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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County

Honorable Walton J. McLeod, IV, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JEFFERY BRUCE WISE, JR.,

APPELLANT.

APPELLATE CASE NO. 2024-000265

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**[THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
COURT’S EXHIBIT NO. 3 (PHOTOGRAPH OF DEFENDANT), COURT’S EXHIBIT
NO. 5 (STILL SHOT FROM BODY CAMERA), AND DEFENSE EXHIBIT NO. 1
(CARROWAY BODY CAMERA)]**

State of South Carolina)
) Court of General Sessions
County of Lexington)

2021-GS-32-01311

State of South Carolina)
 vs.) Transcript of Record
)
Jeffery Bruce Wise, Jr.)
)

 Defendant)

February 20th and 22nd, 2024

Lexington, South Carolina

B E F O R E:

Honorable Walt J. McLeod, Judge.

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

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Attorney for the Defendant

Joy E. Holston
Official Court Reporter

Keisha Reed completed the trial on February 23rd, 2024

I N D E X O F W I T N E S S E S

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(DW) - Denotes Defense Witness
(SW) - Denotes State's Witness

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E X H I B I T SState's

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>	<u>Page#</u>
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2	Body Cam		X	172
3	Photo		X	174
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1 THE COURT: We are on the record in State versus
2 Jeffery Wise. I believe the courtroom is empty. Anyone
3 associated with this case, we need to do a quick motion
4 and then we will publish the indictments. Ms. Zmroczek.

5 MS. ZMROCZEK: Thank you, Your Honor. We have two
6 motions to dismiss the indictment. The first is based on
7 a violation of due process recognized under the South
8 Carolina, the Fourth Amendment, South Carolina
9 Constitution are, Article I, Section III. Your Honor, my
10 client was arrested without a warrant on March 1st of
11 2021. He was taken to jail. It looks like the warrant
12 was signed and served on March 2nd. Your Honor, according
13 to the procedures, arrest without a warrant, going into
14 the Fourth Amendment, it is clear there is constitutional
15 preferences for arrest to be made rather with the
16 warrants, rather than without. There are exceptions. The
17 exceptions include a felony arrest. Mr. Wise was arrested
18 by Officer Caraway on an assault and battery second degree
19 which is not a felony, that is a misdemeanor. It is not
20 listed in the crimes classified as felonies under
21 17-13-10; as well it does not fall within any of the
22 domestic violence exceptions. So, Your Honor, it is, our
23 first argument is a violation of a due process that he was
24 arrested. If you look, not only with the constitutional
25 argument, but the statutory argument under Title 17 in

1 criminal procedure under Chapter 13. So it is 17-13-10
2 which talk about when citizens may be arrested without
3 warrant. And, Your Honor, again, it has to be a felony
4 committed which was not this case or something that was
5 committed within the view of the officer which was also
6 not the case. There were no procedural due process in
7 place for Mr. Caraway to arrest Mr. Wise without a warrant
8 when he did so on March 1st, 2021.

9 THE COURT: Okay.

10 MS. ZMROCZEK: That is our first argument.

11 THE COURT: Okay. Ms. Taylor, you want to respond to
12 that?

13 MS. TAYLOR: Yes, Your Honor. May it please the
14 Court?

15 THE COURT: Yes, ma'am.

16 MS. TAYLOR: As Ms. Zmroczek stated, the Defendant
17 was arrested originally for assault and battery in the
18 second degree on March 1st of 2021. Officer Caraway
19 responded, was actually across the street from the
20 incident location dealing with an unrelated incident, with
21 an unrelated suspect. In the middle of his investigation
22 and dealing with that matter he heard the victim scream,
23 help me, help me, my son just assaulted me, he punched me
24 in the face, he knocked out my tooth, things of that
25 nature; which prompted him to quickly respond across the

1 street. The victim had blood pouring from her mouth, her
2 teeth were knocked out, she quickly identified the suspect
3 or the perpetrator who punched her in the face as her own
4 son, Jeffery Wise, Jr. After, it wasn't even at that
5 point that he was placed under arrest or detained or
6 anything like that, Officer Caraway went a short distance
7 away to the Defendant's home, spoke with him, got his side
8 of the story. And after listening to the victim's account
9 of what happened and the Defendant as well as her injuries
10 that were very apparent, the Defendant himself had an
11 injury to his hand. There was clear probable cause to
12 arrest, he was detained and he was eventually taken to the
13 Lexington County Detention Center where a hold was placed
14 for his warrant and a warrant was promptly obtained at
15 that point. We argue that there is no violation of his
16 constitutional rights. Officer Caraway was well within
17 his obligation to arrest the Defendant that night based on
18 the probable cause that existed.

19 THE COURT: Ms. Zmroczek.

20 MS. ZMROCZEK: Again, Your Honor, the section is very
21 clear. All the things she described was still a
22 misdemeanor. He needed to get the warrant before. She
23 said he would serve the warrant promptly. I want to go
24 ahead and mark, for the Court, Court's 1, a copy of the
25 arrest warrant which was not signed by the Judge until

1 March 2nd which was more than 24 hours after being
2 detained. All of those are in violation of due process,
3 Your Honor. He should have gone to a warrant, he should
4 have gone to a Magistrate, secured a warrant and then
5 arrested him. What he did was arrest him, didn't detain
6 him, arrested him even before speaking to the victim,
7 alleged victim to get her side of the story, Your Honor.
8 And, again, it is outlined as a constitutional due process
9 violation. Court Exhibit 1 which indicates the date that
10 the Magistrate signed it which was May, excuse me, March
11 2nd.

12 (Whereupon, Court's Exhibit 1 was marked for
13 identification only.)

14 THE COURT: Anything else, Ms. Taylor? -

15 MS. TAYLOR: Yes, Your Honor. I just want to point
16 out Section 17-13-30, South Carolina Code of Laws. It
17 states that an officer within the State may arrest without
18 a warrant any and all persons who, within their presence
19 commit a violation of law or have just committed a
20 violation of the law. Obviously the assault did not
21 happen in the presence or right in front of Deputy
22 Caraway. It is however, clearly a probable cause,
23 overwhelming evidence to suggest that the Defendant
24 assaulted his mother without due cause and it had been
25 freshly committed. These were excited utterances from the

1 victim, immediately thereafter, after being punched in the
2 face as you will see as evidence and testimony will be
3 presented at this trial, Your Honor. So we would again
4 argue that this was not a violation of the Defendant's
5 constitutional right. And 17-13-30 will vouch for that.
6 It was also in State v. Martin and the cite is 275 SC 141
7 that this was reiterated as well, that an officer can
8 arrest for a misdemeanor, not committed within his
9 presence when the facts and circumstances give him
10 probable cause to believe that a crime has been freshly
11 committed. Again, we have excited utterances from the
12 victim that she was just assaulted, we have blood pouring
13 from her mouth, her teeth were knocked out and when they
14 go to get the Defendant's side of what happened he has a
15 fresh injury that eventually requires stitches, an
16 apparent fracture to his hand, all that presents probable
17 cause to arrest the Defendant for this crime.

18 THE COURT: Okay. Well, based on the arguments of
19 Counsel, at this point, I am not going to dismiss the
20 indictment. It doesn't appear to be a deprivation of due
21 process based on what I have heard today. But with that
22 said, once we get into this matter more I can also revisit
23 it.

24 MS. ZMROCZEK: Thank you, Your Honor. And then the
25 second, the second motion to dismiss the indictment, Your

1 Honor. So I think you may have heard, on March, excuse
2 me, on June 7th of 2021 Mr. Wise was indicted by the Grand
3 Jury for assault and battery second degree. That witness
4 is listed as Jacob Caraway. Your Honor, it says in his
5 report as well as the dismissed indictment, that he
6 offered her to -- moderate, moderate bodily injury. Your
7 Honor, that indictment was later dismissed when the client
8 refused to accept the plea offer and it was upgraded to a
9 assault and battery first degree which was true billed on
10 April 10th of 2023. Again, it list Jacob Caraway as the
11 witness. And, Your Honor, the only difference between the
12 two warrants at this time says that it was great bodily
13 injury, same injury from the first and second, all the
14 medical records that were received weren't even received
15 by the Solicitor's office until May of 2023. So, Your
16 Honor, we would argue that was an improper dismissal of
17 the first one and an indictment of the assault and battery
18 first simply because the client refused to plea.

19 THE COURT: Ms. Taylor.

20 MS. TAYLOR: Thank you, Your Honor. Again, as I have
21 already stated previously and Ms. Zmroczek as well, he was
22 originally charged for assault and battery second degree
23 based off the injuries that presented themselves to Deputy
24 Caraway on the scene. However, and it was true billed on
25 March 7th of 2021 as such. After we had a subsequent

1 victim meeting with Ms. Chandler and obtained medical
2 records in this case we realized that her injuries were
3 way more severe than we originally had thought. We sent
4 an email to Ms. Zmroczek on March 13th of last year
5 explaining this because as the victim, as the medical
6 records would show in this case and the testimony from two
7 different professional experts, dentists, including one
8 who actually performed on a surgery with implants to
9 repair her teeth and her mouth, we believe that the
10 testimony will present itself that these injuries would
11 rise to great bodily injury. The statute defines great
12 bodily injury as protracted loss of a bodily member or
13 organ. The teeth and the bones and nerves and everything
14 that are in the mouth, it would be easily, it would easily
15 come out through Ms. Chandler herself as well as the two
16 dentists who treated her, that she had significant
17 protracted loss of her teeth. She was unable to even,
18 even to this day bite into an apple. It was months before
19 she was even was able to have the surgery to repair her
20 mouth because of all the different steps that it took to
21 get to the point where they could actually do the surgery.
22 And the statute provides that great bodily injury can be
23 for any period of time, not a specific period of time. So
24 it is the State's argument that her injuries, when, going
25 by the medical records themselves and the testimony that

1 these professional experts will testify to, that this does
2 easily rise to the level of great bodily injury, Your
3 Honor.

4 THE COURT: Yes, ma'am.

5 MS. ZMROCZEK: Thank you. And just in response, Your
6 Honor. She received treatment on March 2nd, 2021 which
7 was the next day. She went back on March 5th, 2021, her
8 teeth were extracted. March 15th the doctor indicates
9 they were healing good. April 2nd, she was again seen,
10 she then went to a different medical provider on May 21st.
11 And the last implants were placed in on April 22nd of
12 2022. Your Honor, there have been, the injuries clearly
13 were listed, identified as moderate bodily injury, there
14 was no change. And we would argue, for that reason, the
15 motion, the indictment should be quashed.

16 MS. TAYLOR: Real quickly, Your Honor. I will stand
17 by my argument that I made. I have misplaced them but it
18 appears that we do need to officially arraign the
19 Defendant on the assault and battery first degree charge.
20 Although he has had notice for almost a year now that this
21 was the elevated charge, we just need to officially do the
22 formality of presenting him a copy of the indictment.

23 MS. ZMROCZEK: He was never arraigned.

24 MS. TAYLOR: And I can go into more of that as well,
25 Your Honor.

1 THE COURT: Okay. Well, as far as the elevation of
2 the charge, based on the arguments that I have heard
3 before me I don't think dismissing the indictment is
4 appropriate. It kind of pivots into our next argument of,
5 I guess, notice that no prior arraignment. How long has
6 he had you, Ms. Zmroczek?

7 MS. ZMROCZEK: For -- he has been on the docket for
8 quite some time.

9 THE COURT: He was true billed for A&B first.

10 MS. ZMROCZEK: But never served the indictment.

11 MS. TAYLOR: That's correct. I can elaborate a
12 little bit on that, Your Honor. It was initially true
13 billed as assault and battery second in June of 2021, so a
14 few months after this incident occurred. And, again,
15 after we received more medical records and heard from the
16 victim, again, our argument is that it raised the level of
17 caused or could have caused great bodily injury per the
18 statute. I sent an email just giving Ms. Zmroczek a heads
19 up that I would be presenting a direct presentment for
20 assault and battery first degree to the April 2023 Grand
21 Jury. It was true billed by the April 2023 Grand Jury.
22 As such, on April 25th, just a couple, two or three weeks
23 later trial notice with this new indictment number for
24 assault and battery in the first degree was sent. On May
25 8th of 2023 I got an email from Defense Counsel asking for

1 copies of the indictment so acknowledging that there was
2 an upgraded charge in this case and a new indictment. On
3 May 15th of 2023 my paralegal sent copies of both
4 indictments to Defense Counsel. And then, again, it has
5 been published on the trial roster, I think it started on
6 the TBD mode of trial roster and it has just kind of
7 rolled over since then.

8 THE COURT: But unlike on a civil case, service on
9 the lawyers, not serving on the parties, I guess.

10 MS. TAYLOR: Your Honor, SCCOURTS provides specific
11 notice that this charge, that his trial will be on the
12 charge of assault and battery first and, again, when it is
13 published it does go to the registered email for the
14 Defense Counsel and the Bar website. It specifically list
15 the specific charge he is facing and we did, that was
16 delivered. Again, it is just a formality that we give
17 them a copy of the indictment.

18 THE COURT: You can serve him right now.

19 MS. ZMROCZEK: We do argue that due process is not a
20 formality, for the record.

21 THE COURT: And Counsel argues that due process is
22 denied, go to the circumstances his lawyer was aware of
23 the true billed assault and battery first degree and that
24 copies were provided to opposing counsel or to Defendant's
25 Counsel. I think it is appropriate for, to be provided a

1 copy of the true billed indictment at this time and I can
2 tell him about the charges.

3 MS. TAYLOR: Yes, Your Honor, and just for the
4 record. I don't believe there has been any display of
5 prejudiced that has been suffered by the Defendant in this
6 case.

7 THE COURT: There is no issue of notice.

8 MS. TAYLOR: Trial notice for this charge, assault
9 and battery first degree, has been published on the trial
10 roster since April, 2023.

11 THE COURT: I understand the procedural argument but
12 I don't, certainly don't see any prejudicial. So let's
13 get --

14 MS. TAYLOR: I had a copy of the certified true copy
15 right in front of me and I don't know where I put it but I
16 have the true billed copy from the Clerk's office, if that
17 will suffice.

18 THE COURT: Yes.

19 MS. TAYLOR: I apologize, I don't know where I put
20 it.

21 THE COURT: We will make another copy of it. Mr.
22 Wise, your attorney just handed you a copy of the
23 indictment, a true billed indictment for assault and
24 battery first degree. Assault and battery first degree is
25 a non-violent offense however it escalated a potential

1 sentence of between zero, up to ten years in prison. Do
2 you understand that?

3 MR. WISE: Yes, sir.

4 THE COURT: Have you discussed this indictment at all
5 with your attorney and are you entering a plea here today.
6 Let me rephrase, do you plead guilty or not guilty.

7 MR. WISE: Not guilty.

8 THE COURT: Not guilty, alright. The Defendant has
9 acknowledged the assault and battery first degree
10 indictment. He has entered a plea of not guilty in my
11 presence. You can proceed on.

12 MS. TAYLOR: Thank you, Your Honor. I am just going
13 to grab the original back.

14 THE COURT: Anything else before we get this jury
15 back in here?

16 MS. ZMROCZEK: Nothing at this time, Your Honor.

17 MS. TAYLOR: Nothing further.

18 THE COURT: I am going to step off while they come
19 back in. Let's get them back in, please.

20 (Whereupon, a jury was pulled for another trial.)

21 (Whereupon, back on the record for this case.)

22 (Whereupon, the jury panel entered the courtroom at
23 approximately 12:05 p.m.)

24 THE COURT: We are ready to select a jury for our
25 second case. Counsel, are y'all ready to proceed?

1 (Whereupon, a bench conference was held.)

2 THE COURT: So to the remaining folks, now we will
3 pick a jury for the civil case.

4 Number 174 is our Foreperson and I will go tell them
5 they can go.

6 (Whereupon, the jury was excused for the day.)

7 (Whereupon, Judge Keesley will pick a jury for a
8 civil case.)

9 (Whereupon, a short break was taken.)

10 THE COURT: Alright. Now we are here in the matter
11 of the State versus Jeffery Wise. We have got some
12 pretrial matters to go over. Any updates?

13 MS. ZMROCZEK: Judge, I think I have had a little bit
14 of time now. I think that we need to, I think I need to
15 for just protection of the record et cetera. Now that it
16 appears that Officer Caraway is here that we, I know that,
17 I guess there is going to be a Denno disc like hearing.
18 But quite honestly, I have spoken with my client and we
19 are fine with the redaction of the body cam. However the
20 only issue that we have is that when you open up the disc,
21 or at least the one that I was given, it says redacted
22 body cam and then you put click that folder and then it
23 says Caraway Body Cam. I think that we probably need to
24 take that out, just rename it Carraway's Body Cam.

25 THE COURT: Okay.

1 MS. ZMROCZEK: Just, we don't want the jury to think
2 we are hiding things from them.

3 THE COURT: Okay. I have received a copy of the 37
4 minute one. When you say redact it, what are we talking
5 about.

6 MS. TAYLOR: The 37 minute one is the redacted
7 version. The original, the full un-redacted version was
8 over an hour because the first half hour or so was
9 unrelated incident.

10 MS. ZMROCZEK: Did you give him a copy of the --

11 MS. TAYLOR: I thought I did, it was a full --

12 THE COURT: You did, I misspoke. I remember no, I
13 was making notes at my 37 minute. That doesn't mean it
14 was 37 minutes, we have a long video that begins with
15 Officers across the street at another incident and then
16 also, ends with the Investigator and --

17 MS. ZMROCZEK: Right. So none of that is relevant to
18 this.

19 THE COURT: If y'all agree to redactions then nothing
20 more needs to be said. If y'all are good with it I am
21 good with it.

22 MS. TAYLOR: I can certainly, if the redacted 37
23 minute version is entered as an exhibit in the
24 case-in-chief I will make sure and I can show you ahead of
25 time, the redacted --

1 MS. ZMROCZEK: And I would intend to enter it in our
2 stand your ground hearing as well.

3 THE COURT: Okay.

4 MS. ZMROCZEK: The redacted video. Which, the one
5 that we enter for the hearing, it doesn't matter if it
6 says redacted.

7 THE COURT: Okay.

8 MS. ZMROCZEK: I think we can make that a Court's
9 exhibit.

10 THE COURT: Well, okay. What is next.

11 MS. ZMROCZEK: I do think though we need to put, I
12 think that we need to have some testimony about the, about
13 the, just procedural arrest. When we were making the
14 brief argument just before the jury the Solicitor stated
15 that 17-30, whichever that Title was --

16 THE COURT: 17-13-30.

17 MS. ZMROCZEK: Yes. She said that that allows for
18 it. But if Your Honor reads that, it specifically, again,
19 says it allows for felony, for felony. The only
20 exception, Your Honor, do fall within the domestic
21 violence statute but that is not why we are here.

22 THE COURT: Well, you want to make an additional
23 record on that, that is one thing. But we also have the
24 stand your ground to make a record on. What else are we
25 going to make a record on.

1 MS. TAYLOR: There is a motion in limine. I think
2 that my motion in limine was actually, partially ruled on
3 in your order of the discovery motion order that you sent
4 out last Monday.

5 THE COURT: Okay.

6 MS. TAYLOR: Regarding the victim.

7 THE COURT: Yes.

8 MS. ZMROCZEK: So I guess as far as, for just for
9 background purposes because she filed a, obviously we
10 can't go into any, we are not going to bring up anything
11 that happened afterwards. I mean, I think my client will
12 testify to his knowledge of the, of Ms. Chandler's
13 propensity for violence. Right but under 405 we can't go
14 into specific, we understand that. But what I think we
15 probably do have to discuss --

16 THE COURT: You are going to have testimony at prior
17 animist, (phonetic), is that what you mean?

18 MS. ZMROCZEK: Prior what?

19 THE COURT: Animist.

20 MS. ZMROCZEK: Yes and his knowledge of her --

21 THE COURT: Which animist is a general term.

22 MS. ZMROCZEK: Exactly. So I think, when we had a
23 status conference, just an informal one, there was some
24 question about third party guilt. I think there was some
25 confusion. So just for Your Honor's education the, on

1 February 27th, so less than 48 hours before the incident
2 for which we are here today Mr. Wise, my client, was
3 assaulted and was the victim of an assault at his house.
4 He received several injuries for that and I think that,
5 because it is in the redaction of the body cam they talk
6 about it. So I think that that, for background
7 information is going to come in. It also goes to his
8 state of mind, it goes to his reasonableness. Again, I
9 don't think we go again to the detail of that except for
10 that he was assaulted by other parties not related to this
11 incident. Do you agree with that?

12 MS. TAYLOR: That is correct. The only reason that I
13 brought that up is that his injuries, other than his hand,
14 the injuries to his face were preexisting and not at any
15 fault of the victim's at the time of this.

16 MS. ZMROCZEK: And I think is going to be an issue of
17 contention.

18 MS. TAYLOR: He states to the officer that that was
19 preexisting.

20 MS. ZMROCZEK: But I think that we, but I do think we
21 have to talk about it or lay that foundation.

22 MS. TAYLOR: I agree, in a limited that there was a
23 pre-assault two days prior and our contention, by his own
24 statement, that his injuries to his face were preexisting.

25 THE COURT: But from your point of view that would be

1 something that would lay a foundation for some sort of
2 reasonable conduct.

3 MS. ZMROCZEK: Right, right. Because he also said,
4 have you watched the full video.

5 THE COURT: I did skip a few spots where I was kind
6 of waiting on nothing. But I listened to the conversation
7 and I hear him give, give kind of a --

8 MS. ZMROCZEK: He talks about what happened.

9 THE COURT: What the victim talked about what
10 happened as well.

11 MS. ZMROCZEK: Right and when he is approached by the
12 officers he does say that she struck him. And so I think
13 that is kind of where the issue is that he had these
14 previous injuries on his face.

15 THE COURT: He tells the officers that it was her
16 that struck him before?

17 MS. ZMROCZEK: No, no, no. But he says that she
18 struck him twice or she swung three times, she struck him
19 twice that night which is why, I don't know if you recall
20 in the video, but he even demonstrates how he, how he just
21 swung to get away and that how he contends that, that is
22 how the injury to his hand was.

23 THE COURT: That is part of, that is --

24 MS. ZMROCZEK: That is on the body cam.

25 THE COURT: Yes. It is also time and place of when

1 this thing occurs. It is not exactly a specific prior
2 incident.

3 MS. ZMROCZEK: Right, right. And I think it provides
4 context.

5 THE COURT: Let's just, we are in a pretrial setting.
6 Let's just try to hear it out just to get it moving.

7 MS. ZMROCZEK: Right. Because, like I said, it is in
8 the redaction and so I guess, we can just see.

9 THE COURT: Okay.

10 MS. TAYLOR: I guess the disagreement lies about he,
11 we both are in agreement that there is an assault by other
12 individuals previous to this day, two days prior. Those
13 individuals have since plead guilty to the charge. Ms.
14 Chandler was never a suspect or involved in any way or,
15 and --

16 THE COURT: So there shouldn't be any inference that
17 Ms. Chandler caused the preexisting.

18 MS. ZMROCZEK: Right, not that she caused it but what
19 he did to testify to that she did strike him twice in the
20 face, the date of.

21 MS. TAYLOR: That is where I was going with it,
22 although he says that she struck him in the face, he
23 states to the officer that his injuries were preexisting
24 from the assault two days prior.

25 THE COURT: Okay.

1 MS. TAYLOR: If that makes sense.

2 THE COURT: Okay. Who is the first witness you want
3 to call.

4 MS. TAYLOR: Would you like to go with the Denno
5 first. I think that would be --

6 MS. ZMROCZEK: Yes, I think that would be --

7 THE COURT: Was there a stipulation for Denno
8 purposes?

9 MS. ZMROCZEK: There is, Your Honor.

10 THE COURT: Right. Then make the record.

11 MS. ZMROCZEK: So, Your Honor, at this time we, at
12 this time we would move in the redacted video pursuant to
13 this, to the redaction that I think we are absolutely --

14 THE COURT: To be clear you are stipulating that the
15 statement is voluntary.

16 MS. ZMROCZEK: Yes.

17 THE COURT: Okay. Alright. As far as the redacted
18 statement being voluntary and the stipulation, any
19 additional record from the State on that?

20 MS. ZMROCZEK: While they are discussing that, for
21 purposes of the stand your ground hearing, Your Honor, we
22 would move the redacted version of the body cam in for
23 Your Honor to consider --

24 THE COURT: Why don't we make that a Court exhibit
25 for the purposes of the hearing.

1 MS. ZMROCZEK: Okay. Especially because it has
2 redactions written all over it. This will be Court's 2.

3 (Whereupon, Court's Exhibit 2 was marked for
4 identification only.)

5 MS. ZMROCZEK: And, Your Honor, before we get into
6 the stand your ground hearing I do think that we need to
7 just put on the record, we challenge that the arrest was
8 proper under the due process argument. I just think now
9 that the officer is here that we should probably have
10 testimony.

11 THE COURT: Well, let me ask you this. We had
12 discussion on the law briefly before we published the
13 indictments. I made a ruling on that, I did say we, your
14 intent is to call a witness for the specific point of
15 asking about the arrest?

16 MS. ZMROCZEK: Right.

17 MS. TAYLOR: Your Honor, if it makes sense we intend
18 on calling Deputy Caraway for the stand your ground. If
19 you want us to solicit the testimony, kind of rule
20 everything at once. If you think that would be the most
21 sufficient way to do it.

22 THE COURT: Ms. Zmroczek, we can start the stand your
23 ground.

24 MS. ZMROCZEK: Your Honor, we would call Jeffery
25 Wise.

1 THE COURT: Very well.

2 Jeffery Wise, being
3 first duly sworn, testified as follows:

4 MR. WISE: My name is Jeffery Wise, W-I-S-E.

5 DIRECT EXAMINATION

6 By Ms. Zmroczek:

7 Q Mr. Wise, tell the Court how old you are. How old
8 you are?

9 A 32.

10 Q You are 33?

11 A Yes, ma'am.

12 Q And where are you from?

13 A From Pelion.

14 Q You lived there your whole life?

15 A Yes, ma'am.

16 Q Are you married?

17 A No ma'am, I am not.

18 Q Do you have any children?

19 A No, ma'am.

20 Q Are you currently working?

21 A Yes, ma'am.

22 Q Where do you work?

23 A For my dad.

24 Q With your dad, what kind of work do you do?

25 A Tile work and fiberglass.

1 Q I want to go back to the reason that we are here is
2 March 1st of 2021. Okay.

3 A Yes, ma'am.

4 Q You remember that day?

5 A Yes, ma'am.

6 Q So that is where we are going to focus. But before
7 we focus there I am actually going to, just for background
8 purposes, go a few days before and talk about February
9 27th, just very briefly. Okay?

10 A Yes, ma'am.

11 Q On February 27th, generally what happened to you?

12 A I was attacked in my backyard by my ex's mom and her
13 boyfriend.

14 Q And did you call anybody or did anybody come assist
15 you that day?

16 A I went in, I walked and I got help.

17 Q And from whom did you get help?

18 A My mother.

19 Q And is that Lea Ann Chandler?

20 A Yes, ma'am.

21 Q And you said you walked and got help. Where were you
22 living in February and March of 2021?

23 A 107 Fogle Road.

24 Q And was that, describe what that, describe where you
25 lived?

1 A The corner of the property, where Fogle Road and 178
2 come together.
3 Q And that, and is that a mobile home?
4 A Yes, ma'am.
5 Q And you said on the corner of the property. Who
6 owned the property on which you lived?
7 A Lea Ann Chandler.
8 Q Is that your mother?
9 A Yes, ma'am.
10 Q How long had you lived there?
11 A Since I was about 13.
12 Q Okay. And so did you pay rent at all?
13 A No ma'am, I did not.
14 Q Did you pay any bills?
15 A The power bill and taxes.
16 Q So you power bill and taxes on the?
17 A Mobile home.
18 Q The mobile home itself?
19 A Yes.
20 Q Okay. And but it was located on your mother's
21 property?
22 A Yes, ma'am.
23 Q And so how far apart, did your mother have a home?
24 A A mobile home.
25 Q And how far apart were they on the property?

1 A About 250 yards.

2 Q So not too far?

3 A No, ma'am.

4 Q You were able to walk there?

5 A Yes, ma'am.

6 Q Okay. And so, again, going back to February 27th,
7 after you were assaulted by people that had nothing to do
8 with of the reasons that we are here today, you said you
9 sought help from your mother?

10 A Yes, ma'am.

11 Q And you, you said that you received some injuries.
12 Just for the purposes of this hearing.

13 MS. ZMROCZEK: This will be Court's 3.

14 (Whereupon, Court's Exhibit 3 was marked for
15 identification only.)

16 Q I am going to show you what has been marked for ID as
17 Court's 3 and ask you to look at that picture. Do you
18 recognize that picture?

19 A Yes, ma'am.

20 Q Who is in that picture?

21 A I am.

22 Q That is you?

23 A Yes, ma'am.

24 Q And does this fairly and accurately represent what
25 you looked like when you went to go get your mother's

1 assistance on February 27th?

2 A Yes, ma'am.

3 MS. ZMROCZEK: Your Honor, for the purposes of this
4 hearing we would move Court's exhibit 3 into the record.

5 THE COURT: Alright. For purposes of this hearing,
6 without objection?

7 MS. TAYLOR: None.

8 THE COURT: Go ahead.

9 Q And so you, what kind of help did she, that is a
10 terrible question, let me rephrase that. After, after
11 February 27th what happened the next day?

12 A I just, I cooked dinner that night and seen the blue
13 lights across the road. Whenever I got done eating I went
14 outside and smoked a cigarette. And when I kind of walked
15 down the little trail to see what the blue lights were
16 for, my mom was sitting over there at the front of the
17 driveway and flashed her lights at me. So I walked over
18 there.

19 Q Okay. So we are talking now into March 1st, right?

20 A Yes, ma'am.

21 Q And you said that you saw blue lights and what road
22 were the blue lights on?

23 A On 178.

24 Q And how, directionally, how far is that from your
25 house?

- 1 A Less than 50 yards.
- 2 Q So you walked over to see why there were blue lights?
- 3 A Yes, ma'am.
- 4 Q And you said that your mother had pulled up in her
5 car?
- 6 A She was already sitting there, yes ma'am.
- 7 Q So she was sitting in her car. What kind of car did
8 she have?
- 9 A Silver Toyota Taurus, I think.
- 10 Q And you had a conversation with her?
- 11 A Yes, ma'am.
- 12 Q Alright. Would it, what was the nature of the
13 conversation?
- 14 A It was fine to start with and she got really hostile.
- 15 Q You say she got really hostile?
- 16 A Yes, ma'am.
- 17 Q Why did she get really hostile?
- 18 A Something about somebody calling her a name.
- 19 Q Okay. Let me ask you this. The assault that you
20 received earlier was from the parent of, at that time,
21 girlfriend, right?
- 22 A Yes, ma'am.
- 23 Q But was your girlfriend involved in that?
- 24 A No, ma'am.
- 25 Q Was, what, on March 1st of 2021 what was the

1 relationship between you and your girlfriend?

2 A Separated at the time.

3 Q Were y'all still communicating?

4 A Somewhat, yes ma'am.

5 Q And what is it that made, you said she all of a

6 sudden got angry, right?

7 A Yes, ma'am.

8 Q How did that, what did, did you say something to make

9 her angry?

10 A No, ma'am. Somebody else had called her a name and I

11 had kind of, kind of listening. And she said what name

12 they called her and she got really mad about it and went

13 to acting crazy.

14 Q And so how long into your conversation did the

15 conversation escalate?

16 A Within about fifteen seconds.

17 Q And so did you, what happened, the conversation you

18 said got heated, right?

19 A Yes, ma'am.

20 Q Did you raise your voice?

21 A No, ma'am.

22 Q Did she raise her voice?

23 A Yes, ma'am.

24 Q Did you use foul language?

25 A I don't believe so.

1 Q I am sorry?

2 A I don't believe so, no ma'am.

3 Q Did she use foul language?

4 A Yes, ma'am.

5 Q Alright. What happened as a result of this
6 conversation getting heated?

7 A She went to take off in her car. And I went to move
8 my hands off the window seal and I don't know if she
9 thought I was trying, reaching into her or touch her in
10 some way or something. And so she locked the brakes up
11 and through it in park and tried to get out.

12 Q Okay. And when she tried to get out did you touch
13 her at all then?

14 A No ma'am, I did not.

15 Q Okay. What did you do?

16 A I put my knee against the door of the car to keep her
17 from getting out because I have known her for 29 years at
18 the time and I know how short her temper is. So I didn't
19 want anything to get completely escalated.

20 Q Okay. So you were trying to keep her from coming out
21 of the car?

22 A Yes, ma'am.

23 Q Okay. Did she eventually come out of the car?

24 A Yes, ma'am. I moved my knee because she went to
25 digging in the side pocket of the car and I know she keeps

1 a pistol in there. So I moved my knee and tried to keep
2 the door between us.

3 Q And then what happened?

4 A She swung the door open and swung one time and missed
5 me completely. She swung a second and third time, hit me
6 on each cheek.

7 Q So she swung one time and missed and then she swung a
8 second and third time. You said made contact with your
9 face?

10 A Yes, ma'am.

11 Q And was that, the face that already had these
12 injuries on it?

13 A Yes, ma'am.

14 Q Okay. And so what did you do when she made contact
15 with you, when she struck you?

16 A The only thing that I felt that I was able to do at
17 the time.

18 Q Which was?

19 A Defend myself.

20 Q Okay. So when you say defend yourself, do you recall
21 exactly what happened?

22 A I was trying to get away and then I swung back one
23 time.

24 Q To get away?

25 A Yes, ma'am.

1 Q And you said one time?

2 A Yes, ma'am.

3 Q And you, were you, after you swung one time did you
4 make contact with her?

5 A Yes, ma'am.

6 Q And when what happened?

7 A She swung around and hit the ground and then I headed
8 back towards my house.

9 Q So why is it that you swung that one time?

10 A The only thing that I could do to get some distance
11 was.

12 Q You just wanted to get some distance between you?

13 A Yes, ma'am.

14 Q And is that what you were able to accomplish?

15 A Yes, ma'am.

16 Q Okay. Did you have any, let me ask you this, do you
17 normally carry any weapons on you. And when I say
18 weapons, do you normally carry a pocketknife on you?

19 A Yes, ma'am.

20 Q Did you have it on you at that time?

21 A I am sure I did.

22 Q Okay. And did you use it at all?

23 A No, ma'am.

24 Q So once you were able to get some distance between
25 you you said you walked back to your house?

1 A Yes, ma'am.

2 Q Where did this incident occur?

3 A Right at the top of the property, the paved road.

4 Q Could you see the blue lights?

5 A Yes, ma'am.

6 Q You get, you go back to your property and then what

7 happened?

8 A Whenever I got back to my back porch I heard yelling

9 for help. And I went inside and the next thing happened

10 the police was knocking on my door or beating on the side

11 of my house actually. And wanted to talk to me.

12 Q How long did, from the time that you got back to your

13 house did you hear the police knocking on your door?

14 A One, two, two and a half minutes.

15 Q Okay. So a short amount of time?

16 A Yes, ma'am.

17 Q You said first they were knocking on your trailer.

18 Did they eventually knock on your door?

19 A I think so.

20 Q Did you comply, did you come outside with them?

21 A Yes, ma'am.

22 Q And did you tell them what had happened?

23 A Correct, I did.

24 Q Okay. And when you told them, in fact, it is all

25 recorded on body cam and you have seen that body cam,

1 right?

2 A Yes, ma'am.

3 Q And that body cam hasn't been altered in any way,
4 correct?

5 A No, ma'am.

6 Q So you told them immediately that you were acting in
7 self-defense?

8 A Yes, ma'am.

9 Q You said that you were just trying to defend yourself
10 to get away, right?

11 A Yes, ma'am.

12 Q Okay. After, obviously, how long, you have known
13 your mom your whole life?

14 A Yes, ma'am.

15 Q Do you, have you ever, do you know what her
16 reputation is for violence?

17 A Short tempered and pretty aggressive.

18 Q And is that from your own personal experiences and
19 understandings?

20 A Yes, ma'am.

21 Q So did you have any injuries, any new injuries at
22 the, at the time when the police came to knock on your
23 door?

24 A On my hands and I really didn't have time to access
25 anything. It was a short time.

1 Q But you had the injuries from the previous incident
2 on your face, right?

3 A Yes, ma'am.

4 Q But is that where she hit you?

5 A Yes, ma'am.

6 Q Okay. How did that feel when she hit you in your
7 injuries that were so relatively fresh?

8 A It didn't feel good.

9 Q Did you demonstrate to the police exactly how you
10 swung and got away?

11 A Yes, ma'am.

12 Q Now at that time, and it is hard to go back. But at
13 that time did you know what your hand had struck?

14 A No, ma'am.

15 Q In fact, when you were asked you said it could have
16 been the car, it could have been my mother, it could have
17 been a fence, correct?

18 A Right.

19 Q So you were unsure at the time?

20 A Yes, ma'am.

21 Q Did, after you told them this Officer Caraway told
22 you your story had holes in it, is that correct?

23 A Yes, ma'am.

24 Q Okay. Do you know, did you have any idea what he was
25 talking about?

1 A No ma'am, I did not.

2 Q When he said that to you, what did you think at that
3 point the police were going to do?

4 A Figured I was going to jail.

5 Q Okay. Did you think they were going to listen to
6 anything else you had to say?

7 A No ma'am, not really.

8 Q In fact, while you were talking as reflected on the
9 body cam did they keep asking you questions and shining a
10 light in your face?

11 A Yes, ma'am.

12 Q Okay. Did you ever want to raise your voice with
13 them?

14 A No, ma'am.

15 Q You ended up going to an ambulance coming to the
16 scene correct?

17 A Yes, ma'am.

18 Q You, when they, how were you arrested. How long
19 after the police were talking to you were you arrested?

20 A Briefly, within a few minutes.

21 Q Within a few minutes. And when they arrested you
22 they put your hands in handcuffs?

23 A Yes, ma'am.

24 Q Did you tell them about any other previous injuries
25 that you had had?

1 A Yes ma'am, I talked about my shoulder being messed
2 up.

3 Q And your shoulder had been messed up from what?

4 A I got --

5 Q You told them all of that information as well?

6 A Yes, ma'am.

7 Q So the handcuffs behind your back, how did that, how
8 did that injury, did it affect that injury at all, the
9 shoulder injury?

10 A Tangled.

11 Q It was tangled?

12 A Yes ma'am, my shoulder don't really flex like that
13 anymore.

14 Q Okay. You showed them your finger and you got
15 medical help, correct?

16 A Yes, ma'am.

17 Q They took you, where did they take you?

18 A To Lexington Hospital.

19 Q At Lexington Hospital did they treat you?

20 A Yes, ma'am.

21 Q Did they do xrays?

22 A I don't remember if they did xrays, I don't think so.

23 Q Okay. Did they pull any teeth out of your hand?

24 A No, ma'am.

25 Q What treatment did they give to you?

1 A Seven stitches on my knuckle.

2 Q And from there where were you taken?

3 A To Lexington County jail.

4 Q . So while you were at the hospital who was with you as
5 far as police?

6 A Officer Caraway.

7 Q Okay. When you were, when you were told that,
8 scratch that. So within minutes of the police getting
9 there you told them that you swung at her one time in
10 self-defense. You were arrested and taken to the
11 hospital, right?

12 A Yes, ma'am.

13 Q Okay. Did you, and you said you didn't know at the
14 time what had caused that injury to your hand?

15 A Correct.

16 Q When you learned that your mother had an injury to
17 her, to her mouth were you able to put it together at that
18 time?

19 A Yes, ma'am.

20 Q And in fact, I think you even said on the body cam
21 that, that I must have, I must have hit her face when I
22 was swinging, right?

23 A Yes, ma'am.

24 Q Now did you have a closed fist when you were
25 swinging?

- 1 A Not really.
- 2 Q Were you just, what were you trying to do?
- 3 A Just get distance between us.
- 4 Q Just get distance between you?
- 5 A Yes, ma'am.
- 6 Q Okay. And are you left handed or right handed?
- 7 A I am predominately right handed.
- 8 Q Okay, predominately right handed. When you were, are
- 9 you also, are you ambidextrous?
- 10 A Yes, ma'am.
- 11 Q Okay. But as you demonstrated, you watched the video
- 12 as of yesterday, correct?
- 13 A Yes, ma'am.
- 14 Q When you watched that video you saw your
- 15 demonstration as to how that, how exactly you moved your
- 16 hands, right?
- 17 A Exactly, yes ma'am.
- 18 Q And that was minutes, how long, how long had, how
- 19 much time had passed in between that time?
- 20 A It was less than ten minutes.
- 21 Q Less than ten minutes. And the police were out there
- 22 the whole time, right?
- 23 A Yes, ma'am.
- 24 Q Okay.
- 25 MS. ZMROCZEK: I beg the Court's indulgence. Those

1 are all the questions I have. Please answer any questions
2 the State may have.

3 THE COURT: Cross-examination.

4 MS. TAYLOR: Thank you, Your Honor.

5 CROSS-EXAMINATION

6 By Ms. Taylor:

7 Q So this entire tract of land belongs to your mother,
8 correct?

9 A Yes, ma'am.

10 Q And you stated to Ms. Zmroczek that you lived on the
11 corner, correct?

12 A Yes, ma'am.

13 Q She allowed you to live there rent free, right?

14 A Right.

15 Q Okay. And you didn't have to pay any bills, right?

16 A Power bill and taxes on my mobile home.

17 Q And you were only allowed to live on the corner of
18 that mobile home. Is that right?

19 A Yes, ma'am.

20 Q And the driveway to your home is on Fogle Road, is
21 that correct?

22 A Yes, ma'am.

23 Q And the rest of the property is the part of the
24 property your mother resides, correct?

25 A Yeah, in a way, yes ma'am.

1 Q What do you mean, in a way?

2 A I kind of have free range of going anywhere on the
3 property and doing whatever.

4 Q On February 27th, a couple of days before this
5 incident happened, you said you were attacked by your ex's
6 parents?

7 A It was her mom and her mom's boyfriend.

8 Q And you said that your girlfriend was not involved?

9 A Correct.

10 Q So why did they beat you up?

11 A Over some stuff that she had told them.

12 MS. ZMROCZEK: Your Honor, I think that this goes
13 outside of, sorry.

14 THE COURT: Start with the question again. Pretrial,
15 go ahead and ask the question and let me listen to the
16 objection.

17 Q I asked, you said that previously your girlfriend was
18 not involved, correct?

19 A Correct.

20 Q But why were you assaulted that day?

21 MS. ZMROCZEK: Your Honor, I think that is
22 speculation.

23 THE COURT: Well, fair enough. Well, again, this is
24 pretrial context, I am okay with it going a little bit
25 outside of the bounds but let's just see where it takes

1 us. Okay. Go ahead, you can answer the question.

2 A I was, it was over some stuff that she had said to
3 her mother and her, her mother and her mother's boyfriend.

4 Q Okay. You said that you lived about 250 yards away
5 from your mother?

6 A Yes, ma'am.

7 Q And, again, this assault two days prior had nothing
8 to do with this case?

9 A Correct.

10 Q Now on March 1st you were in, you started out in your
11 home, correct?

12 A Yes, ma'am.

13 Q And you said you saw some blue lights across the
14 street?

15 A Once I walked outside and smoked a cigarette.

16 Q And that was about 50 yards away you testified to?

17 A Yes, ma'am.

18 Q So these blue lights were very visible, right?

19 A Pretty much, yes ma'am.

20 Q And there was a trail you said that went kind of like
21 a cut-threw to that part of the property?

22 A Yes, ma'am.

23 Q Towards those blue lights. Okay. And when you, so
24 you cut through that trail, through the woods?

25 A Yes, ma'am.

1 Q In the direction of those blue lights, right?

2 A It wasn't really in the direction, it was kind of

3 lateral to them.

4 Q You said you saw blue lights about 50 yards away,

5 correct?

6 A Correct.

7 Q And you went through the cut-threw towards where you

8 saw the lights, correct?

9 A It was kind of in the direction, Yes, ma'am. Kind of

10 lateral where it was.

11 Q And when you cut through the woods you saw your mom

12 sitting in the driveway in her car, correct?

13 A She flashed her lights at me to let me know she was

14 over there, I guess.

15 Q And that driveway that she was pulled into is her

16 driveway that leads to her house, right?

17 A Yes, ma'am.

18 Q Okay. Now, she was sitting in her car, right?

19 A Correct.

20 Q And this car only belongs to her?

21 A Correct.

22 Q She only has access to this car?

23 A As far as I know.

24 Q Okay. And when you approached, you approached her

25 car, correct?

1 A Yes, ma'am. Because she flashed her lights and tried
2 to talk to me. So, yes ma'am.

3 Q So you walked towards her car. Now, when you walked
4 towards her car there was some type of conversation
5 started?

6 A Yes, ma'am.

7 Q And you said between the two of you at first it was
8 calm, right?

9 A Correct.

10 Q And at some point there was a disagreement, correct?

11 A It was, for someone calling her a name, yes ma'am.

12 Q So it is your testimony today that she got angry
13 because someone else called her a name. I just want to
14 make sure I understand correctly?

15 A Yes, ma'am.

16 Q So she gets upset at you because someone else called
17 her a name?

18 A Correct.

19 Q Now for, somehow the conversation, because she is
20 upset that someone else called her name, she goes,
21 "crazy", within fifteen seconds?

22 A Yes, ma'am.

23 Q And are you maintaining today that you recall at this
24 point?

25 A Yes, ma'am.

1 Q But, in fact, you told Deputy Caraway that you put
2 your arm or your hand on her arm?

3 A It was on the, her car door, yes ma'am. Like when I
4 leaned up and talking to her.

5 Q And you told Deputy Caraway on the scene when you did
6 that she was actually trying to move forward, correct?

7 A Maybe, I don't remember. It seemed like I put my
8 hand there to lean over and talking to her.

9 Q So you may have, so she may have been trying to move
10 forward down her driveway when you put your hand there?

11 A Maybe, I am not really sure on that one.

12 Q Which would have been in the direction of her house,
13 down her driveway?

14 A Kind of, yes ma'am.

15 Q Now you say maybe, would, if I played the statement,
16 the verbal statements you told Deputy Caraway on the
17 scene, would that refresh your memory?

18 A It could.

19 Q Okay. Before I do so, if she, I am sorry. Now if
20 you were putting your hand on her car door as she was
21 moving forward, as she told Deputy Caraway on the scene
22 that night, were you not preventing her from leaving?

23 A No, I was not.

24 Q So if she was trying to move forward to go down her
25 driveway and you were putting, your hand on her car door,

1 that was not you preventing her from leaving?

2 A No, ma'am. I am not that strong.

3 Q But you were continuing the conversation, correct?

4 A Not really, no ma'am.

5 Q What do you mean by not really?

6 A If she was going to take off and leave I wasn't
7 saying nothing else to her, I was letting her go.

8 Q But you said there was a disagreement because she was
9 mad someone else called her a bad name?

10 A Correct.

11 Q But she was mad at you?

12 A Very.

13 Q Now, so there was this disagreement from your
14 testimony today, correct. But you just wouldn't let this
15 go, right, this continued on?

16 A I had no problem letting it go.

17 Q But your hand was on her car door?

18 A Right.

19 Q Now, when you were speaking with Deputy Caraway you
20 stated that the black eye that you had and the marks on
21 your face were preexisting from the assault that happened
22 two days prior?

23 A Yes, ma'am.

24 Q And that incident did not involve your mother,
25 correct?

1 A Correct.

2 Q However you did have fresh wounds on your hand,
3 correct?

4 A Correct.

5 Q And which hand was this?

6 A My right hand.

7 Q And was that the hand you swung on your mother that
8 night?

9 A Yes, ma'am.

10 Q And when I say fresh wounds, it was bleeding pretty
11 badly, correct?

12 A Profusely, yes ma'am.

13 Q Profusely. Now you told Deputy Caraway on the scene
14 that you sustained this injury to your hand from
15 evidently, in your words, hitting your mom, a fence post
16 or the car door. Is that correct, what you said on the
17 scene?

18 A Correct.

19 Q Now today I believe you said, correct me if I am
20 wrong, that you weren't sure what you hit?

21 A It was very apparent at the time. I mean, I gave
22 three options of what it could have been.

23 Q But you testified that when you swung at your mother
24 she hit the ground. That is your testimony today?

25 A Correct.

1 Q But you did not tell Deputy Caraway that on the
2 scene. Is that correct?

3 A I didn't have a chance, no ma'am.

4 Q What do you mean you didn't have a chance?

5 A He wasn't asking me what I was doing or really
6 questioning me on it. He just kind of come up and put me
7 under arrest.

8 Q Your testimony today is that Deputy Caraway came up
9 to your house, correct?

10 A Yes.

11 Q Knocked on the trailer or knocked on the door,
12 correct and placed you under arrest. Your testimony today
13 is that you did not get any opportunity to --

14 MS. ZMROCZEK: Your Honor, I think she is
15 mischaracterizing, I think what he testified to was, it
16 was within a few minutes.

17 THE COURT: Well, I will --

18 MS. TAYLOR: I am trying to understand as well, Your
19 Honor.

20 THE COURT: I don't think that was an objection, I
21 think you were just pointing something out. So let's just
22 feel free to follow up with another question, Ms. Taylor,
23 and let's see the response.

24 Q So your testimony today is that, and I am trying to
25 understand, you just stated that Deputy Caraway came up to

1 your home and placed you under arrest, correct?

2 A Yes, ma'am.

3 Q And that you did not have an opportunity to give your

4 side of the story?

5 A I did somewhat but they weren't listening.

6 Q They weren't listening?

7 A Uh-uh. (In the negative). He said it had holes in

8 it as far as my side of the story.

9 Q Now you testified today that, again you had your hand

10 on the window sill, correct?

11 A Right.

12 Q And at some point you thought she was reaching into

13 the door pocket?

14 A That was, not at that time. I had my knee against

15 the door to keep her from getting out because I knew how

16 angry she was. And she was trying to push the, and having

17 me against it and I was telling her, no, no. And then she

18 goes digging down in the side pocket of the door.

19 Q But you did not tell Deputy Caraway that on the

20 scene, correct?

21 A I tried.

22 Q You tried. Okay.

23 MS. TAYLOR: I beg the Court's indulgence.

24 Permission to publish the Defendant's statement, Court's

25 exhibit one.

1 MS. ZMROCZEK: I think it is three.

2 MS. TAYLOR: I am sorry, two.

3 MS. ZMROCZEK: No objection, Your Honor.

4 THE COURT: Very well.

5 Q Now, Mr. Wise, if I showed you the video from your
6 conversations with Deputy Caraway on the scene, would that
7 refresh your memory?

8 A Yes, ma'am.

9 (Whereupon, a video was played at 3:04 p.m.)

10 Q So Deputy Caraway, when you came out of your home,
11 asked you what was going on tonight, correct?

12 A Correct.

13 Q So it was your opportunity to tell Deputy Caraway
14 what happened. Am I right?

15 A Right.

16 (Whereupon, a video continued to play.)

17 Q And you said, not a whole lot, correct?

18 A Right.

19 (Whereupon, a video continued to play.)

20 Q You said to Deputy Caraway you didn't know what you
21 hit, correct?

22 A Correct.

23 Q But you testified earlier today that you swung on
24 your mother, correct?

25 A To get a distance between us, yes.

1 Q And that she hit the ground but you don't know what
2 you did?

3 A I wasn't sure.

4 (Whereupon, a video continued to play.)

5 Q You told Deputy Caraway you put your hand on her arm,
6 correct?

7 A That is what it sounded like.

8 Q But earlier you testified that she had, you just had
9 your hand on the door sill, is that correct?

10 A When I remembered it at the time, yes.

11 Q That would be pretty important if you were trying, if
12 you were saying that you were acting in self-defense. Is
13 that correct?

14 MS. ZMROCZEK: Your Honor, I will object to.

15 MS. TAYLOR: I can rephrase the question.

16 THE COURT: Okay.

17 Q You were saying today that your hand was on the door
18 sill, correct?

19 A Correct.

20 (Whereupon, a video continued to play.)

21 Q Now your mother told you to get your hands off of
22 her. Is that correct?

23 A That is what it sounds like.

24 Q But you did not say that today, correct?

25 A Correct.

1 (Whereupon, a video continued to play.)

2 Q Mr. Wise, you said more than once that, to the
3 Deputies on the scene that your mama was trying to pull
4 away. Is that correct?

5 A Correct.

6 Q While you said you had your hand on her arm?

7 A Yes.

8 Q That is what you said on the tape, correct?

9 A Right.

10 (Whereupon, a video continued to play.)

11 Q Now, Mr. Wise, this, you had several minutes in the
12 yard with Deputies.

13 MS. ZMROCZEK: I think the time is reflected on the
14 video. So characterizing, I think, to see how many
15 minutes from the time Deputy Caraway walked up to how long
16 it was. So I just don't, she is trying to say several
17 minutes. I think that that is vague. I think the time is
18 there so that we can calculate exactly how long he had.

19 THE COURT: I want to give you guys, the attorneys an
20 opportunity to ask your questions. But obviously the
21 clock does speak for itself. We can address that in
22 argument.

23 MS. TAYLOR: Thank you, Your Honor.

24 Q You had some time, Mr. Wise, with Deputies on the
25 scene as you were telling your side of the story, correct?

1 A Yes, ma'am.

2 Q And at any time, as you can see in the video, did
3 Deputy Caraway or Deputy Bernthal get loud with you or
4 confrontational?

5 A Not really.

6 Q They were calm the whole time, weren't they?

7 A Yes.

8 Q And they generally wanted to know what happened from
9 your perspective. Is that correct?

10 MS. ZMROCZEK: Again, Your Honor, I would object to
11 speculation, to know what they generally wanted to know.

12 Q As they were asking you what occurred?

13 A Yes, ma'am.

14 Q Now at any time during, while they were speaking with
15 you on the scene did you tell them that you had your knee
16 in your mom's car door?

17 A I tried to, yes.

18 Q At what point did you try to?

19 A If you will go back, I was trying to keep my knee
20 against her door to keep her from getting out. And I
21 said, no, that is when I got, they were trying to put
22 words in mouth.

23 Q They were trying to put words in your mouth. But you
24 told Deputies more than once that your mom was trying to
25 pull away from you?

1 A In her car, yes. She had it in drive.

2 Q Which would have been in the direction of her home,
3 correct?

4 A Correct.

5 Q Now, at any point during this conversation with
6 Deputies did you mention that your mom carries a gun?

7 A I did not.

8 Q At any point during this conversation did you tell
9 them that she was reaching in the door pocket of her car
10 door?

11 A Yes, I did. I believe.

12 Q You did? Would you like me to replay the video?

13 A Might as well.

14 Q Okay.

15 (Whereupon, a video continued to play.)

16 Q At any point, up to this point did you mention her
17 reaching towards the door pocket of the car door?

18 A No.

19 Q Now, you said earlier that you hit her with a closed
20 fist or was it an open hand?

21 A It was somewhat closed.

22 Q Somewhat closed. Can you show me what that means. I
23 don't know what somewhat closed is.

24 A I reenacted it in the video multiple times.

25 Q Now you had injuries to the top, to right here on

1 your hand?

2 A Yes, the knuckle, kind of on top and side.

3 Q So you had, so I understand, a somewhat open or
4 somewhat closed fist as you swung at your mother, correct?

5 A Yes.

6 Q But you had injuries to your knuckle?

7 A Right.

8 Q And that required stitches at the hospital?

9 A Correct.

10 Q And you said that you also had treatment for a
11 fracture?

12 A No.

13 Q It was not a fracture, okay.

14 A No.

15 Q But you did not testify earlier that you had any
16 treatment to your face, correct?

17 A I didn't have any treatment, no ma'am, not to my
18 face.

19 Q Now you said that you were striking to create
20 distance between you and your mother, correct?

21 A Yes.

22 Q But you said previously that your house was about 50
23 yards or less away, am I understanding that correctly?

24 A If you watch the whole video, the walks down the
25 trail and maybe 50, 75 yards, something like that.

1 Q You walked that trail pretty frequently, correct?

2 A Uh-huh, (In the affirmative.)

3 Q Now if it is 50 to 75 yards away from your house and
4 you said afterwards, you went back home, correct?

5 A Correct.

6 Q At any point did you just try to walk away and go
7 back home during this confrontation?

8 A I was trying to talk to her about something and then
9 she is in the car, I wasn't going to run in front of the
10 car and give her an, so I was standing there.

11 Q But you could have run behind the car, right?

12 A I mean it is dark outside, I wouldn't want to be
13 running period but --

14 Q You could have walked behind the car and up to your
15 house, correct?

16 A I, yes.

17 Q So you could have withdrawn from this confrontation
18 if you had wanted to?

19 A Yes ma'am, I guess.

20 Q Now you said you were swinging to create distance but
21 you said on direct or you said to officers you figured you
22 were going to jail?

23 A Correct.

24 MS. TAYLOR: I beg the Court's indulgence.

25 Q Now, again, you said, you never told deputies your

1 mother had a gun?

2 A Right.

3 Q That is because she didn't have a gun, correct?

4 A No, that is because I didn't want to get her in any
5 kind of trouble or anything.

6 Q So you didn't want to get your mom in trouble so you
7 had no problem with punching her.

8 MS. ZMROCZEK: Your Honor, I would object to her
9 characterization of punching. I think he testified
10 numerous times that he swung to get away.

11 THE COURT: Okay. I will --

12 MS. TAYLOR: I can move on.

13 THE COURT: Yeah, I would just move on from that
14 question.

15 Q Now, you said that the blue lights were right
16 directly across the street from where this occurred,
17 correct?

18 A From where it occurred, yes.

19 Q And that you could have gone back home but you
20 didn't, right?

21 A Right.

22 Q You also could have yelled for police to come across
23 the street and assist you since you are being attacked,
24 correct?

25 A I didn't want to get her in trouble. That is my mom,

1 I do, I don't want to have any problems --

2 MS. ZMROCZEK: Your Honor --

3 MS. TAYLOR: I am sorry, I didn't mean to cut you
4 off, I just wanted to --

5 Q But the question is, you could have gone across the
6 street or flag down officers help?

7 A I suppose.

8 Q Okay. But you continued to stay and argue with your
9 mother, correct?

10 A I suppose.

11 MS. TAYLOR: I beg the Court's indulgence. No
12 further questions at this time, Your Honor.

13 THE COURT: Redirect.

14 REDIRECT EXAMINATION

15 By Ms. Zmroczek:

16 Q So the timing on the video shows that it was less
17 than two full minutes from the time that they started
18 asking you questions until from the time they just told
19 you you were under arrest, right?

20 A Yes, ma'am.

21 Q They said that there were holes in your story, did
22 they ever tell you what holes they were talking about?

23 A No, ma'am.

24 Q Okay. Did they, as reflected in the video, every
25 time you talked were you allowed to speak or were they

1 interrupting you?

2 A They, normally one was interrupting me to ask another
3 question about something else.

4 Q So you had two deputies talking to you and asking you
5 questions while you are trying to answer the previous
6 question, is that correct?

7 A Correct.

8 Q That is what is reflected on the video, right?

9 A Yes, ma'am.

10 Q She asked you about, when you first walked up to the
11 car was it a cordial conversation, a normal conversation?

12 A Yes, ma'am.

13 Q And so, and at that point in time you had never been
14 told to stay in your little area, right?

15 A Correct.

16 Q And it is, in fact, when she started, she wanted you
17 to, let me ask it this way. Y'all were having a
18 discussion and she got upset, right?

19 A Yes, ma'am.

20 Q And she asked you, why didn't you just leave. How
21 fast did all of this occur?

22 A Very quickly.

23 Q It escalated very quickly?

24 A Yes, ma'am.

25 Q And so you were trying to get away from the

1 situation?

2 A Yes, ma'am.

3 Q So before this ever happened you had no restrictions
4 on the property, right?

5 A None.

6 Q And you lived there, that is where your home was?

7 A Yes, ma'am.

8 Q And you owned the trailer, you paid taxes on it?

9 A Yes, ma'am.

10 Q And had never been told prior to her getting angry in
11 the car that you couldn't be anywhere, right?

12 A Correct.

13 Q She said that you could have withdrawn. In fact, you
14 testified that is what you were trying to do, create
15 distance to get away from it, right?

16 A Yes, ma'am.

17 Q Okay. Did you start this fight?

18 A No, ma'am.

19 Q She asked you, in fact she did get out of the car,
20 right?

21 A Yes, ma'am.

22 Q And that is when she started swinging?

23 A Correct.

24 Q And made contact with you twice?

25 A Yes, ma'am.

1 Q And as you demonstrated multiple times within minutes
2 of this happening how you moved and swung your arms to get
3 away, right?

4 A Yes, ma'am.

5 Q And that is what you were trying to tell them but
6 they were both talking to you at the same time, right, it
7 is all reflected on the video. Let me ask you this. Did
8 you, what was your pain level at that point. You had the
9 cut on your finger, right?

10 A Yes, ma'am.

11 Q And we have pictures of it but it is on the top of
12 your, of your outside finger, pinky finger, right?

13 A Top and the side, yes ma'am.

14 Q Okay. And in addition you had those severe injuries
15 on your face and she had hit you twice, obviously she
16 didn't cause these injuries, correct, they were
17 preexisting. But is that where she struck you on your
18 face?

19 A Yes, ma'am.

20 MS. ZMROCZEK: Beg the Court's indulgence.

21 Q She asked you about the conversation in the vehicle,
22 right?

23 A Yes, ma'am.

24 Q When she was in the vehicle. You said at first it
25 was calm and then it escalated, right?

1 A Yes, quickly, yes ma'am.

2 Q Okay. So why were you trying, how were you trying to
3 defuse the situation. Why were you continuing the
4 conversation?

5 A To see what all happened and why she was so mad.

6 Q You were trying to figure out why she was so mad?

7 A Yes, ma'am.

8 Q And is that, in your dealings with her, how old were
9 you at that time?

10 A 29.

11 Q 29ish?

12 A I believe.

13 Q In your 29 years of dealing with her is that
14 something that you had used in the past to diffuse
15 situations?

16 A Let her explain her side of things, yes ma'am.

17 Q Right. And so she just wanted you to, I think you
18 had said, she wanted you to agree with her and you were
19 just trying to be fair to understand the situation?

20 A Yes, ma'am.

21 Q Okay. But in the past, if she had some, you just let
22 her say what she wanted to say, would that diffuse the
23 situation?

24 A Yes, ma'am.

25 Q Okay. If you hadn't of done that what is your

1 typical reaction?

2 A Lord only knows.

3 Q Okay. Is it volatile?

4 A Yes, ma'am.

5 Q Was there any way for you to stop her vehicle from
6 going where ever it wanted to go?

7 A No, ma'am.

8 MS. ZMROCZEK: I have no further questions.

9 THE COURT: Any recross?

10 MS. TAYLOR: Briefly, Your Honor.

11 RECROSS-EXAMINATION

12 By Ms. Taylor:

13 Q So you testified earlier that your mom got, went
14 crazy within fifteen seconds, right?

15 A Correct.

16 Q But your testimony today is that she was trying to
17 move forward, correct, her car was not in park?

18 A Correct.

19 Q She had and that was towards her house, correct?

20 A Yeah.

21 Q You testified that you had your hand on her arm
22 during that time?

23 A Briefly.

24 Q And that she was pulling away, correct?

25 A Correct.

1 Q Now, you are saying that you didn't start the fight,
2 correct?

3 A Correct.

4 Q But you wouldn't let it go?

5 A I wasn't really holding on to anything.

6 Q You wouldn't let the argument go?

7 A I wasn't, I was trying to see what was wrong so she
8 could explain her side of things and I could understand
9 and diffuse the situation like normal.

10 Q Now you said that the injuries you had from two days
11 prior were severe, correct?

12 A I mean it wasn't real nice ones.

13 Q And you are saying that she punched you in the face?

14 A Right.

15 Q But your testimony is also that you didn't get any
16 treatment for those, for any --

17 MS. ZMROCZEK: He never testified, she didn't ask.

18 A Not for that.

19 THE COURT: What was the question?

20 MS. TAYLOR: He did not get any treatment for any
21 injuries to his face, he testified to that earlier a
22 couple of times.

23 THE COURT: Okay. Go ahead.

24 Q Again, this is the first time, today is the first
25 time you were ever mentioning that your mother had a gun,

1 correct?

2 A I guess, I don't know.

3 Q You guess.

4 A Evidently.

5 MS. TAYLOR: No further questions, Your Honor.

6 THE COURT: Alright.

7 MS. ZMROCZEK: And, Your Honor, just so the Court is
8 clear. A stand your ground was filed a year ago that had
9 that information in it. So I would object in front of the
10 jury that she try to state, this is the first time you are
11 saying because it was February a year ago.

12 THE COURT: I don't have the motion in front of me
13 but I hear what you are saying. I need a short break and
14 let the jury for the first trial leave. You may step
15 down. Do you have any other witnesses, Ms. Zmroczek?

16 MS. ZMROCZEK: Not at this time.

17 THE COURT: For this purpose. The State may have
18 some. Let's take five minutes.

19 (Whereupon, a short break was taken.)

20 THE COURT: Are we ready?

21 MS. TAYLOR: Yes, Your Honor.

22 MS. ZMROCZEK: Yes, Your Honor.

23 THE COURT: Call your first witness.

24 MS. OLER: The State calls Jacob Caraway.

25 Jacob Caraway, being

1 first duly sworn, testified as follows:

2 CLERK OF COURT: Please take a seat in the witness
3 stand, state your name and spell your last name.

4 MR. CARAWAY: Senior Deputy Jacob Caraway,
5 C-A-R-A-W-A-Y.

6 DIRECT EXAMINATION

7 By Ms. Oler:

8 Q Good afternoon, Deputy Caraway. Where are you from?

9 A Rock Hill area of South Carolina.

10 Q Where did you go to school?

11 A Rock Hill High School.

12 Q Are you currently employed?

13 A Yes, ma'am.

14 Q Where do you work?

15 A Lexington County Sheriffs Department.

16 Q What is your current position at the Lexington County
17 Sheriffs Department?

18 A Currently a K-9 handler.

19 Q Can you briefly describe your rolls and
20 responsibilities?

21 A Yes, ma'am. I am a member of the K-9 unit, response
22 to all different calls for service, the police came out as
23 needed from searching for a missing person or searching
24 and/or trying to apprehend a subject of a crime or
25 searching, sniffing for illegal narcotics, so on and so

1 forth.

2 Q Okay. And how many years of law enforcement
3 experience do you have?

4 A A little over eight years.

5 Q Deputy Caraway, taking you back to March 1st, 2021
6 were you working for the Lexington County Sheriffs
7 Department at that time?

8 A Yes.

9 Q And in March of 2021 what was your title?

10 A Deputy.

11 Q And on March of 2021 did you work in the Pelion area
12 of Lexington County?

13 A Yes.

14 Q Specifically on March 1st did you work near Fairview
15 Road in the Pelion area of Lexington County?

16 A Yes.

17 Q And under what circumstances were you working in that
18 area?

19 A We were involved in a law enforcement matter, where
20 we had just been involved in a vehicle pursuit and had
21 ended on that section of Fairview Road.

22 Q Okay. And what, if anything, did you observe while
23 working near Fairview Road?

24 A I was out at the time dealing with the suspect at
25 hand, subject at hand from the vehicle pursuit when I

1 heard from darkness across the street the victim yelling,
2 from the darkness, help me, help me, my son just assaulted
3 me.

4 Q Alright. And can you describe how the victim
5 appeared?

6 A Yes, ma'am. She was very, very distraught, very
7 angry, very emotional. I observed fresh blood coming from
8 her mouth.

9 Q And did she identify her son by name?

10 A She did.

11 Q And how long did you initially speak with the victim?

12 A I would say less than a minute.

13 Q Okay. And after speaking with her what did you do
14 next?

15 A She directed me to where I could find the Defendant
16 to finish my investigation.

17 Q And so at that point why did you decide to go speak
18 to the Defendant?

19 A She, from the alleged assault, I needed to make
20 contact with the Defendant if I could to conduct my
21 investigation of the assault.

22 Q And where exactly did you go to speak with the
23 Defendant?

24 A The victim directed me where to go down the path of
25 the driveway that has been shown in the body cam footage

1 back to where the Defendant resides on the property.

2 Q Okay. And did you ask the Defendant to speak with
3 you?

4 A I did.

5 Q Did the Defendant come out of the trailer to speak
6 with you?

7 A Yes, ma'am.

8 Q And how long did it take the Defendant to come out of
9 the trailer?

10 A I would say less than a minute.

11 Q Okay. Was the Defendant in custody at that time?

12 A No, ma'am.

13 Q Had the Defendant been placed in handcuffs at that
14 time?

15 A No, ma'am.

16 Q Did you ask the Defendant any questions?

17 A I ask him if, specifically asked him what's going on
18 tonight. I wanted him to know I needed to conduct my, the
19 investigation why law enforcement was on his property.

20 Q Okay. And what, if anything, did you notice about
21 the Defendant's appearance?

22 A He seemed to be a little out of breath. I
23 immediately observed the injury to his eye which was from
24 a previous incident but I also observed immediately a
25 fresh laceration to his right hand that was bleeding,

1 actively bleeding at the time.

2 Q And did you observe any fresh injuries to the
3 Defendant's face?

4 A No, ma'am.

5 Q Did you ask the Defendant about his hand?

6 A I did, yes ma'am.

7 Q And do you remember what you asked him?

8 A I asked him what had happened to his hand and because
9 I saw, because it was actively bleeding if perhaps I
10 needed to call EMS.

11 Q So that is why you asked the question?

12 A Yes, ma'am.

13 Q Okay. And what, if anything, did he tell you about
14 the injury to his hand?

15 A He described his recollection of what had happened
16 during the incident and he told me he was unaware of what
17 exactly he hit, whether it was a fence post, a car or the
18 victim.

19 Q Okay. And when the Defendant, specifically do you
20 remember what phrase he said?

21 A He said I don't know if I hit a fence post, car or
22 her.

23 Q And when the Defendant said, or her, who did you
24 believe he was speaking of?

25 A Referring to the victim.

1 Q And were his injuries consistent with his story?

2 A Yes.

3 Q And were the victim's injuries consistent with his
4 story?

5 A Yes.

6 Q Alright. What, if anything, happened next?

7 A From which point?

8 Q So your last testimony was that the Defendant told
9 you that he had hit the fence post, the door or her; his
10 injuries were consistent. What happened with your
11 investigation next?

12 A At that point, there was probable cause for the
13 arrest of the Defendant for the assault on the victim.

14 Q And can you articulate the reasons you believe you
15 had probable cause at that time?

16 A Yes, ma'am. Probable cause is facts and
17 circumstances surrounding an incident that would lead a
18 reasonable person to conclude that a crime had been
19 committed and the person in question going to be arrested,
20 did in fact commit the crime. So from the initial contact
21 with the victim, at the beginning of the driveway seeing
22 her injuries consistent with her story; and then going and
23 making contact with the Defendant, giving him ample time
24 to describe his side of the story, what took place. From
25 that point forward and getting the corroboration of the

1 injuries from the victim, consistent and corroborating the
2 injuries of the Defendant I observed that there was
3 probable cause of the assault.

4 Q Okay.

5 MS. OLER: Beg the Court's indulgence.

6 Q Deputy Caraway, you were in here just a few minutes
7 ago when we played your body camera footage, is that
8 correct?

9 A Correct.

10 Q And in all of that footage you say the Defendant had
11 holes in his story?

12 A Correct.

13 Q Can you articulate specifically what you are
14 referring to by holes in your story?

15 A Yes, ma'am. At any point during an investigation of
16 a crime we have to get both sides of the story on this.
17 So when I initially made contact with the victim, top of
18 the property, listened to her, observed her fresh injuries
19 to her mouth to where her tooth became broken, was jagged
20 horizontally. She made known to me what had happened, to
21 which, because it was freshly committed I wanted to be
22 able to try to make contact with the Defendant as quickly
23 as possible in order to conduct my investigation. From
24 that point forward, when I went down to make contact with
25 the Defendant he described to me, through the body cam

1 footage as you can recollect, that he stood in front of
2 his mother's vehicle, in front of the victim's vehicle,
3 placed his arm on her, his hand on her arm, almost
4 preventing her as she was trying to drive away. So during
5 the course of my investigation I ruled out the fact that
6 it could have been self-defense from the Defendant. Came
7 down and made contact with the Defendant and the Defendant
8 gave me his side of the story. And after corroborating
9 the injuries from his hand to the injuries of the victim I
10 was able to establish probable cause for the assault.

11 Q Okay. And at any point when you were speaking to the
12 Defendant did you talk over him?

13 A No, ma'am.

14 Q Do you remember if anyone else on the scene talked
15 over him?

16 A There was Deputy Bernhall, he was my backup deputy at
17 the time. I don't think he spoke over him, he might have
18 asked a question while the Defendant was speaking. I
19 don't believe that he spoke over him but he might have
20 asked him a question, I believe it was related to his
21 hand, to the fresh injury of his hand.

22 Q Okay. Did the injuries to the Defendant's hand
23 appear to be from an open hand or a closed hand?

24 MS. ZMROCZEK: Your Honor, I am going to object,
25 there is no way for her --

1 THE COURT: Let's, see if you can ask that another
2 way and let me see where it goes.

3 Q Deputy Caraway, do you, have you investigated
4 assaults before?

5 A Yes.

6 Q Have you looked at injuries before?

7 A Yes.

8 Q And based on your observations and your training
9 would you have been able to, be able to tell if a hand
10 were to be closed or opened by an injury?

11 A Yes.

12 MS. ZMROCZEK: Your Honor, I am going to absolutely
13 object to that.

14 THE COURT: Okay. The objection is overruled, you
15 can answer the question. I am here for what it is worth.

16 Q And were his injuries consistent with his hand being
17 opened or closed?

18 A Consistent with being closed and consistent with the
19 injuries to the top of his knuckle and the side of his
20 hand from the assault to the victim.

21 Q And were the victim's injuries consistent with that
22 as well?

23 A Yes.

24 MS. OLER: Beg the Court's indulgence. No questions
25 at this time.

1 THE COURT: Okay. Cross-examination, Ms. Zmroczek.

2 CROSS-EXAMINATION

3 By Ms. Zmroczek:

4 Q Investigator Caraway, what training have you had in
5 injuries?

6 A Yes, ma'am. My name is Deputy Caraway.

7 Q Sorry, Deputy Caraway?

8 A Yes, ma'am.

9 Q What injuries, what training have you had in
10 recognizing injuries?

11 A Training in responding to calls for service where
12 crimes have been committed, people have been assaulted
13 during the commission of a crime.

14 Q How many assaults have you investigated?

15 A I can't give you an exact number.

16 Q Okay. So I want to talk about a few things I heard
17 you testify to that I want to make sure I understood
18 correctly. You said that he had holes in his story?

19 A Correct, yes ma'am.

20 Q And so the, what information did you have when you
21 went to investigate his side of the story?

22 A From which point? When I first initially made
23 contact with the Defendant or?

24 Q Yes. I mean you said that, this is what I heard you
25 say on direct. That you said, that she, that you had

1 asked her what happened, right?

2 A I had asked the victim?

3 Q Uh-huh, (In the affirmative.)

4 A Yes ma'am, when I first initially made contact with
5 the victim.

6 Q Okay. And so what was your understanding of what had
7 happened?

8 A From what I observed the victim was very emotional,
9 she stated to me that her son, the Defendant, had
10 assaulted her and she had fresh injuries to her mouth from
11 the assault. I asked her who her son was and where I can
12 find him.

13 Q Did you ask her why?

14 A No, ma'am.

15 Q So how then when he obviously, I am not going to play
16 it because we have seen it over and over, right, that you
17 knock on the door, you knock on the side of the trailer,
18 on the side of the trailer, you knock on the door, he
19 comes out compliant, right. He tells you that he swung to
20 get away, in fact demonstrated it several times. He said
21 she struck him here, she struck him here and he was
22 swinging to get away, right, and he actually demonstrated
23 that for you, right?

24 A Yes, ma'am.

25 Q And he said I don't know what I struck, right. And

1 so he had a laceration on this outside of his pinky,
2 correct?

3 A It was much larger than just outside of his pinky.

4 Q Okay. And he demonstrated that after she struck him
5 the second time that he moved his hands to create
6 distance. That is what he told you, to defend himself
7 from being hit, right?

8 A Correct.

9 Q Okay. And is it your testimony that that injury on
10 his hand is not consistent with exactly what he showed you
11 in the video?

12 A Not in the manner in which he showed me, no ma'am.

13 Q What do you mean, not in the manner in which he
14 showed you?

15 A He didn't exactly, to my knowledge, whether he
16 intended to exactly replicate what had happened or not, I
17 don't know.

18 Q Right. You don't know but you just assumed that he
19 didn't, right?

20 A No ma'am, I didn't assume. I had a probable cause.

21 Q What were the holes in his story?

22 A The holes of his story, after concluding the
23 investigation --

24 Q No, no, no. Not after concluding because you said
25 holes in his story in the middle of your investigation.

1 A No, ma'am. I said holes in his story before I placed
2 him under arrest. So at that point I had already
3 concluded my investigation.

4 Q At that point you are, when you decided he had holes
5 in his story you had concluded your investigation?

6 A Yes, ma'am.

7 Q Okay. Without her, without speaking to Ms. Chandler
8 about why she was mad?

9 A That wasn't the purpose of why I was there, ma'am, I
10 was there to investigate the assault, not the verbal
11 confrontation.

12 Q Okay. So the fact, when he said that he was swinging
13 to get away from her that is not important to you?

14 A It is important but he also did say that she tried to
15 drive away to which he, from what I concluded in my
16 investigation, that he was preventing her from driving
17 away.

18 Q So this five foot, seven; less than 200 pound man was
19 preventing a woman from driving away in her vehicle?

20 A I can't speculate to that.

21 Q But that is what you concluded?

22 A No, ma'am.

23 Q Okay. Well tell me again what you just said.

24 A The Defendant even testified he tried to hold his
25 hand on her arm to which the victim also testified that

- 1 she was trying to drive.
- 2 Q When did she testify to that?
- 3 A She didn't testify that to me.
- 4 Q Okay. Well, how did you know that?
- 5 A That was from what the Defendant stated.
- 6 Q Okay. So where is the hole in his story?
- 7 A The holes in his story is I am here to investigate
- 8 the crime of the assault. Okay. So I initially made
- 9 contact with the victim, she had fresh injuries which
- 10 would be inconsistent with the assault. I went down and
- 11 made contact with the Defendant, the Defendant had
- 12 injuries that were consistent with the assault as well.
- 13 Q How are they not consistent with self-defense?
- 14 A Which injuries?
- 15 Q Either. Him swinging to get away, how is that not
- 16 consistent with self-defense. How is that inconsistent
- 17 with exactly what he told you?
- 18 A He was trying to get away. I don't believe he was
- 19 boxed in at any point where he couldn't have run away in
- 20 the opposite direction.
- 21 Q Even though he was being struck in his, already
- 22 injured face? That is what he told you, right?
- 23 A Yes, ma'am.
- 24 Q He told you he was struck twice?
- 25 A Correct.

1 Q In his already injured face and that he swung to get
2 away, right?

3 A Yes, ma'am.

4 Q That is what he told you which would be consistent
5 with trying to get away, right?

6 A I don't know when people are trying to get away if
7 they intentionally punch with full force enough to break a
8 tooth.

9 Q Okay. But that is not what he told you that night.
10 That is what you had determined but that is not what he
11 told you. He said I was trying to get away, I was trying
12 to get distance.

13 A Yes.

14 Q Right.

15 A Correct.

16 Q Okay. You said in your report that she was bleeding
17 profusely, right?

18 A Yes, ma'am.

19 Q You took pictures?

20 A Yes, ma'am.

21 MS. ZMROCZEK: Court's 4 for ID, Your Honor.

22 THE COURT: Very well.

23 (Whereupon, Court's Exhibit 4 was marked for
24 identification only.)

25 Q I will show you what has been marked for ID as

1 Court's 4. Do you recognize that picture?

2 A Yes, ma'am.

3 Q Does it fairly and accurately represent the picture
4 that you took of Ms. Chandler that evening?

5 A Yes, ma'am.

6 Q And is that her, is that your definition, according
7 to your report, of her profusely bleeding?

8 A No ma'am, at the time when I initially made contact
9 with her she was.

10 Q She was?

11 A Yes, ma'am.

12 Q And where is the blood located on her clothing?

13 A None currently at the time.

14 Q Did she change clothes?

15 A No, ma'am.

16 Q She didn't change clothes?

17 A No, ma'am.

18 Q Okay. Where was all of this profused blood?

19 A Not in that photo right there.

20 Q Do you have a photo of it?

21 A No, but if you watch the body cam footage, when I
22 initially made contact with the victim she is holding her
23 mouth. As you can actively see blood coming from her
24 mouth and into her hand.

25 Q Let's watch it.

1 (Whereupon, a video was played.)

2 Q So which officer is that?

3 A That would be --

4 Q Sorry?

5 A That was my supervisor at the time.

6 Q And he was actually pointing across the road, right?

7 A Yes, ma'am.

8 Q Okay.

9 (Whereupon, a video continued to play.)

10 Q Is that the best you have of the profused bleeding?

11 A No, ma'am. If you go back, maybe to half a second to
12 where you get a clear shot of her mouth. You don't see
13 the white of her teeth at all, all you see is blood.

14 (Whereupon, a video continued to play.)

15 Q That?

16 A Yes, ma'am.

17 Q That is her profused bleeding.

18 (Whereupon, a video continued to play.)

19 Q So you asked her if she wanted to prosecute?

20 A Yes, ma'am.

21 Q Without having any background as to, you had the who,
22 you didn't have the why, right?

23 A Correct.

24 Q Okay. Did you ask her why?

25 A I needed to go and make contact with the Defendant to

1 conduct my investigation.

2 Q Okay. But then you go back but then you said you
3 concluded your investigation.

4 (Whereupon, a video continued to play.)

5 Q Okay. can you tell me, you said you never talked over
6 him. What is your definition of talking over somebody?

7 A In a loud vociferous manner.

8 Q Okay. So if someone is trying to speak and you are
9 speaking while they are trying to speak, that is not what
10 you consider talking over somebody?

11 A No, ma'am.

12 Q What do you consider that?

13 A I would consider talking over somebody, somebody is
14 trying to assert authority in a loud vociferous manner
15 over somebody else.

16 Q Okay. Would you consider it interrupting?

17 A Perhaps.

18 (Whereupon, a video continued to play.)

19 Q So he immediately is compliant, doesn't say, hey, you
20 haven't read me my Miranda; hey, I don't have to talk to
21 you, he comes out the door and tries to tell you what
22 happened, right?

23 A Absolutely.

24 Q But he keeps getting interrupted either by you or
25 this other deputy, right. And this other deputy, did he

1 do a report?

2 A He currently works for a law enforcement agency in
3 the State of Florida right now.

4 Q Okay. But did he have a body cam on?

5 A Yes, ma'am.

6 Q Okay. But were you the case agent in this case?

7 A Yes, ma'am.

8 Q Did you provide, did you get a copy of his body cam?

9 A I did not.

10 Q Okay.

11 (Whereupon, a video continued to play.)

12 Q Okay. So when he said, I was like this. That would
13 be consistent with right where his injury is, right?

14 A I would say no ma'am. I would say he is referencing
15 maybe perhaps trying to block a suspected punch.

16 Q Okay.

17 A Not to throw a punch.

18 Q Right. He was trying to block it, right. In fact,
19 that is what he told you, he was trying to not get struck
20 because he had already been struck in his injured face two
21 times. That is what he told you that night, right?

22 A By blocking a punch and throwing a punch or two is
23 totally different things.

24 Q Right because it goes to the intent, right. If you
25 block the punch but you hit somebody that doesn't mean you

1 intended to do it, it means you were trying to protect
2 yourself, right? Do you disagree?

3 A No.

4 Q Okay.

5 (Whereupon, a video continued to play.)

6 Q Do you see how he is mouthing to you, did you see
7 your partner mouthing to you, what was he saying to you?

8 A I do not recall, I was looking at the Defendant. I
9 was trying to gage his injuries.

10 (Whereupon, a video continued to play.)

11 Q So he is telling you exactly what you remember very
12 fresh after it happened, right?

13 A Correct.

14 (Whereupon, a video continued to play.)

15 Q So you asked him if he has any weapons. He said he
16 has a pocket knife and a paint scraper, right. Again,
17 compliant.

18 A Correct.

19 Q Okay.

20 (Whereupon, a video continued to play.)

21 Q So at 20:45:04, at that point you concluded your
22 investigation because he is putting his hands behind his
23 back, he is under arrest, right?

24 A Correct.

25 Q So what you are telling the Court is that even though

1 he said he was swinging to get away from the punches that
2 you didn't believe him?

3 A No, that is not what I said at all. After I
4 concluded my investigation I did not observe any freshly
5 committed injuries to his face where he was suspected a
6 punch.

7 Q So let's talk about that. These are the only
8 pictures we have of his face, right?

9 A Correct.

10 Q Did you take any pictures that we could compare them
11 to what they looked like two days before or less than 24,
12 48 hours before?

13 A No, ma'am. The newer signs stood out in the video.
14 Unfortunately to the Defendant's demise, I wasn't trying
15 to bond him at all. What I was doing was conducting an
16 investigation on where he stated that she punched him,
17 trying to observe fresh injuries to his face.

18 Q Right. But why not take pictures so that we could
19 know definitely. You had a phone because you were taking
20 pictures that same evening, right?

21 A Correct.

22 Q So why didn't you take the pictures?

23 A I just didn't.

24 Q Okay.

25 (Whereupon, a video continued to play.)

1 Q He never raised his voice at you?

2 A No.

3 Q The only time he used a cuss word referencing what
4 she had said to him when she raised her voice screaming,
5 right?

6 (Whereupon, a video continued to play.)

7 Q Okay. So the hole to the story is that her mouth was
8 bloodied up even though he had said, well, my hand must
9 have hit her mouth when I was trying to get away, right.
10 How is that a hole in his story?

11 A The holes in the story was, it wasn't conclusive with
12 what I was told from the victim and what he told me.

13 Q What you were told by the victim is that he assaulted
14 her. That is all you were told at that time?

15 A Correct.

16 Q So blocking, accidentally hitting her, he said he
17 didn't know what he hit, but blocking to get away from the
18 strikes, how is that inconsistent.

19 A I am confused, did he block or did he punch. Because
20 what he --

21 Q What does he say?

22 A What he showed to me is he blocked.

23 Q Right.

24 A But blocking in a motion should not be hard enough to
25 crack a tooth.

1 Q When you are getting struck on injuries that are on
2 your face, are you in a position to be able to say how
3 hard somebody should flail their arms to get away from
4 that?

5 A No.

6 Q You didn't get that training?

7 (Whereupon, a video continued to play.)

8 Q And he even, again, tells you about how he was jumped
9 on, right?

10 A Yes, ma'am.

11 Q Okay.

12 A I was trying to differentiate between what were old
13 injuries and what could have been fresh injuries.

14 Q Right. So one way to do that would have been to
15 document them and then compare them to the old injuries,
16 right?

17 A Yes, ma'am.

18 Q Did you do that?

19 A I did not but I observed them with my eyes.

20 Q And when did you observe the picture, when did you
21 observe what his injuries were that night?

22 A When --

23 Q The night that it happened, the night that this
24 assault happened.

25 A I never saw this, pictures.

1 Q How did you know if they were new injuries or not?

2 A From my training and experience during an assault.

3 There is redness in the area in which the effective body
4 part was struck. I did not observe any redness. I only
5 observed what were, what I observed at the time to be
6 injuries, previous injuries from the previous assault.

7 Q Okay. In fact in your report you stated, Jeffery
8 stated that she swung first and he swung back in
9 self-defense, right?

10 A Correct.

11 Q Okay. You said that Jeffery could not, in your
12 report you say Jeffery could not state why his hand was
13 bleeding. But in fact he gave you three possible reasons
14 because he didn't know, right?

15 A Correct. Initially he didn't know what had caused
16 the initial injury.

17 Q Right. But that is not him saying that he could not
18 state why. He listed three possible reasons, right?

19 A Right. But he wasn't able to definitively answer
20 what exactly hit him that caused --

21 Q Right. Because when you are in a situation that --
22 let me ask you this about your training and experience.

23 When you are interacting with the public and you are
24 getting assaulted or someone is striking you what are you
25 trained to do?

1 A What I am trained to do?

2 Q Yes, sir.

3 A Is this in components to acting within the law,
4 within my job?

5 Q Acting within your training, what are you trained to
6 do, yes?

7 A I am trained to protect myself and I also effectuate
8 the arrest of whatever lawful, that I am trying to --

9 Q The first thing you do is protect yourself, right?

10 A Correct.

11 Q And you do that by any means to make sure you are
12 safe so that you can then effectuate the arrest, right?

13 A Correct.

14 Q Okay. How is that any different from Mr. Wise?

15 A I concluded during the course of my investigation,
16 from the injuries of his hand, the probable cause that I
17 established that he, in fact, with his fresh injuries,
18 corroborating her fresh injuries, established a probable
19 cause.

20 Q And it is your testimony that they could in no way,
21 in fact, corroborate, trying to push away to get out of
22 the way. That is what your testimony is, through your
23 training and experience, right?

24 A If somebody flails their arms hard enough in a
25 particular manner --

1 Q I am sorry?

2 A If someone flails their arms in a hard enough manner,
3 striking with an object --

4 Q That could happen.

5 A They could injure themselves, yès.

6 Q Right. Okay. So not completely inconsistent with
7 what he was saying, right?

8 A In the realm of possibility.

9 Q Okay. You went, you went with him to the hospital?

10 A Yes.

11 Q Did you get his medical records?

12 A No.

13 Q Do you have any information that there were teeth in
14 his hand?

15 A No.

16 Q Okay. You, at that time right there at 20-46-14 you
17 tell him he is under arrest, right. When did you read him
18 his Miranda?

19 A I don't need to read his Miranda. Only pertains to
20 interrogation.

21 Q And so he is under arrest at that point. When did
22 you get the warrant?

23 A When did I get the warrant?

24 Q Yes.

25 A The warrant was completed before he showed up to bond

1 court, within 24 hours.

2 Q I am going to show you what has already been marked
3 as ID as Court's exhibit 1. Is this the warrant?

4 A Yes, ma'am.

5 Q The date and time it was sworn to a Judge?

6 A Correct.

7 Q What time? Is it on there?

8 A I believe they don't timestamp on the warrant itself
9 or when someone is arrested. They go to Lexington County
10 Detention Center with them, they are booked and they are
11 sent to bond court within 24 hours.

12 Q Okay. But this occurs on March 2nd?

13 A Correct.

14 Q Right. This is March 1st, right?

15 A Correct.

16 Q Okay. And you charged him with assault and battery
17 second degree, correct?

18 A Correct.

19 Q A misdemeanor?

20 A Second degree is bodily injury to her mouth.

21 Q Right.

22 A To her tooth.

23 Q Which is a misdemeanor, correct?

24 A If you say it is a misdemeanor, it falls within the
25 statute.

1 Q Do you not know?

2 A It is a misdemeanor, yes ma'am, second.

3 Q Okay. So are you familiar with the requirements to
4 get a warrant when you arrest somebody for a felony?

5 A No, ma'am. It was freshly committed.' It was freshly
6 committed and I had probable cause to affect the arrest to
7 which I did not need a warrant at the time of the arrest.

8 Q Did you learn that in your training and experience?

9 A Yes, ma'am.

10 Q And you did not learn that there were any
11 restrictions that freshly committed only dealt with the
12 statute dealing with domestic violence, correct?

13 A No, ma'am.

14 Q You didn't get that in your training, you did not
15 learn that there were any restrictions that freshly
16 committed only dealt with the statute dealing with
17 domestic violence, correct?

18 A No, ma'am.

19 Q You weren't, you didn't get that in your training?

20 A No.

21 Q Okay. So then you testify in front of the Grand
22 Jury, right?

23 A Testimony of what?

24 THE COURT: Wait a minute, wait a minute. Testimony
25 in front of the Grand Jury?

1 MS. ZMROCZEK: I am sorry?

2 THE COURT: Testimony in front of the Grand Jury?

3 MS. ZMROCZEK: He secured --

4 THE COURT: I understand there is an indictment. I
5 would just keep in the words of the indictment.

6 MS. ZMROCZEK: Okay.

7 Q So you secured an indictment on June 7th, 2021 for
8 moderate bodily injury, right?

9 A I did not secure an indictment, no ma'am. I made an
10 arrest.

11 Q Right.

12 A On March --

13 Q But you also were a witness when this was secured,
14 correct?

15 A No, ma'am.

16 MS. ZMROCZEK: Your Honor, I think we have a matter
17 of law.

18 THE COURT: Why don't y'all approach real quick.

19 (Whereupon, a bench conference was held.)

20 Q Under oath here today you are saying that you did not
21 appear in front of the Grand Jury on June 7th of 2021?

22 A No, ma'am.

23 Q Do you know who did?

24 A No ma'am, I don't.

25 Q Where would that record be?

1 A To my knowledge, in the Court House I am sure
2 somewhere.

3 Q Did you, did you ever get the medical records and
4 review them for Ms. Chandler?

5 A No, ma'am.

6 Q So when a second indictment was secured on April 10th
7 of 2023 did you testify at that point?

8 A No, ma'am.

9 Q Even though you were listed as the witness? You
10 don't know who it was?

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

12 Q Okay. So are you aware of any injuries that changed
13 from June 7th, '21 to April 10th of '23?

14 A Injury to the victim or the Defendant?

15 Q Injuries to Ms. Chandler.

16 A No, ma'am.

17 Q Okay.

18 MS. ZMROCZEK: Your Honor, beg the Court's
19 indulgence.

20 THE COURT: Alright.

21 MS. ZMROCZEK: Your Honor, at this time that is all I
22 have.

23 THE COURT: Alright. Any redirect?

24 MS. OLER: Briefly, Your Honor.

25 REDIRECT EXAMINATION

1 By Ms. Oler:

2 Q Deputy Caraway, you testified that the victim was
3 distraught and had blood on her mouth when you first
4 approached her, correct?

5 A Correct.

6 Q Okay. I am showing you what has been previously
7 marked as State's --

8 MS. OLER: Your Honor, permission to approach the
9 witness?

10 THE COURT: Yes, ma'am.

11 Q I am showing you what has been previously marked as
12 State's exhibit 5, 6 and 7. Can you look at these,
13 please. Can you tell me, do you recognize those?

14 A Yes, ma'am.

15 Q And what are those?

16 A These are pictures, still pictures from my body cam
17 footage of my initial contact with the victim.

18 Q Is it a fair and accurate depiction of the victim
19 when you first approached her?

20 A Yes.

21 Q Okay. Thank you.

22 MS. OLER: Permission to publish, Your Honor?

23 THE COURT: Very well.

24 (Whereupon, State's Exhibits 5, 6 and 7 were marked
25 for identification only.)

1 Q Deputy Caraway, you testified -- you testified that
2 the victim had blood on her mouth, is that correct?

3 A Correct.

4 Q Can you tell us what you see in this photo from your
5 body cam?

6 A I seen blood coming from the victim's mouth.

7 Q You testified that the victim had an injury to her
8 teeth, is that correct?

9 A Correct.

10 Q Can you tell us what you see in this photo?

11 A I see a tooth that has been broken at a horizontal
12 angle.

13 Q Okay. And you testified that the Defendant had holes
14 in his story. He told you a story that he had swung to
15 create some distance between him. In your training and
16 experience is the victim's injury here consistent with
17 someone throwing their arms to create distance?

18 A No.

19 Q Did the Defendant ever allege that the victim caused
20 her, aggravated any of his preexisting facial injuries?

21 A No.

22 Q Did you accompany the Defendant to the hospital?

23 A Yes.

24 Q Okay. Do you remember approximately how long he was
25 there?

1 A I can't give you approximately. I did follow behind
2 in the ambulance, he was in an ambulance from the incident
3 location to the hospital, Lexington Medical Center where
4 he was treated for the injuries to his hand. And then he
5 was placed back into my custody and then transported in my
6 patrol vehicle to Lexington County Detention Center.

7 Q And is it your testimony that once that had happened,
8 within 24 hours of that that is when you obtained the
9 warrant for his arrest, correct?

10 A Correct.

11 MS. OLER: Beg the Court's indulgence. No further
12 questions at this time.

13 THE COURT: Any recross?

14 MS. ZMROCZEK: No, Your Honor.

15 THE COURT: The witness can step down, thank you.
16 Next witness.

17 MS. TAYLOR: No further witnesses, Your Honor.

18 THE COURT: Alright. Argument.

19 MS. ZMROCZEK: At this point, by a preponderance of
20 the evidence we have established that on the night in
21 question he, Mr. Wise, told the officers that he was, and
22 demonstrated exactly how he was moving to get away after
23 he had been struck two times. He met the force with
24 force, finally pushed. And I asked Investigator Caraway,
25 if someone was moving like that to get away from being

1 struck and he said, eventually he said that, that would,
2 that would be a possibility. Your Honor, the possibility
3 is, is exactly what we are looking for. Mr. Wise had a
4 right to be there, he testified and there has been no
5 other contradictory testimony that he didn't have a right
6 to be on that property, in fact he lived there. He was,
7 he, Mr. Wise, was going to see what the blue lights were,
8 he walked up to his mother's vehicle because she flashed
9 the lights for him to come over. They started with what
10 was a cordial conversation and then quickly escalated. He
11 testified that that was her pattern when she would get
12 angry and her violence, and that she would raise her voice
13 and she was disagreeing with him. And there has been no
14 other testimony to say who started that argument. The
15 only testimony in the record from that very night was that
16 she raised her voice, she was mad at him and she, and then
17 she got out of the vehicle and struck him two times. He
18 demonstrated that he pushed away, hitting her one time to
19 get away and then went home. This isn't a made up story
20 of self-defense, within two or three minutes when the
21 police got there he, in fact within 30 seconds when they
22 asked what was going on. And he explained exactly what he
23 said, that he was acting in self-defense. Your Honor,
24 that meets the standard under 16-11-440(c). There has
25 been no testimony that he did not have the right to be

1 there, there has been no testimony that anybody else
2 started the fight other than Ms. Chandler. And there has
3 been, and the testimony is that he struck one time to get
4 away which exactly what he did which is what he
5 demonstrated. Under the claim of immunity, beyond a
6 preponderance of the evidence, Your Honor, which is, you
7 know, you are familiar with that. The evidence clearly
8 established that Mr. Wise was acting in self-defense. He
9 did not go overboard, he did not continue to strike, he
10 didn't pull out his knife that was in his pocket, he
11 simply swung to get away which is exactly what he told and
12 in which is what the evidence shows. Your Honor, he had
13 to establish at this point, with no other contradictory
14 testimony that he should be immune from prosecution.
15 Thank you.

16 THE COURT: Ms. Taylor.

17 MS. TAYLOR: Thank you, Your Honor. As you know,
18 State v. Glenn, standard of review in this case with the
19 preponderance of the evidence, whether the Defendant
20 should be given immunity from prosecution. Based off,
21 demonstrating the elements of self-defense that is
22 established in the Curry case. It is the State's position
23 that the Defendant had, the Defense has not met their
24 burden as far as establishing the preponderance of the
25 evidence especially based off the Defendant's testimony

1 alone. He had, even on the stand, many inconsistencies in
2 his statement which honestly at this point makes his
3 testimony a question of credibility which makes this a
4 jury question. As far as the elements of self-defense,
5 our concern is the position that he can't even get past
6 the first element that he was at fault at bringing on the
7 difficulty. He testified today that he came through the
8 path of the woods to where his mother was sitting in her
9 own driveway, in her own car. He put his hand on her arm
10 as he told Deputy Caraway today, he said that his arm was
11 on the window sill. He said that her car was not in park
12 and she was trying to move forward in the direction of her
13 home. The State's position that it is clear that he was
14 trying to continue this argument, this confrontation. He
15 was clear that she was trying to move forward, go back
16 home and he even admitted on the stand today that she
17 tried multiple times to pull away from him as he was
18 putting his arm on her. He also admitted that she said,
19 don't put your hands on me and this continued and
20 continued. He just would not let it go. The State v.
21 Marshall case is the key case here. In that case it was
22 held that the Defendant also failed to establish that he
23 was not at fault for bringing on the difficulty. And
24 again, that is the case to determine that there must be a
25 pretrial determination where the accused must demonstrate

1 the elements of self-defense except for the duty to
2 retreat by a preponderance of the evidence. Also I want
3 to point out State v. Jackson. In this case the accused,
4 it was held that the accused who provokes or initiates an
5 assault cannot claim self-defense unless he both withdraws
6 from the conflict, communicate by word or acts to his
7 adversary. The Defendant by his own words this morning, I
8 mean this afternoon said that he could have walked away,
9 he could have walked the 50 yards back to his home, around
10 her car. He admitted that she was trying to not have this
11 conversation, cease this confrontation with her. Again,
12 he admitted that he approached her, she was in her car
13 while it was moving. He made affirmative steps to prevent
14 her from leaving by grabbing her door and her arm and he
15 was inconsistent about that. She, again, she talked about
16 to put his hands on her as she stepped out of her car.
17 She tried to make it clear that she didn't want to have
18 this conversation and he just would not let this go, Your
19 Honor. This was on her own property as well and in her
20 own car. I am not saying he didn't have a right to be on
21 that property but she certainly had the right to be in her
22 own car and she tried to communicate that she didn't want
23 this to go any further. Again, he had many
24 inconsistencies in his story as compared to what he told
25 deputies on scene, as compared to what he took the stand

1 and testified to today. That makes this an issue of
2 weight and credibility, I am sorry, and credibility that
3 the jury should give it the appropriate weight at the
4 appropriate time. We, again, argue that he has not met,
5 the Defense has not met the burden of establishing that he
6 was not at fault in bringing on the difficulty therefore
7 should not be immune from prosecution.

8 THE COURT: Yes, ma'am.

9 MS. ZMROCZEK: Your Honor, there is no testimony that
10 he started the confrontation, not one. He said she
11 started it. If they wanted to say that there is a
12 question of fact then they should have put her up to say
13 that he started it. They didn't do that, Your Honor.
14 They want you to just, it is the State's position that she
15 was trying to move away then she should have testified to
16 that. That is not evidence in the record that the Court
17 has to consider. The Court has two witnesses to consider.
18 This one and Investigator Caraway and not one of them ever
19 said that he started the confrontation. And so the only
20 reason, when she said that she cites Jackson, that only
21 applies if it is established that Mr. Wise provoked or
22 initiated the assault. There is no testimony in the
23 record in front of this Court that anybody else started
24 this fight than Ms. Chandler. That is the evidence in the
25 testimony.

1 THE COURT: Okay. A quick response to that. But
2 obviously, and I am reading from State v. Oates. Further
3 the General Assembly denying to tender, to accept the
4 accused's version of the underlying facts in determining a
5 motion. So just because he is the only one person that
6 testifies doesn't mean we have to just accept it as
7 established. Just like if we had an expert witness who
8 was uncontradicted and just take it like any other piece
9 of evidence. It is a bad analogy to an expert but I am
10 just saying, the point is, just because it is what he
11 said, is it what he said, it is and the mother didn't just
12 stand up and controvert it doesn't mean it is just
13 established. Any other response? I am sorry, were you
14 finished, Ms. Zmroczek?

15 MS. ZMROCZEK: No, Your Honor. Just to that point.

16 THE COURT: I only said that because I felt like that
17 was the point that was being made at me.

18 MS. ZMROCZEK: No, no, no. The point being made is
19 that there is no testimony to the contrary. I understand
20 that is not established but there is no testimony to the
21 contrary. So to find that not credible --

22 THE COURT: The evidence admitted during the hearing
23 also includes the videos.

24 MS. ZMROCZEK: Right, right.

25 THE COURT: I recognize she didn't get up and testify

1 but she was certainly on the video.

2 MS. TAYLOR: Just a quick point. Also, is that the
3 Defendant's own testimony that Ms. Chandler was trying to
4 withdraw even though this was in her car and on her own
5 property, she was trying to withdraw from this argument.
6 She was trying to move forward. Her car wasn't even in
7 park for the bulk of this. And he refused to let her do
8 so by grabbing her arm.

9 MS. ZMROCZEK: And, Your Honor. If she was trying to
10 withdraw then why did she not get out of the vehicle.
11 That is all I have to say. On a separate, I really think,
12 this Grand Jury issue tomorrow.

13 THE COURT: Okay. First thing first.

14 MS. ZMROCZEK: Yes.

15 THE COURT: I think, I will start by saying, Ms.
16 Taylor, you mentioned the word issue of fact at some
17 point. Now I can't deny immunity simply based on an issue
18 of fact. It is my ruling, respectfully don't believe the
19 Defendant met the burden of establishing stand your
20 ground. I certainly think there was testimony from the
21 Defendant and the officer, from the evidence I saw on the
22 video to show, to show an argument that the Defendant was,
23 had some fault in bringing on this difficulty. Whether or
24 not the victim here will testify, I do not know at trial.
25 But based upon what I heard now I don't believe the burden

1 has been met to grant outright immunity. I certainly
2 think there is going to be some issues for the jury to
3 hear, well, should he decide to testify. We don't know
4 that yet. But we will cross that bridge when we get to
5 it. As far as, and ordinarily I would do a stand your
6 ground in advance, in more thorough order but I don't have
7 that luxury today so that is why I am trying to be as to
8 the point as I can. But if I, the element without fault
9 on bringing on the difficulty I think is certainly not,
10 not established by a preponderance of the evidence. So
11 could be fifty/fifty but it is not fifty-one/forty-nine.
12 The indictment issue, I would have to look that up myself.
13 Let's just assume, I don't know if you want to make a
14 record of this or not.

15 MS. ZMROCZEK: I mean --

16 THE COURT: You can start, I am just saying --

17 MS. ZMROCZEK: I think I need to do research. I mean
18 this is the first time that --

19 THE COURT: This is something you need to do research
20 and bring it up again perhaps Thursday or frankly
21 tomorrow.

22 MS. ZMROCZEK: Well, that is what, at least tomorrow
23 is probably, I will work.

24 THE COURT: Let me speak to y'all real quick. I
25 don't want this --

1 THE COURT: Ms. Zmroczek, if you want to address it
2 now you can but I will take it up at the end of the day.
3 We can discuss it after the jury has been sent home for
4 the day. We will discuss his bond performance, charge and
5 that sort of thing.

6 MS. ZMROCZEK: Thank you.

7 THE COURT: Anything else before we bring the jury
8 in?

9 MS. TAYLOR: Nothing further.

10 MS. ZMROCZEK: Nothing further.

11 THE COURT: Let's bring them in.

12 (Whereupon, the jury came into open court at
13 approximately 9:29 a.m.)

14 THE COURT: Alright. Please be seated. Ladies and
15 gentlemen, welcome back this morning. Hope y'all had a
16 nice break yesterday. We are in the trial of the case of
17 the State versus Jeffery Bruce Wise, Jr. this morning. I
18 have got some remarks to give you before I begin. I am
19 going to ask the Clerk of Court to now swear you in.

20 (Whereupon, the jury was sworn in at approximately
21 9:30 a.m.)

22 THE COURT: Alright, ladies and gentlemen, before we
23 begin the actual trial of the case I thought it might be
24 helpful if I explain to you basically how a trial
25 proceeds. The State will make, first the State will make

1 an opening statement. An opening statement is not
2 evidence, it is simply an outline to help you understand
3 what that party expects the evidence will show. The
4 Defendant may, if he wishes, to present an opening
5 statement but does not have to for reasons that I will
6 explain. Following the opening statements you will hear
7 testimony and evidence in the case. This will consist of
8 testimony from the State's witnesses as well as any
9 physical exhibits which will be introduced into evidence.
10 Following the completion of the testimony the attorneys
11 will then have an opportunity to make what are called
12 closing arguments. This is an opportunity for the
13 attorneys to summarize the case with their respective
14 points of view. Now, these arguments are not evidence.
15 Following the closing arguments by the attorneys I will
16 instruct you on the law in South Carolina as it pertains
17 to the issues that have arisen. When I have completed my
18 instructions to you you will then be permitted to begin
19 your deliberations in order to reach a verdict. Now, you
20 are the jury in this case and I want to take a minute to
21 tell you a little bit about your duty as jurors. At the
22 end of the trial I will give you more details and
23 instructions. Those instructions will control your
24 deliberations. It will be your duty to decide from the
25 evidence what the facts are. You and you alone are the

1 judges of the facts. You will hear the evidence, decide
2 what the facts are and then apply those facts to the law
3 which I will give to you. This is how you will reach your
4 verdict. In doing so you must follow that law whether you
5 agree with it or not. The evidence will consist of
6 testimony of witnesses, documents and other things
7 received into evidence as exhibits and any facts in which
8 the lawyers agree or which I may instruct you to accept.
9 You should not take anything I may say or do during the
10 trial and it seems to be what I think of the evidence or
11 what your verdict should be. And this is a criminal case
12 brought by the State of South Carolina. The State charges
13 the Defendant with assault and battery in the first
14 degree. The charge against the Defendant is contained in
15 the indictment. The indictment is not evidence of
16 anything, it simply is the description of the charge made
17 by the State against the Defendant. The Defendant has
18 plead not guilty to the charge and is presumed innocent
19 unless and until proven guilty beyond a reasonable doubt.
20 Proof beyond a reasonable doubt is proof that leaves you
21 firmly convinced of the Defendant's guilt. A Defendant
22 has the right not to testify and never has to prove
23 innocence or present any evidence. The burden of proof is
24 always upon the State of South Carolina. The following
25 things are not evidence and you must not consider them as

1 evidence in deciding the facts of this case. One,
2 statements and arguments of the attorneys; two, questions
3 and objections of the attorneys; three, any testimony that
4 I may instruct you to disregard; four, any allegations
5 contained in the indictments; and five, any questions and
6 responses heard in the jury selection process. Evidence
7 may be direct or circumstantial. Direct evidence is
8 testimony by a witness about what that witness personally
9 saw, heard or did. Circumstantial evidence is indirect
10 evidence. That is it is proof of one or more facts in
11 which one can find another fact. You are to consider both
12 direct and circumstantial evidence. The law permits you
13 to give equal weight to both but it is up to you to decide
14 how much weight to give any evidence. There are rules of
15 evidence which control what can be received into evidence.
16 When a lawyer ask a question or offers an exhibit into
17 evidence and the lawyer on the other side thinks that it
18 is not permitted by the rules of evidence that lawyer may
19 object. If I overrule the objection the question may be
20 answered or the exhibit may be received. If I sustain the
21 objection the question cannot be answered or the exhibit
22 cannot be received. Whenever I sustain an objection or
23 deny a motion to admit an exhibit into evidence you must
24 ignore the question or the existence of the exhibit and
25 you must not guess what the answer would have been or what

1 the exhibit would have shown. Sometimes it may be
2 necessary for me to request that you leave the courtroom
3 while I discuss the attorneys legal questions that come up
4 during the trial. If this occurs you should not speculate
5 about our discussions or the reason that you are asked to
6 leave the room. This is simply a procedure that the law
7 requires when certain legal questions or legal issues
8 arise. There also may be an occasion when I ask the
9 attorneys to approach the bench so that I can discuss a
10 legal issue with them in private. I will do this as often
11 as possible so that you will not be required to leave the
12 courtroom more than is absolutely necessary. Again, if I
13 ask the attorneys to step up to the bench or if I ask you
14 to leave the courtroom please don't think that anybody is
15 trying to hide anything or keep any evidence from you.
16 This is simply a procedure used by all lawyers and by all
17 Courts to determine and decide legal questions. Now in
18 deciding the facts of the case you may have to decide
19 which witnesses to believe and which witnesses not to
20 believe. You may believe everything a witness says or
21 only part or none. In deciding what to believe you may
22 consider a number of factors including the following. The
23 witness' ability to hear or know the things testified to;
24 the quality of the witness' memory, the witness' manner
25 while testifying; whether a witness has an interest in the

1 outcome of the case or any motive, biased or prejudiced;
2 whether the witness was contradicted by anything the
3 witness said or wrote before the trial or by other
4 evidence; or how reasonable the witness' testimony when
5 considering in light of evidence, other evidence which you
6 believe. Now until I advise you to begin your
7 deliberations you must not discuss this case with anyone
8 including your fellow jurors, friends, family members or
9 anyone involved in the case. This includes face to face
10 discussions or electronic, text message, social media;
11 anything of that sort, anything like that, any sort of
12 communication about the case is just prohibited. You may
13 see people involved in the case if you move about the
14 Court House at the lunch break or any other time. Just,
15 they are not going to speak to you, not because they are
16 being rude, I will just ask them not to speak to y'all if
17 they see you in the hall. So please don't expect to have
18 any conversations with anyone as you are passing through
19 the door back to the jury room today and tomorrow. Also,
20 the Bailiffs, they are here to assist you, to get you to
21 point A to point B around this Court House. But they are
22 not here to discuss the case with you either, okay. It is
23 important that you don't do any sort of independent
24 research about the law, about any of the parties or even
25 the attorneys or anyone in this Court House. Okay.

1 Everything you need to know to serve your role as a juror
2 will come from this witness stand. That is where you get
3 the information you need. There is no need for you to
4 have any sort of independent research of any kind while
5 serving as a juror. After the case is submitted to you
6 you must discuss it only in the jury room with your fellow
7 jurors. It is important to keep an open mind and not
8 decide any issues in this case until all the evidence has
9 been presented and the parties have made their closing
10 arguments and I have instructed you on the law of this
11 case. It is your solemn responsibility to determine the
12 guilt or innocence of the Defendant and your verdict must
13 be based solely on the evidence as it is presented to you
14 in this trial and on the law as I instruct your during and
15 at the close of the trial. I don't see anyone with any
16 notepads out there but if you happen to have one please
17 don't take any notes, I would like your attention focused
18 on the witness stand, watching and listening to the
19 testimony that is provided today. As I told you Tuesday,
20 we try not to go longer than an hour and a half without a
21 break. If someone needs a break, you will know if you
22 need a break. Get my attention or get the Bailiff's
23 attention and we will stop. Okay. Let's see, without
24 anything further please give the attorneys your complete
25 and undivided attention as they make their opening

1 statements. Okay.

2 MS. ZMROCZEK: Thank you, Your Honor. Just for the
3 record we take, we have no exception to the charges given.

4 THE COURT: Very well. Thank you.

5 MS. OLER: May it please the Court, Your Honor?

6 THE COURT: Yes, ma'am.

7 MS. OLER: Good morning, ladies and gentlemen. As
8 children most of us were taught to respect our parents.
9 While we didn't always understand or agree with them some
10 part of us understood that they set rules, gave us
11 boundaries, told us no, because they loved us, because
12 they wanted to keep us safe from harm because they were
13 trying to make our lives better or they were trying to
14 give us a brighter future. As teenagers, even if we
15 understood their point of view we weren't going to agree
16 with them because that is just how that works. But the
17 older we get the more we recognize just how valuable our
18 parents are, the more we respect our parents except that
19 is not true in this case before you today. This case is
20 actually simple. It won't be like anything you have seen
21 on Law and Order or CSI or any of those other TV shows.
22 This is real life here in Lexington County. This case
23 boils down to this. Jeffery Wise punched his mama in the
24 mouth. And with that punch he caused an injury to her
25 mouth but he broke her heart. Today you are going to hear

1 from Deputy Caraway who was the responding officer. He is
2 going to tell you about how he was sought out by the
3 victim after she did get punched by her son. You are
4 going to hear from the victim herself, she is going to
5 tell you how this altercation with her own son has
6 impacted her life forever. Finally you are going to hear
7 from the dentist that treated the victim in this case and
8 they are going to tell you about the procedures and
9 surgeries that she had to have as a result of her
10 injuries. Now as a result of his actions the Defendant
11 sits before you today on trial. And it is our job, as
12 representatives of this State, to present you with
13 evidence and testimony that proves the Defendant committed
14 this crime beyond a reasonable doubt. And at the end of
15 this trial it is your job to weigh the evidence and make
16 that ultimate determination of guilt. And at the end of
17 this trial if the evidence leaves you firmly convinced of
18 the Defendant's guilt, confident that he committed this
19 crime then we have met our burden and you must find him
20 guilty. Now, the Judge will charge you with the law later
21 but I want to give you a little overview as we start this
22 trial because it is important that you know what is
23 actually required under the law of our State. In South
24 Carolina the law as it relates to this case tells us that
25 a person commits the offense of assault and battery in the

1 first degree if a person unlawfully injures another person
2 and the act is accomplished by means likely to produce
3 great bodily injury. In South Carolina great bodily
4 injury is defined as bodily injury which causes a
5 substantial risk of death or which causes permanent,
6 serious disfigurement or protracted loss or impairment of
7 the function of a bodily member or organ. Ladies and
8 gentlemen, I told you this case is simple and it is, it is
9 that simple but it is also tragic. I don't know if any of
10 you have ever served on a jury before but there is only
11 one thing you need and that is your common sense. All you
12 are going to need is your common sense as you listen to
13 the testimony and review the evidence in this case.
14 Though this case is simple the Defendant's actions were
15 criminal and that is why at the end of this trial we will
16 ask you to do what the law and justice requires and find
17 the Defendant guilty. Thank you.

18 MS. ZMROCZEK: May it please the Court?

19 THE COURT: Yes, ma'am.

20 MS. ZMROCZEK: Good morning. None, no death as those
21 will not hear. Let me say that again. None, until death
22 as those who will not hear. Ladies and gentlemen, any
23 time a man hits a woman it is outrageous. But what is
24 equally outrageous is someone claiming, falsely that they
25 were punched. That is wrong too, shouldn't be tolerated.

1 The evidence will establish that Jeffery Wise sitting in
2 that Defendant's chair right there is sitting there for
3 one reason and one reason only. His mama wanted him to
4 choose his side over his girlfriend's. That is why he was
5 charged. His mama is mad at him for going along with his
6 girlfriend because she had had problems with them. She
7 got so mad because he wouldn't do what she said, she
8 attacks him. And what he does is block her, blocks her
9 and puts distance and goes home. Ladies and gentlemen, we
10 are presented with a situation today that challenges the
11 most fundamental emotions of family dynamics. The State's
12 opening was all about family dynamics and trying to appeal
13 to your emotions about how we are going to miss our
14 parents when they are gone. And the Judge is going to
15 very specifically inform you that when you are considering
16 the facts and the truth in this case that you have to put
17 emotions aside because the case is not about a mother, it
18 is not about who is going to miss who. It is about
19 someone who is attacked, hit in their face until they
20 blocked and yes, someone got hurt because when they
21 blocked his finger caught her tooth. But that is not
22 assault, it is necessity, it is self-defense and the Judge
23 will tell you at the end of the case you have to, the
24 State has to disprove all of those elements. I don't
25 think we are going to be here too long but it is very, it

1 is very important. You will hear accounts of a grown son
2 who, although loved his mother, finds himself in the
3 unthinkable position of having to defend himself from her
4 actions. This narrative of the familial undertones is not
5 why we are here. The very element of self-defense are why
6 we are here. Evaluate the witnesses, evaluate the
7 evidence. We know that you will, that is why you spent
8 all day on Tuesday getting asked questions, asked a lot of
9 questions. We try to pry into your lives a little bit
10 because we needed to get to know more about you. We were
11 investigating, we were trying to make sure that you,
12 working people, were the right people to make this
13 decision. I think the evidence that you will, that has
14 been the most investigation that has been done in this
15 case, so we embark on this journey together, through
16 testimony and evidence. I would continue to urge you to
17 listen but I can already look and see each and every one
18 of you, I know you will give each and every witness the
19 attention they deserve. But unlike the State I would ask
20 that you not rush to judgment, I would ask that you keep
21 an open mind, free from these preconceived notions of how
22 we are suppose to treat our parents, what familial
23 obligations that we may or may not feel. Remembering the
24 Constitutional protections because in this courtroom the
25 truth must prevail, not a motion, regardless of any

1 familial implications. Thank you.

2 THE COURT: Alright. If I can see the lawyers just
3 real quick.

4 (Whereupon, a bench conference was held in the
5 presence of the jury but out of the hearing of the
6 jury.)

7 THE COURT: Is the State ready to call it's first
8 witness?

9 MS. OLER: The State calls Deputy Jacob Caraway.

10 Jacob Caraway, being
11 first duly sworn, testified as follows:

12 CLERK OF COURT: Please take a seat in the witness
13 stand, state your full name and spell your last for the
14 record.

15 MR. CARAWAY: Senior Deputy Jacob Caraway;
16 C-A-R-A-W-A-Y.

17 DIRECT EXAMINATION

18 By Ms. Oler:

19 Q Deputy Caraway, where are you from?

20 A Originally in the Rock Hill area, South Carolina.

21 Q And where did you go to school?

22 A Rock Hill High School.

23 Q Are you currently employed?

24 A Yes.

25 Q And where do you work?

1 A Lexington County Sheriffs Department.

2 Q And what is your current position at the Lexington
3 County Sheriffs Department?

4 A Currently a K-9 handler, for our K-9 unit.

5 Q And can you briefly describe your roles and
6 responsibilities?

7 A Yes, ma'am. With the use of my dog, used as a
8 locating tool from locating anybody from a missing child
9 to elderly person to locating a suspect, leaving the scene
10 of a crime to locating illegal narcotics.

11 Q And how many years of law enforcement experience do
12 you have?

13 A A little over eight years.

14 Q Deputy Caraway, in thinking back to March 1st of 2021
15 were you working for the Lexington County Sheriffs
16 Department at that time?

17 A Yes.

18 Q And in March of 2021 what was your title then?

19 A Deputy.

20 Q Okay. On March 1st of 2021 did you work in the
21 Pelion area of Lexington County at all?

22 A Yes.

23 Q And specifically did you work near Fairview Road in
24 the Pelion area?

25 MS. ZMROCZEK: Your Honor, I would object to leading.

1 I think that she can -- all we are getting is yes, yes,
2 yes answers.

3 THE COURT: I will overrule the objection but see if
4 we can't have a little bit more question instead of
5 leading as much. How about that, okay.

6 MS. OLER: Yes, Your Honor.

7 Q Did you work near Fairview Road in Pelion area on
8 March 1st, 2021?

9 A That's correct.

10 Q Under what circumstances were you working in that
11 area?

12 A We had a previous call for service where we were
13 dealing with a, just concluded with a vehicle chase that
14 ended in that block of Fairview Road, a vehicle pursuit
15 that just ended.

16 Q Deputy Caraway, I am now showing you what was
17 previously marked as State's exhibit 1. Can you tell us
18 if you recognize this, please.

19 A Yes, ma'am.

20 Q And how do you recognize this.

21 A This is an aerial view of the location of where the
22 vehicle pursuit ended and then I was later made contact
23 with the victim across the street.

24 Q And is this a fair and accurate depiction of the area
25 you worked on March 1st, 2021?

1 A Yes.

2 MS. OLER: Permission to publish, Your Honor?

3 THE COURT: Has it been admitted?

4 MS. OLER: I am sorry, I now move to enter it into
5 evidence.

6 THE COURT: Okay. Without objection?

7 MS. ZMROCZEK: Without objection.

8 THE COURT: Alright. That is State's exhibit 1
9 admitted into evidence. You may publish it.

10 MS. OLER: Thank you.

11 (Whereupon, State's Exhibit 1 was admitted into
12 evidence.)

13 Q Deputy Caraway, can you, with the laser pointer that
14 you have, can you show us where you were working on March
15 1st, 2021?

16 A Yes, ma'am. The vehicle pursuit ended in this field
17 right here.

18 Q Okay. And what, if anything, did you observe while
19 you were working in that area on March 1st, 2021?

20 A As the vehicle pursuit ended here we had just gotten
21 the subject of that vehicle pursuit in custody. As we
22 were dealing with him I heard from across the street in
23 the darkness over here, across the street on Fairview
24 Road, I heard a distinct, help me, help me.

25 MS. ZMROCZEK: Objection, Your Honor.

1 THE COURT: Well, overruled.

2 MS. ZMROCZEK: May we approach?

3 THE COURT: Yes.

4 (Whereupon, a bench conference was held in the
5 presence of the jury but out of the hearing of the
6 jury.)

7 THE COURT: Any response to that objection?

8 MS. OLER: Yes, Your Honor. The State would argue
9 this is excited utterance under 803.

10 THE COURT: Alright. Objection is overruled.

11 Q Deputy Caraway, please continue with what you were
12 saying.

13 A Yes, ma'am. As we were dealing with handcuffing the
14 subject from the vehicle pursuit here I observed yelling
15 from across the street in the darkness here, to which I
16 left my deputies that were here to go and investigate, to
17 make contact. And as I made contact I approached the
18 victim who appeared to be emotionally distraught and blood
19 was, fresh blood was coming from her mouth.

20 Q Okay. And was your encounter with the victim in this
21 case captured on your body cam?

22 A Yes.

23 MS. ZMROCZEK: Your Honor, may we approach.

24 THE COURT: Yes.

25

1 (Whereupon, a bench conference was held in the
2 presence of the jury but out of the hearing of the
3 jury.)

4 Q Deputy Caraway, who was the victim in this case that
5 approached you?

6 A It would be Ms. Lea Ann Chandler.

7 Q Okay. And I am going to show you what has previously
8 been marked --

9 MS. OLER: Permission to approach the witness?

10 THE COURT: Very well.

11 Q -- as State's exhibit number 2. Deputy Caraway, do
12 you recognize this?

13 A Yes.

14 Q And can you tell us what this is?

15 A Yes. It is an amended version of body cam footage.

16 Q Okay. And how do you know that is what that is?

17 A Because I've looked at it and I, my initials and date
18 are on the disc.

19 Q And is it a fair and accurate depiction of your
20 initial encounter with the victim on March 1st, 2021?

21 A Yes.

22 MS. OLER: The State moves to enter Exhibit 2 into
23 evidence, Your Honor.

24 THE COURT: Subject to, well, subject to objection?

25 MS. ZMROCZEK: Well, Your Honor, subject to the rule

1 of completeness.

2 THE COURT: Okay. We will take it up when we,
3 alright, very well. That is State's exhibit 2 is
4 admitted. You may publish.

5 (Whereupon, State's Exhibit 2 was admitted into
6 evidence.)

7 (Whereupon, a video was played starting at 10:00 a.m.
8 to 10:01 a.m.)

9 Q Deputy Caraway, is that a fair and accurate depiction
10 of your initial encounter with the victim?

11 A Yes.

12 Q Alright. When you first make contact with the
13 victim, where was the victim's car parked.

14 MS. ZMROCZEK: Your Honor, may we approach?

15 (Whereupon, a bench conference was held in the
16 presence of the jury but out of the hearing of the
17 jury.)

18 Q Deputy Caraway, I am sorry, I am going to ask you
19 again. When you first were approached by the victim where
20 was her car parked?

21 A When you first initially come up to the property
22 there is two large wooden fence posts on either side as
23 you go down the driveway. Her car was past those two
24 fence posts.

25 Q And can you describe how Ms. Chandler appeared?

1 A Very emotionally distraught and blood was coming from
2 her mouth.

3 MS. OLER: Permission to approach the witness, Your
4 Honor?

5 THE COURT: Sure.

6 Q Deputy Caraway, I am now showing you what has been
7 previously marked as State's exhibits 3, 4 and 5. Can you
8 tell us if you recognize these, please.

9 A Yes, ma'am.

10 Q And how do you recognize those?

11 A These are still photos taken from a body worn camera
12 of the victim, on my initial contact with the victim.

13 Q And are they a fair and accurate depiction of your
14 initial encounter with her?

15 A Yes.

16 MS. OLER: The State moves to enter the photos into
17 evidence, Your Honor.

18 THE COURT: Without objection?

19 MS. ZMROCZEK: Your Honor, again, I will just be
20 admitting the remainder under the Rule --

21 THE COURT: No objection of the photos?

22 MS. ZMROCZEK: No.

23 THE COURT: Very well. So admitted. That is State's
24 exhibits what?

25 MS. OLER: 3, 4 and 5.

1 THE COURT: 3, 4 and 5. Thank you. So admitted.

2 (Whereupon, State's Exhibits 3, 4 and 5 were admitted
3 into evidence.)

4 MS. OLER: And I am sorry, permission to publish?

5 THE COURT: Yes.

6 MS. OLER: Thank you.

7 Q Deputy Caraway, can you tell us what we are looking
8 at in this photo, please?

9 A Yes, ma'am. You are looking at a still photo of the
10 victim on my initial contact with her. There is, she has
11 got so much blood within her mouth you can't see the
12 likeness of her teeth and there is even blood dripping out
13 of her mouth.

14 MS. ZMROCZEK: Your Honor, I would, I am going to
15 object to a description. I think that the photos speaks
16 for itself.

17 THE COURT: The witness testifying on what he
18 perceived on the scene. You take up anything else on
19 cross with it. Okay. Move on.

20 MS. OLER: Thank you.

21 Q Deputy Caraway, can you tell us what we are seeing in
22 this photo?

23 A Yes, ma'am. That is the picture of the victim
24 appears to be in tremendous amounts of pain holding her
25 mouth.

1 Q And what do we see in this photo?

2 A We are seeing a photo of the result of the assault of
3 a tooth being broken, serrated tooth.

4 Q What, if anything, did Ms. Chandler tell you about
5 her injury?

6 A She told me that the Defendant punched her in the
7 fact.

8 MS. ZMROCZEK: Your Honor, objection, this is
9 hearsay.

10 MS. OLER: Again, it would be under the 803
11 exception.

12 THE COURT: Overruled.

13 Q Did Ms. Chandler identify her son by name?

14 A Yes.

15 Q And what was the name Ms. Chandler said her son was?

16 A Jeffery Wise, the Defendant.

17 Q After speaking with Ms. Chandler what did you do
18 next?

19 A Ms. Chandler directed me in the direction where I
20 could find the Defendant in order to complete my
21 investigation. She pointed in the direction towards where
22 I could find the Defendant, where I ended up walking down
23 a small trail to locate him.

24 Q Okay. And did you go there to speak with the
25 Defendant?

1 A Yes.

2 Q Okay. As you approached the trailer did you see
3 anyone or notice any movement?

4 A As I approached the trailer I told my backup deputy
5 that I saw movement from within.

6 Q Were you able to speak with the Defendant?

7 A I was, eventually, yes ma'am.

8 Q And where were you when you spoke with the Defendant?

9 A I was outside the residence on flat ground.

10 Q What, if anything, did you notice about the
11 Defendant's appearance when you spoke with him?

12 A When I initially spoke with he, he seemed a little
13 bit of breath as he spoke with me, as he tried to relate
14 and answer the questions in which I was asking him.

15 Q Did you notice any injuries on the Defendant?

16 A Yes. I noticed a fresh injury to his right hand that
17 was actually bleeding.

18 Q And what, if anything, did the Defendant tell you
19 about his injury?

20 A Initially he was unsure of what exactly he had hit.
21 He initially he told me he was unsure if he hit a car
22 door, a fence post or her said, her, referencing the
23 victim.

24 Q Okay. And based on what you had observed as you made
25 your way through the property to speak with the Defendant,

1 at that time did his story make sense to you?

2 MS. ZMROCZEK: Objection, Your Honor.

3 THE COURT: Rephrase the question.

4 Q Based on what you had observed on scene at that
5 point, did the Defendant provide information to you that
6 supported what you saw?

7 A He provided information but I determined the
8 information in which he told me was inconsistent with the
9 injuries to his hand and the injuries to the victim's
10 face.

11 Q Okay. Now after you had finished speaking with the
12 Defendant did you make your way back to the victim?

13 A Once I placed the Defendant in custody, yes.

14 Q And at that point had the victim moved her car?

15 MS. ZMROCZEK: I think, Your Honor, I am going to
16 object to leading.

17 THE COURT: Overruled, overruled.

18 A Yes, the victim moved her car.

19 Q Okay. Deputy Caraway, I am going to show you what
20 has been previously marked as State's exhibit 10. Can you
21 tell us what this is, if you recognize this?

22 A Yes. That is a picture of the victim after I, in
23 making contact with her a second time. So at this point I
24 have placed the Defendant in custody, I am coming back to
25 ask more follow-up investigatory questions.

1 Q And is it a fair and accurate depiction of the second
2 time you made contact with the victim on March 1st, 2021?

3 A Correct.

4 MS. OLER: I now move to enter the exhibit into
5 evidence, Your Honor.

6 THE COURT: That was exhibit number 10?

7 MS. OLER: 10.

8 THE COURT: Is that a still shot?

9 MS. ZMROCZEK: It is.

10 MS. OLER: Yes, sir.

11 MS. ZMROCZEK: I object and I need, we need to
12 approach.

13 (Whereupon, a bench conference was held in the
14 presence of the jury but out of the hearing of the
15 jury.)

16 THE COURT: Is that subject to your objection?

17 MS. ZMROCZEK: Yes.

18 THE COURT: Alright. State's exhibit 10 is admitted
19 into evidence. You may publish.

20 MS. OLER: Thank you, Your Honor.

21 (WHEREUPON, State's Exhibit 10 was admitted into
22 evidence.)

23 Q Deputy Caraway, can you tell us what we are looking
24 at this photo?

25 A Yes, ma'am. This is my second interaction with the

1 victim. As I previously stated on my initial contact with
2 the victim, the victim's vehicle was placed further back
3 past the fence post. Once I made a determination for
4 probable cause for the arrest, placing the Defendant in my
5 patrol car, I came back and made contact a second time
6 with the victim, continued to asking, confirming
7 questions. At that time the victim had moved her vehicle
8 from me initial making contact with her, to speaking with
9 the Defendant and the vehicle is now moved in between two
10 fence posts leading on to the property.

11 Q Thank you. Now you testified when you were speaking
12 with the Defendant that you noticed an injury to his hand.
13 Is that correct?

14 A Correct.

15 Q Deputy Caraway, I am now showing you what has been
16 marked as State's exhibits 6, 7, 8 and 11. Can you tell
17 us if you recognize these, please, and what these are.

18 A Yes, ma'am. These are still photos, three of them
19 are still photos from my body cam footage. And then the
20 last one is a photo of the Defendant's hand after he was
21 treated at the hospital to which he received stitches from
22 a laceration to his hand.

23 Q And are they a fair and accurate depiction of his
24 injury when you made contact with him on March 1st, 2021?

25 A Yes.

1 MS. OLER: I now move to enter the exhibits into
2 evidence, Your Honor.

3 THE COURT: Those are numbers?

4 MS. OLER: 6, 7, 8 and 11.

5 THE COURT: Any objection?

6 MS. ZMROCZEK: Again, subject to Rule 106, Your
7 Honor.

8 THE COURT: Overruled. State's exhibits 6, 7, 8 and
9 11 are admitted subject to objection.

10 (WHEREUPON, State's Exhibits 6, 7, 8 and 11 were
11 admitted into evidence.)

12 MS. OLER: Permission to publish, Your Honor?

13 THE COURT: Very well.

14 Q Deputy Caraway, can you tell us what we are looking
15 at in this photo, please.

16 A Yes, ma'am. You can see on the Defendant's right
17 hand, his fresh injury. And in that present picture the
18 Defendant is describing to me his side of the story of how
19 the story unfolded. He is currently trying to demonstrate
20 to me how he provided self-defense to himself and how the
21 victim attacked him first. And he was demonstrating to me
22 the manner in which he used to defend himself.

23 Q Alright. Thank you. Can you tell us what we are
24 looking at in this photo, please.

25 A Yes, ma'am. The Defendant was asked specifically

1 about the injury to his hand and if he had, what caused
2 the injury.

3 Q And is this another photo of the injury you observed?

4 A Correct.

5 Q Lastly, can you tell us what this is?

6 A Yes, ma'am. So that, so after the Defendant was
7 taken into custody he was transported to Lexington Medical
8 Center to where he was treated for a laceration to his
9 right hand. He received stitches, I believe, of seven
10 stitches to his right hand.

11 Q Okay. Thank you. Did you observe any other injuries
12 to the Defendant?

13 A Yes. I observed injuries to his face. He had some
14 contusions that appeared to be from an older injury.

15 Q Did the Defendant's facial injuries appear to be
16 fresh to you?

17 A No, ma'am.

18 Q Did Ms. Chandler have any injuries that were
19 consistent with the Defendant's claim that she had struck
20 him in the face?

21 A No.

22 Q Did the Defendant give you a demonstration of his
23 version of events?

24 A Yes.

25 Q And based on that demonstration and what you were

1 able to gather during your on-scene investigation were the
2 victim or Defendant's injuries consistent with that story?

3 A With the Defendant's version of the story, no.

4 Q Why not?

5 A Through my investigation in establishing probable
6 cause, which is facts and circumstances surrounding an
7 incident, that would lead a reasonable person to conclude
8 that a crime had been committed and that the person in
9 question or the person to be arrested did, in fact, commit
10 that crime. As I initially made contact with the victim
11 she told me she had been assaulted and I went to
12 investigate of where the victim told me where I could find
13 the Defendant. And as I went and made contact with the
14 Defendant, with the Defendant's story in which he told me,
15 I concluded that the injuries to the Defendant's hand were
16 --

17 MS. ZMROCZEK: Your Honor, I am going to object to
18 making a conclusive medical determination. And if we need
19 to have a hearing outside the presence of the jury, I
20 believe, on this issue.

21 THE COURT: Well, y'all approach the bench, please.

22 (Whereupon, a bench conference was held in the
23 presence of the jury but out of the hearing of the
24 jury.)

25 THE COURT: The objection is overruled at this

1 moment.

2 Q Deputy Caraway, how many years of experience did you
3 say you had in law enforcement?

4 A A little over eight years.

5 Q And during that time had you responded to these
6 assault situations before?

7 A Yes.

8 Q And do you have a rough estimate of how many times
9 you had responded to an assault?

10 A I can't give an exact number but it has been at least
11 over 15 over the eight years.

12 Q And did the Defendant ever tell you that the victim
13 had threatened in any way.

14 MS. ZMROCZEK: Objection, Your Honor, whatever, that
15 is fine.

16 THE COURT: Withdraw, yes.

17 MS. ZMROCZEK: Yes.

18 THE COURT: Move on.

19 A I am sorry, can you --

20 Q Yes. Did the Defendant ever tell you that the victim
21 had threatened him in any way?

22 A No.

23 Q And at that point in your investigation did you feel
24 that you had probable cause to arrest the Defendant for
25 assault and battery?

1 A Yes.

2 MS. OLER: Beg the Court's indulgence for just a
3 moment.

4 THE COURT: Yes.

5 Q Deputy Caraway, did the victim have any apparent
6 injury indicating she had struck the Defendant in this
7 case?

8 A No.

9 Q Thank you. Please answer any questions the Defense
10 may ask you.

11 THE COURT: Cross-examination.

12 MS. ZMROCZEK: Your Honor, may we approach?

13 THE COURT: Sure.

14 (Whereupon, a bench conference was held in the
15 presence of the jury but out of the hearing of the
16 jury.)

17 CROSS-EXAMINATION

18 By Ms. Zmroczek:

19 Q Good morning.

20 A Good morning.

21 Q Deputy Caraway, correct?

22 A Yes, ma'am.

23 Q Okay. We have been talking about this body cam and
24 we have got all of these little pieces of pictures in and
25 we have got the first 45 seconds. But and you had said

1 amended because when your body cam was, when you have a
2 body cam on it stays on for the entirety of your
3 interactions with the social, with the social world, with
4 people, correct?

5 A Correct. Yes, ma'am.

6 Q And you do that so that we can, so we can kind of
7 join you at the scene. It is realtime, you don't amend
8 it, you don't, you don't turn it off. You leave it
9 running the whole time, right?

10 A Correct, yes ma'am.

11 Q And so when you say amended, so it was on for the,
12 for a good portion of time when the people that you had
13 chased or gone to catch out there, that was also on your
14 body cam, right?

15 A Correct.

16 Q But that doesn't have anything to do with this?

17 A Correct.

18 Q With this part?

19 A Completely unrelated.

20 Q Completely unrelated. And so I am going to show you
21 first what is Court's exhibit because you were able to
22 shorten it down to the relevant part for this case, right?

23 A Yes, ma'am.

24 Q And obviously I would submit to you it would be the
25 same on Defendant's 1.

1 MS. ZMROCZEK: Your Honor, I think we can deal with
2 that at the break if we need to. We would move
3 Defendant's 1 in pursuant to comparison of it.

4 THE COURT: Correct. Play the one that I have
5 already dealt with.

6 MS. ZMROCZEK: Certainly.

7 THE COURT: And this is the one we dealt with?

8 MS. ZMROCZEK: Right.

9 THE COURT: Okay.

10 (Whereupon, Defendant's Exhibit 1 was admitted into
11 evidence.)

12 Q And so before we play it while it is loading up I
13 want to ask you a few questions. As, in 2021, in March of
14 2021 how long had you been a police officer?

15 A With the Lexington County Sheriffs Department, I am
16 trying to be accurate here, just, would have been just
17 short of two years.

18 Q Two years?

19 A At Lexington County Sheriffs Department.

20 Q And you, had you been employed somewhere previous?

21 A Yes, ma'am.

22 Q Where was that?

23 A Richland County Sheriffs Department, right at four
24 years.

25 Q Right at four years?

1 A Yes, ma'am. And then the Irmo Police Department for
2 six months.

3 Q For how many?

4 A Six months.

5 Q Okay. And is that sort of common when people move
6 amongst different agencies?

7 A Yes, ma'am.

8 Q Okay. And so when you become a police officer you
9 get training, right?

10 A Correct.

11 Q Do you have undergraduate schooling as well?

12 A Yes, ma'am.

13 Q What would you get your degree in?

14 A Criminal law, criminal justice and criminology at the
15 University of South Carolina.

16 Q University of South Carolina. And from then when you
17 graduated you went to the Academy?

18 A To the South Carolina Criminal Justice Academy.

19 Q Okay. And they give you a real intensive
20 introduction and training on how to be a police officer,
21 right?

22 A Yes.

23 Q And you actually stay overnight for a certain period
24 of time, correct?

25 A For the entirety of the training, yes ma'am.

1 Q And you learn all kinds of things about how to be a
2 police officer, right?

3 A Yes.

4 Q You learn how to investigate cases?

5 A Yes, ma'am.

6 Q And how are you taught to investigate a case?

7 A You are taught to find the probable cause and if the
8 probable cause exist during the basis of your
9 investigation. You are obviously there for call for
10 service to investigate the crime of whomever is calling
11 you had been committed. And it is your job as the
12 investigating officer to determine if probable cause
13 existed. And if it did to effect an arrest.

14 Q And we are talking about probable cause. Probable
15 cause is the lowest level of, of proof, right?

16 A Yes, which is what is needed to effect an arrest.

17 Q Okay. But in order to establish probable cause,
18 probable cause, probable cause; you have to figure out
19 what happened, right. You have to investigate?

20 A Correct.

21 Q Right?

22 A Correct.

23 Q So some of the tools we use to investigate are we ask
24 questions?

25 A Yes.

1 Q And so you get somebody's version of the facts then
2 you compare it to another person's version of the facts,
3 right?

4 A Yes.

5 Q Okay. But not just interviewing witnesses. We also
6 collect evidence, right?

7 A Correct.

8 Q Evidence can be in the form of body worn cameras,
9 right?

10 A Yes.

11 Q And pictures?

12 A Yes.

13 Q And not just pictures of the people from your body
14 worn cameras but you can actually take your own individual
15 pictures, correct?

16 A Correct.

17 Q Collect evidence, right?

18 A Yes.

19 Q So if somebody said that my car was being assaulted
20 as well, my car was being assaulted. Well one of the
21 things we can do to corroborate that is to take a picture
22 of the car, right?

23 A Correct.

24 Q If you are trying to make a determination if somebody
25 didn't have, did or did not have fresh injuries, now just

1 to be clear. You didn't go to medical school, right?

2 A No, ma'am.

3 Q Do you have any medical training?

4 A Received some medical training when I was in the
5 United States Army, yes ma'am.

6 Q What kind was that?

7 A Combat life savers.

8 Q Okay.

9 A And other training throughout my time while I was
10 deployed overseas.

11 Q Okay. But, and that training allows you to date
12 injuries?

13 A No, ma'am.

14 Q So when you say fresh, again, that is just your
15 subjective observation, right?

16 A In relation to what is in question, exactly.

17 Q So let's say, for example, if someone had been
18 assaulted less than 48 hours prior to this event, right,
19 and they were beaten up and they have injuries on their
20 face, right?

21 A Yes, ma'am.

22 Q In order to determine whether or not they had any new
23 injuries would it be real difficult to take a picture, a
24 still shot of a face?

25 A That would not be difficult, no ma'am.

1 Q Okay. And in fact, in this case, I am going to show
2 you what has been marked as Defense 2, 3 and 4 and ask you
3 if you recognize those pictures?

4 A Yes, ma'am.

5 Q Do those fairly and accurately represent what you saw
6 and took pictures of that evening?

7 A Yes ma'am, on my second encounter with the victim.

8 Q On your second encounter with the victim. And those
9 aren't from your body cam, those are from a different
10 source, correct?

11 A Correct, yes ma'am. From my county issued cell
12 phone.

13 MS. ZMROCZEK: Your Honor, at this time we would move
14 Defendant's 2, 3 and 4 in.

15 THE COURT: Without objection?

16 MS. TAYLOR: No objection, Your Honor.

17 THE COURT: Defendant's exhibits 2, 3 and 4 are
18 admitted into evidence. You may publish.

19 (Whereupon, Defendant's Exhibits 2, 3 and 4 were
20 admitted into evidence.)

21 MS. ZMROCZEK: Thank you.

22 Q And so I am showing Defendant's 2 and you said you
23 took this picture with your county issued cell phone,
24 right?

25 A Yes, ma'am. There is software on there that

1 corresponds with the software from our body camera.

2 Q Right. There is a program that you can upload called
3 Axon, right?

4 A Correct, yes ma'am. Axon Capture is the name of the
5 program.

6 Q Axon Capture. But this was taken with your cell
7 phone and you had that cell phone in your pocket, you had
8 it on you, right?

9 A County issued cell phone, yes ma'am.

10 Q Okay. And so, and this is Ms. Chandler, correct?

11 A Correct.

12 Q Okay. And the same thing that she had on the same
13 evening you saw her, right?

14 A Yes, ma'am.

15 Q Okay. Defendant's 2. Again, able to take that, a
16 really good face shot so that we can see everything with
17 your cell phone, right?

18 A Yes, ma'am.

19 Q Okay. Defendant's 3. Again, third one, a really
20 good, used a flash and everything so we can see exactly
21 what those injuries to her face look like, right?

22 A Yes, ma'am.

23 Q Deputy Caraway, tell this jury where the close-up
24 pictures of Jeffery's face are?

25 A I did not take any that night.

1 Q Didn't take any, right?

2 A No, ma'am.

3 Q Okay. But you did take two pictures of the, of
4 Jeffery's hand, right?

5 A Correct.

6 Q At the hospital. Again, just for recollection, we
7 got, this is 11, right?

8 A Yes, ma'am.

9 Q Okay. I am going to show you what has been marked as
10 Defendant's 5 and ask you if you recognize this picture?

11 A Yes, ma'am.

12 Q Does that fairly and accurately represent the other
13 picture that you took that evening of Jeffery?

14 A Yes, ma'am.

15 MS. ZMROCZEK: Your Honor, at this time we would move
16 to admit and publish Defendant's 5.

17 THE COURT: Without objection?

18 MS. OLER: Without objection, Your Honor.

19 THE COURT: Defendant's exhibit 5 is admitted into
20 evidence.

21 (Whereupon, Defendant Exhibit 5 was admitted into
22 evidence.)

23 Q And so these, State's 11 and Defendant's 5 were taken
24 by you, again, on your county issued cell hone?

25 A Correct.

1 Q Correct?

2 A Correct.

3 Q And this is before receiving any stitches or
4 treatment, correct?

5 A No, ma'am. That is after the stitches.

6 Q Okay. That is after the stitches, right?

7 A Yes, ma'am.

8 Q Okay and I am indicating right here, that is where
9 the stitches were?

10 A Correct.

11 Q Okay. We have already seen the first 45 seconds and
12 we are about to get to the rest of the video so we can see
13 the whole story of what happened that night. But would
14 you agree that, that two minutes and twenty-one seconds
15 into any conversation with Jeffery you made a
16 determination of probable cause and arrested him?

17 A Would I agree, yes.

18 Q Okay. So your investigation was completed two
19 minutes and twenty-five seconds into, into this case?

20 A To establish probable cause of the assault, yes.

21 Q Okay.

22 MS. ZMROCZEK: I beg the Court's indulgence.

23 Q Here we go.

24 THE COURT: Are you about to play the, okay.

25 MS. ZMROCZEK: Yes.

1 (Whereupon, a video was played starting at 10:35
2 a.m.)

3 Q Now, as you are wearing your body cam it obviously
4 picks up audio and did what you see, right?

5 A Yes, ma'am.

6 Q And you weren't talking to yourself there, were you?

7 A Correct, no ma'am. I was talking to --

8 Q So there was another deputy that was there with you
9 as well?

10 A Correct.

11 Q Do you know if he was wearing his body cam?

12 A He was.

13 Q Do you know if it was turned over into evidence?

14 A No, I do not know.

15 (Whereupon, a video continued to play.)

16 Q Okay. Now the State's still shots that we filed,
17 these are the same from this, right?

18 A Yes.

19 Q Now when you testified on direct you said you didn't
20 know what he hit on but you left out that he gave you
21 three options. He told you right away when he asked you,
22 he said I either hit on the car, her or the door. He
23 didn't know, right?

24 A At that time from what he is telling me, he couldn't
25 tell me exactly what he had hit. It might have been one

1 of those three.

2 Q It might have been one of those three. So he wasn't
3 saying he hit anything. He was just, he was unsure,
4 right?

5 A Unsure exactly of what he had hit.

6 Q Right.

7 (Whereupon, the video continued to play.)

8 Q Holes in your story. That is what you told him,
9 right?

10 A Yes.

11 Q Okay. So typically when you are investigating a case
12 you get one side of the story, right?

13 A Yes.

14 Q And then you get the other side of the story, right?

15 A Correct.

16 Q And then what you try to do is using the totality of
17 the circumstances and all the facts and all the other
18 evidence that you could piece together what actually
19 happened. That is what we do in an investigation, right?

20 A Yes.

21 Q So if somebody said that, and so you have this one
22 story that says I was assaulted, right. And then you have
23 this pretty detailed story of what happened including
24 showing you how he may have, maybe got his hand cut,
25 right?

1 A Yes, ma'am.

2 Q Where are the holes in that story?

3 A I determined to be inconsistencies with the injuries
4 to his hand, to the injuries to the victim's face.

5 Q So you determined, were there more than one hole?
6 Let's start with that one.

7 A Well, so initially on the initial contact, he
8 initially told me that his mother was being mean and she
9 went to drive off. When she went to drive off he stepped,
10 he stuck his hand out and grabbed her arm or placed his
11 hand on her arm preventing her from driving away. So he
12 initiated the initial confrontation with the victim as she
13 was trying to drive away.

14 Q Okay. Now you say that she was trying to drive away
15 but that, you took that from his, what he told you, not
16 from what she told you, right?

17 A Correct.

18 Q Okay. So and again your determination was that there
19 was no way that, as he demonstrated, that he got hit in
20 the face, got hit in the face and he is trying to back
21 away with his right hand, got these stitches right here.
22 Right, right there where they are on the picture?

23 A That was his injury.

24 Q Right. That pushed, that is telling you exactly what
25 he was doing, trying to back away. It is your

1 determination that that couldn't have caused the injury on
2 his hand?

3 A Defensive wounds are possible. But I determined that
4 the wounds to the Defendant's hand were inconclusive with
5 defensive wounds.

6 Q And that was your determination?

7 A Yes, ma'am.

8 Q Tell the jury what training you received to make
9 determination on defensive wounds?

10 A No specific training but through investigating
11 assaults.

12 Q Okay. Alright, let's keep going.

13 (Whereupon, a video continued to play.)

14 Q So he is telling you about the assault that occurred
15 on February 27th, right?

16 A Correct, yes ma'am. Which I asked him previously
17 about the injury to his face.

18 Q Right. So you didn't, at that time, ever see what
19 his face looked like on February 27th, did you?

20 A Not at the time of the assault that he said took
21 place two days prior.

22 Q Right, right.

23 A I saw the manifestation of two days prior after the
24 assault of my initial interaction with him.

25 Q Right. And nothing was stopping you from taking a

1 picture so that I can just show this jury, or that you
2 could just show this jury that the injuries that he had on
3 the 27th were different or the same that he had on the
4 1st, right? Didn't take a picture?

5 A No ma'am, I did not take a picture.

6 Q Okay.

7 A I was able to observe his face. He talks about the
8 flashlights being blinding and at that time I was trying
9 to observe injuries to his face that he stated that the
10 victim had punched him.

11 Q And on that note, we have pictures of his hands,
12 right?

13 A Correct.

14 Q But you said you were able to rule out that she had
15 any, any injuries on her hands, right?

16 A I did not observe any injuries on her hand.

17 Q Did you take any pictures?

18 A I did not take any pictures, no.

19 Q Okay.

20 (Whereupon, a video continued to play.)

21 Q Okay. Are there two of, two officers are there,
22 right?

23 A Yes, ma'am.

24 Q And so, as he is trying to talk, is he being
25 interrupted at times by either you or the other officer,

1 are y'all both asking him questions?

2 A There are times we both are asking him questions, yes
3 ma'am.

4 Q While he is talking?

5 A Correct.

6 (Whereupon, a video continued to play.)

7 Q And I know it is caught on video cam, excuse me,
8 body cam, video cam, body cam. But your recollection is
9 that he was compliant?

10 A Yes, ma'am.

11 Q And he was polite?

12 A Correct.

13 Q And responsive to your questions?

14 A Yes.

15 (Whereupon, a video continued to play.)

16 Q And so while you are searching, right?

17 A Yes, ma'am.

18 Q And he had already told you that he had a knife on
19 his person, right?

20 A Yes, ma'am. And a paint scraper.

21 Q And a paint scraper that had been in his hands?

22 A Yes, ma'am.

23 Q Right.

24 (Whereupon, video continued to play.)

25 Q He was polite and asked you if y'all would just lock

1 his doors, right?

2 A Yes, ma'am. We do this with just about everyone who
3 is compliant with us. I wanted his residence to be secure
4 so I followed him into the residence. He told me where
5 his keys were, whatever valuable he didn't want to be
6 submitted into the jail. We left the knife and other
7 items within the residence. I grabbed his keys, followed
8 him out and then I secured.

9 Q Now, have you, you said fifteen prior assaults, give
10 or take. I am not trying to hold you to it.

11 A I can't give an exact number.

12 Q Right.

13 A But over the course of eight years and dealing with
14 multiple assault cases.

15 Q Okay. And have you seen people assaulted with knives
16 before?

17 A Yes, ma'am.

18 Q Okay. Ever, ever seen anybody in a self-defense
19 situation?

20 A Yes, ma'am.

21 (Whereupon, the video continued to play.)

22 Q You responded to one piece of property that had two
23 residences located on it, right?

24 A I responded to the property in which the victim
25 directed me of where I could find the Defendant.

1 Q Right. Because he lived there, right?

2 A He lives on the large piece of property.

3 Q He lives on the large piece of property?

4 A Yes, ma'am.

5 Q Which was the same property that her driveway, house
6 are on?

7 A Correct.

8 Q Because that is her son, right?

9 A Correct.

10 Q And we saw a gentleman in a red shirt. Do you recall
11 who that was?

12 A I do not know, no ma'am. I had no interaction with
13 him from that point. I walked the Defendant back to my
14 patrol vehicle from that point.

15 Q Okay.

16 (Whereupon, the video continued to play.)

17 Q So, let me ask you this. When you are saying that to
18 him, are you saying, man, you shouldn't hit your mom.

19 Right. Is that what you were --

20 A Trying to relate to him on a human level.

21 Q Deputy Caraway, when is it okay for a mom to strike
22 her child?

23 A I can't answer that.

24 Q I am sorry?

25 A I can't answer that.

1 Q Okay.

2 (Whereupon, a video continued to play.)

3 Q So he was continuing to tell you what their, they had
4 a verbal argument, right?

5 A Yes, ma'am.

6 Q And he was trying to tell you what that verbal
7 argument was about, right?

8 A Yes.

9 Q And you said, that doesn't sound like self-defense.
10 That sounds like, I am sorry, what did you say?

11 A I believe I said, you got the last lick in.

12 Q You got the last lick in?

13 A As in punch.

14 (Whereupon, a video continued to play.)

15 Q When you were walking back to where his residence is
16 located, you walked the exact same way out, correct?

17 A Yes, ma'am.

18 Q And we just saw you walk right by a car. That was
19 the vehicle that Ms. Chandler was driving, right?

20 A The victim's car, yes ma'am.

21 Q And you had stated that it had moved. Can you
22 explain that to me?

23 A Well, when I initially made contact with the victim
24 as the State had previously, from watching previous body
25 cam footage; the victim's car when I first initially made

1 contact with her, was further down the driveway, closer
2 towards where I found the Defendant and further away from
3 the road. Now walking, now that I have the Defendant in
4 custody, how I had the Defendant in custody, I am walking
5 back to put him in the patrol vehicle. And as I am
6 walking back the victim has now moved her car in between
7 the two wooden fence posts that leads on to the property.

8 Q Okay. And so, in investigation school, did they
9 teach you that you want to get corroborative evidence,
10 evidence that supports one side or the other, right?

11 A Yes, ma'am.

12 Q So if you have knowledge that there was a scuffle
13 about a door being opened, pictures of the scene, would be
14 able to, to help establish that, right?

15 A Correct.

16 Q Okay. When did you take pictures of the scene?

17 A I did not take pictures of the scene. I took
18 pictures of the injuries to the victim and the Defendant.
19 I, through my investigation, concluded that the assault
20 transpired away from the two fence posts. As the initial
21 interaction between the victim and the Defendant, the
22 victim tried to drive away. The Defendant placed his hand
23 --

24 Q Okay. Stop right there. So just as you were saying,
25 I don't want to forget my question. I will let you

1 finish, I promise. I just want to stop right there. So
2 you just testified that the victim tried to drive away.
3 Is that what you said?

4 A Correct. According to the Defendant, that is what
5 the Defendant told me.

6 Q Okay. Did he say that the car was running or, you
7 took it --

8 A He said she was mean and she went to drive off and he
9 went and placed his hand out on her arm as she tried to
10 drive away.

11 THE COURT: One quick thing. Try not to talk over
12 one another just to keep our Court Reporter from getting
13 angry with us. Thank you.

14 MS. ZMROCZEK: Your Honor, we got, we got, we have
15 approximately 25 minutes left on this.

16 THE COURT: I would like to probably, now is a good
17 time to take a break.

18 MS. ZMROCZEK: That is what I was just thinking.

19 THE COURT: We will take a short break, please don't
20 discuss the case. We will continue with this examination
21 after the break. Let's just shoot for ten minutes. Okay.
22 Thank you.

23 (Whereupon, the jury was excused from open court for
24 a break.)

25 THE COURT: We will take ten minutes. Yes, ma'am.

1 MS. ZMROCZEK: I know, just remind him.

2 THE COURT: Please don't discuss your testimony with
3 anyone but you can certainly refresh yourself.

4 MS. ZMROCZEK: I could tell some of them were -- .

5 THE COURT: I was waiting for the right moment to do
6 it.

7 MS. TAYLOR: Your Honor, regarding a quick note, a
8 question that was asked regarding discovery that was
9 turned over. The body camera in question was turned over
10 on February 14th of 2023.

11 THE COURT: Yes.

12 MS. ZMROCZEK: I will clear that.

13 THE COURT: However you can, in fairness, if you can
14 address it. We will let Ms. Zmroczek, we will figure it
15 out.

16 MS. ZMROCZEK: Thank you.

17 (Whereupon, a short break was taken.)

18 THE COURT: Is everyone ready?

19 MS. TAYLOR: Yes, Your Honor.

20 MS. ZMROCZEK: Yes, Your Honor.

21 THE COURT: Bring them back in.

22 (Whereupon, the jury came into open court at
23 approximately 11:16 a.m.) ,

24 THE COURT: Mr. Foreman and ladies and gentlemen, I
25 welcome you back, hope you had a nice break. We will pick

1 up where we left off in cross-examination.

2 MS. ZMROCZEK: Thank you, Your Honor, may it please
3 the Court.

4 THE COURT: Yes.

5 CONTINUE CROSS-EXAMINATION

6 By Ms. Zmroczek:

7 (Whereupon, a video continued to play.)

8 Q So when you work for the sheriffs department you get
9 uniforms and vehicles, right?

10 A Yes, ma'am.

11 Q And in this vehicle you have a lot of things to help
12 you investigate cases, right?

13 A Often times, yes ma'am.

14 Q You have gloves in case you need to collect evidence?

15 A Yes.

16 Q You have statement forms?

17 A Yes.

18 Q You have extra, another camera or you just simply
19 rely on your county issued cell phone?

20 A Body worn camera and then county issued cell phone to
21 take photos.

22 Q But like the old days of the --

23 A No, ma'am.

24 Q Technology?

25 A Yes, ma'am.

1 Q But you had all of that in your vehicle that evening
2 too, right?

3 A Correct.

4 Q Okay. And evidence collection bag in case you needed
5 to collect anything?

6 A Yes, ma'am.

7 (Whereupon, a video continued to play.)

8 Q Okay. So now that you have got Jeffery's version of
9 events. Now you are going to go back and ask her what the
10 version of events were, right?

11 A Continuing my investigation to gain further evidence,
12 yes ma'am.

13 Q Right. Continuing your investigation but you have
14 already arrested him, right, without knowing, starting
15 from the beginning with her, correct?

16 A No, ma'am. At any point I am allowed to continue to
17 get, confirming information.

18 Q I am sorry?

19 A At any point during the investigation I am allowed to
20 get confirming information.

21 Q Certainly. But he is already under arrest, right?

22 A Correct.

23 Q Okay.

24 MS. OLER: Your Honor, may we approach?

25 THE COURT: Yes.

1 (Whereupon, a bench conference was held in the
2 presence of the jury but out of the hearing of the
3 jury.)

4 Q Alright, so at this point you are now going to, like
5 you said, continue your investigation and gather more
6 information, right?

7 A Correct.

8 Q So you, when you make an arrest like you did on Mr.
9 Wise, what was the charge?

10 A The charge at the time was assault and battery second
11 degree.

12 Q Right. And what, and you described in your report
13 what kind of injuries you said that Ms. Chandler, in your
14 opinion, had. Right?

15 A Correct, yes ma'am.

16 Q And how did you describe those?

17 A Described it, she, her tooth was broken, broken at a
18 45 degree angle, it was serrated. And due to the extent
19 of her injuries that were moderate bodily injury --

20 Q Moderate bodily injury?

21 A Yes, ma'am. Which would require the use of surgery
22 to fix so would not be just a regular simple assault or
23 assault third degree. So that is the reason we charged
24 him with assault and battery second degree.

25 Q Now you were able to observe Ms. Chandler's demeanor

1 when you went back for your further investigation, right?

2 A Correct.

3 Q You would agree, what was her demeanor at that time?

4 A She appeared to have calmed down initially, from my
5 first interaction with him, with her, excuse me.

6 Q And was able to tell you some information that you
7 didn't have before when you were talking to Jeffery,
8 right?

9 A Correct.

10 Q And a lot of that information lined up, right?

11 A Yes, ma'am.

12 Q Meaning what he told you and what she told you?

13 A Correct.

14 Q Okay. Did you collect any physical evidence in this
15 case?

16 A By physical evidence, anything that you could
17 physically touch, no.

18 Q Okay. No swabs of anybody's hands?

19 A No, ma'am.

20 Q No pictures or evidence of the door and if there was
21 any sign of any altercation or fingerprints or anything?

22 A No, ma'am.

23 Q Okay. Certainly no pictures or swabs of Ms.
24 Chandler's hands to see if she, if we had any evidence
25 from there, right?

1 A No, ma'am.

2 Q Okay.

3 MS. ZMROCZEK: I beg the Court's indulgence. At this
4 time, Your Honor, this is all the questions that I have.
5 Obviously pursuant to our bench conversation we would ask
6 that he not be released.

7 THE COURT: Subject to recall. Redirect.

8 MS. OLER: Briefly, Your Honor.

9 REDIRECT EXAMINATION

10 By Ms. Oler:

11 Q Deputy Caraway, how would you describe a fresh
12 injury?

13 A Fresh injury, any injury in particular or are we
14 being specific to the injuries to the victim.

15 Q You can be specific to this case.

16 A Okay. To the Defendant's hand, he had a large
17 laceration that was actively bleeding. The victim had a
18 broken tooth and her mouth was actually bleeding at the
19 time.

20 Q Okay. Did the Defendant ever tell you that the
21 victim had caused any injuries to his face?

22 A The Defendant told me that the victim had punched him
23 twice, he motioned here and here.

24 Q And did you use your flashlight at any time when you
25 were speaking with him to observe the injuries to his

1 face?

2 A Yes, yes. He, at one point during our conversation
3 eluded to the fact to the blinding flashlight. That is
4 what I was doing was trying to determine on his face to
5 see if there was any redness from a fresh assault.

6 Q And did you observe anything?

7 A No.

8 Q So the injuries to his face did or did not appear
9 fresh?

10 A They did not appear fresh.

11 Q Okay. Did you take photos of the injuries you were
12 told were fresh on March 1st, 2021?

13 A Yes.

14 Q Did Ms. Chandler have a fresh injury?

15 A Yes, to her mouth.

16 Q Okay. You testified that the Defendant needed to, or
17 ended up getting multiple stitches. Is that correct?

18 A Correct.

19 Q And based on your training and experience was his
20 injury consistent with blocking in a defensive manner?

21 MS. ZMROCZEK: Again, objection, Your Honor to
22 speculation.

23 THE COURT: Overruled.

24 A No.

25 Q Ms. Zmroczek asked you about what the victim told

1 you, that she had been assaulted. And she asked you about
2 what the Defendant had told you. Were you able to
3 corroborate either of those stories during your
4 investigation?

5 A Yes.

6 Q And was there any indication that Ms. Chandler had
7 struck the Defendant?

8 A No.

9 Q By his own admission did the Defendant tell you that
10 his mother was trying to drive off?

11 A Yes.

12 Q Did the Defendant tell you that he put his hand on
13 her arm as she was driving off?

14 A Correct.

15 Q Is corroborating one story over another a part of the
16 investigative process to determine probable cause?

17 A Yes.

18 Q Did you do that in this case?

19 A Yes.

20 Q Does an investigation end with an arrest?

21 A No.

22 Q You made this arrest based on your observations on
23 scene, is that correct?

24 A Correct.

25 Q Can you tell, at the point of arrest, can you know

1 any subsequent treatment that a victim may need?

2 A Outside of the apparent injury to her tooth, that
3 would require surgery. Any follow-up surgeries, no ma'am.

4 MS. OLER: Beg the Court's indulgence just one
5 minute. Thank you, Detective Caraway.

6 THE COURT: Recross.

7 MS. ZMROCZEK: Very briefly, Your Honor.

8 RECROSS-EXAMINATION

9 By Ms. Zmroczek:

10 Q She said, she kept asking you about fresh injuries,
11 fresh injuries, fresh injuries, right?

12 A Who is she?

13 Q She, Ms. Oler.

14 A Yes.

15 Q Okay. If we had a picture we wouldn't have to keep
16 asking these questions, right. You had your phone on you,
17 right?

18 A I did, yes ma'am.

19 Q No reason not to take it out so we don't have to have
20 this discussion all day, right?

21 A Was that a question?

22 Q Yes.

23 A I can't answer to why I did not take pictures of the
24 victim's, the Defendant's face, I am sorry.

25 Q Or, or Ms. Chandler's hands?

1 A No, ma'am.

2 Q You said that, that in your training and experience
3 that his injury wasn't consistent with blocking and trying
4 to get out of the way, right?

5 A After I concluded my investigation I determined that
6 was not the case.

7 Q Right, through your training and experience. So what
8 would that look like?

9 A What would what look like?

10 Q What would it look like to corroborate, if he is
11 pushing away, his hand catches her tooth while he is
12 trying to get away. What would that look like. What
13 would be different about his injury that makes it
14 definitive that it could be this?

15 A I can't answer that.

16 Q I am sorry?

17 A I can't answer that.

18 Q Okay. You were asked on redirect, part of your
19 investigation is to corroborate one story over the other
20 to determine probable cause, right?

21 A Yes, ma'am.

22 Q But the problem is, you arrested him before you got
23 her full side of the story, right?

24 A I made the determination on scene, when I made
25 contact with the Defendant that the assault had occurred.

1 Q Right.

2 A The source of the argument was not the illegality of
3 it, what is illegal is the assault.

4 Q Okay. But can't look at things in a vacuum, right?

5 A Which is why I ended up coming back and getting
6 further information. Once I determined the probable cause
7 for the assault had occurred and that the Defendant
8 assaulted the victim.

9 Q But words matter, right?

10 A Often times.

11 Q So somebody, somebody is raising their voice and
12 trying to get out of the car, that could also explain, and
13 oh, does get out of the car. That could also explain why
14 somebody would have to back away from them, right?

15 A Could have, yes.

16 Q Okay.

17 MS. ZMROCZEK: I beg the Court's indulgence. That is
18 all I have. Thank you.

19 THE COURT: You may step down and subject to recall.
20 Call your next witness.

21 MS. TAYLOR: Your Honor, the State calls Lea Ann
22 Chandler.

23 Lea Ann Chandler, being
24 first duly sworn, testified as follows:

25 CLERK OF COURT: Please take a seat in the witness

1 stand. State your full name and spell your last for the
2 record.

3 MS. CHANDLER: My name is Lea Ann Chandler,
4 C-H-A-N-D-L-E-R.

5 DIRECT EXAMINATION

6 By Ms. Taylor:

7 Q Good morning, Ms. Chandler.

8 A Good morning.

9 Q Now can you please introduce yourself to the Court
10 and who you are as it relates to the Defendant?

11 A Yes. I am Lea Ann Chandler and that is my son,
12 Jeffery Wise.

13 MS. ZMROCZEK: Your Honor, I am having a hard time
14 hearing.

15 A My name is Lea Ann Chandler and that is my son,
16 Jeffery Wise.

17 Q Now, Ms. Chandler, I am going to show you what has
18 already been entered into evidence as State's exhibit 1.

19 Just a second. Now, Ms. Chandler, I am handing you the
20 laser pointer just to make this a little easier. Now I

21 have showed you what has already been admitted into
22 evidence as State's exhibit 1. And do you recognize this?

23 A Yes.

24 Q Can you --

25 A That is the front of my property.

1 Q Can you show which part of this is your property?

2 A Yes. That is my front driveway. Here is where I saw
3 law enforcement and then it continues to the back of my
4 property there.

5 Q So you live back, it is a cutoff but you live back in
6 here?

7 A Yes, a good distance back.

8 Q So is that a long driveway?

9 A Yes.

10 Q Now, who lives right here?

11 A My son, Jeffery.

12 Q He lived there in March of 2021?

13 A Yes.

14 Q So your property is essentially, is it on the corner
15 of Fairview and Fogle Road?

16 A Yes.

17 Q Now, you, do you own this entire property?

18 A Yes.

19 Q Okay. And were you allowing, does that include where
20 the Defendant lived at the time?

21 A Yes.

22 Q Okay. Now on, going to March 1st of 2021 what were
23 you doing that night, were you home that night?

24 A I was home.

25 Q What were you wearing?

1 A Pajamas.

2 Q Pajamas. Now what happened?

3 A I noticed all the blue lights. I could not tell if
4 they were actually in my driveway or on the highway. But
5 it was alarming so I grabbed a jacket and slipped my feet
6 in some boots and hopped in the car and went up to the
7 scene, to see what was going on.

8 Q Now, why did you feel the end of your driveway to see
9 what was going on, why did that concern you?

10 A Because Jeffery, a lot of times, crosses the highway
11 walking. I was just concerned.

12 Q You were concerned for his wellbeing?

13 A Yes.

14 Q Now when you got to the end of your driveway what did
15 you do at that point?

16 A When I saw what was going on, when they got the
17 person detained or whatever I turned my car around to go
18 back home and go to bed.

19 Q After you turned your car around to go back home and
20 go to bed, what happened next?

21 A I saw my son, Jeffery, walking up the driveway
22 towards me.

23 Q Where did you see him, what point was he in the
24 driveway?

25 A I was approximately right here, I was already through

1 the post, a post gateway and he was walking up hill, right
2 here in this trail that comes through the woods right
3 here.

4 Q Now, approximately how far was the Defendant, when
5 you saw him, from his home?

6 A Three-hundred feet.

7 Q And how, from when you saw him, how did he get to
8 where you were at from his home?

9 A He walked, small trail like wide enough for a
10 lawnmower to walk through. And he was coming up the hill
11 right here.

12 Q Now I am showing you what already is in evidence as
13 State's 10, just for a frame of reference, where was your
14 car, are these fence posts that you were referencing?

15 A Uh-huh. (In the affirmative.)

16 Q And when you saw the Defendant approach you was your
17 car here or was it at a different part of the driveway?

18 A It was on further down.

19 Q So further down?

20 A Uh-huh. (In the affirmative.)

21 Q Now, when you see the Defendant approaching you, what
22 happens at that point?

23 A I rolled my window down, he just walked up to the car
24 and was asking what was going on, with all the lights and
25 I told him.

1 Q So you were still sitting in your car?

2 A Yes.

3 Q Was your car in park or was it still in drive?

4 A No, still in drive.

5 Q And was it dark outside or was this during the day?

6 A No, it was dark.

7 Q So your headlights were on?

8 A I think they were.

9 Q Now you said you were sitting in the car and he

10 approached you when and you rolled your window down?

11 A Uh-huh. (In the affirmative.)

12 COURT REPORTER: What was, I need a yes or no,

13 please.

14 A Yes.

15 Q Now, when he approaches you you said you were

16 discussing what was going on across the street?

17 A Yes.

18 Q What was the tone of the Defendant when you were

19 having this discussion?

20 A He was fine.

21 Q What was your tone and demeanor during this time?

22 A Fine.

23 Q Now, at any point during this conversation did the

24 Defendant's demeanor change, or tone of voice?

25 A Yes.

1 Q And why was that?

2 A We had a disagreement over him allowing his
3 girlfriend to move back on the property.

4 Q Now when you had this disagreement how would you
5 describe his tone?

6 A He was angry.

7 Q Did he get angrier during this conversation or did it
8 stay the same. How would you describe it?

9 A No, he got angrier.

10 Q At this point of the conversation did you want to
11 continue having this conversation with him?

12 A No.

13 Q What did you want to do?

14 A Go home and go to bed.

15 Q And was your car still in drive at this part?

16 A Yes.

17 Q Now did you make any efforts to try to keep going on
18 down the driveway to go home?

19 A Yes, I was just easing along, I didn't want to drive
20 over him.

21 Q So, would you agree that, let me rephrase that. Were
22 you were trying to end the conversation?

23 A Yes.

24 Q And go home?

25 A Yes.

1 Q At any point did the Defendant escalate the
2 conversation?

3 A He did.

4 Q How would you describe that?

5 A He had his hands on my window and he was popping the
6 latch, opening the door and slamming it, opening the door
7 and slamming it really hard.

8 Q Were you at any point trying to force your way out of
9 the car?

10 A No.

11 Q Were you still trying to just go back home and go to
12 bed?

13 A Yes.

14 Q At any point did you end up actually getting out of
15 the car?

16 A I did.

17 Q And why was that?

18 A To talk to him, I didn't understand, I never seen him
19 that angry or why he was so angry. I also talked to him,
20 we need to get this sorted out.

21 Q Now when you got out of the car, in what way did you
22 get out of the car?

23 A When I reached up, opened the door, he walked around
24 to the front of my car and when I got out I took maybe two
25 steps and I was going to ask him, I was trying to ask him

1 what the hell is wrong with you. He punched me in the
2 mouth before I could get all of that out.

3 Q Now, so did that happen very quickly?

4 A Yes.

5 Q At any point, after you got out of the car, did you
6 threaten him?

7 A Absolutely not.

8 Q At any point, when you got out of the car, did you
9 charge at him?

10 A No.

11 Q At any point when you got out of the car did you
12 swing on him?

13 A Absolutely not, no.

14 Q Now how many times did he punch you?

15 A Once.

16 Q Did you hit the ground or did you remain standing?

17 A Oh no, it knocked me down.

18 Q After he punched you what did he do?

19 A He stood there.

20 Q Now you said that law enforcement was right across
21 the street. Can you point out with the laser pointer
22 first where you, where he punched you, where you guys were
23 standing when he punched you in the mouth, approximately.

24 A We were approximately right here, just before the
25 driveway went down a curve. Law enforcement was still

1 right here.

2 Q And you could, did you say you could see the blue
3 lights?

4 A You could still see all the blue lights, yes.

5 Q Okay. So after you hit the ground and you, what did
6 you do next?

7 A I stood up and spit the blood and teeth out. And I
8 said to him, you know you are going to jail. And he was
9 like, I know. And then he started walking back down that
10 trail back to his house.

11 Q Was that this trail right here?

12 A Yes, trail here.

13 Q Now, again, you said you could see the blue lights?

14 A Yes.

15 Q Even from where you were standing when this happened?

16 A Right.

17 Q At any point did the Defendant try to fly down to the
18 police?

19 A No.

20 Q At any point did he even walk across the street to
21 get the police after this occurred?

22 A No.

23 Q At any point even when you were still having a
24 conversation and he was getting angrier did he say, you
25 know what, I am just going to go back home?

1 A No.

2 Q At any point did he try to withdraw from this
3 confrontation in any way shape or form?

4 A No.

5 Q Did you have any weapons on you?

6 A No.

7 Q Did you have any weapons in your car?

8 A No.

9 Q If he had wanted to, based on where you were
10 standing, could he have easily gone across the street.

11 MS. ZMROCZEK: Objection, Your Honor, speculation.

12 THE COURT: The witness, overruled, the witness can
13 testify where she was. I will allow this question. Let's
14 see where it goes after the answer.

15 Q Based off of where you were staning would it have
16 been, had been easy for anyone to walk across the street
17 and get law enforcement's help?

18 A Yes.

19 Q And where, you said he went home right after this
20 happened?

21 A Well, he started walking down the trail. I assumed
22 he was going home.

23 Q And backing up really quickly. I meant to ask you,
24 you said when this occurred you were past the fence post,
25 correct?

1 A Yes. The fence post is like right about here. Then
2 we were closer here above. As I was easing along in the
3 car the altercation happened right about there, at the top
4 of the hill.

5 Q And again, at any point did you swing on the
6 Defendant?

7 A No.

8 MS. TAYLOR: I beg the Court's indulgence.

9 Q Now, Ms. Chandler, after this occurred did you have
10 to get any kind of medical treatment?

11 A Yes.

12 Q What did that consist of?

13 A I had implants, both of my front teeth were
14 destroyed, they had to be extracted. And then I had, I
15 started the process.

16 Q And backing up a little bit, did you get help from
17 EMS that night?

18 A No.

19 Q Why was that?

20 A They were just going to refer me and there wasn't a
21 whole lot they could do. I went to the dentist the very
22 next morning.

23 Q The very next morning. And were you in a lot of
24 pain?

25 A Yes.

1 Q Were you in a lot of pain after he punched you?

2 A Yes.

3 Q What about the very next day when you went to the
4 dentist?

5 A Yes.

6 MS. ZMROCZEK: Your Honor, objection, relevance.

7 THE COURT: Next day, you can talk about the next
8 day.

9 Q So the next day you go to the dentist, which dentist
10 was this?

11 A Aspen.

12 Q Aspen Dental. And you said you were still in pain?

13 A Yes.

14 Q What, if anything, did, did you have any procedures
15 or anything of that nature during that visit?

16 A Yes, xrays.

17 Q And, again, what was the extent of your injuries
18 after you went to the dentist that day?

19 A My two front teeth were just destroyed and, I had
20 them extracted. And then I had to wear a flipper, what
21 they call it.

22 Q What is a flipper?

23 A It is like a retainer, just a temporary piece you
24 wear, front teeth to take in and out.

25 Q So since that was temporary, was it your impression

1 that you needed to have further treatment?

2 A Oh, yeah, yes.

3 Q Did you get further treatment after that visit?

4 A I did.

5 Q Where was that?

6 A It was in Spartanburg Community Dental. I didn't
7 have insurance at the time, dental insurance.

8 Q And when you went to Spartanburg Community Dental did
9 you have any procedures there?

10 A I had several procedures.

11 Q What was the timeframe of the treatment and
12 procedures, doctors visits?

13 A It was over a year and a half. Each procedure had to
14 heal before I could have the next procedure. And I had
15 several.

16 Q So did you have any complications from getting your
17 teeth knocked out?

18 A What I didn't know initially is I had to have a bone
19 graft because the bone was damaged and would not support
20 the implants. So that was the first procedure was having
21 a bone graft.

22 Q So just so I am understanding correctly. The damage
23 was just not that your tooth was knocked out, there was
24 damage to the bone?

25 A Yes.

1 Q Okay. What else, were there any other complications
2 that you had?

3 A Just all the -- it was pretty bad.

4 Q And you said at Spartanburg Community Dental, that is
5 when you eventually were able to get implants?

6 A Yes.

7 Q And was, what was the recovery or the process of
8 that, like --

9 THE COURT: Let me speak, Ms. Taylor, if y'all will
10 approach.

11 (Whereupon, a bench conference was held in the
12 presence of the jury but out of the hearing of the
13 jury.)

14 Q Ms. Chandler, you said you had the implants done at
15 Spartanburg Community Dental?

16 A Yes.

17 Q And that was, was that right away or was that months
18 or a year down the road?

19 A I spent about a year, about 18 months.

20 Q And what kinds of, just for clarification, what kinds
21 of visits or procedures or consultations did you have to
22 have that would lead up to you getting the implants. You
23 said you had to have time to heal in between?

24 A Yes. I had to have a bone graft. That took a while
25 to heal. Then they put, like the base in that screws

1 attach to, open up the gum, put those in. Have to wait on
2 that to heal. And then they put the studs in, wait on
3 that to heal and then the actual implants.

4 MS. TAYLOR: I beg the Court's indulgence. No
5 further questions at this time.

6 THE COURT: Cross-examination.

7 CROSS-EXAMINATION

8 By Ms. Zmroczek:

9 Q Ms. Chandler, I am sorry, I didn't quite understand
10 it. So not trying to trick you, I am trying to make sure
11 I understand what your response was. Okay. So you went
12 to Aspen Dental?

13 A Yes.

14 Q And then you, then you said 18 months later you went
15 to Spartanburg?

16 A No.

17 Q Okay, sorry. That is what I was trying to clear. So
18 what was the 18 months?

19 A Initially I went to Aspen. They did the extraction
20 and fitted me with the temporary. Then I went to
21 Spartanburg for the actual implants.

22 Q Okay. You, when you went to Aspen they gave you some
23 paperwork, they did an intake, right?

24 A Yes.

25 Q And you told them that, pardon, I was looking for

1 something that was in this notebook. So you went to Aspen
2 Dental on March 2nd, correct?

3 A Yes.

4 Q And you met there with a dentist by the name of Rama
5 Yelisetty?

6 A Yes.

7 Q And they talked to you to ask you what happened and
8 they take notes, right?

9 A Yes.

10 Q And you told her that, on your initial exam, that you
11 were seen by the ER?

12 A No, I didn't.

13 Q Okay. Not true?

14 A Not true.

15 Q Okay. And you didn't go back in April and clear it
16 up and say it was your son that went to the hospital and
17 had tooth fragments stuck in his wrist?

18 A No.

19 Q Didn't say that. Okay. You said that you had to
20 have, two of your teeth extracted?

21 A Yes.

22 Q You weren't put under any sedation as far as IV, you
23 didn't go to sleep, did you?

24 A Extraction, no.

25 Q They used a local anesthetic and extracted the teeth,

1 right?

2 A Yes.

3 Q And then you went up to Spartanburg Community Dental?

4 A Later, yes.

5 Q Right, later.' And when I say, later, I mean May of
6 2021, right? Do you recall?

7 A I don't think it was that long. It may have been
8 sooner than that. I don't remember that.

9 Q Alright. And so you had your, when you had your
10 initial consultation there you told them that your son
11 punched you in the face and knocked out your teeth, right?

12 A Probably, yes.

13 Q Okay. But that is a little bit of an exaggeration,
14 right? One of your teeth were broken in the front.

15 A Caused damage beyond repair.

16 Q Okay. And so you described all the different
17 procedures that you had to go through, right?

18 A Yes.

19 Q And all of those were done also under just localized
20 anesthesia, right?

21 A Yes.

22 Q No, no sedation required, didn't put you to asleep?

23 A No.

24 Q Didn't go to a hospital?

25 A No. I asked them not to, I didn't have anybody to

1 drive me.

2 Q I am sorry?

3 A I asked them not to sedate me.

4 Q Okay.

5 A I didn't have anyone to drive me.

6 Q Okay. You had an occasion, I think you have been
7 here so you saw that you had an opportunity to speak with
8 Officer Caraway, right?

9 A Not really.

10 Q I am sorry?

11 A I did that night. I haven't spoken to him since.

12 Q That is what I am referring to. I mean that evening
13 you had an opportunity to speak with him, right?

14 A Yes.

15 Q Okay. And you, everything had just happened, right?

16 A Yes.

17 Q And so, I want to come back to that. But I want to
18 talk first about February 27th, okay.

19 A Okay.

20 Q So one of the reasons you were also interested in the
21 blue lights and Jeffery was interested in the blue lights
22 is because, they still hadn't caught the two people that
23 had attacked him, right?

24 A As far as I know they didn't.

25 Q Okay. And so that was another reason to see who was

- 1 out there, out at the road, right?
- 2 A Yes.
- 3 Q And you didn't like his girlfriend?
- 4 A I did up until the incident, when he was beaten and
5 then I had issues of her.
- 6 Q Alright. And you, you and she had started to have
7 some communications back and forth, after he was attacked,
8 right?
- 9 A Monday while I was at work she was texting me.
- 10 Q And she was saying some not nice things, right?
- 11 A Probably, yeah.
- 12 Q And y'all kind of got into a little argument?
- 13 A No, I just stopped responding. I was at work. I
14 didn't need the distraction of her sending me hateful text
15 messages, denying her involvement of his attack.
- 16 Q What time did you get home from work on March 1st?
- 17 A Probably around 3:00.
- 18 Q Okay. Were you, you were still in contact with her
19 when you got home, right?
- 20 A No.
- 21 Q No. Okay. So when Jeffery comes up to the car and
22 y'all are talking about the blue lights you bring up his
23 girlfriend?
- 24 A No, he brought up his girlfriend. That is not
25 correct.

1 Q Alright. Do you recall speaking with Officer Caraway
2 with his body cam that day?

3 A Well I am sure I did.

4 Q Okay. And so do you recall saying to him, him,
5 Officer Caraway. So, I was telling him because his
6 girlfriend and his, so I was telling him because of his
7 girlfriend's mother and girlfriend's boyfriend beat him.
8 You told Officer Caraway that you were having a discussion
9 about his girlfriend with Jeffery, that you brought her
10 up?

11 A No, he brought up the girlfriend.

12 Q Okay.

13 A And got angry, he was defending her. I believe she
14 was involved in the assault, he was denying her
15 involvement. And he got really angry when I said I didn't
16 want her back on my end of the property. Don't allow her
17 back, and to your home, you keep her up on this corner.

18 Q Okay.

19 A And that is when he got super angry.

20 Q Okay. And so you say that he got super angry and
21 that he was denying her involvement or was it that he said
22 that he needed to look at it. He needed to figure out
23 what was going on.

24 A No, he didn't. He was denying she had any
25 involvement in it.

- 1 Q Okay.
- 2 A In his assault.
- 3 Q You, you told the officer about when things got
- 4 escalated, right?
- 5 A At which point?
- 6 Q Well, my point is that you were in a vehicle, right,
- 7 what kind of vehicle was it?
- 8 A Toyota.
- 9 Q A Toyota?
- 10 A Uh-huh. (In the affirmative.)
- 11 Q Now many doors?
- 12 A Four.
- 13 Q Four doors. How much did it weigh, a lot?
- 14 A Very small, a little compact car.
- 15 Q Okay. And you were the one who got out of your
- 16 vehicle?
- 17 A I did.
- 18 Q But you could have drove straight to your house,
- 19 right?
- 20 A I could have.
- 21 Q Okay. He wasn't stopping the car, was he?
- 22 A No. He was still in the door hanging onto the door
- 23 as I was easing along in the driveway.
- 24 Q So you said he was opening the door and shutting the
- 25 door, right?

1 A Yes.

2 Q And what kind of marks did that leave on your door?

3 A Actually broke the inside panel, where you raise and
4 lock the doors. He was slamming it so hard, it broke it.

5 Q Broke the inside panel?

6 A Yes.

7 Q That night?

8 A Yes.

9 Q Officer Caraway was there?

10 A Yes.

11 Q And you said your tooth got knocked out. So that was
12 on the ground too, right?

13 A Somewhere, I looked for it the next day, I couldn't
14 find it.

15 Q Okay. You, again you said, you recall to Officer
16 Caraway that everything was fine until I mentioned his
17 crazy girlfriend?

18 A He actually mentioned her first, I responded.

19 Q But that is not what you told Officer Caraway?

20 A I don't remember, I was upset that night. I don't
21 remember exactly what I said.

22 Q You would agree with me that it is easier to remember
23 things closer in time than further away, right?

24 A Not necessarily.

25 Q Okay. You, so I want to talk a little bit about,

1 excuse me, goodness. A couple of things you testified on
2 direct. You said that he was, he, Jeffery was allowed to
3 live at the property?
4 A Yes.
5 Q And how long had he been there?
6 A A couple of years.
7 Q He actually owned the mobile home?
8 A Right.
9 Q So he paid, he paid the electricity and the taxes and
10 all of that, right?
11 A On the mobile home.
12 Q Right.
13 A Not the property tax.
14 Q Right. But not on the land.
15 A I didn't charge him anything to live there.
16 Q Okay. And you have another child as well?
17 A Yes.
18 Q Was she also living with you?
19 A No.
20 Q Okay. Why did you, why did you back up your car, why
21 did you move your vehicle?
22 A Because it was so dark and far away from where the
23 law enforcement vehicles were and I didn't want to be
24 yelling back and forth. So I just moved the car to a more
25 open area.

1 Q Okay. Now you were asked on direct if you, did you
2 want to continue the conversation and you said, no, you
3 were trying to get up your driveway, right?

4 A Right.

5 Q But you also testified that there was nothing
6 stopping you from getting up your driveway, right?

7 A Well, other than hanging onto my door.

8 Q So he is hanging onto the door and you hit the gas,
9 coming along with you or going to let go?

10 A I didn't want to take that chance.

11 Q Okay. He had some pretty serious injuries on his
12 face?

13 A He did.

14 Q And so if someone were to swing at those and hit them
15 that would also be painful, right?

16 A I would imagine.

17 Q Okay. You often called his, his, Jeffery's dad, well
18 you called him on the 27th, right?

19 A Yes.

20 Q And sent him a picture of what Jeffery looked like
21 that evening, right?

22 A Right. I also called law enforcement to make a, a
23 form for the assault.

24 Q You also, and his dad is your ex-husband, right?

25 A Yes.

1 Q Named Bruce?

2 A Yes.

3 Q And you also called him the evening of March 1st,
4 didn't you?

5 A I called my daughter.

6 Q Didn't call Bruce?

7 A No, he called his dad. I assuming, I didn't know his
8 father was there until I saw him, standing in the video.

9 Q So it is your testimony today that you did not call
10 him and said, he knocked me on my ass, he is going to
11 jail?

12 A I don't think I did. I don't recall that.

13 Q But even though you wanted to go home you stopped the
14 car and got out, right?

15 A Well, I did. He wanted to continue the conversation.
16 I am like, well, not going to go home and go to bed.
17 Let's talk about this, why you were so angry.

18 Q That is something you do in your family a lot, is, if
19 a family member gets really angry y'all try to talk it
20 out, right?

21 A Yes.

22 Q And in fact, I think you testified under oath, you
23 took two steps towards him and said, what the hell is
24 wrong with you, right?

25 A I tried to say that.

1 Q But instead you said you saw him punch you in the
2 face?

3 A I saw his fist coming at me.

4 Q Okay. And now I realize today you are holding your
5 right hand, is that initially what you had told them back
6 then?

7 A I just saw a fist in my face.

8 Q Because you gave a new statement recently, right,
9 where you were asked about what hand. Do you remember?

10 A I am not sure which hand. He is left-handed when he
11 writes but he is also ambidextrous. He can use his right
12 hand for whatever. Initially I thought it was his left
13 hand, I wasn't sure, I just saw a fist.

14 Q Okay. On April 23rd you filled out some paperwork to
15 talk about all of these surgeries, right?

16 A I don't remember. I don't know what paperwork you
17 are referring to.

18 Q I will hand you what has been marked for ID only,
19 okay, as Defendant's 6. Just so when we are talking about
20 it that we can have a record of what we are talking about.
21 I will hand that to you and let you look through all the
22 pages.

23 (Whereupon, Defendant's Exhibit 6 was marked for
24 identification only.)

25 A I need my glasses. This was my victim impact

1 statement.

2 Q Okay.

3 THE COURT: What does that entail?

4 MS. ZMROCZEK: Your Honor --

5 THE COURT: Y'all approach.

6 (Whereupon, a bench conference was held in the
7 presence of the jury but out of the hearing of the
8 jury.)

9 Q So, Ms. Chandler, I just want to ask you, you were,
10 you were asked if these injuries caused any permanent
11 longterm disabilities or disfigurement. I am not trying
12 to trick you, we are on page three. Okay. Do you recall
13 which box you checked, yes or no.

14 A That is not, medical, no.

15 Q Do you see it?

16 A You said page three?

17 Q Yes.

18 A No.

19 Q You checked no, right?

20 A They look normal teeth, if I didn't check, they were
21 implants.

22 Q But your response was, no, right?

23 A Uh-huh. (In the affirmative.)

24 Q Okay. You said that the whole time that this
25 happened that the police were in your sight, I think that,

1 you showed us on there that you could see the police
2 lights, right?

3 A Yes, they were right here and we were right here.

4 Q Okay. And I even think you were asked if anybody
5 could just run across the road and get the police, right?

6 A Yes.

7 Q Okay. You did that after Jeffery got away and
8 started walking back to his house, right?

9 A I did what?

10 Q You then went to the police?

11 A I went to the police as soon as I got up and realized
12 how bad I was hurt. He was still standing there at the
13 front of my car.

14 Q So when you ran to the police he was still standing
15 there at your car?

16 A Well, I didn't run, I was walking, I was holding my
17 mouth. Then he walked away.

18 Q So when you walked to the police he was still
19 standing at your car?

20 A In front of the car.

21 Q In front of the car. Okay. And are you right handed
22 or left handed?

23 A Right.

24 Q You are right handed?

25 A Uh-huh. (In the affirmative.)

1 Q Okay. And did you testify that, that this injury
2 caused bone damage that --

3 A Yes.

4 Q Right. But you say --

5 THE COURT: I can hardly hear that. Make sure you
6 are speaking up a little more.

7 Q So, yes, everybody has got to be able to hear you, we
8 have got to make a record. So it is your testimony that,
9 that this impact caused bone damage?

10 A Yes.

11 Q And who told you that?

12 A When I went to Spartanburg to have a procedure and
13 they did the xrays and all of that. And he said the bone
14 was too damaged.

15 Q Okay. Too damaged because of this injury?

16 A Well, he didn't say, he said it was too damaged. I
17 assumed it was damaged from the punch.

18 Q How long have you been a smoker?

19 A A long time.

20 Q Over 20 years?

21 A Yes.

22 Q Okay. How many times have you been to the dentist
23 before this?

24 A I don't know, why is that relevant.

25 Q Okay.

1 THE COURT: If you would just answer the question.

2 A I don't remember.

3 Q Okay.

4 MS. ZMROCZEK: I beg the Court's indulgence.

5 Q Okay. I have just a few more questions. I want to
6 talk a little bit about other things that you said to
7 Investigator Caraway that evening.

8 A Okay.

9 Q Because you were mad at Jeffery, right?

10 A Yes, I was very upset.

11 Q You were cussing?

12 A Probably.

13 Q Okay. You told the, excuse me, you told the officer,
14 you don't ever do that to your mother ever, right?

15 A Right.

16 Q Okay. You would agree a person has a right to defend
17 themselves though in any given situation, correct?

18 A Yes.

19 Q Okay. You, the officer asked you, when you were
20 describing what kind of relationship you had with Jeffery,
21 you told the officer he, he was fine when you were doing
22 stuff for him, right?

23 A Yes.

24 Q And that he only, he only was nice if you, you know,
25 were helping him out. That is what you said, right?

- 1 A I don't recall.
- 2 Q Okay. Did you write a statement that evening?
- 3 A No.
- 4 Q Why not?
- 5 A Because my thumb was injured.
- 6 Q Your thumb?
- 7 A Yes.
- 8 Q How was your thumb injured?
- 9 A My Chihuahua bit me.
- 10 Q When was that?
- 11 A On Friday.
- 12 Q And did anybody, sorry.
- 13 A Friday before all of this happened.
- 14 Q Okay. So did anybody, did anybody take pictures or
- 15 ask you about that injury?
- 16 A No.
- 17 Q But it was just your thumb on your right hand?
- 18 A Yes.
- 19 Q Okay. I want to show you what is already into
- 20 evidence Defendant's 2. Do you recall Officer Caraway
- 21 taking that picture?
- 22 A Yes, ma'am.
- 23 Q Okay. Had you changed clothes prior to this?
- 24 A No, still in my pajamas.
- 25 Q Still in your pajamas, still in your jacket and

1 pajama pants, right?

2 A Yes.

3 Q And that is how you were wearing it when this
4 incident occurred?

5 A Yes.

6 Q Okay. Didn't take it off or get it cleaned in
7 between talking to the officer and getting that picture
8 taken, right?

9 A No.

10 Q You clearly knew that the police were there, right?

11 A Yes.

12 Q Okay. And when y'all are having this discussion, you
13 said he got very angry, right?

14 A He was angry.

15 Q How do you know he was angry?

16 A The way he was slamming my car door.

17 Q How loud was that?

18 A It is a little car, i don't know. I don't know how
19 loud that was.

20 Q He was just slamming?

21 A He wasn't opening it a long way. He was opening and
22 slamming it, opening it and slamming it.

23 Q Okay. And do you know why that was?

24 A Because he was mad.

25 Q Do you recall telling the officer that he was trying

- 1 to get in the vehicle?
- 2 A No.
- 3 Q You don't remember saying that?
- 4 A No. He was leaning in the vehicle.
- 5 Q Okay. The truth is you were actually trying to get
- 6 the door open and he was trying to keep it from opening,
- 7 right?
- 8 A No, ma'am.
- 9 Q Okay. Were you scared of him?
- 10 A No.
- 11 Q Okay. But you could have left but you got out?
- 12 A I was trying to leave.
- 13 Q You were trying to leave?
- 14 A I was trying to leave.
- 15 Q Right.
- 16 A And then at some point it is like, okay, let's just
- 17 talk about this.
- 18 Q So he didn't keep you from leaving?
- 19 A No.
- 20 Q That was your choice?
- 21 A No, I made the decision.
- 22 Q Okay.
- 23 A To get out and talk to him.
- 24 Q Okay. And what was his demeanor like then?
- 25 A He hit me, I don't know. He was still angry.

1 Q So he just hit you when you got out of the car and
2 made two steps toward you and then he just stood there?

3 A Well, I don't know what he did while I was on the
4 ground. He knocked me down and got up and dust the dirt
5 off and the blood and whatnot.

6 Q I am sorry, what was that?

7 A I wiped the dust off of me and was spitting out blood
8 and pieces of teeth. And I just glanced at him. We
9 didn't have a conversation after that.

10 Q How did he get to the front of the vehicle?

11 A When I went to get out he walked around to the front.

12 Q Okay. So he was walking away from you?

13 A No, he had turned his back to me. He backed up, only
14 a couple of steps, a very small car.

15 Q How many cigarettes did you have after this incident?

16 A I don't know.

17 MS. TAYLOR: Objection to relevancy.

18 MS. ZMROCZEK: I just --

19 Q You were able to smoke with your right hand, right?

20 A Yes.

21 Q Okay.

22 MS. ZMROCZEK: That is all the questions I have for
23 now, Your Honor.

24 THE COURT: Any redirect?

25 MS. TAYLOR: Yes, Your Honor, briefly.

REDIRECT EXAMINATION

1

2 By Ms. Taylor:

3 Q Ms. Chandler, you testified that you had to get
4 several procedures done after you were assaulted?

5 A Yes, ma'am.

6 Q And that included a bone graft?

7 A Yes.

8 Q From everything you went through, what the doctors
9 explained to you, that was because of bone loss or damage
10 to the bone?

11 A Damage to the bone, yes.

12 Q Now, when you went to see Dr. Yelisetty at Aspen
13 Dental, you testified to Ms. Zmroczek that you believe
14 that your son had been to the ER to get his hand stitched?

15 A Yes.

16 Q Was it just your assumption that he may have teeth in
17 there, in his --18 A I don't remember, I heard somebody said he had bits
19 of teeth, I can't remember who it was.20 Q But you were certain and it is clear that your teeth
21 were knocked out?

22 A Yes.

23 Q Now, after you were assaulted, did you go to the
24 dentist over 10, 12 times?

25 A Probably.

1 Q And when you filled out the victim impact statement
2 that Ms. Zmroczek referenced on cross-examination, that
3 would have been just a few weeks after the incident,
4 correct?

5 A Right.

6 Q Alright. And that would have been before numerous
7 visits and procedures to the dentist?

8 A Right.

9 Q Was that a preliminary estimate?

10 A Yes.

11 Q Of the treatment you have received so far?

12 A Yes.

13 Q Have you had the implants done at that point when
14 that was filled out?

15 A No.

16 Q So were you even sure if you would have permanent
17 injury at that point?

18 A No, ma'am.

19 Q Now you said that the Defendant was wanting to have a
20 conversation with you. And when he was grabbing onto the
21 door and opening it and shutting it in an aggressive
22 manner, did you feel at that point that he was trying to
23 prevent you from leaving?

24 A Yes.

25 Q At that point was your car in park?

1 A No.

2 Q Were you trying to go down the driveway, were you
3 trying to go home?

4 A Yes.

5 Q Okay. Now when you made that decision to put the car
6 in park and get out, that was after he had been trying to
7 prevent you from leaving?

8 A Yes.

9 Q Is that correct. Okay. Now the injuries that were
10 old to his face from being assaulted a couple of days
11 prior, did you swing on him this night and hit him in the
12 face?

13 A Absolutely not. I love my son.

14 Q Now, when you got out to try to have this
15 conversation --

16 MS. TAYLOR: May I approach the witness, Your Honor.

17 THE COURT: Yes, ma'am.

18 Q Now when you got out to have the conversation with
19 your son and he punched you in the mouth, did that happen
20 very fast?

21 A Yes.

22 Q Did you have any time to react?

23 A No. I didn't have time to turn my head, duck,
24 nothing. It was just very fast.

25 Q You testified earlier that you may have said some

1 cuss words?

2 A I probably did.

3 Q But at any point did you escalate this to become a
4 physical confrontation?

5 A No.

6 Q Did the Defendant escalate to become a physical
7 confrontation?

8 A Yes.

9 Q Now you testified earlier that your thumb was
10 previously injured, correct, with your Chihuahua biting
11 you?

12 A Yes.

13 Q And you already had some bandaids on your hand from
14 that?

15 A Yes.

16 Q And, in fact, did you tell officers about your hand
17 being injured a couple of days prior when they responded?

18 A I think, because I couldn't write a statement, I
19 couldn't use my thumb.

20 Q So was the bite marks from your dog in any way
21 related to the incident on March 1st?

22 A No.

23 Q Now you said that you had, this incident occurred
24 past the fence post, correct, and you had moved your car
25 back?

1 A Yes.

2 Q Why did you say you moved your car back?

3 A Because it was so dark where it was at and I knew the
4 officers would come back, probably talk to me. So I just
5 moved the car closer.

6 Q Now after this happened, you said this was a
7 traumatic event, assault.

8 MS. ZMROCZEK: Your Honor.

9 THE COURT: Yes, ma'am.

10 MS. ZMROCZEK: May we approach?

11 THE COURT: Sure.

12 (Whereupon, a bench conference was held in the
13 presence of the jury but out of the hearing of the
14 jury.)

15 Q Now, Ms. Chandler, you testified that you were in
16 pain?

17 A Yes.

18 Q Were you in shock after this?

19 A Absolutely, yes. I was dumbfounded.

20 Q So is it fair to say that you may not recall every
21 single detail?

22 A That is a fair statement.

23 Q At that time after you were knocked to the ground,
24 was that with a lot of force?

25 A Yes.

1 Q And after you were knocked to the ground by your son
2 and you got up, what was your first priority at that
3 point?

4 A How bad I was hurt and where he was.

5 Q And did you immediately run towards the road, scream
6 for law enforcement?

7 A Yes.

8 MS. TAYLOR: I beg the Court's indulgence. No
9 further questions, Your Honor.

10 THE COURT: Any recross?

11 MS. ZMROCZEK: Just briefly, Your Honor.

12 RECROSS-EXAMINATION

13 By Ms. Zmroczek:

14 Q Do you still have your forms in front of you, Ms.
15 Chandler?

16 A Yes, ma'am.

17 Q You said, you filled this form out on May 18th of --
18 is that what you testified to on redirect or very early
19 on?

20 A Yes, very early on.

21 Q Let's go back to page three, tell this jury why you
22 said that, after having them extract it in several
23 surgeries. you haven't had several surgeries at that
24 point, right?

25 A What was the date on this on?

1 Q On direct you said it, shortly thereafter?

2 A May 18th. By May 18th of 2023 I had a good many
3 surgeries.

4 Q Okay. And she asked you about, she said that because
5 you were in shock things might be hard to remember, right?

6 A Could be.

7 Q If somebody hit you in the face maybe you have a hard
8 time remembering. Is that the --

9 A I remember after he hit me and leading up to it. But
10 as far as the disagreement while I was trying to, I don't
11 recall everything that was said.

12 Q Okay. And do you recall testifying on redirect that
13 when you got out of the car he just immediately punched
14 you in the face?

15 A Pretty much.

16 Q Okay.

17 A Yes.

18 Q Do you remember telling the officer that when you got
19 out of the car you said, so I got out and said, I ain't
20 your little bitch. You don't get to punch me. And he,
21 see what he did, probably my tooth, I saw it coming. Do
22 you remember --

23 A No, I don't remember saying that.

24 Q Okay. Do you remember telling the officer, that you
25 had told the officer that you had called his dad and told

1 him he was going to bail him out?

2 A I don't remember that either.

3 Q Okay. Do you remember asking the officer if he acted
4 like he was sorry?

5 A Yes.

6 Q You remember that?

7 A I do remember asking.

8 Q Okay.

9 A Because I had hoped he was sorry for what he had
10 done.

11 Q And then you kind of gave your own answer because you
12 said, no, he only loves me when he needs me or I am doing
13 something for him. Right?

14 A I probably would have said that.

15 Q Okay.

16 A That is pretty much how the relationship was.

17 Q And, again, you told the officer, everything was fine
18 until I mentioned his crazy girlfriend?

19 A Well, he mentioned the girlfriend, he brought her up,
20 I didn't want to talk about a girlfriend. I wanted to go
21 home and go to bed. He brought her up.

22 Q Okay.

23 MS. ZMROCZEK: Those are all the questions that I
24 have.

25 THE COURT: Alright, you may step down. Thank you.

1 Counsel, if y'all will approach.

2 (Whereupon, a bench conference was held in the
3 presence of the jury but out of the hearing of the
4 jury.)

5 THE COURT: Ladies and gentlemen, we will go ahead
6 and break for lunch now, we won't call another witness.
7 We will get back started, how about be in the jury room at
8 1:35. A little bit more than an hour, not going to give
9 you less than an hour. And we will get started right
10 after that. So have a nice lunch, don't discuss the case
11 with anyone. Don't do any independent research about the
12 case, we will see you back in here in a little over an
13 hour. Thank you.

14 (Whereupon, the jury was excused from open court for
15 a lunch break.)

16 THE COURT: How much do you need from those dentists.
17 I am thinking --

18 MS. TAYLOR: Not too terribly long.

19 THE COURT: I wouldn't think so.

20 MS. TAYLOR: The first one is the longer of the two
21 because he did the majority.

22 THE COURT: Did the procedures.

23 MS. TAYLOR: Procedures. The second one is the
24 shorter than that. I definitely think we will get to both
25 of them.

1 THE COURT: Qualify them, I guess, as an oral
2 surgeon.

3 MS. TAYLOR: They would be, we will be offering them
4 both as experts.

5 THE COURT: Okay. Maybe y'all can talk and figure
6 out, you might want to, I don't think we need too much on
7 the background and I mean they are dentists and they are
8 oral surgeons.

9 MS. ZMROCZEK: My cross is very short. My cross is
10 very limited on that, Your Honor.

11 THE COURT: I mean, okay. I just wanted y'all not to
12 make it a med-mal deposition. I keep saying deposition,
13 trial testimony. We will break for lunch.

14 (Whereupon, a lunch break was taken.)

15 THE COURT: Is everyone ready?

16 MS. TAYLOR: Yes, Your Honor.

17 MS. ZMROCZEK: Yes, Your Honor.

18 THE COURT: Bring the jury in, please.

19 (Whereupon, the jury came into open court at
20 approximately 2:00 p.m.)

21 THE COURT: Mr. Foreman, ladies and gentlemen,
22 welcome back and I hope you had a nice lunch. We will
23 pick up where we left off in the next witness in the
24 State's case-in-chief.

25 MS. OLER: The State calls Dr. Rama Yelisetty.

1 Dr. Rama Yelisetty, being
2 first duly sworn, testified as follows:

3 CLERK OF COURT: Please take a seat in the witness
4 stand, state your full name and spell your last for the
5 record.

6 DR. YELISETTY: Good afternoon. My full name is Rama
7 Yelisetty. And my last name is Yelisetty. It is
8 Y-E-L-I-S-E-T-T-Y.

9 DIRECT EXAMINATION

10 By Ms. Oler:

11 Q Dr. Rama Yelisetty, can you tell us where you are
12 from?

13 A Yes. I was born and raised in India and I been to
14 school in Alabama. And I have been a dentist in South
15 Carolina for the past three, (phonetic) years.

16 Q And is that your current occupation?

17 A Yes.

18 Q Are you currently employed?

19 A Yes.

20 Q And were you working today before you came here?

21 A Yes.

22 Q Where do you work?

23 A Harbison.

24 Q And what is your current position there?

25 A I am the only dentist there but I do practice there.

1 Q What is the nature of your work?

2 A Pretty much take care of, I do family cosmetic
3 dentistry, extractions, root canals and fillings, you
4 know, children; elevations, dentures, you know.

5 Q How many years of experience do you have?

6 A I have been a dentist for, 16 years but in the States
7 I have been a dentist for 11 years.

8 Q Are you licensed to practice dentistry?

9 A Yes.

10 Q And what is required to obtain a dental license?

11 A Four years of dental school. Of course, you have got
12 to go to pre-dental before that. So it is a lot of work
13 but it is four years of grad school and you take the
14 dental boards and that is pretty much.

15 Q And which State or States are you licensed?

16 A Just South Carolina.

17 MS. OLER: Your Honor, at this time based on the
18 witness' experience, training and education I ask the
19 Court to recognize him as an expert in general dentistry.

20 THE COURT: Any voir dire?

21 MS. ZMROCZEK: Your Honor, we accept.

22 THE COURT: Alright. Very well. Ladies and
23 gentlemen, a person testifying cannot give opinion
24 testimony but testifies on what they virtually saw, heard
25 or did. However, there is an exception when someone is

1 qualified because of their knowledge, education or
2 experience and they are permitted to give their opinion in
3 certain areas where the Court qualifies them that way.
4 This witness will be qualified in the area of general
5 dentistry and give opinion testimony in that area. It
6 doesn't mean you must accept the opinion but it is
7 evidence for you to use in any way you see fit.

8 MS. OLER: Thank you.

9 Q Dr. Yelisetty. Did you have an occasion to treat the
10 victim in this case, Lea Ann Chandler?

11 A Yes, I did.

12 Q And do you remember when you first treated her?

13 A Yes. I do remember her just because I think she came
14 at the end of the day. And she was in significant pain.
15 So when she walked in, what she told us, my dental
16 assistant to begin with and then later on me, that she had
17 a fight. Because obviously that is the first thing we ask
18 is what happened, you know, what brings you here. And she
19 said that she had been hit in her face and it could be,
20 she was in a lot of pain so we really did not do a full
21 exam because we were treating her for what she was there
22 and she was in no position for me to take all xrays and
23 everything. And she had two front teeth broken.

24 Q And you said her condition at the time, what did you
25 say her condition was?

1 A She was in a lot of pain.

2 Q Based on that exam and your expert opinion was her
3 injury caused by a trauma to her?

4 A Yes, absolutely. One thing that I can tell is it is
5 not something that you slip and fell, you just had an
6 injury. Because significant trauma and could be anything
7 that was significant. A lot of force because two front
8 teeth were displaced out of the sockets and they were
9 fractured and also there was some trauma to the lip. So
10 there was some blunt force trauma.

11 Q Okay. Based on your opinion would you say the level
12 of force had to be a significant impact?

13 A Yes.

14 Q Is a punch to the mouth a significant force to cause
15 such an injury as the victim presented with?

16 A Absolutely.

17 Q Okay. During the time that you treated the victim,
18 did you say that you took some xrays?

19 A Yes, I did.

20 Q Alright. Dr. Yelisetty, I am going to show you what
21 has previously been marked as State's exhibit 13. If you
22 can tell us if you recognize this, please.

23 A Yes.

24 Q And what is this?

25 A This was after the extraction. Teeth, a case might

1 be a little bone that is broken, just take an xray to just
2 check it.

3 Q And is this a fair and accurate depiction of the xray
4 that you took?

5 A Yes.

6 Q Of Lea Ann Chandler?

7 A Yes.

8 MS. OLER: I move to enter the exhibit into evidence,
9 Your Honor.

10 THE COURT: Without objection?

11 MS. ZMROCZEK: No objection.

12 THE COURT: Alright. State's 13 is entered into
13 evidence.

14 (Whereupon, State's Exhibit 13 was admitted into
15 evidence.)

16 MS. OLER: Permission to publish?

17 THE COURT: Very well.

18 Q Dr. Yelisetty, can you tell us what we are looking at
19 in this xray?

20 A Sure. So obviously the teeth, she came in was the
21 top teeth. I know she had some missing teeth on the
22 bottom right. But we are not talking about that. It was
23 the two front teeth that she came in for. And they are in
24 very bad shape so there is no way they could be saved and
25 you can see they are missing because obviously they have

1 been taken out. And this was post extraction.

2 Q Dr. Yelisetty, I believe there is a laser pointer up
3 there, if you want to use that and kind of point out what
4 you are talking about to us.

5 A Sure. So these two teeth up there, they are not
6 here. Those are two front teeth, sizars, and both of them
7 are broken and displays a fracture. So they, obviously
8 you can see they are not in the sockets anymore. But did
9 pull them out and gave her a temporary partial just to
10 replace. That was not suppose to be a final treatment but
11 she wanted something obviously for not having any teeth
12 there. So we give her one of those, people call them fake
13 dentures, you know, partials that way she can have
14 something to replace those teeth.

15 Q Okay. Thank you. And can you tell us, Dr.
16 Yelisetty, when was it you first came into contact with
17 this victim, the date, I believe if you need to refresh
18 your memory.

19 A You asking me for the date?

20 Q Yes.

21 A Okay. It is, I think it is March 2nd of 2021.

22 Q That was the first time you saw the victim?

23 A Yes.

24 Q Okay. Can you tell us what would be the
25 complications from a trauma induced blow such as the

1 victim suffered?

2 A It could be a lot of different things. I mean, the
3 one that I couldn't tell her for sure on the day she came
4 in, I see on my notes, I couldn't tell her if she had any
5 facial fractures. You know, that is not something we just
6 got to take an xray and tell some things. You need like a
7 scan, you know, like a CT scan or other diagnostic tools.
8 So I was a little worried about that so I did ask her, I
9 remember that, you know, did you go to them and she said,
10 I was kind of confused because she didn't say that she
11 went there. But you can see from my notes that she told
12 me, that she never went, her son had to go because some
13 of, two fragments were still in his hand. But that was my
14 biggest concern that the teeth, it is not just the teeth
15 but the bone was fractured which I couldn't tell that day.
16 But she seemed okay in terms of, I didn't see any areas
17 that were, bones getting displaced. So I assume at that
18 point, let's get the teeth out and then go to an oral
19 surgeon just so that they can take a more in depth of her.

20 Q Okay. Are the teeth a member of the body?

21 A Yes.

22 Q Would an injury such as the one Ms. Chandler suffered
23 here cause a protractive loss or impairment of the
24 function of her teeth?

25 MS. ZMROCZEK: Your Honor, I am going to object.

1 THE COURT: Let me ask you a question, Ms. Zmroczek.
2 Y'all approach.

3 (Whereupon, a bench conference was held in the
4 presence of the jury but out of the hearing of the
5 jury.)

6 MS. OLER: I will withdraw that question and
7 rephrase, Your Honor.

8 THE COURT: Alright.

9 Q Would an injury such as the one Ms. Chandler suffered
10 here cause a loss of the teeth or impairment of the
11 function of her teeth?

12 A Yes.

13 Q Okay.

14 MS. OLER: Beg the Court's indulgence, just a minute.

15 Q After you saw Ms. Chandler on March 2nd can you tell
16 us when you saw her again?

17 A I think we brought her in a couple of days after
18 because we had to take some impressions to make partial
19 dentures. So we had to take molds of teeth just so we can
20 make some temporary partials. And I think, I believe that
21 was done on the 4th of March 2021, a couple of days after
22 she was first seen. And then we needed a day to make the
23 partials and saw her the day after which was the 5th to
24 pull those teeth and give her the temporary partials.

25 Q Okay. Did you see Ms. Chandler any more after March

1 5th, 2021?

2 A I think I saw her, yes. I did see her on the 15th
3 and April 2nd again just to see how she is feeling.

4 Q Okay. So March 15th and I believe you said April
5 2nd, those were just a recheck of the healing process?

6 A Yes, absolutely.

7 Q Thank you, Dr. Yelisetty, please answer any questions
8 the Defense may have.

9 THE COURT: Cross-examination.

10 MS. ZMROCZEK: Thank you, Your Honor. May it please
11 the Court.

12 CROSS-EXAMINATION

13 By Ms. Zmroczek:

14 Q Good afternoon.

15 A Good afternoon.

16 Q Dr. Yelisetty, you said you had a specific
17 independent memory that Ms. Chandler had come to see you
18 because it was later in the afternoon, right?

19 A Yes.

20 Q And you, I think, referred to your notes, one thing
21 in addition, not just being a dentist, you have to keep
22 track of records and make notes of what everybody is
23 doing, right?

24 A Yes.

25 Q But that you do keep records, right?

1 A Yes.

2 Q You had mentioned that and you review those in
3 preparation of your testimony today, right?

4 A Yes.

5 Q And so you first saw for a limited evaluation, like
6 you said, on March 2nd, right?

7 A Yes.

8 Q And at that time I believe you indicate that you
9 discussed some treatment options?

10 A Yes.

11 Q What were the treatment options?

12 A The treatment options are not pretty much as to what
13 is going to happen to the teeth. Because when you receive
14 a broken and couldn't be restored, I was asked, it is
15 pretty much to the patient. You are going to do some
16 implants in the future to restore those teeth or do you
17 want to just have a partial to replace those teeth because
18 obviously there is a huge difference in both of them,
19 implants go into the bone. And you don't have to take
20 them out. And partials, that is a common decision that we
21 have for patients depending on the financial situation and
22 what their expectations are.

23 Q Okay. And you, like you said, doing extractions is
24 something fairly common in the dentist world, right?

25 A Yes.

1 Q Okay. You had taken these films, right, and this was
2 post-extraction?

3 A Yes.

4 Q Okay. And so you said, right here is where the two
5 extractions were, right?

6 A Yes.

7 Q Now, what is this here?

8 A It is a missing tooth.

9 Q But nothing in relation to this case?

10 A Nothing that I treated.

11 Q Okay. And so, and these other little highlights,
12 what are those?

13 A The ones that you see really bright white covering
14 most of the tooth, those are crowns. Like on the bottom
15 left and the bottom right and I think there could be one
16 on the top left. And rest of them are just fillings,
17 fillings.

18 Q And but the only thing that you can relate to, what
19 was relayed to you was the extractions of tooth number
20 eight and nine, right?

21 A Yes. Because that was literally the only xray of
22 that area that I had taken on the day she came in.

23 Q Okay. And when you do extractions you use a local
24 anesthesia?

25 A Yes.

1 Q Okay. Explain to the jury what that is?

2 A It just blocks nerves right at the point. So there
3 is a difference, local anesthesia and general anesthesia.
4 Local is, just blocking that particular area. You are
5 blocking that specific nerve that is, the tooth. So it is
6 given right against the tooth or where ever the nerve
7 comes out at the jaw bone which will block the nerve. And
8 so the patient does not feel anything going on with those
9 teeth, just pressure, there is no pain because the nerve
10 is blocked.

11 Q Alright. And when you were asked if some force or an
12 amount of force was required to cause this damage, right.
13 You certainly weren't there when any incidents happened,
14 correct?

15 A Yes.

16 Q And, yes, meaning you weren't there.

17 A Yes, I wasn't there.

18 Q And then, so there are certainly other explanations
19 of ways that people can get hurt, that teeth can get
20 damaged through force, right?

21 A Probably.

22 Q Could they fall?

23 A Yes and that is, significant trauma. I do not know
24 what the trauma is, I can only tell it is significant,
25 whatever it is.

1 Q Okay. Whatever it is, could be an accident?

2 A Yes.

3 Q Could be a whole host of things, right?

4 A Yes.

5 Q And you are certainly not here to testify about that,

6 just there are a lot of reasonable options?

7 A Yes.

8 Q Okay. And then you said in your notes, the last note

9 that you had, you said you were a little bit confused

10 because on your initial exam the patient, Ms. Chandler,

11 told you that she was seen by the ER, right?

12 A Yes. I think that is what I wrote in the notes

13 because, well, I didn't write it on the notes that day but

14 in the later on notes.

15 Q And then you went on to say, but on this visit, so on

16 4/2 which would be, oh, exactly a month?

17 A Yes, a month.

18 Q That was clarified that it was her son that was taken

19 to the hospital but her son had her tooth fragments stuck

20 in his wrist?

21 A That is what I had been told.

22 Q That is what you had in your notes?

23 A Yes.

24 Q Thank you. I have no further questions.

25 THE COURT: Any redirect?

1 MS. OLER: Briefly, Your Honor.

2 REDIRECT EXAMINATION

3 By Ms. Oler:

4 Q Dr. Yelisetty, in your opinion was this injury just
5 common wear and tear?

6 A No.

7 Q Was this injury caused by a significant force to Ms.
8 Chandler's mouth?

9 A Yes.

10 Q And is it your opinion that this was caused by a
11 trauma?

12 A Yes.

13 Q And is a punch to the mouth a significant trauma
14 enough to cause an injury such as this?

15 A Yes, can be.

16 Q Thank you very much. No further questions.

17 THE COURT: Recross.

18 RECROSS-EXAMINATION

19 By Ms. Zmroczek:

20 Q Doctor, I could probably keep you all day, up here
21 all day asking you hypothetical's. Could somebody who got
22 knocked into when somebody was trying to run away, could
23 that be a significant trauma.

24 A Can you repeat that.

25 Q Sure. If somebody was running away and ran into

1 somebody's face with their hand, could that be a
2 significant trauma?

3 A Depends on how significant it was. Yes, it could be.

4 Q Like I said, so skate boarding, they were playing
5 hockey. We could do this all day. There are a lot of
6 different explanations, right?

7 A Yes.

8 Q And they are all reasonable that you see at your
9 clinic?

10 A Yes.

11 Q Nothing further. Thank you.

12 THE COURT: Let me ask y'all a quick question.

13 (Whereupon, a bench conference was held in the
14 presence of the jury but out of the hearing of the
15 jury.)

16 THE COURT: You may step down.

17 MS. ZMROCZEK: We have no objection for him being
18 excused.

19 THE COURT: The witness is excused. Call your next
20 witness.

21 MS. TAYLOR: The State calls Dr. Grant Dye.

22 THE COURT: Very well.

23 Dr. Grant Dye, being
24 first duly sworn, testified as follows:

25 CLERK OF COURT: Please take a seat in the witness

1 stand, state your full name and spell your last for the
2 record.

3 DR. DYE: Grant Dye, D-Y-E.

4 DIRECT EXAMINATION

5 By Ms. Taylor:

6 Q Good afternoon, Dr. Dye. Can you introduce yourself
7 to the jury and tell us what you do for a living?

8 A I am Grant Dye. I am a Doctor located in Savannah,
9 Georgia. I run a team specializes in surgery and
10 conscious sedation for a large group practice. We have
11 about 150 practices total, some here in South Carolina,
12 some in Georgia. I have about 14 practices, I travel
13 around the team of four surgical assistants and a group of
14 paramedics. And we give referrals in these practices and
15 we travel to different practices each day and go and
16 perform surgeries on patients that need special surgeries.

17 Q Can you tell me a little bit about your education.
18 Where did you go to college?

19 A I went to the University of Minnesota for dental
20 school. And then from there I went onto an advanced
21 education, general dentistry in Spartanburg. I was a
22 residency in Spartanburg Regional Hospital. And while
23 there we, I was there for about a year and a half with, I
24 assist on just surgery and sedation. So it is mostly
25 surgery and sedation and we traveled a lot down to Alabama

1 to help out with basic continuing education for Veteran
2 Doctors, trying to get experienced, implants, and more
3 advanced surgical skills. We would go down there and help
4 guide them, their surgeries and run sedations for them
5 there.

6 Q And what are your day-to-day roles, responsibilities
7 when you travel to these currently.

8 A So pretty much we will go into an office and they
9 will give us two to three rooms. We will set up our
10 monitors. I have all of my drug boxes located in each
11 specific location. And I will get those drawn up for
12 patients coming in and we will run through our preop
13 questions, whether they have eaten or drank anything.
14 Kind of rego through their medical history and kind of go
15 through the treatment plan, confirm that. And then from
16 then on we will sedate the patients. And we do anything
17 from wisdom teeth extractions to sinus lifts, ridge
18 augmentations which is adding bone to the face, people who
19 have lag, (phonetic), implants. We do all of our
20 implants, single implants, pretty much anyone, even, we
21 will do even just regular dentistry, fillings and grafts
22 for people who have serious, dentistry.

23 Q Do you have any type of special certifications within
24 your speciality?

25 A Well, I am, Conscious Sedation Certification and that

1 is in Georgia. And I have a certification which is just
2 like doing implants, education in Alabama. And a year and
3 a half of AGD out of Spartanburg.

4 Q What is AGD?

5 A It is advanced education in general dentistry. The
6 things AGD, each AGD can differ. And there are a type of
7 education going on with, specifically, I specialized in
8 surgery and sedation.

9 Q Now, what State or States are you licensed to
10 practice in?

11 A Georgia and South Carolina.

12 MS. TAYLOR: Your Honor, at this time we ask the
13 Court to qualify Dr. Dye as an expert in dental surgery
14 and conscious sedation.

15 THE COURT: Any voir dire?

16 MS. ZMROCZEK: No, Your Honor.

17 THE COURT: Alright. This witness will be qualified
18 in the area of dental surgery and conscious sedation.
19 Right?

20 MS. ZMROCZEK: That is correct.

21 THE COURT: And can give opinion testimony in that
22 area. It doesn't mean you must accept the opinion but it
23 is used for, the way you see fit.

24 Q Dr. Dye, where were you employed in 2021?

25 A 2021 I was with Spartanburg Community Dental Center.

1 Q Do you ever remember screening a patient by the name
2 of Lea Ann Chandler?

3 A I do.

4 Q When was the first time that you met Ms. Chandler and
5 treated her?

6 A The first time --

7 Q I have your notes.

8 A If you have my notes that would be the first date,
9 comprehensive exam to kind of go over what the plan was.

10 MS. TAYLOR: Beg the Court's indulgence for one
11 second.

12 Q I am handing, Dr. Dye, your records from Spartanburg
13 Dental, just in case you need to refresh your memory. Now
14 what was the nature of the first examination that you had
15 with Ms. Chandler?

16 A The first examination, comprehensive exam. So first
17 we go in, we review everything, medical history. We talk
18 to the patient about the chief complaint, what is going
19 on, are they in pain, what is bothering them. And we
20 kind, we take our xrays, we do a full evaluation and
21 usually the chief complaint is about a specific area. But
22 we usually try to look at everything as a whole and we
23 develop a plan. And just review with the patient about
24 what we, what we both want to do together for what they
25 have going on, orally.

1 Q And you did this comprehensive examination for Ms.
2 Chandler. What was your impression of the nature of Ms.
3 Chandler's teeth and her mouth after you completed this
4 exam?

5 A Well, she was missing, she was missing her front
6 teeth. And she had some cavities in some other areas.
7 She had another tooth, I believe, on her lower right that
8 was fractured, that needed to be pulled as well. And that
9 was kind of the extent of it.

10 Q And in your expert opinion, the impression from the
11 xray as far as the severity of the teeth, the injuries.

12 A So as far as the missing front teeth, there was,
13 there had been bone loss due to the lack, lack of teeth
14 there. So the only thing that keeps our bone in our jaw
15 is our own teeth because when we bite down they, they
16 break down on the bone, so that keeps the jaw bone strong
17 on both the mandibular bone and the massosory (phonetic)
18 bone. The only other thing I can keep on without
19 deterioration over time is when you lose your teeth. So
20 looking at her, she didn't have bone loss, there was
21 definitely a slant in the bone where she once had teeth.
22 And without, you know, her best option was to have some
23 implants placed in that area, given that it was an -- area
24 in the mouth.

25 Q Was there a need for subsequent appointments or

1 procedures based off of your first initial examination?

2 A Well, there was, prior to her coming, she needed bone
3 that was not there. The bone had been atrophy to the
4 point that there was not enough bone to actually place
5 implants in which my colleague had done a, what I call a
6 ridge augmentation which is where you go in and you add
7 bone to the bone that is missing. The thing with adding
8 bone is, you can grow bone this way but it is very
9 difficult to grow bone this way. So once you start losing
10 bone, you start losing the amount, the length, the
11 implant. Going this way you start losing within the time
12 you can place. So there was a need to grow the bone out
13 this way but there was no bone to get implanted in there
14 so that is what we decided to do.

15 Q So were these subsequent appointments, were, was that
16 allowing her to recover in between as the bone was
17 growing. Does that make sense.

18 A The subsequent appointment, the appointment is to
19 follow our comprehensive exam, was placed with the
20 implants.

21 Q Now going to the first appointment on November 16th
22 of 2021, was that when the bone was placed? I am on page
23 three of your records.

24 A November 16th on page two here.

25 Q I am sorry. It was our stamp at the top. Page two

1 of your records.

2 A Okay. At that appointment was for the placement of
3 the implants.

4 Q Did that require you to give her anesthesia?

5 A I believe so.

6 Q And would you consider that procedure extensive or
7 serious?

8 A Yes, yes.

9 Q Now, moving to March 25th of 2022, on that same page.
10 What did you do during that visit?

11 A It is March 25th?

12 Q Yes.

13 A So at that time we uncovered the implants which is
14 basically when you put, place implant, cover it up with
15 tissue and let the implant, it takes four months for your
16 bone and implant to really merge. So strong enough to
17 handle a crown. So at four months, this kind of standard
18 treatment care. Four months the patient comes back, you
19 uncover the implants. These are basically buttons that
20 allow tissue to grow around the buttons so that you can
21 create a, tissue so when you put crowns on it looks
22 natural, as natural as possible. So that is done standard
23 in about two weeks.

24 Q And right above that, April 22nd of 2022. What did
25 you do during that visit with Ms. Chandler?

1 A So at that appointment we removed the buttons and we
2 placed our impression analogues which is basically what we
3 use to get an impression for the lab to make the crowns.

4 And so we, take our impressions, shade out and put the
5 buttons back on just to keep the tissue where we want it.

6 Q And what would you have done in subsequent visits to
7 that after.

8 A So from there we, two or three weeks to make the
9 crowns. And once we get the crowns back, call the
10 patient, the crowns are here, come in and lets try them
11 and see if you like them, see if, you know, if they are
12 going to work. And we basically get a conformation from
13 the patient, okay. Yes, let's put them on.

14 Q And the placement of crowns, is that extensive or
15 serious as well?

16 A Yes especially with the interior portion of your
17 teeth. You don't want them to be hitting too hard, your
18 lower teeth you want them to be esthetic. And it also has
19 an affect in your speech. So you want to have them in an
20 appropriate position so they can articulate.

21 Q So you had numerous procedures, surgery, visits with
22 Ms. Chandler. As far as her missing teeth, would you say
23 within a reasonable degree of medical certainty that, that
24 was due to a trauma induced blow.

25 MS. ZMROCZEK: Your Honor, may we approach?

1 (Whereupon, a bench conference was held in the
2 presence of the jury but out of the hearing of the
3 jury.)

4 Q Dr. Dye, due to your comprehensive exam and numerous
5 appointments and procedures with Ms. Chandler, was the
6 state of her teeth as she initially came in due to some
7 type of trauma, to a reasonable degree of medical
8 certainty?

9 A Her missing front teeth were most likely due to
10 trauma.

11 Q Would that include a result of a potentially trauma
12 induced blow?

13 A Potentially.

14 Q Now, in your expert opinion was there anything, any
15 other condition or disease or anything of that nature that
16 could be the cause of the injuries to her mouth in that
17 way?

18 A So if someone is missing teeth and just have teeth
19 fall out without a traumatic injury, severe periodontitis
20 which is loss of bone around the teeth. And that is where
21 they have, they got enough cavities on them to where the
22 cavities are below bone level and you have to pull the
23 tooth. Otherwise most people, if you get some cavities,
24 they are not going to say pull my two front teeth. They
25 are going to say, root canal and crown the teeth because

1 it is natural and easier and it is better that way.

2 Q Did you see any signs or indications with any of that
3 with Ms. Chandler?

4 A Ms. Chandler, I do believe, had some slight bone
5 loss. She may have had some slight periodontitis in her
6 mouth but nothing that would alarm me for her age and how
7 her teeth were. And it wasn't to the point to where the
8 teeth would be falling out on their own.

9 Q Now what, in your expert opinion and from your
10 practice in dentistry, what were complications, potential
11 complications be from a trauma induced blow.

12 A Nerve damage, loss of bone. As I said before, the
13 only thing keeping your bone strong, viable is teeth, are
14 titanium. Missing teeth can also cause moving about her
15 teeth, crowding teeth if you don't have a tooth next to
16 another tooth it is going to fall into that place. If you
17 don't have a tooth, opposing another tooth you are going
18 to get super rough teeth. These kind of things can lead
19 to TMJ issues.

20 Q And this sounds pretty simple but are teeth a member
21 of the body?

22 A Yes.

23 Q Okay. And due to the state of her teeth, as it was
24 presented to you and the procedures and surgeries that you
25 had to do to fix her teeth, would this cause any kind of

1 loss or impairment to her teeth?

2 A If she had not, if we had not done what we did she
3 would have definitely, she would definitely experience
4 separation, movement of her teeth, potentially bite
5 complications particularly in words, mastication problems.

6 Q What is mastication problems?

7 A Chewing, biting and stuff like that. Yes, there was
8 definitely complications that could have arisen from that.
9 She could have lost other teeth due to the bone loss. And
10 in her front, adjacent teeth, receive bone loss on that
11 side as well. It can be jeopardized as well.

12 Q No further questions at this time. Please answer any
13 questions the Defense may have for you.

14 THE COURT: Cross-examination.

15 MS. ZMROCZEK: Thank you, Your Honor.

16 CROSS-EXAMINATION

17 By Ms. Zmroczek:

18 Q Good afternoon. Dr. Dye, you are a great new
19 dentist, yes. Well, you were in 2021, not now. So you,
20 actually got your license in South Carolina to practice in
21 June of 2021, right?

22 A Correct.

23 Q And so before June you were still at the Spartanburg
24 Hospital?

25 A Uh-huh. (In the affirmative.) In 2021, I started in

1 June of 2021.

2 Q Okay. So and I am just going to tell you this
3 because we have had a lot of witnesses, they don't spend a
4 lot of time in that chair. You have to say yes or no just
5 because she is taking it down. That is the only reason.
6 I can see you and I can see yes but when someone goes to
7 look at this later we have got to have that in there. So
8 that is the only reason that I do that. So any treatment,
9 so the first treatment that Ms. Chandler got at
10 Spartanburg Dentist was actually when, according to your
11 notes?

12 A May 4th.

13 Q May 4th of 2021?

14 A Yes.

15 Q So that, so that was before you got there?

16 A Correct.

17 Q So you weren't a part of that comprehensive exam?

18 A No.

19 Q But certainly as an expert, you rely on other
20 records, right?

21 A Yes.

22 Q Okay. And so, so as you looked at that note, it
23 says, discuss with patient that we can address her front
24 teeth first but she does not need to neglect the other
25 dental needs. So when we are talking about other dental

1 needs, to your knowledge those had nothing to do with the
2 trauma to the front two teeth, right?

3 A To my knowledge, no.

4 Q Okay. And had you ever seen any pictures from that
5 evening?

6 A No.

7 Q I am going to show you what is already into evidence
8 as Defendant's 4. I am going to put it on the stand, I am
9 going to put this on the overhead and if you need to point
10 there is a pointer here. But if you can't see it just let
11 us know. This way we can all see what I am asking you
12 questions about. So this is Defendant's 4. Okay. So can
13 you show where eight and nine are, which two teeth we are
14 talking about?

15 A Yes. Eight is there, one missing next to it will be
16 nine.

17 Q Okay. So eight will be here and the next one will be
18 nine.

19 A Correct.

20 Q Thank you. And they number teeth universally so if
21 somebody moves and go to a different dentist or if you
22 give a referral everybody knows what they are talking
23 about, right, hopefully?

24 A Hopefully.

25 Q They try to standardize how you identify the teeth,

1 right?

2 A Yes, yes.

3 Q And I think you said that you can lose bone if you
4 have teeth missing, right?

5 A Correct.

6 Q Okay. Didn't see any evidence of jaw fractures or
7 anything in this case, did you?

8 A No.

9 Q Okay. And so, did you, when another office sees a
10 patient or treats a patient and then they either get
11 referred to you or they just go to you, do you typically
12 receive their records as well?

13 A I do.

14 Q And then you review them so you know how to go
15 forward?

16 A Yes.

17 Q I have a few more questions. So the first visit I
18 show, to Spartanburg General. So you received the ones
19 from Aspen Dental that had the visits. But then y'all's
20 records at Spartanburg Dental, I know you are not there
21 anymore but I just, begin on May 4th of 2021. And when
22 was the last visit that you note in your records?

23 A September 2nd, 2022.

24 Q September 2nd, 2022. And you got, you were qualified
25 as an, one of the qualifications as an expert was

1 conscious sedation. What is that?

2 A So conscious, there are several levels to sedation.
3 There is moderate, deep and; conscious, moderate and deep.
4 So we deep sedation in which you go to the hospital and
5 you get sedated. Moderate you are kind of on that verge
6 and conscious is, third hour and happy hour. I can, if I
7 need you to ask you to turn your head or left to right,
8 you can turn your head left to right.

9 Q And were any those used in any of the procedures that
10 you did in this case?

11 A I believe, I believe we used it for the implants.

12 Q Would that be November 16th?

13 A Yes.

14 Q When you make a note you put why the patient arrives.
15 And you said arrive for implant placement. You talk about
16 any medications. So you say, patient given. So in all of
17 the things that you listed that the patient was given do
18 you see any sedation other than local anesthesia in there?

19 A I do not.

20 Q And I am not trying to trick you. I didn't know if
21 it was, there is a lot of, what is the word,
22 abbreviations, right. If you don't mind and just look at
23 the pages you have just to see if there was anything other
24 than local anesthesia given at your practice for these
25 visit dates.

1 A I do not.

2 Q When you, I have a few more questions. You went
3 through a lot of schooling, you had undergrad, you had
4 general schooling in Minnesota?

5 A Yes.

6 Q And then, and then you went and got further advanced
7 degrees and a lot of training. And I think you said you
8 go around and train older dentists. Times have changed a
9 lot, haven't they?

10 A Yes.

11 Q Implants are actually really common now and have been
12 at least over three decades now, right?

13 A Yes.

14 Q And you learned about in dental school and in life in
15 general, perhaps, that smoking can have an affect on
16 teeth, right?

17 A Yes.

18 Q Including tooth decay and loss?

19 A Yes.

20 Q Weakens enamel?

21 A Yes.

22 Q Okay. And enamel is one of the, teeth aren't bone,
23 right?

24 A They are not.

25 Q So they are made of four different kind of compounds

1 and enamel being one of them, right?

2 A Correct.

3 Q Okay. You talked about, you know potential problems,
4 nerve damage, et cetera, et cetera. You didn't see any of
5 that in this case, right?

6 A No.

7 Q You, in fact with the new company that you are at,
8 y'all have a very detailed website, right?

9 A Yes.

10 Q And you try to let the patients know what kind of
11 interactions they will be having and what to expect,
12 right?

13 A Yes.

14 Q People have some fear of dentist sometimes?

15 A Of course.

16 Q So on your website it talks about tooth extractions
17 being a relatively minor procedure performed under,
18 (inaudible), right?

19 A Yes.

20 Q Bone grafting is a simple procedure, heal in a few
21 weeks?

22 A Yes.

23 Q And implant placement is considered a minor oral
24 surgery because you thoroughly numb the mouth, right?

25 A Yes. It depends.

1 Q Abutment and crown. I think your website, very minor
2 procedure?

3 A Yes.

4 Q We already talked about teeth aren't bone, teeth
5 aren't living tissue, right?

6 A The pulp of the tooth is living.

7 Q Right, pulp is but the teeth themselves?

8 A Correct.

9 Q That is all I have in that. You don't have any
10 records of any treatment since September 2nd of 2022, do
11 you?

12 A I do not.

13 Q Last questions hopefully. Played hockey while you
14 were in Minnesota?

15 A I did.

16 Q People get hit with sticks or elbows or objects often
17 in hockey, yes?

18 A Yes.

19 Q That would be considered trauma, right?

20 A Yes.

21 Q Trauma, just because something is labeled trauma
22 doesn't mean that it is, it has some negative connotation.
23 It simply is what it is, it can happen by accident. It
24 can happen by a number of ways, correct?

25 A Correct.

1 Q Thank you, Doctor, I have no further questions.

2 THE COURT: Redirect?

3 MS. TAYLOR: Very briefly, Your Honor.

4 REDIRECT EXAMINATION

5 By Ms. Taylor:

6 Q Dr, Dye, you just said in cross-examination that
7 smoking can weaken the bones. But did that appear to be
8 the cause of Ms. Chandler's injuries within a reasonable
9 degree of medical certainty?

10 A Looking at the pad, it does not look like there is
11 enough bone loss for the tooth to have come out without
12 any type of trauma.

13 Q No further questions.

14 MS. ZMROCZEK: I have nothing further.

15 THE COURT: Alright. The witness is excused.

16 MS. ZMROCZEK: We have no objection.

17 THE COURT: The witness is excused. Thank you, sir.

18 MS. TAYLOR: Can we possibly take a small break.

19 THE COURT: Yes. Let's just take a short break.

20 Please head back to the jury room, don't discuss the case.

21 Have you back in a few minutes.

22 (Whereupon, the jury was excused from open court for
23 a break.)

24 THE COURT: Just for scheduling. How many more
25 witnesses do you have.

1 MS. TAYLOR: That is what we were about to discuss.
2 Where to go from here. If I can have five minutes.

3 THE COURT: Alright.

4 (Whereupon, a short break was taken.)

5 THE COURT: So where are we going next.

6 MS. TAYLOR: Your Honor, the State is going to rest
7 at this point.

8 THE COURT: Okay. Well, what do you want to do
9 today.

10 MS. ZMROCZEK: We were trying to talk about that.

11 THE COURT: Come on up, let's talk.

12 (Whereupon, a bench conference was held.)

13 THE COURT: For the record the State has indicated
14 they intend to rest. The jury is already on break. I
15 don't know if they are finished breaking. The State has
16 rested their case. Ms. Zmroczek, you want to make any
17 arguments now.

18 MS. ZMROCZEK: I do. Well first, Your Honor, I need
19 to make sure that I renew all of my previous motions, I
20 will continue to do that. More specifically especially at
21 this point, Your Honor, we would move for a directed
22 verdict on the A&B first. Your Honor, there has been a
23 ton of, I think, beating around the bush of what, great
24 bodily injury versus moderate bodily injury. Okay. And I
25 spent hours and hours and hours researching. Because if

1 you look at what the, if you look at the statutory
2 definition of great bodily injury and there is, that
3 protracted, but it has to be of a bodily member. And,
4 Your Honor, so one of the things that I really was getting
5 out of the dentist were, it was twofold. One, that teeth
6 are, the pulps are bone, the teeth themselves are not.
7 They are made up of enamel and other things. They are
8 certainly not a vital organ which is, if you look at what
9 is required in great bodily injury. That has been our
10 focus. Additionally, especially with this last witness, I
11 specifically went through with him step by step about each
12 procedure that was formed, that was performed, excuse me.
13 And specifically, talking earlier, so the internet is an
14 amazing place especially if you don't have a dental
15 degree. But when I went on his website and he was talking
16 about all the procedures that they had performed on this
17 person they also listed them in minor procedure. I
18 understand they are surgeries, right, but that is why I
19 went through with him step by step by step to clarify
20 each. The extraction, the minor procedure, these are
21 minor procedures. Because that is really the focus. I
22 would argue that the indictment remains, assault and
23 battery second, that I would not have an argument for, you
24 know, for a directed verdict on assault and battery first.
25 But I believe given the facts and testimony as they stand

1 in the record at this point that they have not and will
2 not be able to prove great bodily injury and we would seek
3 a directed verdict on that.

4 THE COURT: Alright. Ms. Taylor.

5 MS. TAYLOR: Thank you, Your Honor. As you know,
6 this motion should be taken in the light most favorable to
7 the State. We have had experts testify today to the loss
8 or impairment of the bodily member. They testified that
9 the teeth, while they may not be bone, they are bodily
10 members and that there was protracted loss of that bodily
11 member. Ms. Chandler testified and the experts as well
12 testified that months went by before she was even able to
13 have the implants placed and the healing process and
14 everything. That loss of the bodily member, the statute
15 does not require specific time as well. So the testimony
16 does amount to the very definition of great bodily injury
17 as required by the statute. Dr. Dye also testified that
18 these procedures were serious and extensive. So we
19 believe that in the light most favorable to the State
20 there is overwhelming evidence that this should go to the
21 jury and these are issues of fact that they can assess in
22 their deliberations.

23 THE COURT: Alright.

24 MS. TAYLOR: We ask you to deny the motion.

25 THE COURT: Very well. Anything else?

1 MS. ZMROCZEK: Your Honor, I don't have anything.

2 THE COURT: I was just making sure.

3 MS. ZMROCZEK: Thank you.

4 THE COURT: Well, I will deny the motion for a
5 directed verdict. I certainly respect the research and
6 the argument but I think the issue of fact is clear. They
7 can decide if they think it is a protracted long term
8 loss. But I think the evidence clearly shows that it was,
9 there is an impairment of function. And I heard testimony
10 about the bodily member. They can take that for what they
11 think it is worth. They may not find on anything, we will
12 see.

13 MS. ZMROCZEK: And one of the things that I think we
14 need to do because it is such a focus on this, in this
15 case, is, I think, we need to define protracted loss. So
16 that is going to be, that will be a motion for another
17 day. It is not defined in the statute.

18 THE COURT: But, well, while I was, during that
19 discussion. For what it is worth, many synonyms for
20 protracted.

21 MS. ZMROCZEK: That may be something that we can --

22 THE COURT: Why they chose the word, protracted, I
23 don't know. But there is some more layman's words that
24 might have been helpful.

25 MS. ZMROCZEK: I have several degrees and I had to

1 look up the word. I didn't even know what it meant.

2 THE COURT: I basically feel better. I heard it many
3 times. There were many, many synonyms. That would have
4 been perhaps easier. I will let y'all insert synonyms as
5 y'all see fit.

6 MS. ZMROCZEK: I think we will finish a little bit
7 earlier today which may give us an opportunity to be able
8 to research about that.

9 THE COURT: I don't want to charge anything that is
10 not --

11 MS. ZMROCZEK: No, no. And I still think, so we
12 don't have to send them out again. You want to do his
13 colloquy now?

14 THE COURT: Yes, let's do it. Let's get it out of
15 the way.

16 Mr. Wise, good afternoon. Madam Clerk, can you place
17 him under oath, please.

18 Jeffery Wise, being
19 first duly sworn, testified as follows:

20 THE COURT: Mr. Wise, at this time I will explain to
21 you some of your rights. If you don't understand anything
22 I say just let me know. I will try to explain it better.
23 But we have reached the stage of the trial where you may
24 present your defense. You have the right to claim the
25 protections given to you by the Fifth Amendment and the

1 Constitution of the United States which states in part:
2 No person shall be compelled in any criminal case to be a
3 witness against himself. This means you cannot be
4 required to testify in this case. You have the right to
5 testify on your own behalf. However, no one can make you
6 testify. This is a personal right and no one can waive
7 this right except you. Do you understand that?

8 MR. WISE: Yes, sir.

9 THE COURT: If you decide to testify you will be
10 subject to the same rules that govern other witnesses and
11 you may be examined and cross-examined on any relevant
12 issue in this case. In addition, if you have any
13 convictions involving dishonesty or false statement, or
14 for crimes punishable by imprisonment for more than one
15 year and this Court determines that that probative value
16 of admitting this evidence outweighs its prejudicial
17 effect the Solicitor will be able to introduce your record
18 to attack your credibility. Do you understand that?

19 MR. WISE: Yes, sir.

20 THE COURT: If you decide to testify this decision on
21 your part must be freely, voluntarily and intelligently
22 made with the knowledge of the protections given to you by
23 the Fifth Amendment and the consequences in your decision
24 to testify. If you decide not to testify I will instruct
25 the jurors that they cannot give the fact that you did not

1 testify any consideration whatsoever and there is to be
2 absolutely no prejudice to you because you did not
3 testify. It is left entirely up to you whether or not you
4 testify. You may talk with your attorney, family member
5 or anyone else. But the final decision must be left
6 entirely up to you. Have you, do you understand what I
7 have explained to you?

8 MR. WISE: Yes, sir.

9 THE COURT: Okay. Do you wish to have any
10 discussions with your attorney about it?

11 MR. WISE: Yes sir, tonight.

12 THE COURT: Tonight. That will be fine. Or if you,
13 just to be clear, you don't have to wait until tonight
14 either. If you want to talk to her now you are free to do
15 that. I will say that I have advised him of his rights,
16 Ms. Zmroczek. Do you agree?

17 MS. ZMROCZEK: I agree, Your Honor.

18 THE COURT: Okay. So we did that.

19 MS. ZMROCZEK: Your Honor, I do, where are we --

20 THE COURT: I don't even know what his prior record
21 is.

22 MS. ZMROCZEK: Right. So I think I need to take that
23 into consideration when I advise as well.

24 THE COURT: I would like to know in light of other
25 discussions that we will have at the end of the day.

1 MS. TAYLOR: Your Honor, the Defendant has a prior
2 conviction from 2015 for manufacturing meth first.

3 THE COURT: Not exactly relevant to the charge,
4 barely less than ten years ago. That is the zero to
5 fifteen?

6 MS. ZMROCZEK: It is, Your Honor, and I believe he
7 received --

8 MS. TAYLOR: He received four years suspended to time
9 served with the balance suspended for two years probation.

10 THE COURT: Alright.

11 MS. ZMROCZEK: That would be the only thing.

12 THE COURT: No crimes of dishonesty or anything like
13 that?

14 MS. TAYLOR: No, Your Honor.

15 MS. ZMROCZEK: Nothing else.

16 THE COURT: Alright. I wouldn't call that --

17 MS. ZMROCZEK: We don't know the answer right this
18 second.

19 THE COURT: Are y'all ready to proceed.

20 MS. ZMROCZEK: I think we will recall Caraway. So
21 they will rest.

22 THE COURT: Then after Caraway testifies I expect
23 probably recess for the day and then we can talk other
24 matters. Everybody ready for the jury to come back?

25 MS. TAYLOR: Yes, sir.

1 MS. ZMROCZEK: Yes, sir.

2 (Whereupon, the jury came into open court at
3 approximately 3:21 p.m.)

4 THE COURT: Alright. Mr. Foreman and ladies and
5 gentlemen, we will continue on with the trial. Next
6 witness.

7 MS. TAYLOR: Your Honor, the State rest.

8 THE COURT: The State has rested at this time. And I
9 will have an opportunity to hear from the Defense. Ms.
10 Zmroczek.

11 MS. ZMROCZEK: Thank you. Your Honor, at this time
12 we would recall Deputy Caraway.

13 THE COURT: Very well. Deputy, you are still under
14 oath.

15 DIRECT EXAMINATION

16 By Ms. Zmroczek:

17 Q Good afternoon again.

18 A Good afternoon.

19 Q Deputy Caraway, we were, when we finished on direct
20 we had gotten to the point in your investigation where you
21 were going to have conversations, what were you going to
22 do when we stopped watching your body cam.

23 A At that point I had the Defendant in handcuffs and he
24 was leaning against the sidewalk, at the patrol car. And
25 I went back to make contact with the victim a second time

1 to continue to gain information.

2 Q And he was in, he was in cuffs, right?

3 A Correct.

4 Q Didn't try to run?

5 A No, ma'am.

6 Q Was compliant with everything, everything that we had
7 heard when you walked him back, you made sure, make sure
8 he didn't have any conversation with Lea Ann, correct?

9 A Correct. Often times in situations like this when we
10 are walking Defendants and victims beside each other we
11 don't want them to get into a yelling match. I just try
12 to advise him, you know, if you can, just try to minimize
13 that.

14 Q And had no problems?

15 A No problems.

16 Q And I am going to play for you, not from the
17 beginning, but Defendant's 1, Your Honor, which I believe
18 has been viewed now.

19 THE COURT: In part, yes.

20 MS. ZMROCZEK: I meant by the State.

21 THE COURT: Oh, I am sorry.

22 MS. OLER: Your Honor, may we approach?

23 THE COURT: Sure.

24 (Whereupon, a bench conference was held in the
25 presence of the jury but out of the hearing of the

1 jury.)

2 THE COURT: The State will object. I forgot what the
3 question was. Can you reask the question.

4 Q So my next question, well, my question was, when we
5 were, right when we, when he was on the stand before I was
6 asking him where, I was asking you where you were going
7 with your investigation. And you were about to continue
8 your investigation even though Mr. Wise was already
9 arrested. But at that point you were going to continue
10 your investigation to, I think you said, determine what
11 happened, right?

12 A To get further information from the victim. At that
13 point I had already concluded and gained a probable cause
14 to effect the arrest for the assault.

15 Q Got that. But then you were gathering information so
16 that you could then continue to investigate your case, I
17 guess, right? Or why else were you going back to talk to
18 her?

19 A To gain further information from the victim.

20 Q Okay. And that is what you did in this case or we
21 will about to see, right.

22 A To the point where --

23 Q I am showing Defendant's 1. Does that refresh where
24 you recall we stopped.

25 A Yes, ma'am.

1 Q Is that where you were now walking back to have your
2 discussion?

3 A Correct.

4 Q Okay.

5 (Whereupon, a video was played.)

6 MS. OLER: Your Honor, at this time the State will
7 make an objection.

8 THE COURT: I will overrule, was discussed at the
9 bench. Thank you.

10 MS. ZMROCZEK: Thank you.

11 (Whereupon, a video continued to play.)

12 Q I am going to stop there. There are times like,
13 because per your policy you keep your body camera on the
14 whole time running, correct?

15 A Correct, yes ma'am.

16 Q And so there are times that the body camera sometimes
17 picks up information that is important while you are on
18 the scene but not necessarily providing anything for the
19 case. Would you agree with me on that?

20 A You mean like through the radio traffic or background
21 noise?

22 Q Exactly or if you have to go to your car or if you
23 have --

24 A Correct. There are administrative duties along with.

25 Q So when I fast-forwarded, being when I fast-forwarded

1 it. So, but I guess I want to ask you about your, so when
2 you go back to here that there is now, you were aware that
3 there was some potential or possible damage to the
4 vehicle?

5 A To the vehicle, no ma'am.

6 Q Okay. And was, did you look at the vehicle at all or
7 do any investigation?

8 A When I initially walked by the vehicle to go try to
9 locate the Defendant. You may not see because I would
10 turn my body to face, I walked right past the driver's
11 side door and observed to the right as I continued on.

12 Q And you make a good point because maybe people don't
13 know, you are not wearing your body camera today, are you?

14 A No, ma'am. It is situated on our chest.

15 Q Okay. But it is generally right here. So if I am
16 walking by and I am looking at the jury I can still be
17 looking at the jury but it is not necessarily be picked up
18 on the body cam?

19 A Correct.

20 Q Okay. Otherwise it would be awkward if you are
21 trying to record it all?

22 A Yes.

23 Q But that is something that you looked at and made a
24 determination that you didn't need to?

25 A I didn't see any damage.

1 (Whereupon, a video continued to play.)

2 Q I think I asked you about this earlier. So you, we
3 talked about you were able to capture some pictures that
4 weren't through your body cam and that was with your
5 county issued cell phone, right?

6 A Correct.

7 Q And that was in your pocket? We will play it again.

8 (Whereupon, a video continued to play.)

9 Q Does that refresh your recollection?

10 A Yes, ma'am.

11 Q So it was, when you say it was in my pocket the whole
12 time, you were talking about your --

13 A Often times we end up carrying a lot of things within
14 our pockets and sometimes our phones get left in our
15 vehicles and we have to go back and get them out of our
16 vehicles.

17 Q Sure, sure.

18 (Whereupon, a video continued to play.)

19 Q And so the picture that we just saw that you, those
20 were again, Defendant's 3, 4 and 2, right?

21 A Is that what you have in front of you, yes ma'am.

22 Q I will hand them to you, sorry.

23 A Yes, ma'am.

24 (Whereupon, a video continued to play.)

25 THE COURT: Can y'all approach real quick.

1 (Whereupon, a bench conference was held in the
2 presence of the jury but out of the hearing of the
3 jury.)

4 Q I need to back up, sorry about that. So in your cars
5 you have computers, what do you have in your cars that
6 allows you to make records?

7 A We have in-car computers.

8 Q Okay. So some of the administrative stuff that you
9 were talking about, that is what we skipped through,
10 right?

11 A From what I see, yes ma'am.

12 (Whereupon, a video continued to play.)

13 Q Again, when you are doing these follow-up questions
14 you are just trying to make sure you have a good
15 understanding of what is going on?

16 A Yes, ma'am.

17 Q Okay. And so you, do you have a conversation or do
18 you recall what part of your investigation fit into where
19 you learned that she got out of the vehicle. She, Ms.
20 Chandler, got out of the vehicle?

21 A Where she got out of the vehicle?

22 Q Yes.

23 A Would be my second interaction.

24 Q Right, right. She tells you and how did that figure
25 into your investigation?

1 A From the point of the, the Defendant motioning to me
2 how everything transpired. Relayed to me that he either
3 hit his hand on the victim, the car door or the fence
4 post. When I initially made contact with the victim the
5 vehicle was far beyond the fence post which relayed to me
6 that the incident did not occur close to where the fence
7 post was. So he could not have hit his hand on the fence
8 post. If he had hit his hand on the car door the victim
9 would not have sustained a broken tooth.

10 Q And so that led you to your conclusion that she got
11 out of the car and his hand must have hit her tooth,
12 right?

13 A Correct.

14 Q And you certainly are not testifying that there is
15 only one way that could have happened, right?

16 A What I will say is defensive injuries are possible
17 but I determined through my investigation that the
18 injuries to his hand was conclusive with injuries to the
19 victim's.

20 Q Through your investigation?

21 A Yes, ma'am.

22 MS. ZMROCZEK: Your Honor, I don't have any further
23 questions.

24 THE COURT: Any cross from the State?

25 MS. OLER: Briefly, Your Honor.

CROSS-EXAMINATION

By Ms. Oler:

Q Deputy Caraway, when you first were speaking with Ms. Chandler in the video clip that you just watched, did she tell you that the Defendant got mad?

A Yes, ma'am.

Q And in your investigation you knew the victim had an injury, correct?

A Yes.

Q And at that point is there any way that you could have known the full extent or severity of that injury other than what you observed?

A No.

Q Could there had been an injury that you had not observed or which was not known yet?

A Yes.

Q Thank you.

THE COURT: Anything else, Ms. Zmroczek?

MS. ZMROCZEK: Just one follow-up question.

REDIRECT EXAMINATION

By Ms. Zmroczek:

Q So she asked you could there have been an injury that you had not observed, right?

A Yes, ma'am.

Q Could there also be an injury that you did observe

1 that happened in a way that is different than your
2 conclusion from the investigation?

3 A It is possible but due to the facts and circumstances
4 around the case I was able to establish a probable cause
5 of the assault, due to the injuries, the manner of the
6 injuries of the victim and the Defendant.

7 Q Thank you.

8 MS. ZMROCZEK: Nothing further, Your Honor.

9 THE COURT: Anything else from the State?

10 MS. OLER: Nothing, Your Honor.

11 THE COURT: Alright. The witness may step down.

12 Y'all want to approach real quick.

13 (Whereupon, a bench conference was held in the
14 presence of the jury but out of the hearing of the
15 jury.)

16 THE COURT: Alright. That is our last witness for
17 the day. We will finish the trial in the morning. I
18 would like you to be here in your jury room at 9:00 a.m.
19 tomorrow. And please don't discuss the case, don't do any
20 independent research tonight while you are away from the
21 Court House. Come back tomorrow and we will finish the
22 trial. Be here at 9:00 a.m. Thank you, have a good
23 evening.

24 (Whereupon, the jury was excused from open court for
25 the day at approximately 3:50 p.m.)

1 THE COURT: So before we recess, we will conclude
2 tomorrow. Jury charges, we can send out something today
3 but, assault and battery first; assault and battery second
4 is a lessor included; everything else is pretty standard.

5 MS. ZMROCZEK: I need to go back and reread assault
6 and battery third. It is also a lessor included. Trust
7 me, I had one trial, I had like six lessor included, it
8 was crazy. But I will go back and reread the statute
9 again. And then, I mean I think there is the testimony
10 that was put in by the State about him saying
11 self-defense. So even if he doesn't testify there is
12 still evidence in the record. So we would be --

13 THE COURT: You are asking for self-defense.

14 MS. ZMROCZEK: We would be requesting that. And
15 then, of course, the standard, Logan, circumstantial
16 evidence.

17 THE COURT: Yes. I think we have that.

18 MS. ZMROCZEK: I think you do but I already have it.

19 THE COURT: You can send me your Logan charge but I
20 think our circumstantial jury charge is more expansive.

21 MS. ZMROCZEK: I think it is but I will just send it.

22 THE COURT: Anything from the State that you
23 particularly want charged?

24 MS. TAYLOR: Not at this time, Your Honor. I would
25 like to confirm, if I have any.

1 THE COURT: The only thing I am considering is
2 self-defense. I heard, I have denied it but it is rare, I
3 don't think is one where I would deny it. I mean based
4 upon him explaining what happened. But, I mean, well, we
5 will just see how the morning shakes out.

6 MS. ZMROCZEK: Right.

7 THE COURT: I didn't anticipate A&B third.

8 MS. TAYLOR: I think A&B second and A&B first are
9 appropriate.

10 THE COURT: Right. A&B third, I did look at A&B
11 language about an hour ago. I think we are probably okay
12 but you can make a record if you want.

13 MS. ZMROCZEK: Okay.

14 THE COURT: Alright.

15 MS. ZMROCZEK: I couldn't remember which bodily
16 injury it was.

17 THE COURT: We will send out what we have to your
18 emails before 5:00. Oh, the State wants to make your
19 request?

20 MS. TAYLOR: Yes, Your Honor. I just want on the
21 record again, that since the jury has been sworn, the case
22 has been called there has been, we have rested, put up all
23 of our witnesses. This is, any other greater time, the
24 risk of flight, as great as it is now.

25 THE COURT: Fair enough.

1 MS. TAYLOR: I realize he has been out on bond since
2 2021. But due to several other cases including one this
3 week where they have fled even after the case is called.
4 We would ask at this point he be remanded into custody.

5 THE COURT: Okay. Ms. Zmroczek.

6 MS. ZMROCZEK: Thank you. Your Honor, I would
7 respectfully request that he be allowed to continue to
8 stay out on bond for several reasons. One, he had no
9 issues in the almost three years that he has been out.

10 THE COURT: Almost three years to the day actually.
11 February 27th is the --

12 MS. ZMROCZEK: I think they have a few more days to
13 go. I think it is March 1st. Your Honor, he works with
14 his father, his father has been here every day. In fact,
15 she stated, when we had to report for jury duty. We
16 couldn't find him because he was at the Solicitor's office
17 waiting down there.

18 THE COURT: Let me just say, I don't intend, I am not
19 going to remand him. But, Mr. Wise -- you mentioned
20 somebody was tried in their absence this week. And for
21 whatever reason you were to not show up tomorrow the trial
22 will go forward. Make no mistake. He is not facing
23 mandatory time. So under the circumstances I will deny
24 it. I would just say if you fail to show tomorrow for
25 trial, you know, it wouldn't be in your best interest.

1 Okay. I think that is it for the day. We will go into
2 recess. Thank you.

3 *** END OF REQUESTED TRANSCRIPT OF RECORD ***

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1 CERTIFICATE OF REPORTER

2
3
4 State of South Carolina)
5 County of Newberry)

6
7
8 I, Joy E. Holston, Official Court Reporter do hereby
9 certify that the foregoing is a true, accurate and
10 complete transcript of record of the proceedings had and
11 evidence introduced in the trial of the captioned case,
12 relative to appeal, in the County of Lexington, South
13 Carolina on the days of February 20th and February 22nd,
14 2024.

15 I do further certify that I am neither of kin,
16 counsel nor interest to any party hereto.

17
18 July 14, 2024

19
20 s/ Joy E. Holston

21
22 Joy E. Holston, Court Reporter

23 My Commission expires: May 2, 2026
24
25

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
COUNTY OF LEXINGTON	)	2021-GS-32-01311
	)	
	)	
	)	
	)	
State Of South Carolina	)	TRANSCRIPT OF RECORD
vs.	)	
Jeffrey Bruce Wise, Jr.	)	
	)	Lexington, South Carolina
	)	February 23, 2024
	)	

DEFENDANT)

B E F O R E:

THE HONORABLE WALTON J. MCLEOD.

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KESHIA REED
 Official Court Reporter

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E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
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1 THE COURT: Okay. You all each have a copy of
2 the jury charge. I have the verdict form up here. I
3 didn't give you all a copy of it. It's pretty self
4 explanatory just A and B one. If not that, proceed to
5 question two. If not guilty of A and B one, stop. I'm
6 sorry that's not correct. If not guilty of A and B one,
7 go to question two, I misspoke. Ms. Zmroczek, just for
8 the record, does your client intend to testify?

9 MS. ZMROCZEK: He does not your Honor. I know
10 you did the colloquy yesterday, so he does not wish to
11 testify.

12 THE COURT: Mr. Wise, you're still under oath
13 from yesterday. Do you intend to testify?

14 THE DEFENDANT: No, ma'am. I mean, no, sir.

15 THE COURT: That's all right. It's a decision
16 you made freely and voluntarily?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: And in consultation with your
19 attorney?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Okay. And you're resting at this
22 time?

23 MS. ZMROCZEK: Yes, your Honor. Will do it
24 formally in front of the jury your Honor. Judge, so I
25 need to renew my directed verdicts at this time. And I

1 need to add one -- an issue on to that your Honor. So
2 something that I've seen done in other places, but it's
3 been done in every trial. It was not done in this trial,
4 so the two things that the State has to do identify the
5 county, which they did through -- they did through the
6 officer who said and that's in Lexington County or she
7 said is that in Lexington County. And he said, yes, but
8 your Honor they never identified the defendant.

9 Now, I know he's sitting here in trial and we're
10 talking about him and whatnot, but one of the major -- I
11 mean, one of the two things that they always -- that they
12 always do is to point out and identify the defendant and
13 can you point him out and let the record reflect identify
14 the defendant, that wasn't done in this case. So -- but
15 quite honestly, I never had it happen, so I don't know
16 what I'm suppose to do. But I do know that I have to
17 bring it up that he was not identified by any witnesses in
18 the courtroom. So I don't know what to do with that your
19 Honor, but I felt like I needed to bring that up. But
20 then additionally I wanted to renew my motion for a
21 directed verdict especially based on all of the previous
22 arguments and the new argument and make sure that that
23 renewal of the objections includes my objections to the
24 indictments that we heavily litigated prior to even
25 starting the jury.

1 THE COURT: Okay. Ms. Taylor, you want to
2 respond to that?

3 MS. TAYLOR: Your Honor, very quickly while we
4 may not have pointed at him in the courtroom, he
5 identified him as the person -- individual that he
6 arrested that night. And also when Ms. Chandler testified
7 she identified her attacker as her son Jeffrey Wise, Jr.

8 THE COURT: Okay. Well, your objection is noted
9 for the record. The record will reflect that all your
10 pretrial motions or excuse me -- motions are renewed and
11 your directed verdict motion is reasserted and remains
12 denied, but I feel like the defendant was identified
13 adequately for the purpose of the jury. All right. I
14 also feel like where this took place and where the
15 officers responded.

16 MS. ZMROCZEK: And I absolutely. They did say
17 Lexington County, so I didn't have a problem with it.

18 THE COURT: All right. So when they come in,
19 Ms. Zmroczek, this is your first trial with me. I'll just
20 say, ladies and gentlemen, we're going to continue the
21 case. And I'll say defendant's may call their next
22 witness. You can rest. I'll move the defendant has
23 rested and now we'll pivot right into closing arguments,
24 okay.

25 MS. ZMROCZEK: Thank you.

1 THE COURT: You don't need to reassert anything
2 on the record or anything like that.

3 MS. ZMROCZEK: Okay, thank you.

4 THE COURT: Anything else from the State before
5 we get started? Obviously, now the defense put up a case,
6 so the State will have the last word.

7 MS. ZMROCZEK: I mean, I know you been through
8 the Beaty issues that they have to open in full.

9 THE COURT: And respond to what you say.

10 MS. ZMROCZEK: They can only respond to what I
11 say.

12 THE COURT: They can't bring up anything new.

13 MS. ZMROCZEK: Correct.

14 THE COURT: You can't start a new argument, but
15 I think we all understand that. But the defense will have
16 a chance to reply clearly.

17 MS. ZMROCZEK: Right.

18 MS. TAYLOR: Yes, your Honor.

19 THE COURT: All right. Anything else before we
20 get here? All right, let's bring them in.

21 MS. ZMROCZEK: And while they're coming in your
22 Honor, we all went over the evidence.

23 THE COURT: Oh, you mean kind of organized it?

24 MS. ZMROCZEK: We did. And I think that they'll
25 have a clean laptop that they can take back there.

1 MS. TAYLOR: It is that one right there.

2 MS. ZMROCZEK: Yeah.

3 THE COURT: Perfect. Thank you all.

4 MS. TAYLOR: And I just showed Ms. Zmroczek my
5 law boards that I intend to use during closing as well and
6 I seen her's as well.

7 THE COURT: All right, fair enough.

8 MS. ZMROCZEK: We're playing along.

9 THE COURT: Yes, we did discuss the jury charge
10 again this morning and I made some changes where I remove
11 the word deadly from self defense and the word fatal blow
12 just because it didn't seem applicable to the facts of
13 this case.

14 MS. ZMROCZEK: Thank you.

15 (WHEREUPON, the jury came into open court.)

16 THE COURT: All right, please be seated. Mr.
17 Foreman, ladies and gentlemen of the jury, welcome back.
18 I hope you all had a nice evening. We'll pick up where we
19 left off yesterday defendant's may call their next
20 witness.

21 MS. ZMROCZEK: Thank you your Honor. At this
22 time the defense rest.

23 THE COURT: All right, very well, ladies and
24 gentlemen, the defense has rested their case. The parties
25 have presented their evidence in this case. It's now time

1 for the attorney's to make their closing arguments. The
2 arguments of the attorneys are not evidence in this case.
3 Their statements and arguments are met to help you
4 understand the evidence and apply the law to the evidence.
5 You should disregard any remarks, statements or argument
6 which is not supported by the evidence presented during
7 the trial or the law that I will explain to you after the
8 arguments, but at this time please give your complete and
9 undivided attention to the attorneys as they make closing
10 arguments. Madam Solicitor.

11 MS. TAYLOR: Thank you, your Honor. May it
12 please the Court.

13 THE COURT: Yes, ma'am.

14 MS. TAYLOR: Significant force, significant pain
15 and significant trauma, that's what happened to Ms. Lea
16 Ann Chandler on the night of March 1st of 2021. And those
17 were the exact words that you heard the dentist yesterday
18 afternoon describe the injuries that Ms. Chandler
19 sustained and suffered from at the hands of her own flesh
20 and blood.

21 Now, you've heard testimony from that witness
22 stand and you've seen the evidence that was presented to
23 you this week. You've heard first from arresting officer
24 Deputy Caraway. He and other deputies were on the side of
25 Fair View Road that night in the Pelion area of Lexington

1 County. They were dealing with an unrelated incident
2 directly across the road from where Ms. Chandler lived.

3 The night of March 1st was in the wintertime.
4 It was dark outside and her property was a mostly wooded
5 area, a mostly wooded piece of property. As Deputy
6 Caraway and other deputies were dealing with this
7 unrelated incident across the road, Deputy Caraway hears a
8 frantic voice literally emerging from the darkness. It's
9 Ms. Chandler trying her best to flag down law enforcement,
10 flag down deputies. She's frantic. She's distraught.
11 She's screaming help me, help me. My son just assaulted
12 me. He knocked out my tooth. He punched me in the mouth.
13 Deputy Caraway made his way quickly across the street to
14 respond. And when he approached Ms. Chandler, she had
15 blood dripping from her mouth and it was obvious that her
16 teeth were broken and missing.

17 Ms. Chandler quickly identifies her attacker as
18 her own son Jeffrey Wise, Jr. She says he punched her in
19 the mouth one time. She hit the ground. And then he just
20 walks away. He walks off.

21 You heard from Ms. Chandler herself when she
22 took that stand and she told you exactly what happened
23 that day. She told you that it was later in the night.
24 She was getting ready for bed. She saw some blue lights
25 across the road through the trees and there were a lot of

1 blue lights. This was a heavy police presence. And what
2 did she tell you her first thought was. Her son, Jeffrey,
3 because he knew him frequently cross that road. And her
4 first thought as a mother was that something could have
5 terribly happen to him. He could have gotten hit in that
6 road, so what did she do. She put her coat on. She put
7 her boots on. She's wearing her pajamas still. She
8 drives down the driveway to make sure that her son is
9 okay. She did what any mother would do and she thought of
10 her child before herself.

11 Now, when she got to the end of the driveway,
12 she sees law enforcement there. She realizes that
13 Jeffrey's not involved. He's okay. So she begins to turn
14 around and head back up to her home, but she never got
15 there. Short distance back up the driveway past those
16 fence post that you saw, the defendant emerged through the
17 cut through that goes to his home on that corner of the
18 property. He merges. He approaches Ms. Chandler as she's
19 still sitting in her car. He walks over to the driver
20 side window. She rolls it down, so she could speak to him
21 and then begin to discuss what's going on across the road.
22 They discuss why police are there. The conversation is
23 cordial. It's calm until it wasn't.

24 As you heard, two days prior, the defendant was
25 assaulted by other individuals in a completely unrelated

1 incident. Ms. Chandler was not involved in any way, but
2 she and the defendant as you heard had a disagreement
3 about whether his girlfriend at the time was in some way
4 responsible. So on March 1st as she's sitting in her car
5 in her own driveway as the defendant approached her, there
6 was a disagreement over -- when the defendant brought up
7 bringing his girlfriend back over to his home,
8 Ms. Chandler informed him she disagreed with this. She
9 wasn't happy about it, but if he was going to bring her
10 around, he need to stay on his side of the property and
11 not go onto her side.

12 Ladies and gentlemen, this set him off. He got
13 angry and he got more angry. And the victim,
14 Ms. Chandler, she told him multiple times she didn't want
15 to talk about this. She wanted to go back home. She
16 wanted to go back to bed. She's still wearing her
17 pajamas. She did not want to continue this conversation.
18 And how did he react. He got even more angry. He grabbed
19 her. He grabbed the car door. He started aggressively
20 opening it and closing it. She even told you her car is
21 not even in park. She's literally trying to creep forward
22 trying to go home, trying to tell him she wants to go
23 home. She does not want to continue this. She's
24 desperately trying to end this altercation, escape the
25 defendant's rage and just go home. And she told you that

1 his rage and his hands on her and her car made her feel
2 like he was trying to prevent her from leaving. And you
3 saw the defendant himself on Deputy Caraway's body camera
4 footage admit in his own words he tried to or he put his
5 hand on her arm as she was moving forward in her car. He
6 was not letting this go. Ms. Chandler described how
7 Jeffrey is the one who escalated this into a full blown
8 physical confrontation and this is corroborated by the
9 defendant's own words. You heard it yourself.

10 Ladies and gentlemen, I submit to you that that
11 is plain and simple the defendant being at fault at
12 bringing on this difficulty, for bringing on this
13 confrontation and for escalating this to become physical
14 with his own mother. Ms. Chandler told you at some point
15 she decided to get out of the car. This is her son she
16 wanted to talk to him, settle this, figure this out. He
17 wasn't letting it go, but she never even got the words
18 out. Before she could even think, before she could even
19 react, he hit her face with so much force she hit the
20 ground. She told you at no point did he ever tell her he
21 wanted to end this conversation. At no point, did he try
22 to turn and walk away. At no point, did he try to flag
23 down the officers that were literally right there across
24 the street. He didn't even try to talk to them afterwards
25 at all at any time. Instead what did he do, he walked

1 home. Turns away and he walks home just like that.

2 The defense will try to have you believe that
3 the victim got out of her car looking for some kind of
4 fight and charge at the defendant. I submit to you that
5 the facts and evidence that you saw this week simply do
6 not support that. The victim had no apparent injuries to
7 suggest that she had struck the defendant. Deputy Caraway
8 told you that. And you saw for yourself on this video how
9 Deputy Caraway that he pointed out to you there were
10 inconsistencies and holes in the defendant's own story of
11 what he says happened.

12 As we mentioned earlier yesterday, one thing
13 that you all have in common in this courtroom today is
14 your common sense. And that is what you will take with
15 you into that jury room as you begin your deliberations.
16 Remember this, no one is blinder than the person who
17 decides he does not want to see. Don't turn a blind eye
18 to what the defendant did. Don't turn a blind eye to the
19 defendant's own admissions to Deputy Caraway that night
20 that clearly show he was the aggressor here, don't turn a
21 blind eye to how the defendant's story just does not make
22 sense, so let's talk about that.

23 When Deputy Caraway asked the defendant what is
24 going on that night what did he say not a whole lot, not a
25 whole lot. For Ms. Chandler to be punched with such force

1 to knock her to the ground, sure there's not a whole lot
2 going on. The defendant admitted to Deputy Caraway that
3 he put his hand on his mother's arm as she was trying to
4 move forward. Does that sound like a man who is scared
5 that his mother will hurt him. Does it make sense that
6 someone who wants you to believe that he's so scared of
7 his mother, that he will take affirmative actions to try
8 to prevent her from leaving. I submit to you that it does
9 not make sense.

10 The defendant attempted to demonstrate to Deputy
11 Caraway that he's backing away trying to create space or
12 trying to prevent Ms. Chandler from swinging on him and
13 that her tooth just happen to catch his pinky. Ladies and
14 gentlemen, does this look like an injury with just a tooth
15 catching someone's pinky. I submit to you that it
16 doesn't. Does this look like some kind of incidental
17 accident of his finger catching her tooth. I submit to
18 you that it does not. Does this look like an injury that
19 was sustained from simply blocking someone's blows. I
20 submit to you that it does not. And does it make sense
21 that if your finger just happen to catch your mother's
22 tooth, that you would need several stitches. I submit to
23 you that it does not.

24 Now, the defense would have you believe that
25 these injuries were to Ms. Chandler's teeth were just

1 minor or incidental with someone simply trying to block
2 someone's blows resulting in someone's teeth getting
3 knocked out. Someone's teeth getting punched out. I
4 submit to you that it does not.

5 On scene, the defendant told law enforcement
6 that he didn't even know what he hit. It could have been
7 Ms. Chandler. It could have been the car door. It could
8 have been a fence post. And Deputy Caraway and the victim
9 both testified yesterday that this assault occurred well
10 beyond where the fence posts were even at. As he
11 approached the scene, her car was several feet past these
12 fence posts. So I submit to you that's not even possible
13 that the defendant could have even punched the fence
14 posts. It wasn't until Deputy Caraway told the defendant
15 that his mother's mouth was so badly injured that the
16 defendant response was evidently that must be what I hit,
17 so this begs the question for truly acting out of self
18 defense how do you not know what you hit.

19 The defendant wants you to believe that he was
20 some true victim in all of this and that he played no role
21 in escalating this to become a physical altercation, but
22 as you saw in that video, he admitted he grabbed Ms.
23 Chandler's arm and put his hand on her arm as she's trying
24 to drive away. And he plainly admitted that the victim
25 told him to get his hands off of her. And in his own

1 words what did he do, did he withdraw from this argument?
2 No. Did he walk a way? No. By his own admission, he
3 just stood there. He did not leave. He's so scared, but
4 he didn't walk away. He's so scared he would just not let
5 this go. And lastly you heard it from yourself or in no
6 way -- no where in this body-worn camera that you viewed
7 yesterday the defendant ever tell Deputy Caraway that
8 Ms. Chandler verbally threatened him.

9 So, ladies and gentlemen, I submit to you that
10 it is clearly evident that Jeffrey Wise's wildly
11 inconsistent statements and the holes in his story lend
12 him no credibility. And you'll get to assess his
13 credibility in the jury room. He may have willingly talk
14 to law enforcement that night, but that doesn't mean that
15 what he said made any sense.

16 You also heard from Dr. Yelisetty who treated
17 Ms. Chandler the very next day after her teeth were
18 punched out. He was qualified as an expert in general
19 dentistry which allowed him to give his expert opinion
20 with a degree of medical certainty. And he testified that
21 he distinctly remembered that Ms. Chandler was in
22 significant pain even the next day when he saw her. She
23 was in such pain he said he couldn't even take all the
24 different types of x-rays. He also testified in his
25 expert opinion the injuries to her mouth were due to

1 significant trauma. He testified that's not something as
2 simply slipping and falling and breaking your tooth. That
3 instead the injuries to her mouth were due to in his words
4 blunt force trauma, that would be consistent with someone
5 being punched in the mouth. Dr. Yelisetty saw the victim
6 a couple times after that extracted the damaged teeth as
7 they were beyond repair and put a temporary partial in, so
8 she could get by until she could get a permanent fix for
9 her tooth.

10 He also testified that the bone was fractured as
11 well and that the teeth had to be extracted because they
12 again were broken beyond repair and he told you the teeth
13 they're a member of the body. I know it sounds very
14 simple. They're a member of the body though and that
15 traumatic injuries like this do result in impairment, lost
16 of the function. Think about it, we don't have our front
17 teeth, we're certainly going to have some type of
18 impairment or the lost of functioning function with our
19 mouth. Lastly, he described to you that the state of her
20 teeth was not due to any kind of common wear and tear,
21 but, again, this was the result of significant trauma and
22 force.

23 You also heard from Dr. Grant Dye who was also
24 qualified as an expert in general dentistry as well as
25 conscious sedation. He was also allowed to give his

1 expert opinion. He testified that he's performed numerous
2 procedures in an attempt to fix Ms. Chandler's teeth and
3 repair the injuries to her mouth. And he testified that
4 these numerous procedures were necessary leading up to
5 being able to actually get the implants to fix her mouth
6 and each procedure he testified was extensive. They were
7 serious and actually required a lot of healing before he
8 could do the next procedure in order to go eventually do
9 the implants.

10 Ms. Chandler was seen by a dentist a total of 12
11 times in an effort to repair the traumatic injuries she
12 suffered to the teeth. Dr. Dye testified that her
13 injuries were the result of induced trauma such trauma
14 induced blow. He also testified that she did not have any
15 disease or condition that would have resulted in her teeth
16 just falling out. And, again, he said that this was a
17 result of induced trauma and that complications of that
18 type of trauma and teeth included bone lose, which she
19 said here. There could be possible nerve damage, issues
20 with speech just to name a few. He also notably testified
21 as Dr. Yelisetty did that the teeth are also a member of
22 the body and that injuries such as Ms. Chandler suffered
23 from do result in the lost of the function of your teeth
24 in your mouth as well as impairment.

25 Now, as you know, the defendant is charged with

1 assault and battery in the first degree. Judge McLeod
2 will instruct you on the law a little bit later, but I'll
3 describe it to you now as well. I have a visual here. As
4 we have discussed, it is clear from the victim's testimony
5 and the defendant's own words that he attempted to injure
6 Ms. Chandler that night. He admitted he swung on his
7 mother and evidently hit her. He had a fresh injury to
8 his hand that was consistent with being cut with teeth and
9 with force. It was actively bleeding. You could see it
10 in the video and required multiple stitches. And, again,
11 Deputy Caraway testified that Ms. Chandler had no apparent
12 injuries that would indicate she swung on him as he
13 described.

14 So we submit to you, again, if a person commits
15 the offense of assault and battery in the first degree, if
16 that person unlawfully offers or attempts to injure
17 another person with the present ability to do so, we
18 submit to you we have satisfied that element of assault
19 and battery in the first degree. And the act is
20 accomplished by means likely to produce great bodily
21 injury. And before I come back to that, I submit to you
22 that the defendant's attempts to injure his mother by
23 punching her in the mouth was likely to cause great bodily
24 injury.

25 But what is great bodily injury another visual

1 for you. Great bodily injury is which causes serious
2 permanent disfigurement or protracted lost of impairment
3 of the function of a bodily member or organ. The experts,
4 again, in this case testified to you yesterday that
5 Ms. Chandler has lost of impairment of her teeth as well
6 as the lost of the function of a bodily member or organ,
7 which they testified the teeth are a bodily member and
8 that protracted lost that extended lost and that, ladies
9 and gentlemen, is great bodily injury.

10 So back to the law of assault and battery in the
11 first degree, we submit to you that the defendant punching
12 his mother's teeth out was accomplished by means likely to
13 produce great bodily injury. Again, both Dr. Yelisetty
14 and Dr. Dye testified that the injuries to her mouth was
15 the result of trauma. Dr. Dye described it as a trauma
16 induced blow. And that her teeth, the teeth themselves
17 are members of the body. They're significantly impaired
18 and there was lost of their function just as the law
19 describes. The law does not require us to prove any
20 specific time, but an extended of time that's what
21 protracted means. And I submit to you that it is clear
22 from Ms. Chandler's testimony, but also two medical
23 experts that she had extensive lost of the function and
24 impairment of her teeth and mouth.

25 Going back just a little bit to the defendant,

1 as you know wants you to believe that he acted that night
2 in self defense. We been over this a little bit already.
3 In order for someone to claim self defense, they must meet
4 every element on this board. The first being that the
5 defendant was not without fault in bringing on the
6 difficulty. We've talked about this. The defendant
7 admitted he put his hand on his mother's arm as she was
8 trying to move forward and go back down to her driveway to
9 her home. He admitted that she told him to get your hands
10 off of me. He admitted that to you or to Deputy Caraway
11 on the scene. I submit to you, ladies and gentlemen, that
12 the defendant was not without fault in bringing on the
13 difficulty. Ms. Chandler told you as well.

14 At no point did he ever try to withdraw from
15 this confrontation, this disagreement and the cut through
16 to his house was right there. All he had to do was turn
17 around and go home. Again, she testified that she felt
18 like he was preventing her from leaving. He was getting
19 angrier and angrier all because of some words she said
20 that he disagreed with. He provoked this. He escalated
21 this to become a physical altercation. And the moment she
22 simply tries to get out of her car and talk this out, he
23 punches her in the mouth and knocks her teeth out.

24 I think it's clear, ladies and gentlemen, that
25 this man was at fault in bringing on the difficulty. So

1 because he cannot satisfy this first element, we submit to
2 you that he was not acting in self defense that night.
3 And, again, what he said just does not make sense. The
4 injuries he sustain to his hand are not consistent with
5 someone who was just trying to back away and block blows
6 from someone swinging on him. It's consistent with one
7 thing and one thing only and that's force, significant
8 force.

9 Ms. Chandler she hit the ground. And as I've
10 said already, her injuries of medical experts were the
11 result of a trauma induced blow, blunt force trauma. So,
12 ladies and gentlemen, what Ms. Chandler endured on the
13 night of March 1st 2021 is what no human being should have
14 to endure especially at the hands of their own child. I
15 submit to you that the State has proven that Jeffrey Wise
16 had no regard for his mother that night. And we must
17 prove these elements of assault and battery in the first
18 degree by a burden that we call beyond a reasonable doubt,
19 that burden is on the State. And there are very few
20 things in life that we know with absolute certainty. And
21 in criminal cases such as this, the State is not required
22 to prove these elements beyond all doubt, beyond a shadow
23 of a doubt or beyond any doubt. Instead at the end of
24 today's trial, you are left firmly convinced of the
25 defendant's guilt, you must find him guilty.

1 This is a high burden, but is a burden that we
2 welcome. And from what I've discussed with you today, I
3 believe it is a burden that we have easily met. Jeffrey
4 Wise's mother simply disagreeing with him over an issue
5 sent him over the edge, sent him into a rage, made him put
6 his hands on her when she was actively trying to leave
7 even by his own admission.

8 This man wants you to believe that he's scared
9 of his mama and that he is a true victim, but the evidence
10 simply points otherwise. Jeffrey Wise never tried to
11 leave. He never tried to withdraw, never tried to go
12 home. Instead, he decided to escalate what was a mere
13 disagreement and to a physical confrontation and he
14 decided to punch his mother in the mouth. With so much
15 force, that it knocked her down and caused traumatic
16 injuries to her mouth.

17 We talked about how his story just does not make
18 sense and the bottom line is that on the night on
19 March 1st Jeffrey Wise could have done the right thing and
20 walked away, agreed to disagree, but instead he chose
21 violence. And he chose to inflict significant force,
22 significant pain upon his mother and significant trauma.
23 And in the light of that, we ask you to do the one thing
24 that the law and justice requires and find the defendant
25 guilty of assault and battery in the first degree. Thank

1 you.

2 THE COURT: Yes, ma'am.

3 MS. ZMROCZEK: Thank you, your Honor. May it
4 please the Court.

5 THE COURT: Yes, ma'am.

6 MS. ZMROCZEK: Okay. Good morning, again. I
7 said this when I started meeting you all on yesterday and
8 that is none is so -- should say it quickly none is so
9 death as who will not here. And I think now you can see
10 why I was saying that. The beauty of it is I'm not going
11 to be up here a long time because this is a pretty simple
12 case, okay. Either he was acting in self-defense and they
13 have to -- one can disprove that beyond a reasonable doubt
14 or he wasn't, okay.

15 Ronald Reagan my daddy's favorite president
16 slash actor said something that has stuck with me for as
17 long as I can remember. And it is trust but verify, very
18 simple, trust but verify.

19 Now, I know I may have beaten up on Deputy
20 Caraway a little bit why didn't you do this, why didn't
21 you do this. Well, ladies and gentlemen, I'm not asking
22 for satellite cell phones and a ton of work. Maybe, a
23 little more than two minutes and 25 seconds of work, but
24 all of these arguments about let's just start with the car
25 door. The testimony from Ms. Chandler who, you know, one

1 of the things that we kept doing and I'll get back to her
2 testimony in a moment. But one of the things we kept
3 doing was going up and having objections and the judge is
4 like, oh, don't consider that. So we don't want to send
5 you all out. It breaks up the flow of things, but, ladies
6 and gentlemen, we do that just because there's certain
7 rules. So one of the things is victim, victim, victim,
8 victim, victim. I lost count of how many times it was
9 said, okay, just because you get the bad end of the deal
10 that you started doesn't make you the victim.

11 All right, here's the thing, she testifies that
12 her -- let's talk about holes. Her door so broken he was
13 beating on her door so much to get into the car or
14 something that it broke her door. Well, Deputy Caraway
15 says -- obviously, he has a body cam on, so he doesn't
16 turn his whole body, but he says he walks by the door
17 doesn't see a thing. Doesn't take a picture. Okay,
18 that's a hole in somebody's story either Deputy Caraway's
19 or Ms. Chandler's, but the reason that we trust but verify
20 is so that after I have to ask these questions Deputy
21 Caraway and you'll -- and the beauty of this is you're
22 going to get this little jump drive right here along with
23 all of these things. So what I encourage and implore for
24 each and everyone of y'all to do and I know you will.
25 It's about 36 minutes. It is to put it in there to watch

1 the video and see what happened that night because, ladies
2 and gentlemen, what happened that night is exactly what
3 Jeffrey told the officer. She gets out of the car after
4 she brings up his crazy girlfriend, which remember over
5 and over I asked him on the stand you said that. You said
6 that to the deputy. No, I didn't. No, I didn't. No, I
7 didn't. Well, that's why I played it. And you'll have it
8 back there, right.

9 So they wanted to say, oh, well, he started the
10 fight. No, he didn't start the fight. He was just trying
11 to end it. And he wasn't even trying to end it. He was
12 trying to get away. He has a face that has been already
13 assaulted less than 48 hours earlier. She even told
14 you -- well, she told the video beat the hell out of him.
15 And he tells Deputy Caraway she was being mean. She got
16 mad. And she gets out of that car and she wacks him. And
17 you'll see it on the video, wacks him right where he's
18 already got an injury and then hits him with the other
19 side. And he tells the deputy I'm just trying to get
20 away. Remember, he's left-handed, okay. He's trying to
21 get away. And so interestingly when my colleague was just
22 demonstrating it she did it this way because we tend to be
23 our dominate hand. We go one way or the other, so trust
24 but verify. So if she's swinging at me and like he says
25 he was just going to get away. Ladies and gentlemen, they

1 want to say that -- and they want to keep showing you this
2 little injury right here couldn't have come from that,
3 okay.

4 When I went to lawyer school, they taught us to
5 say submit, submit, submit, submit. I'm not going to
6 submit anything. The evidence is there. What I'm going
7 to tell you is what we think that evidence shows, okay.
8 We think that that evidence shows that his story is
9 plausible, possible, reasonable. And if the State has to
10 prove beyond a reasonable doubt that it's not, then give
11 us the evidence to do that. That's why y'all are here.
12 That's why I was asking questions. Well, you had your
13 phone right there, couldn't you just take a picture of his
14 face. Couldn't you have tested her hands to see if there
15 was any of his blood on it. And, you know, the reason I'm
16 the one who these pictures in because, you know, what they
17 want you to focus on is this horrific tragic, terrible
18 injury. And don't get me wrong, I have no doubt that she
19 was in pain, but that doesn't make it his responsibility.
20 There's no profuse bleeding and blood. Did she have an
21 injury, of course, but that's not where the focus is. And
22 the judge is going to tell you when you go in that jury
23 room and you start to focus on what's at hand here, you
24 got to start with the affirmative defense, self defense.
25 Because you find he was acting in self defense, you don't

1 have to worry about the fact that I got my dental degree
2 online and was to able, you know, question these dentist
3 about what were minor injuries because that's not what
4 we're here about. We're not here about that. We're here
5 about the act in self defense. And the answer is yes.
6 And he tells it just as it happened.

7 So I want to talk a little bit just about some
8 holes in the story. Remember, when officer excuse me --
9 Deputy Caraway meets with her and you'll see it when she
10 says my son assaulted me. My son assaulted me. He
11 doesn't ask the natural progression question, which is
12 why. He says, well, what's his name. And do you want to
13 prosecute, okay. And we're arm with only those three
14 things name Jeffrey Wise assaulted mom, wants to
15 prosecute. Arm with those three things, he goes through
16 the woods to Jeffrey's house. The judge is going to talk
17 to you. And Judge McLeod is going to instruct you about
18 demeanor and character and how you can use that to
19 determine credibility, okay.

20 So they want to say that this young man, who is
21 so enraged about something is now back at his house and
22 you see his demeanor. You get to listen to him. And the
23 judge is going to tell you you just use that to weigh
24 their credibility. But he -- so then -- so he arm with
25 those three information pieces. And he goes Jeffrey and

1 says, hey, you want to talk to me. Jeffrey doesn't say
2 anything. Man, you didn't read me my Miranda. Jeffrey
3 doesn't say get out of here, get off my land. He says
4 sure, I'll come talk to you, all right. What's going on.
5 They want to say that because he said nothing much and
6 then goes into the story that he was trying to hide
7 something. Is it possibly he just didn't want his mom to
8 get in any more trouble mom. Is it possible that he's
9 been dealing with this kind behavior for a while.

10 I asked her this is how y'all work things out,
11 how y'all deal with things. We talked about in opening,
12 you know, how they just want to harp and harp and harp and
13 harp on his mother, his flesh and blood. The judge --
14 Judge McLeod is going to read you from his jury charge
15 that it cannot be based on sympathy, passion, prejudice or
16 emotion, okay. That's why we picked y'all because it's
17 certainly tragic and terrible that she had to go through
18 all of these things. But that doesn't get put into
19 whether or not somebody is guilty or innocent. And that's
20 what the judge is going to tell you. So he -- when I get
21 done, which I promise is going to be very shortly. I sit
22 down I don't get to come back up and point out some more
23 things, right, because that's not our burden. The burden
24 is on the State and always with the State. Even though I
25 did put in evidence -- and let me tell you I put in

1 evidence because remember what the State put in is 45
2 seconds.

3 Ladies and gentlemen, if we're going to ask you
4 to make a determination on someone's criminal liability
5 and their freedom, then don't you want to have all the
6 information to be able to do that and that's what happened
7 here. We want to know what happened, we got it right here
8 because I commend Deputy Caraway excuse me -- on one thing
9 and I absolutely comment on this because not all officers
10 do this, which is why I kept asking you had that body cam
11 on. You turn it on. You leave it on. And we all know
12 why we have to do that because these were done differently
13 in the past, right, and that's why we have this. And
14 thank goodness we do. And thank goodness he did what he
15 was suppose to do and just keep that thing on because all
16 this other subjective stuff is kind of what bogs us down.

17 Last night when I was trying to rest and get
18 ready today so I didn't ramble, I could not get these two
19 words out of my head probable cause because other than the
20 word victim, I have heard the word probable cause more
21 times in this trial than I've had anywhere else. And the
22 judge is going to talk to you about reasonable doubt and
23 beyond a reasonable doubt et cetra, et cetra, but that's
24 because when we're talking about asking 12 people to
25 determine whether or not they get convicted, that's the

1 highest level of jurisprudence, okay. We're not done
2 here. We're up here. We're not challenging probable
3 cause. If he said, she had an injury. She had injury.
4 He said that that was the end of his investigation. I'm
5 not asking for the world, but we're asking just for some
6 proof. When they -- when the judge lastly instructs you,
7 he'll talk about reasonable doubt. And the reason that
8 that's up here is because there's just no way -- there's
9 no way -- there's like no percentage. You can't say
10 50 percent. It's not a percentage, but what it is and
11 what it is not are all of these things.

12 Remember, Deputy Caraway testified on the stand,
13 well, isn't it possible that exactly what he told you
14 happen. Isn't it possible as he's demonstrating she hit
15 me here. She hit me here. And I just tried to get away.
16 Isn't it possible that that's where the injury came from.
17 Ladies and gentlemen, isn't it possible that the reason
18 that she fell on her butt is because she was going for
19 that third swing. And when he moved and caught her tooth,
20 that she went down. How is that less possible than what
21 we're talking about. That's the proof that we're looking
22 for. And they have to disprove beyond a reasonable doubt
23 all of those things. They have to disprove to you that he
24 was acting in self defense.

25 Ladies and gentlemen, you are going to have the

1 37 minutes. I implore you to watch it. It will tell you
2 what happened, okay. Was Ms. Chandler hurt. Yes. Was it
3 the fault of Jeffrey. No. And we can't repair the rift
4 that's going on in this family right now, but that's not
5 what we're here to do. We have to put that aside. And
6 we're here to say that Jeffrey didn't want to get hit in
7 the head where he had already assault -- been assaulted.
8 And he just didn't want to get hit any more. I know each
9 and every one of you has your common sense. And you're
10 going to take common sense with you because. And I'm sure
11 you probably have a lot more thoughts about what's common
12 sense, but if the police are right here across the street
13 and you're right here and you're going to haul off and
14 punch your momma in front of the police.

15 Let's talk about some common. Common sense is
16 if he's going to punch somebody -- I'm not going to do it
17 because I am so accident prone. She said she saw it
18 coming, but he's left handed, but for whatever reason
19 decided to use his ambidextrous right hand. If you're
20 going to punch somebody full on with all this pressure, we
21 know where the injuries are going to be. I'm not quite
22 sure what kind of training said that this is the injury
23 that you would get, but if you're going to punch somebody,
24 you're going to punch them here and here.

25 If you're blocking somebody, you're going to get

1 your injury here. I'm going to sit down. I can't get
2 back up again because the burden is on the State, but the
3 questions that I've raised I've ask that you take with you
4 back to the jury room and just remember that it's not the
5 State's job to get a conviction. It's our job to seek
6 justice and justice in this case is to find that he was
7 acting defending himself and he is not guilty. Thank you.

8 MS. TAYLOR: Ladies and gentlemen, we're not
9 here to ask you to repair a rift in a family that none of
10 us truly know anything about. We're here to and we're
11 asking you to hold the defendant accountable for what he
12 did to his mother that night. What happened that night is
13 what he -- the defense would have you believe that what he
14 said that night happened is actually what happened. And
15 you'll get to weigh the credibility of that statement as
16 well as the other witnesses in this case.

17 I submit to you that you don't get to actively
18 prevent someone from leaving and then say you were scared
19 of imminent harm and claim self defense. You don't get to
20 grab someone, ignore their pleas to get your hands off of
21 them. And then try to say that you were not escalating
22 the situation and claim self defense.

23 The defense came up here and told you that the
24 only injury to his hand was his pinky. I submit to you
25 here that the injury was also to his knuckle, that is

1 consistent with punching someone in the face with a fist.
2 The defense would also have you believe that these
3 injuries that Ms. Chandler suffered were minor. And I
4 just simply remind you briefly one more time we had actual
5 experts with medical degrees in dentistry. Surgeons
6 advance degrees that told you that within a reasonable
7 degree of medical certainty these were not minor injuries.
8 This was the result of significant trauma. Dr. Yelisetty
9 described it as blunt force trauma. Blunt force trauma is
10 a lot more severe than a minor injury.

11 The defense also described how the defendant was
12 willingly speaking with law enforcement not denying that,
13 but, again, willingly speaking with law enforcement does
14 not mean that their statement makes sense. He may not
15 have been in a rage still, but you can see from Deputy
16 Caraway's video he's out of breath. At one point he has
17 to go (Solicitor took a deep breath). He's worked up.
18 He's clearly worked up still.

19 Ms. Zmroczek also told you that he didn't want
20 to get his mother in trouble, that's why he didn't take
21 any steps to talk to law enforcement or anything of that
22 nature. He didn't want to get her in trouble or he wanted
23 to protect her, but he had no problem of accusing her of
24 assault. Does that make sense.

25 Again, there were no photos taken of the

1 defendant's face because he himself said that those were
2 injuries from two days prior when he was assaulted by
3 somebody else. There were no injuries to photograph.
4 They were old. They had nothing to do with Ms. Chandler.
5 And, again, she had no apparent injuries that indicated
6 she struck him. Just because there were no photos taken,
7 does not mean that they were needed.

8 We're not asking you to return a verdict of
9 guilty based off any kind of sympathy, but you saw the
10 entire video. You heard the experts that told you that
11 one thing that her injuries were from blunt force trauma.
12 And, again, his version of what happened by merely
13 blocking these alleged swings from the victim were not
14 consistent with the injuries that he suffered and not
15 consistent with the injuries Ms. Chandler suffered. And
16 this is the first time I'm hearing anything about a
17 possibly third swing, that's nowhere in the evidence that
18 was presented to you. Anybody can say something is
19 possible, but that does not make it probable. And I
20 submit to you that the evidence that we have presented to
21 you today and yesterday, I mean, from yesterday the
22 witnesses on that stand and the evidence and the photos
23 and everything point to one thing and that is that the
24 defendant Jeffrey Wise, Jr., was the aggressor that day.
25 He escalated this to become physical. He tried to prevent

1 her from leaving and he was at fault for bringing on the
2 difficulty that night and was not acting in self defense
3 as a result. And, again, we ask you to do what the law
4 and justice requires and find him guilty of assault and
5 battery in the first degree. Thank you.

6 THE COURT: All right. I'm about to read you
7 the law in this case. I want to make sure everyone is
8 okay. It'll take me about 15 minutes. Everybody good to
9 go.

10 All right. Members of the jury, it is now my
11 duty as the trial judge to instruct on the law applicable
12 to this case, and in that regard, it is your duty as
13 jurors to accept and apply the law as I now state it to
14 you. Furthermore, it is your exclusive duty to decide all
15 the issues of fact in this case and determine the effect,
16 value, weight and truth of the evidence. All the parties
17 have the right to expect you will carefully consider and
18 evaluate the evidence and apply the law of this case to
19 it, so that in the end all parties will receive a fair and
20 impartial trial.

21 During this trial, you and I have separate
22 duties to perform. As the trial judge, it is my
23 responsibility to preside over this trial and move upon
24 the admissibility of evidence offered during the trial.
25 You, as members of the jury, are only to consider the

1 evidence before you. If you have any preconceived ideas
2 about as to what the law is or what you think the law
3 ought to be and it does not agree with what I now tell you
4 the law is, you are obligated under your oath to abandon
5 those preconceptions because you are sworn to accept the
6 law as I now state it to you.

7 In this trial, you are the sole and exclusive
8 judge of the facts. Do not infer that I have an opinion
9 about the facts in this case from anything I have said or
10 done during the course of this trial. The law simply does
11 not permit me to have an opinion about the facts. As
12 jurors, it is your duty alone and your duty alone to
13 determine the effect, value, weight and truth of the
14 evidence presented during this trial. Now, the evidence
15 to which you are to decide the facts of the case are what
16 sworn testimony of witnesses both on direct and
17 cross-examination. Two, the exhibits which have been
18 admitted into evidence. And three any facts in which all
19 the attorneys have agreed and stipulated.

20 The following things are not evidence, and you
21 must not consider them as evidence in deciding the facts
22 of this case. One, statements and arguments of the
23 attorneys. Two, questions and objections of the
24 attorneys. Three, testimony I instruct you to disregard.
25 Four, questions and answers given during the qualification

1 and selection of the jury. And, five, allegations set
2 forth in the indictments.

3 While the arguments of counsel are a beneficial
4 part of every trial, you should remember that the
5 statements made by counsel are not evidence. In
6 presenting arguments, counsel often refer to evidence.
7 However, you should base your verdict on the evidence as
8 you remember it. Therefore, if there any conflicts
9 between the recollection of counsel about the evidence and
10 your own recollection, you should rely upon your own
11 understanding of the evidence.

12 Now, furthermore evidence may be direct or
13 circumstantial. Direct evidence is testimony by a witness
14 about what the witness personally saw, heard or did.
15 Circumstantial evidence on the other hand is indirect
16 evidence. Stated differently it is proof of one or more
17 facts from which one can find another fact. You may
18 consider both direct and circumstantial evidence equally
19 and crimes may be proven by circumstantial evidence. The
20 law makes no distinction between the weight or value to be
21 given to either direct or circumstantial evidence.
22 However, to the extent, the State relies on circumstantial
23 evidence, all of the circumstances must be consistent with
24 each other and when taken together point conclusively to
25 the guilt of the accused beyond a reasonable doubt. If

1 the circumstances merely portray the defendant's behavior
2 as suspicious, the proof has failed. The State has the
3 burden of proving the defendant guilty beyond a reasonable
4 doubt. This burden rests with the State regardless of
5 whether the State relies on direct evidence,
6 circumstantial evidence or some combination thereof.

7 Now, the fact that the defendant elected not to
8 testify is not a factor to be considered by you in any way
9 in your deliberations and in consideration on the question
10 of whether the defendant is guilty or not guilty. It must
11 not be considered in any minor whatsoever against it. An
12 accused has the constitutional right to remain silent and
13 the assertion of that right cannot be considered by you in
14 your deliberations. Under your oath, you are to reach no
15 inference and draw no conclusions whatsoever from the fact
16 the defendant elected not to testify. His decision should
17 not even be discussed in the jury room. It is not to
18 enter your minds in making your decisions. The State has
19 the entire burden of proof and the accused has no burden
20 to prove anything at all.

21 Now, statements allege to have been made by the
22 defendant have been admitted into evidence. The Court
23 has determined that the statements were voluntary and
24 admissible. You must decide what weight, if any, should
25 be given to the alleged statements. You may give the

1 statements any further consideration that you deem proper.
2 Now, it is your job as jurors to determine the credibility
3 or believability of the witnesses who've testified in this
4 case. You must evaluate the evidence and determine which
5 evidence convinces you of its truth.

6 In determining the believability of witnesses
7 you who have testified in this case, you may believe one
8 witness over many or many over one. You may believe a
9 part of the testimony of a witness and reject the
10 remaining part. You may believe the testimony of a
11 witness in its entirety or reject it in full. You may
12 consider whether the witness has an interest in the result
13 of the trial, whether the witness is prejudice toward
14 either party. The opportunity for the witness to have
15 seen the matters and things about which the witness may
16 testify and the way the witness acts on the witness stand.

17 Now, the rules of evidence ordinarily do not
18 permit witnesses to testify to opinions or conclusions.
19 An exception to this rule exist for witnesses we call
20 expert witnesses. A witness who by education and
21 experience has become an expert in some art, science or
22 profession or calling may state an opinion as to relevant
23 and material matter in which the witness claims to be an
24 expert and may also state the reasons for the opinion.
25 You should consider any expert opinion received in

1 evidence in this case like any other evidence, give it the
2 weight you think it deserves. If you decide that the
3 opinion of an expert is not based on sufficient education
4 and experience or if you conclude that the reasons given
5 in support of the opinion are not sound or that the
6 opinion is outweighed by other evidence, you may disregard
7 the opinion entirely. An expert witness' testimony is to
8 be given no greater weight than that of other witnesses
9 simply because the witness is an expert. Further, you're
10 not required to accept an expert's opinion even though it
11 is not contradicted.

12 Now, the defendant has pled not guilty to these
13 indictments and that plea puts the burden on the State to
14 prove the defendant guilty. A person charged with
15 committing a criminal offense in South Carolina is never
16 required to prove his or her innocence. I charge you that
17 it is an important rule of the law that the defendant in a
18 criminal trial no matter what the seriousness of the
19 charge may be will always be presumed to be innocent of
20 the crime for which the indictment was issued unless guilt
21 has been proven by evidence satisfying you of that guilt
22 beyond a reasonable doubt.

23 This presumption of innocence does not end when
24 you begin your deliberations, but it accompanies the
25 defendant throughout the trial unless you reach a verdict

1 of guilt based upon evidence satisfying you of that guilt
2 beyond a reasonable doubt. The presumption of innocence
3 is like a robe of righteousness placed about the shoulders
4 of the defendant which remains with the defendant unless
5 it has been stripped from the defendant by evidence
6 satisfying you of the defendant's guilt beyond a
7 reasonable doubt. The presumption of innocence is not a
8 mere legal theory. It's not just a legal phrase. It's a
9 substantial right, which every defendant is entitled
10 unless, you, the jury, are satisfied from the evidence of
11 the defendant's guilt beyond a reasonable doubt.

12 Now, the State has the burden of proving the
13 defendant guilty beyond a reasonable doubt. Some of you
14 may have served as jurors in civil cases where you were
15 told that it is only necessary to prove a fact is more
16 likely true than not true such as by the greater weight or
17 preponderance of the evidence. In criminal cases, the
18 State's proof must be more powerful than that. It must be
19 beyond a reasonable doubt as to each element of each
20 offense charged.

21 What is a reasonable doubt in the law. A
22 reasonable doubt is the kind of doubt that would cause a
23 reasonable person to hesitate to act. Proof beyond a
24 reasonable doubt is proof that leaves you firmly convinced
25 of the defendant's guilt. There are very few things in

1 this world that we know with absolute certainty. And in
2 criminal cases, the law does not require proof that
3 overcomes every possibly doubt. If based on your
4 consideration of the evidence you are firmly convinced
5 that the defendant is guilty of the crime charged, you
6 must find the defendant guilty. If on the other hand, you
7 think there is a real possibility that the defendant is
8 not, you must give the defendant the benefit of the doubt
9 and find him not guilty.

10 Mere suspicion however strong is not enough to
11 sustain a conviction. Suspicion implies a belief or
12 opinion as to guilt based upon facts and circumstances,
13 which do not amount to proof.

14 Now, in order to establish criminal liability,
15 criminal intent is required. The dictionary defines
16 intent as the state of a person's mind that directs his
17 action toward a specific option. Criminal intent must be
18 proven by the State beyond a reasonable doubt. Criminal
19 intent is always a matter that must be determine by the
20 jury from the circumstances surrounding the situation.
21 There is no way to prove intent to a mathematical
22 certainty. There's no medical science that can dissect a
23 person's brain and determine what the person had in mind.
24 So the law says that criminal intent may be inferred from
25 the circumstances shown to have existed.

1 This is how you make a determination of whether
2 or not the element requiring intent was present. Criminal
3 intent is a mental state, a conscious wrongdoing. It is
4 up to you to determine what the defendant intended to do
5 based on the circumstances shown to have existed.

6 Now, I'm going to explain to you the law as it
7 applies to the charges against the defendant. Assault and
8 battery in the first degree, a person commits the offense
9 of assault and battery in the first degree if the person
10 unlawfully enters another person. And the act either
11 offers or attempts to injure another person with the
12 present ability to do so. And the act is either
13 accomplished by means likely to produce great -- produce
14 death or great bodily injury or occurred during the
15 commission of a robbery, burglary, kidnapping or theft.
16 Great bodily injury means injury that causes a substantial
17 risk of death or which causes serious permanent
18 disfigurement or protracted or extended loss or impairment
19 of the function of a bodily member or organ.

20 Assault and battery second degree is a lesser
21 included offense of assault and battery in the first
22 degree. A person commits the offense of assault and
23 battery in the second degree if the person unlawfully
24 injures another person or offers or attempts to injury
25 another person with the present ability do so and either

1 moderate bodily injury to another person results or
2 moderate bodily injury to another person could have
3 resulted. Moderate bodily injury means physical injury
4 that involves long lost of consciousness or that causes
5 temporary or moderate disfigurement or a temporary lost of
6 function of a bodily member or organ or injury that
7 requires medical treatment and the treatment requires the
8 use of regional or generally anesthesia or injury that
9 results in a fracture or dislocation. Moderate bodily
10 injury does not include one time treatment and subsequent
11 observation of scratches, cuts or abrasions, bruises,
12 burns, splinters or any other minor injury that do not
13 ordinarily require extensive medical care.

14 Now, the defendant has raised the defense of
15 self defense. Self defense is a complete defense. And if
16 it is established, you must find the defendant not guilty.
17 The State has the burden of disproving self defense by
18 proof beyond a reasonable doubt. If you have a reasonable
19 doubt of the defendant's guilt after considering all the
20 evidence including the evidence of self defense, then you
21 must find the defendant not guilty. On the other hand if
22 you have no reasonable doubt of the defendant's guilt
23 after considering all the evidence including the evidence
24 of self defense, then you must find the defendant guilty.

25 The following elements are required to establish

1 self defense. Number one, without fault. First, the
2 defendant must be without fault in bringing on the
3 difficulty. If the defendant's conduct was the type which
4 was reasonably calculated to and did provoke the assault,
5 the defendant would be at fault in bringing on the
6 difficulty and would not be entitled to an acquittal based
7 on self defense.

8 Two, imminent danger. The second element of
9 self defense is that the defendant was actually in
10 immanent danger of serious bodily injury or that the
11 defendant actually believed he was in immanent danger of
12 serious bodily injury. If the defendant was actually in
13 immanent danger, it must be shown that the circumstances
14 would have warranted a person of ordinary firmness and
15 courage to strike to prevent serious bodily injury. If
16 the defendant believed, he was in immanent danger of
17 serious bodily injury, it must be shown that a reasonable
18 prudent person of ordinary firmness and courage would have
19 had the same belief. In deciding whether the defendant
20 actually was or believed he was in immanent danger of
21 serious bodily injury, you should consider all the facts
22 and circumstances surrounding the crime including the
23 physical condition and characteristics of the defendant
24 and the victim.

25 The defendant does not have to show that he was

1 actually in danger. It is enough if the defendant
2 believed he was in immanent danger and a reasonable
3 prudent person of ordinary firmness and courage would have
4 had the same belief. The defendant has the right to act
5 on appearances even the defendant's beliefs may have been
6 mistaken. It is for you to decide whether the defendant's
7 fear of immediate danger of serious bodily injury was
8 reasonable and would have been felt by an ordinary person
9 in the same situation. Words accompanied by hostile acts
10 may depending on the circumstances establish self defense.

11 The final element of self defense is if the
12 defendant had no other probable way to avoid the danger
13 of death or serious bodily injury than to act as the
14 defendant did in this particular instance. A person
15 cannot be required to make an exact calculation as to
16 degree or amount of force which may be needed to avoid
17 serious bodily harm. Therefore, in self defense, the
18 defendant has the right to use the force needed to avoid
19 serious bodily harm. Force used in self defense do not
20 have to be limited to the degree or amount of force used
21 by the victim. The defendant has the right to use so much
22 force as appeared to be necessary for complete self
23 protection in which a person of ordinary reason and
24 firmness would have believed to be needed to prevent
25 serious bodily harm.

1 Now, a verdict in this case cannot be based upon
2 sympathy, passion, prejudice or emotion or some other
3 consideration not found in the evidence. I charge you
4 that as jurors you must decide the issues involved in this
5 proceeding based solely upon the evidence which you hear
6 during the course of the trial. Your verdict must be
7 without bias and without prejudice to any party. You
8 cannot allow yourselves to be govern by sympathy, by
9 prejudice, by passion, by public opinion or some other
10 consideration not found in the evidence.

11 Now, let me say something about your
12 deliberations. Deliberation is defined as careful
13 consideration weighing up with a view to decision. The
14 genius of our jury system is it allows 12 good men and
15 women from 12 different backgrounds, life experiences and
16 perspectives to consider the evidence, talk about it and
17 ultimately reach a verdict. We call them deliberations
18 for a reason. You are to consider the evidence in this
19 case carefully and deliberately and discuss it in a calm,
20 thorough and courteous manner. Listen to the views of all
21 your fellow jurors, consider other people's points of view
22 and talk through and discuss the evidence and remember if
23 you're doing something deliberately, you're not in a big
24 hurry. And you should not be in a big hurry here. This
25 case is very important to all the parties and this trial

1 is their only day in court.

2 Now, when you retire to the jury room, you
3 should discuss the case with your fellow jurors to reach
4 an agreement if you can do so. Your verdict must be
5 unanimous. Each of you must decide the case for yourself,
6 but you should do so only after you have impartially
7 considered all the evidence, discussed it fully with the
8 other jurors and listen to the views of your fellow
9 jurors. Do not be afraid to change your opinion if the
10 discussion persuade you that you should, but do not come
11 to a decision simply because other jurors think it is
12 right.

13 It is important that you attempt to reach an
14 unanimous verdict, but, of course, only if each of you can
15 do so after having made your own decision. Do not change
16 an honest belief about the weight and effect of the
17 evidence simply to reach a verdict. In other words, do
18 not change your opinion solely for the sake of reaching an
19 unanimous verdict.

20 Now, I will give you a copy of these
21 instructions in written form. During your deliberations,
22 you may refer to the instructions to guide your decision
23 making. You must consider the instructions as a whole and
24 not follow some and ignore others. Please return the
25 instructions to the Court at the time your verdict is

1 rendered.

2 There are two possible verdicts which you may
3 find in this case guilty or not guilty. There's no
4 significance whatsoever in the order in which I state
5 possible verdicts. It's simply one must be stated first.

6 Now, ladies and gentlemen, your verdict must be
7 an unanimous one. Mr. Foreman, when the jury agrees on a
8 verdict, you will write a verdict on this verdict form.
9 Then knock on the jury room door and inform the bailiff
10 that you've reached a verdict. At that time we will
11 receive you back into the courtroom. Now, I ask you now
12 return to the jury room, but do not begin your
13 deliberations until you are told by the clerk or the
14 bailiff to do so. There are some matters which must be
15 discussed with the attorneys before you can begin your
16 deliberation. So at this time you may return to the jury
17 room. Do not discuss the case yet. Thank you.

18 (WHEREUPON, the jury retired to the jury room at
19 10:40 a.m.)

20 THE COURT: Any exception to the charge?

21 MS. ZMROCZEK: No exceptions.

22 MS. TAYLOR: I just notice that there was death
23 three times in here. I just didn't catch it I'm sorry
24 before.

25 THE COURT: I mean, I tried to emphasize serious

1 bodily harm, you know. I think we took it out where it's
2 most important to take it out frankly.

3 MS. TAYLOR: It was out in the self defense. It
4 was just twice in AB first.

5 MS. ZMROCZEK: That is part of the A and B
6 first.

7 MS. TAYLOR: The only way to avoid danger.

8 MS. ZMROCZEK: Yeah.

9 THE COURT: Yeah, I love -- it's amazing how
10 sometimes these words are invisible when you review it.
11 And then when you read it, it come out loud and clear.
12 Anyway, I don't think there's any real prejudice to it.
13 We took out the most important parts. All right. You all
14 have already gotten the evidence order. Let's get the
15 alternates in here please. I'm going to let the
16 alternates go at this time.

17 (WHEREUPON, alternates entered the courtroom.)

18 THE COURT: Good morning still. I had you all
19 brought in here. What juror number were you?

20 JUROR: 191.

21 THE COURT: And?

22 JUROR: 171.

23 THE COURT: And you're my two alternates?

24 JUROR: Yes, sir.

25 THE COURT: Well, first of all, thank you for

1 patience in jury selection and thank you for coming back
2 after being sent home on Wednesday or Tuesday. I can't
3 remember, but we're about to give the case to the jury.
4 We didn't lose anybody. Sometimes we do and we do have to
5 put alternates into service during deliberation. We
6 appreciate you being here. We appreciate you paying
7 attention. And at this time you're free to go because
8 they're about to start the case, but you're welcome to
9 stay. If you like, but you're certainly free to go.
10 Thank you for your service.

11 THE CLERK: And gentlemen please make sure
12 before you leave go down to the records room on the first
13 floor if you guys need work excuses for the last two days
14 and Tuesday as well.

15 THE COURT: Thank you all.

16 (WHEREUPON, the alternates were excused.)

17 (WHEREUPON, the jury began deliberations at
18 10:44 a.m.)

19 THE COURT: I have been informed we have a
20 verdict. All right. Anything else before we bring in the
21 jury?

22 MS. TAYLOR: Nothing from the State.

23 MS. ZMROCZEK: Nothing.

24 THE COURT: All right, let's bring them in.
25

1 (WHEREUPON, the jury came into open court at
2 12:37 with a verdict.)

3 THE COURT: Mr. Foreman, ladies and gentlemen,
4 welcome back. Obviously, you have a verdict, is that
5 correct?

6 JURY FOREMAN: Yes.

7 THE COURT: Is your verdict unanimous?

8 JURY FOREMAN: Yes.

9 THE COURT: Please hand it to the bailiff.
10 Madam clerk, you may publish the verdict please.

11 THE CLERK: Yes, sir. Indictment
12 2023-GS-32-01311 the State of South Carolina vs. Jeffrey
13 Wise, we, the jury, as to the indictment 2023-GS-32-01311
14 for the charge of assault and battery in the first degree
15 unanimously find beyond a reasonable doubt Jeffrey Wise
16 guilty.

17 Ladies and gentlemen of the jury, was this jury
18 verdict and is it still your verdict please indicate by
19 raising your hands?

20 (WHEREUPON, all the jurors raised their hands.)

21 THE CLERK: Thank you.

22 THE COURT: All right. Any ---

23 MS. ZMROCZEK: We would like them individually
24 polled.

25 THE COURT: Very well. Poll the jury please.

1 THE CLERK: Juror number 253 was this your
2 verdict and is it still your verdict?

3 JUROR: Yes.

4 THE CLERK: Juror number 225 was this your
5 verdict and is this still your verdict?

6 JUROR: Yes.

7 THE CLERK: Juror number 122 was this your
8 verdict and is it still your verdict?

9 JUROR: Yes.

10 THE COURT: Juror number 257 was this your
11 verdict and is it still your verdict?

12 JUROR: Yes.

13 THE COURT: Juror number 237 was this your
14 verdict and is it still your verdict?

15 JUROR: Yes.

16 THE COURT: Juror number 65 was this your
17 verdict and is it still your verdict?

18 JUROR: Yes.

19 THE CLERK: Juror number 263 was this your
20 verdict and is this still your verdict?

21 JUROR: Yes.

22 THE CLERK: Juror number 227 was this your
23 verdict and is this still your verdict?

24 THE COURT: Did I hear a response? Say the
25 number again please?

1 THE CLERK: 227.

2 THE COURT: Was that an alternate? Who is juror
3 number 227?

4 THE CLERK: My apologies that was juror number
5 237. Was this your verdict and is this still your
6 verdict?

7 THE COURT: Raise your hand if your name was not
8 called? I said that backwards.

9 THE CLERK: Let me just start over, Judge. I'm
10 sorry my numbers are all messed up now.

11 THE COURT: All right, let's just go through the
12 polling one more time.

13 THE CLERK: Jury number 253 was this your
14 verdict and is this still your verdict?

15 JUROR: Yes.

16 THE CLERK: Juror number 225 was this your
17 verdict and is this still your verdict?

18 JUROR: Yes.

19 THE CLERK: Juror number 122 was this your
20 verdict and is this still your verdict?

21 JUROR: Yes.

22 THE COURT: Juror number 257 was this your
23 verdict and is this still your verdict?

24 JUROR: Yes.

25 THE CLERK: Juror number 237 was this your

1 verdict and is this still your verdict?

2 JUROR: Yes.

3 THE COURT: 237? Smith?

4 JUROR: Me, yes.

5 THE COURT: Okay.

6 THE CLERK: Juror number 65 was this your
7 verdict and is this still your verdict?

8 THE COURT: 65?

9 JUROR: Yes.

10 THE COURT: Okay.

11 THE CLERK: Juror number 263 was this your
12 verdict and is this still your verdict?

13 JUROR: Yes.

14 THE CLERK: Juror number 227 was this your
15 verdict excuse me I'm sorry -- Juror number 114 was this
16 your verdict and is this still your verdict?

17 JUROR: Yes.

18 THE CLERK: Juror number 246 was this your
19 verdict and is this still your verdict? I did it again
20 I'm sorry. Juror number 174 was this your verdict and is
21 this still your verdict?

22 JUROR: Yes.

23 THE CLERK: And I believe that is everybody.

24 THE COURT: You are number 186?

25 JUROR: 118.

1 THE COURT: Is this your verdict and is it still
2 your verdict?

3 JUROR: Yes.

4 THE COURT: All right.

5 THE CLERK: My apologizes your Honor.

6 THE COURT: I got a little confused by the
7 numbers too.

8 MS. TAYLOR: Your Honor, there was one more.

9 MS. ZMROCZEK: I only have 11.

10 THE COURT: 186, yes, sir, you are our ninth
11 juror selected to be clear. And is this your verdict and
12 is it still your verdict?

13 JUROR: Yes.

14 THE COURT: All right. I apologize for the
15 confusion. Ms. Zmroczek, are you comfortable with the
16 polling?

17 MS. ZMROCZEK: I'm sorry.

18 THE COURT: Are you fine with the polling at
19 this point?

20 MS. ZMROCZEK: Yes, your Honor.

21 THE COURT: Okay. Well, I just want to make
22 sure.

23 MS. ZMROCZEK: Yes.

24 THE COURT: All right. Anything else from the
25 State for the jury?

1 MS. TAYLOR: Nothing at this time.

2 THE COURT: All right, ladies and gentlemen,
3 it's Friday afternoon now. You been here -- were here
4 Tuesday, went home Wednesday and came back Thursday and
5 Friday, so thank you for your patience this week. Thank
6 you for your attention. We had civil cases going this
7 week. We had criminal cases going this week. And the
8 justice system doesn't function unless people like you
9 come forward and do this public service. So thank you for
10 being here this week. We appreciate your time, but you're
11 free to go. Mr. Foreman, I need you to speak with our
12 clerk of court real quick, but otherwise you may have your
13 belongings with you. You're free to go at this time.
14 Thank you for your service.

15 (WHEREUPON, the jury is dismissed.)

16 THE COURT: Any motions?

17 MS. ZMROCZEK: At this time first we would first
18 move to set aside the verdict just based on legal issues
19 that we raised. At the same time we would then make sure
20 that all of the verdict -- especially the indictments ones
21 are renewed.

22 THE COURT: Very well. The record will reflect
23 there's pretrial motions that are renewed and your
24 objections are preserved during the trial and your motions
25 at directed verdict are renewed. And your motion I think

1 motion -- through a motion for a new trial in there based
2 on sufficiency of the evidence. Any response from the
3 State on that?

4 MS. TAYLOR: Your Honor, I believe that the
5 evidence presented and the testimony presented adequately
6 reflected the guilty verdict of assault and battery in the
7 first degree.

8 THE COURT: Okay. I find there was sufficient
9 evidence for the jury to weigh. And they could have come
10 up with whatever decision they thought was appropriate,
11 and that's what they did. So I'll deny the motion for a
12 new trial at this time. Okay. You all want to pivot into
13 sentencing here in five minutes or so?

14 MS. TAYLOR: Yes, your Honor.

15 THE COURT: Anyone else ---

16 MS. TAYLOR: I need a few minutes to go get
17 prepared.

18 MS. ZMROCZEK: We're waiting on the paperwork.

19 THE COURT: Okay.

20 (WHEREUPON, a break was taken.)

21 THE COURT: Okay. So we just finished the jury
22 trial of State vs. Jeffrey Bruce Wise, Jr. The jury has
23 returned a verdict of guilty beyond a reasonable doubt on
24 the charge of assault and battery in the first degree.
25 What addition would the State like to say?

1 MS. TAYLOR: I'll be brief, your Honor. The
2 defendant before you has never shown any remorse
3 whatsoever in this case. He's always maintained that it
4 was on self defense. And, obviously, the evidence pointed
5 otherwise and the jury agreed otherwise. The injuries
6 that he inflicted upon his own mother were very serious,
7 required a lot of extensive procedures and surgery. To
8 this day, she can't even bite into an apple, so she
9 continues to have complications from this. Obviously, we
10 aren't able to get into the extent of that during her
11 testimony, but I wanted the Court to be aware that she
12 still has complications from her teeth appearing to be
13 normal but never going to be the same again.

14 She had to testify against her own son, which is
15 one of the hardest things if not the hardest thing that
16 she's ever had to do, but it was because he's never shown
17 any remorse. He's never shown any accountability three
18 years later after this has happened. And lastly,
19 probation -- the case -- even case law states that
20 probation is an active of mercy. On that night, he did
21 not show his mother any mercies, so we are not asking for
22 probation. We are very opposed to probation. And we are
23 asking for an active sentence in this case. Ms. Chandler
24 is very emotional as you can understand at this point. I
25 think she's too emotional to be able to speak to the

1 Court, but she leaves sentencing in your discretion.

2 THE COURT: Ma'am, is that -- you wish to say
3 anything? You don't have to. I heard you at trial.

4 MS. CHANDLER: I don't think I can.

5 THE COURT: Anyone else?

6 MS. TAYLOR: Law enforcement is also leaving
7 sentencing in your discretion, your Honor, but, again, we
8 are asking for time.

9 THE COURT: Okay. Ms. Zmroczek.

10 MS. ZMROCZEK: Thank you, your Honor. With all
11 due respect to the jury's verdict, obviously, there's some
12 legal issues, but ---

13 THE COURT: Let's not question the jury.

14 MS. ZMROCZEK: That's what I'm saying with all
15 due respect to the jury verdict. Obviously, we're not,
16 you know, it is what it is. Your Honor, I know that this
17 has been a very emotional case. It started from the State
18 that way. This was all emotion. And maybe I should have
19 objected in closing to saying her flesh and blood, but it
20 is what it is. He's her son.

21 Your Honor, this is not a case where a client
22 should have to go to prison. You know, if they want to
23 -- you know, if they're wanting active time, we would
24 request that he do weekend time or something. Your Honor
25 there's clear that goes a lot more beyond this family than

1 other families. His father has been here to support him
2 the entire time and would like to speak because I know you
3 got to see -- I think you probably got to see when you
4 were doing the Jackson v. Denno the entire video without
5 the starting and stopping because I think that that gives
6 you a really big clue of what went on that night.

7 Mr. Wise has always maintained, you know, what his
8 position is. And we certainly understand that the jury
9 found differently, but your Honor in a highly emotional
10 case like this, it's obviously very difficult. We think
11 that probation would be an appropriate sentence if, you
12 know, to get a point across. I know that your Honor does
13 not trial tax, okay. I know you don't trial tax. There
14 are judges that do. I never tried a case in front of you,
15 but I've heard that you don't trial tax.

16 THE COURT: Let me step in there though because
17 even if I ordered an active sentence, I wouldn't consider
18 that a trial tax.

19 MS. ZMROCZEK: I wouldn't ---

20 THE COURT: Let me just say this. If we had
21 done a plea, okay, where I was just told that any
22 defendant did something. You know, here I watch, I see
23 the whole case. I mean there's -- I'm not out to blow
24 up a sentence here, but, I mean, you know, there's nothing
25 unreasonable about some active time. There's also nothing

1 unreasonable about considering other options, so, I mean,
2 I just want to get a word in on that.

3 MS. ZMROCZEK: Oh, no, absolutely. I guess,
4 that's why I'm trying to make sure I get my point across.
5 I wasn't suggesting that, you know, if you did an active
6 sentence that would be trial tax. I'm not suggesting
7 that, but I'm just saying that in looking at the totality
8 of the circumstances from that night including, you know,
9 even how Mr. Wise was super cooperative and never not run
10 away. He's always faced his -- he's always straighten up
11 when he's suppose to. And your Honor obviously there's a
12 lot of emotional damage I think between these parties.

13 THE COURT: I like to hear more about it now
14 that the trial is over.

15 MS. ZMROCZEK: I'm sorry.

16 THE COURT: I like to hear -- maybe the dad will
17 tell me some more about it.

18 MS. ZMROCZEK: And so I think that that's -- so
19 that's some of the things I would like to get into your
20 Honor. Some of the things that didn't come in in front of
21 the jury because it maybe would have been character
22 evidence, but your Honor this -- so there were -- this
23 client had a drug problem when he was much younger. He
24 has not touched any drugs or alcohol since he was put on
25 probation, which he successfully completed and had no

1 problem with. But your Honor that was always something
2 that his mother would just really threw in his face hang
3 over his head. It became very challenge and troubling
4 relationship. He did stay there, but, again, it was
5 always -- he stayed on that property with his -- in his
6 own trailer that he own, but he did stay on the property
7 for which he was thankful for. But there was always some
8 infighting. And this has been common and I think that her
9 ex-husband, his father, could probably speak a little bit
10 more to it because she would always call him on the phone.
11 And so that's why I'm going to let that go to him when he
12 speaks. But your Honor and my client has advised me just
13 because of the appellate issues that he's not going to
14 speak, but just because he's not going to speak, I do
15 have -- when he and I first talked, he felt terrible. And
16 for them to always say that he has no remorse is -- I
17 don't think that's appropriate. I think that you could
18 see even on the video that was played that when he said,
19 well, her teeth are bleeding and he said that's what my
20 hand must have hit. It wasn't like, yeah, she deserved
21 it. It wasn't any of that your Honor. It was taking all
22 of this in as it was happening.

23 They've had no communication since then. And
24 that's been hard, you know, but the way that he's been
25 spoken to especially in a situation like this. So the

1 other back story your Honor was that his ex-girlfriend and
2 his mom had been bickering back and forth. And the mom
3 said she said this you should do this immediately. And
4 all he was trying to do was get to the bottom of what was
5 said. Again, I know that's a lot of extraneous material,
6 but we also -- they had even -- the State filed a motion
7 that another family member had gotten into a fight with
8 Ms. Chandler. Obviously, we didn't bring that in front of
9 the jury. It was afterwards, but fighting seems to be
10 something that runs it little more common in this family
11 not that it's right or wrong.

12 But your Honor to say he has no feelings
13 whatsoever that his mother was hurt is absolutely
14 inappropriate. He does. I mean, he's always said that to
15 me. They didn't ever ask him, you know. And so -- I
16 mean, I think you saw how the interview went. He's trying
17 to tell them what happened. And before he could even get
18 words out of his mouth, he's being interrupted. He knew
19 the moment that the officer start beating on this trailer
20 door that he was going to jail.

21 THE COURT: Well, let's move on.

22 MS. ZMROCZEK: And your Honor given the -- just
23 given the circumstances surrounding this situation and the
24 state of SCDC. I have concerns about sending him to
25 prison. I understand that that's what the State wants.

1 And certainly in light of the jury verdict some punishment
2 is appropriate we understand that. At this time your
3 Honor I would like his father Bruce Wise to be able to
4 have a ---

5 THE COURT: All right, yes, sir, Mr. Wise. I
6 would ask you to introduce yourself, but I'm aware you're
7 Bruce or Jeff Bruce Wise, Sr., right?

8 MR. WISE: That is correct?

9 THE COURT: Okay.

10 MR. WISE: Yes, sir, your Honor. I know in the
11 past he's had some problems little issues with help from
12 rehab and working hard with him. We've got him work
13 through that. I currently have him working with me. In
14 fact, he's my only help that helps me now.

15 THE COURT: What type of work do you do?

16 MR. WISE: Construction work.

17 THE COURT: You do construction?

18 MR. WISE: Yes, sir. And I actually do some
19 fiber glass work. We worked hard to get him on a good
20 straight track and I think he has been, you know. Like I
21 say, he was a little side ways there for a little bit, but
22 we got that back.

23 THE COURT: When you say a little bit, you mean
24 ten years ago or you mean?

25 MR. WISE: No, I'm talking about back when with

1 the drug problem thing.

2 THE COURT: That's what I mean ten years ago.

3 MR. WISE: Yes, sir. I'm having trouble
4 hearing.

5 THE COURT: Conviction for distribution was in
6 2015 conviction, right?

7 MR. WISE: Right.

8 THE COURT: So, I mean, it would have precurse
9 that, so we're talking 2014. And you telling me he's been
10 off drugs again he doesn't have any drug arrests in the
11 last ---

12 MR. WISE: Right, since then, no, sir, that's
13 been it. Like I said, we worked on him. I try to stay on
14 behind him pretty good. I do know for a fact that he was
15 in a pretty volatile situation up there and I partly take
16 the blame. I should have pushed him to go ahead and get
17 him moved from up there, but I did not. I guess, I failed
18 him on that part.

19 THE COURT: Has he been living with you? Has he
20 been living with you for the last three year?

21 MR. WISE: He's on my property. We moved his
22 mobile after this incident. We moved his mobile and put
23 it on a piece of property that -- on the back of my
24 property, but like I say, I keep -- he stays working with
25 me every day, you know. I say every day. Every day that

1 we work. Some days we may fish together or whatever, but
2 we're in pretty close contact. And my fear is if he gets
3 -- was get back to prison time or something, I don't go
4 want it to go backwards from where I work to get him
5 forward to get him where he's at now. It really concerns
6 me. Plus, I mean, I really need him for my help as well,
7 so I do ask the Court any leniency that you could do.

8 THE COURT: Okay. How much credit's he's got?

9 MS. ZMROCZEK: He did one day your Honor. Also
10 I do believe that there's some restitution that -- I think
11 that we have restitution hearing probably because the
12 bills that I received in discovery totaled about \$3,400,
13 but the restitution was seeking more than double of that,
14 your Honor. And so I have always asked for the records
15 and bills on that that I still haven't gotten. So he's
16 certainly willing to pay the restitution as long as we
17 understand what it is. And so I've always been waiting on
18 that as well.

19 THE COURT: You want to speak to that, Ms.
20 Taylor.

21 MS. TAYLOR: There's just been a little
22 confusion about what we have and haven't had. We are also
23 working with victim's services to see if they will cover
24 the remaining balance. So I don't have an answer for that
25 today. There should be no reason that they should not

1 cover it.

2 THE COURT: In the event that victim services
3 were to do that, that would elevate some of the
4 restitution, would it not?

5 MS. TAYLOR: Right.

6 MS. ZMROCZEK: But, again, he's certainly
7 willing to pay understanding the juries verdict, but your
8 Honor, I guess, my concern is that to say that he has no
9 remorse is you're always going to feel a way about your
10 mother regardless of what kind of relationship you have.

11 THE COURT: You made your record on that. I
12 watch the videos too. They are what they are. Mr. Wise,
13 anything else you want to tell me, sir?

14 MR. WISE: No, sir.

15 THE COURT: Okay. And, obviously, you have the
16 right to speak, but I think your intention is to not to
17 speak, correct?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Okay.

20 MS. TAYLOR: Your Honor, I have a brief response
21 at the appropriate time.

22 THE COURT: Sure.

23 MS. TAYLOR: I just wanted to point out there
24 was a 2022 incident with another family member brought up
25 that didn't come out in trial. This was an incident

1 between Ms. Chandler and a family member where there was
2 no probable cause to arrest and refusal to prosecute by
3 the reporting party. I just ask that that not be
4 considered in any manner during your sentencing year
5 removed from this after the fact in 2022.

6 THE COURT: Did not involve this defendant?

7 MS. TAYLOR: Correct. Also, he may feel bad
8 that she was injured, but he has never -- to clarify he
9 has never taken any accountability as the aggressor. It
10 has always been our position and a jury agreed that he was
11 the aggressor in this incident. He provoked this assault.
12 He escalated this to become physical. He's done nothing
13 but try to shift blame to Ms. Chandler, his mother, and
14 anyone but himself. Further, he never asked on scene on
15 that note whether she was okay at all. He also -- he does
16 have that prior conviction for a violent crime and now
17 he's been convicted. I think it might be violent.

18 THE COURT: It's a prior violent offense?

19 MS. TAYLOR: It's a manufacturing meth.

20 MS. ZMROCZEK: It's not violent, your Honor,
21 that's what I was trying to tell you.

22 MS. TAYLOR: I misspoke I'm sorry. He has that
23 prior conviction for manufacturing meth. And now he's
24 convicted for violently assaulting his mother. Lastly,
25 mercy without accountability is not justice. Again, he

1 has never taken accountability as being the aggressor in
2 this incident. And for those reasons, we are asking for
3 active time.

4 THE COURT: I can speak with you all up front.

5 (WHEREUPON, a bench conference was held.)

6 MS. TAYLOR: Apparently, Ms. Chandler wants to
7 speak.

8 THE COURT: Ms. Chandler, I'm happy for you to
9 speak, sur. I have a different court reporter now, so if
10 you can just tell me your name again.

11 MS. CHANDLER: Lea Ann Chandler.

12 THE COURT: Lea Ann Chandler, yes, ma'am. Thank
13 you. Can you hear her?

14 COURT REPORTER: Barely.

15 THE COURT: Okay, if you can just come up just a
16 little bit closer.

17 MS. CHANDLER: Oh, it's been a long three years
18 probably the worse three years of my life. I love my son.
19 I always love him. I want him to get help. I want him to
20 take accountability for what he's done, but I don't know
21 what the answer is.

22 THE COURT: When you say you want him to get
23 help, what kind of help? Can you tell me what you mean by
24 that?

25 MS. CHANDLER: I think he probably has some

1 mental health issues. I don't know if that stems from the
2 brain trauma from the accident he had. He almost died of
3 severe traumatic brain injury. The drug use. I don't
4 know why he's always made bad decisions and never taking
5 ownership. He does have anger issues. Never apologized
6 for any of the anger issues. I don't know what the answer
7 is for him. I don't know why he makes the choices he
8 make. Why he gets so angry. If he hates me that much or
9 it's from an imbalance in his brain I don't know.

10 THE COURT: Well, you mentioned the accident. I
11 mean, is it different now than he was before the accident?

12 MS. CHANDLER: Oh, he was different immediately
13 after the accident. He had a one percent chance of
14 survival.

15 THE COURT: This was a car wreck?

16 MS. CHANDLER: Yes, had to learn to walk, talk
17 all that over again. And then five years later he has
18 another crash. He goes head first more injuries to his
19 face. It's been a long road with him. So, I guess, his
20 life is in your hands now and what happens to him. I've
21 always wanted him to be happy and healthy.

22 THE COURT: Okay. Thank you for speaking. Mr.
23 Wise, did you need to say something else?

24 MR. WISE: I was trying to get here. I would
25 say, you know, he has had two major accidents with

1 traumatic brain injuries, so may be you know -- I don't
2 see the anger thing, you know, as much with me, but there
3 is a possibility there's something there. I know he did
4 say it wasn't long after he was in the hospital in fact
5 back going -- that he was different. There was something
6 different.

7 THE COURT: All right, let me take a brief
8 recess and I'll be back in a few minutes.

9 (WHEREUPON, a break was taken.)

10 THE COURT: Ms. Chandler, one real quick
11 question for you. One of the conditions on a sentencing
12 sheet is no contact with victim. Do you want your son to
13 be able to contact you? There's no wrong answer.

14 MS. CHANDLER: Yes, sir.

15 THE COURT: You do, okay. Because if I say, no,
16 and then he does or he contacts you it will just creates
17 more problems.

18 MS. ZMROCZEK: And your Honor on that because I
19 know there's been no contact order in place and he has not
20 reached out. There were a couple of -- obviously, he was
21 evicted, so there was contact there. But even afterwards
22 there were some attempts to contact her, and obviously he
23 couldn't respond because he's had no contact order. And
24 so he has, you know, maintain what was required by the
25 Court just in case.

1 THE COURT: Okay. All right. Well, first of
2 all, let me just -- please be seated. Let me commend the
3 attorneys for trying the case this week. We had an odd
4 week of scheduling, picked the jury, came back two days
5 later. You all work well together and you all were
6 efficient in your trial. And frankly presentations went
7 pretty much without issue, without problems. So thank you
8 all for working well together this week. It doesn't
9 always happen that way. So, I mean, it when I say thank
10 you.

11 You know, Mr. Wise, the jury spoke. They said
12 what they said. They found you guilty. So, you know,
13 regardless of what I was thinking throughout, I mean, I
14 consider you guilty of assault and battery in the first
15 degree make no mistake.

16 I recognize some interesting circumstances about
17 your past. I'm trying to frankly find some balance
18 between, you know, what the State's asking for and what
19 the defense is asking for. You know, assault and battery
20 first degree is a nonviolent offense. Now, that's kind of
21 a miss known because this did involve a physical attack of
22 some sorts, but it's not. There were no knives involved
23 here, no guns. It's not violent in that since. It's not
24 to mitigate assault and battery first degree, but just a
25 little bit of context.

1 I think the State is not unreasonable at all in
2 asking for active time. I think the defense is not
3 unreasonable trying to ask for sentences based upon
4 previous discussions with the parties. So what I want to
5 do is try to figure out if I can craft a sentence that
6 will have some atonement for his conduct under the
7 circumstances, but also hopefully provide some sort
8 rehabilitation. And the option if rehabilitation doesn't
9 work so well, then go to prison simple as that. So that's
10 what I've tried to do.

11 So on the charge of assault and battery in the
12 first degree, Mr. Wise you be committed to the department
13 of corrections for a period of ten years provided upon the
14 service of 89 days in the county jail. The balance is
15 suspended with four years probation credit for one day.
16 You're ordered to undergo mental health counseling and an
17 assessment. Probation will see that that happens. You
18 also have to complete anger management while you're on
19 probation. You also have to maintain steady employment
20 and residence. I've asked for him to be on intense
21 supervision for the first 90 days, Mr. Rentiers (sic).
22 Mr. Rentiers, also please note for the file that if
23 probation has any concerns when he does get out on
24 supervision that those be brought before the Court while
25 he's on intense supervision. If something needs to

1 change, I'd like to change it earlier rather than later.
2 So it will be up to you to decide how your sentence is
3 going to go frankly. I would warn you violating probation
4 will not be a good thing for you. I don't want down play
5 90 days in the county jail. I wouldn't want to spend 90
6 days in the county jail, but it's better than the
7 department of corrections right now, okay. But if you
8 squander the mental health opportunities you are going to
9 get and anger management, then you'll have about nine and
10 a half years waiting on you in the department correction.
11 You understand that? You can answer that?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: All right, I believe that's all.
14 We've touched everything. Court's adjourned.

15 (WHEREUPON, Court's Exhibits Nos. 10-13 were
16 marked for the record.)

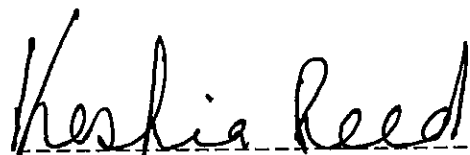
17 END OF REQUESTED TRANSCRIPT
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CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)

I, Keshia Reed, Court Reporter in and for the State of South Carolina At Large, do hereby certify that the above-entitled cause was heard as hereinafter set out; that I was authorized to and did transcribe the said proceedings; and that the foregoing and annexed paged, numbered 1 through 78, inclusive, constitute a true and accurate transcription of my stenographic report of the said cause taken during the said hearing. In the Court of General Sessions for Lexington County, South Carolina, on the 23rd day of February, 2024.

I do further certify that I am neither of kin, counsel nor interest to any party hereto. In witness whereof, I have hereunto affixed my signature this 2nd day of December 2024.



Keshia Reed, Court Reporter

ARREST WARRANT

2021A3210200619

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of Lexington

THE STATE

21003922

Jeffrey Bruce Wise, Jr.

29123-8822

DL State SC DL # [redacted] SSN [redacted] Height 5 Weight 170

Prosecuting Agency Lexington County Sheriff

Prosecuting Officer Jacob M Caraway - S01153

Offense Assault / Assault & Battery 2nd degree

Offense Code 3413

Code/Ordinance Sec. 16-03-0600(D)(1)

This warrant is CERTIFIED FOR SERVICE in the County/ Municipality of

is to be arrested and brought before me The accused to be dealt with according to the law

(L.S.)

Date

RETURN

A copy of this arrest warrant was delivered to defendant Jeffrey Bruce Wise, Jr. on 3.2.21

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
Mark H. Westbrook Judicial Center
205 East Main Street
Lexington, SC 29072

ORIGINAL ORIGINAL

State v Jeffrey Bruce Wise Jr.

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of Lexington

AFFIDAVIT

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

Personally appeared before me the affiant Jacob M Caraway / Jonathan Evans being duly sworn deposes and says that defendant Jeffrey Bruce Wise, Jr did within this county and state on or about 3/1/2021 State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Lexington violate the criminal laws of the in the following particulars:

DESCRIPTION OF OFFENSE: Assault / Assault & Battery 2nd degree

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

On March 1, 2021 at approximately 8:41 PM, while [redacted] in the Pelion area of Lexington County, SC, Jeffrey Wise Jr. did commit the crime assault and battery second degree against the victim, Lea Chandler. The defendant did charge the victim and assaulted her with a closed fist, with much force, knocking the victim to the ground. This act was confirmed by the victim's verbal statements. The victim did sustain moderate bodily injury to her mouth, resulting in the damage, and partial loss of a tooth, which will require surgery to fix. The defendant is charged with assault and battery second degree, 1.C.S.D.#21-003922.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of Lexington

Affiant's Address 521 Gibson Road Lexington, SC 29072-

Affiant's Telephone (803)785-2400

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY.

on or about 3/1/2021 It appearing from the above affidavit that there are reasonable grounds to believe that did violate the criminal laws of the State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Lexington defendant Jeffrey Bruce Wise, Jr.) as set forth below

DESCRIPTION OF OFFENSE: Assault / Assault & Battery 2nd degree

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me on 3/2/2021

Signature of Issuing Judge Arthur I. Myers (Magistrate)

Judge Code 7252

Judge's Address 139 East Main St Lexington, SC 29072-

Judge's Telephone

Issuing Court ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL ORIGINAL

ORIGINAL ORIGINAL

ORIGINAL ORIGINAL

LE Case No.: 21003922



FILED

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
) FOR THE ELEVENTH JUDICIAL DISTRICT
 2023 JUN 11 AM 9:14
 COUNTY OF LEXINGTON)
)
 LISA H. COMER
 CLERK OF COURT
 LEXINGTON SC
 THE STATE,) NOTICE OF MOTION FOR AN
) IMMUNITY HEARING UNDER
 -vs-) S.C. CODE OF LAWS §16-11-450
)
 Jeffery Wise,) Indictment No.: 2023GS3201311
)
 Defendant)

TO: Whitney Young Taylor, Assistant Solicitor Lexington County Solicitor's Office , 201 East Main Street, Lexington, South Carolina 20971

You will please take notice that on June 19, 2023¹, or at such other time as scheduled by the court, the above-named Defendant, by and through his counsel will move this court for immunity from prosecution and an order dismissing the above-referenced indictment and charge pursuant to Section 16-11-450 of the South Carolina Code of Laws and State v. Duncan, 709 S.E.2d 662 (2011) and subsequent caselaw.

Background Facts

On March 1, 2021, Lexington Police were responding to a separate unrelated incident when they were approached by Leanne Chandler who stated she was assaulted by her son. Officer Caraway responded and after only taking facts from the alleged victim, arrested the Defendant for Assault and Battery-second degree.²

¹ Note Defense Counsel is scheduled for a double murder trial from December 19, 2020, in Richland County so if that case goes, I believe it takes precedence over this case and this will roll over to the July 10, 2023, docket.

² This offense was upgraded and directly presented by the Assistant Solicitor due to the nature of the injuries.

FILED

Just prior to this date on February 27, 2021, the Defendant was attacked at his home.³

Lecanne Chandler had been ~~2003 UN-1-11-24~~ in her car, this was still in her car on this date. Ms. Chandler was still upset with the Defendant, and she confronted the Defendant that evening threatening him because his girlfriend was still staying at his trailer. She threatened him with physical violence and the gun in the car. Defendant was forced to defend himself from threat of great bodily injury and he met force with force. This all occurred on his property, where he had the right to be.

Defendant requests a pretrial determination regarding immunity prior to the trial of this case.



Aimee J. Zmroczek
A.J.Z. Law Firm, LLC
P.O. Box 11961
Columbia, SC 29211
t-(803) 400-1918
f-(803) 403-8005
aimee@ajzlawfirm.com
Attorney for the Defendant

Columbia, South Carolina
Dated: June 1, 2023

³ The same location as this incident.

JEFFERY BRUCE WISE, JR.,
DEFENDANT

**STATE'S MEMORANDUM: IMMUNITY ACT
(S.C. CODE 16-11-440) INAPPLICABLE**

FILED
2024 FEB 15 PM 4:38
U.S. DISTRICT COURT
SOUTHERD DISTRICT OF CALIFORNIA
SAN FRANCISCO

The victim advised law enforcement that when she pulled into her driveway, she saw her son, the Defendant, standing there. A conversation ensued regarding the reason for law enforcement's presence across the street. The victim advised that Defendant became irate for her during the course of their conversation. When the victim proceeded to attempt to get out of her vehicle to continue the conversation, Defendant punched her in the mouth, knocking her to the ground. The victim immediately felt an immense amount of pain and blood coming from her mouth. When the victim told Defendant she was going to go across the street and report the assault

to deputies, he replied “I don’t care, I know I’m going to jail.” The responding deputy observed the victim to have lacerations on both her top and bottom lips, as well as a cracked front tooth. Further, Defendant was found to have a large open laceration on his right hand, which was bleeding profusely. After a thorough investigation by Deputy Jacob Caraway, Defendant was placed under arrest for Assault and Battery in the Second Degree. An indictment for the charge was submitted to the Lexington County Grand Jury and was true billed on June 7, 2021.

In the weeks and months proceeding the assault, the victim was forced to undergo extensive repairs to her teeth, due to the amount of damage she sustained. This included various extractions and implants, followed by a painful recovery. Due to the nature of her injuries that was discovery post-arrest, the State presented a direct indictment to the Lexington County Grand Jury for one count of Assault and Battery in the First Degree, which was true billed on April 10, 2023. As a matter of procedure, the Assault and Battery Second Degree was nolle prossed after the direct indictment was true billed.

Based upon evidence obtained during the course of the criminal investigation, the State maintains that the Defendant, Jeffrey Bruce, Wise, Jr., does not fall within the provisions of the Immunity Act pursuant to S.C. Code Section 16-11-440(C).

II. CASTLE DOCTRINE PROCEDURE

The first issue is whether the Defendant is entitled to a pretrial grant of immunity from criminal prosecution pursuant to the S.C. Protection of Persons and Property Act (Immunity Act), as stated in S.C. Code §16-11-440 (hereinafter referred to as “Act”). The procedure for asserting immunity under the Act is by a motion for a pre-trial factual determination of a claimant’s immunity by either party, and such a pre-trial hearing is known as a “Castle Doctrine hearing.” State v. Duncan, 392

S.C. 404 (S.C. 2011). As the Duncan court explained, “Immunity under the Act is therefore a bar to prosecution and, upon motion of either party, must be decided prior to trial. Id. The Duncan court further held that when a defendant raises the question of statutory immunity pre-trial, the trial court must determine whether the defendant has carried its burden and has shown by a preponderance of the evidence that the immunity attaches. Id. at 411. Therefore, a claim of immunity under the Act requires a pre-trial determination using a preponderance of the evidence standard, which this court reviews under an abuse of discretion standard of review. Id.

The Castle Doctrine hearing applies the burden of proof that standard self-defense carried in the past: At one time, self-defense was an affirmative defense in this State, and a defendant bore the burden of establishing it by a preponderance of the evidence. State v. McDowell, 272 S.C. 203, 207 (S.C. 1978). However, current law requires the State to disprove self-defense, once raised by the defendant, beyond a reasonable doubt. State v. Wiggins, 330 S.C. 538, 544 (S.C. 1998). Similar to the old self-defense affirmative defense, a claimant in a Castle Doctrine hearing carries the burden of proving, by a preponderance of the evidence that the claimant’s circumstances meet the elements of the Act.

Therefore, the burden of proof in this action is on the defense to prove by a preponderance of the evidence that this case meets the elements required for the Castle Doctrine to apply. The defense, being the moving party in this action, shall be required to open in full in presentation of its case.

III. CASTLE DOCTRINE ELEMENTS

Consistent with the Castle Doctrine and the text of the Act, a valid case of self-defense must exist, and the trial court must necessarily consider the elements of self-defense in determining a defendant's entitlement to the Act's immunity. This includes all elements of self-defense, absent the duty to retreat. State v. Curry, 406 S.C. 364 (2013); State v. Douglas, 411 S.C. 307 (2014). Because the General Assembly's intent was to codify the common law Castle Doctrine, it is appropriate to consider case law in the area. *Id.*

The Castle Doctrine rule is predicated on the absence of aggression or fault on the defendant's part in bringing on the difficulty. *Curry*, citing State v. Grantham, 224 S.C. 41 (1953). Immunity is therefore predicated on an accused demonstrating the elements of self-defense to the satisfaction of the trial court by the preponderance of the evidence. *Curry*, 406 S.C. at 372. In *Curry*, the defendant was not entitled to immunity where testimony of the defendant was in direct conflict to testimony of eyewitnesses as to whether the victim attacked the defendant and presented a quintessential jury question. In the recent case of State v. Andrews, 427 S.C. 178, 830 S.E.2d 12 (2019), the Court held that "the relevant inquiry is not merely whether there is a conflict in evidence but, rather, whether the accused has proved an entitlement to immunity under the Act by a preponderance of the evidence." Later, in State v. Marshall, 832 S.E.2d 618 (2019), the Court determined that "the circuit court did not abuse its discretion in holding Marshall was not entitled to immunity because he failed to prove the elements of self-defense by a preponderance of the evidence due to inconsistencies in the record." Additionally, the Court noted that due to differences between Marshall and the victim's accounts, Marshall's testimony was unreliable and prevented the Court from finding he established the relevant elements of self-defense by a

preponderance of the evidence. Id. The Court noted that this case differed from Douglas case because the physical evidence was consistent with the accused's testimony Id.

Lastly, as the South Carolina Supreme Court held in State v. Isaac, the denial of a request for immunity under the Act is interlocutory and therefore is not immediately appealable. 405 S.C. 177; 747 S.E.2d 677 (2013).

IV. CONCLUSION

In the present case, the State maintains that the Defendant is procedurally barred from immunity under S.C. Code Section 16-11-440 due to him being at fault in bringing on the difficulty. Testimony will establish that the Defendant initiated a verbal argument with the victim. During this argument, Defendant became increasingly angry and confrontational with the victim. She was sitting in the driver's seat of her vehicle, which was in motion, as she was trying to leave to drive up the driveway to her home and go to bed. Testimony will also establish that the Defendant continued to escalate the confrontation by beginning to aggressively open and close her car door as the victim was attempting to de-escalate the situation. Defendant never tried to walk away or withdraw from the situation, nor communicated to the victim that he wished to withdraw. In fact, testimony will establish that the Defendant continued to escalate the situation and attempted to prevent her from leaving. As the Court noted in State v. Jackson, an accused cannot claim self-defense unless he both withdraws from the conflict and communicates his withdrawal by word or act to his adversary. 384, S.C.29, 681 S.E.2d 17, 21 (2009).

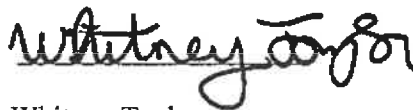
Testimony will also establish inconsistencies in the Defendant's account of the incident. Defendant's motion for immunity states that Defendant now states that the victim had a gun on

her car on this date. This is entirely contradictory to the Defendant's original statement to Deputy Caraway, where there was no mention of a gun or any weapon at whatsoever. It is the State's position that Defendant has credibility issues that would make any self-defense claim a question for the jury. Lastly, similar as the Marshall Court ruled, the inconsistencies or differences in the accounts of what occurred does not entitle the Defendant to immunity from prosecution. It is the State's position that Defendant's inconsistent statements make his testimony unreliable and such weight and credibility would be issues properly suited for the jury's consideration.

This action of "bringing on the difficulty" is inconsistent with a claim of immunity and a claim of self-defense. Furthermore, the Defendant cannot meet his burden of proving the elements of self-defense by a preponderance of the evidence. The State contends that there is clear evidence to support this Court denying Defendant's claim of immunity under the Act. Defendant's claim of self-defense presents "a quintessential jury question," and the Defendant cannot meet the requisite burden of proof under the Act.

For the aforementioned reasons, the State maintains that the Immunity Act is inapplicable in this case.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Whitney Taylor", written over a horizontal line.

Whitney Taylor
Assistant Solicitor
Eleventh Circuit Solicitor's Office

February 15, 2024

DOCKET NO. 2023GS3201311

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

APRIL TERM 2023

THE STATE

vs.

Jeffery Bruce Wise Jr

CDR #: 3412

Indictment for

Assault and Battery 1st Degree

§ 16-03-0600(C)(1)

S.R. Hubbard III, SOLICITOR

WITNESSES

Lexington County Sheriffs Department

Jacob M Caraway

Law Enforcement Case #: 21003922

WYT

ARREST WARRANT NUMBER

23-STR-00007

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: 4.10.23

VERDICT

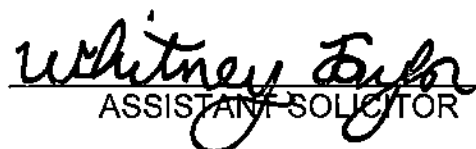
Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	Assault and Battery 1st Degree
COUNTY OF LEXINGTON	)	
	)	§ 16-03-0600(C)(1)

At a Court of General Sessions, convened on April 2023, the Grand Jurors of Lexington County present upon their oath:

That Jeffery Bruce Wise Jr did in Lexington County, South Carolina, on or about March 1, 2021, unlawfully injure another person and offered or attempted to injure another person with the present ability to do so and the act was accomplished by means likely to produce death or great bodily injury, to wit: struck mother in face with closed fist, in violation of §16-03-600(C) of the South Carolina Code of Laws of 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


 ASSISTANT SOLICITOR

WITNESSES

Lexington County Sheriffs Department

Jacob M Caraway

Law Enforcement Case #: 21003922

WKY

ARREST WARRANT NUMBER

2021A3210200619

DOCKET NO. 2021GS3201464

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

JUNE TERM 2021

THE STATE

vs.

Jeffery Bruce Wise Jr

ACTION OF GRAND JURY

TRIAL BILL

For person of Grand Jury
Date: 6/17/21

Jeffery Wise

VERDICT

CDR #: 3413

Indictment for

Assault and Battery 2nd Degree

§ 16-03-0600(D)(1)

S.R. Hubbard III, SOLICITOR

Foreperson of Petit Jury

Date:



STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)

INDICTMENT FOR
Assault and Battery 2nd Degree

§ 16-03-0600(D)(1)

At a Court of General Sessions, convened on June 2021, the Grand Jurors of Lexington County present upon their oath:

That Jeffery Bruce Wise, Jr did in Lexington County, South Carolina, on or about March 1, 2021, unlawfully injure another person, or offered or attempted to injure another person with the present ability to do so, and moderate bodily injury to another person resulted or moderate bodily injury to another person could have resulted; to wit: punched his mother in the face with a closed fist, in violation of §16-03-600(D) of the South Carolina Code of Laws of 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

STATE

VS.

Jeffery Bruce Wise, Jr

AKA:

Race: White Sex: Male Age: 29

DOB:

Address:

City, State, Z

DL#

SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

TO: Assault / Assault & Battery 1st degree

In violation of § 16-003-0600(C)(1) of the S.C. Code of Laws, bearing CDR Code # 3412

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

 The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)

 The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
 ATTEST:

 Whitney Taylor 103933
 Solicitor SC Bar #

Defendant

Attorney for Defendant

 77193
 SC Bar #
WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 10 days/months/years/Time Served ☐ Youthful Offender Act not to exceed ___ years

and/or to pay a fine of \$____; provided that upon the service of 89 days/months/years/Time Served and or payment

of \$____; plus costs and assessments as applicable*; the balance is suspended with probation for 4

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.

1 days/months

☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2023GS3201311

AW#: 23-STR-00007

Date of Offense: 03/01/021

S.C. Code §: 16-003-0600(C)(1)

CDR Code #: 3412

SENTENCE SHEET

STATE VS. Jeffery Bruce Wise, Jr

INDICTMENT/CASE#: 2023GS3201311

367

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☒ Mental Health Counseling & ASSESSMENT ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☒ Other: MUST COMPLETE ANGER MANAGEMENT ; WAIVE SUPERVISION FEES FOR FIRST YEAR ; MUST MAINTAIN STEADY EMPLOYMENT AND RESIDENCE. INTENSE SUPERVISION FOR FIRST 3 MONTHS

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ Beginning _____

§14-1-206 (Assessments 107.5%)

§14-1-211 (A)(1)(Conv. Surcharge)

§14-1-211 (A)(2)(DUI Surcharge)

§56-5-2995 (DUI Assessment)

§56-1-286 (DUI Breath Test)

§14-1-212 (Law Enforce. 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, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

TOTAL \$ 125

Clerk of Court/Deputy Clerk:

Court Reporter:

Lisa Amer

Joy Holston

Presiding Judge:

Judge Code:

Sentence Date:

W. J. [Signature]

2765

2-22-2024

CERTIFICATE OF COUNSEL FOR APPELLANT

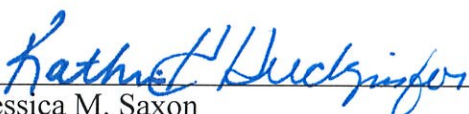
Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

RECEIVED

Jan 02 2026

SC Court of Appeals



Jessica M. Saxon
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 2ND DAY OF JANUARY, 2026.

RECEIVED

Jan 02 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County

Honorable Walton J. McLeod, IV, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JEFFERY BRUCE WISE, JR.,

APPELLANT.

APPELLATE CASE NO. 2024-000265

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 Brian H Gibbs, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 2nd day of January, 2026.



Jessica M. Saxon
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT