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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County

Honorable Michael G. Nettles, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

KAWASI LAFRANCE DINGLE,

APPELLANT

APPELLATE CASE NO. 2025-000248

RECORD ON APPEAL

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THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

State's Exhibits 3-8 (Pictures), State's Exhibit 9 (Flash drive)

STATE OF SOUTH CAROLINA **TRANSCRIPT OF RECORD**

COUNTY OF HORRY CASE NO.: 2024-GS-26-01455,
2024-GS-26-01466

**** ORIGINAL ****

February 3-5 2025

BEFORE: The Honorable Michael Nettles

STATE OF SOUTH CAROLINA,

Plaintiff,

vs.

KAWASI LAFRANCE DINGLE,

Defendants.

APPEARANCES:

Brandon Lanier, Esq.
Joshua Holford, Esq.
Appearing for the State.

Martin Spratlin, Esq.
Appearing for the Defendant.

Court Reporter: Natalie Dahl, RPR
SC Official Court Reporter
Registered Professional Reporter

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9 **STATE 'S**

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10 1-2 Flashdrives

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14 1 CD

52 N/A

15 **COURT 'S**

16 1 Juror note

258

17 2 Juror note

259

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19 *N/A (not admitted)*

20 **Transcript Legend**

21 Dash (--) Indicates an interruption in speech

22 Ellipses (...) Indicates trailing off in speech

23 Phonetic (ph) Indicates a phonetic word

24 (sic) Indicates word(s) is as said

25

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

2 MR. LANIER: Your Honor, this is State of
3 South Carolina versus Kawasi Lafrance Dingle,
4 Indictment Nos. 2024-GS-26-01455 and
5 2024-GS-26-01466 for kidnapping and domestic
6 violence of a high and aggravated nature.

7 THE COURT: Ladies and gentlemen, I hold in
8 my right two indictments. They are of no
9 evidentiary value, whatsoever. They are merely an
10 accusation that starts the process. The defendant
11 is presumed to be innocent, and we start from that
12 presumption. That is a very real protection that
13 belongs to all of us as American citizens.

14 I'll tell you a little bit about this case.
15 It involves an alleged injury of harm to Tonya M.
16 Johnson. It allegedly took place on December 6th
17 of 2023 in Horry County. It took place at
18 Tenth Avenue South in Myrtle Beach, across from the
19 Polynesian, in that general area if you are
20 familiar with Myrtle Beach.

21 Having been armed with that basic
22 information, does anybody -- did anyone witness any
23 of the events which gave rise to these allegations?
24 Do you know anything about this event, or have you
25 read or heard anything about it? If so, please

JURY SELECTION

1 stand.

2 No response.

3 The defendant in this case is Kawasi Lafrance
4 Dingle. Is anyone related by blood or marriage?
5 Do you have a close social, business or personal
6 relationship with this individual? If so, please
7 stand.

8 No response.

9 THE COURT: The potential witnesses in this
10 case are: Shakeena Page of Charlotte, North
11 Carolina; Wanda Reaves of Sellers, South Carolina;
12 officer Max Rodriguez, Myrtle Beach Police
13 Department; Matthew Moreland, Myrtle Beach Police
14 Department; Alex Lang, Myrtle Beach Police
15 Department; David Romonouskas, Myrtle Beach Police
16 Department; Tonya M. M Johnson, Private First
17 Class; Mary M. Falvo, Myrtle Beach Police
18 Department; corporate George L. Johnson, Myrtle
19 Beach Police Department.

20 Is anyone related by blood or marriage to any
21 of these potential witnesses? Do you have a close
22 social, business or personal relationship with any
23 of them? If so, please stand.

24 Yes, ma'am, if you can come forward.

25 (The following was a bench conference.)

JURY SELECTION

1 JUROR: I work very close to Myrtle Beach
2 Police Department, but I do know of them.

3 THE COURT: How do you work with them?

4 JUROR: I report on -- I do communications,
5 creative services, public information. So when
6 they tell me to do pictures or report if they have
7 done something, that's what I do.

8 THE COURT: Okay. And if called upon to
9 serve on this jury, the fact that you are familiar
10 with these names, would that affect your ability to
11 be fair and impartial to the State and the defense?

12 JUROR: No, sir.

13 THE COURT: And you feel you could be fair
14 and impartial?

15 JUROR: Yes, sir.

16 THE COURT: You're qualified to serve.

17 That was Juror 39.

18 THE DEPUTY: This is 237.

19 THE COURT: Tell me who you know, what --

20 JUROR: I know a few of the officers,
21 Moreland and Johnson. I mean, I'm just associated
22 by work, and I know them. I work with them. They
23 are not close friends or anything.

24 THE COURT: Have you ever been to their house
25 and had dinner?

JURY SELECTION

1 JUROR: No, sir.

2 THE COURT: Ever come to your house?

3 JUROR: No, sir.

4 THE COURT: If called upon to serve on this
5 jury and they testify, would you give greater
6 weight or lesser weight to what they have to say by
7 virtue of the fact that you know them, or would you
8 be able to be fair and impartial to both the State
9 and the defense?

10 JUROR: I can be fair, sir.

11 THE COURT: You're qualified.

12 THE CLERK: Juror 237 is going to stay.

13 JUROR: 47, Matthew Brooks. Just like the
14 others, I just work for the City. I don't have any
15 association with the officers or anything that you
16 read off, but I just wanted to make it known that I
17 do work for the City.

18 THE COURT: If called upon to serve on this
19 jury, and there was someone who is going to testify
20 from Myrtle Beach Police Department, would you give
21 greater weight to what they have to say by virtue
22 of the fact you work for Myrtle Beach or lesser
23 weight because you work for the City, or could you
24 listen to the evidence and evaluate it like any
25 other evidence?

JURY SELECTION

1 JUROR: I could be mutual.

2 THE COURT: You could be fair and impartial
3 to both the State and the defense?

4 JUROR: Yes, Your Honor.

5 THE COURT: You are qualified to serve.

6 THE CLERK: Juror 47 is going to stay.

7 (The following was had in open court.)

8 THE COURT: Solicitor, if you can, stand and
9 identify yourself and the members of your office
10 that are working on this case.

11 MR. HOLFORD: My name is Joshua Holford. I'm
12 a senior solicitor here in Horry County and have
13 been for about ten years now. I'm assisting my
14 colleague here.

15 MR. LANIER: I'm Brandon Lanier. I'm an
16 assistant solicitor here as well. I'm relatively
17 new to this office, but I was a prosecutor in North
18 Carolina.

19 THE COURT: Is anyone related by blood or
20 marriage, have a close social, personal or business
21 relationship with either of these lawyers? If so,
22 please stand.

23 They may have been involved in the private
24 practice of law. Have they ever represented you in
25 the past? If so, please stand.

JURY SELECTION

1 Yes, if you could come forward.

2 (The following is a bench conference.)

3 MR. HOLFORD: She's a friend of mine.

4 THE COURT: Yes, ma'am.

5 JUROR: Nicole Houser.

6 THE COURT: Who do you know?

7 JUROR: Josh.

8 THE COURT: And what is your relationship
9 with him?

10 JUROR: Friends. I know him. Friends for a
11 while.

12 THE COURT: Do you go to his house often?

13 JUROR: Yeah.

14 THE COURT: Does he come to your house?

15 JUROR: Uh-huh.

16 THE COURT: And do you feel as though that
17 would be a problem with you being fair and
18 impartial to both the State and the defendant?

19 JUROR: Yeah, probably.

20 THE COURT: Okay. We'll excuse you for
21 purposes of this trial only and ask that you return
22 to the jury pool.

23 She's excused for the purposes of this case
24 only.

25 THE CLERK: Juror 159 will stay, but excused

JURY SELECTION

1 for this particular case.

2 (The following was had in open court:)

3 THE COURT: I'll recognize defense counsel at
4 this time.

5 MR. SPRATLIN: I'm Martin Spratlin. I'm an
6 attorney here in Conway, and I represent Kawasi
7 Dingle.

8 THE COURT: Anyone related by blood or
9 marriage or have a close personal relationship with
10 Mr. Spratlin?

11 All right.

12 Mr. Spratlin, have you been engaged in
13 private practice of law?

14 MR. SPRATLIN: Not in South Carolina, Your
15 Honor.

16 THE COURT: All right. Well, has anyone been
17 represented by him in the past?

18 No response.

19 Has any member of the jury panel formed or
20 expressed an opinion about any issue or matters
21 involved in this case? If so, please stand.

22 No response.

23 Any member of the jury panel aware of any
24 bias or --

25 THE CLERK: Judge, I'm sorry.

JURY SELECTION

1 JUROR: Domestic violence?

2 THE COURT: You can come forward.

3 (The following was a bench conference.)

4 THE COURT: Yes, ma'am.

5 JUROR: I've been a victim -- I'm 309. So my
6 ex, I've been a victim of domestic violence, and so
7 I'm not biased.

8 THE COURT: So you are not biased?

9 JUROR: No. I guess I would say guilty no
10 matter what.

11 THE COURT: Okay. You're excused for the
12 purposes of this trial only, but you remain with
13 us.

14 JUROR: Okay. And you'll call me for another
15 one?

16 THE COURT: Yes, perhaps.

17 THE CLERK: Juror 309 is excused only for
18 this particular trial.

19 (The following was had in open court.)

20 THE COURT: Is any member of the jury panel
21 aware of any bias or prejudice towards the State or
22 the defendant in this case? If so, please stand.

23 No response.

24 Is there any member of the jury panel who has
25 served as a member of the Grand Jury that indicted

JURY SELECTION

1 this case? If so, please stand.

2 No response.

3 Any member of the jury panel a former law
4 enforcement officer? If so, please stand.

5 Yes, sir, if you could come forward.

6 (The following is a bench conference.)

7 THE COURT: Where were you an officer?

8 JUROR: 139. Retired from Fairfax, Virginia,
9 29 years. And I worked two years for Horry County
10 as an internal affairs inspector.

11 THE COURT: If called upon to serve on this
12 jury, do you -- could you set aside the fact that
13 you used to be involved in law enforcement, listen
14 to the evidence in this case, or the lack of
15 evidence, listen to the law, and apply it fairly?

16 JUROR: Yes, sir. As an inspector in
17 internal affairs, that is what I did, followed the
18 facts.

19 THE COURT: You don't feel as though you
20 would give greater weight to the testimony of a law
21 enforcement officer? You would evaluate it like
22 any other evidence?

23 JUROR: No, sir. Facts are the facts.

24 THE COURT: You are qualified to serve.

25 You don't have a present power of arrest?

JURY SELECTION

1 JUROR: No, sir. I currently work for FEMA.

2 THE COURT: You are qualified to serve.

3 THE CLERK: 139 will stay.

4 (The following was had in open court.)

5 THE COURT: Has any member of the jury panel
6 been a victim of a violent crime? If so, please
7 stand.

8 If you can come forward.

9 (The following was a bench conference.)

10 JUROR: 107.

11 THE COURT: You're name?

12 JUROR: Bonnie Fetscher. My husband of 13
13 years physically abused me and was arrested in
14 Pennsylvania.

15 THE COURT: Would that cause you some
16 hesitancy serving on a case that involves domestic
17 violence?

18 JUROR: Yeah. For 13 years I called the
19 cops, and they never did anything.

20 THE COURT: We'll excuse you for the purposes
21 of this trial only, but you may be called to serve
22 on another.

23 She'll be excused for the purposes of this
24 trial only.

25 (The following was had in open court.)

JURY SELECTION

1 THE COURT: Is there any member of the jury
2 that is a contributor to any group whose primary
3 purpose is the promotion of law enforcement? There
4 are a number of such organizations: Mothers
5 Against Drunk Driving; CAVE, which is Citizens
6 Against Violent Crime. Virtually every sheriff's
7 department in the state has a sheriff's department
8 association. The highway patrol has a similar
9 organization. Does anyone contribute or are you a
10 member of any of these organizations? If so,
11 please stand.

12 No response.

13 Does any member of the jury panel know of any
14 reason, whatsoever, why you should not serve as a
15 juror in this case, with a particular emphasis
16 placed on your ability to be fair and impartial to
17 both the State and the defendant? If so, please
18 stand?

19 Any additional questions from the State?

20 MS. BRANDON: No, Your Honor.

21 THE COURT: Defense?

22 MR. SPRATLIN: Your Honor, can we approach?

23 THE COURT: Yes.

24 (The following is a bench conference.)

25 MR. SPRATLIN: Your Honor did ask the

JURY SELECTION

1 question if anyone has been a victim of any violent
2 crime. I would ask if we could ask if any family
3 member or close relative --

4 THE COURT: I'm not. We've covered all that.
5 We've asked if they were a victim of violent crime.

6 MR. SPRATLIN: What about a question
7 specifically about a family member or close friend
8 is a victim of domestic violence?

9 THE COURT: I've asked them a number of ways
10 if they could be fair and impartial, and they have
11 indicated they could.

12 MR. SPRATLIN: Yes, Your Honor.

13 THE COURT: Very good.

14 (The following was had in open court.)

15 THE COURT: Counsel, if you could come
16 forward again.

17 (The following is a bench conference.)

18 THE COURT: The strikes are five and five. I
19 don't know how you all do it normally, but we'll go
20 ahead and select the jury and call them one at a
21 time. We can call their name, and they'll come
22 forward. We can do it that way. Or, if you want
23 to select, send them up to the courtroom.

24 MR. SPRATLIN: My client needs to be here,
25 Your Honor.

JURY SELECTION

1 THE COURT: All right. Well, how many do you
2 think -- 12 -- that is 22.

3 THE CLERK: How many alternates?

4 THE COURT: We'll do two.

5 THE CLERK: 24.

6 THE COURT: So let's get 35.

7 MR. SPRATLIN: If you could give me a minute.
8 I still have to talk to him. I'll have a little
9 more of a conversation when we go upstairs.

10 THE COURT: Okay.

11 THE CLERK: So we'll pull how many? 35?

12 THE COURT: Yes.

13 THE CLERK: What do I tell the others?

14 THE COURT: To call the number provided and
15 follow the instructions. Tell them -- I can tell
16 them or you can tell them to follow the
17 instructions and call after 6:00.

18 THE CLERK: Okay.

19 (A recess was taken.)

20 THE COURT: Madam Clerk, give us a jury.

21 Do you all have the list?

22 MR. SPRATLIN: I don't have a list in the
23 order that they are going to be called.

24 THE COURT: I'll ask that you all be provided
25 with one of those.

JURY SELECTION

1 When your name is called, stand in front of
2 the court reporter here and face the back of the
3 courtroom and bring your personal belongings with
4 you.

5 THE CLERK: Juror 295, Consuelo Santos.

6 (The following was a bench conference.)

7 MR. HOLFORD: She was asking the clerk
8 something. I don't know what it was about. She
9 has travel issues or something. It was after you
10 did everything you were doing.

11 THE COURT: All right.

12 (The following was had in open court.)

13 THE COURT: Ms. Santos, could you come
14 forward for just one moment?

15 (The following was a bench conference.)

16 THE COURT: Did you express some concern or
17 problems for this week?

18 JUROR: What do you mean?

19 THE COURT: I think you mentioned something
20 to the clerk that you had some difficulty --

21 JUROR: Yes, I do. I don't drive, and my
22 husband took off of work today to bring me here.

23 THE COURT: We'll make arrangements for the
24 sheriff's department to pick you up. And if you
25 are really nice, they might turn on the blue lights

JURY SELECTION

1 on your ride down here.

2 JUROR: Turn off the light -- I have problems
3 hearing.

4 THE COURT: That's very good. We'll make
5 arrangements for you to be transferred to the
6 courthouse. You can resume your position there and
7 face the back of the courtroom.

8 (The following was had in open court.)

9 THE CLERK: What says the State?

10 MR. HOLFORD: Please excuse this juror for
11 this particular case.

12 THE CLERK: Juror No. 82, Joanne Daly. What
13 says the State?

14 MR. HOLFORD: Please seat the juror.

15 THE CLERK: Defense?

16 MR. SPRATLIN: Please present this juror.

17 THE CLERK: Please be seated in the jury box.

18 Juror 334, Edgars Veide. What says the
19 State?

20 MR. LANIER: Please excuse this juror.

21 THE CLERK: You're excused for this
22 particular case.

23 Juror No. 290, Patricia Rucki. What says the
24 State?

25 MR. LANIER: Please present this juror.

JURY SELECTION

1 THE CLERK: Defense?

2 MR. SPRATLIN: Please excuse this juror.

3 THE CLERK: You're excused from this
4 particular case.

5 Juror No. 166, Michael James. What says the
6 State?

7 MR. LANIER: Please present this juror.

8 THE CLERK: Defense?

9 MR. SPRATLIN: Please seat this juror.

10 THE CLERK: Please be seated in the jury box.

11 Juror 108, Jessica Figueroa. What says the
12 State?

13 MR. LANIER: Please present this juror.

14 THE CLERK: Defense?

15 MR. SPRATLIN: Please seat this juror.

16 THE CLERK: Juror No. 90, Joshua Dolewski.
17 What says the State?

18 MR. LANIER: Please present this juror.

19 MR. SPRATLIN: Please seat this juror.

20 THE CLERK: Please be seated in the jury box.

21 Juror 131, Chance Grego. What says the
22 State?

23 MR. LANIER: Please seat this juror.

24 THE CLERK: Defense?

25 MR. SPRATLIN: Please excuse this juror.

JURY SELECTION

1 Juror 139 John Harris. What says the State?

2 MR. LANIER: Please present this juror.

3 THE CLERK: Defense?

4 MR. SPRATLIN: Please excuse this juror.

5 THE CLERK: Juror 265, Carmella Pisano. What
6 says the State?

7 MR. LANIER: Please present this juror.

8 THE CLERK: Defense?

9 MR. SPRATLIN: Please seat this juror.

10 THE CLERK: Juror No. 134, Kimberly Grove.

11 What says the State?

12 MR. LANIER: Please excuse this juror.

13 THE CLERK: You are excused from this
14 particular case.

15 Juror No. 316, Alicia Stunkel. What says the
16 State?

17 MR. LANIER: Please present this juror.

18 THE CLERK: Defense?

19 MR. SPRATLIN: Please seat this juror.

20 THE CLERK: Juror No. 69, Lawrence Church.

21 What says the State?

22 MR. LANIER: Please present this juror.

23 THE CLERK: Defense?

24 MR. SPRATLIN: Please seat this juror.

25 THE CLERK: Juror 118, Nicholas Gambino.

JURY SELECTION

1 What says the State?

2 MR. LANIER: Please present this juror.

3 THE CLERK: Defense?

4 MR. SPRATLIN: Please seat the juror.

5 THE CLERK: Juror No. 352, Wayne Woodside.

6 What says the State?

7 MR. LANIER: Please present this juror.

8 THE CLERK: Defense?

9 MR. SPRATLIN: Please excuse this juror from

10 this trial.

11 THE CLERK: Juror 127, Brandy Graham. What

12 says the State?

13 MR. LANIER: Please present this juror.

14 THE CLERK: Defense?

15 MR. SPRATLIN: Please seat this juror.

16 THE CLERK: Juror No. 151, Marion Hilliker.

17 What says the State?

18 MR. LANIER: Please present this juror.

19 THE CLERK: Defense?

20 MR. SPRATLIN: Please seat this juror.

21 THE CLERK: Juror 217, Karen McCormick. What

22 says the State?

23 MR. LANIER: Please present this juror.

24 THE CLERK: Defense?

25 MR. SPRATLIN: Please seat this juror.

JURY SELECTION

1 THE CLERK: Juror No. 115, Carl Fowler. What
2 says the State?

3 MR. LANIER: Please present this juror.

4 THE CLERK: Defense?

5 MR. SPRATLIN: Please excuse this juror.

6 THE CLERK: Juror No. 61, Gary Casey. What
7 says the State?

8 MR. LANIER: Please excuse this juror.

9 THE CLERK: You are excused from this
10 particular case.

11 Juror No. 158, Okoye Hosier. What says the
12 State?

13 MR. LANIER: Please present this juror.

14 THE CLERK: Defense?

15 MR. SPRATLIN: Please seat this juror.

16 THE CLERK: Juror No. 34, Jordan Bolt. What
17 say the --

18 MR. SPRATLIN: May we approach?

19 THE COURT: Yes.

20 (The following was a bench conference.)

21 MR. SPRATLIN: How many alternates?

22 THE COURT: Two. And strikes are one and two
23 in each.

24 (The following was had in open court.)

25 THE CLERK: What says the State?

JURY SELECTION

1 MR. LANIER: Please excuse this juror.

2 MR. SPRATLIN: I'm sorry, what was his
3 number?

4 THE CLERK: 34.

5 MR. SPRATLIN: Thank you.

6 THE CLERK: Juror No. 113, Olivia Fortner.
7 What says the State?

8 MR. LANIER: Please present this juror.

9 THE CLERK: Defense?

10 MR. SPRATLIN: Please seat the juror.

11 THE CLERK: Please be seated in the jury box.
12 Juror 138, Melissa Hare. What says the
13 State?

14 MR. LANIER: Please present this juror.

15 THE CLERK: Defense?

16 MR. SPRATLIN: Please excuse this juror.

17 THE CLERK: Juror 225, Shawn Mikesic. What
18 says the State?

19 MR. LANIER: Please present this juror.

20 THE CLERK: Defense?

21 MR. SPRATLIN: Please seat this juror.

22 THE COURT: All right. Those left in the
23 balance of the jury pool, we're going to ask that
24 you call the number that's been provided to you
25 after 6 o'clock and follow the instructions. We

JURY SELECTION

1 have other business to tend to throughout the week.
2 Just follow the instructions, and you are free to
3 leave at this time.

4 (The prospective jurors exit the courtroom.)

5 THE COURT: Ms. Daly, I'm going to ask that
6 you serve as the forelady of this jury, and I'll
7 ask that you have a seat right here in front of
8 you. Just change chairs.

9 Ms. Daly, you, like everyone else, when it
10 comes time to deliberate will have one vote, but
11 you have additional responsibilities. If there are
12 questions or concerns that develop throughout the
13 trial of the case, I will ask that the jurors
14 communicate the question or concern to you, you
15 reduce it to writing, and give it to the bailiff.
16 If it is something I can help you with, I'll be
17 happy to do that.

18 Additionally, when it comes time to
19 deliberate, you are going to be called upon to
20 preside over the deliberation process. That,
21 essentially, means you are to ensure that
22 everyone's voice is heard.

23 I'm going to ask that each of you stand and
24 raise your right hands.

25 MR. SPRATLIN: May we approach?

JURY SELECTION

1 (The following was a bench conference.)

2 MR. SPRATLIN: One of my motions is with the
3 constitutionality of -- a motion to quash. So I
4 would ask that the jury not be sworn since I have
5 to make that motion before the jurors are sworn.

6 THE COURT: Okay. Do you have an objection
7 to just noting that we're going to swear the jury,
8 and there is no objection to that?

9 MR. HOLFORD: Yes. That's fine.

10 THE COURT: And he's made the motion here.

11 MR. SPRATLIN: I haven't put it on the record
12 or filed it yet.

13 MR. WILSON: Well, we'll make it right now.

14 MR. SPRATLIN: I'm making the motion to quash
15 the indictment on the basis that the supreme court
16 has found that the cohabitation statute is
17 unconstitutional.

18 THE COURT: You are protected on the record.

19 MR. SPRATLIN: And I ask the Court to quash
20 the indictment as such.

21 THE COURT: You are protected on the record.
22 All right.

23 (The following was had in open court.)

24 THE COURT: I'll ask each of you to stand and
25 raise your right hand as the clerk administers the

JURY SELECTION

1 oath.

2 (Whereupon, the jury panel was sworn.)

3 THE COURT: Madam Forelady, ladies and
4 gentlemen, we're going to recess for the day. We
5 will start back at 9:30 in the morning. 9:30
6 sharp. I'm going to ask that you be here and be on
7 time. We can't start unless everyone is here, so
8 be considerate of one another's time, and be here
9 on time.

10 I'm also going to give you instructions not
11 to discuss the case among yourselves or with anyone
12 else. When you go back to work or go back home,
13 your significant others or co-workers will say,
14 Tell me what is going on with your jury duty. This
15 is one occasion where you don't have to answer, and
16 I'll order that you not do that. Because it might
17 be that they know something about this litigation,
18 might be that they have an opinion about this type
19 of litigation, but you need to base your decision
20 on what transpires here in this courtroom and
21 nothing else.

22 Madam Forelady, there will be times
23 throughout the trial where you will be in the jury
24 room by yourselves. I'll ask that you enforce the
25 rule that there is no discussion about this case,

JURY SELECTION

1 whatsoever, until you have heard all of the
2 evidence in the case, I've charged you the law, and
3 I tell you to begin deliberations.

4 Will you enforce that rule?

5 FORELADY: Yes.

6 THE COURT: In addition, there is nothing
7 that you can't look up on the Google nowadays. You
8 can do legal research, look up events,
9 personalities. I'm ordering and instruct that you
10 not to do that, because you need to base your
11 decision on what transpires here in this courtroom.

12 There is something I hear a tale called
13 social media. I don't participate, but a lot of
14 people do: Facebook, Snapchat, those types of
15 things. That has no place in our judicial system,
16 and I'll order that you not put anything about your
17 service or anything about this case until there is
18 a rendering of a verdict, and then I'll release you
19 from that order. Until that time, everybody
20 understands there will be no social media with
21 regard to this case? Do you all understand that?

22 All right. Be back at 9:30 -- 9:30 sharp in
23 the morning.

24 You're free to leave at this time.

25 (The jury exits at 12:24 p.m., and the

JURY SELECTION

1 following is heard out of the presence of the jury.)

2 THE COURT: Mr. Spratlin, you made a motion,
3 and you are protected on the record with regard to
4 the constitutionality of the charge itself. Would
5 you like be to heard further?

6 MR. SPRATLIN: Briefly, Your Honor.

7 Your Honor, in Doe v. State 421 SC 490, the
8 South Carolina Supreme Court determined that the
9 provision about the domestic violence law that,
10 essentially, provides that people who cohabit or
11 formerly cohabited or lived together previously was
12 unconstitutional as applied to -- in that case -- a
13 same sex female couple.

14 In the order from the Court, they did find
15 that that provision was unconstitutional. While
16 they did also state in the order specifically
17 addressing the constitutionality as applied, and
18 whereby any protection -- however, they did state
19 that the cases could go forward.

20 I do believe that this is an unconstitutional
21 provision of a statute that my client is being
22 charged under for this domestic violence high and
23 aggravated. He and the alleged victim in this case
24 were not married, have no children in common. So
25 the only basis the State is relying on is household

JURY SELECTION

1 members under the domestic violence status, that
2 they cohabited.

3 As I stated, the supreme court did find that
4 unconstitutional as applied. In that case, it was
5 a same sex couple, but I believe the reasoning
6 there is that it is a violation of all equal
7 protection, and my client should not face charges
8 under that statute.

9 THE COURT: I'll hear from the State.

10 MR. LANIER: Thank you, Your Honor. May it
11 please the Court?

12 The domestic violence statute, as counsel
13 mentioned, specifically the court in Doe was
14 referring to the label "man and woman," not "man or
15 woman." So the statute was found to be
16 unconstitutional as applied to the same sex couple
17 in that case.

18 They stated explicitly in Doe that they did
19 not find that the statute itself, the cohabitation
20 portion of it, was invalid as a whole. It was just
21 as applied. So I think there is a clear
22 distinction, Your Honor, where in this case
23 Mr. Dingle is a male, and the victim, Ms. Johnson,
24 is a female. So on its face, in this case, there
25 is no unconstitutionality, and I ask that the Court

MOTIONS

1 deny the defendant's motion.

2 THE COURT: All right. I'm going to deny
3 your motion to quash the indictment; however,
4 you're protected on the record in all respects.

5 MR. SPRATLIN: Yes, Your Honor. Thank you.

6 THE COURT: Anything further?

7 MR. SPRATLIN: I do have some more pretrial
8 motions, but we can revisit that after lunch when I
9 think we're going to pick up the State's pretrial
10 motions.

11 THE COURT: All right. We will reconvene at
12 1:45 -- 1:45.

13 MR. SPRATLIN: I just wanted to put that one
14 on since it had to be done before the jury was
15 sworn.

16 THE COURT: Very good.

17 (A recess was taken.)

18 MR. LANIER: May it please the Court?

19 THE COURT: Yes.

20 DEPUTY: They went to grab him.

21 MR. LANIER: I apologize.

22 (A brief pause in the proceedings.)

23 MR. LANIER: Your Honor, the State has filed
24 a motion in limine to prior bad act evidence
25 pursuant for South Carolina Rules of Evidence

MOTIONS

1 404(b) and State v. Lyle and its progeny. The
2 legitimate purpose for which the State seeks to
3 introduce this evidence is, one, that it shows
4 motive; two, that it shows intent; and, three, that
5 it's part of the res gestae of the indictment
6 before the Court.

7 Now, this evidence encompasses events that
8 occurred on December 6, 2023 in which the
9 defendant, after getting in an argument with his
10 girlfriend of seven years that he cohabited with at
11 the time, took her cell phone, he pulled out a
12 pocket knife, he threatened the victim that if she
13 called the police, he had something for her.

14 The first chance that she had to get her
15 phone back and to call the police, she took it.
16 The defendant went to the bathroom, and Ms. Johnson
17 ran and grabbed her phone, ran across the street,
18 and called police immediately.

19 Now, Your Honor, the defendant has stated to
20 Ms. Johnson that calling the police on him is the
21 worst thing you can do. So the State's theory is
22 that Ms. Johnson calling the police serves as the
23 motive for the later attack, which makes up the
24 indictment of kidnapping and domestic violence of a
25 high and aggravated nature. It serves as the

MOTIONS

1 motive in that it enraged the defendant because she
2 violated -- to him -- what was a sacred agreement
3 that they had. To him, it was the worst thing she
4 could have done.

5 It also demonstrates intent, because the
6 defendant, as a result of her calling the police,
7 sought to confine her to her home, prevent her from
8 calling the police again, and to maliciously
9 inflict harm on her because she dared to defy him.
10 This makes up the res gestae of the DVHAN because
11 the jury cannot understand why the police showed up
12 at their apartment on December 7 at 8 o'clock in
13 morning without knowing that the defendant had an
14 active warrant for his arrest. He had fled the
15 scene on December 6th before the police officer
16 with Myrtle Beach Police could arrive. They knew
17 what type of vehicle he drove, and an officer on
18 December 7th saw that his vehicle was back at
19 their apartment complex. He called it in, and the
20 police responded, and they took the defendant into
21 custody.

22 No sooner than they could put him in
23 handcuffs, the victim immediately told them about
24 the events on the evening of December 6th,
25 leading into December 7th. So, Your Honor, the

MOTIONS

1 jury has no way of knowing why police showed up at
2 their house on December 7th without understanding
3 the context of December 6th, and that she had
4 taken out a warrant against the defendant.

5 Furthermore, they can't understand motive or
6 intent without it. Because, again, the fact that
7 she called the police on the defendant, and the
8 fact that she told him he had a warrant for his
9 arrest, which precipitated him choking her that's
10 his motive, and that's his intent.

11 Your Honor, we ask that you would admit this
12 prior bad act evidence. We have officers here to
13 testify as the factual basis of the
14 December 6th incident.

15 THE COURT: Yes, sir.

16 MR. SPRATLIN: The defense -- one of my
17 pretrial motions was a motion in limine to exclude
18 bad act evidence in this case, because I do not
19 agree with the State's version of the events here.

20 Furthermore, the procedure that needs to be
21 put in place is they have to present evidence, and
22 the Court has to find, I believe, by a clear and
23 convincing evidence, that the act even occurred
24 before it can even be admitted.

25 I do understand the State's perspective, but

MATTHEW MORELAND - DIRECT EXAMINATION

1 I think I would preserve any further argument until
2 they presented whatever evidence they want to
3 present to try to convince this Court that this
4 incident even occurred.

5 THE COURT: All right.

6 Call your first witness.

7 MR. LANIER: We call Officer Moreland.

8 (MATTHEW MORELAND, having been duly sworn,
9 testified as follows:)

10 THE COURT: Let's start with your full name,
11 please, sir.

12 THE WITNESS: Matt Moreland.

13 DIRECT EXAMINATION

14 BY MR. LANIER:

15 Q Officer Moreland, were you employed and on
16 duty with the Myrtle Beach Police Department on
17 December 6 of 2023?

18 A Yes, sir.

19 Q What were your duties that day?

20 A I was assigned to a patrol unit in the south
21 end of the city.

22 Q At some point that day, did you respond to
23 Tenth Avenue across from the Polynesian Hotel in
24 response to a domestic violence incident?

25 A Yes, sir.

MATTHEW MORELAND - DIRECT EXAMINATION

1 **Q** And when you received the call, what was it
2 that -- what understanding did you have of the
3 situation?

4 **A** It was a 911 hang-up. There was two officers
5 already there by the time I got there, so I wasn't
6 too cognizant of the radio traffic on the way down.
7 But when I got there, it was Officer Falvo and
8 Longshore interviewing with Tonya on the side of
9 the street, and I kind of took over from there.

10 **Q** You said Ms. Johnson was on the side of the
11 street. In relation to their apartment or the
12 hotel, where would this be?

13 **A** They were on the north side of Tenth Avenue
14 South. They were across Tenth Avenue South from
15 where her front door would be.

16 **Q** And were you wearing body cam at the time?

17 **A** I was.

18 **Q** Have you reviewed your body cam of the
19 incident?

20 **A** I have.

21 **Q** Is the body cam a true and authenticate
22 depiction of what happened that day?

23 **A** Yes, sir.

24 **Q** Did the copy you reviewed appear to have been
25 altered in any way?

MATTHEW MORELAND - DIRECT EXAMINATION

1 **A** No, sir.

2 MR. LANIER: At this time we move State's
3 Exhibit 1.

4 MR. SPRATLIN: I do object. That body cam is
5 full of hearsay. It is literally him talking with
6 the victim. There is -- it's repute with hearsay.
7 It is inadmissible hearsay, and I object on that
8 ground. I don't believe that there is any basis
9 for those statements to come in, especially since
10 Ms. Johnson is not here to testify.

11 MR. LANIER: If I may respond?

12 THE COURT: Yes.

13 MR. LANIER: Under Rule 1101, being that this
14 is a preliminary question of fact that Your Honor
15 gets to decide, under 104, the Rules of Hearsay
16 wouldn't apply. So we would ask that this be
17 allowed to be heard.

18 THE COURT: I'll hold your objection in
19 abeyance, and I'll listen to it, and we'll talk
20 about it at a later day and time.

21 MR. SPRATLIN: Can my objection be continuing
22 throughout the playing of this video?

23 THE COURT: Yes.

24 MR. LANIER: Your Honor, just to clarify, we
25 do not intend to show this video to the jury. It's

MATTHEW MORELAND - DIRECT EXAMINATION

1 simply for this pretrial hearing.

2 (State's Exhibit 1 was published to the
3 Court.)

4 THE COURT: Very good.

5 Q (BY MR. LANIER) You said there were two
6 officers on scene before you?

7 A Yes.

8 Q Did you take over the investigation once you
9 arrived scene?

10 A Yes, sir.

11 Q Why was that?

12 A That was my assigned area. It's my
13 responsibility to handle those calls.

14 Q How long had you been with Myrtle Beach PD by
15 this point?

16 A Five, six years.

17 Q And this incident happened in Horry County?

18 A Yes.

19 Q In the Myrtle Beach section?

20 A Yes.

21 (Published to the Court.)

22 Q (BY MR. LANIER) What time is this?

23 A The call? Roughly, 9:30.

24 Q Who is that female speaking to the officers?

25 A That would be the victim.

MATTHEW MORELAND - DIRECT EXAMINATION

(Published to the Court.)

