was like, "Oh." And I looked at him and I was

1 like, "Michael," because I had just recognized him. And he's
2 like, "Yeah." And he turns to Aratan and he's like, "Yeah.
3 See, she knows me. She knows I got diabetes." And I was
4 like, "No, I don't."

5 Q. Was there anyone else in that vehicle with Michael?

6 A. Not that I could tell. The windows were really tinted,
7 but he was the sole driver.

8 Q. And you were standing at the driver's side window. How
9 far away were you from Michael?

10 A. I'd say about two and a half, three feet.

11 Q. And as you were speaking to Michael from two and half
12 feet away, what were the viewing conditions like?

13 A. Like I said, the gas station was brand new, so the
14 lights were literally fluorescent. It was 1:30 in the
15 morning and it was pitch black outside, but it was clear as
16 day up underneath the gas station lights.

17 Q. So I'm showing you what's been marked as State's Exhibit
18 13 and 14. Can you tell me if you recognize those exhibits.

19 A. Yes, ma'am, I do.

20 Q. And what are they?

21 A. They are pictures of my body-worn camera. And it's me
22 standing where I said I was, kind of behind the pillar, and
23 it's the defendant looking at me directly.

24 Q. Okay. So are those exhibits a fair and accurate
25 representation of what you observed during your traffic stop?

1 A. Yes, ma'am.

2 MS. ROBERTS: Your Honor, the State moves to admit
3 State's Exhibits 13 and 14.

4 MS. CORNWELL-GOULOZE: No objection.

5 THE COURT: Without objection so admitted.

6 (State's Exhibit Numbers 13 and 14 admitted into
7 evidence.)

8 MS. ROBERTS: Permission to publish?

9 THE COURT: Granted.

10 (Exhibit displayed on screen in open court.)

11 BY MS. ROBERTS:

12 Q. So that's 13 --

13 (Exhibit displayed on screen in open court.)

14 BY MS. ROBERTS:

15 Q. -- and 14.

16 Who was that person in those pictures?

17 A. The defendant Michael Jeter.

18 Q. And do you see that person in the courtroom today?

19 A. I do. He's to the table to your all's left.

20 Q. And what does he have on?

21 A. A striped sweater with black pants.

22 MS. ROBERTS: Your Honor, please let the record reflect
23 that Officer Perry has identified the defendant.

24 THE COURT: It is so reflected.

25

1 BY MS. ROBERTS:

2 Q. So after you recognized the defendant once you
3 approached the vehicle, what happened next?

4 A. When I approached the vehicle and he finished talking to
5 Officer Aratan, that's when he looked over at me. And he
6 recognized me, and that's when I clearly recognized him. I
7 was like, "Uh, Michael." And he's like, "Yeah. See, she
8 knows me. She knows I got diabetes." And I was like, "No, I
9 don't." And that's when we continued to have our
10 interaction.

11 Q. And so you and Aratan were both at the vehicle at this
12 moment?

13 A. Correct. Yes.

14 Q. Okay. And when did Aratan leave?

15 A. I waved him off because Michael and I have known each
16 other for a couple of times, so I felt comfortable standing
17 there talking to him. I didn't need a secondary officer to
18 hover and kind of be there. We were fine.

19 Q. What did you wave Aratan off to do?

20 A. Well, when you do a traffic stop, you need to give them
21 some form of citation, whether it be a citation or a warning.
22 So you can't just verbally say, "Hey, you're good to go."

23 So Officer Aratan, I waved him back to the car to go
24 finish the traffic stop, which is for whatever writ they need
25 to do, whether he needed to run the defendant for warrants,

1 run the tag, which is typically what we always do. So I
2 waved him off to go do that so I could talk to the defendant.

3 Q. Okay. So you were talking to the defendant. What did
4 you ask him?

5 A. I asked him if there were any guns or drugs in the
6 vehicle, and he said no. And I said, "Okay. So do you mind
7 if we search the vehicle?" And he's like, "Yeah, I do mind."
8 After that -- I can't remember clearly what I said after
9 that. I said -- I tried to pull open his door because it's
10 polite to open the door for somebody since he's going to need
11 to step out of the car because I need to run my dog on the
12 vehicle.

13 So I told him, I said, "I will -- if you don't mind,
14 just go ahead and step out so I can run my dog on your car to
15 sniff." We were clearly cordial with each other. We both
16 had a rapport with each other, so I could be not as strict on
17 a traffic stop and more direct like I normally would for
18 somebody who I truly don't know.

19 So that's when he was like -- he said something back
20 about me being -- he said that we were racially profiling,
21 and that's whenever he -- I saw him, like, reach for the gear
22 shifter of his car. And I was like, "Michael, don't you go.
23 Ah, ah." And he was like -- just peeled off. And then I ran
24 back to my car to try and catch up.

25 Q. Okay. Let's take a step back for a second.

1 You said you wanted him to step out so that you could
2 run your dog on his car?

3 A. Correct.

4 Q. What does "run your dog" mean?

5 A. So my dog, he's -- obviously he's a K-9. He's trained
6 in narcotics and to detect them. He's not trained to detect
7 guns, but he can sniff out numerous narcotics. So I was
8 going to just conduct a free-air sniff around his car, which
9 literally takes 30 seconds, maybe 45 to a minute.

10 While Aratan was doing what he had to do, I was going to
11 have the defendant step out of the car and step to the back
12 of Officer Aratan's car. And that's just for his safety with
13 the dog and whatnot. So usually I'll have him step to the
14 back of the car. I'll get my dog, run him to a certain
15 location and put on a leash and run around the car a couple
16 of times.

17 But it requires the defendant to be out of the vehicle.
18 That's our policy to do that, to have him step out of the
19 car.

20 Q. And did you have your K-9 with you on December 30, 2023?

21 A. I did. He is with me every day.

22 Q. I'm going to show you what has been marked as State's
23 Exhibit 12. Can you take a look at it and tell me if you
24 recognize it.

25 A. Yes, I do.

1 Q. And how do you recognize it?

2 A. I initialed and dated it.

3 Q. And can you tell me what's located on that disk?

4 A. Clips of my body-worn camera.

5 Q. Do you have any way to alter or change the footage on
6 your body-worn camera?

7 A. No.

8 Q. And did you alter or change the footage on your
9 body-worn camera?

10 A. No, ma'am.

11 Q. Does that footage fairly and accurately represent the
12 events that occurred on December 30, 2023?

13 A. It does.

14 MS. ROBERTS: Your Honor, the State seeks to admit
15 State's Exhibit 12.

16 MS. CORNWELL-GOULOZE: No objection.

17 THE COURT: Without objection, so admitted.

18 (State's Exhibit Number 12 admitted into evidence.)

19 MS. ROBERTS: Permission to publish?

20 THE COURT: Granted.

21 (Video played in open court.)

22 BY MS. ROBERTS:

23 Q. Did you hear Michael mention that he had diabetes in
24 that clip?

25 A. I did.

1 Q. And do you know Michael to have diabetes?

2 A. I don't know him personally like that, no.

3 Q. So were he to have diabetes, were there any
4 accommodations that you could have made if he was having a
5 medical emergency?

6 A. Yeah. We would have for sure called EMS. They could
7 have been there within a couple of minutes.

8 Q. And was Michael free to leave from that traffic stop?

9 A. No.

10 Q. Did you say that to Michael?

11 A. I told him, "Don't you leave."

12 Q. And what specifically did you say?

13 A. "Ah, ah. Michael, don't you leave." And that's when he
14 just peeled off.

15 Q. And do you typically talk to people that you pull over
16 that way?

17 A. No.

18 Q. How do you typically talk to them?

19 A. I would tell them, "Hey, you're not free to leave," if
20 they ask. But we've built a rapport with each other
21 throughout -- I wouldn't say "the years," but the
22 interactions we've had. So I felt like I could talk to him
23 more so as a friend and not so as I'm, like, directing
24 somebody that I would have no idea who they are. I was
25 trying to be more chill. If you're more chill in a certain

1 scenario where people feel like -- should be more amped, it
2 helps the situation not get as amped as it might be. I don't
3 know.

4 Q. So after Michael fled from the gas station, what
5 happened?

6 A. Officer Aratan followed him in his car, and I got in my
7 car and ran lights and sirens behind Officer Aratan.

8 Q. Okay. So you had your lights and sirens on?

9 A. Yes, ma'am.

10 Q. And can you describe when -- as you were chasing, what
11 could you see?

12 A. I couldn't see the defendant's car anymore. I only saw
13 Officer Aratan's car as we ran down Ashley Phosphate. We
14 were going down Ashley Phosphate for a minute, and then
15 Officer Aratan took a left on Palmetto Commerce. I took a
16 left on Palmetto Commerce, assuming that's where the
17 defendant went.

18 Q. If you had to estimate, how fast would you say you were
19 going?

20 A. Oh, max I like to go is 130. That's, like, as fast as I
21 will go. But it was well over a hundred, I would say, trying
22 to catch up.

23 Q. Okay. So you were going well over a hundred trying to
24 catch up and you still could not see the defendant?

25 A. Correct.

1 Q. And how did the chase conclude?

2 A. It ended with Officer Aratan canceling because he lost
3 sight of the defendant down Palmetto Commerce.

4 Q. And what did you do after you canceled the chase?

5 A. Well, so Palmetto Commerce is a well-known area that
6 when people speed really fast, the curves are really tight,
7 there's palm trees, it's a very dangerous road to speed down.
8 It's really dangerous. So we kind of drove around to see if
9 we could see any downed trees or see his car wrecked out or
10 see if he had wrecked because he was going so fast.

11 Q. And did you have the occasion to view Michael's driver's
12 license?

13 A. I did after, yes.

14 Q. And how would you compare this defendant to the person
15 that you saw on the driver's license?

16 A. The same.

17 Q. And did you have the occasion to locate any Facebook
18 posts regarding this incident?

19 A. I did. Yes, ma'am.

20 Q. And how did that come to your attention?

21 A. While I was home on maternity leave, I was hanging out
22 on the couch and another officer sent it to me and said, "How
23 did this person get your body-worn camera?" And I was like
24 -- I thought it was a joke. So I clicked on it, and it was
25 the defendant posting my body-worn camera to his Facebook.

1 Q. I'm showing you what's been marked as State's Exhibits
2 15 and 17. Can you just look at these for me and tell me if
3 you recognize it.

4 A. Yes, ma'am.

5 Q. So don't go into specifics, but just in general, what
6 are State's Exhibit 15 and 17?

7 A. 15 is the Facebook post of my body-worn camera. And
8 then 17 is a Live 5 news article of the defendant's getting
9 arrested that Live 5 posted.

10 Q. Okay. And did you personally view these posts on this
11 Facebook account?

12 A. Yes, ma'am, I did.

13 Q. And what steps did you take to identify who was
14 posting --

15 A. So once I clicked on --

16 Q. -- on this Facebook account?

17 A. Once I clicked on the Facebook to see who would have my
18 body-worn camera, I clicked on it. And I clicked on the
19 photos just to see, because it was the -- the profile picture
20 was of a car. So I clicked on the photos, and they were
21 photos of the defendant -- numerous photos of the defendant.

22 Q. And you know the face of this defendant?

23 A. Correct.

24 Q. Okay. Did you have the occasion to view any live
25 streams from this Facebook account?

1 A. Yes, ma'am, I did.

2 Q. And did you see anyone on those live streams?

3 A. The defendant.

4 Q. And what was the most recent post that you've seen on
5 that account?

6 A. There was one yesterday, one the day before, and
7 possibly the day before. There's been a few recently of
8 selfies of the defendant.

9 Q. And do State's Exhibit 15 and 17 fairly and accurately
10 represent the posts that you personally observed on this
11 Facebook account?

12 A. Yes, ma'am.

13 MS. ROBERTS: Your Honor, at this time the State moves
14 to admit State's Exhibits 15 and 17.

15 MS. CORNWELL-GOULOOZE: Your Honor, may I view the
16 exhibits before?

17 THE COURT: Yes.

18 Please show defense counsel the exhibits.

19 MS. CORNWELL-GOULOOZE: Your Honor, we have the -- we
20 renew our previous objections -- standing objections to
21 authentication made pretrial.

22 THE COURT: Okay. The exhibits are admitted into
23 evidence subject to defense counsel's prior objections.

24 (State's Exhibit Numbers 15 and 17 admitted into
25 evidence.)

1 MS. ROBERTS: Beg the Court's indulgence.

2 Your Honor, may the State publish State's Exhibit 15?

3 THE COURT: You may.

4 (Exhibit displayed on screen in open court.)

5 BY MS. ROBERTS:

6 Q. Okay. You said that this was a screenshot of your
7 body-worn camera?

8 A. Yes.

9 Q. Who all has access to your body-worn camera footage?

10 A. Myself, Officer Aratan, and attorneys.

11 Q. So only people who are involved in this case?

12 A. Correct.

13 Q. And can you read me the top caption from this Facebook
14 post.

15 A. Yes. It says "Saying no to searching is only going to
16 get you searched in North Charleston. I was just trying to
17 get home so I could take my insulin," face palm emoji,
18 laughing emoji.

19 Q. And was the insulin comment significant to you?

20 A. Yes, because he had told me he has diabetes.

21 Q. And what is the date that this video was posted?

22 A. December 17, 2024.

23 Q. Okay. Now I'm going to show you State's 17.

24 (Exhibit displayed on screen in open court.)

25

1 BY MS. ROBERTS:

2 Q. And what is the specific article that's being shared?

3 A. It says, "Man charged in connection to police chase in
4 North Charleston," by Live 5.

5 Q. And what is the caption?

6 A. "I guess they ain't got nothing else better to do,"
7 laughing emoji, tongue out emoji, laughing emoji.

8 Q. And what date was --

9 A. January 12 of 2024.

10 Q. And do you know the date that this defendant turned
11 himself in to be arrested?

12 A. That date, January 12 of 2024.

13 MS. ROBERTS: Beg the Court's indulgence.

14 I have no further questions. Please answer any
15 questions that the defense has for you.

16 THE COURT: Defense?

17 MS. CORNWELL-GOULOZE: Thank you.

18 CROSS-EXAMINATION

19 BY MS. CORNWELL-GOULOZE:

20 Q. Good morning, Officer Perry.

21 A. Good morning.

22 Q. You testified, obviously, that you're a K-9 officer with
23 North Charleston Police Department?

24 A. Yes, ma'am.

25 Q. And according to the North Charleston Police Department

1 policies and procedures for K-9 units, some of your duties,
2 as you've already mentioned, would include potentially
3 responding to things like robberies?

4 A. Yes, ma'am.

5 Q. Assaults or other violent crimes?

6 A. Yes, ma'am.

7 Q. Also includes locating lost children or adults
8 classified as endangered?

9 A. Yes, ma'am. My dogs typically wouldn't be used in that
10 one because he's an apprehension dog, which is a biting dog.
11 So you would use, like, a bloodhound that would -- but yes.

12 Q. And searching for narcotics?

13 A. Yes, ma'am.

14 Q. And as you testified, on December 30, 2023, Officer
15 Aratan pulled over Michael Jeter for what was a tinted
16 license plate cover?

17 A. Yes, ma'am.

18 Q. And Michael had complied and stopped at the 7-Eleven
19 where you arrived?

20 A. Yes, ma'am.

21 Q. And you testified that you were not dispatched to go to
22 the 7-Eleven?

23 A. No. I just arrived to assist Officer Aratan.

24 Q. And when you arrived to Michael's vehicle, he was in the
25 process of or had already given Officer Aratan his driver's

1 license and registration?

2 A. Yes, ma'am.

3 Q. And you testified that you walked up to Michael's
4 driver's side window and you called him by his name?

5 A. Yes. His first name, Michael.

6 Q. And then almost immediately into your conversation with
7 him, you said, "Do you mind if we search?"

8 A. Yeah, but after he had said, "Oh, she knows me. She
9 knows I got diabetes." I was like, "No, I don't know."

10 Q. But Michael responded to that question with, "Yes, I do
11 mind"?

12 A. He did.

13 Q. And then, as you testified, you kind of waved your hand
14 off at Officer Aratan to go back to his car?

15 A. Yes, sir.

16 Q. So it was just you and Michael?

17 A. Yes.

18 Q. And then you grab at his door handle and tell him to
19 step out of the car?

20 A. After a little bit of interaction, yes.

21 Q. Okay. And again, you're -- as I mentioned, you're aware
22 of the North Charleston Police Department policies and
23 procedures. And there's obviously a manual specific to
24 searches and seizures?

25 A. For the K-9 searches?

1 Q. In general for all of North Charleston Police
2 Department.

3 A. Oh. Yes.

4 Q. Are you familiar with Policy 0-04?

5 A. I'm sure, yes.

6 Q. And that breaks down searches into those requiring a
7 warrant and those that don't need a warrant?

8 A. I'm sure it does, yes.

9 Q. You didn't have a warrant to search Michael or his
10 vehicle on December 30?

11 A. No. I did not need one.

12 Q. He didn't give you consent to search his vehicle?

13 A. No.

14 Q. And he wasn't under arrest at the time you requested to
15 do a search of his vehicle?

16 A. No. He was just detained.

17 Q. And there were no exigent circumstances reported to
18 warrant a search?

19 A. No.

20 Q. You never at any point, either in your report or on
21 body-worn camera, said you smelled marijuana?

22 A. No. There was no smell of marijuana at all in his car.

23 Q. And you never at any point said you saw marijuana?

24 A. No. Marijuana wasn't mentioned at all in any of the
25 reports at all.

1 Q. And you never said you saw a gun in his car?

2 A. No, ma'am.

3 Q. And you never said you saw or smelled anything illegal
4 in his car?

5 A. No. I mean, you can't really smell most drugs except
6 marijuana.

7 Q. But never reported to seeing any drugs or guns in his
8 car?

9 A. No, ma'am.

10 MS. CORNWELL-GOULOZE: Beg the Court's indulgence.
11 Nothing further, your Honor.

12 THE COURT: Okay. Anything from the State?

13 MS. ROBERTS: Briefly, your Honor.

14 REDIRECT EXAMINATION

15 BY MS. ROBERTS:

16 Q. So you mentioned -- or it was mentioned that you asked
17 him if he had any drugs or guns in his car, right?

18 A. Yes, ma'am.

19 Q. Is that unusual for you to ask people that you pull over
20 that question?

21 A. No. I don't ask everybody, but no, it's not unusual.

22 Q. And defense counsel asked you if you smelled any
23 marijuana in the vehicle. But as you mentioned, not all
24 illegal drugs have a scent?

25 A. Correct.

1 Q. So is that the purpose of having a K-9?

2 A. Correct. Like I can't smell cocaine, but my dog has,
3 like, 50,000 times better of a nose than a human, so he can
4 clearly smell all drugs. He's trained to do that.

5 Q. Okay. So if you didn't smell any marijuana or see any
6 drugs or guns, why did you want to run your dog on that car?

7 A. So he was -- like I said -- or like you guys have said,
8 it's December 30 of 2023. It's cold out. The defendant was
9 sweating. He was heavily breathing. He just seemed kind of
10 not like a normal traffic stop, so to speak. And he's coming
11 from Cross County. The only business that's open on Cross
12 County is Generation X, which is a strip club which is known
13 to be full of narcotics and alcohol. It's a --

14 MS. CORNWELL-GOULOZE: Objection, your Honor.

15 THE COURT: Sustained. Just limit or rephrase the
16 question.

17 BY MS. ROBERTS:

18 Q. Okay. So other than his location, were there any other
19 suspicions?

20 A. No, other than like the sweating, like I said, and the
21 stuttering around. And I -- yeah, I even couldn't see his
22 left hand, which is kind of iffy to me because -- I didn't
23 ask to see both of his hands, but he never showed me his left
24 hand and it was just kind of sketchier to me. So I wasn't
25 sure what was --

1 MS. CORNWELL-GOULOOZE: Objection, your Honor. Not
2 previously asked on cross.

3 THE COURT: Sustained. The jury will disregard.

4 BY MS. ROBERTS:

5 Q. Okay. So regardless of suspicion, do you need to have
6 any suspicion to run your dog?

7 A. No.

8 Q. And why is that?

9 A. Legally, the courts say I'm allowed to. I don't have to
10 have reasonable suspicion to run my dog around any vehicle.

11 Q. Okay. And they talked about you pulling on the door for
12 him to step out of the vehicle. Why did you do that?

13 A. Well, it's polite, 1. But it also kind of helps
14 deescalate the situation. If he knows he's getting out of
15 the vehicle because I asked him to because I'm going to run
16 my dog around the vehicle, it kind of just eases his
17 situation and hurries up the traffic stop. He'd already said
18 he wanted to go. He just needed to step out.

19 Q. And are you allowed to ask people to step out of their
20 vehicle?

21 A. Yes, ma'am. *Pennsylvania versus Mimms* allow that we can
22 ask anybody to get out of the car on a traffic stop.

23 Q. And just to be clear, why did you ask him to step out of
24 the car?

25 A. Because I was going to run my K-9 around the vehicle and

1 I needed him to get out of the car to do that.

2 Q. Okay. So you wanted to run your K-9 dog search,
3 correct?

4 A. Correct -- No. I wanted to conduct a free-air sniff,
5 which is what my dog -- it's what he would have done. It's
6 called a free-air sniff around a vehicle.

7 MS. ROBERTS: Nothing further.

8 MS. CORNWELL-GOULOOZE: Judge, may I reclarify something
9 briefly?

10 THE COURT: Briefly. Please proceed.

11 RECROSS-EXAMINATION

12 BY MS. CORNWELL-GOULOOZE:

13 Q. Just to clarify real quick, Officer Perry, you mentioned
14 his sweating. And really just focusing on the sweating, he
15 had told you he had diabetes, correct?

16 A. Yes, ma'am.

17 Q. And you are not a medical doctor, so you're not
18 particularly trained to know symptoms of potentially someone
19 in duress with diabetes?

20 A. Correct.

21 Q. Okay.

22 MS. CORNWELL-GOULOOZE: Nothing further, your Honor.

23 THE COURT: Okay. State?

24 MS. ROBERTS: Nothing further.

25 THE COURT: Officer Perry, thank you. You may step

1 down.

2 THE WITNESS: Okay.

3 (Witness excused.)

4 THE COURT: If the State will call their next witness
5 after Officer Perry gets back to her seat.

6 MS. ROBERTS: The State rests.

7 THE COURT: Okay.

8 Okay. Ladies and gentlemen of the jury, the State has
9 rested. That means they will not be calling any more
10 witnesses in their case-in-chief. It is about 10:30. This
11 will be a good time for a break. But this is also a time
12 where I need to take up some matters of law with the lawyers
13 outside the jury's presence. So we will take a 15-minute
14 break and be back here at 10:45. Please do not discuss the
15 case with one another.

16 (The jury exited the courtroom at 10:28 a.m.)

17 (The following proceedings were had outside the presence
18 of the jury.)

19 THE COURT: All right. Anything -- I'm assuming the
20 defense will have a motion. Anything we need to take up
21 first?

22 MS. ROBERTS: Nothing from the State.

23 MS. CORNWELL-GOULOZE: Nothing from the defense at this
24 time, your Honor. We just ask for -- I know you mentioned, I
25 think, about 15 minutes to talk to our client about the

1 potential for taking the stand.

2 THE COURT: Yeah. I mean, if you need more time --

3 MS. CORNWELL-GOULOZE: All right.

4 THE COURT: -- we can certainly take that. I just -- I
5 should have asked you before I indicated the break. We can
6 take a longer break if you need to. So if that's what you
7 need to confer with your client, please do.

8 MS. CORNWELL-GOULOZE: All right. Thank you, your
9 Honor.

10 THE COURT: How long do you think you'll need? And I'll
11 let the bailiff know.

12 MR. GOODWYN: Twenty minutes?

13 MS. CORNWELL-GOULOZE: Yeah, twenty minutes maybe.
14 Thank you, Judge.

15 THE COURT: Okay. All right. The Court will be at ease
16 for 20 minutes or so.

17 (Court recessed.)

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

19 THE COURT: Please be seated.

20 Defense, how do y'all plan to proceed?

21 MS. CORNWELL-GOULOZE: Your Honor, at this time we'd
22 make the motion for a directed verdict, and then we would
23 like to -- for your Honor to ask our client whether or not he
24 would like to testify.

25 THE COURT: Okay. All right. Please proceed with the

1 motion.

2 MR. GOODWYN: Judge, we would make a motion for directed
3 verdict. We don't believe that the State has put together
4 proper evidence to be able to -- er, enough evidence to
5 submit to the jury.

6 THE COURT: Okay. State?

7 MS. NORVELL: Thank you, Judge.

8 A case should be submitted to the jury when evidence --
9 when the evidence is circumstantial, if there's any
10 substantial evidence which reasonably tends to prove the
11 guilt of the accused or from which his guilt may be fairly
12 and logically deduced. In this case, and in all cases, a
13 case must be submitted to the jury and it must be viewed in
14 the light most favorable to the nonmoving party, which is the
15 State.

16 Both officers Aratan and Perry testified that the
17 defendant initially stopped for a traffic stop and fled the
18 scene of that traffic stop. They both testified that they
19 never gave the defendant any indication that he was free to
20 leave. In fact, they clearly told the defendant that he was
21 not free to leave. "Don't go anywhere" is what Officer Perry
22 testified to.

23 Both Aratan and Perry testified that they pursued the
24 defendant with lights and sirens, which is not required by
25 the statute. Both officers Aratan and Perry identified the

1 defendant as the driver of the vehicle. They identified the
2 roads in which the defendant was driving as Ashley Phosphate
3 and Cross County. They indicated that the defendant was the
4 sole occupant of the vehicle; there was no one else inside
5 that vehicle.

6 And they indicated that they ultimately lost sight of
7 him. He was speeding away from their attempted traffic stop
8 at such high rates of speed that they could not catch up with
9 him, keep sight of him, and they did not locate him for the
10 rest of that shift. They were able to identify the defendant
11 not only by name, face, sight, and interaction, but by the
12 driver's license that the defendant provided to them.

13 There is direct evidence and circumstantial evidence in
14 this case, and it is absolutely appropriate to submit to the
15 jury.

16 Thank you.

17 THE COURT: Okay. I agree with the State. There's
18 sufficient evidence to submit the case to the jury. The
19 motion for directed verdict is denied.

20 Mr. Jeter -- er, is it Jeter or Jeter?

21 THE DEFENDANT: It's Jeter.

22 THE COURT: Jeter. Okay. Gotcha. I thought I heard
23 your lawyer pronounce it that way earlier.

24 I would like to ask you a few questions, if you would
25 please stand.

1 Have you made a decision about whether you -- with your
2 lawyers about whether you wish to testify in your own defense
3 in this case?

4 THE DEFENDANT: Yes, I did.

5 THE COURT: What is your decision?

6 THE DEFENDANT: I choose not to.

7 THE COURT: You choose not to?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Okay. And just -- I just want to -- if you
10 choose not to, I want to make sure you -- if you choose not
11 to testify, you have the absolute right to remain silent
12 throughout the trial. You cannot be required to make any
13 statement or answer any questions that relate to the charges
14 against you, at least none that might tend to implicate you
15 or prove you guilty of a crime for which you're accused of
16 committing. You cannot be required to take the witness stand
17 and testify about the charges even if your case goes to trial
18 before a jury, as it has. You have the absolute right to
19 remain silent, and your decision not to testify may not be
20 held against you or considered by the jury in determining
21 your guilt or innocence.

22 Do you understand those rights?

23 THE DEFENDANT: Correct.

24 THE COURT: And have you had enough time to discuss your
25 decision of whether to testify with your lawyers?

1 THE DEFENDANT: Yes, your Honor.

2 THE COURT: And you wish not to testify?

3 THE DEFENDANT: Correct.

4 THE COURT: Okay. Very well. Thank you.

5 Okay. Is there anything else we need to take up before
6 we bring the jury back in?

7 MS. NORVELL: No. But just for scheduling purposes,
8 what's the Court's thoughts on -- we need to have a charge
9 conference. Would you like to do that now, or would you like
10 to bring the jury back in for the defense to rest in front of
11 them and then maybe take a lunch break?

12 THE COURT: Let's do that. I mean, it's going to be --
13 it's going to be a little disjointed, at least for the jury's
14 purposes, but I think we need enough time to do that. That
15 will give them time for lunch, and then we can have our
16 charge conference and you can have time to get your closings
17 together. And we can come back after lunch and begin close
18 and charge.

19 MS. NORVELL: Perfect.

20 THE COURT: Okay.

21 MS. NORVELL: Perfect.

22 THE COURT: All right.

23 MS. NORVELL: Thank you, Judge.

24 THE COURT: Thank you.

25 Bailiff, bring in the jury, please.

1 THE BAILIFF: Yes, your Honor.

2 THE COURT: Oh, hold on one second.

3 I mean, what's your -- what is your suggested time for
4 coming back this afternoon? What time you need to get
5 everything ready?

6 MS. NORVELL: We probably don't need more than, I'd say,
7 15 minutes for a charge conference.

8 THE COURT: Okay.

9 MS. NORVELL: I mean, there's only one charge that we
10 really are going to take an issue with.

11 THE COURT: Okay.

12 MS. NORVELL: But how long do you need for, like, lunch
13 and closing? It's 11:00 now. Like, 12:30? 1:00?

14 MR. GOODWYN: I think we can be ready to start back at
15 1:00.

16 THE COURT: All right.

17 MS. NORVELL: But we come back at 12:30 and start --
18 have the jury can come back at 1:00?

19 THE COURT: Yeah. That will be fine.

20 Okay. Bailiff, bring in the jury, please.

21 THE BAILIFF: Yes, your Honor.

22 (The jury entered the courtroom at 11:03 a.m.)

23 THE BAILIFF: All jurors are present, your Honor.

24 THE COURT: Thank you, sir.

25 Please be seated.

1 Okay. Ladies and gentlemen of the jury, the State has
2 rested its case, and so it is the defense's turn to put up a
3 case if they wish to do so.

4 So defense counsel?

5 MS. CORNWELL-GOULOZE: Your Honor, at this time the
6 defense does not plan to put up a case.

7 THE COURT: Okay. So defense rests?

8 MS. CORNWELL-GOULOZE: That's correct, your Honor.

9 THE COURT: Okay. Anything further from the State?

10 MS. NORVELL: Nothing from the State, your Honor.

11 THE COURT: Okay. So at this time we have some -- the
12 State and defense have rested, so there will be no more
13 evidence heard in the case. There are some matters that I
14 need to take up with the lawyers before you can begin your
15 deliberations, and so we are going to -- we're going to go
16 ahead and break for an early lunch. I'm going to ask the
17 jury to be back at 1:00. At 1:00 you will hear the State's
18 and defense's closing arguments in the case, and then I will
19 give you a charge -- I will give you instructions on the law
20 of the case. Then after that, you'll begin your
21 deliberations.

22 We're almost there. So please don't discuss the case
23 over your lunch break. You're close to being able to talk
24 about it. So we will break until 1:00, and then we will
25 proceed with closing arguments and charge and deliberations.

1 Thank you very much.

2 (The jury was released for lunch and exited the
3 courtroom at 11:05 a.m.)

4 (The following proceedings were had outside the presence
5 of the jury.)

6 THE COURT: Be seated, please.

7 Okay. Are y'all ready to talk about charges now? Or
8 how are you -- what are you -- do you have something for me
9 to review? Or how do you plan to --

10 MS. CORNWELL-GOULOZE: Judge, we have some. I believe
11 the State's position is that they are going to have an issue
12 with the charge about mitigating circumstances, so we are
13 pulling case law for that one.

14 THE COURT: Okay.

15 MS. NORVELL: We're fine with the standard failure to
16 stop for a blue light charge that talks about the mitigating
17 circumstances. There's just not a case that talks about
18 mitigating circumstances.

19 The defense did say they want a charge on the right to
20 resist an unlawful arrest, and that's the charge that we
21 would take significant issue with. So basically, Judge, if
22 the Court were to charge that -- and the charge that I'm
23 looking at is --

24 THE COURT: Okay. Hold on.

25 MS. NORVELL: You want me to --

1 THE COURT: Well, can you -- let me let the defense --

2 MS. NORVELL: Yeah.

3 THE COURT: -- finish telling me what charges --

4 MS. NORVELL: Sure.

5 THE COURT: -- they're requesting that may be different
6 than what I would give as the sort of standard bench book
7 charges and the charge specific to the offense, and then
8 we'll hear from the State.

9 MS. CORNWELL-GOULOOZE: The additional charge, your
10 Honor, is the right to resist an unlawful arrest.

11 MS. NORVELL: And that's the standard bench book one?
12 It's the --

13 MS. CORNWELL-GOULOOZE: That's correct.

14 MS. NORVELL: Like *Maybank*? *State v. Maybank*?

15 MS. CORNWELL-GOULOOZE: The two cases that we're
16 referring to, your Honor, are *State v. Bethune* -- that is 112
17 S.C. 100 -- and then it's *State v. Robertson* -- that is 191
18 S.C. 509.

19 THE COURT: Okay. And do you have a copy of that
20 charge, or is that just the one -- the standard --

21 MS. CORNWELL-GOULOOZE: We have the charge.

22 THE COURT: Is that a standard charge, but it's one that
23 you're asking to be used in this case?

24 MS. CORNWELL-GOULOOZE: We have a copy of the charge,
25 your Honor, and the two cases here.

1 THE COURT: Okay.

2 MS. NORVELL: Do you have a copy for us?

3 MR. GOODWYN: Let me make a copy, and I'll give it to
4 you.

5 Judge, if you'd like, I could go do that in the next
6 five minutes and email it to both you and the prosecutor.

7 THE COURT: Yeah, that's fine. That gives --

8 MS. CORNWELL-GOULOZE: We have a --

9 THE COURT: We need to make it a Court exhibit too.

10 MR. GOODWYN: Okay.

11 MS. CORNWELL-GOULOZE: We have the ability to make a
12 copy here, so we can just run over and do that real quick.

13 THE COURT: Okay. Well, before you do that, is there
14 any -- let's talk about anything else we need to discuss
15 related to the charges.

16 MS. NORVELL: We're fine with the standard bench book
17 charge on failure to stop. I mean, I haven't looked at what
18 they have proposed. I've looked at the standard bench book
19 on right to resist an unlawful arrest. I could make a
20 preliminary argument on that if you're --

21 THE COURT: Okay.

22 MS. NORVELL: If you're going to rule --

23 THE COURT: No. Let's --

24 MS. NORVELL: Yeah.

25 THE COURT: No, I mean, you look at what they're

1 proposing, and if you can come to an agreement, then I'm
2 probably happy with that.

3 (Pause in proceedings.)

4 MS. NORVELL: Okay. So it looks like *Robertson* just
5 cites to *Bethune*. And essentially, these cases are saying
6 that "A person has a right to resist an unlawful arrest even
7 to the extent of taking the life of the aggressor if it's
8 necessary to regain his liberty. The defense is entitled to
9 such a charge as to the issue of lawfulness" -- "as the issue
10 of the lawfulness of the arrest was raised by the evidence
11 under the indictment."

12 The problem that the State has with this -- with the
13 defense's request to charge is, 1, there has been no
14 testimony that the defendant was under arrest at the time
15 that Officer Perry asked him to step out of the car per her
16 policy, which was her testimony. It was simply for the
17 purpose of a dog sniff. There was a pretrial motion in this
18 case, and the Court did determine that there was reasonable
19 suspicion and that she didn't even need reasonable suspicion
20 in order to run her dog. So there was no illegal detention,
21 and the Court has already decided on that.

22 And so if the Court were to charge the jury with the
23 proposal of the defense, then it would mislead the jury, it
24 would confuse the issues, it would be an inaccurate statement
25 of the law that the Court has previously ruled upon, and it

1 would be replacing the Court's discretion and the Court's
2 obligations with the opinions of the jury.

3 That's our argument, and it's not appropriate for those
4 reasons.

5 THE COURT: Okay. I'll take a look at the specific
6 charge you're proposing and the cases over the break and make
7 a ruling on it.

8 MS. NORVELL: Thank you, Judge.

9 MR. GOODWYN: Thank you, Judge.

10 THE COURT: All right. Anything else?

11 MS. CORNWELL-GOULOZE: No, Judge.

12 THE COURT: Okay. All right. If you can --

13 MS. CORNWELL-GOULOZE: Can I make a copy of these real
14 quick?

15 THE COURT: Yes, please do. If you can give me the
16 copies, then I'll look at that and the cases over lunch and
17 decide before we resume. And if y'all could -- if the
18 lawyers could -- if the parties could be back at 12:30, we'll
19 take up anything we need to take up.

20 MS. NORVELL: We'll see you then, Judge.

21 THE COURT: Okay. Thank you.

22 MR. GOODWYN: Judge, would you like a copy? We actually
23 do have extra copies of the cases we cited.

24 THE COURT: Oh, that would be great. Thank you.

25 MR. GOODWYN: Oh, Judge --

1 THE COURT: Yeah, take your time.

2 MR. GOODWYN: This is the bench book one on mitigating
3 circumstances and the standard --

4 THE COURT: Okay.

5 MR. GOODWYN: -- failure to stop for blue light.

6 THE COURT: All right.

7 MR. GOODWYN: And these are the two cases on that.

8 MS. CORNWELL-GOULOZE: And here is the charge. The
9 State said they don't need a copy of it.

10 THE COURT: Okay. Thank you.

11 All right. So this -- the blue light charge, this is
12 the standard bench book charge, so you're not arguing that at
13 all. So it's okay. But this is what --

14 MS. NORVELL: No. All I'm saying is there's no case
15 saying that there's -- saying those mitigating circumstances,
16 but --

17 THE COURT: Okay. But this is the one you're proposing?

18 MR. GOODWYN: Correct.

19 MS. CORNWELL-GOULOZE: That's correct, your Honor.

20 THE COURT: Okay. All right. Thank you.

21 MS. NORVELL: And then the unlawful --

22 All right. Thank you.

23 THE COURT: All right.

24 MR. GOODWYN: Thank you, Judge.

25 THE COURT: Okay. Thank you. We'll see everyone at

1 12:30. We'll be at ease until then.

2 (Court recessed.)

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

4 THE COURT: Okay. Are y'all ready?

5 MS. NORVELL: Yes, Judge.

6 MR. GOODWYN: Yes, Judge.

7 THE COURT: Okay. First thing, before we broke, defense
8 had submitted a proposed jury charge on right to resist an
9 unlawful arrest and some associated case law. I've reviewed
10 those cases as well as additional case law, and I'm going to
11 decline to charge the jury on right to resist unlawful
12 arrest.

13 Under *State v. Brown*, the law to be charged is
14 determined by the evidence at trial. That's 362 S.C. 258.
15 The evidence in this case does not support a resisting arrest
16 instruction. It was a traffic stop at issue, not an arrest.
17 There's no resisting arrest charge. And so I'm going to
18 decline to charge the jury on resisting unlawful arrest. But
19 I am going to make the proposed charge a Court exhibit for
20 the record.

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

22 THE COURT: Is there anything -- what else do we need to
23 take up?

24 Well, let me ask you about this before we go on. How do
25 you propose to submit the indictment to the jury with the

1 verdict form? I mean, are we going to do a redacted copy --
2 a copy redacting the language about second or subsequent
3 offense, as we did when I read it?

4 MS. NORVELL: I don't think it goes back with them. I
5 think that once they render a verdict, then the foreperson
6 can sign it. But I think to send it back and/or to send it
7 back with half a line missing is problematic.

8 MR. GOODWYN: We agree.

9 THE COURT: Okay. So you just want a stand -- the
10 indictment doesn't go back; you just want a standalone
11 verdict form?

12 MR. GOODWYN: Correct.

13 THE COURT: Okay. I mean, this is very simple, but I'd
14 like for you to look at it.

15 And the reason I ask is there is a space for a verdict
16 on the indictment. Will that just mean --

17 MS. NORVELL: They'll have to write it in after.

18 THE COURT: They'll write in after whatever they come
19 to. Okay. All right.

20 CLERK OF THE COURT: When you excuse them, your Honor, I
21 meet with the foreperson and have them --

22 THE COURT: Okay.

23 CLERK OF THE COURT: -- sign the indictment.

24 THE COURT: All right. You know, it's always good to
25 know the local practices.

1 Okay. And I have just what's considered the general
2 charges from the bench book, includes the specific offense
3 charge of failure to stop. That's what I plan to read and
4 instruct the jury.

5 Is there anything else we need to take up? I mean,
6 they've got till 1:00. I didn't ask them to be back till
7 1:00. What else do we need to take up before they come back?
8 Anything?

9 MS. CORNWELL-GOULOOZE: Does your instruction, your
10 Honor, include the paragraph on mitigating circumstances?

11 MS. NORVELL: Do you mind if we take a look at them?

12 THE COURT: No, yeah, please.

13 Okay. It may be a slightly different format --

14 MS. NORVELL: Okay.

15 THE COURT: -- but just look at it and make sure there
16 are no issues.

17 (Pause in proceedings.)

18 THE COURT: Okay. Anything else we need to take up
19 before the jury comes back at 1:00?

20 MS. NORVELL: Do you send your charging packet back with
21 the jury, Judge?

22 THE COURT: I'm not planning to.

23 MS. NORVELL: Okay.

24 THE COURT: Are there any requests on that front?

25 MS. NORVELL: No.

1 THE COURT: Okay.

2 MS. NORVELL: Nothing else from the State.

3 MR. GOODWYN: We're good, Judge.

4 THE COURT: Okay. All right. Well, we'll be at ease
5 until 1:00.

6 MS. NORVELL: Are you opposed to seeing if the bailiff
7 has all the jurors here now? I guess maybe like a bathroom
8 break for us is good.

9 THE COURT: Yeah. I just -- I asked them to come back
10 at 1:00. We'll just let them have the rest of their time.

11 (Court recessed.)

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

13 THE COURT: Are the parties ready to proceed?

14 MS. CORNWELL-GOULOZE: Yes, your Honor.

15 MS. ROBERTS: Yes, your Honor.

16 THE COURT: All right.

17 Bailiff, please bring in the jury.

18 THE BAILIFF: Yes, your Honor.

19 (The jury entered the courtroom at 1:00 p.m.)

20 THE BAILIFF: All jurors are present, your Honor.

21 THE COURT: All right. Thank you.

22 Good afternoon, ladies and gentlemen. Please be seated.
23 Hope you enjoyed lunch.

24 We are now ready to proceed with the afternoon session,
25 which will be closing arguments by counsel and then we will

1 give you some further instructions on the law. After that,
2 you'll go back to deliberate. So we will begin with the
3 State will go first, and then the defense will have the last
4 word.

5 Solicitor, are you ready to proceed with closing
6 argument?

7 MS. ROBERTS: Yes, your Honor. May it please the Court.

8 THE COURT: Please proceed.

9 (A PowerPoint presentation was displayed on screen in
10 open court.)

11 MS. ROBERTS: In the absence of mitigating
12 circumstances, it is unlawful for a motor vehicle driver,
13 while driving on a road, street, or highway of this state, to
14 fail to stop when signaled by law enforcement -- by a law
15 enforcement vehicle by means of siren or flashing lights.

16 So let's just jump right in and talk about these
17 mitigating circumstances.

18 Mitigating circumstances include things such as road
19 conditions; roadside conditions; lighting; weather; officer,
20 driver, or passenger safety; and any other circumstance that
21 you believe to reasonably mitigate the alleged violation.

22 Now, that word "reasonable" is intentional and
23 interesting. Because, ladies and gentlemen of the jury, you
24 must be reasonable. You cannot abandon your common sense
25 when thinking about mitigating circumstances.

1 For example, let's say someone has a pregnant passenger
2 in the car and they're trying to speed to get to the hospital
3 and the law enforcement blue lights them, and instead of
4 pulling over, they keep going to the hospital. Once they get
5 there, they explain the situation. Law enforcement can
6 obviously see what's going on. That's a mitigating
7 circumstance.

8 Or let's say you get blue lit by law enforcement when
9 you're driving over the Ravenel Bridge. Instead of stopping
10 right in the middle of the bridge, because that's not the
11 safest thing to do, you keep driving a little bit and you
12 pull over at the gas station that's right at the foot of the
13 bridge. That's a mitigating circumstances.

14 Do you see how that's different than what we have here
15 today? Not wanting a dog to sniff around your vehicle is not
16 a mitigating circumstance.

17 The defense tried to make much of the fact that Officer
18 Perry shouldn't have even wanted her dog to sniff the vehicle
19 because she didn't see any drugs, she didn't smell any drugs,
20 she didn't see any guns. She didn't need to. Officer Perry
21 testified that it is entirely legal and within her rights to
22 conduct a free-air sniff at any traffic stop.

23 And furthermore, we're not here because of what was or
24 wasn't in that car. We're here today because Officer Perry
25 told Michael she was going to conduct that free-air sniff,

1 and he decided he didn't want that to happen and so he left a
2 lawful traffic stop and led law enforcement on a high-speed
3 chase.

4 The defense also tried to make much of the fact that
5 Officer Perry asked Michael to step out of the vehicle and
6 she grabbed his door handle when she was asking him to do
7 that. But Officer Perry testified that she is legally
8 entitled to ask a driver to step out of the vehicle at any
9 traffic stop. Now, Michael may not have liked what Officer
10 Perry did. He didn't like that she asked him to get out or
11 she grabbed his door handle or she was going to get her dog
12 to walk around his car. But that is also not a mitigating
13 circumstance.

14 Ladies and gentlemen, I cannot make it more clear that
15 lawful law enforcement conduct is not a mitigating
16 circumstance. If that was the case, there would be no law
17 for failure to stop for a blue light. Typically, law
18 enforcement interaction is not pleasant. Nobody wants to get
19 a ticket. They're literally called "law enforcement."
20 They're there to force you to follow the law.

21 Just because you don't like what they're doing doesn't
22 mean that you can flee a traffic stop and go 118 miles per
23 hour -- actually in excess of 118 miles per hour down the
24 roads of this city. This is not "Grand Theft Auto." This is
25 not a game. This is not a joke. This is not funny. But to

1 Michael this is funny.

2 January 12, 2024: "I guess they ain't got nothing else
3 better to do," crying laughing emoji, tongue out emoji,
4 crying laughing emoji.

5 This was the day that he got arrested. Him being
6 arrested for failure to stop for a blue light was funny to
7 Michael. He was not scared. And being scared of law
8 enforcement, that's a totally valid emotion, but it is not a
9 mitigating circumstance to flee a lawful traffic stop.

10 Then we go on to December 17, 2024: "Saying no to
11 searching is only going to get you searched in North
12 Charleston. I was just trying to get home so I could take my
13 insulin," face palm emoji, crying laughing emoji.

14 This so-called medical emergency was a joke to Michael.
15 But even if we say that Michael was, in fact, trying to get
16 home so that he could take his insulin, it's interesting to
17 note that Michael was pulling into a gas station on his own
18 accord before Officer Aratan even pulled in. The gas station
19 is not his home, but maybe he needs gas. By his actions in
20 that high-speed chase, it looked like he had enough gas to
21 me.

22 So Michael, if he needed insulin, he could have gone
23 home at the conclusion of that brief traffic stop and taken
24 his insulin. And if it was a true medical emergency, law
25 enforcement could have called EMS and they would have treated

1 him at the scene. If the mitigating circumstance was truly
2 Michael's health and he was concerned about his safety, going
3 118 miles per hour down the curvy Palmetto Commerce Road
4 doesn't seem like he was concerned for his safety.

5 That, ladies and gentlemen, is what we call a "stretch."
6 It's truly a distraction. But once we get all of these
7 distractions out of the way, we can focus on the elements of
8 the law, why we're here today. And it's truly
9 straightforward.

10 The first element is that Michael was driving the red
11 Jaguar, and you can see it right there.

12 The second element is that he was driving on a road of
13 this state. And we know that he was driving down Ashley
14 Phosphate and Palmetto Commerce.

15 The third element is that he was signaled by blue lights
16 and sirens. You heard today that he was signaled by Officer
17 Aratan's blue lights and sirens and Officer Perry's blue
18 lights and sirens.

19 And the last element is that he failed to stop.

20 All that evidence is going to go back with you, and
21 you're going to be able to watch the video of the car camera.
22 And you're not going to see Michael stop anywhere. He failed
23 to stop. And he didn't fail to stop because he was scared.
24 He didn't fail to stop because he was having a medical
25 emergency. He didn't fail to stop because they were going to

1 conduct an unlawful search. He didn't fail to stop because
2 he was unlawfully under arrest.

3 When the defense came and they gave their opening
4 statement, they said they wanted you to focus on the reason
5 that Michael failed to stop. And I agree; you should focus
6 on the reason that Michael failed to stop. And the bottom
7 line is that Michael didn't want his car to get sniffed by a
8 narcotic-detecting dog, so Michael led the police on a
9 high-speed chase.

10 And Michael got away. And he's proud of himself. You
11 can see that in the January 12, 2024, post: "I guess they
12 ain't got nothing else better to do," crying laughing emoji,
13 tongue out emoji, crying laughing emoji.

14 Thank you for your time this week.

15 THE COURT: Defense.

16 MS. CORNWELL-GOULOZE: Thank you, Judge. May it please
17 the Court.

18 THE COURT: Please proceed.

19 MS. CORNWELL-GOULOZE: I stood up here just yesterday
20 -- quick trial -- and I told you to focus on mitigating
21 circumstances, just like the State just said. And I think it
22 is even more clear now than it was yesterday that there are
23 two important mitigating circumstances that you all need to
24 focus on when you go back in that jury room. My client told
25 officers -- you'll hear on body cam; you heard through

1 testimony -- that he needed to get home to take his insulin
2 and he felt he was being racially profiled. That's what
3 Michael felt in that moment.

4 Now, you're going to have all of this evidence back with
5 you. I implore you to watch the two body cams and Officer
6 Aratan's dash-cam footage. Watch it as many times as you
7 need. You'll hear on both sets of body cams that my client,
8 1, told them that he had diabetes, and, 2, he said he needed
9 to take his shot.

10 Now, you heard Officer Aratan testify that he had never
11 stopped anyone with diabetes. And I truly believe him. He
12 had only been an officer for a few months at that point. He
13 may not know what it looks like if someone may be in a
14 diabetic duress, so I'll give him that.

15 You also heard, though, Officer Perry testify that
16 Michael told her as well that he has diabetes. She said, "I
17 don't know about that." But it is her response after that
18 that I want you to focus on. She said, "Well, he didn't say
19 he was having a medical emergency." Neither officer followed
20 up with Michael to ask if he needed medical assistance. They
21 completely disregarded that first comment that he made: "I
22 have diabetes and I need insulin." Neither of them followed
23 up on that. I think that's important. They didn't care
24 about his diabetes.

25 You'll see, as it's already been shown to you, the post

1 that my client made on Facebook: "I was just trying to get
2 home so that I could take my insulin." The State thinks this
3 is a joke. I don't think my client is going to post on his
4 own Facebook page that he needs to take insulin if he's lying
5 about having diabetes. And you heard Officer Perry testify
6 that Michael was sweating, maybe a little nervous. That's a
7 common symptom of someone who's going into duress with
8 diabetes.

9 And not only that, I go back to the body-cam footage. I
10 want you to watch Officer Aratan's body-cam footage. At one
11 point Michael has his hands up. You'll see that on this
12 body-cam footage. Right after that, he puts his hands down.
13 He's not hiding anything. They want you to believe he's
14 hiding something in his car. He's not.

15 Not only will you have this Facebook post, as you've
16 already been shown, but you're going to have this other
17 Facebook post. They're trying to say that he's laughing --
18 laughing emoji, tongue emoji, laughing emoji. Michael is
19 annoyed. And this goes into our next mitigating factor.
20 He's being racially profiled, and he's tired of it. Not only
21 did he need to take his insulin that night, but he knew he
22 was going to be searched whether he gave consent or not.

23 Use your common sense. Why did Officer Perry need to
24 arrive at what was going to be a normal traffic stop for a
25 tinted license plate cover? Why did she need to show up?

1 Because she was nearby? No. She was waiting for the
2 perfect, most opportune moment. She said that she recognized
3 my client. She called him by his name. What's the point of
4 her asking for consent to search a car when someone says no
5 and she's going to search it anyway?

6 Not once did either officer on the stand -- and you'll
7 hear it again in body cam -- say that they saw anything
8 illegal, that they smelled anything illegal. They had no
9 reason to search. She had no reason to bring her K-9 around
10 a vehicle during a tinted license plate cover traffic stop.
11 They both testified that the gas station was well lit. It's
12 a brand new gas station. Those lights are bright. You could
13 see inside his car. He has three windows pulled down.
14 There's nothing inside his car. There's no reason that she
15 needs to search his car.

16 He feels he's being racially profiled. He feels that in
17 that moment. Michael thought he was going to be searched
18 whether he gave consent or not because he is a black male at
19 1:30 in the morning at this stop with two white officers.

20 He was compliant during that stop up until the point
21 when he left. He turned himself in. What you didn't hear
22 Officer Aratan say on the stand was that he then went to
23 Michael's house right after this. He called off the stop,
24 and no one went to look for Michael. He did turn himself in.

25 And you heard the State testify that speeds going down

1 the road of 118 miles an hour. Watch that dash cam. There
2 is very -- after he turned out of the 7-Eleven, Michael's car
3 is off into the distance. That is how fast the officer's
4 vehicle is going in an attempt to find him, but we don't know
5 the speed of Michael's car and you can't see Michael's car in
6 that dash-cam footage. Watch it.

7 The judge is going to give you the charge on the law.
8 He's going to include information on mitigating circumstances
9 that would justify and therefore mitigate the alleged failure
10 to stop for a blue light. It's those mitigating
11 circumstances -- his medical condition and he feels he's
12 being racially profiled; he feels he's being targeted -- it
13 is those two reasons why I'm going to ask you to go back
14 there and deliberate and find my client Michael Jeter not
15 guilty of failure to stop for a blue light.

16 Thank you.

17 THE COURT: Okay. Thank you.

18 Are the parties ready to proceed with the charge of the
19 jury?

20 MS. ROBERTS: Yes, your Honor.

21 MS. CORNWELL-GOULOOZE: Yes, your Honor.

22 THE COURT: All right. Okay. Very well.

23 Ladies and gentlemen of the jury, you have seen and
24 heard the evidence presented in this case and the arguments
25 of counsel. And now you and I have certain duties that we

1 need to perform.

2 As the trial judge, it is my responsibility to preside
3 over the trial of the case. I also have the duty to rule on
4 the admissibility of the evidence offered during trial. You
5 are to consider only the competent evidence before you. If
6 there was any testimony ordered stricken from the record in
7 the case during this trial, you must disregard that
8 testimony. You are to consider only the testimony which has
9 been presented from the witness stand and any exhibits which
10 have been made a part of the record in this case and any
11 stipulations of counsel.

12 I have the additional duty to charge you the law
13 applicable to this case. As the presiding judge, I am the
14 sole judge of the law in this case. It is your duty as
15 jurors to accept and apply the law as I now state it to you.
16 If you already have an idea as to what the law is or what the
17 law ought to be and it does not agree with what I now tell
18 you the law is, you must abandon this idea because you are
19 sworn to accept the law and apply the law exactly as I state
20 it to you.

21 In every case tried in this court before a jury, the
22 jury becomes the sole and exclusive judge of the facts in the
23 case. A trial judge cannot intimate, state, comment on, or
24 make any statement to a trial jury about the facts in a case.
25 Since you, the jury, are the sole judge of the facts in this

1 case, you are not to infer from what I have said during the
2 progress of this trial in ruling upon the admissibility of
3 evidence or otherwise, or anything that I say now during the
4 course of this instruction to you that I have an opinion
5 about the facts of this case. The law does not allow me to
6 have an opinion about the facts in this case. This is a
7 matter solely for you, the jury, to determine. As jurors, it
8 is your duty to determine the effect, value, weight, and
9 truth of the evidence presented during this trial.

10 The indictment charges the defendant with failure to
11 stop for a blue light. And I remind you that the fact the
12 defendant was arrested, charged, and indicted in this case is
13 not evidence in the case and cannot be considered by you as
14 evidence of guilt in this case, nor does it create any
15 presumption or inference of guilt. The document is simply
16 the formal written instrument that contains the charge made
17 against the defendant. It is the formal document by which
18 this case is brought into court.

19 The defendant has pled not guilty to the indictment, and
20 that plea puts the burden on the State to prove the defendant
21 guilty. A person charged with committing a criminal offense
22 in South Carolina is never required to prove himself
23 innocent. I charge you that it is an important rule of law
24 that the defendant in a criminal trial, no matter what the
25 seriousness of the charge may be, will always be presumed to

1 be innocent of the crime for which the indictment was issued
2 unless guilt has been proven by evidence satisfying you of
3 that guilt beyond a reasonable doubt.

4 The presumption of innocence does not end when you begin
5 your deliberations, but it accompanies the defendant
6 throughout the trial until you reach a verdict of guilt based
7 on evidence satisfying you of that guilt beyond a reasonable
8 doubt. The presumption of innocence is like a robe of
9 righteousness placed about the shoulders of the defendant
10 which remains with the defendant until it has been stripped
11 from the defendant by evidence satisfying you of the
12 defendant's guilt beyond a reasonable doubt.

13 The presumption of innocence is not a mere legal theory.
14 It's not just a legal phrase. It is a substantial right to
15 which every defendant is entitled unless you, the jury, are
16 satisfied from the evidence of the defendant's guilt beyond a
17 reasonable doubt.

18 The State has the burden of proving defendant guilty
19 beyond a reasonable doubt. Some of you may have served as
20 jurors in civil cases where you were told that it's only
21 necessary to prove that a fact is more likely true than not
22 true, such as by the greater weight or preponderance of the
23 evidence. In criminal cases, the State's proof must be more
24 powerful than that. It must be beyond a reasonable doubt.
25 And reasonable doubt is the kind of doubt that would make a

1 reasonable person hesitate to act.

2 Proof beyond a reasonable doubt is proof that leaves you
3 firmly convinced of the defendant's guilt. There are very
4 few things in this world that we know with absolute
5 certainty. And in criminal cases, the law does not require
6 proof that overcomes every possible doubt.

7 If, based on your consideration of the evidence, you are
8 firmly convinced that the defendant is guilty of the crimes
9 charged, you must find the defendant guilty. If, on the
10 other hand, you think there is a real possibility that the
11 defendant is not guilty, you must give the defendant the
12 benefit of the doubt and find him not guilty. Facts and
13 circumstances that merely place upon the defendant a grave
14 suspicion of the crimes charged or that merely raise a
15 speculation or conjecture of the defendant's guilt are not
16 sufficient to authorize a conviction of the accused.

17 There are two types of evidence which are generally
18 presented at trial: direct evidence and circumstantial
19 evidence.

20 Direct evidence is the testimony of a person who claims
21 to have actual knowledge of a fact, such as an eyewitness.
22 It is evidence which immediately establishes the main fact to
23 be proved.

24 Circumstantial evidence is proof of a chain of facts and
25 circumstances indicating the existence of a fact. It is

1 evidence which immediately establishes collateral facts from
2 which the main fact may be inferred. Circumstantial evidence
3 is based on inference and not on personal knowledge or
4 observation.

5 Crimes may be proven by circumstantial evidence. The
6 law makes no distinction between the weight or value to be
7 given to either direct or circumstantial evidence. However,
8 to the extent the State relies on circumstantial evidence,
9 all of the circumstances must be consistent with each other
10 and, when taken together, point conclusively to the guilt of
11 the accused beyond a reasonable doubt. If these
12 circumstances merely portray the defendant's behavior as
13 suspicious, the proof has failed.

14 The State has the burden of proving the defendant guilty
15 beyond a reasonable doubt. This burden rests with the State
16 regardless of whether the State relies on direct evidence,
17 circumstantial evidence, or some combination of the two. You
18 should weigh all of the evidence in the case, and after
19 weighing all of the evidence, if you are not convinced of the
20 guilt of the defendant beyond a reasonable doubt, you must
21 find the defendant not guilty.

22 Necessarily, you must determine the credibility of
23 witnesses who have testified in the case. "Credibility"
24 simply means believability. It becomes your duty as jurors
25 to analyze and to evaluate the evidence and determine which

1 evidence convinces you of its truth.

2 In determining the believability of witnesses who have
3 testified in the case, you may believe one witness over
4 several witnesses or several witness over one witness. You
5 may believe a part of the testimony of a witness and reject
6 the remaining part of the testimony of that same witness.
7 You may believe the testimony of a witness in its entirety or
8 reject the testimony of a witness in its entirety. You may
9 consider whether any witness has exhibited to you any
10 interest, bias, prejudice, or other motive in the case. You
11 may also consider the appearance and manner of a witness
12 while on the witness stand.

13 I instruct you and emphasize the fact that the defendant
14 did not testify is not a factor to be considered by you in
15 any way in your deliberations and in your consideration on
16 the question of the guilt or innocence of the defendant. It
17 must not be considered by you in any manner whatsoever. A
18 defendant has the constitutional right to remain silent, and
19 the assertion of this right must not be considered by you in
20 your deliberations.

21 I repeat: Under your oath, you are to draw no
22 conclusion whatsoever from the fact that the defendant in
23 this case did not testify. The fact that this defendant did
24 not testify should not even be discussed in the jury room.
25 The burden of proof, as I have stated to you, is on the

1 State. The defendant is not required to prove his innocence.
2 The burden of proof remains on the State to prove guilt
3 beyond a reasonable doubt.

4 In order to establish criminal liability, criminal
5 intent is required. For example, the mental state required
6 to be proven by the State for a particular crime might be
7 purpose, intent, knowledge, recklessness, or criminal
8 negligence. Criminal intent must be proven by the State
9 beyond a reasonable doubt. Criminal intent is always a
10 matter that must be determined by the jury from the
11 circumstances surrounding the situation.

12 There is no way to prove intent to a mathematical
13 certainty. There's no way medical science can dissect a
14 person's brain and determine what the person had in mind, so
15 the law says criminal intent may be inferred from the
16 circumstances shown to have existed. This is how you make a
17 determination of whether or not the element requiring intent
18 was present.

19 It is not necessary to establish intent by direct or
20 positive evidence, but intent may be established by inference
21 in the same way as any other fact, taking into consideration
22 the acts of the parties and all the facts and circumstances
23 of the case. Criminal intent is a mental state, a conscious
24 wrongdoing. It is up to you to determine what the defendant
25 intended to do based on the circumstances shown to have

1 existed. Criminal intent can arise from an action or failure
2 to act. It may arise from negligence, recklessness, or an
3 indifference to duty or to consequences that are considered
4 by the law to be the equivalent of criminal intent.

5 The defendant in this case is charged with failure to
6 stop for a blue light. In order to establish a violation for
7 failure to stop for a blue light, the State must prove beyond
8 a reasonable doubt the defendant was driving a motor vehicle;
9 he was driving it on a road, street, or highway in the state
10 of South Carolina; the defendant was signaled to stop by a
11 law enforcement vehicle by means of a siren or flashing
12 light; and he did not stop.

13 In determining whether there were mitigating
14 circumstances which would justify the defendant's failure to
15 stop for a blue light, you may consider actual road
16 conditions; actual roadside conditions; other conditions such
17 as lighting and weather; officer, driver, or passenger
18 safety; and any other circumstances you believe to reasonably
19 mitigate the alleged violation.

20 The signal requiring a motorist to stop may be given by
21 way of a siren or a flashing light, but both are not
22 required. An attempt to increase the speed of a vehicle or
23 in some other manner avoiding the pursuing law enforcement
24 vehicle when signaled by siren or flashing light may be
25 considered as evidence of failure to stop for a blue light.

1 However, it is merely an evidentiary fact to be taken into
2 consideration by you along with all the other evidence in the
3 case and to be given the weight that you decide it should
4 receive.

5 Madam Forelady and ladies and gentlemen of the jury, I
6 wish to express the hope that each of you will be mindful of
7 the importance of your responsibility. You are not called
8 upon to serve as jurors very often, and a proper performance
9 of the duty requires each of you to reach the height of
10 freeing your mind from all improper influences. As the
11 presiding officer of this court, I am vitally concerned that
12 whatever verdict you find will be the result of your going
13 into the jury room and confining your consideration to the
14 evidence and the law that you have heard in this courtroom,
15 weighing it fairly and impartially, and I have every
16 confidence that you will do so.

17 Your verdict in this case cannot be based on sympathy,
18 passion, prejudice, or emotion, or some other consideration
19 not found in the evidence. Remember, your verdict must be
20 unanimous.

21 I will now explain the verdict form and possible
22 verdicts.

23 I know you can't see this well from here, but there is a
24 verdict form listing the indictment number and the name of
25 the charge. And there are two check boxes -- one for guilty,

1 one for not guilty -- and then a place for the foreperson of
2 the jury to sign and date it.

3 So in this case, there are two possible verdicts:
4 guilty or not guilty. There's no significance in the order
5 in which I've stated these possible verdicts just now or on
6 the jury form. In fact, they're just in alphabetical order
7 on the form. And it's -- one must be stated first, and so
8 that's how the form was prepared.

9 You have been provided all the evidence you are to
10 consider. If you get back there and want to consider
11 something not in evidence, then that is not permissible. We
12 can give you nothing else. You must decide the case based on
13 what is in evidence. Any questions for the Court must be
14 signed -- written, signed, dated by the foreperson, and given
15 to the bailiff, who will then relay them to the Court for
16 further consideration.

17 Ladies and gentlemen, your verdict must be unanimous.

18 And Madam Forelady, when the jury agrees on a verdict,
19 you will write the verdict on the verdict form, then sign
20 your name as foreperson, and then knock on the jury room door
21 and inform the bailiff that you have reached a verdict. At
22 that time, we will receive the jury back into the courtroom.

23 I ask that you now return to your jury room but do not
24 begin deliberations until you are told by the clerk or the
25 bailiff to do so. There are some matters which must first be

1 discussed with the attorneys before you begin your
2 deliberations. So at this time, thank you for your
3 attention, and please retire to the jury room and await
4 further instructions. But do not begin deliberations yet.

5 (The jury exited the courtroom at 1:30 p.m.)

6 (The following proceedings were had outside the presence
7 of the jury.)

8 THE COURT: Okay. Anything from the parties regarding
9 the jury instructions and the form?

10 MS. ROBERTS: Nothing, your Honor.

11 MS. CORNWELL-GOULOOZE: Nothing regarding the
12 instructions, your Honor.

13 THE COURT: Okay. Anything further?

14 MS. CORNWELL-GOULOOZE: Just, are you addressing the
15 alternate now?

16 THE COURT: I'll excuse the alternate once they --
17 before they begin deliberations.

18 MS. CORNWELL-GOULOOZE: Okay.

19 THE COURT: Okay? Anything further?

20 Oh, what I'd like you to do too -- for counsel to do is
21 look at the exhibits and make sure the appropriate ones are
22 going back.

23 (Pause in proceedings.)

24 COURT REPORTER: Judge, all the exhibits are accounted
25 for.

1 THE COURT: Okay.

2 (Pause in proceedings.)

3 THE COURT: While y'all are doing that, you mind if I
4 bring the alternate out and excuse her?

5 MS. CORNWELL-GOULOOZE: That's fine, Judge.

6 THE COURT: Okay. Let's go ahead and do that.

7 (The alternate juror entered the courtroom at 1:34 p.m.)

8 THE COURT: Good afternoon, Ms. McNeil.

9 Now that the jury -- the 12 jurors are about to
10 deliberate on the case, we will no longer need your services.
11 I guess fortunately for you, you were not asked to sub in,
12 but I do want to thank you for your service. You played a
13 vital role, as do the rest of the jurors. So I appreciate
14 your giving your time for your civic duty. So thank you very
15 much. You can be excused at this time. And Happy New Year
16 to you.

17 ALTERNATE JUROR: Happy New Year to you. Thank you as
18 well.

19 (The alternate juror was released from service and
20 exited the courtroom at 1:35 p.m.)

21 THE COURT: Is everything ready to go back?

22 MS. CORNWELL-GOULOOZE: Yes, Judge.

23 MS. ROBERTS: Yes, Judge.

24 THE COURT: Okay. Have you got the exhibits and the
25 form?

1 CLERK OF THE COURT: Yes, sir.

2 THE COURT: Okay. If you will let them know they can
3 begin deliberations. Thank you.

4 (The jury was instructed to begin deliberating on a
5 verdict at 1:47 p.m.)

6 THE COURT: Okay. We'll be at ease until we hear from
7 the jury. Just stay close by in case they have questions or
8 come back with a verdict.

9 MR. GOODWYN: Thanks, Judge.

10 (Court recessed.)

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

12 THE COURT: Okay. Madam Court Reporter, would you
13 please mark this as a Court exhibit, please.

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

15 THE COURT: Okay. We have a question from the jury.
16 And the question is, "Why is the charge failure to stop for
17 blue light rather than fleeing the traffic scene or something
18 more appropriate to the situation?" And it's signed by the
19 foreperson, dated, and time stamped.

20 Do you have any proposals for how to -- before I give my
21 suggestion, how to address that question?

22 MS. NORVELL: Just to recharge them on failure to stop.

23 MR. GOODWYN: I think that's the only thing that you can
24 do.

25 THE COURT: Well, I mean, yes, of course, do that. But

1 we could -- you know, I mean, I read it again. I don't -- my
2 thought would be to give them some instruction to consider
3 the substance of the charge rather than what it has been
4 captioned. I mean, that statutory section is not that. I
5 mean, it's -- that's how it's referenced in the indictment,
6 but that is not what the actual statutory title is.

7 But if you're -- are you saying you just want to
8 recharge them without -- recharge them on it without comment?

9 MS. NORVELL: I definitely think that we would
10 appreciate you commenting on the -- that they should infer
11 nothing from the language -- the charge name or description
12 and apply the law that the judge has provided to them to the
13 facts of this circumstance.

14 MR. GOODWYN: Beg the Court's indulgence --

15 THE COURT: Yes.

16 MR. GOODWYN: -- for just a minute and a half, two
17 minutes. Let me step out and make a quick phone call.

18 THE COURT: Yes. Okay.

19 MR. GOODWYN: I want to get some clarification.

20 (Mr. Goodwyn exited the courtroom.)

21 MS. NORVELL: And I think it would be appropriate for
22 the Court to read the statutory title. "The defendant is
23 charged with a violation of Section 56-5-750, failure to stop
24 a motor vehicle when signaled by a law enforcement vehicle."

25 THE COURT: Well, let's just wait till --

1 MS. NORVELL: Yeah.

2 THE COURT: -- Mr. Goodwyn gets back in. I don't want
3 to have piecemeal conversations.

4 We'll be at ease for a couple of minutes till he gets
5 back.

6 (Court recessed.)

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

8 MR. GOODWYN: So well, I think reading the 56-5-750,
9 failure to stop motor vehicle when signaled by a law
10 enforcement vehicle, I think reading that is fine. I don't
11 want to get into "Don't read into what the legislature wrote
12 as what the statute says." I think that would be improper.
13 But I think reading the full text of what the statute is
14 called, I think that's fine and then recharge them.

15 MS. NORVELL: So the State's proposal is that the Court
16 reinstruct the jury on the full "The defendant is charged
17 with 56-5-750, failure to stop motor vehicle when signaled by
18 a law enforcement vehicle. Y'all's question has indicated
19 that you're concerning yourself with the title of the statute
20 rather than the elements of the offense. The Court is going
21 to reinstruct you as to the roles of the judge and the jury
22 and then on failure to stop for a blue light" -- "the statute
23 for failure to stop motor vehicle when signaled by a law
24 enforcement vehicle."

25 MR. GOODWYN: I think just from the defense's

1 perspective, my only thing is that any language given to them
2 that suggests they should somehow disregard what the title --

3 THE COURT: Right.

4 MR. GOODWYN: -- of the statute is, I think that would
5 be our only caution.

6 MS. NORVELL: Well, that's not their job. Their job is
7 not to determine what the name of a statute is. Their job is
8 to make a determination of the elements of the offense, and
9 they've clearly got confusion on that. That's why, as the
10 Court suggested, we would appreciate a clarification on that.
11 There's no comment on the facts by the Court commenting on
12 the statute and the full name of it and clarifying the role
13 of the trier of fact.

14 MR. GOODWYN: That's --

15 MS. CORNWELL-GOULOZE: I think just by reading off the
16 full statute name and then you telling them you're going to
17 reinstruct them of the job of the judge and the jury and then
18 restating what the law is is fine without getting into any
19 additional verbiage.

20 MS. NORVELL: But it's the Court's job to instruct them
21 to consider the elements of the offense. And as the Court
22 indicated, a willingness to clarify that -- that
23 clarification that you previously indicated, Judge, that you
24 would be willing to offer -- that has no bearing or comment
25 on facts, and that's why it wouldn't be improper or

1 problematic for you to say anything to clarify their
2 responsibility as to the elements and not the title. That
3 has nothing to do with the facts of the case, which would
4 infringe on their responsibility.

5 THE COURT: Okay. Well, what I can do is what you're
6 proposing, to give the charge again and the duties of the
7 judge and jury, and then give the -- reinstruct them on the
8 failure to stop for a blue light except give a statutory
9 citation and the title of it and then just read the charge as
10 it was previously given.

11 MS. CORNWELL-GOULOZE: That's correct.

12 THE COURT: Is that --

13 MS. NORVELL: And a clarifying opening line that, "We
14 received your note, and it appears that you have a question
15 about the title of the statute rather than the elements of
16 the offense. I'm going to reinstruct you on the roles of the
17 judge and the jury and the full statute with which the
18 defendant is charged. The defendant is charged with a
19 violation of section" blah, blah, blah, and then read that
20 entire statute name and then the charge that you previously
21 provided.

22 THE COURT: Well, okay. What I would propose is -- I
23 guess perhaps to address that, at least for the most part, is
24 the Court -- I would give the duties of judge and jury charge
25 again.

1 MS. NORVELL: Okay.

2 THE COURT: Well, I'll -- well, I guess we need to go
3 ahead and address, "Okay. We received your note. Here's the
4 question. The Court cannot answer a question of why it's
5 called one thing or another," and then give the duties of the
6 judge and the jury again and then go into the failure to stop
7 charge, but this time give the statutory citation and the
8 title and then reread the instructions as were previously
9 given.

10 MS. CORNWELL-GOULDOZE: The defense would prefer that
11 you just say that you can't comment on --

12 MR. GOODWYN: Right.

13 MS. NORVELL: But you can comment on responding to their
14 question, and you're not commenting on the facts. And so
15 answering their question like you just phrased it, perfectly
16 appropriate. You can't tell them why something is called
17 something or another. What you can do is reinstruct them on
18 the roles of the trial court and the jury and the applicable
19 law in this case.

20 THE COURT: Well, I think that's what --

21 MS. CORNWELL-GOULDOZE: I think the way that you phrased
22 it is perfectly fine.

23 MS. NORVELL: Yes.

24 MR. GOODWYN: Yeah, I think we're all saying the same
25 thing.

1 MS. CORNWELL-GOULOOZE: Okay.

2 THE COURT: Yeah, I think that's what they're --

3 MS. NORVELL: Okay.

4 THE COURT: -- what they're agreeing with.

5 MS. NORVELL: Correct.

6 THE COURT: Okay.

7 MS. NORVELL: The way you just said it, we're totally
8 fine with.

9 THE COURT: Okay. Let's bring in the jury, please.

10 THE BAILIFF: Yes, your Honor.

11 THE COURT: Well, the instruction of the blue light is
12 -- while they're out -- I don't want to say it all. But that
13 is -- the offense of failure to stop for a blue light as
14 described is that in 56-5-750 officially with the title of
15 this. Correct?

16 MS. CORNWELL-GOULOOZE: That's fine.

17 THE COURT: Okay.

18 MS. NORVELL: Thank you, Judge.

19 (The jury entered the courtroom at 3:31 p.m.)

20 THE BAILIFF: All jurors are present, your Honor.

21 THE COURT: Thank you.

22 Okay. Please be seated.

23 Okay. We brought you back in because the foreperson has
24 relayed a question in writing from the jury. And the
25 question is as follows -- and we've marked this as Court's

1 Exhibit 2 -- "Why is the charge failure to stop for blue
2 light rather than fleeing the traffic scene or something more
3 appropriate to the situation?"

4 The question of why an offense is called one thing or
5 another the Court cannot answer. But hopefully to aid you in
6 your further deliberations, I'm going to give you
7 instructions again on the duties of judge and jury and then
8 the instructions on -- relating to the offense itself.

9 And so first on the duties of judge and jury, I'm just
10 going to remind you that during this trial you and I have
11 certain duties to perform. As the trial judge, it's my
12 responsibility to preside over the trial of this case, and I
13 have the duty to rule on the admissibility of the evidence
14 offered during trial. You are to consider only the competent
15 evidence before you. If there was any testimony ordered
16 stricken from the record in this case during this trial, you
17 must disregard that testimony. You are to consider only the
18 testimony which has been presented from this witness stand
19 and exhibits which have been made part of the record in the
20 case and any stipulations of counsel.

21 I have the additional duty to charge you the law
22 applicable to the case. As the presiding judge, I am the
23 sole judge of the law of the case, and it is your duty as
24 jurors to accept and apply the law as I have stated to you.
25 If you already have an idea as to what the law is or what the

1 law ought to be and it does not agree with what I tell you
2 now that the law is, you must abandon this idea because you
3 are sworn to accept the law and apply the law exactly as I
4 state it to you.

5 In every case tried in this court before a jury, the
6 jury becomes the sole and exclusive judge of the facts in a
7 case. A trial judge cannot intimate, state, comment on, or
8 make any statement to a trial jury about the facts in a case.
9 Since you, the jury, are the sole judge of the facts in this
10 case, you're not to infer from what I've said during the
11 progress of this trial in ruling upon the admissibility of
12 evidence or otherwise, or anything that I am saying now
13 during the course of this instruction to you, that I have an
14 opinion about the facts of the case. The law does not allow
15 me to have an opinion about the facts in the case. The
16 matter is solely for you, the jury, to determine. As jurors,
17 it is your duty to determine the effect, value, weight, and
18 truth of the evidence presented during trial.

19 The indictment with which the defendant is charged has
20 been described to you as "failure to stop for a blue light."
21 The statutory section outlining that offense is South
22 Carolina Code Section 56-5-750. The official title of that
23 statute is "Failure to stop motor vehicle when signaled by a
24 law enforcement vehicle." And so that is the offense, and
25 I'm going to give you the instructions again that I

1 previously gave you outlining that offense that was captioned
2 "failure to stop for a blue light." And so these are the
3 instructions.

4 The defendant is charged with failure to stop for a blue
5 light. In order to establish a violation for failure to stop
6 for a blue light, the State must prove beyond a reasonable
7 doubt the defendant was driving a motor vehicle; he was
8 driving it on a road, street, or highway in South Carolina;
9 the defendant was signaled to stop by a law enforcement
10 vehicle by means of a siren or flashing light; and he did not
11 stop.

12 In determining whether there were mitigating
13 circumstances which would justify the defendant's failure to
14 stop for the blue light, you may consider actual road
15 conditions; actual roadside conditions; other conditions such
16 as lighting and weather; officer, driver, or passenger
17 safety; and any other circumstances you believe to reasonably
18 mitigate the alleged violation.

19 The signal requiring a motorist to stop may be given by
20 way of a siren or flashing light, but both are not required.
21 Any attempt to increase the speed of a vehicle or in some
22 other manner avoid the pursuing law enforcement vehicle when
23 signaled by a siren or flashing light may be considered as
24 evidence of failure to stop for a blue light. However, it is
25 merely an evidentiary fact to be taken into consideration by

1 you along with all the other evidence in the case and to be
2 given the weight that you decide it should receive.

3 And so, having given those supplemental instructions, I
4 will ask you to return to your deliberations.

5 (The jury exited the courtroom to resume deliberating on
6 a verdict at 3:37 p.m.)

7 THE COURT: Anything from counsel?

8 MS. CORNWELL-GOULOZE: No, your Honor.

9 THE COURT: Okay. Thank you.

10 All right. We'll be at ease.

11 (Court recessed.)

12 (The jury indicated they had reached a verdict at
13 4:21 p.m.)

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

15 THE COURT: Okay. The Court is informed that the jury
16 has reached a verdict.

17 So Bailiff, would you please bring in the jury.

18 THE BAILIFF: Yes, your Honor.

19 (The jury entered the courtroom at 4:25 p.m.)

20 THE BAILIFF: All jurors are present, your Honor.

21 THE COURT: Thank you. Please be seated.

22 Madam Foreperson, I'm informed that the jury has reached
23 a verdict.

24 JURY FOREPERSON: We have.

25 THE COURT: Okay. Would you please hand the verdict

1 form to the bailiff for the Court to inspect.

2 Madam Clerk, would you please publish the verdict.

3 CLERK OF THE COURT: The State of South Carolina, County
4 of Charleston, Indictment Number 2024-GS-10-01974, State of
5 South Carolina versus Michael Tyrus Jeter. As to the
6 indictment for the charge of failure to stop for a blue
7 light, we, the jury, by unanimous decision find the defendant
8 guilty. Signed Foreperson of the Jury, dated January 7,
9 2025.

10 THE COURT: Ladies and gentlemen of the jury, by way of
11 raising your hands, is that your verdict and -- was it your
12 verdict and is it still your verdict? If so, please raise
13 your hands.

14 Okay. Thank you.

15 Would the defense like to poll the jury?

16 MS. CORNWELL-GOULOZE: Yes, please, your Honor.

17 THE COURT: Okay.

18 Madam Clerk, would you please poll the jury.

19 CLERK OF THE COURT: Ladies and gentlemen, when I call
20 your jury number, if you'll please raise your hand and answer
21 yes or no to the following questions.

22 Juror Number 173.

23 JUROR: Yes.

24 CLERK OF THE COURT: Just raise your hand.

25 Is this your verdict?

1 JUROR: Yes.

2 CLERK OF THE COURT: Is this still your verdict?

3 JUROR: Yes.

4 CLERK OF THE COURT: Juror Number 276, is this your
5 verdict?

6 JUROR: Yes, ma'am.

7 CLERK OF THE COURT: Is this still your verdict?

8 JUROR: Yes, ma'am.

9 CLERK OF THE COURT: Juror Number 124, is this your
10 verdict?

11 JUROR: Yes.

12 CLERK OF THE COURT: Is this still your verdict?

13 JUROR: Yes.

14 CLERK OF THE COURT: Juror Number 172, is this your
15 verdict?

16 JUROR: Yes.

17 CLERK OF THE COURT: Is this still your verdict?

18 JUROR: Yes.

19 CLERK OF THE COURT: Juror Number 231, is this your
20 verdict?

21 JUROR: Yes.

22 CLERK OF THE COURT: Is this still your verdict?

23 JUROR: Yes.

24 CLERK OF THE COURT: Juror Number 184 --

25 JUROR: Yes.

1 CLERK OF THE COURT: -- is this your verdict?

2 JUROR: Yes.

3 CLERK OF THE COURT: Is this still your verdict?

4 JUROR: Yes.

5 CLERK OF THE COURT: Juror Number 245, is this your
6 verdict?

7 JUROR: Yes.

8 CLERK OF THE COURT: Is this still your verdict?

9 JUROR: Yes.

10 CLERK OF THE COURT: Juror Number 239, is this your
11 verdict?

12 JUROR: Yes.

13 CLERK OF THE COURT: Is this still your verdict?

14 JUROR: Yes.

15 CLERK OF THE COURT: Juror Number 84, is this your
16 verdict?

17 JUROR: Yes.

18 CLERK OF THE COURT: Is this still your verdict?

19 JUROR: Yes.

20 CLERK OF THE COURT: Juror Number 133, is this your
21 verdict?

22 JUROR: Yes.

23 CLERK OF THE COURT: Is this still your verdict?

24 JUROR: Yes.

25 CLERK OF THE COURT: Juror Number 11, is this your

1 verdict?

2 JUROR: Yes.

3 CLERK OF THE COURT: Is this still your verdict?

4 JUROR: Yes.

5 CLERK OF THE COURT: Juror Number 175, is this your
6 verdict?

7 JUROR: Yes.

8 CLERK OF THE COURT: Is this still your verdict?

9 JUROR: Yes.

10 CLERK OF THE COURT: Your Honor, the jury has been
11 polled and the verdict stands.

12 THE COURT: Okay. Thank you.

13 Anything from the parties before the jury is excused?

14 MS. ROBERTS: Nothing from the State, your Honor.

15 MS. CORNWELL-GOULOOZE: Nothing from the defense, your
16 Honor.

17 THE COURT: Okay. Madam Foreperson, ladies and
18 gentlemen of the jury, this will conclude your service in
19 this case. The Court thanks you for your attention and your
20 diligence and your service this week in this very important
21 matter. And with that, you are hereby dismissed, and you may
22 return to the jury room with the bailiff to collect your
23 belongings.

24 Again, the Court thanks you for your service. Have a
25 good rest of the week. And Happy New Year to you all.

1 (The jury was released from service and exited the
2 courtroom at 4:29 p.m.)

3 THE COURT: Anything further for me to take up before
4 sentencing?

5 MS. NORVELL: We're waiting on the sentencing sheet to
6 be brought down.

7 THE COURT: Okay. We'll be at ease until then.

8 (Court recessed.)

9 (Court resumed.)

10 THE COURT: Okay. Are we ready to proceed to
11 sentencing?

12 MS. NORVELL: Yes, Judge.

13 THE COURT: Okay. Let me hear from the State.

14 MS. NORVELL: Thank you, Judge.

15 Judge, you heard all of the facts in this case during
16 the pendency of this trial. You heard arguments from both
17 the State and the defense to the jury. The State has a few
18 additional things that we would like to discuss in reference
19 to sentencing and that we would like for your Honor to take
20 into account while you're determining that sentence.

21 First, Judge -- and it's the same basis that the State
22 asked for the Court to consider in extinguishing the
23 defendant's bond during the pendency of trial -- is this
24 violation of the standing discovery protective order. This
25 post of the body-worn camera in this situation on his

1 Facebook page, Judge, he streamed this footage and it was
2 viewed 22,000 times. When it was addressed from the State to
3 defense counsel, the defendant didn't immediately say, "Oops,
4 didn't realize I couldn't do that." He doubled down and he
5 reposted it. And he reposted it making statements like he
6 did when he reshared the Live 5 news link: "They're trying
7 to ban me from posting my stuff. TF."

8 He responded to comments laughing, comments that said,
9 "I swear to God her begging you not to peel off lives rent
10 free in my mind." You saw that comment that was made a
11 significant issue in this case with the Mugga Man friend
12 responding to the original Live 5 news article: "I'll take
13 the high-speed charge before the dope and the gun." The
14 defendant responds, "Word. Any day." The State's position,
15 Judge, is that the defendant peeled off and left this traffic
16 stop because there was something to hide in that vehicle.

17 The State's position is that the majority of the
18 comments on this post that was viewed 22,000 times that was
19 -- shouldn't have ever been posted and was a violation of the
20 standing discovery order was perpetually laughing at the fact
21 that he peeled off and making light at making the law
22 enforcement officers in North Charleston look silly or sound
23 dumb for saying, "Michael, don't go." And that sort of shows
24 your Honor the defendant's thoughts on this situation.

25 He -- and it wasn't that he was in the process of a

1 medical emergency. This was not elicited at trial, but
2 Officer Aratan is actually a firefighter and a certified EMT.
3 If this were a medical emergency, he would recognize it and,
4 as Officer Perry testified during the trial, they would have
5 immediately gotten him emergency medical services.

6 Your Honor ruled that the stop was legal. There was no
7 issues with the legality of -- and lawfulness of this traffic
8 stop. Whatever the defendant may have believed about the
9 reasons why that traffic stop occurred, the jury found him
10 guilty and they decided that those were not reasonable enough
11 mitigating circumstances to permit him to flee.

12 The State's position is the defendant drove extremely,
13 incredibly, and extraordinarily recklessly while he evaded
14 these law enforcement officers. This was 1:30 in the
15 morning. This was not the middle of the daytime. But
16 Officer Aratan was driving 118 miles per hour on a curvy,
17 winding road in North Charleston, and the defendant was
18 driving so fast that you couldn't even see his vehicle in the
19 frame of the officer's in-car camera. This was egregious
20 conduct.

21 And the State would like to discuss a subsequent
22 interaction that the defendant had with law enforcement.

23 While he's been out on bond, this July the defendant was
24 actually stopped another time by North Charleston officers
25 for this same improper display of a license tag. So nothing

1 about this situation has been remedied from the time the
2 officer stopped him on December 30, 2024, until now. And
3 what I mean by that is he hasn't fixed the tag yet or hadn't
4 fixed it by September of this year. He hasn't stopped
5 violating this standing discovery protective order. Once the
6 State addressed it with the defense, he doubled down.

7 In every situation that he's come in contact with law
8 enforcement and the law in this case, he's doubled down on
9 his behavior and found it to be amusing and funny. And the
10 State's position is that does not deserve a suspended
11 sentence. The State's position is that this defendant should
12 be sentenced to the full five years. This is a second
13 offense failure to stop. The State has provided a certified
14 copy of his prior conviction for failure to stop to your
15 Honor. It is passed up with the sentencing sheets.

16 The defendant does have a criminal history, your Honor.
17 Other than that 2017 conviction for failure to stop for a
18 blue light, he has a 2019 driving under suspension and window
19 tint violation. He has -- beg the Court's indulgence.

20 He has a 2023 speeding, 10 miles per hour or less. He
21 has a 2006 conviction for voluntary manslaughter. He served
22 11 years on that charge, and in 2015 his parole was revoked.
23 He was revoked almost a year on that parole at that time.

24 The State's position is that this defendant is not a
25 candidate for probation, and we would ask that you impose the

1 full five-year sentence on his failure to stop for a blue
2 light second based on the defendant's behavior and attitude
3 towards this charge and the jury's verdict.

4 Thank you.

5 THE COURT: Okay. Thank you.

6 Defense.

7 MS. CORNWELL-GOULOZE: Thank you, Judge. May it please
8 the Court.

9 My client Michael Jeter is 38 years old. He was born in
10 New York State. He moved here when he was 7 or 8 years old.
11 He's lived here ever since. He went to North Charleston High
12 School, your Honor. He played football on their football
13 team. He has five minor children at home, which he has full
14 custody of, your Honor. His wife was here earlier today, but
15 she is a registered nurse so she couldn't be here for the
16 full duration of the trial.

17 A few key points that I'd like to address with your
18 Honor.

19 My client does suffer from type 2 diabetes. I have his
20 medical records. I've been in contact with the jail. They
21 did give him his insulin last night. He has experienced
22 medical emergencies in the past with his type 2 diabetes. In
23 fact, he went into ketoacidosis two years ago. So he was
24 wary of the experience from that. Not saying he was in
25 ketoacidosis during this incident, but it has happened before

1 to him.

2 Your Honor, he -- I believe that his beliefs that he was
3 being racially targeted are valid. Obviously this didn't
4 come out in trial, but in the past two years, your Honor, he
5 has been stopped by law enforcement 32 times. Only one of
6 those led to an arrest, and that was this charge, your Honor.
7 A lot of those are for nothing that even got written up for;
8 a few, like the solicitor mentioned, a license plate tint
9 cover ticket or speeding. I think I only counted three
10 things that actually resulted in a ticket out of those 32
11 times.

12 Your Honor, I called his bondsman, Bad Boyz Bail Bonds.
13 They have implemented a new policy in the last year that they
14 require those that they have secured a bond for to check in
15 weekly. He has reported weekly with them. They report to me
16 he has had no violations of his bond conditions. He's been
17 out since July 12 of 2024, your Honor, so he's been out on
18 bond for a year. He hasn't picked up any criminal charges in
19 that time, your Honor. He's been in communication with me.
20 His doctor even provided me with a doctor note confirming he
21 was under his care and has type 2 diabetes.

22 Your Honor, this was always a plead straight-up case.
23 There was never an offer. The State had always -- this is
24 not the original solicitor on the case. There was another
25 solicitor. They were always going to be asking for active

1 time. Given that and my client's passion for how he felt
2 during this stop, we felt -- he felt that he had no choice
3 but to, you know, take it to trial, have his day in court.
4 And he had the opportunity to do so. But we ask that you
5 take that into consideration during sentencing because he was
6 always potentially facing time.

7 I also say that because whether it was during a plea or
8 in front of your Honor today, I was always going to be asking
9 for a probationary sentence, your Honor. As -- you know, as
10 I've already stated, he has not violated in the last year.
11 He's never been on probation before. He's in the process of
12 getting his CDL license. Obviously that was put on hold
13 because of this pending charge, but he does have hopes of
14 starting his own trucking business someday.

15 And as I already mentioned, he has five minor children
16 at home whom he has full custody of. So should he get a
17 prison sentence, your Honor, it would be his wife, who is a
18 registered nurse, would be -- okay. Well, his wife would be
19 in control of one of the children, and then his other four
20 children we would have to find, you know, family to be sure
21 that they can watch over those four children.

22 I have nothing further at this time, your Honor. Just
23 asking for a probationary sentence.

24 THE COURT: Okay. Mr. Jeter, is there anything you'd
25 like to say before sentence is imposed?

1 THE DEFENDANT: Yeah. I just want to apologize, you
2 know, for the way that it took place with the officer. I was
3 having a medical situation. I was attending a gathering for
4 my little brother birthday, which is December 29, and my
5 sugar, I allowed it to get too low. But it's no excuse for
6 my actions. That's all. I just ask for forgiveness and for
7 you to show some mercy on me.

8 Because it's like, ever since I went to prison, I never
9 had and never went back. I turned my life around. I'm not
10 no continuous -- no frequent flier, if that's how you want to
11 put it. And in the community, I participate in the community
12 in North Charleston. That's why she's probably aware of me,
13 because I'm active in the community positively. With Chief
14 Burgess -- yeah, I coach football with Chief Burgess. Yeah,
15 he can vouch for that.

16 And I do have custody. My baby mama, she had a mental
17 breakdown due to something that happened while she was a
18 child. So unfortunately, I had to take the kids. For these
19 last couple of days it's been a pain trying to find somebody
20 because all my family are in New York. It's just me and my
21 brother and my sister down here. You see what I'm saying?

22 I don't plan to cause no harm, no trouble, no nothing.
23 All I want to do is get back to society where I can be,
24 because I don't want to let my kids down. I'm really
25 disappointed. I'm really embarrassed that this had to take

1 place today or yesterday. I've been trying to get this
2 matter over where I was having to come to this, but due to I
3 wasn't given the option, so I had to go through this
4 situation here. All I'm asking is that you show some type of
5 mercy to me. You can see throughout my history I don't have
6 no patterns of nothing.

7 And with the vehicle, I'm getting stopped every week.
8 And it's not my vehicle. I'm getting stopped every week, and
9 then my car getting teared up. They ripping the glove box
10 out. They ripping the seats up. I have to pay for that.
11 This is a weekly thing. You see what I'm saying? And it's
12 documented 32 times. Is that not targeting? Thirty-two
13 times? That's ridiculous. Nobody gets pulled over 32 times
14 in their lifetime. Not even 15 times in their lifetime.

15 And this has happened continuous, so I'm very scared for
16 my life. And she's aware my brother was killed recently.
17 The week before the high-speed chase, he was killed by
18 Charleston County police officers. And that's been
19 documented. You couldn't bring it up today because I guess
20 it's irrelevant.

21 So I'm just asking for mercy. I just want to go back to
22 my kids. That's all. That's all I ask.

23 THE COURT: Okay. Anything further?

24 THE DEFENDANT: No.

25 THE COURT: Okay. All right. Well, if you would remain

1 standing, please.

2 What troubles the -- one thing that troubles the Court
3 is the prior conviction for this very same offense, and there
4 was a 90-day sentence there.

5 THE DEFENDANT: No, sir. It was not, sir. What
6 happened was I got locked up for a federal charge that I
7 beat. And while I was facing the federal charge, it got
8 dismissed. They gave me the time served, and I just played
9 it out so I wouldn't continue to be in there after that
10 charge was dismissed. You see what I'm saying?

11 THE COURT: Okay. Well, nevertheless, there was -- you
12 served 90 days for the very same offense, and we're here
13 again today.

14 So the sentence of the Court --

15 THE DEFENDANT: I promise you --

16 THE COURT: -- is as follows.

17 THE DEFENDANT: -- that I --

18 THE COURT: I've heard enough, Mr. Jeter. Thank you.

19 The sentence of the Court is as follows.

20 The defendant is committed to the state department of
21 corrections for a determinate term of three years, provided
22 that upon the service of one year. The balance is suspended
23 with probation for two years, with the standard conditions of
24 probation. In addition to that, the special conditions of
25 substance abuse counseling and random drug and alcohol

1 testing will be imposed.

2 That is the sentence of the Court.

3 MR. GOODWYN: Thank you, Judge.

4 THE COURT: Thank you.

5 MS. CORNWELL-GOULOZE: Thank you, Judge.

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 25th day
of March, 2025.



Posts

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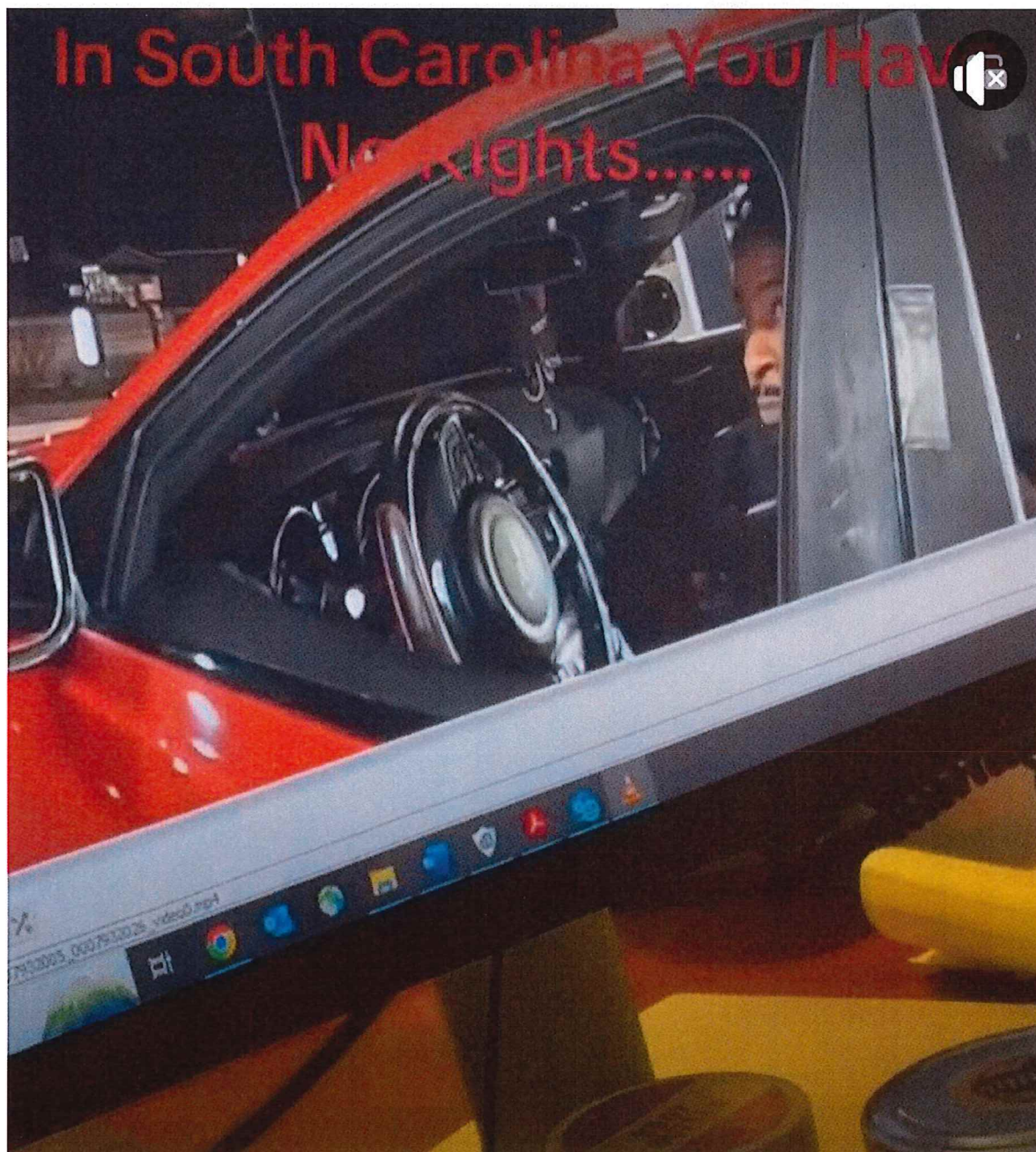


Bamma Yo



Reels • Dec 17, 2024 • 🌐

Saying NO To Searching, Is Only Gonna Get You
Searched In North Charleston.....I Was Just Tryna
Get Home So I Could Take My Insulin 🧑🏾💧😂



224



Bamma Yo



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Jan 12, 2024 · 🌐

I Guess They Ain't Got Nothing Else Better To Do 😂😂😂



live5news.com

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18 comments 4 shares

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STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

STATE OF SOUTH CAROLINA

vs.

MICHAEL TYRUS JETER,

Defendant.

FILED

2025 JAN -3 PM 1:31

JULIE J. ARMSTRONG
CLERK OF COURTBY mk) IN THE COURT OF GENERAL SESSIONS
) FOR THE NINTH JUDICIAL CIRCUIT

) Warrant No(s): 2024A1021000002

) Charge(s): Traffic / Failure to Stop for a Blue
) Light, No Injury or Death, 2nd or Sub. Offense) **MEMO IN SUPPORT MOTION TO**
) **SUPRESS (PREVIOUSLY FILED AS**
) **MOTION TO DISMISS)**

The officer lacked proper training to track the speed of the Defendant's vehicle and the Defendant was illegally seized when Officer Perry violated Defendant's Fourth Amendment Rights when she attempted to perform an illegal search of his vehicle that exceeded the scope of the initial stop on December 30, 2023. As such, the Defense moves to suppress any evidence of Defendant's speed and any evidence of the Failure to Stop for a Blue Light, 2nd or Subsequent Offense as fruit of the poisonous tree.

FACTS

The Defendant believes the following facts will be presented by the State: On December 30, 2023 at 1:23 A.M., Patrol Officer Aratan observed a red Jaguar pull out of Generation XXX on Crosscountry Rd. and allegedly depart at a high rate of speed. Officer Aratan accelerated his marked patrol car to 70mph and got behind the vehicle. The officer observed that the license plate was obscured by a tinted cover, initiated a traffic stop and activated his blue lights. The vehicle pulled over at a 7/11 gas station located at 3291 Ashley Phosphate Rd., and Officer

Aratan identified SC tag (#VDN585). He asked Defendant, the driver and sole occupant of the vehicle, to roll down the windows, to which he complied.

When asked, the Defendant provided his SC identification and the car's registration. At this time K9 Officer Perry arrived and proceeded to approach the driver's side of the car, identifying the Defendant by name. When asked, Defendant stated that there was no illegal contraband in his car and denied consent for the officer to search his vehicle. Officer Aratan returned to his vehicle to process the paperwork for the stop. From his vehicle, Officer Aratan observed Officer Perry unsuccessfully attempt to open Defendant's locked car door. Defendant then declined to exit his vehicle so that Officer Perry could conduct a free air K-9 sniff. Next, Officer Aratan observed Defendant's brake lights activate and he departed at a high rate of speed from the parking lot. The officer attempted to pursue as Defendant turned out of 7/11 and onto Ashley Phosphate Rd.

LAW

The Fourth Amendment of the United States Constitution and Article I, §10 of the South Carolina Constitution grants citizens the right to be secure against unreasonable search and seizure. U.S. Const., amend. IV; S.C. Const. art. I, §10. When an officer makes a traffic stop, occupants of the vehicle are seized within the meaning of the Fourth Amendment and may challenge the constitutionality of the stop. Brendlin v. California, 551 U.S. 249 (2007). Existing case law clarifies that “the Fourth Amendment does not allow... blanket approval for the proposition that an officer's visual speed estimate... will always suffice as a basis for probable cause” without further corroboration. United States v. Sowards, 690 F. 3d 583 (2012).

In carrying out a routine traffic stop, a law enforcement officer may request a driver's license and vehicle registration, run a computer check, and issue a citation. State v. Tindall, 388

S.C. 518, 521 (2010). “Authority for the seizure thus ends when tasks tied to the traffic infraction are—or reasonably should have been—completed.” Rodriguez v. United States, 575 U.S. 348, 354 (2015). Any further detention beyond the purpose of the traffic stop, such as for the purpose of a K-9 to conduct an open-air sniff around the vehicle, is beyond the scope of the stop and therefore illegal unless the officer has reasonable suspicion of a serious crime. Id. at 521. “Reasonable Suspicion” has been defined as “a 'commonsense, nontechnical conception that deal[s] with the factual and practical considerations of everyday life on which reasonable and prudent men, not legal technicians, act.'” State v. Wallace, 392 S.C. 47, 51, 707 S.E.2d 451, 453, 2011 S.C. App. LEXIS 27, *4. Caselaw further clarifies that “...there must be an objective basis for concluding that criminal activity may be afoot” to support reasonable suspicion. State v. Frasier, 2022 S.C. LEXIS 138, *14, 2022 WL 4491598. The court considers the totality of the circumstances when determining if reasonable suspicion of a serious crime existed for the stop to be prolonged past what is necessary to achieve the purpose of the traffic stop. State v. Miller, 415 S.C. 245 (2016).

ANALYSIS

Patrol Officer Aratan improperly alleges the Defendant was speeding by exclusively using a visual estimate of speed. United States v. Sowards, 690 F. 3d 583 (2012). At the time of the stop, Officer Aratan had received his class 1 Law Enforcement Certificate only 7 months prior (May 12, 2023). He has no formal training in use of a radar gun to detect speed, nor does he indicate he used one. His report only indicates how fast his patrol car had to go to catch up to the Defendant’s car, not how fast the Defendant’s car was actually going.

Patrol Officer Aratan and K-9 Officer Perry exceeded the scope of the traffic stop on December 30, 2023 after the purpose of the stop was concluded, amounting to illegal seizure of

the Defendant. Officer Aratan obtained information to begin the necessary citation paperwork, including Defendant's SC driver's license and vehicle registration. The Defendant complied with these requests. Officer Perry approached the driver side window and her first question to the Defendant was "do you mind if we search" to which the Defendant denied consent by saying "yes I do mind". An officer may order a driver and/or the passenger of the vehicle to step out without violating the proscriptions of the Fourth Amendment. Pennsylvania v. Mimms, 434 U.S. 106. This, however, was not how Officer Perry began her line of questioning. Her first question to the Defendant was asking to search his vehicle while giving no probable cause to do so. It wasn't until after the Defendant refused the search, did Officer Perry ask the Defendant to step out of his car. The Defendant declined to step out of the vehicle, so she attempted to open his car door by pulling at the handle and telling the Defendant she was going to conduct a free air K-9 sniff. Officer Perry did not have reasonable suspicion of a serious crime to prolong the traffic stop and conduct a K-9 sniff. The burden is on the State to articulate facts sufficient to support reasonable suspicion. State v. Pichardo, 367 S.C. 84, 104 (Ct. App. 2005).

The only two allegations that either officer makes to support any contention of reasonable suspicion during this stop is that the "Defendant appeared to be very nervous and sweating profusely" and that Officer Perry alleges she "recognized him from previous incidents with law enforcement". The Defendant tells officers that he suffers from diabetes. A common manifestation for those diagnosed with diabetes is gustatory sweating or sweating around the head and neck. Blair DI, Sagel J, Taylor I. Diabetic gustatory sweating. South Med J. 2002 Mar;95(3):360-2. PMID: 11902707. Further, nervousness alone is not sufficient to support reasonable suspicion of some other crime. State v. Pichardo, 367 S.C. 84 (2005). Additionally, an officer may not further detain defendants following a traffic stop simply because of a prior arrest or criminal record.

United States v. Jones, 234 F.3d 234 (2000) see also State v. Williams, 351 S.C. 591. Officer Perry reporting that she recognizes the Defendant is in no way probative of a present crime and should thus not serve as a basis for reasonable suspicion to search a vehicle.

CONCLUSION

The State cannot articulate any facts sufficient to establish the exact speed of Defendant's vehicle and the subsequent attempts at a K-9 sniff, thus the Defendant was illegally seized on December 30, 2023. The EVIDENCE, including any testimony, report, or video alleging the Defendant's speed and any testimony, report, or video of which was obtained as the result of the illegal seizure, should be suppressed as fruit of the poisonous tree.

Respectfully Submitted,



Kaitlin Cornwell-Goulooze
Assistant Public Defender
Attorney for Defendant

Charleston, South Carolina

Dated: 1/3/25

FILED
2025 JAN -3 PM 1:31
JULIE J. ARMSTRONG
CLERK OF COURT
BY MK

DOCKET NO. 2024-GS-10-01974

The State of South Carolina

County of Charleston

LCZ/0409409

WITNESSES

James C. [Signature]

North Charleston Police Department

AGENCY CASE NUMBER

2023-035292

ARREST WARRANT NUMBER

2024A1021000002

DATE OF ARREST

01/12/2024

ACTION OF GRAND JURY

TRUE BILL

APR 09 2024

Maecia [Signature]
Foreperson of Grand Jury

Date:

VERDICT

Guilty

[Signature]
Foreperson of Petit Jury

Date:

SC Code: § 56-05-0750(B)(2)
CDR Code: 2396

Indictment for
FAILURE TO STOP FOR A BLUE LIGHT

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

INDICTMENT

At a Court of General Sessions, convened April 2024, the Grand Jurors of Charleston County present upon their oath:

Failure To Stop For A Blue Light

That in Charleston County, South Carolina, on or about December 30, 2023, the Defendant, Michael Tyrus Jeter, while driving a motor vehicle on a road, street, or highway of the State did, in the absence of mitigating circumstances, knowingly fail to stop after being signaled to do so by a law enforcement vehicle by means of flashing light and/or a siren, such being a second or subsequent offense, in violation of Section 56-5-750 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



LEMUEL C ZEIGLER
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF CHARLESTON

STATE

INDICTMENT/ 2024-GS-10-01974
CASE#:

VS.

MICHAEL TYRUS JETERAKA: Michael Jeter, Michael T JeterA/W#: 2024A1021000002
Date of 12/30/2023
Offense:
S.C. Code §: 56-05-0750(B)(2)
CDR Code #: 2396Race: Black Sex: M Age: 38DOB: 1986 SS#: Address:

City, State,

Zip: Ladson, SC 29456DL# SID SC01601995

*

#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐
☐ Defendant Pro Se

SENTENCE SHEET

In disposition of the above indictment comes now the Defendant who ☒ WAS CONVICTED OF or ☐ PLEADSTO: Failure To Stop For A Blue Light

In violation of

§ 56-05-0750(B)(2) of the S.C. Code of Laws, bearing CDR Code # 2396☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives
Presentment to Grand Jury.

The State's Position is:

☐ None☐ Negotiated and Agreed Upon Sentence: _____ Years, _____ Months, Probation for _____ Years, _____ Months:☐ Negotiated and Agreed as to Charges Only☐ Recommended and Agreed Upon Sentence: _____ Years, _____ Months, Probation for _____ Years, _____ Months:

ATTEST:

Tyra S. Roberts
Tyra S. Roberts, Assistant
Solicitor

106116

SC Bar #

Defendant

WLF
Attorney for Defendant

104951

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,for a determinate term of 3 Hours/Days/Months/Years ☐ Time Served☐ Home Detention Program(HIP) ☐ MH Evaluation and Compliance ☐ Batterer's Treatment☐ Domestic Abuse Counseling ☐ Drug Court ☐ Drug Program ☐ Alcohol Program ☐ Inpatient Facility☐ Hold Until Bed Space Available ☐ Mental Health Court ☐ Balance Suspended with Drug Court☐ Other: _____☐ Judicial Review _____ Days/ Months☐ Youthful Offender Act not to exceed _____ Days/ Months/ Years

234

STATE
VS.MICHAEL TYRUS
JETER

INDICTMENT/CASE#: 2024-GS-10-01974

And /Or to pay a fine of \$_____;

provided that upon the service of _____ Hours/Days/Months/Years

☐ Time Served

- ☐ Home Detention Program(HIP) ☐ MH Evaluation and Compliance ☐ Batterer's Treatment
- ☐ Domestic Abuse Counseling ☐ Drug Court ☐ Drug Program ☐ Alcohol Program ☐ Inpatient Facility
- ☐ Hold Until Bed Space Available ☐ Mental Health Court ☐ Balance Suspended with Drug Court
- ☐ Suspended To Batterer's Treatment
- ☐ Other: _____

And/ Or a payment of \$_____ ; plus costs and assessments as applicable*

the balance is suspended with probation for _____ Months/Years

- ☐ Suspended During Probation ☐ Suspended During Drug Court ☐ Suspended During Batterer's Treatment
- ☐ Other: _____

and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:

- ☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDoc.
days/months
- ☐ To include time spent on monitored house arrest prior to trial and sentencing.
- ☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.**Defendant has 10 days to apply for Home Detention Program or this will convert to an active sentence.****SPECIAL CONDITIONS:**

- ☐
- PTUP**
- after _____ Months/Years
- ☐
- Home Detention Program (HIP)

And Other Terms Listed Below:

- ☐ Conditional Discharge
- ☒ Substance Abuse Counseling ☐ Completion of GED ☒ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

STATE MICHAEL TYRUS INDICTMENT/CASE#: 2024-GS-10-01974
 VS. JETER

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____	Beginning	_____	\$ _____
§14-1-206 (Assessments 107.5%)				\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)		\$100		\$ <u>100.00</u>
§14-1-211 (A)(2)(DUI Surcharge)		\$100		\$ _____
§56-5-2995 (DUI Assessment)		\$12		\$ _____
§56-1-286 (DUI Breath Test)		\$25		\$ _____
§14-1-212 (Law Enforce. Funding)		\$25		\$ _____
§14-1-213 (Drug Court Surcharge)		\$150		\$ _____
§50-21-114 (BUI Breath Test Fee)		\$50		\$ _____
§56-5-2942(J) (Vehicle Assessment)		\$40/ea		\$ _____
3% to County (if paid in installments)		TBD		\$ <u>18.00</u>

Other Costs (As Authorized by Cost Code)*

☒ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$ <u>500.00</u>
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$ _____

TOTAL \$ 618.00

Clerk of Court/Deputy Clerk: L. Helm
 Court Reporter: Jamie Bickett

Presiding Judge: [Signature]
 Judge Code: 2789
 Sentence Date: January 7, 2025

Specify Other Costs*

	Cost Code	Cost Description	Amount
☐	_____	_____	_____
☐	_____	_____	_____
☐	_____	_____	_____
☐	_____	_____	_____
☐	_____	_____	_____

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

RECEIVED
Aug 12 2025
SC Court of Appeals



Lara M. Caudy
Senior Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 12th day of August, 2025.

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Charleston County

Honorable J. Derham Cole, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MICHAEL TYRUS JETER,

APPELLANT

APPELLATE CASE NO. 2025-000056

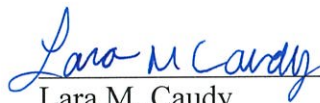
CERTIFICATE OF SERVICE

RECEIVED

Aug 12 2025

SC Court of Appeals

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above referenced case has been served upon Mark R. Farthing, Esquire, at his primary email address listed in the Attorney Information System (AIS); and on Michael Tyrus Jeter at 3730 Ingleside Blvd, Apt. 10302, Ladson, SC 29456, this 12th day of August, 2025.



Lara M. Caudy
Senior Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT