

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Richland County

Honorable Jocelyn J. Newman, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TRAVIS JOHN ALSTON,

APPELLANT

APPELLATE CASE NO. 2025-000365

RECORD ON APPEAL

JORDAN WAYBURN
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

BRIAN H GIBBS
Assistant Attorney General
PO Box 11549
Columbia, SC 29211
(803) 734-3727

ATTORNEY FOR APPELLANT

BYRON E. GIPSON
Solicitor, Fifth Judicial Circuit
PO Box 192
Columbia, SC 29202
(803) 576-1800

ATTORNEYS FOR RESPONDENT

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State of South Carolina) Court of General Sessions
)
 County of Richland) 2024-GS-40-03820
)
 State of South Carolina,)
)
 v.)
)
 Travis John Alston)
 Defendant.)

February 10, 2025

Columbia, South Carolina

B E F O R E:

The Honorable Jocelyn J. Newman, Judge

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

On Behalf of the State: Anthony Goldman
 Cecil Kelly "Jack" Jackson, Jr.
 Assistant Solicitors

On Behalf of the Defendant: Patrick Sharpe, Esquire
 Attorney at Law
 Taylor Silkert,
 Legal Assistant/Student

Brandi J. Berry, CVR
 Judicial Circuit Court Reporter

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E X H I B I T S

STATE'S = (S) DEFENSE = (D) COURT'S = (C)

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1 (Monday, February 10, 2025; Columbia, South
2 Carolina in an open court in Richland County.)

3 THE BAILIFF: Court come to order. All rise.
4 You may be seated.

5 THE COURT: Good morning, everybody. This is
6 State versus Travis Alston.

7 Are you Mr. Alston?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: Okay, Mr. Alston's present in the
10 courtroom, thank you.

11 (Looking through papers.)

12 THE COURT: One count of resisting arrest under
13 the (A) section, not even under the (B) section.

14 Okay, I have a State's witness list -- I'm sorry.
15 It's 2024-GS-40-03820, resisting arrest, USCPD. I
16 have a State's witness list with three potential
17 witnesses. Does the Defense have a witness list?

18 MR. SHARPE: Your Honor, at most, we will have
19 Mr. Alston, but most likely, we will not have any
20 witnesses.

21 THE COURT: Okie dokie, any pre-trial?

22 MR. GOLDMAN: Yes, Your Honor.

23 THE COURT: Let's talk about it. What do you
24 have?

25 MR. GOLDMAN: May it please the Court. Your

1 Honor, we just want the Court to know that on
2 September 17, 2024 that Travis Alston appeared in
3 General Sessions and rejected the State's offer on our
4 effort.

5 THE COURT: What was --

6 MR. GOLDMAN: The State's offer was, transfer
7 court for time served.

8 THE COURT: Okay? The -- is that offer still
9 open?

10 MR. GOLDMAN: Yes, Your Honor, it is.

11 THE COURT: Does the defendant have a criminal
12 record?

13 MR. GOLDMAN: He does have resisting arrest from
14 24 years ago.

15 THE COURT: And, that's the only criminal history
16 he has?

17 MR. GOLDMAN: I can give you a more succinct one
18 for it, Your Honor. Give me a second.

19 (Looking though paperwork.)

20 Your Honor, I asked my co-counsel, he said that's
21 his only conviction.

22 THE COURT: Okay.

23 Mr. Sharpe, I understand your client has rejected
24 this plea offer.

25 MR. SHARPE: He has, Your Honor. I tried to get

1 him to get rid of this, but he would like to exercise
2 his right to have a jury hear his case.

3 THE COURT: Is that correct, Mr. Alston?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: Okay, good enough. We'll do it then.
6 All righty. Any other pretrial motions from the
7 State?

8 MR. GOLDMAN: (Shakes head.)

9 THE COURT: From the Defense?

10 MR. SHARPE: I don't believe so, Judge.

11 THE COURT: Any proposed voir dire from the
12 State?

13 MR. GOLDMAN: We don't have any.

14 THE COURT: From the Defense?

15 MR. SHARPE: None, Your Honor.

16 THE COURT: All righty.

17 MR. GOLDMAN: We would like to put this on -- we
18 have excused Officer Van Outen from the CPD. He was
19 one of our three witnesses. So, only Nick Hill and
20 Bryan Rabon will be testifying today as witnesses for
21 the State.

22 THE COURT: Good enough. So we're going to pick
23 a jury, send them to lunch, and try this case this
24 afternoon.

25 MR. GOLDMAN: Yes, Your Honor.

1 THE COURT: All right, let's bring up the jury
2 panel, please.

3 (The jury panel enters the courtroom at 10:30am.)

4 Good Morning, ladies and gentlemen.

5 PROSPECTIVE JURORS: (En masse) Good morning.

6 THE COURT: My name is Jocelyn Newman. I'm a
7 Circuit Court, Judge here in Richland County, and you
8 are here in this courtroom for jury selection for the
9 trial of a criminal case. I'm going to ask you
10 certain questions to determine your fitness to serve
11 as jurors for the trial of this particular case.
12 They're different from the questions you were asked to
13 be in jury qualification. But before I ask you my
14 questions, I'm going to have the Clerk place you under
15 oath.

16 (The trial jury oath was administered to the jury
17 panel by Madam Clerk.)

18 THE COURT: You may be seated. Ladies and
19 gentlemen, as I told you, this is a criminal case in
20 which the Defendant, Travis John Alston, is charged
21 with a crime of resisting arrest that allegedly
22 happened on October 21, 2023 on or near the campus of
23 the University of South Carolina.

24 So, my first question is, do any of you know
25 anything about this case, or think that you know

1 anything about it? If so, please stand.

2 (No response.)

3 Any member of the jury panel, or was any member
4 of the jury panel a member of the grand jury which
5 returned the indictment in this case? If so, please
6 stand. And that was at the May 2024, term of the
7 Richland County grand jury. Are any of you members of
8 that grand jury? If so, please stand.

9 (No response.)

10 Okay. This case is being prosecuted by two
11 Assistant Solicitors, so that's what we call the
12 Prosecutors here in State Court, that is Anthony
13 Goldman and Cecil Jackson. Would you stand and face
14 the jury panel?

15 (The Solicitors stand.)

16 Is any member of the jury panel, related by
17 blood, connected by marriage, or have any close
18 personal relationship with Anthony Goldman or with
19 Cecil Jackson, having been represented by either of
20 them in the past? Or do you have any personal
21 relationship whatsoever with either these two
22 gentlemen? If so, please stand.

23 (No response.)

24 Thank you, gentlemen. You may have a seat. Is
25 anyone from the jury panel, related by blood or

1 connected by marriage to anyone who works in the Fifth
2 Circuit Solicitor's Office, that is the Richland
3 County Solicitor's Office or the Kershaw County
4 Solicitor's Office? If so, please stand.

5 (No response.)

6 The defendant in this case, the person accused of
7 committing this crime, is Mr. Travis Alston. Mr.
8 Alston, would you stand to face the jury panel?

9 THE DEFENDANT: (Complies.)

10 THE COURT: Is any member of the jury panel
11 related by blood, connected by marriage, or have any
12 close personal relationship with Mr. Travis Alston?
13 Do you think that you know him at all? If so, please
14 stand.

15 (No response.)

16 Thank you. Mr. Alston, you may have a seat.

17 THE DEFENDANT: (Complies.)

18 THE COURT: Mr. Alston is represented by Patrick
19 Sharpe, an attorney from Columbia... Where's your
20 office?

21 MR. SHARPE: Sharpe and Leventis, we're located
22 on Calendar Court, and we also have a Devine Street
23 office.

24 THE COURT: Okay. Is anybody from the jury panel
25 related by blood, connected by marriage, or have any

1 close personal relationship with Patrick Sharpe? Are
2 you currently represented by him, or have you been
3 represented by him in the past? Do you have any
4 dealings whatsoever with his law firm, Leventis and
5 Sharpe --

6 MR. SHARPE: -- Sharpe.

7 THE COURT: If so, please stand.

8 (No response.)

9 Thank you, sir. You may have a seat. There are
10 several potential witnesses --

11 MR. SHARPE: Do you want me to introduce -- this
12 is my assistant, Taylor Silkert. She's a student at
13 USC.

14 THE COURT: Taylor -- what was your last name
15 again?

16 MS. SILKERT: Silkert.

17 THE COURT: Spell it for me.

18 MS. SILKERT: S-I-L-K-E-R-T.

19 THE COURT: Okay. Ms. Silkert, would you turn
20 around and face the jury panel. She will be assisting
21 Mr. Sharpe during this trial. Does any member of the
22 jury panel related by blood, connected by marriage,
23 any close, personal relationship with Ms. Taylor
24 Silkert, if so, please stand.

25 (No response.)

1 Thank you. There are just a handful of potential
2 witnesses who may testify in this case, and the
3 question is the same as to each and that's whether
4 you're related by blood, connected by marriage, or
5 have any close personal relationship with any of them.
6 Those will be Bryan Rabon, Sergeant Brian Van Outen of
7 Columbia Police Department, and Nicholas P. Hill from
8 the University of South Carolina Police Department,
9 any member of the jury panel know any of those
10 potential witnesses, if so, please stand.

11 (No response.)

12 Is any member of the jury panel a contributor to
13 or member of any organization that promotes victims
14 rights or law enforcement rights, such as the State
15 Troopers Association, or organizations like Sister
16 Care or Mothers Against Drunk Driving or anything like
17 that. If so, please stand.

18 (No response.)

19 Any additional voir dire for the State?

20 MR. GOLDMAN: No, Your Honor.

21 THE COURT: From the Defense?

22 MR. SHARPE: No, Your Honor.

23 THE COURT: Okay, ladies and gentlemen, the next
24 thing we're going to do is pick a jury for the trial
25 of this case. This should be a short trial. As you

1 noticed, I've listed only three potential witnesses,
2 and I guess I should ask before we get into that.
3 Does any member of the jury panel know of any reason
4 whatsoever why you should not serve as a juror for the
5 trial of this case, any reason why you cannot be fair
6 and impartial to both the State and the Defendant in
7 the trial of this case. If so, please stand.

8 (No response.)

9 Okay. No one stood. Hopefully -- I'll tell you.
10 I will tell you this case should wrap up this
11 afternoon. There could be some unforeseeable
12 circumstance that would make it last till tomorrow
13 morning, but as far as I can tell, it's going to be a
14 pretty short trial. I'm just telling you that for
15 your planning purposes. And if you're seated on this
16 trial, then your jury service will be done for this
17 week. That's either here or there. I just let you
18 know that just as a little bonus fact.

19 So we're now going to select a jury for the trial
20 of the case. What are the strikes? Five?

21 MR. GOLDMAN: Five and five, Your Honor.

22 THE COURT: All right, ladies and gentlemen, pay
23 attention to the Clerk, she's going to help us select
24 the jury for the trial in this case. Madam Clerk.

25 MADAM CLERK: Yes, Your Honor. Ladies and

1 gentlemen, as I call your number, please come forward
2 to the courtroom -- to the middle of the courtroom.
3 When you come forward, please state your number --
4 your juror number, and your place of occupation.

5 Juror number 112, please bring any personal
6 items that you may have with you.

7 THE BAILIFF: This way, please.

8 JUROR 112: Donald Goodson, juror number 112. I
9 am a facility maintenance.

10 MADAM CLERK: What says the State?

11 MR. GOLDMAN: Please, present the juror.

12 MADAM CLERK: What says Defense?

13 MR. SHARPE: Please, strike this juror.

14 MADAM CLERK: Please, return to the back of the
15 courtroom. Juror number 61 -- sixty one. Juror
16 number 61.

17 JUROR 61: Jury number 61. My name is Joseph
18 Koveni.

19 MADAM CLERK: Your place of occupation?

20 JUROR 61: I'm a grocery bagger at the Fort
21 Jackson Commissary.

22 MADAM CLERK: What says the State?

23 MR. GOLDMAN: Please, present the juror.

24 MADAM CLERK: What says the Defense?

25 MR. SHARPE: Please, seat this juror.

1 MADAM CLERK: Please, have a seat in the jury box.
2 Juror number 351 -- three five one.
3 JUROR 351: Juror 351, my name is Chris Rudack.
4 I'm a project manager.
5 MADAM CLERK: What says the State?
6 MR. GOLDMAN: Please, present the juror.
7 MADAM CLERK: What says Defense?
8 MR. SHARPE: Please, seat this juror.
9 MADAM CLERK: Please, have a seat in the jury box.
10 Juror number 216 -- two one six.
11 JUROR 216: Juror number 216, Lawrence Miller.
12 MADAM CLERK: Your occupation?
13 JUROR 216: Pressure washing.
14 MADAM CLERK: What says the State?
15 MR. GOLDMAN: Please, present the juror.
16 MADAM CLERK: What says Defense?
17 MR. SHARPE: Please, seat this juror.
18 MADAM CLERK: Please, have a seat in the jury box.
19 Juror number 313 -- three one three.
20 JUROR 313: Juror 313. Health specialist for the
21 Columbia, VA Healthcare System.
22 MADAM CLERK: What says the State?
23 MR. GOLDMAN: Please, present the juror.
24 MADAM CLERK: What says the Defense?
25 MR. SHARPE: Please, seat the juror.

1 MADAM CLERK: Please, have a seat in the jury box.

2 Jury number 97 -- nine seven.

3 JUROR 97: Sarah Fields, stay at home wife.

4 MADAM CLERK: What says the State?

5 MR. GOLDMAN: Please, present the juror.

6 MADAM CLERK: What says the Defense?

7 MR. SHARPE: Please, seat this juror.

8 MADAM CLERK: Please, have a seat in the jury box.

9 Juror number 39 -- three nine.

10 JUROR 39: I'm juror number 39 and I'm a
11 registered nurse.

12 MADAM CLERK: What says State?

13 MR. GOLDMAN: Please, present the juror?

14 MADAM CLERK: What says the Defense?

15 MR. SHARPE: Please, seat this juror.

16 MADAM CLERK: Please, have a seat in the jury
17 box. Juror number 264 -- two six four.

18 JUROR 264: Juror number 264, occupation sales
19 assistant.

20 MADAM CLERK: What says the State?

21 MR. GOLDMAN: Please, present the juror.

22 MADAM CLERK: What says the Defense?

23 MR. SHARPE: Please, seat this juror.

24 MADAM CLERK: Please, have a seat in the jury
25 box. Juror number 254 -- two five four.

1 JUROR 254: Juror number 254, occupation is a
2 life insurance underwriter.

3 MADAM CLERK: What says the State?

4 MR. GOLDMAN: Please, present the juror.

5 MADAM CLERK: What says the Defense?

6 MR. SHARPE: Please, sit this juror.

7 MADAM CLERK: Please, have a seat in the jury
8 box. Juror number 11 -- one one.

9 JUROR 11: Juror number 11. I'm a medical coder.

10 MADAM CLERK: What says the State?

11 MR. GOLDMAN: Please, present the juror.

12 MADAM CLERK: What says the Defense?

13 MR. SHARPE: Please, seat this juror.

14 MADAM CLERK: Please, have a seat in the jury box.
15 Juror number 145 -- one four five.

16 JUROR 145: Juror 145, retired from Campbells.

17 MADAM CLERK: What says the State?

18 MR. GOLDMAN: Please, present the juror.

19 MADAM CLERK: What says defense?

20 MR. SHARPE: Please, excuse this juror.

21 MADAM CLERK: Please, return to the back of the
22 courtroom.

23 MADAM CLERK: Juror number 109 -- one zero nine.

24 JUROR 109: 109 Michael Sanders.

25 MADAM CLERK: What says the State?

1 MR. GOLDMAN: Please, present the juror.

2 MADAM CLERK: What says the Defense?

3 MR. SHARPE: Please, seat the juror.

4 MADAM CLERK: Please, have a seat in the jury
5 box.

6 Juror number 330 -- three three zero.

7 JUROR 330: 330, customer service specialist.

8 MADAM CLERK: What says the State?

9 MR. GOLDMAN: Please, present the jury.

10 MADAM CLERK: What says the Defense?

11 MR. SHARPE: Please, seat this juror.

12 MADAM CLERK: Please, have a seat in the jury
13 box. Juror number 52 -- five two.

14 JUROR 52: Juror number 52, retired sales rep.

15 MADAM CLERK: What says the State?

16 MR. GOLDMAN: Please, present the juror.

17 MADAM CLERK: What says Defense?

18 MR. SHARPE: Please, seat this juror.

19 MADAM CLERK: Please, have a seat in the jury
20 box.

21 THE CLERK: There's one alternate.

22 MADAM CLERK: Juror number 28 -- two eight.

23 JUROR 28: Juror number 28, workplace health and
24 safety specialist.

25 MADAM CLERK: What says the State?

1 MR. GOLDMAN: Please, strike this juror.

2 MADAM CLERK: Please, return to the back of the
3 courtroom.

4 Juror number 146 -- one four six.

5 JUROR 146: I'm juror 146 and I am a personalized
6 insurance producer.

7 MADAM CLERK: Does the State challenge for cause?

8 MR. GOLDMAN: Please, present this juror.

9 MADAM CLERK: What says the Defense?

10 MR. SHARPE: Please, strike this juror.

11 MADAM CLERK: Please, return to the back of the
12 courtroom.

13 Juror number 229 -- two two nine.

14 JUROR 229: Juror 229, quality assurance
15 supervisor.

16 MADAM CLERK: Does the State challenge for cause?

17 MR. GOLDMAN: Please, present this juror.

18 MADAM CLERK: What says the Defense?

19 MR. SHARPE: Please, seat this juror.

20 MADAM CLERK: Please, have a seat in the jury
21 box.

22 THE COURT: Any objections to jury selection from
23 the State?

24 MR. GOLDMAN: No, Your Honor.

25 THE COURT: From the Defense.

1 MR. SHARPE: None, Your Honor.

2 THE COURT: All right, ladies and gentlemen, who
3 were not selected for service on this case, please,
4 return to jury assembly room for further instructions.
5 Thank you.

6 And for the folks who were selected for service
7 on this case, we're going to take a lunch break before
8 we get started on the trial. As I said, I hope the
9 trial will wrap up this afternoon. I can't promise
10 you that, but that's that's my hope. That's the goal.
11 So when I excuse you from the courtroom, you are going
12 to follow the Bailiffs to your jury room. They're
13 going to show you where the jury room is, and how you
14 can access that jury room, how to get there, because
15 that's where you are to report back to when you come
16 back after lunch. When I send you out of the
17 courtrooms -- I will tell you -- every time I send you
18 out of the courtroom that you are not permitted to
19 discuss the case amongst yourselves or with anyone
20 else. You're also not permitted to do any research
21 about the case. Everything that you find out about
22 the case must come from within this courtroom. So
23 when I send you to lunch, just go on a lunch break,
24 eat something, scroll on your phone. Don't tell
25 people that you're on jury duty, because that just

1 invites questions about the case, and you can't answer
2 those questions because you don't know anything about
3 the case, and you're not supposed to discuss it
4 anyway.

5 So we're going to take a lunch break until 1:30.
6 So you'll follow the Bailiffs out of the courtroom.
7 They'll show you how to get back to the jury room. Be
8 back in that jury room at 1:30 and we will get trial
9 started at that time. Enjoy your lunch.

10 (The jury exits the courtroom for a lunch break.)

11 Is there a video that's gonna be playing, or any
12 technology at all? Have y'all worked that out with
13 Ms. Pendergrass? Or do you have your own technology
14 ready on that (indicating).

15 MR. GOLDMAN: We have.

16 THE COURT: Any motions or objections to that
17 video, Mr. Sharpe?

18 MR. SHARPE: We don't have any objection, Your
19 Honor.

20 THE COURT: Okay. And I'll see y'all at 1:30.

21 MR. GOLDMAN: Thank you, Your Honor.

22 (A lunch recess was had.)

23 THE COURT: All right. Good afternoon, folks.
24 State ready for the jury?

25 MR. GOLDMAN: Yes, Your Honor.

1 THE COURT: Defense ready?

2 MR. SHARPE: We're ready, Your Honor.

3 THE COURT: All right, bring the jury, please.

4 (The jury enters the courtroom at 1:30pm.)

5 THE BAILIFF: The jury is your seated, Your
6 Honor.

7 THE COURT: Thank you. Good afternoon, ladies
8 and gentlemen.

9 THE JURORS: Good afternoon (en masse).

10 THE COURT: I hope you enjoyed your lunch. We
11 are now ready to begin the trial of this case before
12 you hear from the attorneys and the witnesses. I'm
13 going to give you some preliminary remarks about the
14 case -- not about the case -- about the procedure that
15 we'll follow. But before I do that, I'm going to have
16 the Clerk place you under oath just one more time.

17 (Madam Clerk administered the trial oath as
18 instructed by the Court.)

19 Ladies and gentlemen, the case we're about to try
20 is the case of the State of South Carolina versus
21 Travis Alston. Before we begin, I want to tell you
22 that this trial will probably be different from what
23 you might expect. Many people do not have the chance
24 to attend actual court sessions, as you're doing now,
25 and may think from watching television or movies or

1 reading books that trials are all this little high
2 drama, intense action, and riveting circumstances.

3 While all of these things may be true at times,
4 this trial is not for entertainment. It is a
5 fundamental part of our democracy, an effort to make
6 sure that justice is done between the parties before
7 the Court. Making sure that justice is done is often
8 slow, deliberate and repetitive, the opposite of what
9 you may have seen on television or in movies or read
10 in books.

11 This courtroom is a place of honor dedicated to
12 the protection and preservation of citizens rights for
13 what many call the greatest justice system ever
14 created.

15 The attorneys appearing before you are advocates
16 for the parties they represent, but first and
17 foremost, they are officers of the court sworn to help
18 on the integrity and fairness of our judicial system,
19 and to help you with understanding the evidence, you
20 should expect them to be professional, competent and
21 ethical in the representation of their clients
22 interests.

23 Remember that you have just taken an oath to try
24 this case and reach a fair and just verdict. So you
25 are also expected to be professional, reasonable and

1 ethical.

2 Thank you for accepting this important
3 responsibility of jury service and for your
4 contributions today to our justice system.

5 What I will now say is intended to serve as an
6 introduction to the trial of this case. These remarks
7 are not the charge of the law. I'll instruct you on
8 the law, which applies to this case at the end of the
9 trial.

10 Before you retire to consider your verdict, this
11 is merely an explanation of the procedure that we will
12 follow. If you can better understand what is
13 happening, you are not permitted to take notes during
14 the trial. This will be a very short trial, and I
15 don't want you to be distracted by doodling instead of
16 note taking, which can sometimes happen.

17 The defendant is charged by an indictment filed
18 in this court with the crime of resisting arrest.
19 I'll explain the elements of that crime to you later.
20 The indictment is simply the charge by which this case
21 is brought into this court. It is not, in any sense,
22 evidence of the allegations it contains.

23 The defendant has pled not guilty to this
24 indictment. The State therefore has the burden of
25 proving each of the elements of the crime related to

1 the indictment, beyond a reasonable doubt, it will be
2 your duty, ladies and gentlemen, to determine whether
3 the State has met that burden.

4 You have been selected as fair and impartial
5 jurors whose purpose is to determine the facts. You
6 are the sole judges of the facts. If at any time I
7 make any comment regarding the facts, you must
8 disregard it.

9 You are to determine the facts from the testimony
10 you hear, and any other evidence that is introduced in
11 court. It is up to you to determine the inferences
12 which you feel may properly be drawn from the
13 evidence.

14 It is especially important that you perform your
15 duty of determining the facts diligently, and
16 conscientiously, because ordinarily, there is no way
17 to correct an erroneous determination of the facts by
18 a jury.

19 On the other hand, with equal emphasis, the same
20 law that makes you the judges of the facts, makes me
21 the judge of the law. The law as given by the Court
22 is the only law you may consider. You must accept it
23 and follow it, even though you may disagree with it.

24 I cannot tell you what the facts are, and you
25 cannot disagree with me about what the law is or what

1 the law should be. Your job is to take the law as I
2 give it to you and apply it to the facts as you find
3 them from the testimony of the witnesses and any other
4 evidence that is introduced.

5 After doing that, you will render your verdict
6 under the solemn oath that you just took as jurors.
7 Until I advise you to begin your deliberations, you
8 must not discuss the case with anyone, including your
9 fellow jurors, friends, family members, and anyone
10 involved in the case. This includes discussions face
11 to face and those by telephone, email, text, social
12 media or any other method of communication.

13 You may not use a computer, cell phone, or other
14 electronic device or communication capabilities at any
15 time, while in the courtroom or during deliberations,
16 during your breaks for meals overnight and hopefully,
17 we don't have to take an overnight break, but during
18 your breaks, you may use those devices.

19 However, you may not, at any time, use those
20 devices to get or send information about the case.
21 This includes information about a party, a witness, an
22 attorney or a court officer, news accounts about the
23 case, research on any topics raised, any topics you
24 think would be helpful in deciding the case, and any
25 testimony presented by any witness.

1 After the case is submitted to you, you must
2 discuss it only in the jury room with your fellow
3 jurors. The attorneys and parties are now being
4 advised to you that they're not being advised that
5 they are not to speak to you at all.

6 So, if you see anyone involved in the case, they
7 don't even say hello to you. They're not being
8 unfriendly. They're simply following my instructions.
9 It is important that you keep an open mind and not
10 decide any issue in the case until all the evidence
11 has been presented; the parties have made their
12 closing arguments, and I instructed you on the law in
13 this case.

14 It is your solemn responsibility to determine the
15 guilt or innocence of the defendant, and your verdict
16 must be based solely on the evidence as it is
17 presented to you in this trial and on the law, as I
18 instruct you during and at the close of trial.

19 Now, in just a moment, the Assistant Solicitor
20 will make what is called an opening statement, in
21 which the Solicitor will explain to you what the
22 issues are in this case, or at least what the
23 Assistant Solicitor thinks the issues are in this
24 case.

25 The attorney or the defendant may also make an

1 opening statement. What the attorneys tell you during
2 their opening statements is not evidence in this case.
3 It is only their contention as to what the issues are.
4 The evidence in this case will be presented to you by
5 the testimony of sworn witnesses from the witness
6 stand, and by any exhibits that may be introduced into
7 evidence.

8 Now, from time to time during the trial, you may
9 hear one of the lawyers say something like, "Your
10 Honor, I believe we have a question of law," or, "a
11 matter of law," or, "May we approach the bench?". Or
12 sometimes I, myself might find it necessary to excuse
13 you from the courtroom for a short while so that I can
14 discuss certain matters of law with the attorneys.

15 The reason for this is because you are the judges
16 of the facts. And sometimes it may become necessary
17 for me to make some comment regarding the facts in
18 deciding whether a particular law applies or does not
19 apply.

20 I'm not supposed to tell you what I think the
21 facts are, so I'll excuse you from the court for a
22 short while, while we have those discussions, so that
23 you will not in any way be influenced by anything that
24 I might say or do in connection with the facts.

25 In deciding what the facts are in this case,

1 you must decide whether or not the testimony of the
2 witnesses is believable. It will be my responsibility
3 to rule as a matter of law as to whether certain
4 testimony is admissible or not.

5 Once the testimony is admitted, whether or not
6 you believe it is solely for you to determine. In
7 deciding whether to believe a witness, you have the
8 right to consider the interest of any witness, the
9 bias of any witness, the prejudice of any witness, the
10 opportunity for the witness to have seen the matters
11 and things about which the witness may testify, and
12 the way the witness acts on the witness stand.

13 You have a right to consider anything that is in
14 the record that will help you to evaluate the
15 testimony of the witnesses. That means that it is
16 your duty to pay close attention to the witnesses, to
17 observe them, to listen to them, and pay close
18 attention to the attorneys and to the court.

19 Do not let your thoughts wander, but give strict
20 attention to the testimony in this case, so that at
21 the end of all the testimony, after the arguments of
22 counsel and my charge to you on the law, you will then
23 be in a position to determine what the facts are to
24 apply the law to those facts, and thus render your
25 verdict.

1 It will be the added duty of the foreperson to
2 preside over the jury's deliberations in the jury room
3 and be the jury spokesperson here in court, but we
4 will discuss that later in further detail.

5 Now, before we begin the trial, in order to
6 preserve everyone's rights, I will give the attorneys
7 an opportunity to object to anything that I've just
8 said to you. Any objection from the State?

9 MR. GOLDMAN: No, Your Honor.

10 THE COURT: From the Defense?

11 MR. SHARPE: None Judge.

12 THE COURT: All right. We will now begin the
13 trial of the case, and I ask you to give the Assistant
14 Solicitor your undivided attention during his opening
15 statements.

16 STATE'S OPENING STATEMENT

17 MR. GOLDMAN: Thank you, Your Honor. This case
18 is about somebody who thinks that the rules do not
19 apply. October 21, 2023, there was a concert at
20 Colonial Life Arena. These concerts attract large
21 crowds. Keeping these events safe and enjoyable
22 requires a significant amount of effort from the
23 people who work at these events, that include people
24 who supervise the parking lots, and multiple levels of
25 law enforcement in order to keep the traffic flow in

1 and out of the event safe and enjoyable.

2 More importantly, the safety and enjoyment of
3 this event requires the cooperation of concert goers,
4 as long as they follow the rules getting their cars
5 into the parking lot or their spaces or getting out of
6 the ride that they took to the event, everything runs
7 smoothly, everybody is safe, and everybody has an
8 enjoyable time.

9 Unfortunately, on October 21, 2023, Travis Alston
10 drove his car, his truck, to the event, and expected
11 to get into a cash only parking lot when he didn't
12 have enough money.

13 You're going to hear testimony from two
14 witnesses. You're going to hear from Bryan Rabon, who
15 is a supervisor of the parking lot. You're also going
16 to hear from Investigator Nicholas Hill.

17 Bryan Rabon is going to tell you that when Travis
18 Alston pulled his truck up to the parking lot, he
19 didn't have enough money. He asked, in a very cordial
20 way, for Travis Alston to please keep going, because
21 there was traffic behind him.

22 Despite being cordial, understanding, and patient
23 -- and trying to de-escalate the situation -- Travis
24 Alston would not move his car, and he just kept it
25 standing illegally, in the wrong way.

1 When Bryan Rabon, who has years of experience
2 working these events, realized that he couldn't
3 resolve the situation and de-escalate it, he called
4 for the help of law enforcement, and he called
5 Nicholas Hill.

6 You're going to hear a testimony from Nicholas
7 Hill, who showed up to 700 Devine Street Parking Lot A
8 just outside of Colonial Life Arena. Then he found
9 Travis Alston's car illegally standing in the roadway,
10 blocking the parking lot entrance, and he would not
11 move.

12 Nicholas Hill has years of law enforcement
13 experience, and can tell you that he works these
14 events on a regular basis. He was incredibly
15 understanding, and told the defendant where there was
16 a parking lot that accepted credit cards, where there
17 was an ATM close by. But he explained to the
18 defendant that his car was illegally parked and he had
19 to move it, and he wouldn't comply.

20 And you have to remember that these rules are set
21 up because this the traffic flow can create unsafe
22 circumstances, and all the people who are involved in
23 running these events want to make sure that everything
24 runs smoothly.

25 Now, the State is going to show evidence that the

1 defendant is lawfully arrested for violating the law,
2 he had his car illegally parked on a state road where
3 parking is not prohibited.

4 We are also going to show evidence to prove the
5 elements of resisting arrest. There are five elements
6 to resisting arrest. We have to show that the
7 defendant knowingly and willingly -- a second element,
8 is opposed or resisted.

9 The third element is one that the defendant knows
10 or has reasonable knowledge to know. Four, that the
11 individual is a law enforcement officer, and he knows
12 this while the officer is attempting or making a
13 lawful arrest.

14 Now, when the State puts forth it's case, we have
15 to prove our case beyond a reasonable doubt. This
16 means that we have to prove our case by presenting
17 evidence that shows with certainty that he is guilty
18 of this offense.

19 We don't have to prove our case to overcome every
20 possibility of death. In order for you to find the
21 defendant guilty of resisting arrest beyond a
22 reasonable doubt, you just have to be firmly convinced
23 after the State has presented its case that he is
24 guilty of this offense.

25 I submit to you, after you heard the State's

1 case, that the only verdict you are able to find is
2 that he is guilty beyond a reasonable doubt of
3 resisting arrest. Thank you very much.

4 THE COURT: Mr. Sharpe.

5 MR. SHARPE: Thank you, Your Honor, may it please
6 the Court?

7 THE COURT: Yes, sir.

8 DEFENSE OPENING STATEMENTS

9 MR. SHARPE: Ladies and gentlemen, as I
10 introduced to you earlier, I'm Patrick Sharpe, that's
11 my client, Travis Alston and my assistant, Taylor
12 Silvert, we really appreciate you being here. This is
13 a very important case for Travis. I've known Travis
14 for approximately 20 years or so. We're both from
15 Columbia. Went to Dreher High School. We went to
16 Dreher at different times. He was a few years older
17 than me. However, we had a bunch of mutual friends
18 that introduced us to each other. You're going to
19 hear about Travis' go -- went to a concert at Colonial
20 Life Arena on the night of October 22nd, 2023.

21 He previously -- he doesn't frequent Colonial
22 Life Arena for events. However, he has been there
23 before. And his most recent prior two visits, he'd
24 been there. The parking cost \$10 and therefore he was
25 prepared.

1 He's a hard working man. He works for a family
2 member, and they have a contract with a trash disposal
3 company. And so sometimes they'll dispose yard debris
4 off the side of the road. Sometimes they'll dump the
5 dumpsters.

6 So, that night, he was in his work truck, and
7 he's not a man that comes from a whole lot of money.
8 So knowing, or at least with his knowledge, that
9 parking was going to be \$10 when he went to that
10 night, and he had approximately \$14 in cash. He also
11 understood that Colonial Life Arena is a non-cash
12 venue, so he had a little bit of money on the debit
13 card to assist him.

14 Once he got inside the area, he -- it doesn't
15 sound like he was equipped to handle a \$20 parking
16 spot, either way, he tried to negotiate with the
17 attendants and tried to figure out a way that, "Hey,
18 let me come pay you back \$6 later. I would get it
19 later."

20 It's my understanding that we're getting close to
21 the show starting. So he wanted to get inside. You're
22 also going to see that he interacts with several
23 officers, and they determined that, you know, he's not
24 going to cooperate with them. And so they end up
25 dragging him out of his car.

1 Q. Good afternoon, Mr. Rabon, how are you doing
2 today?

3 A. Doing well. And yourself?

4 Q. Doing well, thank you. If you wouldn't mind,
5 please, tell us a little bit about your employment history.

6 A. So I've worked in this capacity for USC Parking
7 Services, and I've done that for almost 30 years.

8 Q. And you're still working there?

9 A. With the Athletic Department for football and
10 baseball.

11 Q. Okay, what do your duties generally entail in
12 that capacity?

13 A. So, I am the supervisor for the events when they
14 occur. There are folks that are actually at the gates,
15 doing marketing events, if there's an issue that comes up,
16 that's when I get called to come and see if there's
17 something I can do or if I can respond to the issue.

18 Q. Are you on site when these events occur?

19 A. Yes.

20 Q. Okay. You mentioned if any issues occur, you
21 respond to those. What kind of issues do y'all run into at
22 these events?

23 A. Sometimes people thinking they need to be in a
24 certain place that it may not be the one that they're
25 looking for. And so, it's just to keep the attendance from

1 having to deal with an issue. I come in -- so it doesn't
2 have to escalate. Or, if it kind of gets escalated, we
3 have some managers so we can work on it.

4 Q. You ever have any issues with people with parking
5 at these events?

6 A. It occurs. That's why we have it supervised.

7 Q. Okay. When those issues occur, what kind of
8 consequences can stem from them?

9 A. So really, most of what we're trying to do is
10 keep traffic from keeping people where they need to be, or
11 getting them moved on to some place where they're supposed
12 to be, or either denying access to the parking lots.

13 Q. Okay, let me ask you this: were you working in
14 that capacity on October 21st, of 2023.

15 A. Yes.

16 Q. Do you recall what kind of business going on?

17 A. It was an adult show. I mean, an adult oriented
18 show --

19 Q. Okay.

20 A. R and B of some sort.

21 Q. Where was it?

22 A. At Colonial Life Arena.

23 Q. Okay. Do you recall any sort of issues you
24 mentioned earlier occurring that night?

25 A. Yes. We did have one issue where an individual

1 would come into a parking space -- or come into a lot --
2 did not have enough money to come in, so the attendant
3 called me. I came over to address that issue, and
4 unfortunately, that individual didn't want to even listen
5 to what I asked them to do, which was basically move on.
6 They didn't have enough money. It was out of my hands at
7 that point, so I asked him to move, and I very quickly
8 realized they weren't going to listen to me. So that's
9 when I escalated it to calling our event management, so a
10 police officer.

11 Q. Yes, sir. I'm gonna take a step back real quick
12 -- do you have any say in the prices for these events?

13 A. No.

14 Q. Who determines those prices comes?

15 A. It comes out of the Parking Services and the
16 Colonial Life Arena.

17 Q. So y'all have nothing to do with how these are
18 set.

19 A. No.

20 Q. Do you know why they're set the way they are?

21 A. To be honest, no, not really. I can say, like,
22 athletic events tend to be -- tended to be \$10, other
23 events tended to be less.

24 Q. Okay, in these parking lots, are there signs that
25 show the amount people have to pay a park there?

1 A. Yes.

2 Q. Are you aware of ATMs nearby where they could go
3 and get money out, say, if they didn't have enough?

4 A. Yes, we actually -- there's two or three in the
5 area. It's a Safe Credit Union. We would be able to
6 direct them to a Wells Fargo on Assembly Street and or
7 sometimes we even say, "Look, if you don't have it there's
8 other parking towards the meters." I can direct them that
9 way.

10 Q. Can you ever allow someone to park without paying
11 the required amount?

12 A. No.

13 Q. So -- and you touched on this briefly -- when
14 these kind of issues occur, what's -- if you can't get them
15 to move -- what procedures do y'all use to deal with that
16 situation?

17 A. So generally, I'm interacting with the individual
18 and asking them to explain partly why they can't commit to
19 what they're doing or where they're going, or why they need
20 to move on. And at that point, if I can't get any
21 resolution that's going to satisfy both of us, I usually
22 have to escalate it to a police officer.

23 Q. In this particular situation, did you give that
24 individual opportunities to remedy that situation before
25 calling law enforcement?

1 A. Yes.

2 Q. Do you recall how many?

3 A. I can't.

4 Q. But it was a lot?

5 A. Yeah, several times. I had to ask, "Sir, there's
6 nothing I can do, and I need you to move, you're blocking
7 traffic." It's pretty simple.

8 Q. So you called law enforcement, did you have any
9 involvement after that?

10 A. Pretty much at that point, I stepped back and let
11 the officer take over. When they did tell me they were
12 going to try to take the man, take him out of the vehicle,
13 I did step in to stop traffic to keep that from being a
14 little down, but that's -- that was my interactions at the
15 time.

16 Q. Okay, do you recall who the driver of that
17 vehicle was?

18 A. I can recognize him but I don't know his name.

19 Q. Is he in the courtroom today?

20 A. Yes, sir.

21 Q. What's he wearing?

22 A. He's wearing the black jacket, the white shirt.

23 MR. GOLDMAN: Let the record reflect that Bryan
24 Rabon has identified the defendant as the driver that
25 night. Beg, the Court's indulgence.

1 THE COURT: Yes, sir.

2 MR. GOLDMAN: Nothing further.

3 Please, answer any questions the Defense asks.

4 THE COURT: Mr. Sharpe.

5 MR. SHARPE: Thank you, Your Honor.

6 CROSS EXAMINATION

7 BY MR. SHARPE:

8 Q. Mr. Rabon, Pat Sharpe, how are you doing today?

9 A. I'm well and yourself?

10 Q. I'm good. Thank you. I believe you testified
11 that during some events, the parking is \$10?

12 A. Yes.

13 Q. Do you recall how full or empty the lot was that
14 night?

15 A. So, that lot was being reserved as well for a
16 pass lot. The one across the street was a pay lot, and so
17 that was being for the passes.

18 Q. So, the lot that he was trying to get into was a
19 pass lot?

20 A. Yes, sir.

21 Q. Okay. So, he wouldn't have been able to get in
22 there without a pass, regardless of how much money he had?

23 A. Correct. And, that's why we try to direct him
24 back to the other side of the street.

25 Q. Gotcha. Are you aware that if anyone told him

1 that that was a pass lot, not a pay lot?

2 A. I don't.

3 MR. SHARPE: Beg the Court's indulgence.

4 THE COURT: Yes, sir.

5 MR. SHARPE: Nothing further, Judge.

6 THE COURT: Thank you.

7 Any re-direct?

8 MR. GOLDMAN: No, Your Honor.

9 THE COURT: All right. Thank you, sir. You may
10 step down.

11 MR. GOLDMAN: Your Honor, may this witness be
12 excused?

13 THE COURT: Any objection?

14 MR. SHARPE: No objection, Judge.

15 THE COURT: Okay, you're free to go, Mr. Rabon.
16 Thank you for being here.

17 (The witness steps down from the stand.)

18 Call your next witness.

19 MR. GOLDMAN: State calls Investigator Nicholas
20 Hill.

21 **NICHOLAS HILL,**

22 Having been first called as a witness was duly sworn, and
23 testified as follows:

24 DIRECT EXAMINATION

25 BY MR. GOLDMAN:

1 Q. Could you please state your name for the record
2 and spell it?

3 A. It's Nicholas Hill -- N- I- C- H- O- L- A-S, last
4 name Hill -- H-I-L-L.

5 Q. What's your occupation?

6 A. I'm a police investigator with the University of
7 South Carolina Police Department.

8 Q. How many years have you worked there?

9 A. Almost five years at USC; I've got a total of
10 over 17 years of law enforcement.

11 Q. Generally, through your employment as a USC,
12 police officer, what are your responsibilities? What type
13 of assignments do you get?

14 A. On my day docket, because I'm a criminal
15 investigator, we are dually employed with the University of
16 South Carolina Police. For special events, we are
17 contracted by whatever, whoever's hosting the events to
18 provide police services at those events. On the date in
19 question, I was working for Parking Services as the
20 outside officer for the Colonial Life Arena.

21 Q. Could you explain what an outside officer is?

22 A. Yes. The outside officer is usually a bike
23 officer -- bike patrol -- or utility vehicle. But the
24 outside officer is patrolling the parking lot surrounding
25 Colonial Life Arena. There's City of Columbia police

1 officers that are directing traffic. There are university
2 officers inside the arena providing security in there. And
3 the outside officers are checking the parking lots,
4 providing patrols, looking for traffic issues within the
5 lot, trying to correct those issues. We're monitoring --
6 making sure the cars aren't getting broken into, there's no
7 crimes going on and that everything is orderly.

8 Q. When you're patrolling the students, are you
9 wearing a uniform?

10 A. Yes, I am. The bike officer uniform is a
11 basically a highlighter-yellow color, bright-yellow shirt.
12 It's got patches on both shoulders that says police on it.
13 I have a badge on my external vest that has -- says law
14 enforcement on it. The patch on my right chest that says
15 "Police", and on the back of my shirt, or back of my vest
16 in big letters, it says "Police" as well.

17 Q. Is there any other equipment that comes with your
18 uniform?

19 A. I'm wearing an external vest carrier that has a
20 taser, and in my duty belt, it's got my pistol and
21 handcuffs.

22 Q. Do you have a video camera or?

23 A. Yes, I was wearing my body camera that night as
24 well.

25 Q. Do you always wear a body camera video?

1 A. Whenever I'm working an event that's in uniform,
2 or any sort of activity as a criminal investigator, where I
3 knew that I was gonna be taking enforcement action, I would
4 have a body camera on.

5 Q. Could you explain what a body camera video is?

6 A. The body camera is found on our uniform. In my
7 case, I wear my body camera just to the left of center of
8 my chest, because there's a zipper in the middle, so it
9 can't go right in the middle, and has a button on the front
10 of it that I can turn the camera on and begin recording at
11 the beginning of the encounter with a citizen. And then I
12 can turn it off at the end of the encounter. And it
13 records in high resolution, both video and audio, of the
14 encounter. It captures some pre-buffer time before the
15 encounter, so as I arrive, my camera will have a recording
16 that's just video. And then, once it's activated and you
17 get into an incident, the audio will start recording as
18 well.

19 Q. Were you wearing a body camera video on October
20 21st, 2020?

21 A. Yes, I had my body camera on from the moment I
22 arrived on scene.

23 Q. So that was the next question I was going to ask.
24 When do you usually turn on the body camera video?

25 A. If I have an opportunity, and I know that I'm

1 coming into a situation, I may turn it on as I'm arriving
2 on the scene. In this instance, I believe that as soon as
3 I was on bike patrol, my hands were on the handlebar. As
4 soon as I got off the bike, I turned the camera on.

5 Q. Okay.

6 MR. GOLDMAN: Your Honor, may I approach the
7 witness?

8 THE COURT: Yes, sir.

9 BY MR. GOLDMAN:

10 Q. What is that (indicating)?

11 A. This is a CD, our DVD that contains the body
12 camera footage of my body camera from October 21st, 2023.

13 Q. How do you recognize this CD?

14 A. My initials are on the case and on the DVD
15 itself, as you show that video this morning to verify that
16 it was my initial at that point.

17 Q. Okay? And does it fairly and accurately
18 represent the incident from October 21st, 2023?

19 A. Yes, it does.

20 Q. Now, the video hasn't been edited in anyway, has
21 it?

22 A. No.

23 MR. GOLDMAN: Your Honor, the State would like to
24 enter State's Exhibit 1 into the record.

25 THE COURT: Any objection?

1 MR. SHARPE: Beg the Court's indulgence. No
2 objection, Your Honor.

3 THE COURT: State's 1 is admitted without
4 objections.

5 (State's Exhibit 1 is admitted into evidence.)

6 MR. GOLDMAN: The State would wish to publish
7 this video to the jury.

8 THE COURT: Yes, sir.

9 MR. GOLDMAN: Can Investigator Hill come down?

10 THE COURT: Yes, I'm concerned about his volume.
11 He probably needs to stand where you are, facing the
12 jury.

13 MR. GOLDMAN: Absolutely.

14 THE COURT: Or does that work for you, Brandi?

15 MADAM COURT REPORTER: Yes, ma'am.

16 THE COURT: Just keep your voice up.

17 MR. GOLDMAN: Yes, Your Honor.

18 THE COURT: Maybe you can speak to the right of
19 of the screen, facing back this way (indicating), so
20 the court reporter can see your mouth moving.

21 (The witness steps down to view the video playing
22 on the TV screen.)

23 (The video was published for the jury.)

24 BY MR. GOLDMAN:

25 Q. If you could just explain what's going on right

1 here (indicating).

2 A. I'm on my bike and I'm riding over to the
3 entrance to the parking lot -- it is right down here
4 (pointing), and that is actually the defendant's pickup
5 truck right here (pointing).

6 Q. What is the address of this parking lot?

7 A. I don't know the address of the parking lot. The
8 700 block of Devine Street is the street that is out here
9 on where the entrance to the parking lot is.

10 Q. The lot's in Richland County, correct?

11 A. Yes, this is -- everything in this area is in
12 Richland County.

13 (Video continues to play.)

14 Q. I want to ask you, what is the jurisdiction of
15 USC Police for their authority?

16 A. We are a state -- we have state wide law
17 enforcement authority.

18 Q. So at this point, if you wanted to, you could
19 have arrested him for illegal standing in the roadway.
20 Correct?

21 A. Yes, I could have.

22 Q. Why didn't you?

23 A. I was trying to get voluntary compliance. I --
24 my job is to maintain order. My first course of action is
25 going to be trying to get compliance and resolve the

1 situation without having to make an arrest.

2 Q. Is that generally your approach when you're
3 working these events?

4 A. Yeah, people are coming to events to have fun.
5 When you go to the event -- and I'm there to support that -
6 - I really just want you to keep the roadway clear and open
7 the parking lot back up.

8 Q. So, they have to close the parking lot?

9 A. Yes, his vehicle is blocking the entrance to Lot
10 A, so no cars could get in through the entrance.

11 (Video continues to play.)

12 Q. So, at this point, he recognized that you were
13 law enforcement. Correct?

14 A. Yes. He referred to me as asking for my badge
15 number. I infer that he knew that I was a police officer.
16 I introduced myself as Investigator Hill, and I said that I
17 work for the USC Police Department.

18 Q. Can you just read that sign for me in the video
19 there (indicating)?

20 A. Yes, "If cash only parking \$20".

21 Q. And that's the lot where he's trying to get into;
22 correct?

23 A. Yes, sir.

24 (Video continues to play.)

25 Q. At this point, why are you continuing to engage

1 back and forth with him?

2 A. I'm waiting for another officer to get over there
3 with me. I already realized that he's not being compliant
4 with me. If I need to write him a ticket or take any
5 further action, I don't want to do that by myself, because
6 that increases the risk both to me and to him. So I'm
7 stalling, waiting for another officer to get there.

8 (Video continues to play.)

9 Q. What's going on here (indicating)? What are the
10 other officers doing?

11 A. Are you talking about here (indicating)?

12 Q. Yeah.

13 A. They're directing traffic. There's another
14 parking lot on the other side of the street, so they're
15 trying to get the cars that are stacking up behind him to
16 come around and then go into that parking lot. And then
17 there's another officer down here that's also directing
18 traffic, trying to get this cleared up.

19 Q. So this was beginning to cause some congestion?

20 A. Yeah. You should be able to see several times in
21 the video where, behind his car, somebody will pull up
22 behind him. In a minute, you'll see me relocate my bike
23 behind him and turn the lights on, because I'm trying to
24 keep cars from stacking up there, thinking that it's a line
25 to get into the parking lot.

1 (Video continues to play.)

2 Q. Now, was this the first time that you actually
3 warned him that this could get him arrested and going to
4 jail?

5 A. I told him a ticket and tow every other time
6 before this is -- I think it's gonna be the first time that
7 I say, "If you don't move, you could end up being arrested
8 for this offense."

9 (Video continues to play.)

10 Q. What were you doing at this point, do you recall?

11 A. Yes. I can see the website that's opened. He
12 had refused to give me his identification for his driver's
13 license, and I set out to write a ticket. He never gave me
14 a driver's license. So, I ran the license plate of the
15 truck, and then I looked up the registered owner, and
16 looked at the picture of the registered owner and realized
17 that he's not the registered owner, so without his driver's
18 license, I can take no action and write him a ticket.

19 (Video continues to play.)

20 Q. So at this point, the other officer told you what
21 you had been avoiding, but you still didn't take any action
22 to arrest him at this point, any reason why?

23 A. Any reason I had not arrested him before this
24 point?

25 Q. Or just now?

1 A. Just now. So my phone just started ringing. It
2 was the supervisor from inside, and being with abundance, I
3 was trying to give one more officer a case to try to
4 convince him, and he said he was on the way over there at
5 that point. So we waited for him to come out there.

6 (Video continues to play.)

7 Q. So, the other officer came over, and at that
8 point had Travis Alston decided that -- the best thing to
9 do -- what happened when the next officer came over?

10 A. The same thing. He tried to talk to him and
11 tried to give him alternatives, and he still just refused
12 to move the truck.

13 (Video continues to play.)

14 Q. How long did the other officer try to talk to
15 him?

16 A. He didn't talk to him that long.

17 Q. Okay.

18 A. But by the time he gets done talking to him, it's
19 been about 26 minutes since I got there.

20 (Video continues to play.)

21 Q. So, at this point, what is the offense -- the
22 actual jailable offense -- the reason you would arrest him?

23 A. Stopping unlawfully in the road.

24 (Video continues to play.)

25 Q. Now, at this point, what are you about to do?

1 A. Put him in the vehicle and place him in custody.

2 Q. So you can make an arrest?

3 A. Yes.

4 (Video continues to play.)

5 Q. Now, what's he doing over with his hands?

6 A. He had it aimed initially over the window frame,
7 trying to hold the door shut, and then he was trying to
8 reach down and hold the door.

9 Q. What's he -- what's going on here (indicating)?

10 A. He's holding the door shut, and that's my arm.
11 I'm trying to pull the door open, and Van Outen is trying
12 to grab some doors. Somebody, I can't remember who has his
13 arm, has his arm pulled back trying to get control of his
14 arm.

15 Q. But at this point, he's not submitting?

16 A. No, he's holding the door shut and tensing his
17 muscles to prevent us from pulling him out of the car.

18 (Video continues to play.)

19 Q. So, at this point, was he complying at all?

20 A. No. If we go back to when I went around to the
21 other side of the truck, Sergeant Van Outen had mentioned
22 that the seat belt was on. We weren't gonna be able to go
23 through with the seat belt on. I went around to the other
24 side of the truck to come into the passenger side and
25 unbuckle the seat belt, and as I did so, he used his right

1 hand to block me from getting to the seat belt buckle, and
2 I looked around to make sure there's no weapons for
3 everybody's safety, and went back around. We were able --
4 Lieutenant Mitchell was able to pull him out of the truck,
5 at which point he was still tensed up and refusing,
6 wouldn't put his hand behind his back; he was pulling on
7 his arms. At that point he used his body weight to kind of
8 take him down to the ground. Somebody resisting standing
9 up, there is more of a threat to just getting into custody,
10 to get him on the ground, and get better control, and get
11 hands in custody, hands behind the back and cuffed. And
12 saw me bouncing around trying, because the direction that
13 we were underneath the car. And I see my handcuffs are
14 right here (indicating) on my belt as well as on my
15 uniform, and they were jammed because we leaned up over
16 there (indicating).

17 So that's what was going on right there where I was
18 bouncing around. But yeah, see, he refused to get his hand
19 down his back, tensed up trying to get his hand behind his
20 back.

21 (Video continues to play.)

22 Q. I just have a few more questions. How often do
23 you work these events?

24 A. Between CLA -- Colonial Life Arena -- and other
25 events, probably average once a week that I work some sort

1 of special event.

2 Q. Does something like this happen very often?

3 A. No, no, definitely not to this extent, but
4 occasionally we'll have to go out to help negate the
5 situation. But something that results in an arrest or even
6 a ticket is very rare.

7 Q. And something like this carries an inherent risk,
8 not just to you but...

9 A. Yeah, you know the main thing is here
10 (indicating) -- that we have the truck that's blocking the
11 roadway, sitting there with -- doesn't even have hazard
12 lights on, sitting in the roadways -- the traveling.
13 There's risk to the traveling, the travelers coming in
14 here. But blocking a lane of traffic, entrance to the
15 garage or to the parking lot here, and then the resisting,
16 there's always a risk of somebody getting injured whether
17 it's the officer or the person that we're trying to arrest.
18 The compliance is what we aim for to avoid anybody getting
19 hurt.

20 Q. Thank you. Please, answer any questions the
21 Defense Counsel asks.

22 MR. SHARPE: Your Honor, may it please the
23 Court?

24 THE COURT: Yes.

25 CROSS EXAMINATION

1 BY MR. SHARPE:

2 Q. Investigator Hill, you're not employed by the
3 Department of Transportation, are you?

4 A. No, I'm not.

5 Q. As far as you know, nobody that was there that
6 evening, is an employee at the Department of
7 Transportation?

8 A. No.

9 Q. Do you know about how many events were going on
10 that night?

11 A. I know there was a concert at the Colonial Life
12 Arena. I don't know if there was another event somewhere
13 else.

14 Q. We just watched this video, right? And you'd
15 agree with me that, before y'all start going into the car,
16 nobody tells him that he's under arrest, right?

17 A. I just thought if he hit any of the drivers,
18 like, any in the truck, he was gonna go to jail. And then
19 I told him this is your last chance to move the vehicle --
20 I didn't say the word you just said, "You're under arrest"
21 -- but I just told him he was gonna go to jail.

22 Q. Right. Okay. So nobody said, "You're under --
23 you're under arrest for parking illegally, get out of the
24 vehicle." Right?

25 A. Not right at that moment, no.

1 Q. And at the time you're interacting with Mr.
2 Alston, you were not executing a warrant or any other civil
3 process or legal process, were you?

4 A. No.

5 Q. No.

6 MR. SHARPE: Beg the Court's indulgence?

7 THE COURT: Yes, sir.

8 MR. SHARPE: No further questions, Your Honor.

9 THE COURT: Any redirect?

10 MR. GOLDMAN: Yes, Your Honor. Just -- I have a
11 couple of questions.

12 THE COURT: Yes, sir.

13 REDIRECT EXAMINATION

14 BY MR. GOLDMAN:

15 Q. Investigator Hill, you have many years of
16 experience, right? In law enforcement?

17 A. Yes, sir.

18 Q. In all of your training in making arrests, did
19 they tell you that you have to articulate any specific
20 words? Or just, please explain, how a law enforcement
21 officer would make an arrest?

22 A. You have to make sure that a regal person knows
23 that they're under arrest at that point. I'm required, by
24 policy, to act before their arrest, before taking them to
25 jail, to inform them of what the charges are. But in this

1 case, I said, "You're going to go to jail if you don't move
2 the car, this is your last chance". And I went to move the
3 door. And that was my indication that he was under arrest.

4 Q. So you were articulating the consequences of what
5 was just about to happen.

6 A. Yes, sir.

7 Q. Thank you very much.

8 THE COURT: Anything further? Oh, I'm sorry,

9 MR. GOLDMAN: Yeah, Your Honor.

10 BY MR. GOLDMAN:

11 Q. Can you identify the individual who's in your
12 body camera video that night do you see in court today?

13 A. Yes, Mr. Alston, sitting to the right of the
14 Defense attorney.

15 Q. Can you tell me what he's wearing?

16 A. He's wearing a white button up shirt and a black
17 hooded sweatshirt.

18 MR. GOLDMAN: Let the record reflect that
19 Investigator Hill has identified Travis Alston.

20 THE COURT: Yes, sir.

21 MR. GOLDMAN: Thank you.

22 THE COURT: Anything further from this witness
23 Mr. Sharpe?

24 MR. SHARPE: I don't believe so, Judge.

25 THE COURT: Okay, thank you. You may step down.

1 MR. GOLDMAN: Your Honor, may this witness be
2 excused?

3 THE COURT: Any objection, Mr. Sharpe?

4 MR. SHARPE: Beg the Court's indulgence?

5 THE COURT: Yes, sir.

6 MR SHARPE: No objection, Judge.

7 THE COURT: All right, you're free to go if you
8 choose. You're free to stay as well.
9 Mr. Goldman and Mr. Jackson. Any additional
10 witnesses?

11 MR. GOLDMAN: Your Honor, the State rests it's
12 case.

13 THE COURT: Ladies and gentlemen of the jury,
14 there are certain matters as well that I need to
15 discuss with the attorneys outside of your presence.
16 Please return to your jury room and do not discuss the
17 case. We'll bring you back shortly.

18 (The jury exits the courtroom.)

19 Any motions?

20 MR. SHARPE: Thank you, Your Honor. May it
21 please the Court. Your Honor, at this time we would
22 like to make a motion for directed verdict. As Your
23 Honor is aware the State has the burden to prove and
24 the like most favorable to the State.

25 Your Honor, we don't believe that they've met

1 their burden. As Your Honor was -- well, first of
2 all, Judge -- the underlying defense that Mr. Alston
3 is being arrested for is Section: 56-525-40, which is
4 stopping, standing, parking on the state highway.

5 Your Honor, the statute says that, "The
6 Department of Transportation, with respect to state
7 highways, may place signs prohibiting or restricting
8 the stopping, standing, or parking of vehicles on any
9 highway where, in its judgment, such as stopping,
10 standing, or parking is deemed by the Department of
11 Transportation to be hazardous to those using the
12 highway, or where the stopping, standing, and/or
13 parking of vehicles would unduly interfere with the
14 free movement of traffic they're on such signs shall
15 be official signs, and no person shall stop, stand, or
16 park any vehicle in violation of restriction --
17 restrictions -- of those signs."

18 Your Honor, there's no testimony of any signs
19 existing. As you heard, the officer testified that he
20 is not an agent or employee of the Department of
21 Transportation. So as such, it would be our position
22 that he doesn't have the authority to determine where
23 it is unlawful to stop, stand, or park on prohibited
24 state highways, as the statute clearly establishes
25 that's the Department of Transportation's job to do

1 that.

2 Furthermore, Your Honor, as you heard or as you
3 saw in the video as well, there was nobody that
4 established that Mr. Alston was under arrest. Nobody
5 told him, "All right, we've had enough. You're under
6 arrest. Step out of the car."

7 I believe at that point in time, as someone -- if
8 someone has told him, "You're under arrest. Step out
9 of the car," I believe at that point in time,
10 certainly, I think that resisting arrest can, can come
11 into play. However, nobody informed him of that. No
12 one told him what he was going to be under arrest for,
13 and therefore we believe that he did not resist.

14 Furthermore, Judge, the statute for resisting
15 arrest says that, it is unlawful for a person
16 knowingly, willfully, to oppose or resist a law
17 enforcement officer in serving, executing or
18 attempting to serve or execute a legal writ or
19 process, order, resist an arrest being made by one who
20 knows or should know is a law enforcement officer
21 whether -- and it asked -- whether under the process
22 or not.

23 Your Honor, there's testimony that there was no
24 civil -- there's no process being served. There's no
25 warrant being served. The arresting officer was not

1 in possession of a warrant. Under the *State versus*
2 *Kirven* -- K-I-R-V-E-N -- which is 279 S.C. 541, it
3 basically just says that without the warrant, a
4 directed verdict should be granted.

5 Hold on... I beg the Court's indulgence, Your
6 Honor. According to this, it says a necessary element
7 of the crime under the statute is that an arresting
8 officer must be charged with the execution of a
9 warrant or other process at the time of interference,
10 and therefore, a directed verdict should have been
11 granted -- should have been granted in the favor of
12 the defendant.

13 THE COURT: Okay. Well, to begin -- *State v.*
14 *Kirven* -- no one in that case was charged with
15 resisting arrest. Am I reading that correctly or
16 incorrectly?

17 That case was about hindering or obstructing a
18 police officer charged with the execution of any
19 warrant or other process. Therefore, the execution of
20 a warrant or process is certainly key to what is
21 important to the charge.

22 It's not the same as resisting arrest, so I just
23 want to start there. Let me hear from the State as to
24 the remainder of the argument.

25 MR. GOLDMAN: Your Honor, with -- under a

1 directed verdict, as you're aware, the State's burden
2 is, in this case, to show sufficient evidence.
3 Sufficient evidence is any direct or circumstantial
4 evidence. I think the record accurately shows that
5 the defendant was lawfully arrested for blocking
6 Devine Street during an event, and parking on Devine
7 Street, which is a state roadway, is no different than
8 parking on Blossom Street or parking on I-26. Parking
9 is prohibited, and Officer Hill has statewide
10 jurisdiction to arrest somebody when they are
11 violating the law. So there's no question that he was
12 -- there's no question about whether he was lawfully
13 arrested for standing on a state road.

14 As to the elements of resisting arrest, Officer
15 Hill was wearing a full police officer outfit. It
16 said, "Police officer", I think he said about a dozen
17 locations, including his bicycle, when they went to --
18 when he told the defendant he was going to jail, the
19 defendant tried to keep them from opening the car and
20 getting out.

21 So he was at that point, opposing and resisting,
22 and he knew that he was a law enforcement officer
23 while they were attempting to make this arrest. So I
24 think there's plenty of evidence in the record to
25 prove all five elements of the resisting, and he was

1 properly charged with that.

2 THE COURT: Anything further, Mr. Sharpe?

3 MR. SHARPE: I don't believe so, Your Honor.

4 THE COURT: Okay. The motion for directed
5 verdict is respectfully denied. I don't think the
6 words that "You are under arrest for XYZ," are magic
7 words. You told them, "Do this, or you go to jail."
8 Certainly, I'm not the finder of facts, but certainly,
9 it's not unreasonable to infer that that is not
10 referring to a tour of the Alvin S. Glenn Detention
11 Center on a Saturday morning, that's arrest.

12 When a law enforcement officer says, "You will go
13 to jail," that's typically what they mean. And I
14 think it's reasonable to infer that that's what was
15 meant here -- that he was on notice.

16 Whether the jury finds that to be the correct
17 conclusion or not, is up to the jury, but there
18 certainly is evidence there, so the motion for
19 directed verdict is respectfully denied.

20 MR. SHARPE: Thank you, Your Honor.

21 THE COURT: Now, let's talk about Mr. Alston and
22 whether he wishes to testify. Mr. Alston, would you
23 stand, and let's place him under oath.

24 THE DEFENDANT: (Complies.)

25 MADAM CLERK: Would you raise your right hand,

1 please.

2 **TRAVIS ALSTON,**

3 Whereupon, the Defendant, having been duly sworn, testified
4 as follows:

5 THE COURT: All right. Mr. Travis Alston, at
6 this time, I'm going to explain to you certain of your
7 rights. If you do not understand any of the things I
8 say, please let me know. Or if you want me to explain
9 anything in more detail, please let me know. Do you
10 understand?

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: Okay, we've now reached the stage of
13 the trial, where you may present your defense. You
14 have the right to claim the protections given to you
15 by the Fifth Amendment to the Constitution of the
16 United States.

17 This Amendment states, in part, "No person shall
18 be compelled in any criminal case to be a witness
19 against himself."

20 This means that you cannot be required to testify
21 in this case. You have the right to testify on your
22 own behalf; however, no one can make you testify.
23 This is a personal right, and no one can waive this
24 right except you. If you decide to testify, you'll be
25 subject to the same rules that govern other witnesses,

1 and you may be examined and cross-examined on any
2 relevant issue in this case.

3 In addition, if you have any convictions
4 involving dishonesty or false statement, or for crimes
5 punishable by imprisonment for more than one year --
6 and this Court determines that the probative value of
7 admitting this evidence outweighs its prejudicial
8 effect to you, the Solicitor will be able to introduce
9 your record to attack your credibility.

10 If you decide to testify, this decision on your
11 part must be freely, voluntarily, and intelligently
12 made with knowledge of the protections given to you by
13 the Fifth Amendment and the consequences of your
14 decision to testify.

15 If you decide not to testify, I will instruct the
16 jurors that they cannot give the fact that you did not
17 testify any consideration whatsoever, and that there
18 is to be absolutely no prejudice to you because you
19 did not testify.

20 It is left entirely up to you whether or not you
21 testify. You may talk with your attorney, your family
22 and friends, or anyone else, but the final decision
23 will be left entirely up to you. Do you understand
24 what I have explained to you?

25 THE DEFENDANT: Yes, ma'am.

1 THE COURT: Do you have any questions about what
2 I have explained to you.

3 Do you need additional time to talk to your
4 lawyer or anyone else about whether you will testify?

5 THE DEFENDANT: No, ma'am.

6 THE COURT: Do you wish to testify?

7 THE DEFENDANT: No ma'am.

8 THE COURT: Okay, thank you, sir. You may have a
9 seat.

10 THE DEFENDANT: (Complies.)

11 THE COURT: All right. That means that we're
12 done. Any proposed jury charges from the State?

13 MR. GOLDMAN: No, Your Honor.

14 THE COURT: From the Defense?

15 MR. SHARPE: No, Your Honor. I don't believe so.

16 THE COURT: Okay, we're gonna take a break and
17 get together a jury charge that I'll come back and
18 review with you.

19 MR. GOLDMAN: Perfect.

20 THE COURT: And we'll go from there. So let's
21 take 10 minutes.

22 (A brief recess was had.)

23 THE COURT: All right, folks, we've given a
24 draft of the Court's charge to Counsel, any
25 objections, additions, corrections from the State?

1 MR. GOLDMAN: No, Your Honor.

2 THE COURT: From the Defense?

3 MR. SHARPE: No, Your Honor.

4 THE COURT: Wonderful. All right, give us one
5 second to print my final copy. I just wanted to make
6 sure y'all don't have any changes, just so that we're
7 not walking in and out during closing arguments. All
8 right. Bring the jury please.

9 (The jury enters the courtroom.)

10 THE BAILIFF: The juries seated, Your Honor.

11 THE COURT: Welcome back, folks. So while we're
12 out of the courtroom, I've confirmed with the
13 attorneys. It turns out you've heard everything you're
14 going to hear. You've heard the State rest. The
15 defendant has also essentially rested. So all that
16 remains is the closing arguments of the attorneys.
17 And my charge to you of the law. After that, you will
18 deliberate and continue to deliberate until you have
19 reached a verdict. So at this time, I ask you to give
20 your undivided attention to one of the Solicitors, Mr.
21 Jackson --

22 MR. JACKSON: Thank you, Your Honor.

23 THE COURT: -- for his closing arguments.

24 MR. JACKSON: May it please the Court?

25 THE COURT: Yes, sir.

1 law. That's why we're here today. Now, the Judge is
2 going to tell you about the law in just a little bit,
3 so I'm not going to get into that too much. But as
4 the State of South Carolina, it is our burden to prove
5 -- beyond a reasonable doubt -- that Travis Alston is
6 guilty of resisting arrest. And that's the kind of
7 doubt that leaves you firmly convinced that he is
8 guilty. Now, in order to do that, there are certain
9 elements that we must meet as the State.

10 First, that he knowingly and willfully opposed or
11 resisted. Now, how did we prove that? Well, you
12 heard from Investigator Hill, and you saw his body
13 camera. You saw Travis Alston hold on to the door,
14 hold on to the handle, and refused to open it. You
15 saw, as Investigator Hill came around to the other
16 side, tried to unbuckle him, and how Mr. Alston
17 refused to let him do that. You then saw how law
18 enforcement had to physically remove him from the
19 vehicle. He refused to get out of that vehicle and
20 ultimately had to force him to the ground and placed
21 him into handcuffs.

22 Mr. Alston's actions were willful in his resistance to
23 that arrest.

24 Next, we have to show that the person attempting
25 to make the arrest is someone the defendant knew, or

1 should have known was a law enforcement officer.
2 Again, we heard from Investigator Hill. We saw his
3 body camera. He was fully dressed in his law
4 enforcement uniform for working these events. He
5 identified himself as an Investigator with the
6 University of South Carolina Police Department. Mr.
7 Alston even asked for his badge number multiple times.
8 It indicates -- it definitively shows that he knew
9 Investigator Hill was a law enforcement officer.

10 And finally, we have to prove that he was
11 resisting while that law enforcement officer is
12 attempting to make a lawful arrest. Again, we saw the
13 body camera. We heard the testimony Mr. Alston was
14 parked illegally. He was not supposed to be there.
15 When you break the law, you subject yourself to an
16 arrest. We heard Investigator Hill tell him, "If you
17 don't move, you'll be arrested", and ultimately, "One
18 last opportunity or I'm going to take you to jail."

19 He was parked illegally, that's scary.
20 Investigator Hill was trying to get him to move. When
21 he wouldn't, Hill had the ability to make a lawful
22 arrest. That's what he was trying to do in this
23 instance. Travis Alston refused to do so.

24 So I would submit to you that we had met that
25 burden of proof and we've satisfied every element that

1 we're required to. Ladies and gentlemen, the thing is
2 -- I counted at least 18 different times that Travis
3 Alston could have simply followed directions. He
4 could have followed the rules. He could have moved
5 his truck, gone in a different lot, could have gone
6 and gotten more money to pay to park in that lot. He
7 could have given his ID to law enforcement, just taken
8 the ticket and moved on. He refused to do that.

9 Ultimately, when he reached a point that no one
10 wanted to -- where they had to make an arrest -- he
11 refused to even let them do that.

12 In a sense, the only thing he needed to do was
13 follow the law, and he didn't do that. He doesn't
14 think the rules apply to him.

15 Ladies and gentlemen, when you don't follow the
16 rules, there are consequences for your actions.
17 That's why we're here today -- to hold him accountable
18 for what he did.

19 So, I'm asking you to do that: find him guilty of
20 resisting arrest. Thank you.

21 THE COURT: Mr. Sharpe.

22 MR. SHARPE: Thank you, Your Honor. May it
23 please the Court?

24 THE COURT: Yes, sir.

25 DEFENSE CLOSING ARGUMENTS

1 MR. SHARPE: Ladies and gentlemen, thank you for
2 being here and listening to everybody today. This is
3 about the shortest trial you probably could ever see
4 in Circuit Court, so I'm glad you got a little taste
5 of it.

6 As I told you in my opening, I told you about
7 Travis and how he brought money. He thought parking
8 was \$10. You heard Bryan Rabon sit on the stand and
9 tell you that for some events, parking is \$10.

10 As such, Travis is very clear on the video -- you
11 see that he's very frustrated with what appeared to
12 him as getting the runaround about how much parking
13 was, and you know, how it changed, and where he's
14 supposed to know that.

15 As you can see, he got very frustrated about
16 that. He tried to get several people to loan him \$6
17 or figure out another way he could get the \$6 to make
18 up the \$20 so that he get in.

19 I believe he tried to see if maybe he could go
20 in, and get \$6, and was gonna bring it back later.
21 Unfortunately, you know, that wasn't meant to be for
22 him.

23 Now, what he was arrested for that night is he
24 was arrested for a unlawful standing or parking. Now,
25 the Judge is going to tell you what the law is.

1 You're the finder of facts -- she's the finder of law.
2 When I tell you something about the law, if she tells
3 me I'm wrong, you listen to her, okay.

4 But the law says that in order for there to be
5 unlawful standing or parking, there needs to be --
6 that task is given to the Department of
7 Transportation.

8 The section code for that is 56-525-40, and what
9 that says is is that the Department of Transportation,
10 with respect to state highways, may place signs
11 prohibiting or restricting the stopping, standing or
12 parking of vehicles on any highway where, in its
13 judgment, such stopping, standing, and parking is
14 deemed by the Department of Transportation to be
15 hazardous to those using the highway or where
16 stopping, standing, or parking vehicles would unduly
17 interfere with the free movement of traffic thereon.
18 Such signs shall be official signs, and no person
19 shall stop, stand, or park any vehicle in violation to
20 restrictions stated on those signs.

21 As you heard Investigator Hill testify, he is not
22 employed by the Department of Transportation. As far
23 as he testified to, nobody out there was employed by
24 the Department of Transportation.

25 As you saw on the video, there was no signs that

1 trial, you and I have certain duties to perform. As
2 the trial Judge, it is my responsibility to preside
3 over the trial of this case, and I also have the duty
4 to rule in the admissibility of the evidence offered
5 during this trial.

6 You are to consider only the competent evidence
7 before you, including the testimony which has been
8 presented from this witness stand and in any exhibits
9 which have been made a part of the record.

10 In this case, I have the additional duty to
11 charge you the law applicable to this case. As the
12 presiding Judge, I'm the sole Judge of the law of this
13 case, and it is your duty as jurors to accept and
14 apply the law, as I now state it to you.

15 If you already have any ideas as to what the law
16 is, or what the law ought to be, and it does not agree
17 with what I now tell you the law is, you must abandon
18 this idea, because you were sworn to accept the law
19 and apply the law exactly as I state it to you.

20 In every case tried in this court before a jury,
21 the jury becomes the sole exclusive judges of the
22 facts. A trial judge cannot intimate, state, comment
23 on, or make any statement to a trial jury about the
24 facts in a case.

25 Since you, the jury, are the sole judges of the

1 facts in this case, do not infer from anything that I
2 have said or done during the progress of this trial,
3 or anything that I say now during the course of this
4 instruction to you, that I have any opinion about the
5 facts in this case. The law does not allow me to have
6 an opinion about the facts in this case. This is a
7 matter solely for you, the jury, to determine.

8 The indictment charges the defendant with
9 resisting arrest. I remind you that the fact that the
10 defendant was arrested, charged, and indicted is not
11 evidence in this case and cannot be considered by you
12 as evidence of guilt in this case, nor does it create
13 any presumption or inference of guilt. This
14 indictment is simply the formal written instrument
15 which contains the charge made against the defendant.
16 It is the formal document by which this case is
17 brought into this court. The defendant has pled not
18 guilty to this indictment, and that plea puts the
19 burden on the State to prove the defendant guilty of
20 the offense charged in the indictment.

21 A person charged with committing a criminal
22 offense in South Carolina is never required to prove
23 himself innocent. I charge you that it is an
24 important rule of the law that the defendant in a
25 criminal trial, no matter what the seriousness of the

1 charge may be, will always be presumed to be innocent
2 of the crime for which the indictment was issued
3 unless guilt has been proven by evidence satisfying
4 you of that guilt beyond a reasonable doubt.

5 This presumption of innocence does not end when
6 you begin your deliberations, but it accompanies the
7 defendant throughout the trial, unless you reach a
8 verdict of guilt based on evidence satisfying you of
9 that guilt beyond a reasonable doubt.

10 The presumption of innocence is like a robe of
11 righteousness placed about the shoulders of the
12 defendant, which remains with the defendant unless it
13 has been stripped from him by evidence satisfying you
14 of the defendant's guilt beyond a reasonable doubt.
15 The presumption of innocence is not a mere legal
16 theory; it is not just a legal phrase. It is a
17 substantial right to which every defendant is
18 entitled, unless you, the jury, are satisfied from the
19 evidence of the defendant's guilt beyond a reasonable
20 doubt.

21 A reasonable doubt is the kind of doubt that will
22 cause a reasonable person to hesitate to act. The
23 State has the burden of proving the defendant guilty
24 beyond a reasonable doubt. Some of you may have
25 served as jurors in civil cases where you were told

1 that it is only necessary to prove that a fact is more
2 likely true than not true, such as by the
3 preponderance or greater weight of the evidence. In
4 criminal cases, the State's proof must be more
5 powerful than that. It must be beyond a reasonable
6 doubt. Proof beyond a reasonable doubt is proof that
7 leaves you firmly convinced of the defendant's guilt.

8 There are very few things in this world that we
9 know with absolute certainty, and in criminal cases,
10 the law does not require proof that overcomes every
11 possible doubt.

12 If, based on your consideration of the evidence,
13 you are firmly convinced that the defendant is guilty
14 of the crime charged, you must find the defendant
15 guilty.

16 If, on the other hand, you think that there is a
17 real possibility that the defendant is not guilty, you
18 must give the defendant the benefit of the doubt and
19 find him not guilty.

20 There are two types of evidence generally
21 presented during a trial: direct evidence and
22 circumstantial evidence.

23 Direct evidence is the testimony of a person who
24 claims to have actual knowledge of a fact, such as an
25 eyewitness. It is evidence which immediately

1 establishes the main fact to be proved.

2 Circumstantial evidence is proof of a chain of
3 facts and circumstances indicating the existence of a
4 fact. It is evidence which immediately establishes
5 collateral facts from which the main fact may be
6 inferred. Circumstantial evidence is based on
7 inference and not on personal knowledge or
8 observation.

9 The law makes absolutely no distinction between
10 the weight or value to be given to either direct or
11 circumstantial evidence, nor is a greater degree of
12 certainty required of circumstantial evidence than of
13 direct evidence. However, to the extent that the
14 State relies on circumstantial evidence, the
15 circumstances must be consistent with each other, and
16 when taken together, point conclusively to the
17 defendant's guilt beyond a reasonable doubt. If these
18 circumstances merely portray the defendant's behavior
19 as suspicious, the proof has failed.

20 The burden of proof rests with the State,
21 regardless of whether the State relies on direct
22 evidence, circumstantial evidence, or some combination
23 of the two, you should weigh all of the evidence in
24 the case.

25 After weighing all the evidence, if you are not

1 convinced of the defendant's guilt beyond a reasonable
2 doubt, you must find the defendant not guilty.
3 Necessarily, you must determine the credibility of
4 witnesses who have testified. In this case,
5 credibility simply means believability. It becomes
6 your duty as jurors to analyze and to evaluate the
7 evidence and determine which evidence convinces you of
8 its truth.

9 In determining the believability of witnesses who
10 have testified in this case, you may believe one
11 witness over several witnesses, or several witnesses
12 over one witness.

13 You may believe a part of the testimony of a
14 witness and reject the remaining part of the testimony
15 of that same witness.

16 You may believe the testimony of a witness in its
17 entirety or reject the testimony of a witness in its
18 entirety.

19 You may consider whether any witness has
20 exhibited to you any interest, bias, prejudice or
21 other motive.

22 In this case, you may also consider the
23 appearance and manner of a witness while on the
24 witness stand.

25 I instruct you and emphasize that the fact that

1 the defendant did not testify is not a factor to be
2 considered by you in any way, in your deliberation and
3 in your consideration, on a question of the guilt or
4 the innocence of the defendant, it must not be
5 considered by you in any manner whatsoever.

6 I repeat, under your oath, you are to draw no
7 conclusion whatsoever from the fact that the defendant
8 in this case did not testify, the fact that this
9 defendant did not testify should not even be discussed
10 in the jury room.

11 The burden of proof, as I have stated to you, is
12 on the State. The defendant is not required to prove
13 his innocence. The burden of proof remains on the
14 State to prove guilt beyond a reasonable doubt.

15 In order to establish criminal liability,
16 criminal intent is required, for example, the mental
17 state required to be proven by the State for a
18 particular crime might be purpose, intent, knowledge,
19 recklessness, or criminal negligence.

20 Criminal Intent must be proven by the State
21 beyond a reasonable doubt. Criminal intent is always
22 a matter that must be determined by the jury from the
23 circumstances surrounding the situation.

24 There is no way to prove intent to a mathematical
25 certainty. There is no way medical science can

1 dissect a person's brain and determine what the person
2 had in mind. So the law says that criminal intent may
3 be inferred from the circumstances shown to have
4 existed. This is how you make a determination of
5 whether or not the element requiring intent was
6 present.

7 It is not necessary to establish intent by direct
8 and positive evidence, but intent may be established
9 by inference in the same way as any other fact, by
10 taking into consideration the acts of the parties and
11 all of the facts and circumstances of the case.

12 Criminal Intent is a mental state, a conscious
13 wrongdoing. It is up to you to determine what the
14 defendant intended to do based on the circumstances
15 shown to have existed.

16 The defendant is charged with resisting arrest.
17 The State must therefore prove beyond a reasonable
18 doubt that the defendant knowingly and willfully
19 opposed or resisted an arrest being made by one whom
20 the defendant knew or reasonably should have known is
21 a law enforcement officer.

22 There are two possible verdicts which he may
23 breach in this case, guilty or not guilty. There is
24 no significance whatsoever in the order in which I
25 state these possible verdicts that, simply put, one

1 must be stated first.

2 Now, you have been chosen and sworn to give the
3 parties in this case a fair and impartial trial. When
4 you have done so, you will have complied with your
5 oath, and no one will have a right to criticize your
6 verdict.

7 You must not be influenced by opinions or
8 expressions of opinion you may have heard outside of
9 the courtroom, but rather, should base your verdict
10 solely on the testimony of the sworn witnesses who
11 took the stand, the exhibits received into evidence,
12 and the law which I have stated.

13 You should not be swayed by caprice, passion,
14 prejudice, or improper sympathy for, or against,
15 anyone in this case. Remember, you have no friends to
16 reward or enemies to punish, and all parties are
17 entitled to a fair and impartial trial.

18 Now, when I excuse you from the courtroom, the
19 first thing that you're going to do when you go to the
20 jury room is select a Foreperson. You'll write that
21 juror's number down on a piece of paper, knock on the
22 door, and hand it to the Bailiff.

23 In order to write your verdict, the Foreperson
24 will have the indictment. You'll also have the
25 evidence. There's actually only one exhibit in this

1 case, it's that disc with the video, and we will make
2 arrangements for you to be able to play it in the jury
3 room, if you'd like to do so.

4 But the indictment is this (indicating) light
5 gray piece of paper. On one side, it has a
6 description of the offense alleged against Mr. Alston,
7 and then if you flip it over on the bottom left hand
8 corner, there's a place to write the verdict. The
9 Foreperson will write "guilty" or "not guilty", sign
10 it, and date it on behalf of the jury, and then you'll
11 inform the verdict -- no inform the Bailiff that you
12 reached a verdict, and at that time we will bring you
13 back into the courtroom.

14 So when you step out of the courtroom, do not
15 begin to discuss the case until the Bailiff brings you
16 this indictment, as well as that exhibit -- the disc -
17 - and that will be your signal to start deliberating.

18 So the 12 jurors can be excused from the
19 courtroom. The alternate can stay in the courtroom.
20 Please return to your jury room.

21 (The jury exits the courtroom.)

22 All right. Any objections to the jury charge
23 from the State? No?

24 MR. GOLDMAN: None, Your Honor.

25 THE COURT: From the Defense?

1 MR. SHARPE: None, Your Honor.

2 THE COURT: Okay, there's just the one exhibit
3 from the State. Do we have a clear laptop?

4 MR. GOLDMAN: Yes, ma'am. We have one. It's got
5 a disk drive as well. We'll show it to Mr. Sharpe.

6 THE COURT: My alternate juror, thank you for
7 being here. Thank you for your time, attention, your
8 patience. You are a backup juror in case one of the
9 other 12 didn't make it to the finish line, but they
10 did. So that concludes your jury service for today.
11 It concludes your jury service for this week.

12 And if you were summoned for jury duty for the
13 rest of 2025, in Circuit Court only, you're not
14 eligible to serve. If you're summoned in 2026 or
15 2027, you may have to appear, but you can exercise an
16 exception. You can choose not to serve. You'll tell
17 the judge that you served on your jury this week;
18 they'll verify it and they'll let you go -- if you
19 want to.

20 Don't forget your cell phone when you leave. And
21 thank you, thank you. You're free to discuss the case
22 with whoever you want to discuss it with.

23 ALTERNATE JUROR: All right, thank you.

24 THE COURT: If you need a work excuse, ma'am, you
25 can go down to -- sorry they've taken care of it.

1 (The alternate juror leaves the courtroom.)
2 Thank you, thank you. And, I'll send that laptop back
3 there.

4 (The jury deliberated from 2:35pm - 2:15pm.)

5 THE BAILIFF: Court come to order, remain seated.

6 THE COURT: Will you bring the jury in, please.

7 (The jury enters the courtroom.)

8 THE BAILIFF: The juries seated, Your Honor.

9 THE COURT: Thank you. Madam Forelady? Has the
10 jury reached a verdict?

11 MADAM FORELADY: Yes, ma'am.

12 THE COURT: Is it unanimous?

13 MADAM FORELADY: Yes ma'am.

14 THE COURT: Okay. Would you hand that to the
15 Bailiff, please. And you can have a seat.

16 VERDICT

17 (The Court receives the verdict.)

18 Madam Clerk, may you publish the verdict.

19 MADAM CLERK: Yes, ma'am. May it please the
20 Court.

21 Docket number: 2024-GS-400-3820, the State of
22 South Carolina, County of Richland, vs.

23 Travis John Alston. The verdict is: guilty.

24 Signed, Sarah Fields, Foreperson.

25 Madam Forelady, is this your verdict, and the

1 verdict of the entire panel?

2 MADAM FORELADY: Yes, ma'am.

3 MADAM CLERK: Thank you. Okay.

4 THE COURT: Anything from the Defense before the
5 jury is released?

6 MR. SHARPE: Yes, would you please poll the jury?

7 THE COURT: Madam Clerk, would you poll the jury?

8 MADAM CLERK: Yes. As I call your name, I'm
9 going to ask you two questions. If you could please
10 respond. Madam Forelady, Ms. Sarah Fields?

11 MADAM FORELADY: Yes, ma'am.

12 MADAM CLERK: Was this your verdict?

13 MADAM FORELADY: Yes, ma'am.

14 MADAM CLERK: Is this still your verdict?

15 MADAM FORELADY: Yes, ma'am.

16 MADAM CLERK: Thank you.

17 Joseph Koveeni [ph]?

18 JUROR: Kovani.

19 MADAM CLERK: I'm sorry. Was this your verdict?

20 JUROR: Yes.

21 MADAM CLERK: Is this still your verdict?

22 JUROR: Yes.

23 MADAM CLERK: Thank you.

24 Christopher Rudack, was this your verdict?

25 JUROR: Yes.

1 MADAM CLERK: Is this still your verdict?

2 JUROR: Yes.

3 MADAM CLERK: Thank you.

4 Lawrence Miller, was this your verdict?

5 JUROR: Yes.

6 MADAM CLERK: Is it still your verdict?

7 JUROR: Yes.

8 MADAM CLERK: Okay. Thank you.

9 Leigh Thompson, was this your verdict?

10 JUROR: Yes.

11 MADAM CLERK: Is this still your verdict?

12 JUROR: No.

13 MADAM CLERK: No.

14 JUROR: (Shaking head to indicate no.)

15 MADAM CLERK: Thank you.

16 THE COURT: So the questions were: "Was that
17 guilty verdict your verdict? Did you agree with the
18 other jurors that the defendant was guilty."

19 JUROR: Yes, ma'am.

20 THE COURT: And... have you now changed your
21 mind?

22 JUROR: Yes, ma'am.

23 THE COURT: You have. Okay. I, um, all right.
24 You can have seat.

25 JUROR: (Complies.)

1 THE COURT: What says, Defense?

2 MR. SHARPE: Um, Your Honor. I ask for
3 deliberations to continue.

4 THE COURT: For deliberations to continue?

5 MR. SHARPE: Yes, ma'am. To reconvene.

6 THE COURT: All right. Ladies and gentleman,
7 please step out to your jury room. Do not continue to
8 discuss the case.

9 (The jurors exit the courtroom.)

10 THE COURT: Let me hear the Defense request.

11 MR. SHARPE: Your Honor, obviously it appears
12 that the verdict is no longer unanimous. As such, we
13 ask for deliberations to continue.

14 THE COURT: What says the State?

15 MR. GOLDMAN: Your Honor, I think that is
16 appropriate.

17 THE COURT: All right, let's just take a five
18 minute recess. I'll be right back with you.

19 (A brief recess was had.)

20 (The proceedings continue after a 5 minute recess.)

21 THE COURT: All right, please bring the jury
22 back into the courtroom.

23 THE BAILIFF: Yes, ma'am.

24 (The jurors enter the courtroom.)

25 THE BAILIFF: The juries seated, Your Honor.

1 THE COURT: All right. Thank you, ladies and
2 gentlemen, it appears that the verdict is no longer
3 unanimous, and in order to receive your verdict, it
4 must be unanimous, therefore, I'm going to send you
5 back out to the jury room to continue to deliberate.

6 You will receive the indictment, the exhibit, all
7 the things that you had to begin with -- that laptop,
8 that one State's exhibit. And the indictment -- and
9 Madam Foreperson, you are not permitted to write the
10 verdict or change the verdict until it is unanimous.
11 And so, once the jury has reached a unanimous verdict,
12 you'll either alter what's already been written or,
13 you know, maybe what you've written on the indictment
14 stands. I don't know -- that depends on the will of
15 the jury and the collective decision of the jury.

16 So with that, Mr. Coker, if you'll grab the
17 indictment and the evidence and all that. I've also
18 just real quick, I've received this note from Juror
19 109, "Need to send an email to training school," -- I
20 actually don't typically let jurors interrupt the
21 deliberations to communicate with the outside world.
22 Hopefully, you're not back there like all night. I
23 don't know -- if it's an absolutely urgent matter, I
24 may consider it. But generally speaking, once the
25 jury has begun to deliberate, we kind of cut you off

1 from the outside world, and that includes the sending
2 of emails.

3 So hopefully it's not vital, and we can forego
4 the email at this time. So if you will retire to your
5 jury room and continue to deliberate.

6 (The jury exited the courtroom.)

7 THE COURT: All right. We'll be at ease
8 again until they continue to deliberate.

9 (The jury continued deliberations from 2:25pm - 3:45pm
10 where a unanimous decision was had.)

11 THE VERDICT

12 THE COURT: Madam Clerk, would you publish
13 the verdict?

14 MADAM CLERK: May it please the Court.

15 Docket number: 2024-GS-438-20, the State of South
16 Carolina -- excuse me -- versus Travis John Alston, an
17 indictment charging him with resisting arrest. The
18 verdict is: guilty. Signed, Sarah Fields.

19 Madam Foreperson, is this your verdict and the
20 verdict of the entire panel?

21 MADAM FOREPERSON: Yes, ma'am.

22 MADAM CLERK: Thank you.

23 THE COURT: Mr. Sharpe?

24 MR. SHARPE: Please, poll the jury again. Your
25 Honor.

1 THE COURT: Madam Clerk, please poll the jury
2 using only their jury numbers.

3 MADAM CLERK: Their numbers, yes, ma'am.
4 Juror number 97; was this your verdict?

5 JUROR 97: Yes, ma'am.

6 MADAM CLERK: Is this still your verdict?

7 JUROR 97: Yes, ma'am.

8 MADAM CLERK: Thank you.

9 Juror number, 61; was this your verdict?

10 JUROR 61: Yes.

11 MADAM CLERK: Is this still your verdict?

12 JUROR 61: Yes.

13 MADAM CLERK: Thank you.

14 Juror number 351; was this your verdict?

15 JUROR 351: Yes.

16 MADAM CLERK: Is this still your verdict?

17 JUROR 351: Yes.

18 MADAM CLERK: Thank you.

19 Juror number 216; was this your verdict?

20 JUROR 216: Yes.

21 MADAM CLERK: Is this still your verdict?

22 JUROR 216: Yes.

23 MADAM CLERK: Thank you.

24 Juror number 313; was this your verdict?

25 JUROR 313: Yes.

1 MADAM CLERK: Is this still your verdict?

2 JUROR 313: Yes.

3 MADAM CLERK: Thank you.

4 Juror number 39; was this your verdict?

5 JUROR 39: Yes.

6 MADAM CLERK: Is this still your verdict?

7 JUROR 39: Yes.

8 MADAM CLERK: Thank you.

9 Juror number 264; was this your verdict?

10 JUROR 264: Yes.

11 MADAM CLERK: Is this still your verdict?

12 JUROR 264: Yes.

13 MADAM CLERK: Thank you.

14 Juror number 254; was this your verdict?

15 JUROR 254: Yes.

16 MADAM CLERK: Is this still your verdict?

17 JUROR 254: Yes.

18 MADAM CLERK: Thank you.

19 Juror number 11; was this your verdict?

20 JUROR 11: Yes.

21 MADAM CLERK: Is this still your verdict?

22 JUROR 11: Yes.

23 MADAM CLERK: Thank you.

24 Juror number 109; was this your verdict?

25 JUROR 109: Yeah.

1 MADAM CLERK: Is this still your verdict?

2 JUROR 109: Yes.

3 MADAM CLERK: Thank you.

4 Juror number one -- I'm sorry -- Juror number 330; was
5 this your verdict?

6 JUROR 330: Yes.

7 MADAM CLERK: Is this still your verdict?

8 JUROR 330: Yes.

9 MADAM CLERK: Thank you.

10 Juror number 52; was this your verdict?

11 JUROR 52: Yes.

12 MADAM CLERK: Is this still your verdict?

13 JUROR 52: Yes.

14 MADAM CLERK: Thank you.

15 The jury has been polled.

16 THE COURT: Thank you.

17 All right, ladies and gentlemen, thank you.

18 Thank you for your time, your attention, your focus,
19 and for your service on this case. We can't do what
20 we do without people like you showing up and doing
21 what you have done. So, on behalf of all the parties,
22 the attorneys, everyone in Richland County, even I
23 appreciate it. Thank you very much.

24 As I said, you know, once you've deliberated and
25 reached a verdict, no one truly has the right to

1 criticize your verdict. You've heard the evidence,
2 you know what you needed to do, and we appreciate
3 that. That completes your jury service for today, but
4 also for this week. I don't know if we have other
5 trials, but we have enough jurors in Richland County
6 that I'm not going to make you serve on more than one
7 jury this week. If you were summoned for jury duty in
8 Circuit Court for the remainder of 2025 you are not
9 eligible to serve -- only in Circuit Court. I cannot
10 help you with Magistrate's Court, Municipal Court, or
11 Federal Court, or anything like that. If you were
12 summoned for jury duty in 2026 or 2027, you may have
13 to appear, but you can exercise an exemption. You'll
14 just tell the judge that you served on a jury here
15 this week. They'll verify and they'll let you go.

16 I hope you've at least found it educational, and
17 that we didn't -- I hate to use the phrase "waste your
18 time", but I try to not waste your time. I try to
19 predict, as best I can, what time to have you report
20 and things like that, so that we don't just have you
21 sitting back there.

22 I'm going to excuse you from the courtroom.
23 You're free to discuss the case with whoever you want
24 to discuss it with now, anyone, no one, everyone,
25 doesn't matter. When I excuse you from the courtroom,

1 don't forget to get your cell phones. The Clerk will
2 come back there to talk to you about work excuses and
3 payment.

4 The next phase of this process is that I'm going
5 to go ahead and sentence Mr. Alston, because you have
6 found him guilty. That'll happen in just five or
7 seven minutes or so. The Solicitor's Office needs to
8 get some paperwork together for me to write the
9 sentence.

10 And so, if you're interested in that, you're not
11 required to stay, but you're free to stay if you would
12 like to. So, when I excuse you from the courtroom,
13 you'll go out the way you came in from lunch. If you
14 want to go home, you keep on walking and go to your
15 car. And if you want to come back in the courtroom,
16 you can come back in through this (indicating) back
17 door, the same way you came in for jury selection, and
18 you can sit for the sentencing if you'd like. You're
19 now free to go. Thank you so much.

20 (The jury is excused from the trial of this case and
21 exits the courtroom.)

22 THE COURT: Any motions, Mr. Sharpe?

23 MR. SHARPE: Yes, Your Honor. Judge, at this
24 time, we'd like to renew all our pre-trial motions and
25 objections, and we'd ask Your Honor to rule a directed

1 verdict in our favor based on the same arguments that
2 we gave Your Honor earlier.

3 THE COURT: Respectfully, denied.

4 MR. SHARPE: Thank you, Your Honor.

5 THE COURT: All right. Any reason we should not
6 proceed with sentencing this evening?

7 MR. GOLDMAN: (Shaking head no.)

8 MR. SHARPE: (Shaking head no.)

9 THE COURT: No -- no. Good. Y'all have a
10 sentencing sheet? Are you going to get one?

11 MR. GOLDMAN: Yes, ma'am, we're going to get one.

12 THE COURT: Thank you. All right, let's take
13 just... five to seven minutes.

14 Mr. Alston, at this point, is not free to leave.
15 All right, we'll just be at ease for a few minutes
16 while they get the sentencing sheet.

17 (A brief recess was had while the sentencing
18 sheet was being prepared.)

19 SENTENCE OF THE COURT

20 THE COURT: All right. Solicitor, anything else
21 you want me to know about Mr. Alston, before
22 sentencing.

23 MR. GOLDMAN: Your Honor, it's the State's
24 position, we would ask for the sentence of a year. He
25 has a resisting arrest in his prior record. He had a

1 one-year conviction suspended on two years of
2 probation.

3 During this arrest, law enforcement exercised the
4 utmost patience with him for half an hour while he was
5 combative. He put law enforcement and the public in
6 danger, and it was a situation that really didn't have
7 to happen. And he understood what was going to happen
8 and allowed it to happen.

9 And we made him a great offer of transfer court
10 with time served, that he rejected on the record here
11 in General Sessions.

12 THE COURT: Yes, sir, Mr. Sharpe.

13 MR. SHARPE: Your Honor, may it please the Court?

14 THE COURT: Yes, sir.

15 MR. SHARPE: Your Honor, as you heard, he's got a
16 very minor record. Your Honor notated before the
17 trial that is a subsection (A) charge, not a
18 subsection (B) charge.

19 Your Honor, there's -- while it was quite an
20 annoyance -- the circumstances that night, there was
21 no violence on Mr. Alston's part.

22 And also, furthermore, Judge, it looked like we
23 had a torn jury there a little bit. As such, Judge,
24 I'd ask you to consider probationary sentence. I
25 think he'd be a candidate for it. But, certainly I

1 understand where we are.

2 THE COURT: Mr. Alston, anything you'd like to
3 say.

4 THE DEFENDANT: (No response.)

5 THE COURT: But why were you out there acting a
6 fool?

7 THE DEFENDANT: (No response.)

8 THE COURT: You have nothing to say? Not even in
9 response to my question?

10 THE DEFENDANT: (No response.)

11 THE COURT: Oh, okay. Why were you smiling and
12 smirking while the jury was watching the video of the
13 incident?

14 THE DEFENDANT: I wasn't.

15 THE COURT: You weren't? I'll either believe you
16 or my lying eyes. My eyes deceived me -- is that what
17 you're telling me? How much time did he spend in
18 jail, Mr. Sharpe?

19 MR. SHARPE: I believe it would be two days. He
20 did one night, so two calendar days.

21 THE COURT: Once again, Mr. Alston, you have
22 nothing to say with respect to whether you should
23 receive probation, a fine, prison time, or anywhere in
24 between?

25 THE DEFENDANT: No, ma'am.

1 THE COURT: All right. You don't care, I don't
2 either. The sentence of the Court is that you'd be
3 sentenced to the South Carolina Department of
4 Corrections for a period of **one** year. You get credit
5 for two days that you served. Good luck to you, sir.

6 MR. GOLDMAN: Thank you, ma'am.

7 MR. SHARPE: Thank you, Your Honor.

8 (Court adjourned at 4:35 p.m)

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--- END OF TRANSCRIPT OF RECORD ---

CERTIFICATE

I, THE UNDERSIGNED BRANDI J. BERRY, CERTIFIED COURT REPORTER FOR THE FIFTH JUDICIAL CIRCUIT OF THE STATE OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE, ACCURATE AND COMPLETE TRANSCRIPT OF RECORD OF ALL THE PROCEEDINGS HAD AND EVIDENCE INTRODUCED IN THE HEARING OF THE CAPTIONED CAUSE, RELATIVE TO APPEAL, IN THE CIRCUIT COURT FOR RICHLAND COUNTY, SOUTH CAROLINA, ON THE 10TH DAY OF FEBRUARY, 2025.

I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN, COUNSEL, NOR INTEREST IN ANY PARTY HERETO.

/S/Brandi J. Berry, CVR

COLUMBIA, SOUTH CAROLINA

JULY 17, 2025

VOID

NOTES:

Form 5-438 Rev. 06/2014		UNIFORM TRAFFIC TICKET STATE OF SOUTH CAROLINA VERSUS					
FIRST NAME TRAVIS		MIDDLE NAME JOHN		LAST NAME ALSTON			
STREET [REDACTED] DR							
CITY COLUMBIA				STATE SC		ZIP CODE 29223	
DL STATE SC		CLASS D		CDL <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		RIVER'S LICENSE NO. [REDACTED]	
RACE B	SEX M	BIRTH DATE [REDACTED]	HGT. 608	WGT. 200	HAIR [REDACTED]	EYES BRO	
VEH. LIC. NO. VZP376		STATE SC	MAKE OF VEH CHEV	YEAR 16	<input checked="" type="checkbox"/> PASGR VEH <input type="checkbox"/> HAZ MT.	<input type="checkbox"/> BICYCLE <input type="checkbox"/> MOPED	<input type="checkbox"/> COM VEH <input type="checkbox"/> PEDESTRIAN <input type="checkbox"/> OTHER
VEHICLE OWNER FIRST NAME REGINALD			MIDDLE NAME C			LAST NAME TYLER	
OWNER STREET 114 BURTON HEIGHTS CR		CITY COLUMBIA		STATE SC		ZIP CODE 29203	
YOU ARE SUMMONED TO APPEAR BEFORE THE TRIAL COURT							
NAME OF TRIAL COURT CENTRAL COURT				STREET 2500 Decker Blvd			
DATE OF TRIAL 11 13 2023		TIME OF TRIAL 09:00 AM		CITY Columbia,		STATE SC	
VIOLATION SECTION NO. 56-05-2540		VIOLATION - COURT APPEARANCE REQUIRED TRAFFIC / STOPPING; STANDING; PARKING PROHIBITED ON STATE HI				YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
DATE OF VIOLATION 10 21 2023		TIME OF VIOL. 1837		SC POINTS		B.A. LEVEL	
VIOLATION LOCATION DEVINE ST						COUNTY Richland	
LAT				LONG		CITY Columbia	
NAME AND RANK OF ARRESTING OFFICER PO HILL, N. P.				SCCJA OFFICER NUMBER 4230-4168			
BAIL DEPOSITED		DATE OF ARREST 10 21 2023		BOND AMOUNT REQUESTED \$100.00			
DATE BAIL REC'D.		BY					
CASE BEFORE: MAGISTRATE <input type="checkbox"/> MUN. COURT <input type="checkbox"/> CIRCUIT COURT <input type="checkbox"/> FAMILY COURT <input type="checkbox"/> FEDERAL COURT <input type="checkbox"/>							
NAME OF THE TRIAL COURT IF DIFFERENT FROM ABOVE:							
TRIAL BY: TRIAL JUDGE <input type="checkbox"/> JURY <input type="checkbox"/>		DEFENDANT: DID NOT APPEAR <input type="checkbox"/> APPEARED <input type="checkbox"/>					
DISPOSITION DATE		DISPOSITION NOLLE PROSSED <input type="checkbox"/> GUILTY <input type="checkbox"/> FORFEITED BOND <input type="checkbox"/> NOT GUILTY <input type="checkbox"/>		PLED: NOLO CONTENDERE <input type="checkbox"/> DETERMINED BAC: <input type="checkbox"/>			
CHARGE CONVICTED OF				SAME AS ORIGINAL <input type="checkbox"/>		SC POINTS	
JAIL	SUSPEND	FINE	AMT. COLLECTED	AMT. SUSPENDED	COMMITTED TO:		Vehicle Searched N
CERTIFIED CORRECT					DATE		Arrest as Result of Collision N
TRIAL OFFICER'S COPY				TICKET# 20232850009318			

CITY/COUNTY OF: COLUMBIA
 INCIDENT NO: 2301393
 AGENCY/TROOP: UNIVERSITY OF SOUTH CAROLINA POLICE DEPARTMENT

Metts
10/22/23
10,00022
Concave

RICHLAND COUNTY
 FILED

2023 OCT 27 PM 2:29

JEANETTE W. McBRIDE
 C.C.P., G.S., & F.C.

VIOLATOR

VEHICLE

TRIAL COURT

VIOLATION

ARREST OFFICER

COURT INFORMATION

CITY/COUNTY OF: (See Below)

INCIDENT NO. (See Below)

AGENCY/TROOP (See Below)

ARREST WARRANT

2023A4010205074

STATE OF SOUTH CAROLINA

[X] County/ [] Municipality of

Richland Bond Court

THE STATE 23-01393 against

Travis John Alston

Address: [redacted] Dr Columbia, SC 29223-7418

Phone: [redacted] SSN: [redacted] Sex: M Race: B Height: 5 8 Weight: 200

DL State: SC DL #: [redacted]

DOB: [redacted] Agency ORI #: SC0400600

Prosecuting Agency: University Of S C Police Department

Prosecuting Officer: Nicholas P Hill - S02563

Offense: Resisting / Resisting Arrest; Oppose or resist law enforcement officer serving process or making

Offense Code: 0326

Code/Ordinance Sec: 16-09-0320(A)

This warrant is CERTIFIED FOR SERVICE in the [] County/ [] Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Travis John Alston on 10/21/23

[Signature] Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Richland County General Sessions 1701 Main Street P O Box 192 Columbia, SC 29202

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA)

[X] County/ [] Municipality of)

Richland Bond Court

Personally appeared before me the affiant Nicholas P Hill

being duly sworn deposes and says that defendant Travis John Alston

did within this county and state on or about 10/21/2023 violate the criminal laws of the

State of South Carolina (or ordinance of [X] County/ [] Municipality of Richland Bond Court)

in the following particulars:

DESCRIPTION OF OFFENSE: Resisting / Resisting Arrest; Oppose or resist law enforcement officer serving process or making arrest

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on or about 10/21/2023 while at the 700 block of Devine Street in the OLYMPIA Magisterial District of Richland County, it is believed that the defendant did commit the crime of RESISTING ARREST because he was unlawfully stopped in a roadway in his vehicle. He refused to move the vehicle from the roadway when requested to move the vehicle from the roadway when requested by police. He then refused to provide his driver's license. He was informed that he would go to jail for being stopped in the roadway if he didn't provide his ID. He then resisted being removed from the vehicle by holding onto the vehicle and tensing his muscles to avoid being placed in handcuffs. Affiant and others are witness to prove same.

Signature of Affiant

[Signature]

STATE OF SOUTH CAROLINA)

[X] County/ [] Municipality of)

Richland Bond Court

Affiant's Address 1415 Henderson Street Columbia, SC 29208-

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 10/21/2023 defendant Travis John Alston

did violate the criminal laws of the State of South Carolina (or ordinance of

[X] County/ [] Municipality of Richland Bond Court) as set forth below.

DESCRIPTION OF OFFENSE: Resisting / Resisting Arrest; Oppose or resist law enforcement officer serving process or making arrest

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 10/21/2023

[Signature] (L.S.)

Mildred Rita Metts

Judge Code: 7221

Judge's Address 201 John Mark Dial Drive Columbia, SC 29209-

Judge's Telephone (803)576-3281

Issuing Court: [X] Magistrate [] Municipal [] Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

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2023 OCT 27 PM 2:30 FILED RICHLAND COUNTY JENNIFER W. MOBRIDG C.C.P., C.S. & F.C.

BAIL set by

Judge Metts
on 10/22/23
Type and Amount: 10,000 PE
Name of Surety: Concurast

PRELIMINARY HEARING held by

Judge _____
on _____
Defendant Attorney: _____

Decision: _____

DISPOSITION before

Judge _____
on _____
by _____
(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: _____

Sentence: _____

JURORS

WITNESSES

Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____



CODEFENDANTS

WITNESSES

(S) Nicholas P Hill

- Univ. of South Carolina Police Dept.

DOCKET NO. 2024GS4003820

The State of South Carolina

County of

Richland

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

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COURT OF GENERAL SESSIONS

MAY TERM 2024

6

ARREST WARRANT NUMBER

2023A4010205074

THE STATE

vs.

Travis John Alston

ACTION OF GRAND JURY

TRUE BILL

MAY 21 2024

Foreperson of Grand Jury
Date:

VERDICT

Guilty

Sarah Fields

**Indictment for
RESISTING / RESISTING ARREST;
OPPOSE, RESIST, OR ASSAULT LAW
ENFORCEMENT OFFICER SERVING
PROCESS**

SC Code: 16-09-0320(A)
CDR Code: 0326

Foreperson of Petit Jury
Date:

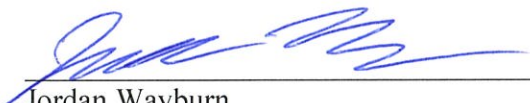
Guilty Sarah Fields
02-10-2025

SCANNED

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,



Jordan Wayburn
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 22nd day of January, 2026.

RECEIVED
Jan 22 2026
SC Court of Appeals