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Q (BY MR. LANIER) Officer Moreland, what was your understanding of what took place prior to your arrival?

A Prior to my arrival, obviously, some sort of disturbance, since she called 911. The phone hung up, so I figured there was some emergent need for us to be there if the phone line went dead.

Q Did you end up getting a statement from Ms. Johnson?

A I did.

Q What did she tell you what happened?

MR. SPRATLIN: Your Honor, I object to hearsay.

THE COURT: Okay.

A Ms. Johnson told me that the defendant came home, roughly, around 8:45, 9 o'clock in the morning after being out all night in her vehicle. She asked for her car keys back, to which he told her, No. She then told me that she was not going to deal with his nonsense and was going to call the police if she didn't get the keys back. She pulled her phone out, at which point she stated he took the phone from her after she said she was going to call the law, put the phone down and displayed a

MATTHEW MORELAND - DIRECT EXAMINATION

1 pocket knife, put it on top of the cell phone and
2 said, If you want to call the police, I have
3 something for you.

4 Q (BY MR. LANIER) Okay. And when you took her
5 statement, was this after the initial conversation
6 that she had with Officer Falvo and Longshore?

7 A Yes.

8 Q And you listened to part of what she told
9 Officers Longshore and Falvo?

10 A I caught the end of it, yes, sir.

11 Q Was what you heard then consistent with what
12 she told you in her statement?

13 A Yes, sir.

14 Q Were you able to -- what was -- was the
15 defendant on scene?

16 A No, sir.

17 Q Were you able to determine what he drives?

18 A Yes, sir.

19 Q And was that a white Cadillac?

20 A Yes, sir.

21 Q And did you take out warrants for the
22 defendant's arrest?

23 A Yes, sir.

24 Q And what was the charge?

25 A Domestic violence second degree.

MATTHEW MORELAND - DIRECT EXAMINATION

1 **Q** And what was that based on?

2 **A** Based off of depriving her the ability to
3 call emergency services, taking the cell phone, and
4 attempting -- and intimidation with drawing a knife
5 and making statements.

6 **Q** And did you put out a BOLO for his white
7 Cadillac?

8 **A** I believe Officer Falvo did, but a BOLO was
9 put out.

10 **Q** Can you confirm that a BOLO was put out?

11 **A** Yeah. You can hear it on the radio on my
12 body camera.

13 **Q** Okay.

14 MR. LANIER: Court's indulgence.

15 (A brief pause in the proceedings.)

16 **Q** **(BY MR. LANIER)** Officer Moreland, the victim
17 in this incident, on December 6th, is that the
18 same victim in the December 7th incident?

19 **A** I was not present for the December 7th,
20 but, yes.

21 MR. SPRATLIN: Objection; speculation. He
22 said he wasn't present.

23 THE COURT: That was his testimony. I agree
24 with you.

25 **Q** **(BY MR. LANIER)** Are you aware of the location

MATTHEW MORELAND - CROSS EXAMINATION

1 of the December 7th location?

2 A Yes.

3 Q Is it the same as December 6th?

4 A Yes.

5 Q Are you aware of how long?

6 A Yes.

7 Q Is it less than 24 hours?

8 A Yes.

9 MR. LANIER: No further questions.

10 THE COURT: Cross examination?

11 MR. SPRATLIN: Yes, Your Honor.

12 CROSS EXAMINATION

13 BY MR. SPRATLIN:

14 Q How are you this afternoon, Officer Moreland?

15 A Good.

16 Q Now, you said you wound up charging my client
17 with domestic violence second degree out of this
18 incident; is that correct?

19 A Yes, sir.

20 Q And that decision did not come until pretty
21 much the end of your time on scene, correct?

22 A Correct.

23 Q Do you remember the alleged victim in this
24 case telling you that she was not afraid for her
25 safety at all?

MATTHEW MORELAND - CROSS EXAMINATION

1 **A** I do.

2 **Q** So she said she was never in fear for her
3 safety?

4 **A** Correct.

5 **Q** Do you remember her telling you that he never
6 put his hands on her?

7 **A** Yes.

8 **Q** So the only evidence you are basing -- let me
9 make sure, also. So even regarding this knife
10 situation where you are saying that she said there
11 was a knife and he opened it and said, I got
12 something for you, and put it down, that's what she
13 told you, right?

14 **A** Yes.

15 **Q** Give or take, roughly.

16 Did you ever locate a knife that day?

17 **A** No, sir.

18 **Q** When you went into -- did you have a chance
19 to go into the hotel room that she was at that day?

20 **A** I stood in the threshold, yes, sir.

21 **Q** So you were able to see inside, basically?

22 **A** Yes.

23 **Q** Now, nothing in that room was overturned, was
24 it?

25 **A** No, sir.

MATTHEW MORELAND - CROSS EXAMINATION

- 1 Q Nothing was destroyed, was it?
- 2 A It wasn't claimed to have been destroyed, no,
- 3 sir.
- 4 Q And it was a pretty packed room, correct?
- 5 A It wasn't very large, no, sir.
- 6 Q And there was a lot of stuff in that room?
- 7 A Yes.
- 8 Q But nothing was damaged, to your knowledge?
- 9 A No, sir.
- 10 Q Nothing was broken, to your knowledge?
- 11 A No, sir.
- 12 Q So the only evidence you have to base any of
- 13 these charges on, is her statement and her
- 14 statement alone, correct?
- 15 A Yes, sir.
- 16 Q No other physical evidence corroborated
- 17 anything she said that day, correct?
- 18 A No, sir.
- 19 Q And, again, she told you she was never in
- 20 fear for her life or safety, correct?
- 21 A Correct.
- 22 Q And she told you he never put his hands on
- 23 her?
- 24 A Correct.
- 25 MR. SPRATLIN: No further questions.

MATTHEW MORELAND - REDIRECT EXAMINATION

1 THE COURT: Redirect?

2 REDIRECT EXAMINATION

3 BY MR. LANIER:

4 Q Officer Moreland, Ms. Johnson's claim was not
5 that they had gotten into a fight and turned over
6 everything, was it?

7 A No, sir.

8 Q Her claim was that he threatened her?

9 A Correct.

10 Q And she told you that she did not believe
11 that he would have cut her with a knife?

12 A She stated that -- I asked her in regards to
13 the knife was she scared for her well-being, and
14 she said, No, he's full of shit.

15 Q But he had her car keys at the time, right?

16 A Correct.

17 Q He had her wallet?

18 A Correct.

19 Q Basically, her access to the outside world
20 was with the defendant?

21 A Correct.

22 Q And he was not on scene?

23 A Correct.

24 Q For all you knew, the knife could have been
25 with him?

MATTHEW MORELAND - REDIRECT EXAMINATION

1 **A** Correct.

2 **Q** Now, once again, you said you based your
3 decision to charge the defendant with domestic
4 violence second degree on what?

5 **A** Her statements.

6 **Q** And that he threatened her?

7 **A** That he attempted to threaten her. He
8 offered to or attempted to threaten her. He took
9 away her means of contacting emergency services,
10 taking the phone.

11 **Q** She told you her intent was to call the
12 police?

13 **A** Correct.

14 **Q** And he stopped her from doing so?

15 **A** Correct.

16 **Q** And she told you she ran out of the house
17 when he went to the bathroom?

18 **A** Yes.

19 **Q** And down the street?

20 **A** She crossed the street, yes, sir.

21 **Q** Did she state whether he chased after her?

22 **A** She did not. I believe she thought he was
23 still inside.

24 **Q** Okay.

25 MR. LANIER: No further questions.

DAVID ROMONOUSKAS - DIRECT EXAMINATION

1 THE COURT: You may step down.

2 Is the victim going to be here to testify in
3 the trial at all?

4 MR. HOLFORD: Yes, Your Honor.

5 THE COURT: Okay.

6 MR. LANIER: We call Officer Romonouskas.

7 (DAVID ROMONOUSKAS, having been duly sworn,
8 testified as follows:)

9 THE COURT: If you would, sit in the witness
10 chair. Speak loudly, clearly and slowly in order
11 we can hear everything you have to say, and start
12 with your full name.

13 THE WITNESS: David Romonouskas,
14 R-O-M-O-N-O-U-S-K-A-S.

15 **DIRECT EXAMINATION**

16 **BY MR. LANIER:**

17 **Q** Were you sworn and employed and on duty
18 December 26, 2023 with the Myrtle Beach Police
19 Department?

20 **A** Yes, sir, I was.

21 **Q** And did you respond to Tenth Avenue across
22 from the Polynesian Hotel in reference to a
23 domestic violence incident?

24 **A** I responded to an incident at that location,
25 yes, sir.

DAVID ROMONOUSKAS - DIRECT EXAMINATION

- 1 Q A 911 hang-up?
- 2 A Yes, sir.
- 3 Q And when you arrived, what did you observe?
- 4 A There were other officers already on scene.
- 5 They were speaking to the victim at the time. I
- 6 just kind of stayed in the background. One of the
- 7 officers placed a BOLO out for a vehicle, white
- 8 Cadillac. Eventually, I left the scene to go
- 9 search the area for the vehicle, which I was unable
- 10 to locate that afternoon.
- 11 Q And while you were on scene, did you hear
- 12 Tonya Johnson's statement?
- 13 A I did not.
- 14 Q Did you become familiar with the defendant,
- 15 Kawasi Dingle?
- 16 A I did not, on that day.
- 17 Q Did you become familiar with the vehicle he
- 18 supposedly left in?
- 19 A Yes, I did.
- 20 Q Because of the BOLO?
- 21 A Yes, sir.
- 22 Q And were you sworn in and employed and on
- 23 duty December 7, 2023?
- 24 A Yes, sir, I was.
- 25 Q That day, did you -- were you back in the

DAVID ROMONOUSKAS - DIRECT EXAMINATION

1 area that the event occurred on December 6th?

2 A Yes, sir, I was.

3 Q What were you doing?

4 A I was assigned to day shift patrol on the
5 south end. I was conducting routine patrol in and
6 around King's Highway and Ocean Boulevard, south
7 end.

8 Q Did you see something that drew your
9 attention to the apartment complex?

10 A Yes, sir.

11 Q And is this the same apartment complex that
12 the incident on December 6th happened?

13 A Yes, sir.

14 Q And is this -- how far apart are these two
15 moments in time?

16 A Approximately, 24 hours.

17 Q What did you see?

18 A Approximately, 8:08 hours I was driving
19 southbound on [REDACTED] Boulevard when I observed
20 a white Cadillac similar to the BOLO that was
21 placed the day before. I drove past it, spun
22 around, came back up to the vehicle where I
23 confirmed the tag, which was [REDACTED], white
24 Cadillac, STS. It was in the parking lot parked
25 directly behind the victim's apartment.

DAVID ROMONOUSKAS - DIRECT EXAMINATION

1 Q When you say "the victim," was this the same
2 victim from the December 6th incident?

3 A Yes, it was.

4 Q And after you called in the vehicle, what
5 happened?

6 A Once I identified that it was the vehicle
7 from the incident from the day prior, I contacted
8 dispatch along with other officers so we could
9 conduct a follow-up at the location.

10 Q And who responded to the location with you?

11 A Officer Longshore, Officer Lang, and Officer
12 Rodriguez.

13 Q And upon arrival at the apartment, what did
14 you do?

15 A Upon arrival, a decision was made that I
16 would take up perimeter security on the rear of the
17 apartment complex, watch the back door and the
18 vehicle, while Officer Longshore and Rodriguez went
19 to the front and knocked on the door.

20 Q Let me ask you this: Was the vehicle running
21 or turned off?

22 A It was running, and there was nobody inside.

23 Q The vehicle?

24 A Yes, sir.

25 Q Eventually, did you come into contact with

DAVID ROMONOUSKAS - DIRECT EXAMINATION

1 the defendant, Mr. Dingle?

2 A I did.

3 Q Is the person you know Kawasi Dingle in the
4 courtroom?

5 A Yes, sir, he is.

6 Q Could you point him out?

7 A He is the gentleman sitting over there in the
8 lime green shirt.

9 Q And what were the circumstances of your
10 contact with the defendant?

11 A Upon my contact with him, the defendant had
12 been placed under arrest for a warrant. I was the
13 transporting officer that transported him to the
14 Myrtle Beach jail.

15 Q And was it the same warrant taken out on
16 December 6th?

17 A Yes, sir.

18 Q And, again, it was the same victim as
19 December 6th?

20 A Yes, sir.

21 Q Same location?

22 A Same location, yes, sir.

23 Q Within 24 hours?

24 A Actually, less than 24 hours. About
25 23-and-a-half hours.

DAVID ROMONOUSKAS - CROSS EXAMINATION

1 **Q** Did you become aware that an additional
2 incident took place the night of December 6th and
3 early morning of December 7th?

4 **A** No, sir, I wasn't.

5 MR. LANIER: Beg the Court's indulgence -- no
6 further questions.

7 THE COURT: Cross.

8 **CROSS EXAMINATION**

9 **BY MR. SPRATLIN:**

10 **Q** I'm sorry, I'll butcher your name. Is it
11 Polish?

12 **A** It's actually Lithuanian.

13 **Q** Lithuanian.

14 Officer, you were out there on December 6,
15 2023?"

16 **A** Yes, sir, I was.

17 **Q** And you did have a chance to, I think, go or
18 walk with the alleged victim in this case to the
19 door to get her phone; is that correct?

20 **A** I don't recall. I may have, but I don't
21 recall walking with her.

22 **Q** Do you recall her giving numbers off of her
23 phone?

24 **A** I do not.

25 **Q** Would watching your body cam footage refresh

DAVID ROMONOUSKAS - CROSS EXAMINATION

1 your recollection?

2 **A** Yes, sir.

3 MR. SPRATLIN: Permission to show the body
4 cam footage to refresh his recollection?

5 THE COURT: Yes.

6 MR. SPRATLIN: In particular, I would
7 reference if we start it -- do you have a CD?

8 (A brief pause in the proceedings.)

9 (Defendant's Exhibit 1 marked.)

10 **Q** (BY MR. SPRATLIN) I have marked Defendant's
11 1, a CD with your body cam footage. I'll see if
12 you recognize it.

13 I want to jump to 2:24.

14 Officer, kind of watch this -- does this
15 appear to your body cam footage, Defendant's 1 for
16 identification purposes?

17 **A** It does appear to be my body cam.

18 **Q** Let me direct you to 2:24.

19 (Published to the Court and witness.)

20 **Q** (BY MR. SPRATLIN) Do you recall now whether
21 or not she had readily access to her phone from
22 watching that video?

23 **A** Yes, sir, I do.

24 **Q** Did she have access to her phone?

25 **A** When she went inside she did.

DAVID ROMONOUSKAS - CROSS EXAMINATION

1 Q So the phone was literally right by the door
2 when she went inside?

3 A Yes, sir.

4 Q Did you have a chance to go in that apartment
5 or room?

6 A I believe I went at the threshold. I don't
7 know that I went inside the apartment.

8 Q Do you recall that it appeared to be very
9 cluttered, for lack of a better term?

10 A Yes, sir, it was.

11 Q There were -- it was a very tight spot with a
12 whole lot of items, right?

13 A If memory serves correctly, yes, but I don't
14 recall that.

15 Q Do you recall seeing a knife?

16 A No, sir, I did not see a knife.

17 Q Did you recall seeing any kind of damage to
18 anything in that room?

19 A No, sir.

20 Q Do you recall seeing anything that
21 corroborated her statement that he pulled a knife
22 on her, other than her statement?

23 A I did not see anything that showed any signs
24 of a struggles, sir.

25 Q Do you recall her saying that he never swung

DAVID ROMONOUSKAS - CROSS EXAMINATION

1 the knife at her?

2 **A** No, sir, I do not recall her making that
3 comment to me.

4 **Q** Let me direct you to Defendant's 1 for ID.

5 MR. SPRATLIN: Can you do about 20 minutes
6 and about 10 seconds?

7 MR. LANIER: Okay.

8 (Published to the Court and witness.)

9 **Q** (BY MR. SPRATLIN) Does that refresh your
10 recollection?

11 **A** Yes, sir. I was there, and I know Officer
12 Moreland and the victim were having a conversation.
13 I was assisting him by getting paperwork, the
14 victim's advocate form filled out and bringing it
15 over to the victim. I was not a hundred percent
16 into the conversation, so I was not as attentive to
17 hear what their conversation was.

18 **Q** But with that, does that refresh your
19 recollection that she said he did not swing the
20 knife?

21 **A** It does.

22 **Q** And she said he didn't, correct?

23 **A** Yes, sir, she said that.

24 **Q** Thank you.

25 MR. SPRATLIN: That's all I have.

ALEX LANG - DIRECT EXAMINATION

1 THE COURT: Redirect?

2 MR. LANIER: Briefly, Your Honor.

3 REDIRECT EXAMINATION

4 BY MR. LANIER:

5 Q Officer Romonouskas, you had your memory
6 refreshed. Did the victim say that the defendant
7 liked to intimidate her?

8 A Yes, I did.

9 MR. LANIER: No further questions.

10 THE COURT: You may step down.

11 MR. LANIER: We call Officer Lang.

12 (ALEX LANG, having been duly sworn,
13 testified as follows:)

14 THE COURT: Pull up real close to the
15 microphone, and start with your full name.

16 THE WITNESS: Alex Lang.

17 DIRECT EXAMINATION

18 BY MR. LANIER:

19 Q Officer Lang, were you sworn and employed on
20 the days of December 7, 2023?

21 A Yes.

22 Q And what were your duties that day?

23 A South patrol of the City of Myrtle Beach.

24 Q At some point did you respond to an address
25 on Tenth Avenue in Myrtle Beach across from the

ALEX LANG - DIRECT EXAMINATION

1 Polynesian?

2 A Yes.

3 Q And whose residence was that?

4 A The victim's and the defendant's.

5 Q And the victim is Tonya. Johnson?

6 A Yes.

7 Q And the defendant is Kawasi Dingle?

8 A Yes.

9 Q Were you aware of an incident that took place
10 24 hours later, on December 6th?

11 A Yes.

12 Q What was your knowledge of that incident?

13 A I was not on scene on the 6th, but the
14 knowledge that I did have was mostly due from the
15 BOLO that was put out about the vehicle and the
16 defendant that was involved in some sort of
17 domestic violence incident.

18 Q Did you become aware that the vehicle listed
19 in the BOLO was back at the residence on
20 December 7th?

21 A Yes.

22 Q And did you respond to the residence?

23 A Yes.

24 Q Upon arrival, where did you go?

25 A Upon arrival, myself and Officer Rodriguez

ALEX LANG - DIRECT EXAMINATION

1 parked in the parking lot, which is in the backside
2 of the complex.

3 Q Did you go to the back door or front door?

4 A I went to the front door.

5 Q When you knocked on the door, who answered?

6 A The victim did.

7 Q What did you ask her?

8 A I asked if Mr. Dingle was home.

9 Q Did she tell you Mr. Dingle was not home?

10 A No. She turned around, looked towards the
11 bedroom where he was, and got his attention.

12 Q Did he come to the door?

13 A Yes.

14 Q When he came to the door, what did you ask
15 him to do?

16 A First thing I asked him was if he was
17 Mr. Dingle. I confirmed his identity and asked him
18 to step outside so I could talk to him.

19 Q Is the same person as the defendant sitting
20 in this courtroom?

21 A Yes.

22 Q Did he immediately come outside?

23 A No. He was hesitant.

24 Q Did he give you any indication of anything
25 while you were standing there observing him?

ALEX LANG - DIRECT EXAMINATION

1 **A** He did appear, I would say, kind of nervous,
2 hesitant. I had to ask him repeatedly to step
3 outside. And, then, at one point, he even --
4 looked like he went back inside the apartment to
5 get away from us.

6 **Q** What did you do then?

7 **A** We told him he was under arrest and placed
8 him in handcuffs.

9 **Q** While you had the defendant in handcuffs,
10 where were you all standing?

11 **A** Pretty much at the threshold of the front
12 door.

13 **Q** While you were standing there, did the victim
14 make any comments?

15 **A** Yes. As soon as we placed the victim in
16 handcuffs, she came to the front door and started
17 talking about an incident that happened overnight.

18 **Q** Did you take a statement from Ms. Johnson as
19 to what happened?

20 **A** Yes.

21 **Q** What were you placing the defendant under
22 arrest for?

23 **A** Based on the BOLO, we were aware that he had
24 an active warrant for his arrest, so we went there
25 to see if he was home. Once we confirmed he was

ALEX LANG - DIRECT EXAMINATION

1 home, we confirmed that he had that active warrant,
2 and once the warrant was confirmed, we placed him
3 under arrest.

4 Q And that was based on the
5 December 6th incident?

6 A Yes.

7 Q Same location?

8 A Yes.

9 Q 24 hours earlier?

10 A Yes.

11 Q Once you escorted -- did you escort
12 Mr. Dingle to Officer Romonouskas' vehicle?

13 A Essentially. Officer Rodriguez, with my
14 training him, and Officer Romonouskas escorted him,
15 and I was behind him.

16 Q Do you recall Mr. Dingle telling you he was
17 sleeping?

18 A I do not remember it. I don't remember.

19 Q Okay. When you went back in and interviewed
20 Ms. Johnson, what did she tell you had occurred?

21 A She stated that after the incident that
22 occurred on the 6th, Mr. Dingle had left the scene.
23 He came back sometime during the nighttime on the
24 6th and began physically assaulting her. She tried
25 to escape the apartment, to which he grabbed her by

ALEX LANG - DIRECT EXAMINATION

1 the clothing and physically pulled her back into
2 the apartment, and he began strangling her.

3 Q Okay. And did she mention him taking her
4 cell phone?

5 A Yeah. She stated that he took her phone away
6 so that she couldn't contact law enforcement.

7 Q Is that action consistent with what you
8 learned happened on December 6th?

9 A Yes.

10 Q Okay. And did he take her wallet?

11 A Yes. I believe she said that he took her
12 phone, her wallet. He took her keys so that she
13 couldn't drive anywhere.

14 Q Did he -- did he force her to remain in the
15 house?

16 A From what she told me.

17 Q And she didn't call you guys
18 December 7th that morning; that wasn't why you
19 showed up?

20 A No. She actually stated that she was afraid
21 to call because of the incident that happened the
22 day before, and she was just hoping we would show
23 up.

24 Q Let me ask you this: Did he threaten her?
25 If she called the police on December 7th --

ALEX LANG - CROSS EXAMINATION

1 **A** From what she told me, yes.

2 **Q** Do you recall what the threat was?

3 **A** I believe -- I don't recall verbatim what she
4 told me he said, but along the lines of if she
5 called the police, he was going to kill her.

6 **Q** Okay. You were training Officer Rodriguez
7 that day?

8 **A** Yes.

9 **Q** Are you aware if he was wearing a body cam?

10 **A** Yes, he was.

11 THE COURT: Okay.

12 MR. LANIER: Nothing else.

13 THE COURT: Cross examination?

14 MR. SPRATLIN: Thank you, Your Honor.

15 **CROSS EXAMINATION**

16 **BY MR. SPRATLIN:**

17 **Q** Good afternoon, Officer Lang. How are you?

18 **A** Good afternoon.

19 **Q** Couple quick questions for you. Were you
20 ever out at the scene at the time the domestic
21 violence second degree occurred?

22 **A** On the 6th, no.

23 **Q** So December 6th you weren't out there at
24 all?

25 **A** No, I was not.

ALEX LANG - CROSS EXAMINATION

1 **Q** So all of your evidence, all of your
2 information, everything you know about the case
3 comes from what happened on December 7th,
4 correct?

5 **A** My knowledge also comes from, like I said,
6 the BOLO and --

7 **Q** Warrant?

8 **A** Correct. And I patrolled those with officer
9 Moreland, and he filled me in on some of the....

10 **Q** But firsthand knowledge, you have none?

11 **A** None. Correct.

12 **Q** So when you say he held her against her will
13 in the house, that is referencing the kidnapping
14 and domestic violence high and aggravated charges,
15 correct?

16 **A** Correct.

17 **Q** That's not referencing the domestic violence
18 second degree charge that happened on the 6th?

19 **A** Correct.

20 MR. SPRATLIN: Thank you. No other
21 questions.

22 THE COURT: Redirect?

23 MR. LANIER: No further questions, Your
24 Honor.

25 THE COURT: You may step down.

ALEX LANG - CROSS EXAMINATION

1 MR. HOLFORD: State calls Max Rodriguez.

2 (MAX RODRIQUEZ, having been duly sworn,
3 testified as follows:)

4 DIRECT EXAMINATION

5 BY MR. HOLFORD:

6 Q Officer Rodriguez, were you employed on
7 December 6 and 7?

8 A I was.

9 Q What was your role at that time?

10 A Patrol south.

11 Q Did you respond to the location of Tenth
12 South in Myrtle Beach?

13 A I did.

14 Q Why did you respond there?

15 A I responded there on the 7th for a follow-up
16 in reference to a vehicle from the day before that
17 officers were searching for.

18 Q Now, let's be clear. You responded on the
19 morning of December 7th for a follow-up for a
20 vehicle that happened the day before?

21 A Correct.

22 Q You didn't respond on 12/7 for a call for
23 service?

24 A No.

25 Q You didn't respond because the victim called

ALEX LANG - CROSS EXAMINATION

1 you that morning?

2 A Correct.

3 Q You were following up on something that
4 happened less than 24 hours before?

5 A Correct.

6 Q And what had happened less than 24 hours
7 before that you were responding to follow up for?

8 A From not firsthand knowledge, but other
9 officers, a DV incident at that location.

10 Q So why would you respond on the 7th?

11 A Because the defendant had fled the scene
12 prior and was not on the scene, and officers did
13 not locate him the day before, and there was a
14 warrant out for him from that incident.

15 Q So when you responded on the 7th, do you know
16 anything about what happened the night of the
17 6th going into the 7th about the domestic violence
18 high and aggravated or kidnapping?

19 A No.

20 Q You are responding to the defendant for what
21 happened prior, didn't know anything about that,
22 and that's what gets you to the house?

23 A Yes.

24 Q And when you arrive, do you see the defendant
25 there?

ALEX LANG - CROSS EXAMINATION

- 1 **A** Not initially.
- 2 **Q** Okay. Tell us about "not initially."
- 3 **A** We parked in the back parking lot, which is
- 4 behind the location, behind the defendant's --
- 5 behind the defendant's car, off to the side a
- 6 little bit. Officer Romonouskas held the back door
- 7 just in case he wanted to flee, and we went -- I
- 8 went to the front door with Officer Lang and
- 9 Longshore to make contact.
- 10 **Q** Who do you make contact with there?
- 11 **A** The victim.
- 12 **Q** And that's Tonya Johnson?
- 13 **A** Correct.
- 14 **Q** And after you make contact with her, what do
- 15 you ask her?
- 16 **A** We asked if the defendant was home.
- 17 **Q** And you are looking for Kawasi Dingle?
- 18 **A** Correct.
- 19 **Q** Based on a warrant?
- 20 **A** Correct.
- 21 **Q** And a description of the vehicle which you
- 22 saw?
- 23 **A** Correct.
- 24 **Q** Was he home?
- 25 **A** He was.

ALEX LANG - CROSS EXAMINATION

1 Q Was anyone else in that house?

2 A Besides the victim and him, no.

3 Q Did you have a body-worn camera on that day?

4 A I did.

5 Q And have you reviewed it prior to today?

6 A I have.

7 MR. HOLFORD: Your Honor, State introduces
8 State's 2, the body cam of 12/7/23 for purposes of
9 this hearing.

10 (State's Exhibit 1 and 2 marked.)

11 MR. SPRATLIN: Objection to the hearsay, Your
12 Honor, but that's it.

13 THE COURT: I'll allow it.

14 Q (BY MR. HOLFORD) This is 12/7/23, 8:09 in the
15 morning?

16 A Yes.

17 Q And you are responding to the location?

18 A Yes.

19 (State's Exhibit 2 published to the Court.)

20 Q (BY MR. HOLFORD) Is that 8:10 that you are
21 speaking with the victim in this case?

22 A Yes.

23 Q Asking if Mr. Dingle is home?

24 A Yes.

25 Q 8:11, is that Mr. Dingle that came to the

ALEX LANG - CROSS EXAMINATION

1 door?

2 A Yes.

3 Q And that's Officer Lang we see on your body
4 cam? You are standing next to him?

5 A Correct.

6 Q He is asking him to come outside?

7 A Correct.

8 Q And why are you asking him to come outside?

9 A Because he has the warrant.

10 Q From the morning of the 6th?

11 A Correct.

12 Q You tell him right there you have a warrant
13 for his arrest, and that's why he comes outside?

14 A Correct.

15 Q And after this he's placed in custody. Do
16 you go back and talk to her again?

17 A We do.

18 Q At that point he was taken into custody, he's
19 in handcuffs. She's not denying what had happened
20 before. She's not saying, Let him go, it didn't
21 happen?

22 A Correct.

23 Q She's -- after he is in handcuffs, she's
24 pretty bold at that point?

25 A Correct.

ALEX LANG - CROSS EXAMINATION

1 Q Do you go back and talk to her again?

2 A We do.

3 (State's Exhibit 2 published to the Court.)

4 Q (BY MR. HOLFORD) It's 8:25. Mr. Dingle was
5 arrested for what happened the morning of the
6 6th, and she's telling you about the morning of the
7 6th -- or the night of the 6th and into the 7th?

8 A Into the 6th and into the 7th.

9 Q That's what we're here for for this trial,
10 the domestic violence high and aggravated and
11 kidnapping?

12 A Correct.

13 Q Is she explaining to you part of his violence
14 was because she called the law on him earlier that
15 -- less than 24 hours before?

16 A Correct.

17 Q Are you able to tell the jury in a trial why
18 you showed up, why you arrested him, and relate her
19 story, and why he's charged without talking about
20 less than 24 hours before, why you were looking for
21 him?

22 A I am.

23 Q You can talk about the event of the DV high
24 and aggravated nature and the kidnapping without
25 discussing why you were looking for him on the 6th?

MAX RODRIGUEZ - CROSS EXAMINATION

1 **A** Well, part of the 6th is why we showed up
2 there. So that's an important part of what led up
3 to it.

4 **Q** So it's necessary for you to talk about what
5 happened on the 6th in order for the jury to
6 understand why you are showing up at someone's
7 house and arresting him, and why she's telling you
8 a new story?

9 **A** Correct.

10 MR. HOLFORD: No further questions.

11 THE COURT: Cross examination?

12 MR. SPRATLIN: Thank you, Your Honor.

13 **CROSS EXAMINATION**

14 **BY MR. SPRATLIN:**

15 **Q** Officer Rodriguez, how are you?

16 **A** I'm all right.

17 **Q** The Solicitor asked you this, but I want to
18 make sure nothing you saw or heard that day
19 confirms what happened on December 6th in the
20 domestic violence second; it's all regarding the
21 domestic violence high and aggravated and
22 kidnapping charges, correct?

23 **A** Right.

24 MR. SPRATLIN: Nothing further.

25 THE COURT: Redirect?

MOTIONS

REDIRECT EXAMINATION

BY MR. HOLFORD:

Q On the morning of the 7th, did she talk about what happened on the 6th, and did she say he was upset from her calling the police on the 6th?

A She did. She mentioned that's what started the whole argument when he came back, but didn't give many details about what happened.

MR. HOLFORD: Nothing further, Your Honor.

THE COURT: You may step down.

MR. LANIER: That's the State's showing.

THE COURT: I'll hear from defense.

MR. SPRATLIN: Your Honor, I understand the State's theory and why the State wants to present the evidence of domestic violence second degree from December 6th. I understand and have read the State's case as referenced in their motion, State v. Sweat, 606 S.E.2nd 508, 362 S.C. 117. I understand the reasoning behind it, and the potential admissibility of it.

However, one threshold that has to be met before the State can talk about a prior bad act is they have to establish by clear and convincing evidence when it's not the subject of a conviction that it occurred. The State failed to satisfy the

MOTIONS

1 burden of showing, by clear and convincing
2 evidence, that the domestic violence second degree
3 occurred.

4 Your Honor has not heard from the victim.
5 All of the evidence and all of the officers
6 testified that the only evidence they had was the
7 statement of the victim. Your Honor has not been
8 able to judge her creditability. Your Honor has
9 not been able to hear her testimony. She hasn't
10 been subject to cross examination.

11 The State failed to show by clear and
12 convincing evidence that any crime occurred on
13 December 6th. They took out a warrant. Probable
14 cause might have been met, but clear and convincing
15 evidence is well above probable cause.

16 For Your Honor to make a ruling based upon
17 the State's showing without hearing testimony from
18 the victim about what happened that day is improper
19 and wrong, I believe. I think the State failed to
20 meet its burden if they can't present that. All
21 the officers' testimony is, We relied on what the
22 victim said. Did you find any corroborating
23 evidence? No, just what the victim said. We need
24 to hear from her before Your Honor can reach a
25 ruling on whether or not the State has proven by

MOTIONS

1 clear and convincing evidence. And if they are not
2 able to do that today, then they haven't done that.
3 And I would ask that any mention of anything that
4 occurred on December 6th be kept out of the
5 State's case in this matter.

6 THE COURT: All right. We have -- he's being
7 tried for domestic violence of a high and
8 aggravated nature and kidnapping that took place on
9 December 6th?

10 MR. SPRATLIN: The night of
11 December 6th into the --

12 MR. HOLFORD: That is correct. It started
13 the night of the 6th.

14 THE COURT: Domestic violence second degree,
15 that's on the 6th as well, isn't it?

16 MR. HOLFORD: That was the first event that
17 we talked about. We want to talk about the
18 domestic violence second degree that led to the
19 night of the 6th into the morning of the 7th, the
20 DVHAN and kidnapping.

21 THE COURT: All right. All right. I'm clear
22 on that now.

23 MR. SPRATLIN: Your Honor --

24 THE COURT: I wasn't clear up to that point.

25 MR. SPRATLIN: Your Honor, I don't

MOTIONS

1 necessarily -- I understand why they might be able
2 to do that had they been able to show by a clear
3 and convincing evidence that it occurred, but
4 simply calling officers to say that someone said
5 something is not clear and convincing evidence.

6 There is a reason why hearsay is not
7 admissible in a trial in a case. You have to hear
8 from the actual person. Hearing from officers what
9 someone else said fails to meet the clear and
10 convincing standard, and for that reason, I don't
11 think it should be admissible.

12 THE COURT: All right. Well, I will hold the
13 ruling in abeyance until we can hear from the
14 plaintiff in the morning, the victim herself.

15 MR. HOLFORD: Yes, Your Honor. The State's
16 position would be the domestic violence second
17 degree does not have to be shown by clear and
18 convincing evidence that a domestic violence second
19 degree occurred, but rather that the wrongs of the
20 acts we're talking about, that he had an arrest
21 warrant, a BOLO was out for him, the reason the
22 police were there, and he was arrested. That was
23 proven by clear and convincing evidence that these
24 prior wrongs or acts, whether it arose to a level
25 of domestic violence second degree or not, that the

MOTIONS

1 police did take an arrest warrant out for him.
2 They were looking for him. They did find him, and
3 that's what led -- she did call the police, and we
4 have proved that by a clear and convincing
5 evidence, that we be allowed to talk about those
6 things so the jury fully understands why they are
7 even showing up the morning of the 7th.

8 THE COURT: Obviously, this is a motion to
9 determine whether or not you can get into the prior
10 bad act, and that's for a later date and time as to
11 what is admissible and that sort of thing. So what
12 I'm going to do is hold this in abeyance. I want
13 to hear from the victim in the morning to see what
14 took place on which event, and we'll move forward
15 from there.

16 MR. HOLFORD: Yes, sir. Thank you, Judge.

17 THE COURT: I anticipate what these officers
18 have said, and if she doesn't backtrack on what she
19 said in portions of the videos, I think we're in
20 good shape as far as the admissibility of it.

21 So anything further?

22 MR. LANIER: No, Your Honor, not from the
23 State.

24 THE COURT: From the defense?

25 MR. SPRATLIN: Your Honor, the defense does

MOTIONS

1 have a couple of motions. I can kind of keep it on
2 the bad act train we're on.

3 In those videos that Your Honor has watched
4 portions of, there is substantially more. There
5 are numerous mentions of other completely unrelated
6 arrests that my client had, included for several
7 drug offenses. I am making a motion to keep out
8 any of that as character evidence.

9 THE COURT: I don't anticipate they intend to
10 do that.

11 MR. LANIER: No, Your Honor. We would redact
12 any mention of prior arrests. In fact, I have a
13 whole notebook of things that would be redacted in
14 order to come in.

15 MR. SPRATLIN: If things are redacted, I'm
16 going to ask that we make sure that we proffer that
17 outside of the presence of the jury so that we can
18 make sure that everything was properly redacted. I
19 trust the State. I know these guys very well,
20 but....

21 THE COURT: You have it redacted now?

22 MR. LANIER: The video itself is not, but I
23 went through it, watched it, and wrote down the
24 timestamps where it needs to be.

25 THE COURT: Share that with him tonight.

MOTIONS

1 He's already seen all of them, and he can -- that
2 would give him a jump on not having to go through
3 it and wait and go through it.

4 MR. SPRATLIN: Your Honor, regarding my other
5 motions, I have a motion regarding my client's
6 statement. While he did not give a sit-down
7 interview or a formal statement to the police, he
8 clearly -- while in custody, as Your Honor saw on
9 one of the body cams -- did talk with the officers.
10 If the State intends to introduce any statements of
11 my client, I would just ask that we have a Jackson
12 v. Denno hearing so that we can determine the
13 voluntariness of the statements, the admissibility,
14 and the requirements of Miranda.

15 THE COURT: What is -- what is the State's
16 position? Was it, indeed, an interrogation or
17 preliminary, what was it?

18 MR. LANIER: Your Honor, any statements made
19 by the defendant was in response to Ms. Johnson,
20 not necessarily to law enforcement. I believe the
21 only statements that the defendant made in response
22 to law enforcement, he was not in custody at that
23 point. They were standing outside. They were
24 asking him to step outside. He wasn't in
25 handcuffs. It was within a five-minute period. He

MOTIONS

1 was not under duress.

2 THE COURT: Is there any statements after he
3 was put in handcuffs?

4 MR. LANIER: Only to Ms. Johnson.

5 THE COURT: Do you intend to offer that?

6 MR. LANIER: As far as the back-and-forth
7 between him and Ms. Johnson? Your Honor, it's not
8 the State's intention to offer that. What's
9 important is her testimony, and she'll be on the
10 witness stand to tell what she said.

11 MR. SPRATLIN: To be clear, any statements
12 that my client gave -- if they intend to say one
13 word coming out of his mouth, I want to have a
14 hearing to determine if it was freely and
15 voluntarily given prior to it going to the jury.

16 THE COURT: I'll allow you to have a hearing
17 on that, but statements that are made on
18 preliminary matters aren't subject to the same
19 rules as a statement.

20 MR. SPRATLIN: I understand, Your Honor. In
21 an overabundance of caution, I want a hearing. If
22 they are going to play anything that came out of
23 his mouth to the jury, I want a hearing on it.

24 THE COURT: All right. All right. And do
25 you maintain that was a statement or preliminary --

MOTIONS

1 MR. SPRATLIN: Your Honor, I would like to
2 see what the evidence shows. I watched the
3 video --

4 THE COURT: I've seen it.

5 MR. SPRATLIN: I've seen it, too. And I
6 agree with Your Honor that it may be all
7 preliminary, but I think we need an evidentiary
8 hearing so Your Honor can make a proper ruling
9 obviously. If this goes bad, my client is looking
10 at 50 years, potentially, in prison. So before any
11 word he said to a police officer comes out to that
12 jury, I would like to have a hearing on it to
13 determine it's admissible, freely and voluntarily
14 given, and it was done as should have been done.

15 THE COURT: The preliminary discussions with
16 an individual doesn't necessarily have to be -- I
17 mean, all of those rules have to do with custodial
18 interrogation.

19 MR. SPRATLIN: And if Your Honor makes such
20 findings, that's fine, but I think we need those
21 findings.

22 MR. LANIER: We're prepared to go forward
23 with the Jackson v. Denno right now. We have all
24 of the officers, we have the video. If Your Honor
25 is obliged, we are happy to proceed.

MOTIONS

1 MR. SPRATLIN: One more motion, which is kind
2 of related to the custodial time that my client
3 has.

4 I filed a motion to request that no video
5 footage of my client being arrested goes to the
6 jury. Obviously, as Your Honor has seen partially
7 of, they put their hands on him, put him in
8 handcuffs. One of the reasons my client is allowed
9 to wear street clothes -- not handcuffed and not
10 shackled -- is the prejudice that the jury gets
11 when they see someone shackled, someone
12 incarcerated.

13 If we play that video of the police taking
14 him into custody -- first off, I don't believe
15 there is any probative value to it. Whatever
16 probative value there is, it's substantially
17 outweighed by the unfair prejudicial effect that
18 the jury seeing the police officers putting his
19 hands on my client, putting handcuffs on my client,
20 whatever that unfair prejudicial effect that jury
21 can give to that far outweighs any probative value
22 that it has.

23 So I'll ask that any video of him being
24 arrested by the police officers -- and I believe it
25 is about ten minutes long, 11 minutes long, however

MOTIONS

1 long it is that he is on video with the officers in
2 handcuffs in front of the hotel room, I ask that
3 that not be allowed in evidence.

4 THE COURT: Let's see if they intend to offer
5 that.

6 (A brief pause in the proceedings.)

7 MR. LANIER: We're prepared to call --

8 THE COURT: No. My question is: Do you
9 intend on offering video of him being handcuffed?

10 MR. LANIER: If we're going to show body cam,
11 it's impossible to put that forward to the jury
12 without showing the defendant in handcuffs.
13 I mean --

14 THE COURT: My question is: Do you intend
15 to --

16 MR. LANIER: Yes, Your Honor. Yes, Your
17 Honor.

18 THE COURT: All right. What do you have to
19 say about any prejudicial effect about him being
20 shackled? Everyone knows that when you have
21 criminal charges against you, you have to be
22 arrested. But at this juncture, when it's subject
23 to going to trial, he's not shackled. The State is
24 required to prove him guilty beyond a reasonable
25 doubt. I'm not real sure the video under these

MOTIONS

1 circumstances is prejudicial.

2 What do you think about it?

3 MR. LANIER: Well, Your Honor, I think it is
4 akin to, for instance, in a DUI case whenever the
5 officer puts a defendant in handcuffs in order to
6 escort them to the vehicle and transport them to
7 the jail. There is a difference in showing him
8 handcuffed for five minutes where he's detained or
9 seized, and having him sit in jail clothes and
10 shackles in a courtroom where the jury stares at
11 him for two days straight in that position, in that
12 context.

13 This is very limited, and the prejudice value
14 does not substantially outweigh the probative value
15 of showing the jury what happened in the context
16 and allowing them to understand the full story.
17 Once the defendant was placed in handcuffs, that is
18 when the victim felt safe enough to report to the
19 police what happened.

20 THE COURT: All right. I'm in a position to
21 allow the video in of him being arrested. I don't
22 think it's that prejudicial, and I will
23 emphasize -- as I always do -- the presumption of
24 innocence. You have to prove him guilty beyond a
25 reasonable doubt, and if called upon to do so, I'll

MOTIONS

1 be happy to charge them that people can be arrested
2 on probable cause, which is a lot lower proof than
3 beyond a reasonable doubt. All of that will be
4 explained to them. So I'm going to allow that over
5 your objection.

6 MR. SPRATLIN: Yes, Your Honor. One more
7 matter since they are going to play a portion of
8 the body cam, and while we're talking about it. I
9 believe -- this is my last motion. I filed a
10 motion to exclude before the jury any out-of-court
11 statements that are contained on that body cam
12 footage by potential witnesses or witnesses.
13 Potential witnesses, because if they are not
14 called, it would violate my client's right to
15 confront any witnesses that testify.

16 The only rule that allows a prior consistent
17 statement, or even talks about prior statements of
18 witnesses coming in, is Rule 801. Under Rule 801,
19 if the statement is not inconsistent with their
20 testimony -- which, if it is, it comes in. But if
21 it's consistent with their testimony -- unless I
22 attack it, unless I attack it for recent
23 fabrication or recent motive to lie, then they
24 can't bring in a prior consistent statement.

25 Assuming that this victim does come in to

MOTIONS

1 testify like they have offered up to the Court
2 today, that video is going to be replete with
3 consistent statements of her. That's inappropriate
4 for the jury to hear. It is improper bolstering.

5 I reference, in particular, and my motion
6 references in particular, State v. Foster where,
7 essentially, the Court found that it was improperly
8 bolstering to play consistent prior statements of a
9 victim testifying, unless it meets the requirements
10 of Rule 801.

11 THE COURT: I have a tendency to agree. What
12 does the State have to say? I have a tendency to
13 agree, and I anticipate the State to call her to
14 the stand first and ask her what happened, and then
15 that would open up the decision as to whether or
16 not the video statements were inconsistent with
17 what she said.

18 MR. LANIER: That's correct, Your Honor.

19 MR. SPRATLIN: That should take care of it,
20 Your Honor. And we can deal with it during trial,
21 if need be.

22 THE COURT: And the Jackson v. Denno, do you
23 want to do that now?

24 MR. HOLFORD: We can, Your Honor.

25 MR. SPRATLIN: Defense is ready.

JACKSON v. DENNO - MAX RODRIGUEZ - DIRECT EXAMINATION

1 MR. HOLFORD: State calls Max Rodriguez to
2 the stand.

3 THE COURT: I remind you, you are still under
4 oath, and you can be seated in the witness chair.

5 DIRECT EXAMINATION

6 BY MR. HOLFORD:

7 Q Officer Rodriguez, on December 7, 2023, when
8 you had an occasion -- you previously testified a
9 little bit ago, right?

10 A Yes.

11 Q When you had an occasion to encounter
12 Mr. Dingle around Tenth Avenue South in Myrtle
13 Beach, did you ask him preliminary questions?

14 A I did not.

15 Q Did an officer with you that was captured on
16 your body cam ask preliminary questions?

17 A Not that I can recall.

18 Q Like, "Come outside," things like that?

19 A To get him outside, yes.

20 Q When you first encountered the defendant, was
21 he in handcuffs?

22 A No.

23 Q Was he inside?

24 A Correct.

25 Q Okay. Was he eventually placed into

JACKSON v. DENNO - MAX RODRIGUEZ - DIRECT EXAMINATION

1 handcuffs?

2 **A** He was.

3 **Q** Who placed him into handcuffs?

4 **A** Myself and Officer Lang.

5 **Q** Did you interrogate him about what had
6 happened?

7 **A** I did not.

8 **Q** Did you have a body cam on at this time that
9 would show your interactions with him?

10 **A** I did.

11 **Q** Okay.

12 MR. HOLFORD: State seeks to publish State's
13 2 for purposes of the Jackson v. Denno hearing.

14 THE COURT: Have we seen all of that?

15 MR. HOLFORD: Your Honor, we haven't heard
16 all of the responses the defendant made. But, yes,
17 this is the defendant we saw that contains the same
18 thing.

19 THE COURT: All right.

20 MR. HOLFORD: I thought it was defense
21 counsel's position he wanted to hear everything the
22 defendant said to the officers before anything was
23 played to the jury?

24 MR. SPRATLIN: I do. I want the Court to
25 rule it's admissible. If it's going to be played

JACKSON v. DENNO - MAX RODRIGUEZ - DIRECT EXAMINATION

1 to the jury, we have to have a hearing, and I
2 believe it is ten minutes. It's not overly long.
3 Maybe a little longer, from my recollection.

4 (Published to the Court.)

5 THE COURT: My initial ruling is that
6 anything that transpires after the handcuffs were
7 put on him is inadmissible. The video beyond that,
8 like the discussion at the car, the interaction
9 between the victim and the defendant, all of that
10 is inadmissible. However, I think it's subject to
11 being suppressed. Everything that was before that
12 was preliminary, and they have an absolute right to
13 do that. I do think it's freely and voluntary. He
14 was responding to questions that they have a right
15 to ask.

16 That's my ruling. And I'm going to give you
17 both an opportunity to comment on that. I also
18 would entertain the possibility -- if the defendant
19 wanted to publish some of that as exculpatory, I
20 would entertain that possibility. But as it stands
21 now, everything after the handcuffs is suppressed.
22 He was taken into custody, and they should have
23 Mirandized him at that point in time.

24 What says the defendant?

25 MR. SPRATLIN: Your Honor, that's what we're

JACKSON v. DENNO - MAX RODRIGUEZ - DIRECT EXAMINATION

1 asking for.

2 THE COURT: State?

3 MR. HOLFORD: Your Honor, I understand the
4 ruling.

5 THE COURT: Okay. All right. Does that mean
6 you don't agree?

7 MR. HOLFORD: I don't think he was responding
8 to any interrogation. They were only asking
9 preliminary matters, and I think he was voluntarily
10 saying things.

11 THE COURT: I don't think it is particularly
12 inculpatory or exculpatory; therefore, I do think
13 that under those circumstances, once you put the
14 cuffs on him, you ought to read him his Miranda
15 rights, letting him know that everything he says
16 could be used against him. Regardless of whether
17 it was direct interrogation or not, I think that is
18 a fair approach to it.

19 MR. HOLFORD: Yes, Your Honor.

20 THE COURT: All right.

21 MR. HOLFORD: Nothing further.

22 THE COURT: Yes, sir.

23 MR. SPRATLIN: Your Honor, obviously has
24 ruled, and I have no questions.

25 THE COURT: Well, if you think I'm wrong --

JACKSON v. DENNO - MAX RODRIGUEZ - DIRECT EXAMINATION

1 MR. SPRATLIN: Your Honor, I like your
2 ruling. I have no issues with your ruling. I just
3 have no questions for this officer based on that.

4 THE COURT: You may step down.

5 MR. HOLFORD: Your Honor, I think that based
6 on what I just watched, that would resolve the
7 issues of redaction of what she said, because her
8 response to the police are after he's placed in
9 custody, so we wouldn't show that. We would show
10 up until the point where he's placed in custody,
11 and the video would end there.

12 THE COURT: Yes.

13 MR. SPRATLIN: So none of her statements?

14 MR. HOLFORD: None of her statements will be
15 put to the jury, unless defense counsel says she's
16 saying something inaccurate or challenges her
17 inconsistent statements, then they would be
18 shown -- her statements alone would be shown to say
19 she immediately told the police the same thing
20 she's telling the jury.

21 THE COURT: We'll address that if and when it
22 comes up.

23 MR. HOLFORD: Yes, Your Honor.

24 MR. SPRATLIN: Yes, Your Honor.

25 THE COURT: Anything further from anybody?

JACKSON v. DENNO - MAX RODRIGUEZ - DIRECT EXAMINATION

1 MR. LANIER: Nothing further from the state.

2 THE COURT: Anything from defense?

3 MR. SPRATLIN: That covers my motions, Your
4 Honor.

5 THE COURT: We'll reconvene at 9:30 sharp in
6 the morning.

7 (WHEREUPON, THE PROCEEDINGS FOR FEBRUARY 3,
8 2025 CONCLUDED.

9 (THE FOLLOWING WAS HAD ON FEBRUARY 4, 2025
10 OUT OF THE PRESENCE OF THE JURY.)

11 THE COURT: Anything from the State before we
12 proceed?

13 MR. LANIER: No, Your Honor.

14 THE COURT: Where is the defense?

15 DEPÜTY: He's in the back talking to his
16 client.

17 THE COURT: Tell him we're ready to roll.

18 (A brief pause in the proceedings. The
19 defendant and Mr. Spratlin enter the courtroom.)

20 THE COURT: I pronounce that Kawasi; is that
21 correct?

22 MR. HOLFORD: I believe so, Your Honor. Yes,
23 sir.

24 Your Honor, it's the State's understanding
25 you wish to hear from the victim to conclude the

JACKSON v. DENNO - MAX RODRIGUEZ - DIRECT EXAMINATION
1 pretrial matter first without the jury?

2 THE COURT: Yes. And let me speak with the
3 forelady, if I could, before we start.

4 MR. HOLFORD: Yes, sir.

5 THE COURT: Can we get the forelady of the
6 jury out, just her?

7 (Whereupon, the forelady enters.)

8 THE COURT: Yes, ma'am. I want to thank you
9 for being here, and being here on time. We stayed
10 in the afternoon and took care of legal matters
11 that have to be taken place outside of your
12 presence. There is one remaining issue we have to
13 resolve this morning, and I ask that you be patient
14 and just make sure that everybody does not discuss
15 the case or anything about the case.

16 Thank you, ma'am. We'll be with you shortly.

17 THE FORELADY: Thank you.

18 THE COURT: State, you are recognized.

19 MR. LANIER: Your Honor, may it please the
20 Court.

21 The State calls Tonya Johnson.

22 THE COURT: If you can come forward and raise
23 your right hand as the State administers the oath.

24 (TONYA JOHNSON, having been duly sworn,
25 testified as follows:)

MOTIONS - TONYA JOHNSON - DIRECT EXAMINATION

1 THE COURT: Speak loudly, clearly and slowly
2 in order we hear everything you have to say, and
3 start with your full name.

4 THE WITNESS: Tonya Modell Johnson.

5 THE COURT: Yes, sir.

6 DIRECT EXAMINATION

7 BY MR. LANIER:

8 Q Good morning. I would like to talk about
9 December 6, 2023. On that day, were you in a
10 relationship?

11 A I was.

12 Q Who were you in a relationship with?

13 A Kawasi.

14 Q Is Mr. Dingle here in the courtroom today?

15 A He is.

16 Q At that time, did you have your own vehicle?

17 A I did.

18 Q Did Mr. Dingle have his own vehicle?

19 A He did.

20 Q Did he often drive your car despite the fact
21 he had his own vehicle?

22 A He did.

23 Q Did that create issues?

24 A It did.

25 Q The morning of December 6th, what were you

MOTIONS - TONYA JOHNSON - DIRECT EXAMINATION

1 doing?

2 A Incident one?

3 Q Yes.

4 A Getting ready -- I got up to go to work.

5 Q And when you got up to go to work, was your
6 vehicle there?

7 A No.

8 Q Was Mr. Dingle there?

9 A No.

10 Q Had he been out driving your vehicle?

11 A Yes.

12 Q Did that create an issue for you?

13 A Yes.

14 Q What was the issue?

15 A It's my car.

16 Q Did you have any way to get to work?

17 A No.

18 Q Did Mr. Dingle eventually return?

19 A He did.

20 Q Were you late for work at that point?

21 A I was.

22 Q Did you get into an argument with Mr. Dingle?

23 A I did.

24 Q Did you ask for your keys back?

25 A I did.

MOTIONS - TONYA JOHNSON - DIRECT EXAMINATION

1 Q What was his response?

2 A No.

3 Q And after he told you no, what did you do?

4 A We continued to argue, and it escalated from
5 there. I told him that I would -- the same
6 argument, I would call the cops, and that it was my
7 car, I paid my insurance and my car payment, and he
8 didn't have a right to my car.

9 Q Had Mr. Dingle ever told you his feelings
10 towards someone calling the police on him?

11 A Yes.

12 Q What did he say?

13 A It's the most disloyal thing you can do.

14 Q Were you able to call the police?

15 A He took my phone and my wallet and my bank
16 cards and my car keys with my fob on it, everything
17 from me so I couldn't call the police at that
18 moment.

19 Q Without your wallet, without your keys,
20 without your phone, did you have any access to the
21 outside world?

22 A No.

23 Q Were you able to leave the house at that
24 moment on foot?

25 A No. I tried.

MOTIONS - TONYA JOHNSON - DIRECT EXAMINATION

1 **Q** And, eventually, did there come a point in
2 time where you saw an opportunity to get your phone
3 back?

4 **A** I did. He went to the bathroom.

5 **Q** Okay. And -- well, let me back up. When he
6 took your phone, did he do anything or say anything
7 in reference to you calling the police?

8 **A** What he always said, that he could kill me.

9 **Q** Did he have a weapon?

10 **A** He had like flip-out pocket knife.

11 **Q** Did he swing it at you?

12 **A** He didn't swing it at me. He just sat it
13 very knowingly on -- I had a burner that sat by the
14 front door, and he set it there.

15 **Q** Okay.

16 **A** With the blade out.

17 **Q** Did you believe he was going to kill you at
18 that point in time?

19 **A** Not at that point in time. This wasn't a
20 first time.

21 **Q** Was it an intimidation tactic, in your mind?

22 **A** Most definitely.

23 **Q** So he goes to the bathroom, and what do you
24 do?

25 **A** I grabbed my phone and hauled butt out the

MOTIONS - TONYA JOHNSON - DIRECT EXAMINATION

1 door.

2 Q Did Mr. Dingle proceed you?

3 A He did.

4 Q Did he stop chasing you at some point?

5 A He did. I think because there was too many
6 people out. I crossed over the street and was on
7 King's -- on Ocean Boulevard, and I think that I
8 got far enough to where there was people walking at
9 that point in time, people up and down the
10 sidewalks. I think that he just realized it would
11 be better to leave than for -- to try to chase me
12 down the road with witnesses.

13 Q Did you call the police?

14 A I did.

15 Q Did they come to the scene?

16 A They did.

17 Q And where were you at whenever they arrived
18 on scene?

19 A Across the street still.

20 Q Was Mr. Dingle in the area?

21 A At that time I was not sure, because we had a
22 front door and a back door, and I couldn't see into
23 the apartment. So I stayed across the street,
24 because that was my worry, that he was still there.

25 Q So you did not want to go back to the house?

MOTIONS - TONYA JOHNSON - DIRECT EXAMINATION

1 **A** No. Most definitely not.

2 **Q** Did you make a report to the police?

3 **A** I did.

4 **Q** And, to your knowledge, did they take out
5 warrants for the defendant's arrest? .

6 **A** At the time, I was not aware of what exactly
7 it was, but I did know there was at least one
8 warrant at that time.

9 **Q** Did you think the police would be coming back
10 to look for Mr. Dingle?

11 **A** I know that they said to me, you know, we'll
12 find him, don't worry. Because my worry was he
13 still had my car keys. He still had all of my
14 stuff, and he has keys to the apartment. So that
15 was my biggest worry. I had no way to go, no way
16 to get anywhere, to do anything financially. I
17 would have to, you know, not have my car. But the
18 financial stuff on my phone, because that's just
19 what we do nowadays. But I was just more scared he
20 was going come back before they found him.

21 **Q** But you weren't able to leave your house?

22 **A** No.

23 **Q** Because you didn't have -- as you said, you
24 didn't have your wallet, you didn't have your car?

25 **A** No.

MOTIONS - TONYA JOHNSON - DIRECT EXAMINATION

1 **Q** But you did have your phone?

2 **A** I did have my phone.

3 **Q** Did you remain at your house the rest of the
4 day?

5 **A** I did.

6 **Q** At some point that evening, did the defendant
7 come back?

8 **A** It was late night/early a.m. hours.

9 **Q** And that's when the assault began?

10 **A** Yes.

11 **Q** And this is between the time that he comes
12 back on -- in the evening of December 6th,
13 incident one on the morning of December 6th, it
14 was less than 24 hours?

15 **A** Yes.

16 MR. LANIER: Beg the Court's indulgence.

17 (A brief pause in the proceedings.)

18 **Q** **(BY MR. LANIER)** The early morning hours of
19 December 7th, did the police come back to your
20 house?

21 **A** I believe when they got back there, when they
22 actually came and was able to get him, I think it
23 was like 8 o'clock in the morning.

24 **Q** On December 7th?

25 **A** Incident two, yes.

MOTIONS - TONYA JOHNSON - DIRECT EXAMINATION

1 **Q** Yes. Did you call them to come?

2 **A** I did not. I was not able to.

3 **Q** Right. They showed up. Did they say why
4 they showed up?

5 **A** It was because of incident one.

6 **Q** Because you called the police on the
7 defendant, and there was a warrant for his arrest?

8 **A** Yes.

9 MR. LANIER: Thank you, Ms. Johnson.

10 THE COURT: Mr. Spratlin.

11 MR. SPRATLIN: I would first inquire of the
12 State if there is any prior record impeachable on
13 Ms. Johnson?

14 MR. HOLFORD: I'll hand defense her record
15 and request it back. I show a 1991 shoplifting,
16 misdemeanor; 1990, public disorderly conduct,
17 misdemeanor; 1993, fraudulent check, less than 500,
18 misdemeanor; 1994, shoplifting, misdemeanor; 1997,
19 public disorderly conduct and trespass, both
20 misdemeanors; 2000, criminal domestic violence
21 first offense, not degree, and public disorderly
22 conduct, both misdemeanors; and 2008, simple
23 assault and battery, misdemeanor.

24 It appears that all of these are 30-day
25 misdemeanors, the earliest being 17 years ago. I

MOTIONS - TONYA JOHNSON - DIRECT EXAMINATION

1 don't believe any of them would be relevant as to
2 trustworthiness, other than possibly fraudulent
3 check; but, again, that's 32 years ago.

4 THE COURT: Mr. Spratlin, what is your
5 position on that?

6 MR. SPRATLIN: Your Honor, I'm going to
7 reference the rule -- let me find it.

8 (A brief pause in the proceedings.)

9 MR. SPRATLIN: I believe Rule 609 does
10 provide that evidence of a conviction under this
11 rule is not admissible for a period more than ten
12 years had elapsed since the date of conviction or
13 the release of the witness from confinement imposed
14 for that conviction, whichever date is late.

15 I, honestly, don't think -- I would like to
16 go into the prior bad check, but I do -- honestly,
17 I do not see where I would be able to, given that
18 time limit.

19 THE COURT: All right. I agree with you.
20 I'll rule that her criminal record will not be --
21 you will not be allowed to impeach her with regard
22 to that because of the time limitations and the
23 offenses themselves.

24

25

MOTIONS - TONYA JOHNSON - CROSS EXAMINATION

CROSS EXAMINATION

BY MR. SPRATLIN:

Q How are you this morning, Ms. Johnson?

A I'm okay.

Q I have a couple of questions for you. I want to talk to you about the incident that you are saying occurred on the morning of December 6th, 2023. That was the incident that, I believe, you described where you're stating that my client pulled out a pocket knife and opened it in front of you; is that correct?

A Yes.

Q And on direct examination you said something along the lines of he threatened to kill me; is that correct?

A Always.

Q But, in truth, what you told the officers is he told you, "I got something for you"?

A Same thing to me.

Q But you didn't tell the officers he said he was going to try to kill me, correct?

A Correct.

Q Also, do you remember telling the officers at the time of that -- that you were talking to the officers about that morning incident that he did

MOTIONS - TONYA JOHNSON - CROSS EXAMINATION

1 not physically attack you?

2 A Incident one?

3 Q Yes.

4 A He didn't physically attack me.

5 Q You also recall telling them that you were
6 not in fear for your safety?

7 A At that point, I was not.

8 Q So for the first entire incident, you were
9 not attacked by my client, correct?

10 A Correct.

11 Q You were not in fear for your safety from my
12 client, correct?

13 A At that point, no.

14 Q Besides your statement about what happened
15 the morning of December 6th, 2023, do you have
16 any additional evidence to present to this Court to
17 show that this incident actually happened?

18 A Do not.

19 Q Your statement alone?

20 A That's it.

21 MR. SPRATLIN: Thank you.

22 THE COURT: Any redirect?

23 MR. LANIER: Briefly, Your Honor.

24

25

MOTION - TONYA JOHNSON - REDIRECT EXAMINATION

REDIRECT EXAMINATION

BY MR. LANIER:

Q To your knowledge, there was no cameras in your apartment at that time?

A There were not. I would like to take a minute just very briefly, if I may? I was not aware that I would be on trial today.

MR. SPRATLIN: Objection, Your Honor. This is nonresponsive.

THE WITNESS: I need a minute, please.

Q (BY MR. LANIER) No one else was present?

A There is no cameras, and no one else was there but me.

Q So your statement is --

A Mine alone.

MR. LANIER: No further questions.

THE COURT: You may return to your seat witness. Thank you.

Anything further?

MR. LANIER: Besides just the motion in limine, no, Your Honor.

MR. SPRATLIN: Your Honor, I believe, as I made my objection yesterday, anything regarding the actions alleged to have been committed by my client on December 6th in the a.m. coming in, I do not

MOTION - TONYA JOHNSON - REDIRECT EXAMINATION

1 believe the State has proven by a clear and
2 convincing evidence that anything occurred. I
3 think that the prior bad act of domestic violence
4 second degree should not come in. If the State
5 wants to talk about --

6 THE COURT: Say that again.

7 MR. SPRATLIN: Your Honor, I do not believe
8 the State has proven by a clear and convincing
9 evidence to the Court that an incident occurred of
10 domestic violence second degree on the morning of
11 December 6th, 2023 such that it should be
12 admissible in trial for his charges. Also,
13 stemming from the same date, but later in that day,
14 kidnapping and domestic violence of a high and
15 aggravated nature.

16 As the Court is aware, the law does require
17 that the Court make a finding that there has been
18 clear and convincing evidence when the prior bad
19 act is not a subject of a conviction. This is not
20 a subject of a conviction. He has been charged
21 with that crime; however, he has not been convicted
22 of that crime.

23 So the State has the burden of proving by
24 clear and convincing evidence that that crime
25 occurred. We have seen no corroborating evidence,

MOTION - TONYA JOHNSON - REDIRECT EXAMINATION

1 other than the statement of the victim, who also
2 stated to the officers and stated on the stand
3 right here that she did not feel threatened by my
4 client, that she was not in fear, and that she was
5 not attacked by my client.

6 I do not believe that the State met its
7 burden of proving that a crime occurred of domestic
8 violence second degree such that they should be
9 able to talk about that in front of the jury on the
10 charges we're actually here for trial about.

11 THE COURT: Well, her statement is
12 inconsistent to some extent because she said she
13 didn't feel threatened. She also testified that he
14 had threatened to kill her, and there was also a
15 display of a knife. That sounds like a question of
16 fact.

17 What do you have to say about all of that?

18 MR. LANIER: Your Honor, our intention is not
19 to prove by a clear and convincing evidence that,
20 per se, the domestic violence second degree
21 occurred. What we seek to introduce is that, one,
22 the defendant took Ms. Johnson's cell phone; that
23 he pulled out the knife and told her if she called
24 the police, he had something for her, which she
25 didn't believe him at the time, but she didn't

MOTION - TONYA JOHNSON - REDIRECT EXAMINATION

1 leave the house because she wasn't able to.

2 As soon as he went to the bathroom, she
3 grabbed the phone and runs outside and reports it
4 to the police, the first instance, when she has an
5 opportunity. So the jury cannot understand the
6 context of why the defendant went back late in the
7 evening on December 6th and attacked Ms. Johnson
8 without understanding that she called the police on
9 him and warrants were taken out for his arrest.

10 This is all we seek to introduce is that. An
11 incident happened, a bad act, not necessarily a
12 crime, which we allege is a crime, but a bad act in
13 which he took her phone, threatened her with a
14 knife, and she runs outside with her phone and
15 calls the police. A warrant was taken out for his
16 arrest because of her statement to the police,
17 which enraged the defendant and led -- provided
18 motive for the attack on December 6 and 7th, and
19 also tends to prove intent.

20 As part of the res gestae, as I said, the
21 jury cannot understand the context of December 6
22 and 7 without it. Otherwise, it seems like the
23 police just randomly showed up to the apartment on
24 December 7th and took the defendant in custody.

25 THE COURT: Yes, sir.

MOTION - TONYA JOHNSON - REDIRECT EXAMINATION

1 MR. SPRATLIN: One thing Your Honor said
2 question is question of fact. It is, but I think
3 Your Honor has to be the determiner of the fact,
4 because the law does require that the State prove
5 the prior bad act by a clear and convincing
6 evidence. So Your Honor would have to, basically,
7 make a finding that the State did that, and I don't
8 believe they have in this case.

9 MR. LANIER: Judge, we've proven by a clear
10 and convincing evidence that something occurred,
11 which led Ms. Johnson to run out of the house, call
12 the police. They responded, took her statement,
13 sought warrants for the defendant, and that led to
14 the late December 6th/early December 7th incident.

15 THE COURT: I do find there was a clear and
16 convincing evidence that there was an altercation
17 of sorts that took place, and I think that this
18 sequence of events -- it's not like this is
19 something that happened months prior. It's all a
20 sequence of events, and I think it is necessary for
21 the jury to hear that.

22 Of course, you can be given -- Mr. Spratlin
23 will be given a wide range of cross examination as
24 to what her allegations were and the
25 inconsistencies. I think it's for the jury to

MOTION - TONYA JOHNSON - REDIRECT EXAMINATION

1 resolve. I think there is clear and convincing
2 evidence that there was an altercation that took
3 place that day. Whether that amounts to a crime,
4 based on what was said, is a different thing.

5 Anything further from either side before we
6 bring the jury out?

7 MR. SPRATLIN: Your Honor, can we limit the
8 admissibility of that to the State saying some sort
9 of an assault occurred, rather than saying that the
10 defendant was actually charged with domestic
11 violence second degree out of that incident?

12 THE COURT: I think that would be fair. Just
13 say what transpired. I don't -- they are not going
14 to be called upon to weigh in on that. Why don't
15 we just say what happened without the conclusion
16 that it's domestic violence, kidnapping, or
17 anything.

18 MR. LANIER: That's agreeable to the State.

19 THE COURT: All right. That is my ruling.

20 MR. SPRATLIN: My objection still stands, but
21 since Your Honor's ruling, that's what I would ask
22 for, that particular remedy.

23 THE COURT: Very good.

24 MR. SPRATLIN: Thank you.

25 THE COURT: And we're ready for the jury.

THE COURT TO THE JURY

1 MR. HOLFORD: Your Honor, may we approach?

2 (The following was a bench conference.)

3 MR. HOLFORD: I know the indictments -- I

4 want to make sure that's correct.

5 MR. SPRATLIN: Your Honor, I am -- one thing

6 that came out in her direct is she said this has

7 happened many times before. I'm going to object if

8 she says anything like this in front of the jury.

9 THE COURT: Just say what transpired that
10 day.

11 (The jury enters at 10:02 a.m., and the
12 following is heard in the presence of the jury.)

13 THE COURT: Madam forelady, ladies and
14 gentlemen, thank you for being here, and being here
15 on time. Once again, I want to apologize for the
16 delay. We had a legal matter that needed to be
17 tended to outside of your presence. I do want you
18 to know that we weren't lolly-gagging. We worked
19 all yesterday afternoon and early this morning.
20 Thank you for your promptness.

21 We're about to begin the trial of the State
22 of South Carolina versus Kawasi Dingle. You have
23 become aware that this is a criminal court, general
24 sessions court, where someone has been accused of
25 violating the criminal codes of the State of South

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1 Carolina. I point that out to you because many of
2 you probably have served on a civil jury. An
3 example of civil court is an automobile accident,
4 medical malpractice, products liability where the
5 issues that are debated is money.

6 In criminal court, obviously, the person's
7 liberty is at stake, prison time. The subject
8 matter is different, but if you were to sit in the
9 back of this courtroom and look at this -- the
10 setup here, you couldn't be able to tell whether
11 this was criminal court or civil court, because in
12 both courts you have a jury that listens to the
13 evidence and determines what the facts are. You
14 have a judge presiding over the procedure. You
15 have litigants on both sides, and witnesses taking
16 the stand. If you didn't hear what the subject
17 matter was, you couldn't tell the difference.

18 The similarities really stop there, because
19 there are certain constitutional safeguards that
20 come into play in all criminal cases. The first
21 which is Mr. Dingle, who is seated there at the
22 defense table, is presumed to be just as innocent
23 as you or me, or the Solicitor for that matter. We
24 start from that frame of reference.

25 Presumption of innocence is not just a mere

THE COURT TO THE JURY

1 phrase. It is a real right that belongs to all of
2 us. He is presumed to be just as innocent as
3 anyone in this courtroom. I imagine the
4 presumption of innocence is being like a protected
5 cloak that guards all of us as American citizens,
6 and it stays with him throughout the trial and on
7 into the deliberation process.

8 The second constitutional safeguard is the
9 State has the burden of proof, and there is
10 theoretical reasons behind that, because we live in
11 a free and democratic society. If the government
12 tries to take your liberty away from you, they have
13 to prove it.

14 There is some practical reasons, because the
15 State -- with all of their resources -- have the
16 ability to gather all of the evidence necessary to
17 prove a crime, and they are required to do that.
18 They have the police department, sheriff's
19 department, SLED. They have all of the resources
20 necessary to bring you the evidence to establish
21 that someone is guilty of a crime.

22 You know, in some third-world countries you
23 can be accused of a crime, hauled before the Court,
24 and be required to prove your innocence. That
25 isn't the way it is in the United States of

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1 America. The State has the burden of proof. The
2 defendant need not testify. He need not present
3 any evidence. The burden rests solely on the State
4 to prove each and every element of the crime beyond
5 a reasonable doubt.

6 That takes me to the third constitution
7 safeguard. In civil cases, it is only necessary
8 that the plaintiff prove the fact is more likely
9 than not by a preponderance of the evidence. I
10 envision that if you imagine the scales of justice,
11 the lady blindfolded from all bias and all
12 prejudice. When we start the trial, the scales are
13 even. If the plaintiff tilts the scales ever so
14 slightly, they prevail, because in that case, all
15 you are talking about is money. But in a criminal
16 case, the stakes are higher than that, and the
17 State is required to prove their case, each and
18 every element, beyond a reasonable doubt. I
19 envision that as locking up the scales. The
20 highest burden of proof known to our judicial
21 system.

22 I want to tell you about how the trial is
23 going to progress. Mr. Lanier, from the State, is
24 going to stand up and give you an opening
25 statement. In that opening statement, he'll stand

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1 before you and kind of give you a summary of what
2 he intends to prove, a little bit about the law,
3 and sort of give you an overview of the case.

4 Then, the defense, if they elect to do so,
5 they aren't required to do anything, the law
6 doesn't require that they do, but they'll be given
7 an opportunity to give an opening statement. They
8 can talk about the evidence or lack of evidence and
9 the theory of the case. Pay close attention.

10 After the opening statements, the State has
11 the burden of proof, and they go first. They call
12 witnesses one after the other to the stand. They
13 swear to tell the truth. They'll ask -- the State
14 will ask them direct questions. The defense will
15 have an opportunity to cross examine them, and the
16 State will have an opportunity to redirect
17 questions. That is the way that it's going to
18 progress.

19 After that, the defense is going to be given
20 the opportunity to present a defense, if they
21 choose do so. Once again, they are not required to
22 do that.

23 After the presentation of all of the
24 evidence, the lawyers will have an opportunity to
25 stand before you and give a closing statement, and

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1 that's very similar in form to the opening
2 statement, but it's different in a very real way,
3 because at that point, you will have heard all of
4 the evidence that's presented in this case. They
5 will be able to point to the evidence that supports
6 their relative theory of the case.

7 What they say is not evidence, but it will
8 aid you immensely in your deliberation process.
9 They have been living with this case for months,
10 and maybe even years, and they know a lot of it.
11 So pay very close attention to the closing
12 arguments, and it will aid you immensely in your
13 deliberation process.

14 At the conclusion, I'll charge you the law
15 that governs this case, the substantive law.
16 Ladies and gentlemen of the jury, I remind you that
17 during this trial you and I have distinct roles.
18 My job is to preside over the proceeding. I'll
19 rule on the evidence that you get to hear. I'll
20 charge you the law at the conclusion of the case.
21 Your job -- you all are judges, but in a different
22 way. You are the ones that listens to the evidence
23 and determines what the truth is.

24 The law doesn't allow me to have an opinion
25 about the facts; that is your job. Your sole duty

THE COURT TO THE JURY

1 and your exclusive providence is to determine what
2 the true facts are.

3 I'm going to ask that you pay close
4 attention. I'll remind you, if I make an error
5 with regard to the law, if I allow evidence in that
6 shouldn't come in or vice-versa, those errors -- or
7 if I charge the law are inappropriately, those
8 errors are easily corrected. However, if there is
9 an error in the findings, quite often that never
10 can be corrected. So pay very close attention.
11 These are important matters to the State. It's an
12 important matter to the defendant. It's an
13 important matter to you, because you have taken the
14 solemn oath to listen to the evidence, determine
15 the truth, and apply it to the law.

16 Necessarily, in your role as the arbiter of
17 the facts, you have been called upon to determine
18 the credibility of witnesses. Ask yourself when
19 the witness takes the witness stand what
20 opportunity they had to observe the things to which
21 they are testifying to. Ask yourself whether or
22 not the person testifying has an interest, bias or
23 prejudice in what they are telling you.

24 You can believe one witness against many or
25 many against one. You can believe all of what a

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1 witness says, a portion of what a witness says, or
2 none of what a witness says. The law will also
3 allow you to take into consideration the witness'
4 demeanor, how they act on the witness stand.

5 All of us who have children and
6 grandchildren, it's important to pay attention not
7 only to what they tell you, but the way they tell
8 you. The law allows you to use your good common
9 sense in that regard. We, in our everyday lives,
10 everything that transpires, we have the ability
11 throughout our life experience to determine whether
12 someone is telling the truth or not. Use that good
13 common sense, and the law allows you to do that.

14 This is an important case. You're
15 participating in a time-tested system.

16 Let's proceed forward with a serious and
17 contemplated mind.

18 Mr. Lanier.

19 MR. LANIER: Thank you, Your Honor. May it
20 please the Court?

21 On December 6, 2023, defendant Kawasi
22 Lafrance Dingle, kidnapped, beat and strangled his
23 girlfriend of seven years, Tonya Johnson. The
24 assault began late in the evening on
25 December 6th and continued into the early morning

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1 hours of December 7th. Ms. Johnson was asleep in
2 her bed when the defendant returned to the
3 residence, drug her out of the bed, began to rip
4 her clothes as she tried to escape, and drug her
5 back inside the house by the hood of her housecoat.
6 He ripped her shirt off in the process, injuring
7 her arm. He forced her to remain on the couch
8 shirtless, in the state of humiliation, while he
9 barraged her with verbal insults, the type he knew
10 would hurt Ms. Johnson because they had been in a
11 relationship for seven years. He had her cell
12 phone. He had her wallet. He had her keys. She
13 had no access to the outside world. He physically
14 prevented her from leaving that apartment.

15 While she was sitting on the couch, she
16 defended herself, enraging the defendant to the
17 point where he crawled on top of her, pinned her
18 arms with his legs, and strangled her. The
19 evidence will show that at that point in time, she
20 thought she was going to die. Just when she
21 started to lose consciousness, her vision filled
22 with stars, the defendant let go. But, then, he
23 choked her again, and a third time.

24 Now, the confinement of Ms. Johnson against
25 her will continued for hours. It wasn't until

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1 approximately 8 o'clock in the morning on
2 December 7th that a knock was heard at the door.
3 Myrtle Beach Police. The defendant tells Ms.
4 Johnson to get rid of them. Seeing her
5 opportunity, she told the police Mr. Dingle was
6 there.

7 Now, at this point, Ms. Johnson broke the
8 total control of the defendant that he had over her
9 for that entire night. No sooner than the
10 defendant was placed in handcuffs, Ms. Johnson
11 began to tell the police the story of what
12 happened.

13 Now, you may be asking yourself, Why did the
14 police randomly show up to her apartment at 8
15 o'clock on the 7th? Why did the defendant attack
16 his girlfriend of seven years seemingly unprovoked?
17 Well, to answer that question, you have to
18 understand the context of what happened on
19 December 6th -- less than --

20 MR. SPRATLIN: Your Honor, I'm going to
21 object and reserve my objection from the pretrial
22 ruling on Rule 404(b).

23 THE COURT: You're objection is noted.
24 You may proceed.

25 MR. LANIER: An altercation happened that

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1 morning between the defendant and Ms. Johnson. She
2 called the police. The police responded. She told
3 the police what had happened. A warrant was taken
4 out for the defendant's arrest.

5 An officer who happened to be patrolling the
6 area on December 7th, that was also present on
7 December 6th, saw the defendant's white Cadillac
8 in the area, parked outside of the apartment
9 complex. He called it in, and that's why police
10 responded on December 7th at 8 o'clock in the
11 morning, in Ms. Johnson's view, saving her life.

12 Now, the defendant and the evidence will show
13 he's told Ms. Johnson that calling the police on
14 him is the worst thing you can possibly do. It's
15 the greatest betrayal, in his mind. So the fact
16 that she called the police and warrants were taken
17 out serves as the motive, and it demonstrates the
18 defendant's intent. The motive in that he was
19 enraged that Ms. Johnson betrayed him and called
20 the police, and the intent that he sought to
21 maliciously inflict harm to her because she had
22 done so.

23 You will hear from the officers who responded
24 to the scene that day. You will hear that the
25 officers noticed a number of injuries on Ms.

OPENING STATEMENT - MR. LANIER

1 Johnson that are consistent with the story she
2 tells us. Those injuries being markings on her
3 arm, swelling to the neck, red marks on her face.
4 Again, we will provide you with the full picture of
5 what happened to help -- to guide you through these
6 events.

7 Once again, I'm Brandon Lanier. I'm a
8 solicitor. With me is senior assistant solicitor,
9 Josh Holford. We have Myrtle Beach Police
10 Officers: Matthew Moreland, David Romonouskas,
11 Alex Lang, and Max Rodriquez.

12 As the judge said, it will be our burden in
13 this case, and we welcome that burden. We would
14 not have it any other way. It's our burden to
15 prove beyond a reasonable doubt that the defendant
16 did commit the act of kidnapping and domestic
17 violence of a high and aggravated nature.

18 Again, the judge will explain to you what all
19 of these terms mean, but just to briefly explain
20 them, beyond a reasonable doubt is best described
21 as a doubt that would cause a reasonable person to
22 hesitate to act. The key word in that phrase is
23 "reasonable."

24 In this case, you will have both direct and
25 circumstantial evidence. Direct evidence can be

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1 best understood as a witness standing outside when
2 it starts to rain. The witness comes inside, takes
3 the stand, and says it was raining.

4 Circumstantial evidence, on the other hand,
5 is when that witness is in a room without windows.
6 The witness hears what sounds like thunder, wind
7 gusts, and when the witness leaves the room, sees
8 the entire neighborhood is wet. That witness takes
9 the stand and says it was raining. The witness
10 didn't see it was raining. Is it possible that
11 someone was standing outside with drums, with a big
12 fan, with enough water to wet the entire
13 neighborhood? It's possible, but not reasonable.

14 So you will have your experience with you to
15 determine what is reasonable. As the finder of
16 fact in this case, it's in your discretion to find
17 one witness credible and another not.

18 You have the most important job in this
19 courtroom, and that's to be the finder of fact.
20 You will have two indictments to consider. The
21 first being for kidnapping. The second being for
22 domestic violence of a high and aggravated nature.
23 Kidnapping is confinement of another person without
24 the authority of law. We allege that that occurred
25 whenever the defendant prevented Ms. Johnson from

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1 leaving the apartment, pulling her back inside by
2 the hood of her coat and preventing her from
3 leaving.

4 Domestic violence of a high and aggravated
5 nature is when one commits the offense of domestic
6 violence under circumstances manifesting extreme
7 indifference to the value of human life and would
8 reasonably cause a person to fear imminent great
9 bodily injury or death.

10 Extreme indifference can be proven by
11 demonstrating that he, one, knowingly and
12 intentionally impeded the normal breathing or
13 circulation of blood of a household member by
14 applying pressure to her throat or neck, or by
15 using physical force against another to block that
16 person's access to a cell phone for the purpose of
17 preventing or obstructing the report of a criminal
18 offense.

19 Those are the crimes we allege the defendant
20 committed in which we seek to prove beyond a
21 reasonable doubt. After hearing all of the
22 evidence, when we come back and ask you to convict
23 the defendant on both counts, I'm convinced you
24 will not hesitate to act. I'm convinced that you
25 will see no other alternative but to enter a

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1 verdict of guilty as charged.

2 Thank you.

3 THE COURT: Thank you, Mr. Lanier.

4 Mr. Spratlin, you are recognized.

5 MR. SPRATLIN: May it please the Court, Your
6 Honor?

7 THE COURT: Yes.

8 MR. SPRATLIN: Good morning, ladies and
9 gentlemen. I'm Martin Spratlin, and I represent
10 the defendant, Mr. Kawasi Dingle.

11 Now, as the judge told you, and the Solicitor
12 told you now, Mr. Dingle is accused of two crimes:
13 Kidnapping and domestic violence of a high and
14 aggravated nature. Let's me say that again. Mr.
15 Dingle is accused of two crimes. It's important
16 that you understand that these are just
17 accusations, because people can say you did any
18 number of things. So when someone says someone did
19 some horrible things, what do we do as a society?
20 We do what we're all doing here; we have a trial.
21 You 12 --14, excuse me, alternates -- the 12 of you
22 will make a decision here at the end of the trial.
23 You 12 will listen to all of the testimony, all of
24 the evidence that's presented from this witness
25 stand right here.

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1 After hearing from all of the evidence, all
2 of the witnesses, you 12 will make a decision on
3 whether or not Mr. Dingle committed this crime --
4 these two crimes, excuse me. You are not going to
5 see evidence that he committed this crime. All you
6 are going to hear is accusations.

7 One thing the Solicitor said in his opening,
8 and the judge told you before, they have the burden
9 of proof. We don't even have to show up. We can
10 just sit over there. I don't have to talk to you,
11 don't have to question a single witness. They have
12 the burden of proving every single thing they
13 accuse my client of. He doesn't have to prove
14 himself not guilty. They have to prove him guilty.

15 How guilty -- how much proof do they have to
16 have? They can't just show that he maybe did it.
17 Can't even just show that he probably did it. They
18 have to show and convince the 12 of you -- all 12
19 of you -- that my client is guilty beyond a
20 reasonable doubt. That is the highest standard of
21 proof required in our legal system.

22 So what evidence will they show? Let me make
23 it very clear to you all. I'm not a psychic. I
24 don't know exactly what these witnesses are going
25 to testify to. I suspect I do. But if I say

OPENING STATEMENT - MR. SPRATLIN

1 something different than what you hear, the
2 evidence comes from that stand. Nothing I say is
3 evidence. Nothing Mr. Lanier says is evidence.
4 That's because we don't present evidence; witnesses
5 do through exhibits and testimony.

6 But as far as I suspect, I suspect the
7 alleged victim in this case, Tonya Johnson, is
8 going to testify that my client did the horrible
9 things that the Solicitor got up here and said.
10 Because if she wasn't going to say that, why are we
11 here? I suspect she's going to say everything that
12 man right there said she is going to say.

13 So what do you have to do as a juror in that
14 situation? You have to look at the other evidence,
15 and not only what else is there, but also what is
16 not there. Because, again, I don't know what they
17 are going to say, but I don't expect you're going
18 to hear from any officers that they saw my client
19 assault Ms. Johnson. I don't expect you'll hear
20 from any officers that they rushed Ms. Johnson to
21 the hospital because of her injuries or called EMS
22 and had 911 -- EMS respond to the scene. Because
23 it never happened.

24 You can accuse someone of anything, but this
25 trial is when they have to prove it. So look at

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1 the evidence, watch the evidence, what's there and
2 what's not there. That's all I'm asking you all to
3 do. Because when you do that, you are going to
4 clearly see that the State has failed to prove my
5 client committed any crime. For that reason, after
6 this trial, you will all return a verdict of not
7 guilty.

8 Thank you, ladies and gentlemen.

9 THE COURT: Thank you, Mr. Spratlin.

10 State, you are recognized. Call your first
11 witness.

12 MR. LANIER: Tonya Johnson.

13 (TONYA JOHNSON, having been duly sworn,
14 testified as follows:)

15 THE COURT: Pull up real close to the
16 microphone, and speak loudly, slowly and clearly,
17 and start with your full name.

18 THE WITNESS: Tonya Modell Johnson.

19 DIRECT EXAMINATION

20 BY MR. LANIER:

21 Q Ms. Johnson, I would like to familiarize you
22 with the jury. Let them know you a little better.
23 Where are you from?

24 A I'm from Columbia, South Carolina.

25 Q And on December 6, where were you living?

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1 **A** In Myrtle Beach, South Carolina.

2 **Q** What do you do for a living, or what did you
3 do for a living at that time?

4 **A** I'm a general -- I was, at that time, a
5 general manager. I've been a general manager for
6 many years in the food industry.

7 **Q** What are your responsibilities as manager?

8 **A** Well, now I'm not in the food industry. I'm
9 actually in the sea mart industry, which is
10 convenient stores. I'm a senior store manager. I
11 handle everything to do with the ins and outs of
12 the store's operations.

13 **Q** And, in 2023, were you in a relationship?

14 **A** I was.

15 **Q** Who were you in a relationship with?

16 **A** Kawasi Dingle.

17 **Q** Is Mr. Dingle in the courtroom?

18 **A** Yes, sir.

19 **Q** Could you please point him out for the jury?

20 **A** He's right there (indicates).

21 **Q** How long were you in a relationship as of
22 2023?

23 **A** Off and on for seven years.

24 **Q** What type of relationship would you say that
25 you and Mr. Dingle had?

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1 **A** It was very toxic.

2 **Q** Did you love Mr. Dingle?

3 **A** More than I loved anyone in a long time.

4 **Q** Is it difficult for you to be here today?

5 **A** I didn't think I would have to do this or see
6 him, so, yeah, it's -- yes, sir.

7 **Q** It's been about a year since the incident
8 that brings us here; is that right?

9 **A** A little over a year, yes, sir.

10 **Q** Let's start talking about December 6th. At
11 that time, you were working in the food industry?

12 **A** Yes, sir.

13 **Q** What time did you usually have to be at work?

14 **A** It varied. I believe on that day I needed to
15 be at work at 7:00 a.m.

16 **Q** And on December 6th you wake up, and is it
17 a normal day for you?

18 **A** Relatively normal at first.

19 **Q** Was Mr. Dingle home at the time?

20 **A** He was not.

21 **Q** Was your vehicle there?

22 **A** It was not.

23 **Q** Did that create a problem for you?

24 **A** It did. I couldn't go to work.

25 **Q** And was your job important to you?

TONYA JOHNSON - DIRECT EXAMINATION

1 **A** Very much.

2 **Q** So you needed to be at work at 7:00, you
3 said?

4 **A** A year and some change ago, I believe so,
5 yes.

6 **Q** Sometime after that, did the defendant arrive
7 back at your shared residence?

8 **A** Yes.

9 **Q** Was that residence here in Horry County?

10 **A** Yes, sir.

11 **Q** And when he did arrive, were you able to get
12 your keys from him?

13 **A** No.

14 **Q** Why not?

15 MR. SPRATLIN: Your Honor, I'll object on my
16 prior objection under Rule 404(b).

17 THE COURT: You're objection is noted, but
18 overruled.

19 MR. SPRATLIN: May it become a continuing
20 objection throughout this testimony?

21 THE COURT: Might Counsel approach.

22 (The following is a bench conference.)

23 THE COURT: I don't mind putting that on the
24 record, but typically appellant courts may make it
25 incumbent on you to make a contemporaneous

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1 objection. I'll let you do whatever you want to
2 do.

3 MR. SPRATLIN: I would just ask that we have
4 a continuing objection rather than have to
5 continually object.

6 THE COURT: Well, I think --

7 MR. SPRATLIN: I'll specifically object to
8 the more important ones.

9 THE COURT: Very good.

10 (The following is had in open court.)

11 MR. SPRATLIN: Your Honor, may my objection
12 be a continuing objection?

13 THE COURT: Any objection from the State?

14 MR. LANIER: No, Your Honor.

15 THE COURT: Very good.

16 Q (BY MR. LANIER) So you needed your vehicle to
17 get to work?

18 A Yes, sir.

19 Q And then he wouldn't give you your keys; why
20 not?

21 A I can't answer that.

22 Q Did he tell you?

23 A He just said he wasn't.

24 Q What was your response?

25 A That he needed to give me my keys or I would

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1 call the police officers.

2 Q Okay. And were you able to call the police?

3 A Not at that moment; but, yes, eventually.

4 Q At that moment, why were you not able to?

5 A We got into an argument, and he did a whole
6 intimidation bullying thing.

7 MR. SPRATLIN: I'll specifically object to
8 this on the 404(b) grounds.

9 THE COURT: Overruled.

10 A Where he pulled out a -- one of the -- it's a
11 pocket knife, the kind you can pop out, and he laid
12 it on my Sensy burner by the front door.

13 Q (BY MR. LANIER) Did he swipe at you with the
14 knife?

15 A He did not.

16 Q At that time, did you believe that he would
17 do anything with the knife?

18 A I did not.

19 Q Did he make any threats with the knife?

20 A He said that he had something for me if I
21 called the police or tried call the police. He had
22 something for me and the police.

23 Q How did you interpret that?

24 A That he was going to do me bodily harm.

25 Q At some point, were you able to get to your

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- 1 phone?
- 2 A I was.
- 3 Q What were the circumstances?
- 4 A He went to the bathroom.
- 5 Q And what did you do?
- 6 A I snatched my phone and ran down the road on
- 7 -- not King's Highway, but -- Ocean Boulevard.
- 8 Q Did Mr. Dingle pursue you?
- 9 A He did at first.
- 10 Q Were there a lot of people around?
- 11 A There was. It was early morning. It was a
- 12 nice day. People were out and about walking.
- 13 Q Did he eventually turn around?
- 14 A He did.
- 15 Q Did the police respond?
- 16 A Yes.
- 17 Q Did you tell them what happened?
- 18 A I did.
- 19 Q Were you aware that a warrant was issued?
- 20 A I was on some level. I just wasn't aware of
- 21 what it was consisting of at that point.
- 22 Q All right. Were you able to leave your
- 23 apartment that day and go somewhere else?
- 24 A No.
- 25 Q Why not?

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1 **A** He had my keys and wallet and my bank cards.

2 **Q** So he had taken everything from you that you
3 could use to purchase or --

4 **A** Yes.

5 **Q** But you had your phone?

6 **A** Yes, sir.

7 **Q** Did you remain home the rest of the day?

8 **A** I did.

9 **Q** At some point later that evening, did you go
10 to bed?

11 **A** I did.

12 **Q** Were you awoken?

13 **A** I was.

14 **Q** And this is late in the evening on
15 December 6th?

16 **A** Yes, sir.

17 **Q** Close to midnight?

18 **A** If it's -- I mean, this is a year ago -- like
19 I said, a year and some change ago. I wasn't
20 looking at clocks at that time. It was really,
21 really late towards that or early a.m. hours.

22 **Q** On December 7th?

23 **A** This is incident two?

24 **Q** Yeah.

25 **A** Okay.

TONYA JOHNSON - DIRECT EXAMINATION

1 Q So you are in bed. What happens?

2 A He comes home, and that was my whole worry,
3 because I knew he had my car keys, so he had the
4 keys to the apartment. He wakes me up by snatching
5 me out of the bed.

6 Q Did you try to run?

7 A Of course.

8 Q Did you make it outside?

9 A I did not.

10 Q Why not?

11 A He pulled me back ripping -- I had my
12 housecoat on at the time, and he rips my housecoat.
13 He's ripping my shirt. I'm not able to leave.

14 Q When he was ripping your shirt, did it injure
15 you at all?

16 A It did.

17 Q Where did it injure you?

18 A I sleep in a tank top, and when he was
19 pulling it, it was cutting into my arms, like under
20 my arms, and right here in my arm (indicates).

21 Q Did Mr. Dingle, the defendant, seem angry?

22 A He was very, very angry. More so than I had
23 seen him before.

24 Q Did he tell you what he was angry about?

25 A Because I called the police department.

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1 **Q** Did he ever tell you what calling the police
2 department meant to him?

3 **A** Yes.

4 MR. SPRATLIN: Object on grounds of 404(b).

5 THE COURT: Overruled.

6 **Q** **(BY MR. LANIER)** What did he tell you?

7 **A** That it was the highest level of disloyalty
8 that you could do because of his past.

9 **Q** Okay. So he's telling you that. Did he
10 strike you with his hands or fist?

11 **A** Yes. I have worked really hard not to
12 remember this. Yes.

13 **Q** Did he slap you with an open hand?

14 **A** No. He was more punching me than slapping
15 me.

16 **Q** Did he hit you in the face?

17 **A** He did.

18 **Q** Did he force you to --

19 MR. SPRATLIN: Objection to leading.

20 THE COURT: Ask direct questions.

21 MR. LANIER: Yes, Your Honor.

22 THE COURT: Sustained.

23 MR. SPRATLIN: Thank you, Your Honor.

24 **Q** **(BY MR. LANIER)** After you attempted to leave,
25 what happened?

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1 **A** He was just -- he was saying horrible things
2 to me, cussing at me, hitting me, punching me,
3 ripping my clothes. At one point, he made me sit
4 on the couch with no shirt on. Just the
5 humiliation tactics. I just call it bullying. I
6 didn't really look at the situation for what it was
7 until months later, but....

8 **Q** While you were on the couch, what did he do?

9 **A** He was talking to me about did you call the
10 cops, did you take a warrant out, did this and
11 that, this and that. As we're arguing, I said to
12 him -- and I shouldn't have because it made him
13 worse -- that, yes, I had, and that he was going to
14 jail, and he just started choking me. He was on me
15 where I couldn't move my arms. Right before this,
16 I had been screaming and screaming for the
17 neighbors, because our walls were very thin,
18 because we heard them arguing. You know, nobody
19 came. Nobody called the cops.

20 But I think that that was me screaming and me
21 telling him that I had to take a warrant out or
22 there was a warrant taken out. That is what made
23 him so angry, and he just started choking me to the
24 point where his thumb was in the side of my neck,
25 like where you swallow. All I could focus on was

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1 my daughter saying, Mom, we're going to find you
2 dead one day. We're going to find you dead if you
3 keep going back. That's all I kept thinking of.
4 He was different. His face was different. He was
5 -- he didn't look like himself. I don't know if it
6 was from the anger or what it was, but it scared me
7 more than I had been scared before.

8 Q What were you scared of?

9 A I was going to die.

10 Q Were you in pain as this was happening?

11 A Yes.

12 Q Were you able to breathe?

13 A I started feeling like I was going to
14 blackout. Like how you get those little dots in
15 front of your eyes, if you are my age, and you
16 stand up too quickly. I don't know what caused it.
17 But, to me, it looked like he realized how far it
18 was going, and he released me the first time.

19 Q You said the first time, what do you mean by
20 that?

21 A He choked me three times.

22 Q When did he choke you the second time?

23 A On the kitchen floor.

24 Q So this incident wasn't just contained to the
25 couch?

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1 **A** No. It was all over in that area in between.
2 We had an apartment that has the kitchen and the
3 living room together, so it's in that one area.

4 **Q** How long do you think that this occurred?

5 **A** It felt like hours and hours. It was for
6 probably three or four hours, if not a little bit
7 more. Like I said, at that point in time, I'm not
8 looking at the clocks. I'm not focusing on
9 anything except for....

10 **Q** He choked you a third time, where was this
11 at?

12 **A** Back on the couch.

13 **Q** Did you remain on the couch?

14 **A** I did.

15 **Q** Did you get your phone and wallet or anything
16 back?

17 **A** No. I was too scared at that point to try
18 anything.

19 **Q** Did he do anything with your cell phone?

20 **A** I don't remember. I don't think so. He went
21 in and out of being enraged. So he would go from
22 this violence that we were -- that we were dealing
23 with. He was just on and on, and then he would
24 go -- you know, turn it around on me, See what you
25 make me do, but I love you so much. And then he

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1 would berate me with things -- my personal things
2 in my lifetime. You know, That's why your kids
3 don't love you. That's why your dad didn't love
4 your. That's why, you know, your dad wasn't there.
5 That's why -- all of this stuff. Then he would
6 justify his actions by saying things like, Well,
7 you've been in abusive relationships before, so you
8 were already damaged.

9 Q Were you fighting back at all?

10 A As best as I could. I mean, you know, I'm --
11 I don't think I'm the strongest person, but not the
12 weakest either, but as best as I could at times.

13 Q As you remained on the couch, do you remember
14 a knock at the door?

15 A I do. This was after he had gone to sleep.
16 He has passed out. We're now on this little couch
17 together, and I'm sitting here, and he is there
18 with his legs across me.

19 Q His legs were across you?

20 A Uh-huh.

21 Q Did you feel like you could move?

22 A No.

23 Q You heard the knock at the door. What
24 happened?

25 A He told me -- it woke him up, because they

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1 didn't just knock once. He told me to go get the
2 door. I put the shirt back on. It was stretched
3 out at this point, but I put the shirt back on, and
4 I answered the door.

5 Q Up to that point, you were still shirtless on
6 the couch?

7 A Yes.

8 Q When you answered the door, where was the
9 defendant?

10 A He went in the bedroom.

11 Q When you saw the cops, how did you feel?

12 A God sent them at that very moment.

13 Q What did you do when they -- what did they
14 say to you?

15 A They asked for him.

16 Q Did you call for him?

17 A I did.

18 Q Did you find out why they were there?

19 A Yes.

20 Q What was the reason?

21 A From the -- from incident one, from the day
22 before.

23 Q What do you remember happening when they
24 arrived?

25 A I called him, and he came and was like

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1 standing in the living room, and they were telling
2 him to step outside, and he was hesitant to step
3 outside.

4 Q And then what happened?

5 A They put him in handcuffs, and they were
6 explaining to him what it was for, and he was --

7 MR. SPRATLIN: Object to this line of
8 questioning based on the pre-Court ruling regarding
9 the Jackson v. Denno.

10 THE COURT: I ask that you move on.

11 Q (BY MR. LANIER) At that point, did you feel
12 safe to tell them what happened?

13 A Once he was in handcuffs, yes.

14 Q Is that what you did?

15 A I did.

16 Q Did the police come back and take a
17 statement?

18 A They didn't need to come back. They never
19 left.

20 Q I mean, the defendant, was he there the
21 entire time while you gave the statement?

22 A No.

23 Q Did the police come into your apartment and
24 take a statement?

25 A Yes. I apologize, yes.

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1 Q Do you recall if they took pictures?

2 A They did.

3 MR. LANIER: May I approach the witness?

4 THE COURT: Yes.

5 Q (BY MR. LANIER) Ms. Johnson, I'll show you
6 State's Exhibit 3. Can you identify that photo?

7 A Yes.

8 Q What is it?

9 A It's me.

10 Q Is it from December 7th?

11 A Yes.

12 Q What do you see in that photo?

13 MR. SPRATLIN: I'm going to object. I think
14 the photo speaks for itself.

15 THE COURT: She can describe the photo, and
16 he can publish it as well.

17 A I just got beat up.

18 MR. LANIER: Permission to publish?

19 THE COURT: Yes.

20 (A brief pause in the proceedings. State's
21 Exhibits 3-8 marked.)

22 MR. LANIER: Judge, I'm going to have her
23 identify Exhibits 2, 3, 4, 5, 6, 7 and 8, and then
24 I'll ask them to be entered into evidence.

25 Q (BY MR. LANIER) What is State's Exhibit 4?

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1 **A** That's when he was choking me. He always had
2 long fingernails, so where it cut into my chest.

3 **Q** Is this a picture from December 7th?

4 **A** It is.

5 **Q** State's Exhibit 5?

6 **A** That's from December 7th.

7 **Q** State's Exhibit 6?

8 **A** Yes, sir.

9 **Q** Exhibit 7?

10 **A** Yes, sir.

11 **Q** State's Exhibit 8?

12 **A** Yes, sir.

13 **Q** Do these fairly and accurately depict your
14 state at that time on what you looked like at that
15 time?

16 **A** Yes.

17 MR. LANIER: Move to admit State's 3 through
18 8.

19 THE COURT: Any objection?

20 MR. SPRATLIN: No objection.

21 (State's Exhibits 3-8 admitted.)

22 MR. LANIER: While we wait for the machine to
23 show the pictures --

24 **Q** **(BY MR. LANIER)** Did you leave immediately --
25 excuse me. Strike that.

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1 What did you do after the cops left with

2 Mr. Dingle?

3 **A** I left.

4 **Q** Where did you go?

5 **A** Virginia.

6 **Q** Did you seek medical treatment?

7 **A** I went to the hospital in Virginia.

8 **Q** Why?

9 **A** I couldn't hardly swallow still.

10 **Q** As the days went on, how did your wounds or
11 injuries progress?

12 **A** The only thing that really bothered me,
13 besides my throat, was I had headaches.

14 **Q** Did your injuries look worse days later than
15 that day?

16 **A** Yes. I mean....

17 **Q** Did you remain in Virginia?

18 **A** I did.

19 **Q** Why did you go to Virginia?

20 **A** Because my son and his wife lived there, and
21 my grandson I raised up until two years ago. My
22 son finally got his life together and got custody,
23 and he's there.

24 **Q** Did you feel safe remaining in Myrtle Beach?

25 **A** No.

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1 **Q** I'll ask questions between the pictures as he
2 shows them.

3 (A brief pause in the proceedings.)

4 **Q** **(BY MR. LANIER)** Ms. Johnson, how long after
5 the event were these pictures taken?

6 **A** It was the same morning.

7 **Q** Within hours? Within the hour?

8 **A** Yes.

9 **Q** Are there any marks that are on your body
10 that were not there prior to the event?

11 **A** Yes.

12 **Q** Where?

13 **A** My eye ended up blacking all the way to my
14 cheek. I had bruising this side of my neck.

15 **Q** And what about the mark on your chest?

16 **A** It was still there.

17 **Q** Is that from the defendant?

18 **A** That's from his fingernail.

19 **Q** Is your neck swollen there?

20 **A** It is.

21 **Q** Is your chin -- is that how your chin
22 normally looks? Is that how your throat normally
23 looks?

24 **A** No.

25 **Q** Do you see swelling in that picture?

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1 **A** Yes.

2 **Q** And what is that mark from?

3 **A** From when he was ripping my shirt.

4 **Q** Did that mark become worse over the days?

5 **A** Yeah. You can see at the bottom of the
6 picture how it goes around the other side. It was
7 really, really bad. I went to the hospital.
8 Before I went, my daughter-in-law took pictures of
9 it.

10 **Q** Is that how your eye normally looks?

11 **A** No, sir.

12 **Q** What is the difference?

13 **A** It's already starting to blacken.

14 **Q** And did your neck hurt on that side?

15 **A** Yes.

16 **Q** Was there swelling there?

17 **A** Yes, sir.

18 **Q** Did the swelling get worse as the days went
19 on?

20 **A** I won't say the swelling did, but the
21 bruising and me trying to swallow, like that was
22 really bad.

23 MR. LANIER: Beg the Court's indulgence.

24 (A brief pause in the proceedings.)

25 **Q** **(BY MR. LANIER)** How have you tried to move on

TONYA JOHNSON - DIRECT EXAMINATION

1 from this incident?

2 **A** I've tried to heal.

3 MR. SPRATLIN: Object to relevance.

4 THE COURT: Sustained. Sustained.

5 **A** I do --

6 MR. SPRATLIN: Objection.

7 **Q** (BY MR. LANIER) Did you feel in fear for your
8 life at that time?

9 **A** I did. I did.

10 MR. LANIER: No further questions.

11 THE COURT: Madam Forelady, ladies and
12 gentlemen, we'll have you return to the jury room
13 to refresh yourselves. Do not discuss the case.

14 Madam Forelady, enforce that rule.

15 Everyone remain seated as the jury exits the
16 courtroom.

17 (The jury exits at 10:56 a.m., and the
18 following is heard out of the presence of the jury.)

19 THE COURT: Anything from the State before we
20 take a recess?

21 MR. LANIER: No, Your Honor.

22 THE COURT: Defense?

23 MR. SPRATLIN: No, Your Honor.

24 THE COURT: Very good. We'll take about a
25 five-minute recess.

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1 MR. HOLFORD: And, Your Honor, just for her
2 edification, we can't speak to her.

3 THE COURT: That's correct. I'll ask, if you
4 could, remain on the witness stand. If you have to
5 use the restroom, you can, but you can't discuss
6 the case with any lawyer.

7 (A recess was taken.)

8 THE COURT: Please be seated.
9 Anything from the State before we bring the jury
10 out?

11 MR. LANIER: No, Your Honor.

12 THE COURT: Defense?

13 MR. SPRATLIN: No, Your Honor.

14 THE COURT: We're ready for the jury.

15 (The jury enters at 11:08 a.m., and the
16 following is heard in the presence of the jury.)

17 THE COURT: Mr. Spratlin.

18 MR. SPRATLIN: Thank you, Your Honor.

19 **CROSS EXAMINATION**

20 **BY MR. SPRATLIN:**

21 **Q** Good morning, Ms. Johnson. I have a couple
22 of questions for you. First off, I'll ask you
23 questions about where you and Mr. Dingle were
24 living back on December 6th of 2023. What was
25 the name of the place you were staying at?

TONYA JOHNSON - CROSS EXAMINATION

1 **A** It was the Polynesian. They were little
2 apartments that the motel actually ran, but they
3 were apartments.

4 **Q** By little apartments, do you know about what
5 the square footage was?

6 **A** It was a one bedroom.

7 **Q** So pretty small?

8 **A** Yes.

9 **Q** And you said earlier that you had some
10 neighbors that were next door, right?

11 **A** Yes.

12 **Q** And you were actually at the end unit?

13 **A** Yes.

14 **Q** So you had neighbors on one side, but not the
15 other?

16 **A** Correct.

17 **Q** And there was a front door and back door to
18 those units?

19 **A** Yes, sir.

20 **Q** Now, when you walk in your front door of the
21 Polynesian, the couch was kind of right there,
22 right?

23 **A** Correct.

24 **Q** And, if you recall, you had many other items
25 in that apartment that day, right?

TONYA JOHNSON - CROSS EXAMINATION

1 **A** Correct.

2 **Q** In fact, I think right by the door you had
3 like a little Christmas tree setup, correct?

4 **A** It was on a high table.

5 **Q** So you had a little Christmas tree setup,
6 correct?

7 **A** Correct.

8 **Q** On a high table.

9 All right. And you had testified a little
10 bit about the -- I think you called it the first
11 incident, so I'll use that term since you used that
12 term. Do you recall like -- you said that he took
13 -- Mr. Dingle took your phone, correct?

14 **A** Correct.

15 **Q** And that Mr. Dingle took your car, correct?

16 **A** He took my car the night before.

17 **Q** Night before.

18 Took your keys?

19 **A** Yes.

20 **Q** How many cars did you all own together?

21 **A** Just one.

22 **Q** You owned one car together, but you -- what
23 kind of car?

24 **A** My car. It was a Kia Forte.

25 **Q** Which car did you own together?

TONYA JOHNSON - CROSS EXAMINATION

1 **A** The Lincoln MKT.

2 **Q** And Mr. Dingle also owned a Cadillac,
3 correct?

4 **A** He did.

5 **Q** So there were three cars parked behind the
6 apartment complex?

7 **A** One that was in the front, and two in the
8 back. One was inoperable.

9 **Q** Which one was inoperable?

10 **A** Lincoln MKT.

11 **Q** So when you say "your car," you are referring
12 to the Kia Forte?

13 **A** Kia Forte.

14 **Q** During that first incident when the police
15 responded, do you recall telling them that
16 Mr. Dingle did not attack you?

17 **A** Of course. He didn't.

18 **Q** Do you remember telling them that you were
19 not in fear for your safety?

20 **A** Of course.

21 **Q** So you told the officers he didn't attack
22 you, and you weren't in fear for your safety?

23 **A** Of course.

24 **Q** That's a yes?

25 **A** That's yes.

TONYA JOHNSON - CROSS EXAMINATION

1 Q And regarding your cell phone that Mr. Dingle
2 took, that cell phone was actually right next to
3 the Christmas tree on the -- when you walked in the
4 door with those officers there that day, wasn't it?

5 A That was after I had gotten my phone back.
6 That was after I called them on my phone.

7 Q So you just left your phone sitting there?

8 A Yes.

9 Q So you did have your phone throughout the day
10 of December 6th?

11 A Yes. I just did not have my car or my keys
12 to my car. So, essentially, I did not have my car.

13 Q So you had your phone and your car was there,
14 but you didn't have your keys?

15 A Correct.

16 Q So you had the ability to call people,
17 contact people, correct?

18 A Correct.

19 Q Did you do anything to leave the apartment
20 that day?

21 A I did not have my car keys.

22 Q Did you call anybody to get you from the
23 apartment?

24 A I had no one in Myrtle Beach.

25 Q You said you were from Columbia. How far is

TONYA JOHNSON - CROSS EXAMINATION

1 Columbia from here?

2 A Two-and-a-half hours.

3 Q Did you call anybody from Columbia to come
4 and get you?

5 A I did not. I was not going to leave my car.

6 Q So you did absolutely nothing to try to leave
7 the apartment the day of December 6th?

8 A You are absolutely correct.

9 Q Now, you said that my client, by the time the
10 police got there, he had left the scene?

11 A Yes.

12 Q Did you -- to your knowledge, did the
13 officers even see him that day?

14 A You would have to ask them.

15 Q All right. Now, you said later on, during
16 the day or -- what time did you say my client came
17 back, approximately?

18 A I didn't say an approximate time. I said I
19 wasn't looking at the clocks at that time because I
20 was asleep.

21 Q So you were asleep. What time do you
22 normally go to bed?

23 A It ranges.

24 Q You have no idea what time you would have
25 gone to bed that day?

TONYA JOHNSON - CROSS EXAMINATION

1 **A** I would assume before midnight.

2 **Q** You said that when my client came back home,
3 that's when what you refer to -- or the Solicitor
4 referred to as the "second incident" happened,
5 correct?

6 **A** Correct.

7 **Q** And you said my client was upset about the --
8 you calling the police, and he proceeded to -- from
9 what you are telling this jury here -- beat you and
10 kidnapped you, and basically choked you, I think
11 you said, three times?

12 **A** Correct.

13 **Q** And I think you said this all happened
14 throughout the apartment?

15 **A** Correct.

16 **Q** Was there anything damaged in that apartment?

17 **A** I would not say "damaged." There was stuff
18 that was thrown over, but I won't say "damaged."

19 **Q** Did you pick it up before the police got
20 there?

21 **A** I honestly don't know what I did before the
22 police got there, besides wait to see if I could
23 leave.

24 **Q** So if the police didn't see anything knocked
25 over or damaged, that would be because they weren't

TONYA JOHNSON - CROSS EXAMINATION

1 looking, basically?

2 **A** Can't answer that. You would have to ask
3 them.

4 **Q** Was the Christmas tree by the door knocked
5 over?

6 **A** No.

7 **Q** How did you try to leave the apartment when
8 my client wouldn't let you, as you testified to?

9 **A** I tried to go out the door.

10 **Q** Which door?

11 **A** The back door.

12 **Q** The back door. So not the one where the
13 Christmas tree is?

14 **A** No.

15 **Q** Was anything broken near the back door?

16 **A** No. There wasn't enough room in that
17 apartment for things to be broken. So if you
18 walked in, you saw a living room and a kitchen
19 together, and then you saw a doorway and the
20 bathroom and a tiny bedroom. So it wasn't an
21 amount of space for things to be broken. And I
22 certainly don't think things could break in the way
23 of the small amount of room that we had.

24 **Q** In addition to it being a small room, there
25 was a ton of stuff in that room, too, wasn't there?

TONYA JOHNSON - CROSS EXAMINATION

1 **A** There was.

2 **Q** But during this happening, nothing was
3 damaged?

4 **A** I wouldn't say nothing was damaged. Like I
5 said, this was a year and some change ago, so I
6 don't recall what was or was not damaged. What I
7 do recall is exactly what I have spoken to as to
8 what happened that night.

9 **Q** So for this jury here today, you have no
10 evidence to show that throughout this entire melee
11 in this small, cramped apartment that anything in
12 that apartment was damaged?

13 **A** You are correct. I do not.

14 **Q** You testified that my client forced you to
15 sit on the couch shirtless?

16 **A** Correct.

17 **Q** Were you wearing a shirt when the police
18 officers arrived?

19 **A** I put it back on, yes.

20 **Q** When the police officers arrived?

21 **A** Yes.

22 **Q** So you weren't wearing one?

23 **A** No. He asked the same question, and I
24 answered it.

25 **Q** When the police officers arrived, did you run

TONYA JOHNSON - CROSS EXAMINATION

1 out to them?

2 **A** No. I opened the door.

3 **Q** You opened the door, and they gave you the
4 name Kawasi Dingle, and you called his name?

5 **A** I did.

6 **Q** And then you proceeded to walk back into the
7 apartment where he was at?

8 **A** Of course.

9 **Q** So the man who just assaulted you for hours
10 upon hours, choked you three times throughout this
11 entire apartment, the police are at the door,
12 salvation is at the door?

13 **A** Correct.

14 **Q** And rather than go to salvation, you turn and
15 go back into the apartment?

16 **A** I did not turn to go back in the apartment.
17 It was not big enough. If you watch the footage,
18 I'm at the door. I turn my head. I say Kawasi
19 twice. There was no room to -- you're making it
20 like there was a bunch of room to walk down to a
21 hallway. It wasn't like that. The cops were
22 there. I turned around and called his name, and I
23 stepped to the side for him to come. Because at
24 that point, in my head, the easiest thing was for
25 them to get him out of the apartment. You are

TONYA JOHNSON - CROSS EXAMINATION

1 asking me to make sense of a situation that I can't
2 even make sense of the seven-year relationship,
3 much less make sense of what was going through my
4 head after. Yes, I had just been choked three
5 times, beat on, called names and belittled, and
6 bullied for three, four hours. Yes, sir, that's
7 what I'm saying.

8 Q Let me ask you again to make sure we're all
9 clear. Instead of going towards the --

10 A You are exactly correct.

11 Q -- you back up to the danger?

12 A I didn't back up. I turned my head. When he
13 came -- when he was in line of the cops, I moved to
14 the side. Correct.

15 Q And you mentioned the video. So you've
16 watched the video recently?

17 A We're all on camera when we talk to police
18 officers.

19 Q Yes. Have you watched that video?

20 A I watched pieces. I could not watch all of
21 it.

22 Q And in that video, did you see anything
23 damaged or broken?

24 A I wasn't paying attention to that when I
25 watched those pieces. I was paying attention to me

TONYA JOHNSON - CROSS EXAMINATION

1 reliving how utterly dumb I still feel being in
2 that situation for seven years.

3 Q Now, you told this Court and this jury that
4 when you went to Virginia -- I think your children
5 lived there, right?

6 A My son and his wife.

7 Q And grandkids?

8 A Yes.

9 Q So you go to Virginia, and you said you went
10 to the hospital up there?

11 A I did.

12 Q Do you have any records to show this jury
13 here today --

14 A I do not. And I never thought I would be
15 here. I never thought I would get subpoenaed to
16 come to court. I said that to them when they did
17 subpoena me, because I told them that it would be
18 too emotional. I'm still trying to heal. I never
19 thought I would have to sit in front of anybody and
20 see this man ever again. I never thought that.

21 So, no, I didn't bring anything. If I would have
22 known, I could have brought my family with me, my
23 daughter-in-law who took pictures after the fact.
24 I could have brought my hospital records. I was
25 floored when I heard last week-and-a-half that I

TONYA JOHNSON - REDIRECT EXAMINATION

1 was going to have to come, and my head has been on
2 nothing to bring with me except for the fact that I
3 had to come and relive this today. So, no, I don't
4 have anything.

5 Q So that is a no?

6 A That's a no. I have nothing.

7 Q Nothing to present to this jury to
8 corroborate any of the testimony --

9 A You are correct. You are correct. Just me
10 and God, that's it.

11 MR. SPRATLIN: Nothing further.

12 THE COURT: Redirect?

13 REDIRECT EXAMINATION

14 BY MR. LANIER:

15 Q You don't have family in the area in the
16 Myrtle Beach?

17 A No.

18 Q Did you have family in Columbia?

19 A My daughter and her fiancée live in Eastover,
20 but she was the one who was really worrying in
21 saying that she would have to bury me, so our
22 relationship was not the greatest. I had --

23 MR. SPRATLIN: Object; 404(b).

24 THE COURT: Sustained.

25 Q (BY MR. LANIER) Were all of your belongings

TONYA JOHNSON - REDIRECT EXAMINATION

1 and everything you owned in that apartment?

2 A Yes.

3 Q Was it your testimony that the defendant was
4 attacking you rather than destroying the apartment?

5 A Yes.

6 Q Did you testify that he threw you into the
7 wall or threw you into the furniture or threw you
8 into the clothes?

9 A No.

10 Q Was it your testimony that he said he would
11 kill the police and you?

12 A I did not -- I want to make it very clear. I
13 don't want you to twist my words. He never said
14 that he was going to kill me and the police. What
15 he said was -- and what I maintain he said was --
16 that he had something for me and the police.

17 Q So I know you said it made more sense to get
18 him out of the apartment before --

19 A Yes. Most definitely. To me, in that
20 moment. But what sense was I in at that moment?

21 Q And when you left, did you take anything with
22 you?

23 A I took what I could fit in my car, my
24 clothes, personal stuff, pictures of my
25 grandchildren and kids.

DAVID ROMONOUSKAS - DIRECT EXAMINATION

1 Q So you left a bunch of your belongings?

2 A Yes. A whole apartment full.

3 Q Just packed up and left?

4 A Yes. It was not my first time.

5 Q And you were fearful of remaining in Myrtle
6 Beach?

7 A Most definitely.

8 MR. LANIER: Thank you.

9 THE COURT: You may step down. Call your
10 next witness.

11 MR. LANIER: We call Officer Romonouskas.

12 (DAVID ROMONOUSKAS, having been duly sworn,
13 testified as follows:)

14 THE WITNESS: David Romonouskas.

15 DIRECT EXAMINATION

16 BY MR. LANIER:

17 Q Where are you employed?

18 A With the Myrtle Beach Police Department.

19 Q How long have you been with the Myrtle Beach
20 Police Department?

21 A I've been with Myrtle Beach for four years.

22 Q Were you sworn and on duty on December 6 of
23 2023?

24 A Yes, I was.

25 Q What were your duties that day?

DAVID ROMONOUSKAS - DIRECT EXAMINATION

1 **A** Assigned to day shift patrol over to the
2 south end of the city.

3 **Q** At some point that day, did you respond to
4 Tenth Avenue South, the Polynesian Hotel or
5 apartment complex?

6 **A** Yes, I did.

7 **Q** What was that in reference to?

8 **A** I responded to an incident for 911 open line
9 or hang-up.

10 **Q** When you say "open line or hang-up," that
11 means -- what does that mean?

12 **A** Exactly what it says. 911 open line or
13 hang-up means someone called 911 and hung the phone
14 up, or the phone remained open and they weren't
15 answering.

16 **Q** When you arrived on scene, did you come into
17 contact with Tonya Johnson?

18 **A** Upon arriving on scene, there were other
19 officers on scene speaking to the victim. At that
20 time, I became an assisting unit, and I assisted
21 the primary unit in his investigation with some
22 paperwork. I did not come in direct contract as
23 far as talking to the victim about the incident
24 that happened on the 6th.

25 **Q** Where was she at when you arrived and saw her

DAVID ROMONOUSKAS - DIRECT EXAMINATION

1 talking to other officers?

2 A Upon my arrival, the victim and other
3 officers were out front of her apartment complex.

4 Q So was she in the street?

5 A Kind of on the shoulder of the street not
6 directly in the street.

7 Q So not in the actual apartment complex?

8 A Just kind of off to the side partially on the
9 road, but partially in the parking area.

10 Q What was your role as assisting officer?

11 A I helped the primary officer with the
12 victim's advocate form, filled that out, and then
13 provided that to the victim kind of explaining what
14 her rights were and contact numbers she could call.
15 And then I conducted a search of the area once a
16 BOLO was put out for the defendant's vehicle.

17 Q Do you recall what that vehicle was?

18 A Yes. It was a white in color 2007 Cadillac
19 STS, and the plate number was [REDACTED].

20 Q When you say BOLO, can you explain what that
21 is.

22 A Be-On-The-Lookout. It is a description of a
23 vehicle or person for all officers to be mindful
24 of. So the information is put out as much as you
25 have, whatever the BOLO, and that was the make,

DAVID ROMONOUSKAS - DIRECT EXAMINATION

1 model of the vehicle, along with the plate number.

2 Q In plain terms, you were looking for the
3 defendant, Kawasi Dingle?

4 A I was looking for the vehicle that was
5 assigned to Mr. Dingle or he was the registered
6 owner of.

7 Q And without getting into specification, what
8 was the reason you were looking for the defendant?

9 A Due to the incident on the morning of --
10 MR. SPRATLIN: Object under 404(b).

11 THE COURT: Overruled.

12 Q (BY MR. LANIER) Go ahead.

13 A Due to the incident on December 6th. That
14 morning a warrant was put out on the defendant.
15 The BOLO was put out for his vehicle, and we
16 conducted a search for that vehicle to locate the
17 defendant.

18 Q Let's talk about December 7th. Were you
19 sworn and on duty that day?

20 A Yes, sir, I was.

21 Q Were your responsibilities the same as on
22 December 6th?

23 A Yes, they were.

24 Q At approximately 8:00 a.m., where were you?

25 A At approximately 8 o'clock in the morning, I

DAVID ROMONOUSKAS - DIRECT EXAMINATION

1 was conducting routine patrols on the south end of
2 the city. I was on Ocean Boulevard around
3 Tenth Avenue South.

4 Q Did you see anything that drew your attention
5 to the Polynesian area?

6 A Yes, I did.

7 Q What was that?

8 A As I was traveling southbound on South Ocean
9 Boulevard, I was passing the Polynesian. I had
10 passed where the victim's apartment was, when I
11 noticed a white colored Cadillac that matched the
12 description of the BOLO that was put out the day
13 before for a defendant.

14 Q What did you do in response to seeing the
15 vehicle?

16 A Once I confirmed that it was the vehicle by
17 the tag number, I notified dispatch that I had a
18 possible sighting of a BOLO for a wanted
19 individual. I contacted other officers, and then I
20 waited for their arrival. I positioned my vehicle
21 in the back parking lot where the vehicle was
22 located, which was behind the rear entrance to the
23 victim's apartment, and I waited for the other
24 officers.

25 Q When the other officers arrived, what did you

DAVID ROMONOUSKAS - DIRECT EXAMINATION

1 do?

2 **A** Upon the arrival, a decision was made that we
3 would conduct a follow-up. The other officers went
4 to the front of the location to knock on the front
5 door to the victim's apartment. I maintained
6 security of the perimeter and the defendant's
7 vehicle, which was unoccupied and running at the
8 time.

9 **Q** And then what happened next?

10 **A** After several minutes, the officers that were
11 up front contacted me. I came around the front,
12 and the defendant had been placed in handcuffs at
13 that time.

14 **Q** Did you have any further involvement in this
15 case?

16 **A** I did. I escorted, along with another
17 officer, the defendant to my vehicle, conducted a
18 pat-down search for weapons and contraband. He was
19 placed into my vehicle, and I transported him to
20 the Myrtle Beach jail, and then I wound up serving
21 the warrant from December 6 --

22 MR. SPRATLIN: Object; 404(b).

23 THE COURT: Overruled.

24 **Q** **(BY MR. LANIER)** Just to be clear, the reason
25 that you and other officers were on scene at

DAVID ROMONOUSKAS - DIRECT EXAMINATION

1 approximately 8 o'clock, 8:30 on December 7th is
2 because you saw the defendant's vehicle in the back
3 parking lot?

4 A Yes, sir.

5 Q Not because you were called?

6 A No, sir. I was there solely because I
7 observed the vehicle, identified the vehicle as a
8 BOLO, and then I initiated a call and had other
9 officers conduct a follow-up to confirm whether or
10 not the defendant was actually in the apartment or
11 not.

12 Q And is this the same apartment that you
13 responded to the previous day?

14 A Yes, it is.

15 Q Was it the same victim?

16 A Yes, it is.

17 Q Same defendant?

18 A Yes, it is.

19 Q Is this within 24 hours?

20 A Yes, it is.

21 MR. LANIER: No further questions.

22 THE COURT: Cross examination?

23 MR. SPRATLIN: Briefly, Your Honor.

24 CROSS EXAMINATION

25

DAVID ROMONOUSKAS - CROSS EXAMINATION

1 BY MR. SPRATLIN:

2 Q Officer, how are you today?

3 A I'm good.

4 Q I really have one or maybe two questions for
5 you. You said that when you saw the defendant's
6 vehicle it was running, correct?

7 A Yes, it was.

8 Q Was he in that vehicle?

9 A He was not. No one was inside the vehicle at
10 the time.

11 Q But it was running in the backyard or in back
12 of the hotel?

13 A Yes, sir. It was running in the back of the
14 parking lot directly behind the victim's back door.

15 MR. SPRATLIN: Thank you. No further
16 questions.

17 THE COURT: Any redirect?

18 MR. LANIER: No, Your Honor.

19 MR. HOLFORD: We call PFC Lang.

20 (ALEX LANG, having been duly sworn,
21 testified as follows:)

22 THE COURT: Have a seat in the witness chair.
23 Pull up real close to that microphone. Speak
24 slowly and loud in order that we can hear, and
25 start with your full name.

ALEX LANG - DIRECT EXAMINATION

1 THE WITNESS: Alex Lang.

2
3 DIRECT EXAMINATION

4 BY MR. HOLFORD:

5 Q Where are you currently employed?

6 A City of Myrtle Beach Police Department.

7 Q Back on December 6th and 7th of 2023, were
8 you employed there as well?

9 A Yes, I was.

10 Q How long have you been an officer with the
11 Myrtle Beach Police Department?

12 A Just over five years.

13 Q Back in 2023, what was your duties?

14 A I was primarily assigned to the south end
15 patrol, but I was also a field training officer at
16 that time.

17 Q What does a field training officer do?

18 A We do the -- I guess you call it --
19 on-the-job training for people who just graduated
20 the academy.

21 Q What types of calls did you respond to as a
22 patrol officer?

23 A We would respond to any calls that came out
24 in our area.

25 Q Have you responded to domestic violence calls

ALEX LANG - DIRECT EXAMINATION

1 before?

2 **A** Yes.

3 **Q** How many do you know?

4 **A** I mean, it's hard to say specifically. But,
5 I mean, unfortunately, we deal with domestic
6 violence a lot.

7 **Q** Are part of your duties to then swear out a
8 warrant in front of a magistrate based on incidents
9 that occur?

10 **A** Yes.

11 **Q** On December 7th, where did you respond?

12 **A** I responded to the Polynesian.

13 **Q** Tell the jury why would you respond to the
14 Polynesian on December 7th?

15 **A** Just like the other officer's statement,
16 there was a BOLO put out for a vehicle and for a
17 suspect that was involved in an incident the day
18 before, so we were in the area looking for him and
19 his vehicle.

20 **Q** Tell the jury what you observed when you
21 responded to the Polynesian.

22 **A** When I responded, the white Cadillac was in
23 the back parking lot. The parking lot is directly
24 behind the residency there. The vehicle was
25 running, so we had reason to believe that the

ALEX LANG - DIRECT EXAMINATION

1 defendant might be home.

2 Q And what did you do?

3 A Conducted what we call a knock-and-talk. I
4 went on the front door to see if he was home.

5 Q Who opened the door?

6 A The victim did, Ms. Johnson.

7 Q Was the defendant home?

8 A Yes, he was.

9 Q And did you observe him?

10 A I did.

11 Q What did you do as a result when he came to
12 the door?

13 A When he came to the door, I asked him to step
14 outside; that way, I could separate him from the
15 apartment to prevent him from running away or
16 barricade.

17 Q Let's talk about this apartment. It is
18 pretty small, right?

19 A Yes, it is.

20 Q You went in afterwards?

21 A Correct.

22 Q And you observed it?

23 A Yes.

24 Q And was -- did the victim after she answered
25 the door, did she turn around and run back into the

ALEX LANG - DIRECT EXAMINATION

1 apartment?

2 **A** She did not. Like it's been stated, the
3 apartment was very small. Immediately, as soon as
4 you cross the threshold, that's where the couch is.
5 There is not a lot of room to move around.

6 **Q** Did you have eyes on her the entire time
7 after she opened the door to the point where the
8 defendant came to the door?

9 **A** Yes.

10 **Q** She didn't flee back towards the defendant?

11 **A** No. I believe she stepped to the side so he
12 could go to the door.

13 **Q** What did you ultimately do after he came
14 outside?

15 **A** We placed him in handcuffs and advised him of
16 why we were there.

17 **Q** Let me ask you this: While he is still there
18 on the porch in handcuffs, does the victim start
19 talking -- without saying what she said?

20 **A** Yes. Once we placed the defendant in
21 handcuffs, the victim came to the door and started
22 telling us --

23 MR. SPRATLIN: Objection; hearsay.

24 THE COURT: You can state that she started
25 talking, but don't talk about the substance.

ALEX LANG - DIRECT EXAMINATION

1 THE WITNESS: Sorry about that, Your Honor.

2 A Yes. She started talking -- making
3 statements to us, yes.

4 Q (BY MR. HOLFORD) And then after the defendant
5 was escorted away, did she continue to make
6 statements?

7 A Yes. I advised her -- because there was a
8 back-and-forth, we would return after we secured
9 him in the vehicle and come back and take a
10 statement.

11 Q And those statements she made to you that
12 morning, is that the reason we're here today?

13 A Yes, it is.

14 Q Did you then do further investigation like
15 observe the inside of the apartment, observe
16 bruises on her?

17 A Yes, I did.

18 Q I'll show you what is entered as State's 3
19 through 8. Are you familiar with what those
20 pictures are?

21 A Yes, I am.

22 Q What are they?

23 A Pictures of the victim and what appears to be
24 manifestations of injuries.

25 Q Were those taken that morning of the 7th?

ALEX LANG - DIRECT EXAMINATION

1 **A** Yes.

2 **Q** And so this is consistent with how you
3 observed the victim that morning?

4 **A** Yes, it is.

5 **Q** Let me ask you this. Did her manifestations
6 of injuries, was that consistent with the story she
7 told you?

8 MR. SPRATLIN: Objection; speculation.

9 THE COURT: Overruled.

10 **Q** **(BY MR. HOLFORD)** The manifestations of the
11 injuries she had, was it consistent with the story
12 she told you?

13 **A** Yes, it was.

14 **Q** And is that the reason that the police sought
15 a warrant for domestic violence of a high and
16 aggravated nature and kidnapping?

17 **A** Yes. That was part of the reason, yes.

18 **Q** Were there other reasons?

19 **A** Her statements about the other circumstances
20 that happened.

21 **Q** Have you been in the courtroom here today?

22 **A** Yes.

23 **Q** Were her statements to the jury consistent
24 with the statement --

25 MR. SPRATLIN: Objection, Your Honor, that's

ALEX LANG - CROSS EXAMINATION

1 clearly inappropriate.

2 THE COURT: Sustained. Sustained.

3 MR. HOLFORD: Nothing further.

4 THE COURT: Cross examination, Mr. Spratlin?

5 MR. SPRATLIN: Yes, Your Honor.

6 CROSS EXAMINATION

7 BY MR. SPRATLIN:

8 Q Officer Lang, how are you today?

9 A I'm good.

10 Q Now, you said something that, you know, you
11 had positioned yourself and had another officer
12 position himself so that my client couldn't either
13 run or barricade himself, correct?

14 A Yes.

15 Q He didn't run or barricade himself, did he?

16 A No, he did not.

17 Q When you came to the knock -- was it you that
18 knocked on the door or Officer Rodriguez?

19 A Officer Rodriguez.

20 Q So Officer Rodriguez knocked on the door, and
21 Ms. Johnson came to the door first, correct?

22 A Yes.

23 Q And she was dressed the same as when you
24 talked to her later, correct?

25 A Yes, as far as I remember.

ALEX LANG - CROSS EXAMINATION

1 **Q** You asked for Kawasi Dingle, or Officer
2 Rodriguez asked for Kawasi Dingle, one of you all
3 asked for Kawasi Dingle, correct?

4 **A** Yes.

5 **Q** And Ms. Johnson does not come out of the door
6 of that apartment, does she?

7 **A** No.

8 **Q** She kind of goes back into the apartment, and
9 Mr. Dingle comes out or comes to the door?

10 **A** Like I said, I believe she stepped to the
11 side so that he could come to the door.

12 **Q** But steps to the side inside the apartment?

13 **A** Correct.

14 MR. SPRATLIN: No further questions, Your
15 Honor.

16 THE COURT: Redirect?

17 MR. HOLFORD: No, Your Honor.

18 THE COURT: Call your next witness.

19 MR. HOLFORD: We call Officer Rodriguez.

20 (MAX RODRIGUEZ, having been duly sworn,
21 testified as follows:)

22 MR. NETTLES: Have a seat in that chair.
23 Pull up close to that microphone and start with
24 your full name.

25 THE WITNESS: Max Thomas Rodriguez.

MAX RODRIQUEZ - DIRECT EXAMINATION

DIRECT EXAMINATION

BY MR. HOLFORD:

Q Where are you currently employed?

A City of Myrtle Beach Police Department.

Q How long have you been there?

A Approximately, two years.

Q Back in December of 2023, did you respond
with Officer Lang to -- about [REDACTED]
Boulevard near the Polynesian?

A I did.

Q And what was the reason for you responding?

A Another officer located a vehicle from a BOLO
from the day before.

Q And were you actually in training on this
day?

A I was.

Q Did you -- were you present with Officer Lang
the whole time?

A I was.

Q And did you observe -- I'll show you what is
marked as State's 3 through 8. Are you familiar
with State's 3 through 8?

A I am.

MAX RODRIQUEZ - DIRECT EXAMINATION

1 **Q** And how are you familiar with what those
2 pictures are?

3 **A** I interviewed the victim.

4 **Q** Are they a fair and accurate reflection of
5 the injuries that she had that day?

6 **A** They are.

7 **Q** And did you document these?

8 **A** I did.

9 **Q** Are you, in fact, the one that took these
10 pictures?

11 **A** I am.

12 **Q** Are the injuries that you observed that day,
13 and that you took pictures of, consistent with the
14 story that the victim, Tonya Johnson, told you?

15 MR. SPRATLIN: Objection to speculation.

16 THE COURT: Overruled.

17 **Q** **(BY MR. HOLFORD)** Are the injuries that you
18 observed that day, are they consistent with what
19 Ms. Tonya Johnson told you what happened?

20 **A** They are.

21 **Q** Did you, in fact, have a body camera on that
22 day?

23 **A** I did.

24 **Q** Is it typical that officers wear body cams?

25 **A** It is.

MAX RODRIQUEZ - DIRECT EXAMINATION

1 Q I'm going to show you what's --

2 MR. HOLFORD: May I approach?

3 THE COURT: Yes.

4 (State's Exhibit 9 marked.)

5 Q (BY MR. HOLFORD) I'll show you what we have
6 marked as State's 9 for identification. Can you
7 tell the jury -- I know you can't see inside, but
8 what is that?

9 A USB.

10 Q And do you know what is on that USB?

11 A My body cam.

12 Q Have you reviewed it prior to trial?

13 A I have.

14 Q Is it a fair and accurate depiction of what
15 you observed that day?

16 A It is.

17 MR. HOLFORD: At this time we seek to
18 introduce State's 9 in evidence.

19 THE COURT: Any objection?

20 MR. SPRATLIN: Your Honor, subject to my
21 earlier objections in our pretrial motions.

22 THE COURT: All right. It is in evidence
23 over objection.

24 (State's Exhibit 9 admitted.)

25 THE COURT: Might Counsel approach the

MAX RODRIQUEZ - DIRECT EXAMINATION

1 bench.

2 (The following was a bench conference.)

3 THE COURT: Is it going over the entire --

4 MR. HOLFORD: It's the one that is redacted
5 at the point he's placed in handcuffs.

6 MR. SPRATLIN: My objection is based off
7 of -- my objection is to any part of the arrest
8 being shown.

9 THE COURT: Okay.

10 (The following was had in open court.)

11 Q (BY MR. HOLFORD) So the jury can see, but for
12 the record, can you tell what the date and time is
13 that we're looking at right now?

14 A December 7th, approximately 8:08 a.m.

15 Q Now, right now what are we looking at?

16 A We're in the vehicle.

17 Q Is there any sound?

18 A No.

19 Q Can you tell the jury why there is not sound
20 at the beginning of a body cam video?

21 A The sound doesn't play back until like 30
22 seconds.

23 Q When you hit the button, it starts recording
24 back 30 seconds, but doesn't pick up --

25 A Correct.

MAX RODRIQUEZ - DIRECT EXAMINATION

(Published to the jury.)

1
2 Q (BY MR. HOLFORD) Is that Officer Lang we see
3 on the body cam?

4 A It is.

5 Q And is this the location we've been talking
6 about all morning?

7 A It is.

8 (Published to the jury.)

9 Q (BY MR. HOLFORD) That door there, is that the
10 front door or back door?

11 A That's the back door.

12 Q The door just opened. That is about a minute
13 after you knocked the first time?

14 A Approximately.

15 Q And how many times did you knock before
16 someone opened the door?

17 A Three times.

18 Q At that point, he's detained; is that
19 correct?

20 A That's correct.

21 Q And he's detained for what happened the
22 morning before?

23 A Correct.

24 Q After this point, Ms. Johnson tells you what
25 happened the night of the 6th and into the 7th?

MAX RODRIQUEZ - CROSS EXAMINATION

1 MR. SPRATLIN: Objection, Your Honor,
2 hearsay.

3 THE COURT: Rephrase the question and ask it
4 directly.

5 Q (BY MR. HOLFORD) It's at this point that you
6 learn about what happened the night of the 6th and
7 into the morning of the 7th?

8 A Correct.

9 Q And the injuries that you observed on her
10 person that day were consistent with what she told
11 you happened on the night of the 6th and 7th?

12 A Correct.

13 MR. HOLFORD: Nothing further.

14 THE COURT: Cross examination?

15 MR. SPRATLIN: Yes, sir.

16 CROSS EXAMINATION

17 BY MR. SPRATLIN:

18 Q Good morning, Officer Rodriguez. How are
19 you?

20 A I'm okay.

21 Q I have a couple of questions for you.

22 Now, obviously, the video speaks for itself.

23 I'm not going to ask you any questions about the
24 video. What I'm going to ask you is after that
25 video, after my client was placed in handcuffs and

MAX RODRIQUEZ - CROSS EXAMINATION

1 taken to the detention center, you had a chance to
2 go inside the residence of Ms. Johnson, correct?

3 A I did.

4 Q And that's a fairly small residence, isn't
5 it?

6 A It is.

7 Q And there was -- for lack of a better term --
8 a lot of stuff in that residence?

9 A There was.

10 Q Did you see anything broken?

11 A I did not.

12 Q Did you see anything overturned?

13 A I did not.

14 Q How long do you think you were at that
15 residency in total?

16 A Approximately, 40 minutes or more maybe.

17 Q In that time, did you ever take into your
18 custody or control any torn clothing?

19 A I did not.

20 Q Did you ever take into your custody and
21 control any knives?

22 A I did not.

23 Q Did you take any evidence into your custody
24 and control?

25 A Took the pictures of her injuries.

MAX RODRIQUEZ - REDIRECT EXAMINATION

1 **Q** The pictures, but no other physical evidence?

2 **A** No.

3 MR. SPRATLIN: Thank you. That is all I
4 have.

5 THE COURT: Redirect?

6 **REDIRECT EXAMINATION**

7 **BY MR. HOLFORD:**

8 **Q** Did Ms. Johnson ever say she was thrown about
9 the apartment?

10 **A** She did not.

11 **Q** Did she say the defendant destroyed --

12 MR. SPRATLIN: Your Honor, objection;
13 hearsay.

14 MR. HOLFORD: It's in direct response -- I
15 apologize.

16 THE COURT: Sustain the objection and ask
17 that you ask direct questions, not leading
18 questions, on redirect.

19 MR. HOLFORD: Yes, sir.

20 **Q** **(BY MR. HOLFORD)** Based on the incident you
21 were investigating, is what you found the injuries
22 on the victim consistent with the story?

23 **A** They were.

24 **Q** Was the story you were told consistent with
25 how the apartment appeared?

MAX RODRIQUEZ - REDIRECT EXAMINATION

1 **A** They were.

2 MR. HOLFORD: No further questions.

3 THE COURT: Might Counsel approach the bench
4 for a minute?

5 (The following was a bench conference.)

6 THE COURT: We have to take a break. I have
7 a motion for a continuance with --

8 MR. HOLFORD: We're going to rest. That's it
9 for us.

10 THE COURT: Oh, okay. Well, I'll tell you
11 what we'll do. We'll go ahead and send the jury
12 back. My question to you is: How long -- do you
13 all know anything about this motion for continuance
14 and how long it's going to take?

15 MR. HOLFORD: Do you know what the case
16 caption is?

17 MR. SPRATLIN: Tommy Brittain.

18 MR. HOLFORD: It will be lengthy.

19 THE COURT: Okay. I'm trying to figure
20 out -- you are going to rest at this juncture?

21 MR. HOLFORD: Yes.

22 THE COURT: We'll do that, and then talk to
23 your client about his right to testify.

24 MR. SPRATLIN: One of the things I wanted to
25 see we could do before taking the break is go over

MAX RODRIQUEZ - REDIRECT EXAMINATION

1 what would be impeachable?

2 THE COURT: Okay. We can do that.

3 MR. SPRATLIN: Also, I would like to renew my
4 motion for directed verdict before we come back.

5 THE COURT: All right. And my question is:
6 When do you think it's best to bring them back?

7 2:30? 3:00?

8 MR. SPRATLIN: 2:30 is good.

9 THE COURT: Do you have any other witnesses
10 besides your client who may or may not --

11 MR. SPRATLIN: I don't anticipate.

12 THE COURT: If we come back at 3:00, we can
13 finish any evidence and just argue and charge in
14 the morning.

15 MR. SPRATLIN: I think we can do it all if he
16 doesn't testify, argue and charge today.

17 THE COURT: Well, I hate to keep the jury
18 waiting. So let's bring them back at 3:00, and
19 I'll recognize you here.

20 (The following was had in open court.)

21 THE COURT: State, you are recognized. Call
22 your next witness.

23 MR. HOLFORD: Your Honor, the State rests.

24 THE COURT: Madam Forelady, ladies and
25 gentlemen, at this junction we're required to take

MOTIONS

1 matters of law outside of your presence. This
2 comes at a lunch break, and we have a number of
3 legal matters to tend to and another matter
4 concerning another case that has to be resolved as
5 well. So we'll ask that you come back at 3
6 o'clock -- 3 o'clock sharp.

7 Do not discuss the case in any way, shape or
8 form. See you back at 3 o'clock -- 3 o'clock
9 sharp.

10 (The jury exits at 11:57 a.m., and the
11 following is heard out of the presence of the jury.)

12 THE COURT: Happy to entertain motions at
13 this time.

14 MR. SPRATLIN: The defense makes a motion for
15 a directed verdict in this case. I believe the
16 State has failed to prove the material elements of
17 these charges here today. Particularly, domestic
18 violence of a high and aggravated nature requires,
19 under the provision that the State has charged him,
20 that he commits an offense with or without an
21 accompanying battery under circumstances
22 manifesting an extreme indifference to the value of
23 human life and would reasonably cause a person to
24 fear imminent great bodily injury or death.

25 The statute does go on to say that it can be

MOTIONS

1 blocking someone's airway, and/or taking their cell
2 phone. But, Your Honor, I believe the evidence
3 presented here today is insufficient to support a
4 charge as great as domestic violence of a high and
5 aggravated nature. The only evidence to show that
6 the victim feared for her life or safety, that I'm
7 aware of or recall from her testimony, was -- as
8 she said -- she saw "spots."

9 Now, she did say that he did restrict her
10 airflow and airway, but I think it is insufficient
11 for the charge of domestic violence high and
12 aggravated to go to the jury.

13 I would ask the Court, if the Court is not
14 willing to direct a verdict in that case, to direct
15 that a lesser included offense -- either domestic
16 violence first degree or domestic violence
17 second -- be presented to the jury, rather than
18 domestic violence high and aggravated as I think
19 the State's evidence in this case is insufficient
20 to support such a high charge.

21 THE COURT: What is your specific request as
22 far as the lesser included offenses?

23 MR. SPRATLIN: Your Honor, as far as -- if
24 the Court is not going to direct a verdict, and
25 we're talking about jury charges, I would like to

MOTIONS

1 make that decision after I discuss it with my
2 client, whether or not intends to testify at trial
3 in this matter, because that might change what
4 we're going to request.

5 THE COURT: You all give that some thought,
6 both the defense and the State, and I'll entertain
7 as to what is appropriate to charge and whether it
8 is, indeed, a lesser included offense.

9 Let's move on to the defendant's record.

10 MR. SPRATLIN: Your Honor, I do also have a
11 motion for a directed verdict in regards to the
12 kidnapping.

13 THE COURT: Okay.

14 MR. SPRATLIN: Regarding the kidnapping --
15 again, the statute says -- and we're talking about
16 a statute that was changed in 2024, but it's
17 basically whoever shall unlawfully seize, confine,
18 inveigle, decoy, kidnap, abduct, or carry away any
19 other person, by any means whatsoever, without the
20 authority of law, except when a minor is seized or
21 taken by his parents, is guilty of a felony, and
22 upon conviction must be in prison for a period not
23 to exceed 30 years.

24 I think the big change, when it they changed
25 it, is: Unless the sentence is for murder as

MOTIONS

1 provided by Section 16-3-20. Obviously, we're not
2 here on a murder charge, so that is irrelevant.

3 Your Honor, the State's evidence, at best,
4 shows my client committed an assault against this
5 woman, which based on her testimony was a lengthy
6 assault. However, it does not support that he
7 confined, inveigled, decoyed, kidnapped, or
8 unlawfully seized her. I do not believe that the
9 evidence is sufficient. While there might be some
10 evidence from which that can be extracted on the
11 record, I do not believe that it is sufficient that
12 that charge should go to the jury.

13 So I think the State is deficient in their
14 presentation of the evidence regarding the
15 kidnapping, and also in regards to the domestic
16 violence high and aggravated.

17 THE COURT: I'll hear from the State
18 regarding both motions for directed verdict.

19 MR. LANIER: We'll start with the DVHAN. The
20 question is whether a jury could reasonably find
21 that a DVHAN could take place here. There is
22 testimony from the witness stand that the defendant
23 choked, impeded the victim's ability to breathe,
24 she felt in fear for her life as she started to see
25 stars and blacking out. That clearly meets the

MOTIONS

1 element of the DVHAN charge where it says
2 "knowingly and intentionally impeding normal
3 breathing or circulation of blood by applying
4 pleasure to the throat or neck." That is exactly
5 what the victim testified here.

6 Furthermore, the statute says: "Or
7 committing the offense during the commission of a
8 robbery, burglary, kidnapping or theft." Here, we
9 have a kidnapping. The victim testified that she
10 was physically restrained and was kept from leaving
11 the home when she tried to escape. She was forced
12 to remain in the house.

13 So, Your Honor, we would ask that you deny
14 the motion for the directed verdict and find that
15 we have provided a substantial basis for the jury
16 to reasonably come to the conclusion that the
17 defendant committed a DVHAN or kidnapping -- and
18 kidnapping.

19 THE COURT: All right. I'm going to deny the
20 motion for directed verdict. I do, indeed, find
21 that there is substantial and sufficient evidence
22 to submit the matter to the jury, and I find there
23 is a question of fact.

24 We'll address the issue about the lesser
25 included offenses after we reconvene.

MOTIONS

1 At this time, I need to discuss with the
2 defendant about his decision whether to testify or
3 not. In order for him to do that, we need to find
4 out what his criminal record is.

5 MR. HOLFORD: May I approach, Your Honor?

6 THE COURT: Yes.

7 MR. HOLFORD: I'm going to hand up -- and I
8 have circled what I believe are just the
9 convictions, not necessarily what the State would
10 suggest are probative for attack, but all of his
11 convictions. I show that as a -- starting with the
12 oldest --

13 THE COURT: Why don't we start with what --
14 just focus on what you intend to introduce.

15 MR. HOLFORD: All right.

16 THE COURT: And I'll determine whether or not
17 it's admissible.

18 MR. HOLFORD: 2011, felon in possession of a
19 firearm, which he was sentenced to 180 months. He
20 was convicted of a conditional release violation in
21 2018, showing that he was still under supervised
22 release. So that would, obviously -- although the
23 conviction started more than ten years ago, he was
24 under confinement within the past ten years;
25 therefore, it would be relevant. It is a felony.

MOTIONS

1 THE COURT: All right. I'll hear from you in
2 that regard.

3 MR. SPRATLIN: Your Honor, regarding the
4 felon in possession, I don't believe that the
5 supervised release would qualify for the
6 incarceration period; however, I do believe he was
7 released from custody in 2016. So I think that
8 would still be within the ten-year period of time.
9 I would object to that coming in. Obviously, when
10 we're dealing with a defendant, it requires the
11 Court to do a much more thorough analysis of
12 whether or not the conviction comes in than if
13 we're just dealing with a lay witness in this case.

14 If the charge is based on one year or more,
15 the conviction can come in, if the probative value
16 outweighs the prejudicial effect. I'm not sure
17 what probative value a felon in possession of a
18 firearm would have for the State in this case.

19 It's not any sort of evidence of dishonesty
20 or false statements, so I do -- the prejudicial
21 effect would be the jury knowing that he has a
22 record, knowing that he has spent time in prison,
23 knowing that he has a felony conviction on his
24 record. I do not believe it's important to be
25 introduced, and I believe the prejudicial effect

MOTIONS

1 outweighs the probative value. I do not think it
2 should be admitted for impeachment purposes.

3 THE COURT: All right. Any other offenses
4 that you intend to introduce?

5 MR. HOLFORD: No, Your Honor. I believe the
6 burglary second and PWID cocaine are outside of the
7 ten years.

8 THE COURT: All right. Although it's
9 technically within the rules, I do -- I am
10 compelled to determine whether or not it is
11 relevant, whether or not the prejudicial value
12 outweighs the probative value. I, indeed, will not
13 allow it. I think it is unduly prejudicial given
14 the nature of this offense. And, really, the jury
15 needs to focus on what transpired that day.

16 So as it stands now, he will not be impeached
17 on his criminal record.

18 MR. SPRATLIN: Thank you, Your Honor.

19 MR. HOLFORD: Would the Court allow a
20 question as to if he's been convicted of a felony
21 without eliciting the felony possession of a
22 firearm? The State believes the probative value in
23 that is what has been testified to the jury is that
24 calling the police against him caused this outrage,
25 and that would corroborate what the victim has

MOTIONS

1 already testified to.

2 THE COURT: What is the defense's position on
3 that?

4 MR. SPRATLIN: Your Honor, we object to that.
5 I think, as Your Honor said, there is real no
6 probative value to my client's record in this case.
7 I think the jury is, essentially, wanting to know
8 what happened that day. That is the decision that
9 they need to make, based on that day. Not
10 something that happened back in 2011, that he was
11 incarcerated for until 2016. I believe the
12 prejudicial effect, again, is that they would know
13 he had a felony conviction on his record. They
14 might treat a felon different and be less likely to
15 give him credibility without it being a crime of
16 dishonesty or a crime of false statement or
17 anything of the such. So I ask that it not be
18 admitted for impeachment purposes should my client
19 testify.

20 THE COURT: My ruling is that we aren't going
21 to get into his criminal record. That's my ruling.
22 But you're protected on the record.

23 Mr. Dingle, I'll ask if you can stand.

24 MR. SPRATLIN: Before I do that, can I renew
25 all of my objections?

THE COURT AND MR. DINGLE - EXPLANATION OF RIGHTS

1 THE COURT: Yes.

2 MR. SPRATLIN: To make it clear for the
3 record, I made several objections and motions, both
4 in pretrial and throughout the trial, including,
5 but not limited to any play of my client being
6 arrested being shown to the jury, prior bad act
7 evidence being admissible under 404(b). I did make
8 a motion to quash the indictment for the domestic
9 violence high and aggravated, as it was
10 unconstitutional in Doe v. State.

11 I also objected several times to speculation
12 where the State elicited testimony that the
13 victim's injuries were consistent with her
14 statement. All of these objections, Your Honor, I
15 would restate. I understand Your Honor has
16 overruled most of them, but in order to protect the
17 record and ensure my client's right to appeal,
18 should he be convicted in this case, I would renew
19 each and every single one of those objections and
20 motions and ask the Court to reconsider them as
21 such.

22 THE COURT: All right. Your motions are
23 noted, but denied.

24 MR. SPRATLIN: Yes, Your Honor.

25 THE COURT: Mr. Dingle, could you stand at

THE COURT AND MR. DINGLE - EXPLANATION OF RIGHTS

1 this time so I can explain certain of your
2 Constitutional rights. If you do not understand
3 anything I say, please let me know. If you want me
4 to explain anything in more detail, let me know and
5 I'll be happy to do so.

6 We've now reached the stage of the trial
7 where you may present your defense. You have the
8 right to claim the protections given to you by the
9 Fifth Amendment to the Constitution of the United
10 States, which provides in relevant part, that no
11 person shall be compelled in any criminal case to
12 be a witness against himself. This means that you
13 cannot be required to testify. You have the right
14 to testify on your own behalf; however, no one can
15 make you testify. This is a personal right, and no
16 one can waive this right except you.

17 If you decide to testify, you will be subject
18 to the same rules that govern other witnesses, and
19 you may be examined and cross examined on any
20 relevant issue in this case. We've already made
21 the ruling there will be no discussion about your
22 prior criminal record.

23 If you decide to testify, this decision on
24 your part must be freely, voluntarily and
25 intelligently made with the knowledge and

THE COURT AND MR. DINGLE - EXPLANATION OF RIGHTS
1 protections given to you by the Fifth Amendment,
2 and the consequences of your decision to testify.

3 If you decide not to testify, I'll instruct
4 the jurors that they cannot give the fact that you
5 did not testify any consideration, whatsoever, and
6 that there is to be absolutely no prejudice to you
7 because you did not testify.

8 It's left entirely up to you whether or not
9 to testify. You may talk to your attorney, your
10 family and friends, or anyone else, but the final
11 decision is left up entirely to you.

12 Mr. Dingle, do you understand what I've
13 explained to you.

14 MR. DINGLE: Yes, sir.

15 THE COURT: Do you have any questions of me?

16 MR. DINGLE: No, sir.

17 THE COURT: Have you discussed these matters
18 with your very fine lawyer?

19 MR. DINGLE: Not in detail, but we went over
20 it.

21 THE COURT: Would you like additional time to
22 discuss this with him?

23 MR. DINGLE: Yes, sir.

24 THE COURT: All right. And I will allow you
25 to do so.

JURY CHARGE CONFERENCE

1 Very good. We'll stand at ease. I
2 understand we have one matter scheduled at noon,
3 and I will take about a five-minute recess and we
4 will return.

5 (A recess was taken.)

6 THE COURT: Please be seated.

7 Mr. Spratlin, have you had an opportunity
8 talk with your client about whether or not he's
9 going to testify?

10 MR. SPRATLIN: I have. My understanding is
11 that he wishes not to testify.

12 THE COURT: Mr. Dingle, please stand.

13 Have you understood all of your conversations
14 with your lawyer?

15 MR. DINGLE: Yes, sir.

16 THE COURT: Do you need additional time to
17 confer with him?

18 MR. DINGLE: No, sir.

19 THE COURT: Do you wish to testify?

20 MR. DINGLE: No, sir.

21 THE COURT: Is that your decision and your
22 decision only?

23 MR. DINGLE: Yes, sir.

24 THE COURT: Very good. You may be seated.

25 All right. I want to go over the jury charge. You

JURY CHARGE CONFERENCE

1 know, this is an unusual case because they have
2 done such -- a very complex way of explaining these
3 things and the assault and battery is very
4 difficult, so I'm contemplating -- I've never done
5 this before of sending in -- since we have all of
6 the lesser include offenses, send just that text of
7 the charge back so they can refer to it.

8 You know, I went to law school and I
9 practiced law for 20 years, and been on the bench
10 for 20, and you almost have to refer to it when
11 going through it.

12 What do you think about that, Mr. Spratlin?

13 MR. SPRATLIN: I don't know if I've seen the
14 charge yet.

15 THE COURT: We're going to go over it, but
16 the general proposition that I send in -- you know,
17 you've read the law?

18 MR. SPRATLIN: I understand.

19 THE COURT: You know there is so many
20 elements. My question is simply this: Do you have
21 an objection to me sending the text -- not
22 necessarily an objection, but do you think it is a
23 good idea to send text of the substantive charges
24 to the jury?

25 MR. SPRATLIN: I don't necessarily have

JURY CHARGE CONFERENCE

1 opposition to it, but before I agree to it, I would
2 like to see --

3 THE COURT: I'm not even talking about that.
4 That answers your question, you are not opposed to
5 it.

6 What do you think?

7 MR. LANIER: I have no opposition. I think
8 it is a good idea.

9 THE COURT: All right. Pay close attention.
10 The first -- I'll charge the standard stuff, duty
11 of the judge and trial jury, the fact that the
12 indictment is not evidence, how to evaluate
13 multiple charges, presumption of innocence,
14 reasonable doubt, credibility of witnesses, direct
15 and circumstantial evidence, defendant's -- the
16 fact that he did not testify cannot be used against
17 him. I'll charge that in great detail. I'll
18 charge kidnapping in its entire form. Domestic
19 violence high and aggravated nature.

20 Do you have a text of that charge before you
21 now?

22 MR. SPRATLIN: I can get it real quick.

23 (A brief pause in the proceedings.)

24 THE COURT: You all have the text of the
25 charge?

JURY CHARGE CONFERENCE

1 MR. HOLFORD: Your Honor, I don't think I
2 have the text from the charge, but we have the
3 elements.

4 THE COURT: Okay. Good. Well, the State
5 must prove one of the following -- and I'm going to
6 delete the section that talks about using the use
7 of a deadly weapon in the definition of a deadly
8 weapon. Committing the offense in the presence of
9 a minor is not applicable in this case. Committing
10 the offense against a person he knew or should have
11 known to be pregnant, I'm going to take that out of
12 there. I'm going to not charge the defendant
13 violated a protective order, and in the process of
14 violating a protective order, committed domestic
15 violence in the first degree. Take that out.

16 As far as first degree domestic violence, I'm
17 taking out, once again, the protective order
18 provisions, the fact of non-existence of two or
19 more prior convictions for domestic violence. I'm
20 going to take out the provision with regard to the
21 use of a firearm. I'm going to take 5(a), the
22 section that deals with committing the offense
23 while in the presence of a minor, and the section
24 with regard to the victim being pregnant. The rest
25 of it will be charged.

JURY CHARGE CONFERENCE

1 Second degree, the same thing with regard to
2 protective order, prior convictions, the issue with
3 regard to a minor, that's all being taken out. The
4 issue with regard to a pregnant victim.

5 I'll charge third degree domestic violence.

6 What is the State's position on that?

7 MR. LANIER: No objection, Your Honor.

8 THE COURT: And defense?

9 MR. SPRATLIN: Your Honor, so you are going
10 to charge domestic violence high and aggravated
11 with domestic violence first degree, domestic
12 violence second and third degree?

13 THE COURT: Yeah.

14 MR. SPRATLIN: My only issue is the
15 provisions that discuss in all of those statutes
16 about it occurring during the commission of one of
17 those other offenses, I think this is kind of akin
18 to the recent case law regarding the domestic -- I
19 don't know if my client is on notice for that.

20 The indictment itself states that the
21 defendant, Kawasi Dingle, on or about December 6,
22 2023, in Horry County, South Carolina, did cause
23 physical harm or injury to Tonya Johnson, a
24 household member, or did offer or attempted to
25 cause physical harm or injury to said household

JURY CHARGE CONFERENCE

1 member with present ability to do so, under
2 circumstances reasonably created fear or imminent
3 peril. In addition, the offenses were committed
4 with or without an accompanying battery under
5 circumstances manifesting extreme indifference to
6 the value of human life, which would reasonably
7 cause the person to fear imminent great bodily
8 injury or death.

9 My issue with the "during the commission of a
10 burglary or kidnapping or robbery" is that I think
11 it is kind of akin to the burglary first degree
12 statute and the second degree statutes that have
13 different choices. You commit burglary first while
14 being armed; burglary first while being at
15 nighttime.

16 The indictment in the case law regarding
17 burglary first is that those allegations have to be
18 alleged in the actual indictment. In this case,
19 there is no allegations that the State intends to
20 rely upon the kidnapping or that it was committed
21 during the commission of a kidnapping to secure a
22 conviction on the domestic violence high and
23 aggravated or any of the other domestic violences
24 as a lesser included.

25 Rather, it only mentions under circumstances

JURY CHARGE CONFERENCE

1 manifesting extreme indifference to the value of
2 human life. So that would, basically, be my
3 objection to that language, that the jury could
4 find that this occurred during a kidnapping and
5 convict him, where otherwise they would not
6 because --

7 THE COURT: You are asking that I say
8 committed the offense during the commission of a
9 kidnapping, and not theft, robbery or burglary?

10 MR. SPRATLIN: No, Your Honor. I'm asking
11 that since that provision was not put in the
12 indictment --

13 THE COURT: Well, burglary itself was -- I
14 mean kidnapping was, indeed, indicted.

15 MR. SPRATLIN: It is.

16 THE COURT: You are on notice of that.

17 MR. SPRATLIN: I'm on notice of the
18 kidnapping, but as far as the domestic violence
19 high and aggravated indictment, I believe -- and my
20 contention -- and I don't believe there is any case
21 law directly on point on this, so I think it is a
22 matter of first impression to a certain extent --
23 that the State would need to allege the basis for
24 how they want to prove the domestic violence high
25 and aggravated nature in that indictment. It's

JURY CHARGE CONFERENCE

1 similar to the way they would have to choose how
2 they want to prove a burglary in the first degree,
3 whether it happened in the nighttime or armed with
4 a deadly weapon. That would certainly be --

5 THE COURT: I hear what you are saying, and I
6 disagree with you, though. However, if you want me
7 to limit it in saying "committing the offense
8 during the commission of a kidnapping," and not
9 mention robbery, burglary, or theft, I'm amenable
10 to that.

11 What is the State's position?

12 MR. LANIER: No problem with that, Your
13 Honor.

14 Our argument is that the defendant is on
15 notice, not only because we indicted him for
16 kidnapping, but because we allege circumstances
17 manifesting extreme difference to the value of
18 human life, which encompasses committing the
19 offense during the kidnapping.

20 THE COURT: Right.

21 MR. SPRATLIN: While I'm going to take Your
22 Honor up on the remedy here, I do not believe that
23 it's self-sufficient. So that would be my
24 objection. I would object to any of that language
25 being charged.

JURY CHARGE CONFERENCE

1 THE COURT: Do you want me to charge robbery,
2 burglary, kidnapping or theft?

3 MR. SPRATLIN: No, Your Honor. I want you to
4 charge just the kidnapping like Your Honor offered.
5 I'm just saying it to preserve it for a potential
6 issue. Because, obviously, these issues with
7 indictments are a hot issue currently in the
8 appeals court.

9 I would just -- I want to accept the Court's
10 remedy of only charging kidnapping, but I want it
11 clear for the record that I object to even that
12 charge. While I'm accepting it, I object to it. I
13 understand the State's argument that it's
14 different. Obviously, if this turns out a certain
15 way, then that might be an issue that the appellant
16 court can look at.

17 THE COURT: I'll ask you to come forward and
18 look at the verdict form.

19 MR. SPRATLIN: It's all right. Obviously,
20 the name issue.

21 THE COURT: Okay. The jury is going to be
22 back at 3 o'clock. We're going to do closing
23 arguments, recess for the afternoon, and come back,
24 and I'll charge the law and tell them to begin
25 deliberations. It is against the rules of nature

JURY CHARGE CONFERENCE

1 sending a case back close to 4 o'clock. I mean, it
2 puts them in a bad spot. A lot of things people
3 have to do in the afternoon, children and others to
4 take care of. I think that this case deserves a
5 lot of attention, and I think they'll do a better
6 job of deliberating first thing in the morning.

7 MR. HOLFORD: Yes.

8 MR. SPRATLIN: If I may, I don't think it is
9 necessary since I'm not presenting a case. I can
10 rest on the record, but I did -- just in case, in
11 an overabundance of caution -- want to renew my
12 directed verdict motion, as well as all of my
13 objections, and ask for reconsideration on those.

14 THE COURT: I will recognize you, and you say
15 the defense rests. And then for purposes of
16 appellant review and protecting your motions,
17 everybody is in agreement this will suffice where
18 we don't have to send the jury back out again; is
19 that correct?

20 MR. LANIER: Yes, Your Honor.

21 MR. SPRATLIN: I don't think it's technically
22 necessary, but rather do it and not need it than
23 need it and not do it.

24 THE COURT: Under these circumstances, the
25 State goes first. All right.

JURY CHARGE CONFERENCE

1 And the jury is going to be back at 3:00, so
2 I'll allow you an opportunity to prepare an
3 well-thought out, riveting closing arguments for
4 the next ten minutes and begin right at 3 o'clock.

5 MR. SPRATLIN: Yes, Your Honor. Thank you.

6 (A recess was taken.)

7 THE COURT: Please be seated.

8 Anything from the State before we proceed?

9 MR. LANIER: No, Your Honor.

10 THE COURT: Defense?

11 MR. SPRATLIN: The only thing I made my
12 motion for directed verdict and renewed all of my
13 objections, and I think Your Honor ruled, but I'm
14 not a hundred percent sure.

15 THE COURT: If I have not, they are noted,
16 but denied.

17 MR. SPRATLIN: Thank you. Nothing further.

18 THE COURT: We're ready for the jury.

19 (The jury enters at 3:06 p.m., and the
20 following is heard in the presence of the jury.)

21 THE COURT: Defense, you are recognized.

22 MR. SPRATLIN: Your Honor, at this time the
23 defense would rest.

24 THE COURT: Madam Forelady, ladies and
25 gentlemen, you heard all of the evidence that will

CLOSING ARGUMENT - MR. HOLFORD

1 be presented in this case, and we have had an
2 opportunity to entertain closing arguments. Under
3 these circumstances, the State would go first, then
4 the defense. Pay close attention to what they have
5 to say because they are on the inside, and what
6 they have to say will aid you immensely in your
7 deliberation process. What they say is not
8 evidence, but it is very helpful in this entire
9 process.

10 Mr. Lanier, you are recognized.

11 MR. HOLFORD: Your Honor --

12 THE COURT: Mr. Holford.

13 MR. HOLFORD: Ladies and gentlemen, the judge
14 will explain the law to you, and it can be complex
15 with all of the different degrees of domestic
16 violence. What I did was try to build down a
17 lawyer's version with a lot of acronyms you won't
18 understand just looking at it.

19 Domestic violence high and aggravated nature,
20 that's what the defendant is charged with. That
21 includes circumstances manifesting extreme
22 indifference to the value of human life, plus the
23 fear of either great bodily injury or death.

24 The circumstances manifesting extreme
25 indifference of human life can include any of the

CLOSING ARGUMENT - MR. HOLFORD

1 following, but not limited to: Impeding the
2 breathing, obstructing, applying pressure to the
3 throat or neck, and thereby causing a stupor or
4 loss of consciousness for any period of time; or,
5 it can happen during a kidnapping; or, using
6 physical force to block a person from calling law
7 enforcement for emergency medical assistance.

8 In this case, we happen to have all three.
9 Now, you only need one for the circumstances
10 manifesting extreme indifference. To make it
11 domestic violence high and aggravated nature, you
12 need the fear of great bodily injury or death.

13 As you heard from the witness stand, she was
14 frightened. She was scared. She thought he
15 threatened her life, said he would kill her. She
16 also testified to you that she was so scared she
17 was going to die. That's why he's charged with
18 domestic violence high and aggravated nature.

19 Now, what you will hear from the judge is you
20 also get to determine lesser included offenses. If
21 you don't find that he's guilty of DVHAN, domestic
22 violence high and aggravated nature, then you can
23 go to first degree. First degree is either great
24 bodily injury, which causes a substantial risk of
25 death or permanent disfigurement or protracted loss

CLOSING ARGUMENT - MR. HOLFORD

1 of a bodily function. We don't have the permanent
2 disfigurement or protracted loss, so we're causing
3 substantial risk of death: Strangling someone.
4 Choking them could cause death or seriously bodily
5 injury. So you can get to DV first that way. Or,
6 moderate bodily injury, that involves the prolonged
7 loss of consciousness or causes temporary or
8 moderate disfigurement.

9 Certainly, the bruising that you can see in
10 the pictures, the bruising that she described that
11 later got worse as the days went on, that is a
12 temporary disfigurement. So we have moderate
13 bodily injury, plus an aggravator. So what is
14 that? That's during a kidnapping -- these are
15 going to be very similar to manifesting extreme
16 indifference -- or impeding the breathing, or the
17 force or threat of blocking or calling law
18 enforcement.

19 So what we see as we go through is DV third
20 is simple. It could be an injury, or not even an
21 injury at all. It could be a threat of an injury
22 that doesn't include a moderate bodily injury or
23 great bodily injury or fear of death.

24 As soon as we get to moderate bodily injury
25 or no injury at all, plus aggravators, we're in DV

CLOSING ARGUMENT - MR. HOLFORD

1 second. But what we have here is at least moderate
2 bodily injury, plus the aggravators. That brings
3 us to DV first.

4 The difference between DV first and DVHAN is
5 the aggravating circumstances, plus the fear of
6 great bodily injury of death. I would submit to
7 you that the only testimony, as well as what the
8 officers have said was corroborated by the physical
9 evidence, is that her airflow was impeded. It was
10 during a kidnapping and, she was blocked from
11 calling law enforcement.

12 Why is that? When she talked to you about
13 the first incident, and we're not here for that
14 incident, but what is important about it is that
15 she called the police. That was the impetus for
16 what happened on the night of the 6th and into the
17 7th. The hours and hours of torture of bullying
18 her, of sitting on top of her, of ripping her
19 clothes off, of strangling her until she lost
20 consciousness until she started to see those white
21 veins behind her eyes. That was because of what
22 happened before: She called law enforcement.

23 Now, believability and credibility is
24 important in any case. It is important in a case
25 like this. Because with domestic violence cases,

CLOSING ARGUMENT - MR. HOLFORD

1 one of the differences is it almost always happens
2 behind closed doors. That means there usually
3 isn't other people present. It is between two
4 people, household members that cohabit. It
5 could be a spouse, which we don't have here. A
6 former spouse, that we don't have here. But we
7 have a male and a female cohabiting living together
8 in that apartment. That makes them household
9 members.

10 Domestic violence cases are unique in the
11 sense that you don't have many witnesses that see
12 the events. So what are you, the jury, left with?
13 What are you to rely on? You have to rely on the
14 victim's story. You have to rely on what the
15 victim told you happened, along with the police
16 investigation.

17 But it's not a case where we can catch it on
18 video. It's not a case where you have a lot of
19 other witnesses out there that say, yeah, I saw it
20 happen. It is not a case where the police are
21 present watching the beating occur. That's all
22 true. It happens behind closed doors. It's an
23 intimate attack.

24 Kawasi Dingle attacked Tonya Johnson because
25 she called the police on him for an earlier

CLOSING ARGUMENT - MR. HOLFORD

1 incident. When we think about believability and
2 credibility, did these things happen as she told
3 you they happened? I want you to think about what
4 she testified about the first accident when
5 questioned, Did you leave? No. I didn't have my
6 keys, one, but I wasn't afraid. Did you feel
7 threatened for your life at that point the day of
8 the 6th? No, I stayed home. She did not embellish
9 what happened the morning of the 6th. She didn't
10 come in here and try to tell you that he beat her
11 senseless. She didn't try to tell the police that,
12 because that's not what happened the morning of the
13 6th.

14 What she told you about what happened the
15 night of the 6th into the morning of the 7th, you
16 can absolutely believe what she is saying. Her
17 believability and her credibility you can judge
18 based on the fact that she didn't come in here and
19 try to embellish what happened before. She didn't
20 tell the police he slashed a knife at me, because
21 that is not what happened.

22 One thing I noted, too, was she didn't leave
23 on the 6th because, at that point, she wasn't in
24 fear for her life. But on the 7th, when the police
25 finally arrived based on a prior incident, they

CLOSING ARGUMENT - MR. HOLFORD

1 came to the door, they said saved her at that
2 point.

3 She did leave. She told you she went to
4 Virginia. She got straight out of here. That's
5 the difference between a simple assault that
6 occurred the morning of the 6th and the violence of
7 a high and aggravated nature that had her fearing
8 for her life. That's why she left town. That's
9 why as soon as the defendant was in handcuffs, she
10 told the police the torture she had been through
11 the night before, hours and hours of beating.

12 There was a lot made up about whether things
13 were destroyed in the house. She didn't tell you
14 things were destroyed. She's not trying to
15 embellish what happened. She's not saying
16 something happened that didn't. She's not trying
17 to make it, you know, it was a knock-down-drag-out
18 everything-is-torn-through-the-entire-house thing,
19 because that's not what happened. She was on the
20 couch, and he's on top of her choking her nearly to
21 death. He then chokes her again on the floor of
22 the kitchen. He then chokes her again. She's not
23 saying she was flung around the house. She's
24 saying, I tried to escape. I tried to get out of
25 there. He was so angry that I called the police on

CLOSING ARGUMENT - MR. HOLFORD

1 him -- that was a violation of his trust -- that he
2 beat me with his fist, choked me. He strangled me.
3 He would not let me leave the apartment.

4 When she tried to get away, he pulls her back
5 in and he keeps her there. When he takes her phone
6 away so she can't call law enforcement, when he
7 prevents her from leaving that situation by force,
8 by threats, by intimidation, that's kidnapping.

9 You know, usually, when we think of
10 kidnapping, we think of being hogtied and thrown in
11 the back of a trunk and taken somewhere else. That
12 is not what kidnapping means. That rarely happens.
13 I think I've seen that in this county once in the
14 last ten years.

15 Kidnapping is when someone tries to escape a
16 situation, and they are prevented from doing so.
17 The defendant kidnapped Tonya Johnson, and he
18 didn't just kidnap her for five minutes, ten
19 minutes, 20. He stopped her from leaving. He had
20 her keys, took her phone. Everything she owns is
21 in that home. She tried to get out the door, and
22 he ripped her shirt and brings her back in stopping
23 her from leaving that situation.

24 He then proceeds to beat her over and over
25 and over. In this case, you don't just have her

CLOSING ARGUMENT - MR. HOLFORD

1 testimony, but the police who arrived took
2 pictures. They noted physical injuries to her
3 person: Markings so hard that within hours they
4 are appearing on her body, bruising to her neck,
5 swelling to her neck and chin. Bruising down her
6 arms, and then an eye that's beginning to bruise
7 and swell.

8 I imagine the defense will make some argument
9 about look at the pictures, it's not that bad.
10 These pictures were taken mere hours afterwards.
11 She told you, and you would know in your common
12 experience, how bruises develop over time. This is
13 what we have to show the corroborating evidence.
14 This is what we had at the time. It is what the
15 police observed. The police who responded to
16 numerous domestic violence incidents said what I
17 observed, the injuries, they were consistent with
18 what she told me.

19 Her injuries were consistent with her story
20 because her story is true. That's what happened.
21 You got to hear from her. Was she telling you the
22 truth? That's for you to decide. If she made this
23 all up, it never happened, find him not guilty.
24 But you and I watched the same person testify. You
25 get to decide was she telling you the truth, or was

CLOSING ARGUMENT - BY MR. SPRATLIN

1 she making up a story? Was she trying to
2 embellish? Trying to say something happened that
3 didn't happen? No. She proved that to the police
4 and to you by telling exactly what happened.

5 This is going to be my last chance to address
6 you. The defense will get up and make their
7 arguments. I ask when you go back to the jury room
8 and deliberate, you find him guilty of what he's
9 done: Kidnapping, and domestic violence of a high
10 and aggravated nature. This was not a simple slap.
11 This was not a simple assault. This was an
12 aggravated assault over the course of hours and
13 hours. You can tell when you watched her testify,
14 you could tell it was traumatic.

15 Thank you.

16 THE COURT: Thank you, Mr. Holford.

17 Mr. Spratlin, you are recognized.

18 MR. SPRATLIN: Thank you, Your Honor. I
19 think they are about to get that out of the way.
20 I'm just going to grab the podium.

21 May it please the Court, Your Honor?

22 People can accuse you of anything, and when
23 they do, if you are that man right there, you find
24 yourself on trial here. When we look at it, what
25 corroboration? I'm going to get into it in a

CLOSING ARGUMENT - BY MR. SPRATLIN

1 couple of minutes, all of the issues with her
2 statement and the question that you should have. I
3 want you to all keep in mind that this entire case,
4 this castle that the solicitor's office is trying
5 to build is built on the sand of accusations.
6 Accusations that the police never verified.
7 Accusations that the police never looked into.

8 There are issues that should give each and
9 every single one of you question. Issues that
10 should give each and every one of you all
11 hesitation. Issues that should give each and every
12 one of you all reasonable doubt, because that's
13 what we're here about today.

14 At the end of this whole thing, you are not
15 really being asked whether this happened. You are
16 asked, Did the State meet their burden of proving
17 him guilty? The evidence -- I submit there is no
18 evidence that this happened, and certainly no
19 evidence that shows that they met their burden.

20 Your job, as jurors, as the judge will tell
21 you, is to hold their feet to the fire. My job, as
22 a defense attorney, is to point out the issues.
23 Your job, as jurors, is to hold them accountable to
24 prove my client guilty before you come back and say
25 something. When you really look at what's been

CLOSING ARGUMENT - BY MR. SPRATLIN

1 presented here, you're going to have questions, and
2 you should.

3 Now, the judge is going to tell you in a
4 couple of minutes -- and if I say something
5 different than what the judge says, he's wearing
6 the black robe, believe him. Everything I say
7 that's different or Mr. Holford says is different
8 than what he says, disregard what we say. But I'll
9 tell you -- and you already have been told -- that
10 the State has the burden of proving him guilty.
11 They have to prove him guilty beyond a reasonable
12 doubt, the highest standard in law.

13 My client is presumed innocent. Those three
14 principles of the law work together to basically
15 say that my client gets the benefit of any doubt.
16 If it is a 50/50 tie, it goes to him. If it's a
17 70/30, it still goes to him. It is only when they
18 prove it beyond a reasonable doubt, when you have
19 zero hesitation to act, that they have met their
20 burden. It is only when they have done that, only
21 then can you find my client guilty.

22 If you have questions that were not answered,
23 if you want to know things that weren't presented
24 from that witness stand, if there are issues that
25 you think, well, what about this? Here is how

CLOSING ARGUMENT - BY MR. SPRATLIN

1 burden of proof, presumption of innocence, and
2 reasonable doubt work. The buck stops here. It
3 doesn't go to this table or back there. Anything
4 you want to know, anything you want to hear,
5 anything questions, it's this table's job to answer
6 them.

7 What did the neighbor see? You want to know
8 what the neighbor heard? She said she was
9 screaming for the neighbors. Where are the
10 neighbors? Did the army of officers back there
11 even talk to them? Why wouldn't they? They have
12 their statement. They have their name. Why do
13 anything to try to show that he's actually guilty?

14 I don't doubt, ladies and gentlemen, about
15 her testimony is the same thing she told the
16 officers, because why would we be here if it
17 wasn't? But they can't just take her word, just
18 like you can't. They have to do their job. They
19 are given guns, badges, warrants to do things, not
20 just write things down and bring it before a jury
21 and say, Good enough.

22 Is there any evidence that any one of those
23 officers that testified did anything to look into
24 anything in this case besides talk to her?

25 I've been doing this for about a little under

CLOSING ARGUMENT - BY MR. SPRATLIN

1 20 years now, so I'm not a young lawyer anymore. I
2 used to reference Perry Mason because people knew
3 who that was and I grew up watching Perry Mason.
4 It came on at 12 o'clock on PBS. I referenced
5 Matlock for awhile, and people knew who Matlock
6 was. I think everyone knows My Cousin Vinnie.
7 This ain't that. If you are expecting some witness
8 breaking down in tears that she's wrong on the
9 stand, that's not the truth. That's not what
10 happens in court. That's not how trials actually
11 go. That's what Hollywood likes to show because
12 that's dramatic.

13 The truth is this is the trial, and it went
14 just the way it should. She testified. She wasn't
15 going to admit she lied. She could face trouble if
16 she did. So what is she going to do? Tell the
17 same things she told the officers.

18 Now, it's not my job to show that she lied.
19 That's not my job. It is their job to show that
20 she's telling the truth. That's what burden of
21 proof means. That is what presumption of innocence
22 means. It is not my job to show that she lied.
23 They have to show that she's truthful.

24 Let's talk about some of the issues with
25 their statement that seems to be ignored. It is

CLOSING ARGUMENT - BY MR. SPRATLIN

1 completely ignored. First of all, let me back up.
2 The one thing Mr. Holford said in his closing that
3 I wanted to address with you about the difficulties
4 the State has with domestic violence cases. Things
5 happen in -- behind closed doors. So how are we
6 going to know anything? How are we going to get
7 witnesses and do anything? It happened between two
8 people. Did anyone even talk to the neighbors?
9 She told you it's small, little apartment. Small,
10 little apartment, close neighbors. I'm guessing
11 the construction wasn't that great either. I'm
12 guessing the walls were thin. Did any of them talk
13 to the neighbors? You've heard zero evidence that
14 they have. And trust me, if anyone told them
15 anything, you probably would have heard it.

16 When you watch and listen to all of this
17 evidence, do you really believe that that woman was
18 for seven hours fighting tooth and nail to get out
19 of the apartment and my client was holding her
20 hostage keeping her in there and not letting her
21 leave? Small, cluttered room. No one said they
22 saw any signs of a struggle. Officers didn't see
23 anything broken. Officers didn't see anything
24 overturned.

25 She said there may have been something

CLOSING ARGUMENT - BY MR. SPRATLIN

1 overturned. No officer corroborated that. They
2 didn't see any physical evidence of that. He tore
3 her shirt off her so hard causing bruising and
4 caused her not to leave the house because of it.
5 Where's the shirt? If there's a torn shirt, that's
6 evidence. Where is it? Did any of the officers
7 get it? Even look at it? Did any of the officers
8 even see it? They had their man. They had their
9 statement. They're good. Where's the shirt?

10 She told you there was a knife, told you that
11 my client pulled a knife on her earlier. He opened
12 it, sat it down, and said I got something for you.
13 Where's the knife? Did you see a knife in
14 evidence? Did any of the officers say they found
15 the knife? Is there one of those knives over here
16 on this table? No. No knife.

17 When the officers come to the door, she's
18 been assaulted, being kidnapped, held against her
19 will for hours on end. Officers knock at the door.
20 She opens the door. My client is not there. He's
21 not sitting next to her, standing behind her with
22 his knife holding behind her saying, Don't run.
23 Where does she go? Does she run to the officers,
24 her saviors, the people that are finally going to
25 end this? No. She very calmly calls my client's

CLOSING ARGUMENT - BY MR. SPRATLIN

1 name and goes back in the house. Is that
2 consistent with someone that's kidnapped for hours
3 on end? If that's a question you have, that's
4 reasonable doubt.

5 The Solicitor is right about one thing. I'm
6 going to talk about those photos that were
7 introduced into evidence. That does show a mark of
8 some kind. What kind? I don't know. Where did it
9 come from? I don't know. Does this show bruising,
10 or is that a shadow? Does this show bruising, or
11 is that a shadow? Is that a fresh mark? Old mark?
12 A mark at all? Who knows. Is that a black eye, or
13 a very tired woman? I'm not trying to be ugly, but
14 you saw her today, how much different in these
15 photos does she look?

16 Do you know who could have answered these?
17 Professionals. Any competent medical professional.
18 Did we hear from one? Call one? No. Why would
19 they; they have a statement. They got their man.
20 Why mess things up by calling someone who might be
21 able to identify injuries?

22 There was mention about medical attention in
23 this case. She said she went to a hospital in
24 Virginia as soon as this all happened. Let me ask
25 you: Absent her saying that she went to Virginia,

CLOSING ARGUMENT - BY MR. SPRATLIN

1 is there any evidence that she did go to Virginia?
2 Did they look into that? Is there any evidence
3 presented to say, yeah, we talked to her in
4 Virginia? Officer Romonouskas didn't tell you that
5 he called her. Officer Rodriguez, Officer Lang,
6 they never even had any evidence to show that she
7 went to Virginia. All they have is her statement.

8 She said she went to the hospital in
9 Virginia. That's something that's crucial. Every
10 single medical record, every time you go to a
11 doc-in-a-box, urgent care, pharmacy, there's a
12 record. Where is that record? Got their man. Got
13 their statement. Why mess it up?

14 Is there any evidence that they looked? Is
15 there any evidence that they tried? Is there any
16 evidence that they did a thing other than take her
17 word point-blank and locked that man up on it, and
18 hope you guys throw away the key?

19 It's not hard to get records. I think
20 everyone in this room knows that. I'm ashamed to
21 say that I didn't even think about it until Officer
22 Romonouskas discussed -- and I probably butchered
23 his name, so I apologize -- testified that my
24 client's car was running. Are we even sure that he
25 was home for the seven hours when this assault

CLOSING ARGUMENT - BY MR. SPRATLIN

1 occurred? Why is the car running? Is it just
2 sitting there running for half a day? A third of a
3 day? Just sitting there idling in the parking lot?

4 Did she tell you that he went outside and
5 started his car? Because she supposedly held by
6 him at all times. Did she tell you that he marched
7 her out to the car, put her in the car, started the
8 car? No, she didn't say anything. Because I don't
9 know she knew that car was running. But we do. We
10 know because they saw it. An independent source
11 verified that car is running. How? Why?

12 Questions. I have questions. You should all
13 have questions too. Questions that the answers
14 that you all need stops here, along with that army
15 of police officers back there. Those are the
16 things that I thought of. You are not just limited
17 to what I thought. Maybe you thought of some
18 things. You can bring them up.

19 Credibility. The Solicitor talked a lot
20 about credibility. Why would she lie? She said
21 their relationship was toxic. Maybe that means
22 affairs. Maybe that means going out drinking.
23 Maybe that means doing whatever you want. Maybe it
24 means drinking and coming back at 8:00 a.m. in the
25 morning and leaving your car running, and you are

CLOSING ARGUMENT - BY MR. SPRATLIN

1 just tired of it.

2 Once you make a statement or accusation like
3 she's made, there's really no going back. You
4 can't walk back in the room and pretend it didn't
5 happen. And now she's here saying those same
6 accusations to you all with them doing nothing to
7 try to verify it.

8 Don't let them off the hook. That's not your
9 job. Your job is not to feel sorry for people or
10 say, oh, well, some people are victims of domestic
11 violence. I'm not here to tell you it doesn't
12 happen. But we're not here to worry about other
13 victims of domestic violence. We're here to worry
14 about has the State proven that she's a victim of
15 domestic violence? The answer to that question is:
16 No. Could they have? I don't know. They could
17 have tried a little. Could have at least gave it
18 an old college try and maybe sought records, sought
19 other stuff, maybe talked to people other than the
20 only person they talked to, maybe collect evidence,
21 maybe look for evidence, maybe do anything other
22 than get her statement, got our man.

23 That's what they are asking you all to do.
24 They are asking you to cover up for them, and you
25 can't do it. You can't do it, first off, because

CLOSING ARGUMENT - BY MR. SPRATLIN

1 it just ain't right. This man is on trial. As the
2 judge told you, his freedom is at stake. It's not
3 right to do their job for them and just rubber
4 stamp this type of investigation, this lack of
5 investigation. It is not okay. It's not right,
6 and more importantly, it's not the oath you all
7 took. When you all stood there at the beginning of
8 the trial and took an oath, you took that very
9 seriously. I think a lot -- well, depending on
10 your job, probably not so much, but taking an oath
11 is a very serious thing.

12 When the judge reads you the law, the law is
13 they actually have to do some work and prove my
14 client guilty, and they didn't. You all cannot
15 just fill in the gaps for them. First off, I
16 submit, there is a real, real possibility there are
17 no gaps to fill in, because there is a real
18 possibility -- and I think a probability -- that
19 none of this occurred.

20 But let's talk hypothetically. Even if it
21 did occur, they still have to prove their case.
22 They still have to do it. Even if you believe her,
23 even if you think she's telling the truth, which
24 for all the reasons I said you shouldn't, but even
25 if you, you still took an oath to follow the law,

CLOSING ARGUMENT - BY MR. SPRATLIN

1 which means you have to hold them accountable.
2 Hold them and that army of police officers who are
3 not doing a thing to investigate this case
4 accountable, and that's why you should find my
5 client not guilty.

6 Thank you.

7 THE COURT: Thank you, Mr. Spratlin.

8 Madam Forelady, we'll recess for the evening.
9 We'll be back at 9:30 in the morning. I'll charge
10 you the law, and you will begin deliberations. It
11 is certainly premature to think about deliberations
12 or talk among yourselves or anyone else. Do not do
13 any independent investigation, and we will see you
14 back at 9:30 -- 9:30 sharp. Everyone be on time.
15 Get a good night's sleep, and come back refreshed,
16 and we'll complete the case. Thank you very much.

17 (The jury exits at 3:46 p.m., and the
18 following is heard out of the presence of the jury.)

19 THE COURT: Anything from the State before we
20 recess for the evening?

21 MR. LANIER: No, Your Honor.

22 THE COURT: From defense?

23 MR. SPRATLIN: My only request was that --
24 would it be possible for Your Honor to just --
25 whatever charge you send back to the jury, I can

JURY CHARGE

1 review it? I know Your Honor read it, and I don't
2 think I will have any problem, but --

3 THE COURT: I'll read it, and you'll be able
4 to hear it, and if you have an objection, I'll do
5 that.

6 MR. SPRATLIN: Yes, sir. That's fine.

7 THE COURT: Very good.

8 (WHEREUPON, THE PROCEEDINGS FOR FEBRUARY 4,
9 2025 CONCLUDED.

10 (THE FOLLOWING WAS READ ON FEBRUARY 5, 2025
11 OUT OF THE PRESENCE OF THE JURY.)

12 THE COURT: Please be seated.

13 Good morning. Anything from the State before
14 we proceed with the jury charge?

15 MR. LANIER: Nothing from the state.

16 THE COURT: Anything from Defense?

17 MR. SPRATLIN: Nothing Your, Honor.

18 THE COURT: We're ready for the jury.

19 (The jury enters at 9:34 a.m., and the
20 following is heard in the presence of the jury.)

21 THE COURT: Good morning. Thank you for
22 being here and being here on time. You have heard
23 all of the evidence that has been -- will be
24 presented in this case, and you've heard these fine
25 lawyers give closing arguments.

JURY CHARGE

1 At this juncture, I'll be required to charge
2 you the law. There is not an entertaining way to
3 do that, but I'm going to ask that you pay close
4 attention, because in order for you to perform your
5 duty as a juror, to listen to the facts, determine
6 what the true facts are to apply to the law, you
7 have to understand what the law is. I'll ask you
8 to pay close attention.

9 Ladies and gentlemen of the jury, you and I
10 have specific duties to perform. As the trial
11 judge, it's my responsibility to preside over this
12 trial. It is your responsibility to consider the
13 testimony which has been presented in this witness
14 stand and the exhibits introduced.

15 I also have the duty to charge you the law.
16 As the presiding judge, I'm the sole judge of the
17 law. It is your duty as jurors to accept and apply
18 the law as I now state it to you. If you already
19 have an idea as to what the law is or ought to be
20 and it does not agree with what I now tell you what
21 the law is, you must abandon your idea, because you
22 were sworn to accept the law and apply the law
23 exactly as I state it to you.

24 Your duty is to determine the facts. In
25 every case, the jury is the sole and exclusive

JURY CHARGE

1 judge of the facts. A trial judge cannot suggest,
2 state, comment on, or make any statement to the
3 trial jury about the facts. Since you, the jury,
4 are the sole judges of the facts, you are not to
5 infer from what I've said during the progress of
6 this trial in ruling upon the admissibility of
7 evidence or otherwise, or anything that I say now
8 during the course of this instruction to you, that
9 I have any opinion about the facts. The law simply
10 doesn't allow me to have an opinion about the
11 facts. This is a matter for you solely to
12 determine. As jurors, it's your duty to determine
13 the effect, value, and weight of the evidence
14 presented during this trial.

15 The indictments charged the defendant with
16 one count of kidnapping and one count of domestic
17 violence of a high and aggravated nature, with an
18 additional lesser included charge that we'll talk
19 about in a moment. The fact that the defendant was
20 arrested, charged and indicted is not evidence and
21 cannot be considered by you as evidence of guilt,
22 nor does it create any presumption or inference of
23 guilt. It is simply the formal written instrument
24 which contains a charge made against the defendant.
25 It is the formal document by which this case is

JURY CHARGE

1 brought to court.

2 Each indictment charges a separate and
3 distinct offense. You must decide each indictment
4 separately on the evidence and the law applicable
5 to it, uninfluenced by your decision as to any
6 other indictment. The defendant may be convicted
7 or acquitted on any or all of the offenses charged.
8 You will be asked to write a separate verdict of
9 guilty or not guilty for each indictment.

10 Ladies and gentlemen of the jury, the
11 defendant has pled not guilty to these indictments,
12 and that plea puts the burden on the State to prove
13 the defendant guilty beyond a reasonable doubt. A
14 person charged with committing a criminal offense
15 in South Carolina is never required to prove
16 himself innocent.

17 I charge you that as a guiding rule of the
18 law that the defendant in a criminal trial, no
19 matter how serious the charge is, is always
20 presumed innocent of the crimes for which the
21 indictment was issued unless guilt was proven by
22 evidence satisfying you of that guilt beyond a
23 reasonable doubt.

24 This presumption of innocence does not end
25 when you begin your deliberations, but accompanies

JURY CHARGE

1 the defendant throughout the trial until you reach
2 a verdict of guilt based on the evidence satisfying
3 you of that guilt beyond a reasonable doubt.

4 The presumption of innocence is like a robe
5 of righteousness placed about the shoulders of the
6 defendant which remains with the defendant until it
7 has been stripped from the defendant by evidence
8 satisfying you of the defendant's guilt beyond a
9 reasonable doubt.

10 Presumption of innocence is not a mere legal
11 theory. It's not just a legal phrase. It's a real
12 and substantial right, which every defendant is
13 entitled unless you, the jury, are satisfied of the
14 evidence of the defendant's guilt beyond a
15 reasonable doubt.

16 What is reasonable doubt in the law? A
17 reasonable doubt is a kind of doubt that causes a
18 reasonable person to hesitate to act. The State
19 has the burden of establishing every fact necessary
20 to prove the defendant guilty beyond a reasonable
21 doubt. The law presumes every person charged with
22 a crime to be innocent, and the burden of
23 establishing guilt is placed solely on the State.
24 Some of you may have served as jurors in civil
25 cases where you were told that it is only necessary

JURY CHARGE

1 to prove that a fact is more likely true than not
2 true, such as by a greater weight or preponderance
3 of the evidence.

4 Other civil cases use clear and convincing
5 evidence standard. Those cases it's necessary to
6 prove that a fact is highly probable. But this is
7 a criminal case, and the State's burden must be
8 more powerful than those burdens of proof. In a
9 criminal case, the State's proof must be beyond a
10 reasonable doubt.

11 Proof beyond a reasonable doubt is proof that
12 leaves you firmly convinced of the defendant's
13 guilt. There are very few things in this world
14 that we know with absolutely certainty, and in a
15 criminal case, the law does not require proof that
16 overcomes every possible doubt.

17 If, based on your consideration of the
18 evidence, you are firmly convinced that the
19 defendant is guilty of the crime charged, you must
20 find the defendant guilty. The defendant is not
21 required to prove his innocence.

22 If, on the other hand, you think there is a
23 real possibility the defendant is not guilty, you
24 must give the defendant the benefit of every
25 reasonable doubt and find him not guilty.

JURY CHARGE

1 Ladies and gentlemen, necessarily, you must
2 determine the credibility of witness who have
3 testified. Credibility simply means believability.
4 It is your duty as jurors to analyze and to
5 evaluate the evidence and determine which evidence
6 convinces you of its truth.

7 In determining the believability of the
8 witnesses who testified, you may believe one
9 witness over several witnesses, or several
10 witnesses over one. You may believe a part of the
11 testimony of a witness, and reject the remaining
12 part of the testimony of that same witness. You
13 can believe the testimony of a witness in its
14 entirety or reject the testimony of a witness in
15 its entirety. You may consider whether any witness
16 exhibited any interest, bias, prejudice or other
17 motive in this case. You may also consider the
18 appearance and the manner of the witness while on
19 the witness stand, their demeanor.

20 There are two types of evidence which are
21 generally presented during a trial: Direct
22 evidence and circumstantial evidence. Direct
23 evidence directly proves the existence of a fact,
24 and does not require deduction. Circumstantial
25 evidence is proof of a chain of facts and

JURY CHARGE

1 circumstances indicating the existence of a fact.

2 Crimes must be proved -- crimes may be proven
3 by circumstantial evidence. The law makes no
4 distinction between the weight and the value to be
5 given to either direct or circumstantial evidence.
6 However, to the extent the State relies on
7 circumstantial evidence, circumstances must be
8 consistent with each other, and when taken
9 together, point conclusively to the guilt of the
10 accused beyond a reasonable doubt.

11 If the circumstances merely portray the
12 defendant's behavior as suspicious, the proof has
13 failed. The State has the burden of proving the
14 defendant guilty beyond a reasonable doubt. This
15 burden rests with the State regardless of whether
16 the State relies on direct evidence, circumstantial
17 evidence, or some combination of the two.

18 Ladies and gentlemen of the jury, I instruct
19 you and emphasize that the fact that the defendant
20 did not testify is not a fact to be considered by
21 you in any way in your deliberations and in your
22 consideration on the question of guilt or innocence
23 of the defendant. It must not be considered by you
24 in any manner, whatsoever. A defendant has a
25 Constitutional right to remain silent. An

JURY CHARGE

1 assertion of this right must not be considered by
2 you in your deliberations. I repeat: Under your
3 oath, you are to draw no conclusion, whatsoever,
4 from the fact that the defendant in this case did
5 not testify. The fact that this defendant did not
6 testify should not even be discussed in the jury
7 room.

8 Madam Forelady, I'll ask you to enforce that
9 rule. There is to be no discussion about the fact
10 that the defendant did not testify.

11 The burden of proof as I have stated to you
12 is on the State. The defendant is not required to
13 prove his innocence. The burden of proof remains
14 on the State to prove guilt beyond a reasonable
15 doubt.

16 Ladies and gentlemen of the jury, I'm going
17 to charge you the substantive law that's in
18 question in this case. The first is kidnapping.

19 The defendant is charged with kidnapping.
20 The State must prove beyond a reasonable doubt the
21 defendant knowingly and unlawfully seized,
22 confined, inveigled, decoy, kidnapped, abducted or
23 carried away another person without authority of
24 law.

25 To do a thing unlawfully is to do it

JURY CHARGE

1 willfully against the law.

2 Knowingly means with knowledge, consciously,
3 not accidentally.

4 Seize means to take hold of suddenly or in
5 force.

6 Confine means to limit, restrict, or enclose
7 without bounds, prison, shut, or keep in.

8 Inveigle means to lure, entice or lead astray
9 by false representations, promises or other
10 deceitful means.

11 Decoy means to lure by or as if by decoy. A
12 decoy is something to entice a person into a trap.

13 Kidnapping is to remove a person against his
14 will by unlawful force or by fraud.

15 Abduct means to carry off secretly by force
16 for an illegal purpose. Carry away means to
17 remove.

18 The State does not have to prove that the
19 defendant did all of these things; instead, if you
20 find beyond a reasonable doubt the defendant did
21 any of these things, you may find the defendant
22 guilty of kidnapping.

23 Something done without authority of law is
24 something which the law does not sanction, commit,
25 allow, condone, provide jurisdiction for.

JURY CHARGE

1 Kidnapping does not have to be for any
2 personal or monetary gain or for any illegal
3 purpose, but may be for any reason, whatsoever.

4 Ladies and gentlemen of the jury, the
5 indictment charges the defendant with domestic
6 violence of a high and aggravated nature. Within
7 that there are lesser included offenses, and we'll
8 deal with each one of those. At the conclusion of
9 charge, I'll give you the written text of these so
10 you can have those and refer to them in the jury
11 room. You know, there are a number of elements,
12 and you'll have those before you so you can
13 consider that with your findings of fact.

14 The defendant is charged with domestic
15 violence of a high and aggravated nature. The
16 State must prove beyond a reasonable doubt that the
17 defendant caused physical harm or injury to a
18 member of the defendant's own household, or that
19 the defendant offered or attempted to cause
20 physical harm or injury to a member of the
21 defendant's own household with apparent present
22 ability to cause harm or injury under
23 circumstances, reasonably creating a fear of
24 imminent danger.

25 A household member is a spouse, former

JURY CHARGE

1 spouse, a person with whom the defendant has a
2 child in common, or a person of the opposite sex
3 with whom the defendant is living or has lived in
4 the past.

5 The State must also prove one of the
6 following: The defendant committed the offense
7 under circumstances manifesting extreme
8 indifference to the value of human life of great
9 bodily injury to the victim. Circumstances which
10 may show extreme indifference to the value of human
11 life include, but are not limited to, the
12 following: Knowingly and intentionally impeding
13 the normal breathing or circulation of blood of a
14 household member by applying pressure to the throat
15 or neck, by obstructing the nose or mouth of a
16 household member thereby causing stupor or loss of
17 consciousness for any period of time.

18 Committing the offense during the commission
19 of a kidnapping: Using physical force against
20 another to block that person's access to any cell
21 phone, telephone or electronic communication device
22 for the purpose of preventing or obstructing or
23 interfering with reporting any criminal offense,
24 bodily injury or property damage to a law
25 enforcement agency, or a request for an ambulance

JURY CHARGE

1 or emergency medical assistance to any law
2 enforcement agency or emergency medical provider.

3 Great bodily injury means bodily injury which
4 causes a substantial risk of death or which causes
5 serious permanent disfigurement or protracted loss
6 of impairment of the function of a body member or
7 organ.

8 The defendant committed the offense with or
9 without accompanying battery, and under
10 circumstances manifesting extreme indifference to
11 the value of human life and would reasonably cause
12 a person to fear imminent great bodily injury or
13 death.

14 Within that, there is a less severe, lesser
15 included offense of first degree domestic violence.
16 Pay close attention.

17 The defendant is charged by a lesser included
18 offense of first degree domestic violence. The
19 State must prove beyond a reasonable doubt that the
20 defendant caused physical harm or injury to a
21 member of the defendant's own household, or that
22 the defendant offered or attempted to cause
23 physical harm or injury to a member of the
24 defendant's own household with apparent present
25 ability to cause harm or injury under the

JURY CHARGE

1 circumstances reasonably creating a fear of
2 imminent danger.

3 A household member, as I explained earlier,
4 is a spouse, a former spouse, a person with whom
5 the defendant has a child in common, or a person of
6 the opposite sex with whom the defendant is living
7 or has lived in the past.

8 The State must also prove one of the
9 following: Great bodily injury to the defendant's
10 own household member results, or the act is
11 accompanied by means likely to result in great
12 bodily injury to the defendant's own household
13 member. Great bodily injury means bodily injury
14 which causes a substantial risk of death or which
15 causes serious permanent disfigurement or
16 protracted loss of the impairment or function of a
17 body member or organ.

18 The process of committing domestic violence
19 in the second degree is if one of the following
20 also results: The offense is committed during the
21 commission of kidnapping. The offense is committed
22 by impeding the victim's breathing or airflow. Or,
23 the offense is committed using physical force or
24 threaten to use physical force against another to
25 block that person's access to any cell phone,

JURY CHARGE

1 telephone or electronic communication for the
2 purpose of preventing, obstructing or interfering
3 with the report of any criminal offense, bodily
4 injury or property damage to a law enforcement
5 agency or a request for an ambulance or emergency
6 medical assistance to any law enforcement agency or
7 emergency medical provider.

8 If you were to find him not guilty of first
9 degree criminal sexual conduct, you can consider
10 the less severe, less serious, second degree
11 domestic violence. The defendant is charged with
12 second degree -- charged with second degree
13 domestic violence by the lesser included offense.
14 The State must prove beyond a reasonable doubt that
15 the defendant caused physical harm or injury to a
16 member of the defendant's own household, or that
17 the defendant offered or attempted to cause
18 physical harm or injury to a member of the
19 defendant's own household with apparent present
20 ability to cause harm or injury under circumstances
21 reasonably creating a fear of imminent danger.

22 The State must also prove one of the
23 following: Moderate bodily injury to the
24 defendant's own household member results, or the
25 act is accompanied by means likely to result in

JURY CHARGE

1 moderate bodily injury to the defendant's own
2 household member.

3 Moderate bodily injury means physical injury
4 that involves long loss of consciousness or causes
5 temporary or moderate disfigurement or temporary
6 loss of function of a body member or organ, or an
7 injury that requires medical treatment when the
8 treatment requires the use of reasonable and
9 general anesthesia, or an injury that results in a
10 fracture or dislocation.

11 Moderate bodily injury does not include
12 one-time treatment or subsequent observation of
13 scratches, cuts, abrasions, bruises, burns,
14 splinters or any other minor injuries that do not
15 ordinarily require extensive medical care.

16 In the process of creating domestic violence
17 in the third degree, one of the following also
18 results: The offense is committed during the
19 commission of a kidnapping. The offense is
20 committed by impeding the victim's breathing or
21 airflow. The offense is committed using physical
22 force or threaten use of force against another to
23 block that person's access, any cell phone,
24 telephone or electronic communication device for
25 the purpose of preventing or obstructing or

JURY CHARGE

1 interfering with the report of any criminal
2 offense, bodily injury or property damage to law
3 enforcement agency, or a request for an ambulance
4 or emergency medical assistance to any law
5 enforcement agency or emergency medical provider. .

6 As a lesser included offense -- and the less
7 severe -- is third degree domestic violence. The
8 defendant through the lesser included offense is
9 charged with third degree domestic violence. The
10 State must prove beyond a reasonable doubt that the
11 defendant caused physical harm or an injury to a
12 member of the defendant's own household, or that
13 the defendant offered or attempted to cause
14 physical harm or injury to a member of the
15 defendant's own household with the apparent present
16 ability to cause harm or injury under circumstances
17 reasonably creating a fear of imminent danger.

18 I'm going to come forward and share with you
19 the verdict form. It is my first time in this
20 courtroom. I had to figure out how to get around.

21 The alternates, I'll ask when I release the
22 jury to go back to the jury room, that you remain
23 here in the courtroom. Do not leave.

24 Madam Forelady, I'll ask you to stand so we
25 can go over the verdict form. It's a document that

JURY CHARGE

1 has State of South Carolina, County of Horry,
2 versus Kawasi Lafrance Dingle. It has the
3 indictment number. It is entitled "Verdict Form."
4 The very first offense is kidnapping, and it has
5 here: We, the jury, unanimously find the
6 defendant, Kawasi Lafrance Dingle, as to the charge
7 of kidnapping -- and you have two choices: Not
8 guilty or guilty. I shared with you the law
9 concerning kidnapping.

10 The next offense is domestic violence of a
11 high and aggravated nature, and there is "guilty"
12 or "not guilty." It says here, "If you find the
13 defendant guilty of domestic violence of a high and
14 aggravated nature, cease deliberations." Because
15 if you find him guilty of the most serious of these
16 offenses, he can't be guilty of all of them. It's
17 mutually exclusive. If you find him guilty, just
18 stop deliberations, and the matter is resolved.

19 However, if you find that he is not guilty of
20 that, you can consider the lesser included offense
21 of domestic violence first degree. It goes down to
22 first degree, second degree and third degree. It
23 says on there, and it explains just what I
24 explained to you. He can't be guilty of all of
25 those, just of one. He can be not guilty of all of

JURY CHARGE

1 them, but only guilty of one.

2 Do you follow me?

3 FORELADY: Yes.

4 THE COURT: There is a place for you to sign
5 as the foreperson and to date it.

6 I'll give you this verdict form, and you can
7 have a seat. I'll talk to you a little more.

8 Ladies and gentlemen of the jury, your
9 verdict has to be unanimous. It can't be 11 to
10 one, six to six, eight to four. Everyone has to
11 agree. There might be questions that develop
12 during your deliberations. You've heard the law,
13 and the law doesn't allow me to answer the hard
14 questions. That's your job to determine the truth
15 and apply it to the law. If it is a question about
16 facts, I can't answer that. But if it is a
17 question about the law, I can do that.

18 If, in your mind, there is a question whether
19 it's a legal question or factual question, write it
20 down, and I'll be happy to assist you in that
21 regard. But I don't anticipate there are going to
22 be any questions because you've heard the evidence.
23 You've heard the law. I'm going to give you the
24 text of the substantive offenses so you can have
25 that to reference.

JURY CHARGE

1 In a moment, I'll tell you to leave the jury
2 room. Every time I tell you to leave, I tell you
3 not to begin deliberations, and I'll give that
4 instruction again, because before you begin
5 deliberations, I have to talk to these very fine
6 lawyers to make a determination as to whether or
7 not they have an objection to the manner which I
8 charged you. If there is, we'll address that and
9 bring you back in. Do not begin deliberations
10 until you receive instructions to do so.

11 Bear with me one moment.

12 (A brief pause in the proceedings.)

13 THE COURT: These are the text of all of the
14 criminal offenses so you will have an opportunity
15 to review those.

16 As a lawyer, there are a number of different
17 elements, and I think it is necessary that you have
18 that to refer to it. All right.

19 I'll ask you to return to the jury room, but
20 do not begin deliberations. I'll ask the
21 alternates to remain with us.

22 (The jury exits at 9:39 a.m., and the
23 following is heard out of the presence of the jury.)

24 THE COURT: Thank you all for your service.
25 It is not uncommon for us to promote an alternate

JURY CHARGE

1 to the acting jury. A lot of times people get
2 sick, get in a wreck. Sometimes there is a
3 conflict that develops. So you are sort of like
4 our insurance policy so we wouldn't have to repeat
5 this. It's absolutely necessary, particularly in
6 criminal cases, that we have 12 people.

7 I'll release you from your order not to
8 discuss the case amongst yourselves or with anyone
9 else. You are free to do that. There is another
10 good thing. You don't have to serve on a jury, if
11 called upon to do so, if you are subpoenaed to
12 participate in this court. You can tell them you
13 served this week, and you can exercise that
14 exemption. You will be paid handsomely.

15 Madam Clerk, how much do they get paid? I
16 think it's probably \$25 a day. Hardly enough to
17 buy a new frock or new pair of britches, but it's a
18 small token of appreciation.

19 Do you all have any questions?

20 No one ever has any questions. I have a law
21 clerk if it's a hard question that he can help me
22 with.

23 Thank you so much. I wish I could release
24 you all, but you need to go to the jury assembly
25 room. We'll be selecting another jury at 11

JURY CHARGE

1 o'clock. Thank you.

2 (Whereupon, the alternate jurors exit the
3 courtroom at 10:01 a.m.)

4 THE COURT: Any objection to the jury charge,
5 from the State?

6 MR. LANIER: State has no objection.

7 THE COURT: Defense?

8 MR. SPRATLIN: Your Honor, there seems to be
9 an oversight on my part when listening. When Your
10 Honor was giving the charge on the DV first degree,
11 prior to stating that the statute reads that
12 domestic violence in the second degree, one of the
13 following results: The kidnapping (sic) is
14 committed during the commission of a kidnapping, or
15 the offense is committed using physical force,
16 threatened -- to block that person's access to cell
17 phone, telephone or electrical communication
18 device -- I do not recall hearing Your Honor say
19 specifically that in the process of committing a
20 domestic violence in the second degree. I did when
21 you gave the second degree charge. You said
22 domestic violence third degree, but I didn't hear
23 it. It might be an oversight on my part. But I
24 wanted to make sure that it was in there, that they
25 had to find that domestic violence second degree

JURY CHARGE

1 before one of those elements would enhance it to a
2 first degree.

3 THE COURT: What do you have to say about
4 that?

5 MR. HOLFORD: Actually, I thought that I
6 heard that part, because you were in the first
7 degree part and you said second, and at first I
8 thought it was a mistake.

9 THE COURT: If we could get the jury charges
10 back and -- can we get the jury charge back?

11 MR. SPRATLIN: It might be an oversight. I
12 was -- as the Solicitor was saying, I was hearing
13 domestic violence first, second, so it might be
14 something I didn't catch.

15 THE COURT: That's not a work of art, the
16 construction of these things. They should have
17 general -- all of the definitions and all of the
18 elements, it's almost impossible to add in assault
19 statutes. I think it was written by legislator
20 from Florence, who was Chris Crawford, who was a
21 doctor, and doctors don't need to be drafting
22 legislation.

23 MR. SPRATLIN: Taking something very easy and
24 making it complex.

25 MR. HOLFORD: I believe your charge included

JURY CHARGE

1 what Mr. Spratlin is asking.

2 MR. SPRATLIN: It may have. I noted when
3 Your Honor was reading that, that I did not hear
4 that. But it could have been -- like the Solicitor
5 stated -- that I was listening and heard something
6 different.

7 THE COURT: I really don't know what you are
8 talking about.

9 MR. SPRATLIN: May we approach?

10 THE COURT: Yes.

11 MR. SPRATLIN: Where Your Honor was charging
12 domestic violence first degree great bodily
13 degree --

14 THE COURT: Here is first you can look at.

15 (A brief pause in the proceedings.)

16 MR. SPRATLIN: It's in here. It's in here.
17 All right.

18 That's satisfied, Your Honor.

19 THE COURT: Not only was I right, it was well
20 presented?

21 MR. SPRATLIN: It was very well presented. I
22 apologize, Your Honor.

23 THE COURT: Any further objection from the
24 State or the defendant?

25 MR. LANIER: No, Your Honor.

JURY CHARGE

1 MR. SPRATLIN: No, Your Honor.

2 THE COURT: I'll ask you to come and look at
3 the documentary evidence.

4 (The attorneys and court reporter confirm the
5 evidence.)

6 THE COURT: Is there everything in the pile?
7 Is everything in that pile in evidence?

8 MR. HOLFORD: Yes, Your Honor.

9 THE COURT: Is there anything in the pile not
10 in evidence?

11 MR. LANIER: No, Your Honor.

12 THE COURT: Defense, is everything in the
13 pile in evidence?

14 MR. SPRATLIN: Everything is in evidence.

15 THE COURT: Anything in the pile not in
16 evidence?

17 MR. SPRATLIN: I'll check to make sure this
18 is the redacted one. It is. It is in evidence.

19 THE COURT: I'll ask that -- I'll ask that
20 the documentary evidence be given to the jury, and
21 tell them to begin deliberations.

22 DEPUTY: I got it. Thank you.

23 THE COURT: We'll stand at ease.

24 I understand there is a failure to stop for
25 blue light, we'll draw a jury for that at 11:00.

JURY CHARGE

1 (The jury begins deliberations at 10:07 a.m.)

2 THE COURT: There is a jury question.

3 Please be seated.

4 There's a question that has been proposed by
5 the forelady. "Can we have a computer to view the
6 video?"

7 I would say, yes. I understand that the
8 solicitor's office has a computer that doesn't have
9 access to the Internet and no information on it.

10 Do you have an objection to that, Mr.
11 Spratlin?

12 MR. SPRATLIN: No, Your Honor. As long as it
13 is the redacted video played in court, which I
14 believe what was sent back.

15 MR. HOLFORD: Yes, Your Honor. It is the
16 redacted video that stops at the point he's placed
17 in handcuffs. It was played in court. We do have
18 a laptop here. No WiFi connection capability, no
19 passwords need. It's only able to open flashdrives
20 or disks, no other apps.

21 THE COURT: Let's get just the forelady.

22 MR. SPRATLIN: The part that was published in
23 court was the entirety of what's on that, correct?

24 MR. HOLFORD: Yes.

25 MR. SPRATLIN: Okay.

JURY CHARGE

1 THE COURT: We're ready for the forelady.

2 (Whereupon, the forelady enters.)

3 THE COURT: Madam Forelady, to answer your
4 question, we'll provide you with a computer, and it
5 has no Internet access, and certainly don't allow
6 someone to try to get any Internet information.
7 That would be inappropriate.

8 We're going to provide the computer with you
9 -- to you, and ask that you return and resume
10 deliberations

11 THE FORELADY: Thank you so much.

12 (Court's Exhibit 1 marked.)

13 THE COURT: We'll stand at ease. Stay close
14 until in case they have another question.

15 (Jury deliberations resume at 10:40 a.m.)

16 (The following proceedings happen at
17 10:48 a.m.)

18 THE COURT: The question is: "Password is
19 required although note says no password."

20 So I'll get her to bring the computer out and
21 let you crank start it and get it primed and send
22 it back.

23 Bring the forelady. Make sure she brings the
24 computer with her.

25 (Whereupon, the forelady enters.)

JURY CHARGE

1 THE COURT: Yes, ma'am. We'll start up the
2 computer for you, how about that?

3 MR. SPRATLIN: May I observe?

4 THE COURT: Yes.

5 MR. HOLFORD: It appears we have multiple
6 laptops, so she went to grab the other one.

7 THE COURT: Madam Forelady, you can have a
8 seat, if you would like.

9 Here we go.

10 (A brief pause in the proceedings.)

11 THE COURT: Ms. Daley, you can resume
12 deliberations. Thank you so much.

13 (The forelady exits the courtroom at
14 10:58 a.m., and the jury deliberations continue.
15 Court's Exhibit 2 marked.)

16 (The following proceedings are at 12:05 p.m.)

17 THE COURT: The question has been posed:
18 "Can you clarify the difference between the
19 different degrees of domestic violence?"

20 Of course I anticipated -- given the nature
21 of the elements of these -- that it would be best
22 to send the text back to them. The only thing I
23 can do in addition to that is maybe explain to them
24 that criminal domestic violence of a high and
25 aggravated nature is the most serious, third degree

JURY CHARGE

1 is the least serious, and the varying degrees, and
2 each offense has various elements that you need to
3 contemplate.

4 What does the State have to say about that?

5 MR. LANIER: Your Honor, that sounds good to
6 the State.

7 THE COURT: Defense?

8 MR. SPRATLIN: I really have no objection,
9 Your Honor.

10 THE COURT: Okay. Just one second.

11 We're ready for the jury.

12 (The jury enters at 12:08 p.m., and the
13 following is heard in the presence of the jury.)

14 THE COURT: Madam Forelady, ladies and
15 gentlemen, the question has been posed: "Can you
16 clarify the difference between the different
17 degrees of domestic violence?"

18 The text I sent you back sets forth what the
19 elements are. You need to read them in its
20 entirety, and consider each of the elements of each
21 of the offenses. I will tell you, and I'm sure it
22 is clear to you, that criminal domestic violence of
23 a high and aggravated nature is the most serious of
24 those, and it progressively gets down to third
25 degree criminal domestic violence, which is the

JURY CHARGE

1 least serious of those.

2 You need to look at the text and give it some
3 consideration. I'll ask that you return to the
4 jury room and resume deliberations.

5 (Court's Exhibit 3 marked.)

6 (The jury exits at 12:09 p.m., and the
7 following is heard out of the presence of the jury.)

8 THE COURT: I understand they have reached
9 the verdict.

10 Anything from the State?

11 MR. LANIER: No, Your Honor.

12 THE COURT: Anything from defense?

13 MR. SPRATLIN: No, Your Honor.

14 THE COURT: We're ready for the jury.

15 I am not sure who is present in the audience,
16 but it is imperative that we maintain order. If
17 you feel as though you can't maintain the proper
18 decorum, you probably need to leave now, because if
19 there is an outburst, you'll be taken into custody.
20 We can't have that.

21 (The jury enters at 1:51 p.m., and the
22 following is heard in the presence of the jury.)

23 THE COURT: Madam Forelady, have you reached
24 a verdict?

25 THE FORELADY we have.

JURY CHARGE

1 THE COURT: Is it unanimous?

2 THE FORELADY: It is.

3 THE COURT: I'll ask that you give the clerk
4 the verdict form.

5 The verdict form is in proper order. I'll
6 ask that you publish it.

7 THE CLERK: Indictment No. 2024-GS-26-01455,
8 2024-GS-26-01466, the State of South Carolina,
9 County of Horry County, versus Kawasi Dingle on the
10 charges of kidnapping: We, the jury, by unanimous
11 consent, find the defendant guilty.

12 When it comes to the charge of domestic
13 violence with of a high and aggravated nature, we,
14 the jury, by unanimous consent, find the defendant
15 not guilty.

16 When it comes to the charge of domestic
17 violence first degree, we, the jury, by unanimous
18 consent, find the defendant guilty.

19 Signed by foreperson Joanne Daly. Dated,
20 February 5, 2025.

21 Ladies and gentlemen of the jury, if this is
22 your verdict, so signify by raising your right
23 hand.

24 Thank you.

25 THE COURT: Any additional requests for

JURY CHARGE

1 polling.

2 MR. LANIER: Not from the State.

3 MR. SPRATLIN: The defense would request
4 polling, Your Honor.

5 THE COURT: Madam Clerk, if we can do that.

6 THE CLERK: When I call your number, please
7 stand. I'll ask you two questions. After you
8 answer them, please be seated.

9 Juror 82, is this your verdict?

10 JUROR: Yes, it is.

11 THE CLERK: Is this still your verdict?

12 JUROR: Yes, it is.

13 THE CLERK: Juror 166, is this your verdict?

14 JUROR: Yes, it is.

15 THE CLERK: Is this still your verdict?

16 JUROR: Yes, it is.

17 THE CLERK: Juror 108, is this your verdict?

18 JUROR: Yes, it is.

19 THE CLERK: Is this still your verdict?

20 JUROR: Yes, it is.

21 THE CLERK: Juror No. 90, is this your
22 verdict?

23 JUROR: Yes, it is.

24 THE CLERK: Is this still your verdict?

25 JUROR: Yes, it is.

JURY CHARGE

1 THE CLERK: Juror 265, is this your verdict?
2 JUROR: Yes.
3 THE CLERK: Is this still your verdict?
4 JUROR: Yes.
5 THE CLERK: Juror 316, is this your verdict?
6 JUROR: Yes.
7 THE CLERK: Is this still your verdict?
8 JUROR: Yes.
9 THE CLERK: Juror 69, is this your verdict?
10 JUROR: Yes.
11 THE CLERK: Is this still your verdict?
12 JUROR: Yes.
13 THE CLERK: Juror 118, is this your verdict?
14 JUROR: Yes.
15 THE CLERK: Is this still your verdict?
16 JUROR: Yes.
17 THE CLERK: Juror 127, is this your verdict?
18 JUROR: Yes.
19 THE CLERK: Is this still your verdict?
20 JUROR: Yes.
21 THE CLERK: Juror 151, is this your verdict?
22 JUROR: Yes.
23 THE CLERK: Is this still your verdict?
24 JUROR: Yes.
25 THE CLERK: Juror 217, is this your verdict?

JURY CHARGE

1 JUROR: Yes.

2 THE CLERK: Is this still your verdict?

3 JUROR: Yes.

4 THE CLERK: Juror 158, is this your verdict?

5 JUROR: Yes, it is.

6 THE CLERK: Is this still your verdict?

7 JUROR: Yes, it is.

8 THE CLERK: Thank you.

9 THE COURT: Thank you, Madam Clerk.

10 Madam Forelady, ladies and gentlemen, I'll
11 thank you all for your time. As you have heard the
12 law, the law doesn't allow me to have an opinion
13 about a particular verdict, because that is your
14 promise, but I can thank you for your service. You
15 have been able to do what nobody in this courtroom
16 has been able to do, and that is to bring finality
17 in this matter.

18 If you are called to serve -- first of all,
19 that concludes your service for the week.
20 Secondly, if you are called to serve in this court
21 within the next three years, you can exercise an
22 exception, and you won't have to serve over the
23 next three years. It doesn't apply to municipal
24 court, magistrates court or federal court. If you
25 get called here, tell them that you served this

JURY CHARGE

1 week, and you can be excused.

2 How many of you never served on a jury
3 before?

4 Virtually everybody.

5 Hopefully this has been a learning experience
6 for you, and hopefully you have learned a little
7 more about how our judicial system works.

8 At this juncture, part of my job is to
9 sentence someone who is found guilty or someone who
10 pleads guilty a crime. That's not something that
11 you are responsible for, but since you have time
12 invested in this and would like to see what the
13 sentence is, I'll allow you to stay here and
14 observe that. It is a different procedure. It
15 won't be that lengthy.

16 For those of you that don't want to do that,
17 I'll allow you to leave at this time.

18 Before we do that, does anyone have any
19 questions of me?

20 All right. No one ever has a question.

21 Thank you for your time and service. Those
22 of you who would like to stay and observe the
23 sentencing, I'd be happy for you to stay now.

24 If you can bring the defendant forward.

25 MR. HOLFORD: Can I be excused to get

JURY CHARGE

1 sentencing sheets? They are prepared, just need to
2 print them.

3 THE COURT: Very good.

4 MR. SPRATLIN: Where would you like to --

5 THE COURT: I'll let you have a seat until we
6 get the sentencing sheets.

7 MR. SPRATLIN: Yes, sir.

8 MR. LANIER: May I approach with the
9 sentencing sheets?

10 THE COURT: Yes, you may.

11 Bring the defendant forward.

12 I'll recognize the State first and anything
13 that you would like to offer with regard to
14 sentencing, and I would like for you to recite the
15 defendant's criminal record.

16 MR. LANIER: Your Honor, as to the
17 defendant's criminal record: 2005, convicted of
18 burglary second degree, non-violent; 2008,
19 convicted of manufacturing, distribution or
20 possession with intent to distribute cocaine; 2011,
21 felon in possession of a firearm; 2018, supervised
22 release violation.

23 Your Honor, we have a copy of the public
24 index, which indicates that the defendant in 2023
25 was convicted of domestic violence second degree.

JURY CHARGE

1 It did not appear on his NCIC, but we have a copy
2 of the public index out of Florence County.

3 THE COURT: Right.

4 MR. LANIER: Your Honor is aware he's been
5 convicted of DV first, violent and serious, as well
6 as kidnapping, which is violent and most serious
7 and non-parolable. The state would ask for a
8 significant sentence in this matter, and at the
9 appropriate time the victim would like to speak.

10 THE COURT: I'm glad to hear from her.

11 VICTIM: Your Honor, I just want to say that
12 my sole purpose was just coming here and telling my
13 truth regardless of what that looked like to anyone
14 else. I'm trying to navigate the healing process
15 and navigate wrapping my head around not feeling
16 dumb that I was in this situation, and maybe some
17 reflective -- this wasn't just this situation that
18 happened. This happened by someone that I loved
19 more than I had loved anyone in a very long time.
20 Maybe he can look at the situation and maybe change
21 within himself, and it won't happen to another
22 victim.

23 That's all I have to say.

24 THE COURT: Thank you very much.

25 Anything further from the State?

JURY CHARGE

1 MR. LANIER: Your Honor, just one more thing.
2 When this occurred, the defendant was out on bond
3 for serious drug offenses.

4 THE COURT: Very good.

5 Mr. Spratlin.

6 MR. SPRATLIN: Thank you, Your Honor. My
7 client is 37 years old from Sellers, South
8 Carolina. I'm going to ask his family to speak on
9 his behalf, his sister, because she'll do a much
10 better job than I ever would do. I have known Mr.
11 Dingle since last April or May when I was appointed
12 to represent him when his previous attorney left
13 our office. In that time, he has been very
14 cooperative with me and assisted me in preparing
15 the defense. He's always shown me respect and
16 courtesy, so I'm asking the Court for whatever
17 leniency the Court can provide.

18 Obviously, these are pretrial motions, but he
19 did have several plea offers on the table. I don't
20 believe a prison sentence of 15, 20, 30, 40 years
21 is appropriate. I would ask for the mercy that the
22 Court could provide in giving him a sentence that
23 would allow him to get out and still have a life
24 when he gets out. Obviously, the charges he has
25 been convicted of carry 85 percent of 30 years is

JURY CHARGE

1 25 years, give or take. So a maximum on that would
2 put him getting out at 62 years old. I don't
3 believe that is appropriate. I think he should be
4 able to get out much sooner, and we ask the Court
5 for whatever leniency the Court can provide,
6 keeping in mind he has family.

7 His mother is present, his sister, brother,
8 friends are seated on the back row. His brother
9 just went through open-heart surgery, and he is
10 here today having just had the ventilator tube
11 taken out I believe two weeks ago. His mother is
12 elderly.

13 I would love to have a chance for my client
14 to be able to get out while his mother is still
15 with us and spend time with her. So we are asking
16 for leniency in this case. I do not quibble with
17 the jury's verdict. I understand where they came
18 from. While we disagree with it, we do not quibble
19 with it. We respect it and give it the respect it
20 gives. We do disagree with it, and my client
21 maintains his innocence.

22 So if the Court is looking for him to admit
23 guilt or anything like that, that's not going to
24 happen here today. But I do wish for the Court to
25 hear from his sister, if we could let her speak in

JURY CHARGE

1 the microphone.

2 THE COURT: Yes.

3 Yes, ma'am, your full name?

4 MS. PAGE: Shakeena (ph) Page.

5 THE COURT: Glad to hear from you.

6 MS. PAGE: I'm sorry (witness crying). I
7 love my brother. He's a lovely brother. He took
8 care of me. He's overprotective. He wouldn't let
9 nobody hurt me.

10 MR. SPRATLIN: Ms. Page is trying to relay to
11 the Court that her brother as always been a very
12 loving brother to her and always helped take care
13 of her and helped her through her life. I believe
14 from having talked to his other family previously,
15 that sentiment is echoed.

16 Anything else you would like to add?

17 Your Honor, I ask the Court to hear from his
18 mother as well.

19 MS. RIGGS: I'm his mother. My name is
20 Juanita Riggs (ph). I'm Kawasi Dingle's mother.

21 Yes, your Honor, please -- can you give me
22 just a minute (witness crying)? This is my
23 nightmare would be over for my child to come home
24 and help me with his brother. His brother is back
25 there. God knows I need his help. I'm the one

JURY CHARGE

1 that brought my kids up, just me, myself, no father
2 or nothing for them. I'm asking for your mercy.
3 Please help me -- I mean help me so he can help me
4 with his disabled brother back there, because I'm
5 going through so much. All I need is just help.
6 Please take that into consideration.

7 Thank you.

8 THE COURT: Thank you, ma'am.

9 MR. SPRATLIN: Your Honor, I would also ask
10 my client if he would like to say anything to the
11 Court?

12 THE COURT: Mr. Dingle.

13 MR. SPRATLIN: I'll advise him not to talk
14 about the facts since there could be pending
15 appeals and post-conviction matters.

16 (Mr. Spratlin and Kawasi Dingle confer.)

17 MR. DINGLE: Your Honor, I ask that you show
18 me leniency on me, Your Honor. I'm not a bad dude,
19 Your Honor. Just take the situation for what it is
20 and what we have been through today into
21 consideration, Your Honor. That's it. I love my
22 family, Your Honor. Just please show some
23 leniency, please.

24 THE COURT: Very good.

25 Anything further?

JURY CHARGE

1 MR. SPRATLIN: That is it for mitigation.

2 The State would present at this point -- or
3 defense, excuse me.

4 THE COURT: How much time did he spend in
5 detention?

6 MR. SPRATLIN: Since this crime occurred, as
7 the solicitor stated, he was on bond for other
8 offenses when --

9 THE COURT: Just give me a number. What is
10 he entitled to?

11 MR. SPRATLIN: The entitled question is the
12 hard part. It used to be simple, but now with the
13 change in the legislature, it is no longer a simple
14 question. He's been incarcerated at J. Reuben Long
15 since December 7 of 2023.

16 Now, as I stated, he was out on bond for
17 another charge, so that provision of the statute
18 regarding someone who commits an offense while out
19 on bond for another offense, he's not been
20 convicted of those other offenses. I believe it is
21 inappropriate to deny someone credit for time
22 served when they have not been convicted of prior
23 offenses that are being used and not give him
24 credit for days he served. However, I also
25 understand the plain language of the statute. As

JURY CHARGE

1 far as how many days he's been incarcerated, he's
2 been incarcerated for 428 days, including today, at
3 J. Reuben Long, since being arrested on these
4 charges.

5 Let me double check that real quick.

6 427 days, Your Honor.

7 THE COURT: Taking into consideration, this
8 is a non-parolable offense, most serious offense, a
9 violent offense which adversely affects his custody
10 status, and the facts of this case and his prior
11 record, on Indictment 2024-GS-26-01465, kidnapping:
12 The sentence of the Court is that you are committed
13 to the State Department of Corrections for a period
14 of eight years. Sentence runs concurrent. Credit
15 for 428 days.

16 The kidnapping statute is an odd thing. It
17 automatically presumes that you have to register as
18 a sex offender, but this is not sexual in nature;
19 therefore, I'm ordering that he not be placed on
20 the sex offender registry. The sentence is to run
21 concurrent.

22 Indictment 2024-GS-26-01466, domestic
23 violence first degree, the sentence of the Court is
24 you are to be committed to the South Carolina
25 Department of Corrections for a period of eight

JURY CHARGE

1 years. Sentence runs concurrent. Credit for 428
2 days.

3 MR. SPRATLIN: When would you like to hear my
4 motion for a new trial? Would you like to do that
5 now?

6 THE COURT: Yes.

7 MR. SPRATLIN: Obviously, the jury returned a
8 verdict of guilty in this case on the charges of
9 kidnapping and domestic violence first degree. As
10 I stated during sentencing, I disagree with the
11 jury's verdict. My client disagrees. However, we
12 don't quibble. But I do believe in this trial
13 there have been errors of law that mandate a new
14 trial being required. At this time, I'm making a
15 motion for a new trial.

16 In particular, Your Honor, I renew my motions
17 for directed verdict that there was insufficient
18 evidence in the record for my client to be
19 convicted of kidnapping.

20 I also would renew my motion for directed
21 verdict, while it was made at the directed verdict
22 stage regarding the domestic violence of a high and
23 aggravated nature. I believe the reasoning and
24 logic behind that motion is applicable to the
25 domestic violence first degree charge. I don't

JURY CHARGE

1 believe that there is sufficient evidence in the
2 record. There's no -- there was photos introduced
3 with no other corroboration but the victim's
4 statement. I believe there is insufficient
5 evidence to have had a conviction for domestic
6 violence in the first degree. So I renew those two
7 motions.

8 Also, prior to trial and during trial, I
9 objected to a video coming in that depicted my
10 client being taken into custody. I argued that
11 under Rule 403 it was more prejudicial than
12 probative. Over objection, it was admitted --
13 redacted to exclude any Jackson v. Denno statements
14 that implicated my client's right to remain silent.
15 But it did show my client having hands placed on
16 him by law enforcement officers and also having
17 handcuffs placed on him. I believe that unfairly
18 prejudiced my client, and the probative value of
19 that was very minimal, if not nothing.

20 So I believe the unfair prejudicial effects
21 substantially outweighed the probative value. I
22 would renew that motion -- motion for a new trial
23 based on that evidence not being excluded.

24 Also, during trial, I made several other
25 objections, several other motions, including

JURY CHARGE

1 evidence of a prior bad act, which was couched as
2 such by the State in their motion where they
3 alleged my client committed not only the charges
4 for which he was on trial here today, that being
5 kidnapping and previously domestic violence high
6 and aggravated, now domestic violence first, but
7 also a prior domestic violence charge from earlier
8 that morning on December 6th. I objected to
9 that. I believe I objected to it during trial, and
10 I asked for a continuing objection. I also did
11 object several points where it was specifically
12 discussed, and I believe those objections were
13 overruled, and my motion in limine to keep any of
14 that out was denied. I believe that was an error
15 that my client would be entitled to a new trial.

16 Furthermore, any objections I haven't
17 specifically mentioned, I would renew at this point
18 and believe that my client is entitled to a new
19 trial because those were overruled improperly.

20 I would just, essentially, ask Your Honor
21 that the verdict be set aside, that my client be
22 given a new trial, and us be given a chance to have
23 a new jury decide the facts of this case.

24 THE COURT: Glad to hear from the State.

25 MR. LANIER: Your Honor, we stand on our

JURY CHARGE

1 earlier arguments, and we would ask that you deny
2 the defendant's motion.

3 THE COURT: Mr. Spratlin, your motions are
4 noted, but denied.

5 MR. SPRATLIN: Yes, Your Honor.

6 THE COURT: I wish you the best of luck,
7 Mr. Dingle.

8 I'm going to ask if the victim's family be
9 allowed to leave the courtroom first. Make sure
10 they are escorted out. The defendant's family will
11 remain here in court.

12 (Whereupon, the trial of State of South
13 Carolina v. Kawasi Dingle concluded.)

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JURY CHARGE

CERTIFICATE OF REPORTER

State of South Carolina)

County of Horry)

I, Natalie Dahl, 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 trial of the captioned case, relative to appeal, in the Court of General Sessions for Horry County, South Carolina, on the 3rd-5th days of February, 2025.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

April 7, 2025

Natalie Dahl, RPR

Natalie Dahl
Registered Professional Reporter
State of South Carolina Official Court Reporter

JURY CHARGE

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County of Horry)

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I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

April 7, 2025



Natalie Dahl
Registered Professional Reporter
State of South Carolina Official Court Reporter

WITNESSES
Max T Rodriguez, Iii, Myrtle Beach Police
Department
MBPD23021197

Jacob Duesing

ARREST WARRANT NUMBER
2023A2620603219
DOA: 12/07/2023

ACTION OF GRAND JURY

TRUE BILL

Meredith Bowler
Foreperson of Grand Jury
Date: 15 2024

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2024-GS26-01465

The State of South Carolina
County of Horry

Adam C. Harrelson
24H00016

COURT OF GENERAL SESSIONS

March 1, 2024 TERM

THE STATE

VS.

KAWASI LAFRANCE DINGLE
B/M
DOB: [REDACTED]
SSN: XXX-XX-[REDACTED]

Indictment for
KIDNAPPING
CDR: 0095
Statute: 16-03-0910

FILED
HORRY COUNTY

2024 MAY 17 A 11:07

RENEE H. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

DATE RECEIVED FROM
GRAND JURY

ORIGINAL

STATE OF SOUTH CAROLINA)
)
 COUNTY OF HORRY)

INDICTMENT

At a Court of General Sessions, convened on March 13, 2023, the Grand Jurors of Horry County present upon their oath:

Kidnapping

CDR: 0095 16-03-0910

The defendant, Kawasi Lafrance Dingle, did in Horry County, South Carolina, on or about December 6, 2023, unlawfully seize, confine, inveigle, decoy, kidnap, abduct, or carry away Tonya M. Johnson, by any means whatsoever, without the authority of law, all in violation of 16-03-0910 *Code of Laws of South Carolina* (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



JIMMY A. RICHARDSON, II
 FIFTEENTH CIRCUIT SOLICITOR

WITNESSES

Max T Rodriguez, Iii, Myrtle Beach Police
Department
MBPD23021197

Jacob Duesing

ARREST WARRANT NUMBER

2023A2620603220
DOA: 12/07/2023

ACTION OF GRAND JURY

TRUE BILL

Meredith Bowers

Foreperson of Grand Jury
Date: May 15 2024

VERDICT

DOCKET NO. 2024-GS26-01466

The State of South Carolina

County of Horry

Adam C. Harrelson
24H00016

COURT OF GENERAL SESSIONS

March 1, 2024 TERM

THE STATE

VS.

KAWASI LAFRANCE DINGLE

B/M
DOB: [REDACTED]
SSN: XXX-XX-[REDACTED]

Indictment for

DOMESTIC VIOLENCE OF A HIGH AND
AGGRAVATED NATURE

CDR: 3814

Statute: 16-25-0065(A)

ORIGINAL

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)
)
 COUNTY OF HORRY)

INDICTMENT

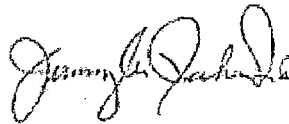
At a Court of General Sessions, convened on March 13, 2024, the Grand Jurors of Horry County present upon their oath:

Domestic Violence of a High and Aggravated Nature

CDR: 3814 16-25-0065(A)

The defendant, Kawasi Lafrance Dingle, on or about December 6, 2023, in Horry County, South Carolina, did cause physical harm or injury to Tonya M. Johnson, a household member, or did offer or attempt to cause physical harm or injury to said household member with apparent present ability under circumstances reasonably creating fear of imminent peril; in addition, the offense was committed, with or without an accompanying battery, under circumstances manifesting extreme indifference to the value of human life, which would reasonably cause a person to fear imminent great bodily injury or death, all in violation of 16-25-0065(A), *Code of Laws of South Carolina* (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



JIMMY A. RICHARDSON, II
 FIFTEENTH CIRCUIT SOLICITOR

STATE vs.

Kawasi Lafrance Dingle

AKA:

SSN: [REDACTED]

RACE: B

SEX: M

DOB: [REDACTED]

) INDICTMENT/CASE#: 2024-GS26-01466

) AW#: 2023A2620603220

) Date of Offense: 12/06/2023

) S.C Code§: 16-25-0065(A)

) CDR Code #: 3814

) Range of Offense: (1)

In disposition of the above indictment comes now the Defendant who was CONVICTED OF ☒ or ☐ PLEADS

TO: Domestic Violence, 1st Degree

Range of Offense Pled: (NMT 10 years)

In violation of § 16-25-0020(B) of the S.C. Code of Laws, bearing CDR Code # 3811

☐ 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 plea is: ☐ w/o Rec/Negotiations ☐ Negotiated

☐ Recommendation

106819

77061

Brandon R. Lanier, Solicitor

SC Bar #

Martin D. Spratlin, Attorney for Defendant

SC Bar #

The Defendant is committed to the ☒ SCDC ☐ County Detention Center ☐ Home Incarceration Program

for a determinate term of 8 ~~months~~ years Time Served ☐ YOANTE years and/or shall pay a fine

of \$; provided that upon the service of days/months/years/Time Served and or payment

of \$ plus costs and assessments as applicable*; balance is suspended with probation for months/years

and subject to SCDPPPS standard conditions of probation, which are incorporated by reference.

The sentence shall run ☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2-5-25

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDC

428

days/months

☐ To include time spent on monitored house arrest prior to trial and sentencing.

SPECIAL CONDITIONS:

☐ PTUP

☐ No Contact with Victim

☐ Domestic Violence Intervention Program

☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430

☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135

☐ Other:

☐ Hold for Inpatient Treatment

☐ SAC/MHC if necessary

☐ RESTITUTION See Separate Order (20% per S.C. Code §24-21-490(B))

§14-1-206 (Assessments 107.5%)

§14-1-211 (A)(1) Conv. Surcharge)

§14-1-211 (A)(2)(DUI Surcharge)

§56-5-1995 (DUI Assessment)

§56-1-286 (DUI Breath Test)

§14-1-212 (Law Enforcement Funding)

§14-1-213 (Drug Court Surcharge)

§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)

§50-21-114 (BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

☐ Appointed PD or appointed other counsel. Provisio requires \$500 to be paid to Clerk during probation and shall be collected before any other fees

☐ §17-3-45(B) Unpaid Application Fee to be paid to the Public Defender Fund

Restitution \$

FINE: 18 \$

\$

\$ 100.00

\$

\$

\$

\$ 25.00

\$

\$

\$

\$

\$ 3.75

\$

\$

\$

\$

TOTAL \$ 128.75

Benee Elvis

Clerk of Court/Deputy Clerk

Natalie Dahl 2140

Court Reporter

Judge Code

2/5/25
Sentence Date

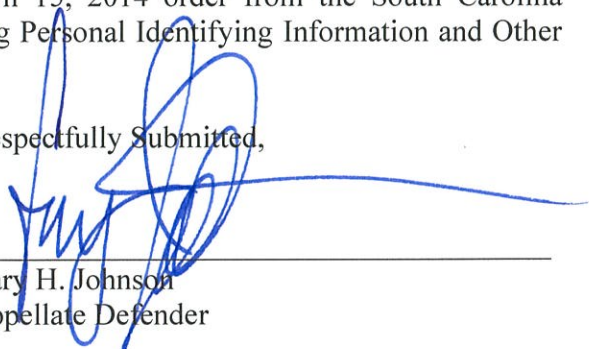
Michael [Signature]
Presiding Judge

SCCA217B
01/27/2025

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,



Gary H. Johnson
Appellate Defender

RECEIVED

Sep 08 2025

SC Court of Appeals

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 8th day of September 2025.

RECEIVED

Sep 08 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Horry County

Honorable Michael G. Nettles, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

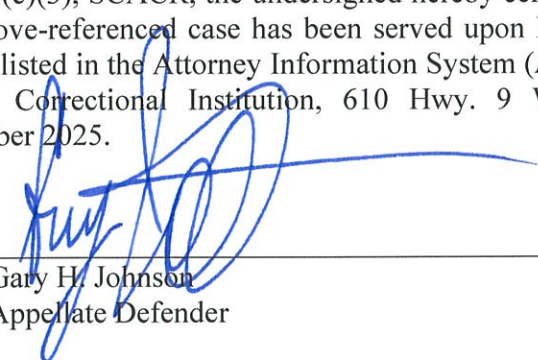
KAWASI LAFRANCE DINGLE,

APPELLANT

APPELLATE CASE NO. 2025-000248

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Mark Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS); and on Kawasi Dingle, #308072, at Evans Correctional Institution, 610 Hwy. 9 West, Bennettsville, SC 29512, this 8th day of September 2025.



Gary H. Johnson
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT