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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Lancaster County

Honorable Brian M. Gibbons, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MICHAEL CHARLES JOHNSON,

APPELLANT

APPELLATE CASE NO. 2026-000271

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INDEX

INDEX i

TRIAL TRANSCRIPT DATED FEBRUARY 3-4, 2026 1

JURY *VOIR DIRE* 8

JURY SELECTION 26

DEFENSE CHALLENGE FOR CAUSE BY MR. FRICK 31

COURT OVERRULES CHALLENGE FOR CAUSE 31

CONTINUED JURY SELECTION 31

LYLE HEARING

AUTUMN ROBINSON
Direct Examination by Ms. McGinnis 40
Cross-Examination by Mr. Frick 45

STATE'S MOTION TO ADMIT EVIDENCE OF PRIOR BAD ACTS PURSUANT TO RULE 404(B), SCRE, BY MS. MCGINNIS 47

RESPONSE BY MR. FRICK 48

REPLY BY MS. MCGINNIS 49

COURT DENIES MOTION TO ADMIT EVIDENCE OF PRIOR BAD ACTS 49

OPENING STATEMENT BY MR. REYNOLDS 61

OPENING STATEMENT BY MR. WHITE 65

TESTIMONY

AUTUMN ROBINSON
Direct Examination by Ms. McGinnis 68
Cross-Examination by Mr. Frick 87
Redirect Examination by Ms. McGinnis 102
Recross-Examination by Mr. Frick 104

TRACE JENKINS
Direct Examination by Mr. Reynolds 106

RYAN O'DONNELL
Direct Examination by Ms. McGinnis 116
Cross-Examination by Mr. White 126

JUSTIN TRIBBLE
Direct Examination by Ms. McGinnis 133

DEFENSE OBJECTION TO PORTION OF STATE'S EXHIBIT NO. 7 (VIDEO – BODY CAMERA FOOTAGE) BY MR. FRICK 146

RESPONSE BY MS. MCGINNIS 149

COURT SUSTAINS OBJECTION TO PORTION OF STATE'S EXHIBIT NO. 7 (VIDEO – BODY CAMERA FOOTAGE) 150

TESTIMONY

JUSTIN TRIBBLE
Continued Direct Examination by Ms. McGinnis 153
Cross-Examination by Mr. Frick 156

STATE'S OBJECTION TO LINE OF QUESTIONING BY MS. MCGINNIS 165

RESPONSE BY MR. FRICK 165

COURT SUSTAINS OBJECTION TO LINE OF QUESTIONING 166

TESTIMONY

JUSTIN TRIBBLE
Continued Cross-Examination by Mr. Frick 169

STATE RESTS 170

DEFENSE MOTION FOR A DIRECTED VERDICT BY MR. FRICK 170

RESPONSE BY MS. MCGINNIS 171

COURT DENIES MOTION FOR A DIRECTED VERDICT 172

TESTIMONY COLLOQUY WITH DEFENDANT 176

DEFENSE RESTS 178

CLOSING ARGUMENT BY MS. MCGINNIS 179

CLOSING ARGUMENT BY MR. FRICK 192

CHARGE ON THE LAW 203

VERDICT 218

DEFENSE RENEWAL OF ALL PRIOR MOTIONS AND OBJECTIONS BY MR. FRICK 219

SENTENCING 225

INDICTMENTS 229

SENTENCE SHEETS 233

CERTIFICATE OF COUNSEL 235

THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT:
STATE'S EXHIBIT NO. 7 (VIDEO – BODY CAMERA FOOTAGE).

STATE OF SOUTH CAROLINA	)	Court of General Sessions
	)	Sixth Judicial Circuit
COUNTY OF LANCASTER	)	2024-GS-29-712
		2025-GS-29-228

THE STATE,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	Transcript of Record
MICHAEL CHARLES JOHNSON,	)	
	)	
Defendant.	)	
	)	
	)	

Lancaster, South Carolina
February 3-4, 2026

B E F O R E:

The Honorable Brian Gibbons

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

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Mr. Lance Reynolds, Esquire
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Mr. William Frick, Esquire
Mr. Jerry White, Esquire
Attorneys for the Defendant

Lisa Carter
Circuit Court Reporter

2

I N D E X

WITNESSES	PAGE
Monday- February 3, 2026	
Voir Dire.....	5
Jury Selection.....	27
Judge's Instruction.....	35
Autumn Robinson- Proffer:	
Direct Examination by Mr. McGinnis.....	40
Cross-Examination by Mr. Frick.....	45
Tuesday- February 4, 2026	
Judge's Instructions.....	56
Opening Statement- Mr. Reynolds.....	61
Opening Statement- Mr. White.....	65
Autumn Robinson:	
Direct Examination by Ms. McGinnis.....	68
Cross-Examination by Mr. Frick.....	87
Redirect Examination by Ms. McGinnis.....	102
Re-cross-Examination by Mr. Frick.....	104
Trace Jenkins:	
Direct Examination by Mr. Reynolds.....	106
Ryan O'Donnell:	
Direct Examination by Ms. McGinnis.....	116
Cross-Examination by Mr White.....	126

Justin Tribble:

Direct Examination by Ms. McGinnis..... 133

Cross-Examination by Mr. Frick..... 155

Directed Verdict..... 170

Defendant's Rights..... 175

Closing Argument- Ms. McGinnis..... 179

Closing Argument- Mr. Frick..... 192

Judge's Charge..... 203

Verdict..... 217

Sentencing..... 220

EXHIBITS

NO.	DESCRIPTION	EV.
S-1	Photo	122
S-2	Photo	122
S-3	Photo	122
S-4	Photo	122
S-5	Photo	122
S-6	Video (Body Cam)	140
S-7	Video (Body Cam)	151
C-1	Foreperson Selected	152
C-2	Question By The Jury	217

5

Tuesday, February 3, 2026

(WHEREAS, this matter was scheduled for a trial, the plaintiff appeared along with their attorneys of record. The defendant appeared with his attorneys, Mr. William Frick and Mr. Jerry White. The proceedings began at 1:15pm)

Voir Dire

THE COURT: I know none of y'all want to be here, I get it. But I'll tell you, ladies and gentlemen, I've held court in every county in our great State. That's all 46 counties. And I can tell you, without a doubt, that we have the best facilities here in Lancaster County than any county in the State. Okay. So y'all need to be very proud of that and proud that you have a fantastic clerk of court to run this building. Because I remember -- I never held court in the old courthouse right beside, but I appeared as a lawyer many times over there. And it's just wasn't conducive to moving, moving business through the Courts. But y'all are blessed. So I know you didn't want to be up here. At least you got a nice place to hang out, right? So for what it's worth.

All right. So this time, ladies and gentlemen, we're about to go through a process called voir dire which is French or Latin or something for 'speak the truth' or whatever. And it's a -- I ask you more specific questions

6

that are kind of case specific to the case that's before the Court, okay. So at this time, I'll have the State call the case.

MS. McGINNIS: Thank you, judge. At this time, the State calls the case of the State vs. Michael Charles Johnson. That is on charges 2024-GS-29-712, assault and battery of a high and aggravated nature; and, 2025-GS-29-228, kidnapping.

THE COURT: All right. Thank you. So, ladies and gentlemen, you just heard the State of South Carolina represented, of course, by lawyers we call solicitors. Your elected solicitor for the Sixth Judicial Circuit is Mr. Randy Newman. He's over there. And Mr. William Frick, your elected Circuit Defender is on that side, okay. So y'all get to experience both positions here if you're selected to be on this trial jury.

So the State has just called the following case to trial. I'll back up, the State of South Carolina vs. Michael Charles Johnson. That's Mr. Johnson seated right there in the turtle neck, okay. There he is with his lawyers.

(Whereupon, the defendant stands for the jury)

THE COURT: Okay. He's fine right there. All right. So he's been charged again, ladies and gentlemen, just because you're charged with a crime doesn't mean you're

7

guilty, right? The State has to prove you guilty beyond a reasonable doubt. The defendant has pled not guilty, okay. So that's what this case is about. They have charged him with two crimes, alleged crimes One is assault and battery of a high and aggravated, high and aggravated nature. The State has alleged that Mr. Johnson did on or about September 26, 2023 here in Lancaster County unlawfully injuried Autumn Alexis Robinson and did accomplish that injury by means that likely to produce death or great bodily injury, okay. That's what that charge is.

He's also been charged with kidnapping. The State has alleged that Mr. Johnson did on that same date, September of 2023, unlawfully, seized, confined, inveigled, decoyed, kidnap, abduct or carry away, Autumn Alexis Robinson, by any means whatsoever without the authority of law which is in violation of the South Carolina law as well. Those are the charges before the Court.

So, ladies and gentlemen, before I ask specific questions, I wanted you to have a general idea about what this trial was going to be about. I'mma have both sides introduce themselves to you and then I'll have some questions. First from the State.

MS. McGINNIS: Thank you. Good afternoon. My name is Melissa McGinnis. I'm one of your two deputy solicitors here at the Lancaster Sheriff's, Solicitor's Office, excuse

8

me. To my immediate right is your elected Solicitor Randy Newman. To his right is our investigator Former Chief of, Chief of Police Marlene Carter. Seated to my left is Lance Reynolds, an assistant solicitor who will be trying this case with me. And to Mr. Reynolds left is Special Agent Justin Tribble, formerly a deputy with the Lancaster County Sheriff's Office now working with SLED.

THE COURT: All right.

THE COURT: All right. Thank you. Mr. Frick?

MR. FRICK: Thank you, Your Honor. My name is William Frick. I practice criminal law here in Lancaster County. And trying this case with me this week is going to be Attorney Jerry White.

MR. WHITE: How y'all doing?

THE COURT: All right. Thank you. And, of course, you've already -- I've already introduced you, ladies and gentlemen, to Mr. Johnson. So the first question I have for you, is there any member of the jury panel who's related by blood or marriage or have any close personal or social relationship with any of the attorneys involved in this case, if so, please stand?

(Whereupon, a juror stands)

THE COURT: All right. Yes, sir. What's your juror number?

POTENTIAL JUROR #96: Ninety-six.

THE COURT: All right. How do you answer that?

POTENTIAL JUROR #96: I'm friends with Mr. Lance Reynolds.

THE COURT: Okay. With the fact that you are friends with one of the prosecutors in this case affect your ability to be fair and impartial if you were selected to be on this jury?

POTENTIAL JUROR #96: Can you repeat that for me?

THE COURT: All right. Would the fact that you're friends with him would that affect your ability to be fair and impartial?

POTENTIAL JUROR #96: No.

THE COURT: All right. Thank you, sir. You can be seated. All right. Thank you. So that's the way that -- I'm glad you're the guinea pig for that, okay. So what's going to happen, if a question applies to you just stand up and I'll ask how the question applies to you and then I'll ask can you still be fair and impartial if you're selected to be on the jury by both the State and the defense, okay.

All right. So anybody else on that question. All right. Is any member of the jury panel related by blood or marriage or having a close personal or social relationship with the defendant in this case, Michael Charles Johnson?

(Whereupon, no one stands)

THE COURT: All right. No response. Has anybody heard

anything about this case or about what you think may have happened either on social media or in the news or on the radio or on the TV or anything like that? Does anybody think they know or heard or have heard anything about this case, if so, please stand?

(Whereupon, no one stands)

THE COURT: All right. No response. Ladies and gentlemen, I'mma read out a couple names to you. These -- these are potential witnesses, okay. And, of course, we want to know if you're related to them by blood or marriage or have any close personal or social relationship with them. Number (1), Autumn Robinson?

(Whereupon, no one stands)

THE COURT: All right. Is Ms. Robinson present?

MS. McGINNIS: She is, Your Honor.

THE COURT: All right. This is Ms. Robinson. Everybody turn around and look at Ms. Robinson.

(Whereupon, the witness stands)

THE COURT: Thank you, ma'am. That's Autumn Robinson. Trace Jenkins?

(Whereupon, the witness stands)

THE COURT: Okay. Special Agent Justin Tribble from SLED, South Carolina Law Enforcement Division. Ryan O'Donnell with EMS ---

POTENTIAL JUROR: Hey, did you say Chase Jenkins?

11

THE COURT: Trace.

POTENTIAL JUROR: Oh, okay.

THE COURT: Yeah. All right. Of course, Tribble, Ryan O'Donnell, formerly with Lancaster EMS, and; the last name is Joshua Parris with EMS. Does any potential juror recognize those names as I described?

(Whereupon, several jurors stand)

THE COURT: All right. Yes, sir. What's your juror number?

POTENTIAL JUROR #13: Thirteen.

THE COURT: Yes, sir. How do you answer it?

POTENTIAL JUROR #13: I know Josh Parris. I know him.

THE COURT: All right. And what -- how do you know him?

POTENTIAL JUROR #13: We went to school today and I want to say we maybe related down the line some way.

THE COURT: Okay. So the fact that you may be related down the line or that you know him, would that affect your ability to be fair or impartial if you were selected to be a trial juror?

POTENTIAL JUROR #13: No, sir.

THE COURT: All right. Thank you. What is your number again?

POTENTIAL JUROR #13: Thirteen.

THE COURT: Thirteen. Yes, sir?

12

POTENTIAL JUROR #154: I know Josh as well.

THE COURT: Okay. Can you be fair and impartial?

POTENTIAL JUROR #154: Yes, sir.

THE COURT: All right. What's your juror number?

POTENTIAL JUROR #154: One, fifty-four.

THE COURT: One, fifty-four. Thank you, sir. Anybody else?

(Whereupon, no one stands)

THE COURT: All right. Thank you. All right. So these are questions that the lawyers asked me to ask. That's how we do it in South Carolina. That's one reason why our trials go a lot quicker than in other states where the lawyers get asked the questions. Has any member of the jury panel or a member of your family ever been accused of or charged with a crime, if so, please stand?

(Whereupon, several jurors stand)

THE COURT: All right. Yes, ma'am. Juror number?

POTENTIAL JUROR #105: One, zero-five.

THE COURT: All right. How do you answer that?

POTENTIAL JUROR #105: Many years ago my son was charged with a marijuana charge for being in a car ---

THE COURT: Was it prosecuted by this ---

POTENTIAL JUROR #105: It was in Florida.

THE COURT: Okay. Would that affect your ability to be fair and impartial?

13

POTENTIAL JUROR #105: No.

THE COURT: Thank you, ma'am. You can be seated. What's your juror number again? I'm sorry.

POTENTIAL JUROR #105: One, zero-five.

THE COURT: All right. Y'all remind me now. I always try to get them say it first. All right. Yes, ma'am, juror number?

POTENTIAL JUROR #187: If I'm not mistaken my son, my youngest son was charged with a crime but I don't know if he was ---

THE COURT: Okay. Was that here in Lancaster?

POTENTIAL JUROR #187: Yes.

THE COURT: All right. How long ago?

POTENTIAL JUROR #187: He is 36. So fifteen, sixteen years ago.

THE COURT: And what's your juror number, ma'am?

POTENTIAL JUROR #187: One, eighty-seven.

THE COURT: One, eighty-seven. And can you be fair and impartial?

POTENTIAL JUROR #187: Yeah.

THE COURT: Thank you. You can be seated. Anybody else?

(Whereupon, no one stands)

THE COURT: All right. Is any member of the jury panel or a member of your immediate family a contributor to or

member of any organization which supports prisoner rights, or criminal justice initiatives such as: Mothers Against Drunk Driving, Citizens Against Violent Crime; or Social Justice Organizations like Black Lives Matter or Blue Lives Matter? So are you or a member of your immediate family a member of or a contributor to organizations like that, if so, please stand?

(Whereupon, no one stands)

THE COURT: All right. No response. Has any member of the jury panel or a member of your immediate family ever been in a relationship that involved physical or mental abuse whether or not reported to law enforcement, if so, please stand?

(Whereupon, several jurors stand)

THE COURT: All right. In the back, juror number?

POTENTIAL JUROR #87: I'm 87.

THE COURT: Juror number 87. How do you answer that, ma'am?

POTENTIAL JUROR #87: My little sister was abused. Her abuser was arrested. She -- completely unrelated to that, she was murdered in October and there's an ongoing case for that ---

THE COURT: Is that here in this county?

POTENTIAL JUROR #87: It is.

THE COURT: All right. Okay. Thank you, ma'am. And

would that affect your ability to be fair and impartial?

POTENTIAL JUROR #87: Yes.

THE COURT: All right. Thank you. What's your juror number again?

POTENTIAL JUROR #87: Eighty-seven.

THE COURT: All right. Thank you, ma'am. All right. Yes, ma'am?

POTENTIAL JUROR #140: Juror number 140.

THE COURT: One, forty.

POTENTIAL JUROR #140: My ex-husband was abusive.

COURT REPORTER: I'm sorry. I can't hear her.

THE COURT: Juror number 140, your ex-husband was abusive. Would that -- can you be fair and impartial if chosen to be on this jury?

POTENTIAL JUROR #140: Yeah.

THE COURT: She says you can be fair and impartial. Thank you, ma'am. You can be seated. All right. Yes, ma'am?

POTENTIAL JUROR #105: One, zero-five.

THE COURT: Yep.

POTENTIAL JUROR #105: My ex-husband was abusive.

THE COURT: All right. Can you be fair and impartial if chosen?

POTENTIAL JUROR #105: I can.

THE COURT: Thank you. All right. Has any member of

the jury panel or member of your immediate family ever been the victim of a crime, if so, please stand?

(Whereupon, several jurors stand)

THE COURT: All right. Yes, ma'am?

POTENTIAL JUROR #105: One, zero-five.

THE COURT: Yep.

POTENTIAL JUROR #105: My son was killed in a car accident by a drunk driver.

THE COURT: Okay. Can you be fair and impartial?

POTENTIAL JUROR #105: I can.

THE COURT: Thank you, ma'am. Yes, sir?

POTENTIAL JUROR #7: My children both were assaulted last year. I can be.

THE COURT: And you're number 7?

POTENTIAL JUROR #7: Yeah.

THE COURT: All right. Thank you, sir.

MR. FRICK: Judge?

THE COURT: Yep.

POTENTIAL JUROR #: I'm forty-one.

THE COURT: Yes, sir.

POTENTIAL JUROR #41: My sister was murdered.

THE COURT: How long ago?

POTENTIAL JUROR #41: It's been about 30 years.

THE COURT: Okay. Can you be fair and impartial?

POTENTIAL JUROR #41: Yes, sir.

THE COURT: All right. Thank you. Anybody else?
(Whereupon, no one stands)
THE COURT: All right. Moving on to the next one. Has any member of the jury panel ever received services from a Victims Advocate Program like Sister Care or Citizens Against Assault or any type of victims program, if so, please stand?
(Whereupon, a juror stands)
THE COURT: All right. Yes, ma'am?
POTENTIAL JUROR #129: One, twenty-nine.
THE COURT: Yep.
POTENTIAL JUROR #129: I received services from Safe Passage in Rock Hill.
THE COURT: Can you be fair and impartial?
POTENTIAL JUROR #129: I believe so.
THE COURT: Thank you.
COURT REPORTER: What kind of services? What's the name?
THE COURT: Safe Passages.
COURT REPORTER: Thank you.
THE COURT: Y'all don't have the benefit of a microphone and I'm very loud anyway so try to shout out your answer everybody. I can tell your soft spoken, ma'am, and that's perfectly fine.
All right. Has any member of the jury panel ever

18

served on a trial jury before, if so, please stand? Have you ever been on a jury before?

(Whereupon, several jurors stand)

THE COURT: All right. If -- if the jury was a civil jury, like a lawsuit about money or a contract, you can sit down.

All right. So juror 105, what type of case was it?

POTENTIAL JUROR #105: It was a criminal. It was -- it was supposedly violence against an ex-girlfriend.

THE COURT: Was it here in Lancaster?

POTENTIAL JUROR #105: Yeah, it was.

THE COURT: And what was the verdict, if you remember?

POTENTIAL JUROR #105: Two counts. One was guilty. One was not guilty.

THE COURT: Thank you, ma'am. Can you be fair and impartial?

POTENTIAL JUROR #105: Yes, sir.

THE COURT: All right. Thank you. In the front with the beard, yes, sir?

POTENTIAL JUROR #76: Number 76. I was on a jury for like a traffic violation. It was pretty minor and the verdict was guilty.

THE COURT: Can you be fair and impartial?

POTENTIAL JUROR #76: Yeah.

THE COURT: Thank you, sir. Yes, sir?

POTENTIAL JUROR #146: One, forty-six.

THE COURT: Yes, sir?

POTENTIAL JUROR #146: It was a molestation charge with a female and it got continued during, during the process ---

THE COURT: So y'all actually never went to verdict?

POTENTIAL JUROR #146: We never actually finished it.

THE COURT: All right. Can you be fair and impartial?

POTENTIAL JUROR #146: Yes, sir.

THE COURT: Thank you. Yes, ma'am?

POTENTIAL JUROR #44: Forty-five.

THE COURT: Yep.

POTENTIAL JUROR #44: And I really don't remember well. Some sort of like roommate dispute or something that happened ---

THE COURT: Can you be fair and impartial?

POTENTIAL JUROR #44: yes.

THE COURT: Thank you. All right. Does it any member of the jury panel ever been a witness in a criminal case whether or not it went to trial?

(Whereupon, no one stands)

THE COURT: No response. Next one, has any member of the jury panel or member of your immediate family ever served or sought employment in any law enforcement capacity such as a sheriff's deputy, highway patrol, military

police, probation, anything like that? So if you've either sought employment or served previously or have a member of your immediate family who's done that, please stand?

(Whereupon, several jurors stand)

THE COURT: All right. In the beard -- by the way that's glorious beard.

POTENTIAL JUROR #76: Thank you.

THE COURT: I remember when mine used to be that color. All right. Yes, sir?

POTENTIAL JUROR #76: Number 76. I used to work as a police officer for Rock Hill Police Department.

THE COURT: How long -- how long ago did you leave?

POTENTIAL JUROR #76: 2017.

THE COURT: Can you be fair and impartial?

POTENTIAL JUROR #76: Yeah.

THE COURT: Thank you. All right. Yes, sir?

POTENTIAL JUROR #110: One, ten. I applied to this county sheriff's office about four years ago -- well, about four or five years ago.

THE COURT: Okay. Can you be fair and impartial?

POTENTIAL JUROR #110: Yeah.

THE COURT: Thank you. Behind -- yes, sir?

POTENTIAL JUROR #52: Fifty-two.

THE COURT: Yes, sir?

POTENTIAL JUROR #52: My brother-in-law is a, was a

deputy sheriff and now he works for SLED as a trainer for the Police Academy so....

THE COURT: Okay. Was he a deputy sheriff here in Lancaster?

POTENTIAL JUROR #52: It was Newberry County.

THE COURT: Okay. Can you be fair and impartial?

POTENTIAL JUROR #52: Yes.

THE COURT: Thank you.

COURT REPORTER: You said 52, right?

THE COURT: Yes. Fifty-two, yes. Yes, ma'am?

POTENTIAL JUROR #56: Fifty-six.

THE COURT: Fifty-six.

POTENTIAL JUROR #56: I don't know if this counts. I was a CSI intern at the Lancaster County Sheriff's Office.

THE COURT: Yes. Can you be fair and impartial?

POTENTIAL JUROR #56: No, sir.

THE COURT: Thank you. And what number -- what's your number again?

POTENTIAL JUROR #56: Fifty-six.

THE COURT: All right. Has any member of the jury panel ever sought employment with a prosecutor's office or a criminal defense attorney's office or does any member of the jury of panel have any legal training or education, if so, please stand?

(Whereupon, several jurors stand)

22

THE COURT: All right. Yes, sir, juror number?

POTENTIAL JUROR #18: Eighteen.

THE COURT: Yes, sir?

POTENTIAL JUROR #18: As far as legal training, I have a fair amount of legal training. I work for an insurance company. We do a lot of investigation ---

THE COURT: Would that affect your ability to be fair or impartial?

POTENTIAL JUROR #18: No. I don't believe so.

THE COURT: Thank you, sir. You may be seated. All right. No other response. All right. Does any respective juror have any moral, philosophical, religious reason why he or she cannot be a fair and impartial juror on this case, if you haven't already responded that way?

(Whereupon, a juror stands)

THE COURT: All right. Yes. Juror number?

POTENTIAL JUROR #95: Ninety-five. You did say religious, yes?

THE COURT: Yes.

POTENTIAL JUROR #95: Okay. Yes. I am a member of a church that believes those sort of acts that we discussed are not forgivable.

THE COURT: Okay. Thank you. That's juror number 95?

POTENTIAL JUROR #95: Ninety-five. Yes, sir.

THE COURT: Thank you very much. You can be seated.

Anybody -- any further voir dire from the State?

MS. McGINNIS: No, Your Honor.

THE COURT: Any further from the defense?

MR. FRICK: No, Your Honor.

THE COURT: All right. So, ladies and gentlemen, what's happening, let me explain it to you. So right as I speak, the clerks down here have a software program and it's randomly collating y'all's names. Not in alphabetical order. So the dude with the Z last name, where are you? You got the Z, you won't be last. You may be first.

(Whereupon, the jury panel laughs)

THE COURT: It won't be alphabetical and it won't be numerical either. So y'all gonna be put in a random software program and both sides get to have a certain, we call them strikes, Okay. But that's kind of harsh language, so we call them challenges. Each side has a certain amount of what's called peremptory challenges where they get to decide and pick who they want to be on the trial jury, okay. And the reason I'm telling you all that is, ladies and gentlemen, this is a tried and true system that's used in every county courthouse in every State of our great United States, United States of America, okay. So if you're not selected, if your name is called and once of the other side doesn't want you to be on a jury for a particular reason, don't be offended, okay. There's many

24

reasons why either the defense or the State may not want you on a particular case, okay. Again, this is a tried and true system. So -- so the way it's gonna work, is once I get the list, they going to start -- they'll start publishing your name in order, okay. And we'll go until we get 12 jurors and two alternates. So y'all can look around the room, that means 14 of you will be selected, okay. And when your name is called if you'll, you know, for either side to decide what they're going to do, you'll just stand right there and then the State gets to say what they want to say, and then the defense gets to say what they want to say. And if you're selected the bailiffs will walk you on down the hallway to your jury room, okay. And that's how we'll do it until we have a jury. Everybody Understand?

(Whereupon, the jury panel all agree)

THE COURT: Perfect. Five and five?

MS. McGINNIS: Yes, sir.

THE COURT: Five and five?

MR. FRICK: Yes, sir.

THE COURT: Okay. Five and five. And a one and two on alternates, on each alternates. So y'all've met y'all's clerk of court, right?

(Whereupon, the jury panel agrees)

THE COURT: Right there, Mr. Mike Watkins. He doesn't like it when I do this, but I don't get the hold court here

as often as I used to because right now the Chief Justice of our State has me assigned to the Fourth Circuit which is Chesterfield County, Darlington, Dillon and Marlboro. So I'm over that whole area. So it's good to get back, you know, this is the first term of court I've held in Lancaster in over a year. And anyway, so it's good to get back. But I like to say, how many of y'all are familiar with the Murdaugh trial?

(Whereupon, the jury panel response)

THE COURT: It's mostly women. But I get it. I understand. You know the podcast and all that kind of stuff. He was the court reporter.

(Whereupon, the jury panel reponse)

THE COURT: If y'all watch him on TV -- if y'all watch it on TV, Mike was -- Mike and I worked together a lot. He was a court order for a long time and he and I worked together just like my court reporter here today, Ms. Lisa Carter. She and I have worked together for a long time. But Mike and I, you know, he volunteered for that job. I'll never forget, I'm like what doing? But then he got his -- then he got his payment for the transcript. So I figured out so, what it was. But, no, Mike -- that's what Mike did and his before clerk of court Mike. And then he decided to pursue further public service and ran for and was elected your clerk of court here in Lancaster County.

I'm so proud of him. Sorry to embarrass you, Mike, but I had to.

All right. We got us a list.

All right. Five and five and who's going -- Mike, you gonna do it?

THE CLERK: Me.

THE COURT: Mr. Clerk, you may seat us a jury.

Jury Selection

THE CLERK: Number 95. If you'll stand when I call your number. I'm sorry.

(Whereupon, a white female stands)

THE COURT: Thank you. Thank you. You are excused from the trial on this case. You just be seated right there.

THE CLERK: Number 73.

(Whereupon, a white female stands)

THE CLERK: What saith the State?

MR. REYNOLDS: Please present the juror.

THE CLERK: What saith the defense?

MR. FRICK: Please seat the jury.

THE COURT: Ma'am, if you'll come forward. Number 37?

(Whereupon, a white female stands)

THE CLERK: What saith the State?

MR. REYNOLD: Please present the juror.

THE CLERK: What saith the defense?

MR. FRICK: Please excuse the juror from the trial of this case.

THE COURT: You may have a seat. Number three?

(Whereupon, a black female stands)

THE CLERK: What saith the State?

MR. REYNOLDS: Please present the juror.

THE CLERK: What saith the defense?

MR. FRICK: Please seat the juror.

THE CLERK: Ma'am, if you'll come forward. Number 38?

(Whereupon, a white male stands)

THE CLERK: What saith the State?

MR. REYNOLDS: Please present the juror.

THE CLERK: What saith the defense?

MR. FRICK: Please seat the juror.

THE CLERK: Sir, if you'll come forward. Number 41?

(Whereupon, a white male stands)

THE CLERK: What saith the State?

MR. REYNOLDS: Please present the juror.

THE CLERK: What saith the defense?

MR. FRICK: Please excuse the juror from the trial of this case.

THE CLERK: You may have a seat. Number 86?

(Whereupon, a white male stands)

THE CLERK: What saith the State?

MR. REYNOLDS: Please present the juror.

THE CLERK: What saith the defense?

MR. FRICK: Please seat the juror.

THE CLERK: If you'll come forward, sir. Number 191?

(Whereupon, a white male stands)

THE CLERK: What saith the State?

MR. REYNOLDS: Please present the juror.

THE CLERK: What saith the defense?

MR. FRICK: Please seat the juror.

THE CLERK: Sir, if you'll come forward. Number 190?

(Whereupon, a black female stands)

THE CLERK: What saith the State?

MR. REYNOLDS: Please present the juror.

THE CLERK: What saith the defense?

MR. FRICK: Please excuse the juror from the trial of this case.

THE CLERK: You may have a seat. Number 93?

(Whereupon, a white male stands)

THE CLERK: What saith the State?

MR. REYNOLDS: Please present the juror.

THE CLERK: What saith the defense?

MR. FRICK: Please seat the juror.

THE CLERK: Sir, if you'll come forward. Number 148?

(Whereupon, a white male stands)

THE CLERK: What saith the State?

MR. REYNOLDS: Please excuse the juror.

THE CLERK: You may have a seat. Number 32?

(Whereupon, a white female stands)

THE CLERK: What saith the State?

MR. REYNOLDS: Please present the juror.

THE CLERK: What saith the defense?

MR. FRICK: Please seat the juror.

THE CLERK: If you'll come forward please. Number 187?

(Whereupon, a black female stands)

THE CLERK: What saith the State?

MR. REYNOLDS: Please excuse the juror.

THE CLERK: You may have a seat. Number 52?

(Whereupon, a white male stands)

THE CLERK: What saith the State?

MR. REYNOLDS: Please present the juror.

THE CLERK: What saith the defense?

MR. FRICK: Please excuse the juror from the trial of this case.

THE CLERK: You may have seat. Mr. Frick, I've got as four.

MR. FRICK: Thank you.

THE CLERK: Number 189?

(Whereupon, a white male stands)

THE CLERK: What saith the State?

MR. REYNOLDS: Please present the juror.

THE CLERK: What saith the defense?

30

MR. FRICK: Please seat the juror.

THE CLERK: If you'll come forward, sir. Number 101?

(Whereupon, a white male stands)

THE CLERK: What saith the State?

MR. REYNOLDS: Please present the juror.

THE CLERK: What saith the defense?

MR. FRICK: Please seat the juror.

THE CLERK: Come forward, please. Number 157?

(Whereupon, a Hispanic female stands)

THE CLERK: What saith the State?

MR. REYNOLDS: Please present the juror.

THE CLERK: What saith the defense?

MR. FRICK: Please excuse the juror from the trial of this case.

THE CLERK: You may have a seat. Number 76?

(Whereupon, a white male stands)

THE CLERK: What saith the State?

MR. REYNOLDS: Please present the juror.

THE CLERK: Any challenge for cause?

MR. FRICK: Can we approach for a second, judge?

THE COURT: Yeah.

COURT REPORTER: You want it on the record?

THE COURT: Yes.

MR. FRICK: I'm gonna request a challenge for cause. I'm pretty certain how the Court is going to rule.

31

THE COURT: Okay. He is -- he is a former law enforcement officer, but he said he can be fair and impartial ---

MR. FRICK: I understand.

THE COURT: Okay. Thank you.

(Whereupon, the attorneys return to their seats)

THE COURT: All right. Thank you, sir. You're on the jury.

THE CLERK: Come forward, please. Number 123?

(Whereupon, a white female stands)

THE CLERK: What saith the State?

MR. REYNOLDS: Please present the juror.

THE CLERK: Any challenge for cause?

MR. FRICK: No challenge for cause.

THE CLERK: You may come forward. Number 168?

(Whereupon, a white female stands)

THE CLERK: What saith the defense?

MR. REYNOLDS: Please excuse the juror.

THE CLERK: You may have a seat. Number 96?

(Whereupon, an Asian male stands)

THE CLERK: What saith the State?

MR. REYNOLDS: Please present the juror.

THE CLERK: Any challenge for cause?

MR. FRICK: Yes, sir. Can we approach, judge?

THE COURT: Thank you, sir. You can be seated. You're

32

excused from the trial of this case.

THE CLERK: Number 13?

(Whereupon, a white male stands)

THE CLERK: What saith the State?

MR. REYNOLDS: Please present the juror.

THE CLERK: Any challenge for cause?

MR. FRICK: No, sir.

THE CLERK: Come forward.

THE COURT: Is that twelve?

THE CLERK: Yes, sir.

THE COURT: All right. Let's go to two alternates. One and two strikes on alternates.

THE CLERK: Number 164?

(Whereupon, a white female stands)

THE CLERK: What saith the State?

MR. REYNOLDS: Please present the juror.

THE CLERK: What saith the defense?

MR. FRICK: Please excuse the juror from the trial of this case.

THE CLERK: You may have a seat. Number 56?

(Whereupon, a white female stands)

THE COURT: All right. You're excused from the trial of this case. Thank you, ma'am.

THE CLERK: Number 69?

(Whereupon, a white female stands)

33

THE CLERK: What saith the State?

MR. REYNOLDS: Please present the juror.

THE CLERK: What saith the defense?

MR. FRICK: Please seat the juror.

THE COURT: Come forward, please. Number 143?

(Whereupon, a white female stands)

THE CLERK: What saith the State?

MR. REYNOLDS: Please present the juror.

THE CLERK: What saith the defense?

MR. FRICK: Please seat the juror.

THE CLERK: If you'll come forward.

All right. All right. Any matters of law regarding jury selection from the State?

MS. McGINNIS: No, Your Honor.

THE COURT: From the defense?

MR. FRICK: No, sir.

THE COURT: All right. Thank you. All right. So, ladies and gentlemen, of the remaining panel I'mma ask that you, that call in number that you've already called in on several times, okay. Again, it's there for a reason. I want you to call in today after 6pm, okay. Let me see what the flow of this trial is going on and see if they have another one teed up after this, okay. Let me see what's happening and then you'll, you'll find out tomorrow -- you'll find out tonight what you're supposed to do

34

tomorrow. It may be that you're good to go. It may be we need you up here at a certain time. Everybody understand?

(Whereupon, the jury panel all agree)

THE COURT: Y'all have a great day. Drive carefully.

(Whereupon, the jury panel exits the courtroom at 2:55pm)

THE COURT: All right. We're in recess until we get back down there.

(Whereupon, the Court takes a short recess to set up in main courtroom)

THE COURT: The three of use want to do the pre-trial today?

MR. FRICK: Yes, sir. Yes, sir. We deal with the Lyle and couple of little teeny issues. And then just go straight through tomorrow.

THE COURT: Okay. Any objection to me bringing the jury out here then, and y'all want to go ahead and get them sworn or do y'all want to wait to do that tomorrow?

MR. FRICK: I'm fine with swearing them.

THE COURT: I want to swear them, so then I can tell him to not go looking for information and stuff.

MR. FRICK: Absolutely.

MS. McGINNIS: Yes, sir.

THE COURT: Does that sound good?

MS. McGINNIS: Of course.

THE COURT: All right. Get your guy -- get your

35

client in here.

(Whereupon, the defendant is brought into the courtroom)

THE COURT: All right. We'll bring the jury in. Bring the jury on down. Mr. Clerk, you're ready to swear in the trial jury?

THE CLERK: Sure.

(Whereupon, the jury enters the courtroom at 3:12pm)

Judge's Instructions

THE COURT: All right. All members of the jury are present. Thank you, ladies and gentlemen, for your patience. Didn't want to belabor this any further, but in speaking with the lawyers, we all agree that there's some pre-trial issues, legal stuff which we need to take care of this afternoon. I know it's already after three now. Y'all been up here since probably 12:30 when you started coming. So we're going to go ahead and call it a day, okay. And we're going to try to get everything done tomorrow, okay. So before I let you go I wanted to get you out here and go ahead and swear you in as the trial jury. Then I'm going to give you a few instructions about what's going to happen during the trial of this case, what you need to know about. And then we'll get everything started first thing in the morning. So, Mr. Clerk, if you'll swear in trial jury.

THE CLERK: Yes, sir. If I can get y'all to stand and

36

raise your right hand.

(Whereupon, the jury complies)

THE CLERK: You shall well and truly try, and true deliverance make, according to the issues now joined between the State and the defendant, and a true verdict rendered so help you God? You will?

(Whereupon, the all jurors agree)

THE CLERK: All right. Thank you, ladies and gentlemen. So I'll talk to you more tomorrow morning. In fact, we'll do opening statements tomorrow. I'll tell you all about how a trial goes in court because many of y'all don't have the actual chance to attend court, much less participate in it like you doing right now, and you think that what you see on TV is the way it always is. Well, that's not necessarily true.

All right. So anyway, what -- you're about to leave here, okay. It's very important that you understand that you have to make your decision based upon the evidence presented in this courtroom and in this courtroom alone, okay. All evidence consist of testimony from various witnesses as well as any other exhibits like photos or whatever else which may come in, okay. So what that means is I'm not naive. I even have one up here, okay. That's how I do my email because I can text better emailing than I, than I do on my laptop. I can't type that good. So I'm

37

not naive. All of you have a smartphone, okay. So when you leave here the easiest thing to do is to type in the name of this case or to type in what the crime, the alleged crime is, okay. I'm telling you not to do that, okay. Because you have to judge this case from the evidence presented in this courtroom and you can't talk to anybody about the case, okay. I'm also not naive that the person you live with, if you live with somebody else may say, "Hey, did you get picked for jury duty?" "Yeah." "What kind of case is it?" "It's criminal case." "Well, tell me about it?" "I can't. The judge says I can't talk about it." That's your answer. Okay. That's, you know, I'm used to being the bad guy, okay. So just blame it on me. You can't talk about it. And we're going to try to get all this stuff wrapped up tomorrow. We're gonna do our very best. Everybody understand?

(Whereupon, the jury panel agrees)

THE COURT: All right. So y'all gonna leave here in a second. Just listen to the bailiffs, they'll tell you where to show up tomorrow morning. I want you're in your jury room tomorrow morning at 9:15, all right. It's close to 50 degrees today. And I think it's going to be raining tomorrow so all the snow and ice should be melted. So we all should be good. Does anybody have any issues with being here at 9:15? I mean, some of my more rural country

38

road people?

(Whereupon, no one speaks out)

THE COURT: Okay. Sounds good. See you tomorrow morning, 9:15. And I'm trying to -- I'mma get started at nine -- my plan is to get started tomorrow morning right at 9:30 with me talking to you a little bit more telling you about the trial, and with the opening statements from the lawyers. Everybody good?

(Whereupon, all jurors agree)

THE COURT: Perfect. See you tomorrow morning. Y'all have a restful evening, okay. Thank you very much.

(Whereupon, the jury exits the courtroom at 3:16pm)

THE COURT: All right. All right. Y'all talk to me. What are the pre-trial issues?

MR. FRICK: Well, judge, I think we addressed in chamber. The solicitor was talking about having the victim go into some prior difficulties in the relationship. I would object. I think that, that is material that is subject to a 404(b) analysis. And I would ask us to have a Lyle Hearing to, to determine what testimony the Court -- what testimony the solicitor wishes to elicit and what the Court may deem admissible, if any?

THE COURT: All right. State agree, you ready to proceed, ah, go forward?

MS. McGINNIS: Yes, sir.

39

THE COURT: All right. You want to go forward with argument first or do you want to have the witness testify in camera?

MS. McGINNIS: We'll just go ahead and put, put the witness up, Your Honor.

THE COURT: All right. Call your witness?

MS. McGINNIS: The State calls Autumn Robinson.

THE COURT: All right. Ma'am, come on up. I'll swear her in and stuff. Now since this is non-jury you can kind of ---

MS. McGINNIS: Yes, sir.

THE COURT: --- lay a proper foundation, but quicker than you normally would in front of a jury. Ma'am, come on up here beside me, okay. Place your left hand on that Bible. Raise your right. You swear or affirm the testimony you give be the truth, the whole truth, and nothing but the truth so help you God?

MS. ROBINSON: Yes, sir.

THE COURT: All right. Thank you, ma'am. Come on around here. Just have a seat there. And see that microphone right there. Pull it up. I know you're nervous. Everybody looking at you. Just talk -- just talk as loud as you can.

MS. ROBINSON: Okay.

THE COURT: There you go. All right. Your witness.

MS. McGINNIS: Thank you, judge.

AUTUMN ROBINSON, first being duly sworn, testified as follows:

Direct Examination by Ms. McGinnis- Proffer:

Q. Autumn, I'mma take you, for the purposes of today's hearing, I'm gonna go ahead and take you back to September 25th, and into the early morning hours of the 26th of 2023. Did you recently ended a relationship at that with the defendant?

COURT REPORTER: I'm sorry, the door knocked. What was the last question.

Q. I'm sorry. Have you recently ended a relationship at that point in time?

A. With him, we were kind of on and off. But I wasn't in a prior relationship ---

Q. Okay.

A. --- recent to that, no.

Q. And when you say him, are we referring to the defendant, Mr. Johnson?

A. Mr. Johnson, yeah.

Q. Okay. So on September 25th and 26th, were you in a relationship with Mr. Johnson?

A. No.

Q. Okay.

A. No.

Q. Okay. And that evening, tell, tell me a little bit about what happened that evening between you and Mr. Johnson?

A. Do you want me to start from the beginning?

Q. Just -- Yes. Start from the beginning.

A. So I was in Marshville, North Carolina with one of my friends. We kind of spent the day together. My dog was at my mother's house. She babysits my dog sometimes for me. So when I -- I left my friend's house I came back to my mother's house. And I got out of the car and went in the house. I kind of left the door open. When I came back out to the car he was in my driver's seat. And he said I'm going to harm your dog. I'm going to kill your dog if you don't get in the car with me. So, of course, I got in the car because my dog is my life. He, you know, he's my everything. So we proceeded to leave. As soon as we pulled out he hit me the first time in my jaw right here on the....my left side. It kind of clicked. It kind of popped. So I couldn't, I couldn't really talk that much. But I was begging him to please drop me off at the emergency room. He could keep my car whatever he needed to do. Yeah, and he proceeded to beat me, and everything else that happened. Do I need to go into detail?

Q. Yeah. Keep going.

A. Okay.

Q. So how long -- so let me back up, about what time was this?
A. This was -- it was -- it was one of the -- it was late. It was about bedtime. So I'd say around 9:30, 10 o'clock when it started.
Q. Okay. And so he -- y'all were in the car. He hit you right away. And then at what point were you, ultimately, able to get out of the car?
A. About two and a half, three hours later.
Q. Someone or somewhere close to 1am?
A. Yes. Yeah.
Q. And in that two and a half to three hour period, describe a little bit about what happened between you and Mr. Johnson in the car?
A. Well, first off, he took my phone and my wallet and he told me that if I tried to run that he would kill me. And then he proceeded to -- he would -- he -- we drove -- he drove like out to Tradesville like Kershaw area, and he would proceed to pull over and just beat me. Beat me. Beat me. He strangled me a lot. Many, many times. And so I would lose consciousness. And then I tried to run three times. But every time I run he'd just grabbed me by my hair. Um....yeah.
Q. Okay. When you said he strangled you, had that happened to you before in that relationship with Mr.

Johnson?
A. Yes, ma'am.
Q. Tell me a little bit more about that?
A. He -- when we were together he was more of a forceful person because I'm more of a sweet, kind of soul, so I'm not really violent, and I wasn't exposed to that before this. What was the question again?
A. Tell me a little bit about when he would choke you previously in that relationship?
Q. Oh, yes. It would be -- something could rile him up. He could be in an argument with his baby mother. Anything could rile him up and he would come to my residence and take it out on me. So he would break in my house. Pin me to the bed. Throw things across my room. Hit me. And he broke in my house multiple times so....
Q. Okay. Did he also choke you when y'all were intimate previous to this?
A. Yes.
Q. Was that something that he did on a relatively frequent basis?
A. He tried.
Q. Okay. What would happen when he would try to choke you?
A. I would get up and we would argue and I would leave.
Q. So that was never a consensual part of any sexual

relationship at all?
A. No, ma'am.
Q. Okay. Now, tell me a little bit, you just mentioned that he would break into your house. Was that both while you were in a relationship and after the relationship concluded?
A. Yes, ma'am.
Q. Tell me a little bit more about that?
A. I would be sleeping, he would break in my house. I would be at work, he would come to my house and come in and wait for me to come home from work. Very numerous times I woke up and he was in my living room already staring at me. That happened a lot so....
Q. That he was not invited, not expected to be in the home ---
A. No.
Q. But you either woke up or arrived home and he was there?
A. Yes.
Q. Did he always enter the house or did he sometimes wait outside?
A. Sometimes he would wait outside.
Q. And had that happened in the kind of weeks leading up to this incident where everything kind of came to a head?
A. No. This happened the entire time. The whole two

years that we knew each other.

Q. Okay.

A. Yeah.

Q. And as far as him waiting outside for you, had that happen in the weeks, specifically, in the weeks before September 25th, or did that also happened the whole time?

A. Yes. It happened previous, yes, the weeks before.

Q. Okay.

MS. McGINNIS: Judge, I think that's about the testimony that I would be seeking to elicit from Ms. Robinson.

THE COURT: Okay.

MS. McGINNIS: During the -- both the previous acts of the burglary and the choking.

THE COURT: All right.

MR. FRICK: Briefly.

THE COURT: Do you want to cross-examine her on this?

MR. FRICK: Yes, sir. Yes, sir.

THE COURT: Okay. All right.

MR. FRICK: Thank you.

Cross-Examination by Mr. Frick:

Q. Ms. Robinson, the event that the case is about, you said you were in the car for about two and a half, three hours?

A. Yes, sir.

Q. Okay. And that y'all drove out towards Tradesville?
A. Mmm, hmm.
Q. And that's where he would stop in the road and beat you?
A. Kind of from here to Tradesville and then when we came back to Jack's, we kind of took that straight, I don't know what the highway is called ---
Q. Is it 9 or 903?
A. Yeah.
Q. Okay.
A. Yeah. Yeah. We just took that straight - but he just stopped. He kept stopping.
Q. Okay.
A. We took a long dirt road in Tradesville.
Q. Okay.
A. I'm not sure what it's called.
Q. Okay.
A. Um....yeah.
Q. Okay. The other events that the solicitor was asking you about the breaking into the house, the other times that you were strangled, beaten, whatever it may have been. Did you contact law enforcement?
A. I did not.
Q. So no reports of those were made?
A. No, sir.

47

Q. Okay.
A. I was scared.
Q. Okay. So no disclosure of that before ---
A. No, sir.
Q. —-- the preparation for this trial, is that true?
A. No, sir.
MR. FRICK: Thank you. That’s all the questions I have.
THE COURT: Thank you, ma'am. You can step down.
MS. ROBINSON: Thank you.
THE COURT: All right. Let me hear argument.
MS. McGINNIS: Judge, I think that the fact that this was a pattern of his is, is probative to the jury. This is not somebody who, ah, that she's making up this story that happened this one time. She's saying this was a pattern of him springing up on her inside the house, outside the house. And not only that, that both when he was angry and during intimate times his go to was putting his hands on her and choking her. I think that shows a pattern of behavior, specifically, as far as a common scheme or plan as well as most likely his intent. So that would just be the State's argument, judge. It's not lengthy testimony. It's not been, you know, she's not talking about it happened on this day and it happened on this day and it happened on this day. So I think the brevity of the

48

testimony that the State seeks to elicit weighs more towards the probative value of it. That this is his pattern that he's done this to her. It's in his common scheme of plan versus weighing over in a prejudicial, again, because of just the brevity of it.

THE COURT: Thank you. Mr. Frick?

MR. FRICK: Your Honor, first and foremost, she talked about numerous burglaries that occurred. We're not here on a burglary case, so there's no common scheme or plan or motive in that. It does not satisfy any of the requirements of Lyle or 404(b). I would say that overall this testimony is classically what is excluded by 404(b). Evidence of crimes, other wrong acts are not admissible to prove the character of a person or to show conformity there within. And I think that's exactly what this testimony is supposed to do, be.

Furthermore ---

THE COURT: As well as evidence which is offered as an exception to the rule under Lyle and 404(b) must be of a clear conviction nature where a conviction was not attained.

MR. FRICK: Correct. And that was my next point. She indicated she never called law enforcement. There was never a report made. And even testified under cross-examination that none of this came about until we were

49

preparing for this trial. So, judge, I don't think any of it's admissible under 404(b). It is not *res gestae* in this case. If it, somehow is deemed that, it certainly does not satisfy 403. It is highly prejudicial. It is too prejudicial, and does not reach the probative value.

Furthermore, it's remote. She's saying this happened years before. So I don't even think it's relevant. So I would ask for it to be stricken. First thing, under 404(b). If not, then under 403, and certainly under 402.

THE COURT: All right. Thank you. Any reply from the State?

MS. McGINNIS: Just briefly in reply. I think she testified that this happened the entire two years that they were together, not that it happened two years ago and it happened this time. So the fact that it's repeated.

THE COURT: All right. Certainly the victim can testify as to what happened this particular day. But I agree with the defense, it is highly prejudicial or more prejudicial than it is probative, if anything. So, I am not going to allow that testimony of any previous alleged bad acts to come into evidence.

Okay.

MS. McGINNIS: Thank you, Your Honor.

THE COURT: All right. So just prep the witness accordingly.

50

MS. McGINNIS: Yes, sir.

THE COURT: And she can certainly testify and say whatever she wants to say about the kidnapping incident, and the ABHAN incident, and what he allegedly did to her that day. But we're not going into anything else. It's irrelevant as to what this particular crime is charged for.

MS. McGINNIS: Yes, sir. Thank you.

THE COURT: Thank you. All right. Yes, sir?

MR. FRICK: And, judge, kind of corollary, corollary to that in the body camera that the solicitor wishes to, to show at some point, she does make mention that he's been, essentially, coming around the house. He's been doing this for, for a week. I would think that that needs to be stricken out of that video.

THE COURT: Well, y'all can -- y'all can just mute that part. Y'all have the ability to do that based upon my ruling now.

MS. McGINNIS: Yes, sir. I will either cut it so the videos in two parts or I'll just mute it during that time.

THE COURT: Okay.

MS. McGINNIS: And I'll show it to Mr. Frick before to make sure he's good with it.

MR. FRICK: That's fine.

THE COURT: All right.

MR. FRICK: And I think the rest of the video, we're

51

going to try to hash that out this afternoon.

THE COURT: Okay. What else we got?

MR. FRICK: That's all I can think of at this time, Your Honor.

THE COURT: All right.

MS. McGINNIS: Judge, it's our intent to just call I believe four witnesses, so I think we can just work straight through tomorrow.

THE COURT: Mr. Clerk, is offered call in lunch for the jury as well. So we can make it a short, relatively, short lunch and kind of move right into the afternoon.

MS. McGINNIS: Yes, sir.

THE COURT: I know we ain't even started yet, does the defense intend to put up a case that you're aware of off the cuff?

MR. FRICK: So my client and I discussed a bit over the last week or so, well, actually last week about testifying, I don't think he's reached a conclusion on that. We'll continue to discuss that.

THE COURT: Are there impeachable convictions that the State would seek to impeach his credibility ---

MS. McGINNIS: Yes, sir.

THE COURT: --- if he were to testify?

MS. McGINNIS: Yes, sir. I beg the Court's indulgence ---

52

THE COURT: Okay.

MS. McGINNIS: --- while I pull that.

THE COURT: While we got time might as well talk about that.

MS. McGINNIS: Judge, his rap sheet is a 2009, strong armed robbery; 2012, DUI, strong armed robbery; 2019, Burg second, PWID cocaine; 2020, DV third ---

THE COURT: All right. So the 2012 stuff, I mean ---

MS. McGINNIS: Right.

THE COURT: --- that's way too remote.

MS. McGINNIS: Yes, sir.

THE COURT: All right. So 2019, Burg second, I think, can come in.

MS. McGINNIS: Yes, sir.

THE COURT: What's the other one?

MS. McGINNIS: PWID cocaine.

THE COURT: PWID cocaine can come in.

MS. McGINNIS: 2020, DV third; 2021 ---

THE COURT: That may not come in.

MS. McGINNIS: '21 PWID meth, receiving stolen goods, and malicious injury to the jail.

THE COURT: I think all that comes in. The only question would be the domestic violence one that I may keep out if he were to testify. We can cross that bridge later on. But I think all the other ones are fair game for a

53

jury if he decides to testify to question his credibility. You agree with that?

MR. FRICK: I think that's what the law says. Yes, sir.

THE COURT: Okay. All right. Anything else we can accomplish today?

MS. McGINNIS: I don’t believe so, Your Honor.

THE COURT: All right. The jury is gonna be here 9:15. That means I'll be ready to roll at 9:30.

MS. McGINNIS: Yes, sir.

THE COURT: Everybody good with?

MR. FRICK: Yes, sir.

MS. McGINNIS: Very good. Yes, sir.

THE COURT: We’re -- we’re done for the day. Thank you.

This case is in recess until tomorrow morning.

(Whereupon, Court is adjourned for the day at 4:00pm)

54

Wednesday, February 4, 2026

(WHEREAS, this matter was scheduled for a trial, the plaintiff appeared along with their attorneys of record. The defendant appeared with his attorneys, Mr. William Frick and Mr. Jerry White. The proceedings began at 9:41am)

THE COURT: All right. Anything else on the jury trial?

(Whereupon, no one speaks up)

THE COURT: All right. Bring the jury out.

MR. FRICK: Judge, can we -- can we ---

THE COURT: Who?

MR. FRICK: One quick issue. One quick issue.

THE COURT: Yeah.

MR. FRICK: Judge, I anticipate that I'm going to use some snippets for body cam that the State is going to introduce, but not through the victim.

THE COURT: Yeah.

MR. FRICK: But I -- to refresh her recollection if she does not recall it, I would go through Rule 613.

THE COURT: Okay.

MR. FRICK: I don't know if the State has an objection to my showing the snippets but....

MS. McGINNIS: Okay. Judge, the only objection I guess I would have is could we agree? The video, itself,

55

is like two hours long.

THE COURT: Yeah.

MS. McGINNIS: I'm putting ---

THE COURT: You've cut it down to seventeen.

MS. McGINNIS: Sixteen or seventeen ---

THE COURT: Sixteen, yeah.

MS. McGINNIS: So if he's putting in snippets from later in the video, I feel like that puts us having to put in the whole hour and 45 minute video which nobody wants to do. So that, I think, is my only objection to what he's trying to do.

THE COURT: If you want to do that in response to if he opens the door....right. I understand.

MS. McGINNIS: Yeah.

THE COURT: Okay. I don't know if you're going to be able to do -- if they're going to be able to do that or not.

MR. FRICK: I don't think I've opened the door to anything. I think it's just like a witness is on the stand and I've got a written statement I can show it -- I can go through 613 and say, did you say this, whatever. And if it follows 613, then I can refresh their recollection. But I'm not introducing the statement ---

THE COURT: I understand. I'm not keeping you from doing that.

56

All right. Thank you.

(Whereupon, the jury enters the courtroom at 9:42am)

Judge's Instructions

THE COURT: All right. All members of the jury are present.

Good morning, ladies and gentlemen. Let me speak to you briefly before we get started hearing from the lawyers in regards to opening statements, and let me tell you, basically, how trial proceeds, okay.

First the State will make an opening statement to you which is basically an outline of what the State believes the evidence will show in this case, and what this case is about, and why they charge the defendant the way they did, and, and what they're going to expect you to do, okay. And the defense can make an opening statement if they want to, but they don't have to. And I'll explain that here in a moment as I go through the basics of a trial.

So following opening statements you will then start hearing testimony in the case, and receiving evidence. I call that the testimony and evidence phase of the trial. And after that's over with, that's when the lawyers again will be able to talk directly to you about what's called closing arguments. And they'll, you know, try to argue to you what the evidence has shown, using what the law is, and use that, and they'll ask you to return a verdict certain

57

way. Okay. You need to remember that what, you know, when lawyers speak directly to you by way of opening statements or closing arguments, that's not evidence. Okay. That's a lawyers talking directly to you trying to convince you of a certain verdict. Okay. Evidence is what you determine it to be. What you hear from here and what comes in the record of this case. Because you are the judges of the facts, okay. You, and you alone, decide what the facts are. What the fact -- what relevant facts are. What credible evidence there is. That's your role. I don't have the ability or the authority as the judge to pass upon what I think the facts are, okay. That's not my role here. My role, I'm the judge of the law. Okay. I tell you what the law is at the end and during, and at the end of the trial, and you must follow the law that I give you, okay. And -- and that's our roles here. So I'm the judge of the law. I tell you what the law is. And you use what I tell you along with the facts as you find them to be whenever you start deliberating, and that's how you reach your verdict. We'll get into that here in a moment, okay.

Now, as you know this is a criminal case. This has been brought by the State of South Carolina against the defendant who has pled not guilty to these charges. He's charged with assault and battery of high and aggravated nature, as well as kidnapping. Since he's pled not guilty

58

the burden of proof rest upon the State and the State alone. The State must prove beyond a reasonable doubt that the defendant is guilty of these crimes, okay.

A reasonable doubt is the kind of doubt that will make a reasonable person hesitate to act. A defendant has the right to testify, excuse me, not to testify and never, a defendant never has to prove innocence or present any evidence. That's why they don't have to make an opening statement if they don't want to, okay. They don't have to prove anything. Okay. So just like rules which, which govern sports and other activities as well as business practices, we have certain rules of court that lawyers are trained on to help determine the evidence that you receive to make your very important decision, okay. We have rules of evidence. Okay. And these rules exist, ladies and gentlemen, not to keep stuff from you. Okay. We want to ensure that you get the best evidence possible to make your decision, okay. So if things are rocking and rolling and a lawyer on one side asks a question of a witness and the lawyer on the other side thinks that answering that question may violate the rules of evidence that lawyer will say objection. Y'all know what I'm talking about, okay. And that is a request to me, as the judge of the law, to make a legal decision, a legal decision on whether or not that question can be asked or answered. Okay. If I

sustain the objection that means the question cannot be answered. Same with a piece of evidence that the other side one side is offering. If I sustain it, the evidence can't come in. If I overrule the objection that means the question must be answered. Okay. See, ladies and gentlemen, if I sustain the objection you're not to speculate as about, I wonder what that person would have said if the judge would have allowed him to answer it. See you're going beyond your role as a jury. That's why I told you yesterday when you left here you can't go do any independent research or investigation. You respond to the evidence you receive. Okay.

So, in judging this case, ladies and gentlemen, you may have to judge the credibility of the witnesses. In other words, the believability. You can believe everything a witness says, some of it, or none of it. That's the power that you have.

You will also you know make credibility decisions as to whatever, what other documentary or photograph or whatever other evidence that may come in. Okay.

I don't let jurors take notes during the trial and the reason for that is I've been doing it for a long time and I've just, it's been my experience that when jurors take notes they they doodle, you know, like see this page right here, I got like all kinds of ink and stuff up and don't

60

really pay attention. Okay. And so I want you to pay attention, obviously. And look -- look at what the way a witness testifies, all that kind of stuff or she testifies, or he or she testifies. But you're not going to be allowed to take notes. And you're also not going to have a transcript at the end of the trial to refresh your recollection. It's very costly and time consuming for my court reporter here who's taking down every word that's said to generate a transcript for you to consider. So pay attention as things go on so you can accurately discuss everything when you start deliberating. Okay.

Just few more comments and then I'll close and hear from the lawyers. During this trial, you cannot talk with anybody about this case, not even yourselves. You can't start talking about the case or asking questions to each other about what a witness said or whatever until I tell you, you can. Okay. And that's because you haven't heard everything yet. Okay. That's because you don’t know what the law, you don't know what the law is yet. You may think you know what the law is, but what you think the law ought to be is not what the law is. I'll tell you what the law is at the end of the trial. Okay. And don't do any independent research. I've already talked about that as well.

It's very important, ladies and gentlemen, finally

that you keep an open mind and not decide any issue in this case till everything's been submitted to you, until you've heard the closing arguments as well as been given and instructed the law by me. Okay. It is your solemn responsibility to determine the guilt or innocence of this defendant and your verdict must be unanimous, and it must be based solely on the evidence presented to you in this courtroom and on the laws I instruct you during and at the close of the trial.

Thank you again for your willingness to participate in this time tested system. We will now hear from the lawyers for openings.

Solicitor?

MR. REYNOLDS: Thank you, Your Honor. May it please, the Court?

THE COURT: Yes, sir.

MR. REYNOLDS: Counsel and members of the jury.

Opening Statement by Mr. Reynolds

So a car ride is usually a symbol of freedom. I mean, what 15-year-old doesn't dream of getting a license and sliding in the driver's seat behind the steering wheel and hitting the open road? On the night of September 25, 2023 that's not what the victim Autumn Robinson found in that car. What Autumn Robinson found when she got into her 2009 silver Honda Accord was a rolling prison.

62

In the later evening hours, the defendant took Autumn on a tour of Lancaster, ad he accomplished that you will hear through victim testimony, that he did not need physical restraints of chloroforms to kipnap Autumn. He weaponized the love that she has for her dog. The defendant held that dog in the car refusing to let it out until she relented and got in the vehicle, and off they went on their tour. But there were no sights to see, no sounds to hear, other than his threats and the impact of his fists. The victim will testify the defendant did not just drive, if he followed a pattern: drive, stop, seat; drive, stop, beat. She made multiple attempts to escape that vehicle on one of his stops. She couldn't get out. He grabbed her by the hair. He yanked her back in the vehicle and kept driving.

You'll hear testimony that Mr. Johnson used his hands to beat her. Used her own cell phone to hit her in the head. But when he got tired of that, he took his hands and placed them on her neck and strangled her. Strangled her until everything went black. Strangled her into unconsciousness. Not once! Not twice! But several times! Strangled her to sleep.

This went on for hours. Until, luckily for her, the car was running out of gas. And like a beacon of hope lit up in a dark Lancaster night, was the sign for Jack's Party

Shop. Camera footage from Jack's will show that at 12:44am, thereabouts, at Jack's Party Shop the defendant stepped inside, parked at pump number one, stepped inside to pay for gas. Autumn seized the opportunity, grabbed her dog and sprinted to the nearest vehicle. Potentially, thrusting herself into more danger. But the risk that may have been waiting for her in that stranger's vehicle or what she presume to be a stranger at that time was worth the risk compared to what she knew would happen and was happening, and had happened in her own vehicle.

Luckily for her, the truck belonged to Trace Jenkins, an acquaintance from school. She approached the window. Begged for help. Jumped in. He ferried her to safety. Called law enforcement. Approached, EMS came. Checked her out. The investigation began.

At the conclusion of this trial, the State will ask you to find the defendant guilty of two specific crimes. Kidnapping and assault and battery of a high and aggravated nature or ABHAN.

In the State of South Carolina the offensive kidnapping occurs when a defendant unlawfully seizes, confines, inveigles, decoys, kidnaps, abducts or carries away any other person by any means whatsoever without authority of law.

Assault and battery of the high aggravated nature

occurs if the person unlawfully injures another person, and great bodily injury to another person results, or the act is accomplished by means likely to produce death or great bodily injury. South Carolina law defines great bodily injury to mean bodily injury which causes a substantial risk of death or which causes serious permanent disfigurement, or protracted loss, or impairment of the function of a body member, or organ.

You will hear the events that occur that night directly from the victim, Ms. Autumn Robinson. You'll hear from Deputy Justin Tribble who will walk us through his observations and investigation that led to the charging and ultimate arrest of Mr. Johnson. And, finally, the EMS personnel who documented the physical evidence of the defendant's handiwork, the mark is still visible on her neck.

Finally, the State bears the burden of proof and it’s a burden we welcome. Through this testimony and evidence we will show you beyond a reasonable doubt that Mr. Michael Charles Johnson is guilty. We will ask you to hold him accountable for those hours of terror Ms. Robinson had to endure.

Thank you.

THE COURT: Thank you, solicitor.

MR. REYNOLDS: Thank you.

THE COURT: Yes, sir?

MR. WHITE: Thank you, Your Honor.

THE COURT: All right. Defense?

MR. WHITE: May it please, the Court?

THE COURT: Yes, sir.

Opening Statement by Mr. White

This is Michael Johnson. Michael Johnson is not guilty. And he's not guilty for two reasons. One, Michael did not do what the government is accusing him of doing. And, two, because as he sits here he's presumed innocent until the government proves beyond a reasonable doubt every element of the crimes that they're accusing him of having committed.

Now, each one of you were hand picked to be on this jury. And you were hand picked because we believe you will hold the government to their standard. And I'd like to start with something that's foundational to our judicial system. The fact that Michael is presumed innocent and that presumption stays with him until if the government can meet its heavy burden, beyond a reasonable doubt.

Now, beyond a reasonable doubt does not mean innocent of all wrongdoing. No! It means the government did not meet its burden of proof. And that burden is the highest burden we have in this country. In fact, it's a higher burden than required to take custody of a child from their

66

parent.

Now, my sister is deaf. Hearing impaired. I could do sign language before I could talk. And I remember playing outside when I was young with a ball and my sister had some of her friends over who were also hearing impaired. And my mom had told them, she had signed to them using sign language, that we were not to cross the street in front of our house. The road had become busier. It was unsafe. If for any reason we needed to cross that street, go get a ball or anything like that, we should let her know. She would make sure it was safe or she would go get the ball for us. Well, sure enough, that ball, it went across the street, and I went to go get it. And my mom could see I was not innocent of crossing the street. And she came running over, to scoop me up. "I told you not to cross the street." I said, "Mom, nobody told me." And it hit her. I could see it in her eyes immediately. She had signed that to my sister and her friends and I could not see it and I couldn't hear it because it sign language. And that caused my mom to hesitate to punish me because she could see that, though, I was not innocent, I was not guilty.

Now, the State just told you a story. Inflated, irregular, and inconsistent. And the State has to prove that story beyond a reasonable doubt. The evidence will show that that story is inflated and irregular. It will

cause you to hesitate. It's inconsistent because you're going to see that the State is moving all the pieces around trying to make them fit as needed to prove their case. I ask you to please pay attention to the evidence that is used to support their case. And any evidence that is not used to support their case. Please pay close attention to any video or DNA evidence that the State may present. And please pay attention to any evidence that could have been presented, but wasn't. Ask yourself why.

At the end of this trial when you've seen all the evidence there will be hesitations, there will be questions, and I'm confident that you will see that there's doubt. And when there's that kind of doubt, reasonable doubt the law requires you return a verdict of not guilty.

THE COURT: All right. Thank you, Madam Solicitor, call your first witness.

MS. McGINNIS: Thank you, judge.

THE COURT: Or whoever is doing it. Solicitor, call your first witness.

MS. McGINNIS: Thank you. At this time the State calls Autumn Robinson.

THE COURT: All right. Ms. Robinson.

THE CLERK: Ma'am, if I can get you to place your left hand on the Bible and raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but truth

so help you God?

MS. ROBINSON: Yes, sir.

THE CLERK: Okay. Have a seat. Pull that chair up to the microphone.

THE COURT: All right. Madam Solicitor?

MS. McGINNIS: Thank you, judge.

AUTUMN ROBINSON, first being duly sworn, testified as follows:

Direct Examination by Ms. McGinnis:

Q. Good morning, Ms. Robinson.

A. Good morning.

Q. Can you introduce yourself to the jury? Tell them your name, where you're from?

A. My name is Autumn Robinson. I'm 25-years-old. I'm from Lancaster, South Carolina.

Q. Did you grow up here in Lancaster?

A. I was born in Union County, but I was raised here. Yeah.

Q. Okay. So you've lived in the Lancaster area your entire life?

A. Yes, ma'am.

Q. Okay. I want to take you back to the end of September of 2023, what was going on in your romantic life back then?

A. Me and Mr. Johnson were on and off.

Q. Okay. And when you say Mr. Johnson, to whom are you

referring?
A. Michael Johnson.
Q. Okay. The defendant in this case?
A. Yes. Yes, ma'am.
Q. And I know this seems a little bit silly, but do you see him in this room?
A. Yes, ma'am.
Q. Can you describe, for the record, what he's wearing?
A. He's wearing a black shirt with a tie.
Q. Okay.
MS. McGINNIS: Judge, let the record reflect she is indicated the defendant.
THE COURT: So noted.
MS. McGINNIS: Thank you.
Q. So this defendant, Mr. Johnson, and you had an on and off relationship back in the September of 2023 time period?
A. Yes, ma'am.
Q. And at some point, did, did it come to a point where y'all were not together?
A. Yes. We were more not together than we were together.
Q. Okay. So, specifically, I want to turn you back to first the evening of September 25, 2023. What did you do that day?
A. I was in Marshville, North Carolina with one of my friends that day.

Q. Okay.
A. I spent a majority of the day with her.
Q. Okay. And once you were done with that friend, what did you do?
A. My mother was babysitting my poodle.
Q. Okay.
Q. So I came to Waxhaw, North Carolina to pick him up at her house.
Q. Okay. So your mom was babysitting your poodle. How -- about how big is your dog?
A. He's about 22 pounds now. He's heavy.
Q. Okay. What's his name?
A. Diesel.
Q. Diesel. Okay. So you went back to retrieve Diesel and take him back to your house?
A. Mmm, hmm.
Q. And where were you staying at that time?
A. I was staying at my dad's on Zion in the Buford area in South Carolina.
Q. Okay. Zion Road?
A. Yes, ma'am.
Q. And that's in Lancaster County?
A. Yes, ma'am.
Q. Okay. So when you went to your mother's house, where is that located?

A. That is in Waxhaw, North Carolina.
Q. Okay. When you got to your mom's house describe a little bit about what you did?
A. So, when I pulled up it's typical for me, I would just leave my car running and leave the door open and just go in the house and get the dog. So the dog came out of the house before me and he jumped in the car with Mr. Johnson.
Q. Okay. Had Mr. Johnson been in Marshville with you?
A. No.
Q. Were you planning to meet him there at your mom's house?
A. No.
Q. Were you surprised to see him when you came out and he was in the car with your dog?
A. Yes, ma'am.
Q. Now, I want to back up a little bit, you're telling the jury that this incident happened where he got in your car at your mom's house in Waxhaw, North Carolina, is that correct?
A. Yes, ma'am.
Q. What did you tell law enforcement later in the evening about where the incident started?
A. I told them the incident started in South Carolina at my father's house.
Q. Okay. So, that was not the truth, correct?

A. No.
Q. Okay. Why would you not tell the truth to law enforcement about where this incident started?
A. I did not know the policy for North Carolina domestic violence and I did not want to be dismissed. I didn't want them to not take me serious.
Q. Okay. And we'll touch on that a little bit when we get to you speaking with the law enforcement down here. So you came out of your mom's house and Mr. Johnson was in the car. What happened next?
A. So, obviously, he threatened me. Told me he would harm my dog if I didn't go with him.
Q. Okay.
A. So we go to pull out of my mother's driveway and he right punches me in the jaw, right here ---
(Whereupon, witness demonstrates)
A. --- my jaw clicks ---
Q. Let’s slow down just a little bit.
A. Okay.
Q. So he's in the car with your dog ---
A. Yeah.
Q. —--- and you mentioned he threatened you?
A. Yes.
Q. What -- what did he say?
A. He said I'm going to kill you if you don't come get in

the car. I'm gonna kill your dog so....
Q. Okay.
A. He did a hand motion.
Q. Okay. What kind of hand motion?
A. Like this.
(Whereupon, witness demonstrates)
Q. And you're like crooking your finger like an up here gesture, okay. Okay. After he made those threats, what did you do?
A. I got in the car.
Q. And where was he in the car and where were you in the car?
A. He's in the driver's seat. I was in the passenger.
Q. Okay. Once you got in the passenger seat and he started driving, you just testified that he hit you almost immediately?
A. Yes.
Q. And where was that hit?
A. Right here in the jaw. My left side.
Q. Left side of your jaw, okay. Was he saying anything to you at this time?
A. No. He's very manic.
Q. Okay. When he took off driving from your mom's house describe a little bit about the route that you took?
A. So we went out of McCain Mill Road and we went back

towards South Carolina, ah, taking back roads.
Q. Okay.
A. So we went down Rocky River.
COURT REPORTER: I'm sorry, what?
A. Rocky River.
Q. So you went on Rocky River Road back towards South Carolina?
A. Yes, ma'am.
Q. After he hit you that first time, what happened next?
A. He strangled me and I was unconscious for a few minutes. When I came back to, we were passing Buford Middle School.
Q. Okay. And I want to back you up a little bit, I want to make sure we understand exactly what you're talking about. So y'all were on the back roads, Rocky River Road, headed towards South Carolina. Did he strangle you while he was driving? Did he stop? Explain exactly what you can remember?
A. No. He would stop the car every couple, I'd say like every half mile ---
Q. Okay.
A. --- he would stop the car. And he would continue to pull my hair. Spit on me. He was screaming manic things. He was very, very angry. Like he was kind of in like a psychosis or something.

Q. Okay. And at one of those points when he stopped, you said he's strangled you and you lost consciousness?
A. Mmm, hmm.
COURT REPORTER: Is that a yes or no?
A. Yes.
Q. Sorry, I forgot to tell you Autumn this lady right here is taking out everything you say so say yes or no ---
A. Okay.
Q. --- for me. So you lost consciousness. And when -- or did you wake back up?
A. Yes.
Q. And you mentioned you were somewhere in the Buford area?
A. Yes. Passing the middle school.
Q. And that's here in South Carolina?
A. Yes.
Q. And that’s in Lancaster County?
A. Yes.
Q. Okay. What happened after you woke up?
A. I woke up and he was -- he was punching me a lot like the entire time. So, I guess, that's why I had bruises all over my body. And then we turned on Tabernacle to go back towards passing Buford High School. We got down towards a dirt road down there and we turned on the dirt road and he strangled me again. I tried to run on that dirt road. I

tried to get out. He grabbed me by my hair and pulled me back in.

Q. Okay. And I want to talk a little bit about that. Were the doors locked?

A. Yes.

Q. Okay. Were you able to unlock them -- what -- could you unlock your passenger door?

A. No.

Q. Okay. So you tried to get out ---

A. Mmm, hmm.

Q. --- by pulling the door handle?

A. Yeah.

Q. And you said he did what, in response?

A. Pulled my hair.

Q. Okay. And your hair is pulled back today. Describe a little bit about kind of how you were dressed and what your hair was like back then?

A. I had hoodie on. My hair was very long back then. It was kind of down to the bottom of my back.

Q. Okay. Okay. So you tried to get out and he grabbed you and pulled you back by your hair. And you mentioned he strangled you again?

A. Yes.

Q. Do you recall if you lost consciousness again that time?

A. Yes.
Q. Okay. And did you wake back up from that period of losing consciousness?
A. Yes. We were coming up to the end of that dirt road.
Q. Okay.
A. And he wrecked the car into the ditch at the end of that dirt road.
Q. And when you say wrecked into the ditch, describe a little bit about what you mean?
A. Kind of just pulled the car to the side and just put the front of the car into the ditch. I don't know if he was trying to wreck the car or careless. I'm not sure what his intent was.
Q. Okay. Was it stuck in the ditch?
A. No. He backed it back out.
Q. Okay. And I didn't ask you this initially, about what time was it when you went to pick your dog up from your mom's house?
A. About 10, 10:30.
Q. Is that pm?
A. Yes.
Q. Okay. And when you were in the car, when you got back in your car, what did you have with you as far as personal items? Pocketbook? Stuff like that?
A. When I initially got in the car I had my phone and a

little card case that had my cards in it and my social security.

Q. Okay. Were you able to use that phone to call for help at any point during ---

A. No. He took my phone and my keys when I got in the car.

Q. Okay. Did Mr. Johnson have a phone?

A. He did. But he used WiFi. He didn't pay his bill. So he didn't have -- he doesn’t have a a working cell phone number, yeah. But he had a cell phone.

Q. Was there any other way in the car that you would have been able to call for help?

A. No.

Q. So after he wrecks into the ditch and backs out, what happens next?

A. So we go down toward -- he like went back towards Tradesville, a little bit, down that straight narrow. And then we came past, there's a little store. I don't know the name of it, um, coming back towards it's. It’s before you get to the Buford Express and everything. Kind of back down, I guess, it's number 9 or 903. I don't know. So we're coming down. Then he wrecked my car again into the ditch on the right side of the highway coming towards Buford. I tried to run again. Then he snatched me by my hair again.

Q. And where is your dog during all this?
A. Oh, he's in the back seat.
Q. Okay. You mentioned when you first got in the car it was because he threatened to harm your dog?
A. Yes.
Q. Did he try to make good on that?
A. Yes. When we were riding, he would take his arm back like this and swing, trying to get to the dog. But my dog is very agile. He can jump very high so he bypassed him.
Q. So you mentioned several roads in like the Buford, Tradesville area. Would it be fair to say y'all just kind of rode the roads in that part of the county?
A. Yes.
Q. And did the assaults ever stop?
A. No. No.
Q. So describe a little bit about what he would, kind of just how it went? How -- what was going on in that car?
A. He would kind of -- I mean, from the beginning to the end he kind of would strangle me. I would go out. I would wake up. He would be punching me. He -- it was like he had a fetish with me, strangling me and that he enjoyed it. Like he had a look on his face like it was fun to him. Um....yeah, and he just kind of mutilated my body. Just kind of kept beating on me. Every time I would wake up he would just be screaming, just screaming crazy stuff.

Everything started because he wanted to get in my phone. He wanted to unlock my phone and I would not unlock my phone for him. So that's why he said that he did all of this.

Q. Okay. So besides hitting you and strangling you, did he assault you in any other way while you were in the car and pulling your hair to get you back?

A. He was bashing my head up against the glass passenger so hard that I had like three hematomas on the back of my head.

Q. Okay.

A. There was patches of my hair missing. There was still saliva in my hair.

Q. And what was the saliva in your hair from?

A. Him spitting on me.

Q. And you said you didn't have your phone, do you have an approximate idea of about how long you were in the car during ---

A. About three, two and a half, three hours.

Q. Two and a half to three hours, okay. What finally brought this to a stop?

A. The car was running out of gas.

Q. Okay. So what -- describe what happened when he realized the car was getting low on gas?

A. We were coming through Buford and he went to stop at

Buford Express. And I gave him a card that didn't have anything on it and I said that card is not going to work. He tried it. He was upset. He said that -- he's like f-u-c-k, we gotta go back towards town where something was open. Because we know out in a small town like Buford, nothing is opened past 8, 9 o'clock. You've got to go into town. So he knew we would have to come back towards Lancaster. So we came down to Jack's.

Q. Okay. And Jack's is like a gas station convenience store?

A. Mmm, hmm. They're open 24 hours.

Q. Okay. So when you pull into Jack's, he doesn't think there's a card that will work to purchase gas. So what was the conversation we y'all pulled into Jack's?

A. We pulled in. He said a few things to me. Called me a few names. And then he wiped his sweat across my pants. And he said if you try to run I'm gonna kill you. And then he got out. And I watched him walk. And as soon as the top of the door opened to the store, I got out and ran. I grabbed my dog and my card with my social security in it.

Q. Okay. You grabbed your dog and a couple important cards?

A. Yeah.

Q. And where did you run to?

A. The first person that I seen, the first running car.

Those two cars in front of me one had somebody in it so that's the one I went to.

Q. Okay. And did you recognize the truck or know ---

A. I didn't recognize the truck, but when I got to the truck I recognized the person in it.

Q. Okay. And what did you do when you walked up to the passenger window of the truck?

A. I looked at -- it was Trace, Trace Jenkins. I looked at him and I said he's trying to kill me. And they -- he knows we were on and off. He knows us from mutual friends.

Q. Okay.

A. And then he tired and he said "Mikey?" And then I jumped in and he took off. We went around the back of Jack's.

Q. Mmm, hmm.

A. And then I got sick in his truck. I don't know if it was from anxiety or....and then I'm not sure if he called 911 or if I did. I didn't have the phone so I don't know if I used his phone. That was kind of blurry. He kept asking me what to do? What to do?

Q. Okay. So at some point 911 was called?

A. Yes.

Q. Okay. Now, where did Mr. Jenkins take you after you and the dog out in the truck?

A. He took me back way to the car wash at Buford Express.
Q. Okay. And what did y'all do there?
A. We waited on the ambulance and police.
Q. Okay. All right. And did law enforcement respond?
A. They did.
Q. Okay. Was it Deputy Tribble?
A. It was.
Q. Okay. When Deputy Tribble got there, did he start questioning you about what had happened?
A. Yes.
Q. And, obviously, you just told this jury what happened. What did you tell to Deputy Tribble?
A. I told him that I was picked, that he picked me up from my dad's in Lancaster and that everything that I just said. And then he -- we went into the ambulance.
Q. Okay.
A. I'm not sure if Tribble went in there with me or not.
Q. Okay. So, again, you said that he had picked you up from your dad's in Lancaster which was not what you testified to this jury, right?
A. Yes. Correct.
Q. And you told this jury it started where?
A. I -- I said that -- like where it really started was my mom's in Waxhaw, North Carolina.
Q. Okay.

A. But I told the police that it started in Buford.
Q. Okay.
A. South Carolina.
Q. And you mentioned earlier that was because you were afraid of the discrepancy between North and South Carolina?
A. Yes.
Q. Okay. What was your emotional state that night?
A. Kind of numb.
Q. Okay.
A. Kind of numb. I had to do a lot of intense therapy because of this.
Q. So after you talked to the deputy, you told him that it started in Lancaster and then you told him everything else the same as you testified to this jury today?
A. Yes, ma'am.
Q. And is that all the truth?
A. Yes, ma'am.
Q. Okay. After you spoke with the deputy, you mentioned EMS showed up. Tell -- tell us what EMS did for you?
A. EMS kind of assess my injuries. Looked at my hair. Looked at my body. Looked at the bruises, the marks on my neck. They recommended that I get treatment. But he also recommended that it would be good for me to go be with family for a few hours before I go back into a facility setting after something so traumatic.

Q. Okay.
A. So I signed a form saying that they were releasing me and I wasn't going to MUSC.
Q. Okay. And the reason for not going with them that night was it because you weren't really hurt?
A. No. I did not want to be treated at MUSC. I want to be treated at Atrium.
Q. Okay. And we're going to jump ahead a little bit, but did you ultimately go get treatment ---
A. Yes, ma'am.
Q. --- within, I say the next day, this happened ---
A. Technically, the same day ---
Q. Right.
A. Technically, the same date was when I went to Atrium. Yes.
Q. Okay. So after you declined to go to MUSC, how did you get back home?
A. The deputy brought me home, Tribble.
Q. Okay. And where did he take you to?
A. My dad's on Zion.
Q. Okay. Had you been able to contact your dad and let him know what it happened?
A. No.
Q. So what happened when you got home?
A. Tribble kind of informed us that he would be letting us

know or the sheriff's office would be letting us know when he was arrested.

Q. Okay.

A. And then I showered. I tried to get some of the spit and blood and stuff out of my hair. And then I sat up for a few hours because I was scared to lay down on my head. And then I went to the ER.

Q. Okay. Now, when Deputy Tribble was there, there was a little bit of talk about your dad has some cameras in his house?

A. Yes.

Q. And do you recall what their conversation was about that, Deputy Tribble and your dad?

A. I believe he asked my dad if he had recorded the footage maybe from either that day because my dad didn't really know what was going on. So he wasn't -- he didn't -- wasn't -- he didn't know about me saying that I took from his house that day so he was kind of confused.

Q. Okay.

A. I think he was thinking about previously, things that happened previously was what my dad was thinking. But I don't know. Because my dad wasn't able to get the footage so....

Q. Okay. And that was because nothing happened at dad’s house?

A. Right.
Q. Okay.
MS. McGINNIS: Beg the Court's indulgence just one moment.
THE COURT: Yeah.
Q. And so, again, you didn't have your phone to have a good time period and you estimated about two and a half to three hours. Do you know what time y'all got to the gas station and you were able to get out of that car?
A. I know it's after midnight.
Q. Okay.
MS. McGINNIS: Answer any questions Mr. Frick has for you.
THE COURT: All right. Thank you. Defense?

Cross-Examination by Mr. Frick:

Q. Do you recall telling law enforcement he picked you up at your dad's house at 6 o'clock in the afternoon?
A. No.
Q. You don't recall telling when, when you ---
A. No.
Q. --- got back to your dad's house?
A. I do not recall.
Q. Okay. And do you recall Deputy Tribble, Tribble -- the deputy came to your house with you, right?
A. Yes, sir.

Q. Okay. And your dad was there and y'all were all talking, right?
A. Yes, sir.
Q. Okay. And you begin to tell more things about what had happened, right?
A. Yes, sir.
Q. Okay. Isn't it, in fact, true that when you're still at the car wash and you're talking to Deputy Tribble you told him it happened about 15 minutes ago?
A. Yeah.
Q. Okay. And you said it happened on Zion Road?
A. Yes, sir.
Q. And you testified here that's where your dad lives?
A. Yes, sir.
Q. Do you recall the address that you gave them was on Freeman Way?
A. Yes. That's where my father lives on Zion. Freeman Way is connected to Zion.
Q. But but it's a different road, right?
A. Freeman Way is the driveway. So it's not really considered -- that's a private property, Freeman Way.
Q. It’s the address that was on your identification, was it not?
A. No. Actually my grandmother's address is on my identification.

Q. Which was further down the road, right?
A. Right.
Q. Because she stays down Freeman Way too?
A. Right. Right.
Q. Okay. And the address that he took you back to, Tribble took you back to was an address on Freeman Way?
A. Yes. Connected to Zion.
Q. Okay.
A. Yes.
Q. Okay. Well, Main Street eventually connects to it, but are we gonna call that Main Street? We would not, would we?
A. Well, Freeman Way is a private property so....that's what I'm saying. On Google Map, Freeman Way is not considered -- it's not named that. He named that street himself because he owns that property.
Q. But that’s -- that's the address, is it not?
A. Yes.
Q. Freeman Way?
A. Yes.
Q. All right.
A. But Zion is connected.
Q. Okay. All right. Let's go back. You do not recall telling law enforcement that he picked you up from your dad's house at 6 o'clock, 6 to 7 ---

A. I was very confused on the times. I was knocked unconscious three times ---

Q. My question is you don't recall saying that?

A. No.

Q. Okay. If I showed you a snippet of the body cam, would that refresh his recollection?

A. Yes. You can show me.

THE COURT: Y'all screens working?

(Whereupon, the jury all agrees)

(Whereupon, the video is played for the jury)

Q. All right. So your testimony here today was it happened at your mom's house in Waxaw, right?

A. Yes, sir.

Q. Okay. And you said you got there about 10 o'clock, 10:30?

A. Yes, sir.

Q. Okay. Now, this is September, but we would agree it's still dark in Waxhaw, North Carolina at 10:30 in September?

A. Mmm, hmm.

Q. Okay. Now, did you hear you tell Deputy Tribble it was daylight when he picked you up?

A. This was also summer, so the sun goes down later in the day.

Q. Again, we agree that the sun would have set in Waxhaw,

North Carolina at 10 o'clock, would we not?
A. No. I don't agree with that.
Q. The sun was still up in Waxhawax, North Carolina at 10 o'clock?
A. No. I think the sun goes down around 7 or so.
Q. Okay. But your testimony was you got picked up at your dad's house at 6 to 7 o'clock. That's what you told the deputy.
A. I said I was confused. I clearly said I didn't know.
Q. You stated ---
A. That was an estimated time ---
Q. You stated a time?
A. No. I said in there I did not know. I was very confused.
Q. Okay. We would agree that 6 or 7 is different than 10 to 10:30, though, right?
A. Yes, sir.
Q. Okay. We would also agree that whatever name you want to call the road that your dad lives on is different from Waxhaw, North Carolina, right?
A. Yes, sir.
Q. Okay. Would you agree that you also testified previously the incident happened in Marshville, North Carolina?
A. I don't recall.

Q. You don't recall having that ---
A. No.
Q. All right. Now, you said we're in Waxhaw, your mom's got the dog ---
A. Mmm, hmm.
Q. —-- right?
THE COURT: You gotta say yes or no yes.
A. Yes.
Q. Okay. And you said you got in the car. You left the car running?
A. Yes.
Q. Okay. And Michael is at your mom's house in Waxhaw?
A. Mmm, hmm.
MR. FRICK: You gotta say yes or no.
THE COURT: Sorry. She can't -- the reason being she -- the transcript when it says uh huh, and uh, uh, ---
A. Yeah. Yeah.
THE COURT: You understand. Thank you. I understand.
Q. Okay. And so Mike, Michael comes out and that's when he wants you to get in the car with him?
A. Yes.
Q. Okay. And your dog already run out and jumped into the car?
A. Yes.
Q. Okay. Do you recall what you told Deputy Tribble about

what happened at your dad's house?
A. I do not.
Q. Okay. Do you recall whether you told him that you pulled up to that house and your dog was in the car?
A. I do not.
Q. Okay. If I showed you a snippet of the body cam, would that refresh your recollection?
A. Sure.
(Whereupon, the video is played for the jury)
Q. You would agree that in that, you told Deputy Tribble your dog was in the car?
A. Yeah. I said my dog jumped in the car. And my dog was in the car when he was threatening me. Yes, that's what I said.
Q. You told him your dog was in the car?
A. No ---
Q. I can play it again ---
A. I just said -- I just said on that video that my dog jumped in the car.
Q. Okay.
A. I just said that.
Q. All right. You would agree that you said you were in your yard, though, right?
A. My mom's is my home. My mom and my dad's house is my house.

Q. Ms. Robinson, you already admitted ---
A. I have moved several times over the years, sir.
Q. Let me ask you a question. You admitted under direct examination that you lied to Deputy Tribble about where this took place, didn't you?
A. I said I was confused. I was answering questions that Tribble was asking me.
Q. No, ma'am. Your testimony to the solicitor was you didn't know the law in North Carolina so you wanted to make sure you had it in South Carolina?
A. Right. Right.
Q. Okay. So now you're saying that you were confused and that's not what you said?
A. No. I'm confused about the details of things that have the timeline. Why would I not be confused when I was unconscious?
Q. Okay. You also testified here today that he punched in the left side of your face?
A. Yeah.
Q. Okay. Do you recall talking to EMS and telling them where they, where he punched you?
A. Yeah.
Q. Where do you tell them?
A. Over here, and I said that it popped.
(Whereupon, demonstrating)

Q. You told him that he punched you in the left side of your face?
A. Yes.
Q. You did not tell them he punched you in the right side of your face?
A. Technically, he punched me on both sides, sir.
Q. You did not tell them that he punched on the right side of your face, is that's testimony here today?
A. When I got in the EMS they confirmed ---
Q. Yes or no, Ms. Robinson, did you tell them ---
A. No.
Q. You didn't tell them?
A. No. No.
Q. Okay. If I showed you a snippet of video would that refresh your recollection?
A. Yes, it will. Yes.
(Whereupon, the video is played for the jury)
Q. Would we agree that you told EMS, in that, that you were punched on the right side of your face?
A. Yes. He hit me on both sides.
Q. You just testified he didn't? You just testified, when I asked you ---
A. Okay.
Q. --- did he punch you on the right side of the face you said, no?

A. I was hit multiple times ---

MS. McGINNIS: Objection. Asked ---

THE COURT: All right. Sustained. Move on.

Q. All right. You said as you were going down the road doors were locked. You couldn't get out of the car, correct?

A. Yes.

Q. Okay. And you were sitting in the front passenger seat, correct?

A. Yes.

Q. Okay. You did attempt to get out a couple times, is that -- that's your testimony here today?

A. Yes.

Q. Did you previously tell anybody that before today?

A. Yes.

Q. Who'd you tell?

A. I've been saying that this whole time. So you're saying -- you're asking me that I didn't try to run? Is that what you're asking me?

Q. I'm asking you, is your testimony today consistent with what you've said to law enforcement all along?

A. No.

Q. Okay.

A. From, initially, the first night, no.

Q. Okay. And, in fact, you didn't tell anybody about it

happening in Waxhaw, North Carolina until you're preparing for this trial, isn't that correct?
A. That's not correct.
Q. Who'd you tell?
A. I've been -- I've been in touch with the solicitor this whole time, so that's not correct.
Q. Okay. You recall testifying yesterday that you did say it was in preparation of this trial under oath?
A. Yes.
Q. So you do agree that you said that yesterday?
A. Yes.
Q. Okay. And you said there's a couple times that you were going down the road that he wrecked the car into the ditch. Those are your words, you wrecked the car into the ditch ---
A. Yes.
Q. --- is that what you testified to?
A. Yes. It was just along the car.
Q. And I will agree I think that you did tell EMS that he drove the car into the ditch a couple times. Is that fair?
A. Mmm, hmm.
Q. Do you recall that?
A. Yeah.
Q. Okay. And I'm slightly confused on this, y'all were going to stop at Buford Express?

A. We pulled in.
Q. You pulled in?
A. Yeah.
Q. But it was closed?
A. Yes. But you can use a debit card after hours.
Q. Okay. Okay. But y'all didn't -- nothing happened there?
A. No. I gave him a card that didn't have anything on it. And he went to use it, but then he was like no this isn't gonna work.
Q. Okay. All right. So then you drove off, drove off and we had a different card when we got to Jack's?
A. No. He had to use cash there.
Q. Okay. All right. And when we got out at Jack's, he gets out of the car ---
A. Mmm, hmm.
Q. --- and goes into the store, correct?
A. Yes.
Q. To go pay for the gas?
A. Yes.
Q. Okay. Left you in the car?
A. Yes
Q. Okay. And that's when you got out?
A. Yes.
Q. Correct -- okay. Your testimony is that he didn't have

a phone number, but he had a phone?

A. Mmm, hmm.

MR. FRICK: You got to say yes or no, sorry.

A. Yes.

Q. Okay. All right. And that was in the car?

A. Yes.

Q. Okay. And I believe you told some folks that he beat you with that phone?

A. Yes.

Q. And he beat you with your phone?

A. Yes. He had both phones. He had mine and his.

Q. Okay. All right. And your testimony here today is he was trying to grab your dog too?

A. Yes.

Q. While y'all were driving down the road?

A. Yes.

Q. Okay. While he's punching you?

A. No. Not at the same time.

Q. Okay. But he's still driving down the road reaching back trying to grab your ---

A. Yes, sir.

Q. Okay. And your dog wasn't in a crate, was she?

A. No. He ---

Q. He, sorry.

A. Yeah.

Q. I didn't catch that. I apologize. And how big was your dog at the time?
A. He was smaller at the time. He was more agile. He was around probably 16 pounds.
Q. Okay. All right. And he's just sitting in the back seat during this time?
A. No ---
Q. I mean, that's where he had him ---
A. Yeah.
Q. Is what I meant?
A. Just back and forth. Back and forth. Jumping back and forth.
Q. Okay.
A. But he's always been that way in the car. That's why I don't ride him a lot so....
Q. Okay. All right. And this is your dog?
A. Yes.
Q. Okay. You said it’s a poodle?
A. Yes.
Q. And how long had you had ---
A. At the time over a year.
Q. Over a year, okay. And I believe you testified that the reason why he got so angry at you and did all these things to you is he wanted to get in your phone?
A. Yes.

Q. Okay.
A. I'm assuming. I don't know the reason.
Q. Assuming?
A. Yeah. I don't know his reasonings.
Q. This is the problem I've got. You testified that was the reason. Now, you're assuming the reason, which is it?
A. I can't read his mind, sir. So I don't know what he thinks. I'm not a psychiatrist.
MR. FRICK: I beg the Court's indulgence.
THE COURT: Yes, sir.
Q. You do recall, if you do -- do you recall, there you go, when you're back at your dad's house he's talking about well, we'll get the cameras. You do mention that y'all drove up to North Carolina, do you recall that?
A. Mmm, hmm.
Q. Okay. Do you recall what you said?
A. We had to drive kind of up toward, up through North Carolina to get over the State line.
Q. Okay. Well, is that what happened or is that what you told Tribble?
A. So that night what I told Tribble I was very confused.
Q. Okay.
A. I'm not sure what I told Tribble.
Q. Okay. But while you're in the house, do you recall telling him that y'all left your yard, he's driving,

Mikey's driving and y'all drove to your mom's house?
A. No. I don't recall.
Q. You don't recall?
A. No.
Q. Okay. If I showed you a video would that refresh your recollection?
A. It would.
MS. McGINNIS: Judge, I'm gonna object. She's not denying making the statement. She's just saying she doesn't recall. I mean, I think we're getting into ---
MR. FRICK: It's the last I got to play, judge.
THE COURT: Objection overruled.
(Whereupon, the video is played for the jury)
MR. FRICK: Thank you, ma'am. That's all the questions I have.
THE COURT: All right. Any redirect?
MS. McGINNIS: Yes, sir.
Redirect Examination by Ms. McGinnis:
Q. So Autumn, you're not denying that part of what you told Deputy Tribble was not true that night, right?
A. Correct.
Q. But, in fact, that last snippet that was played, did the assault happen in Lancaster and at your mom's house?
A. Yes.
Q. Okay. Now, you also have testified that he was upset

and he couldn't get into your phone and you testified that your relationship was more off than on ---

A. Mmm, hmm.

Q. ---- recently. Is -- are those two things correlated?

A. Yes.

Q. And was he angry at you about that?

A. Yes.

Q. Based on that, is that why you believe that was the reason he got angry with you that night?

A. Yes. And because I didn't want to be with him anymore.

Q. Okay. And I think Mr. Frick tripped you up a little bit.

You and I have not met until we started preparing for trial, is that right?

A. Mmm, hmm.

THE COURT: Is that a yes?

A. Yes.

THE COURT: That's a yes?

A. Yes.

Q. And when we met, what did you tell me about where the incident started? Where everything started to happen?

A. When I met with you?

Q. Mmm, hmm.

A. I can't recall because I think me and Madeline got in contact first. I'm not sure.

Q. But when you and I met you told me the trut ---
A. Right.
Q. —-- that it started in North Carolina ---
A. Yeah. But I think -- I don't know if Madeline reached out first or you. I'm not sure.
Q. Okay. But the first time you and I met you were up front ---
A. Yes. Yes.
Q. And tell the jury, again, why did you tell Deputy Tribble something different?
A. I was very confused at night. And also I just didn't know what was going to happen with the two counties. I didn't. And also the weeks prior to this he had been ---
Q. Let me stop you real quick ---
A. Yeah.
Q. You were scared that night, right?
A. Scared. Yes.
Q. And what did you want law enforcement to do?
A. Hold him accountable.

MS. McGINNIS: I believe that's all I have.

THE COURT: Any re-cross based upon that redirect?

MR. FRICK: Very briefly, Your Honor.

Re-cross Examination by Mr. Frick:

Q. So your first meeting with the solicitor was last week isn’t that correct?

A. With her, yes.
Q. Okay.
A. Not with this whole solicitor's office.
Q. Okay. I'm not talking about the victim advocate. I'm talking about the person that's prosecuting this case. Your first meeting with her was last week, right? Friday, last week, right?
A. With her, yes.
Q. Okay. In preparation for this trial, correct?
A. Yes.
Q. And that's when you told her the story that you're telling today, correct?
A. No, sir. Me and Madeline have taught weeks prior to this. No, sir. She has been in contact with me for years.
Q. Okay. But the person that's prosecuting this case, the person that you finally told that story to, you told last week?
A. I'm not sure. I'm not sure when me and her met.
MR. FRICK: Thank you. No more questions.
THE COURT: All right. Thank you, ma'am. You can step down.
MS. ROBINSON: Thank you.
THE COURT: The State can call it's next witness.
MS. McGINNIS: Judge, do you want to take a brief,

brief recess since we've been going at for just about ---

THE COURT: I don't know, do y'all want to take a recess or would y'all rather keep moving?

(Whereupon, the jury response)

THE COURT: They're ready for the next witness.

MR. REYNOLDS: The State calls Mr. Trace Jenkins.

THE COURT: All right. Mr. Jenkins.

THE CLERK: Sir, if can get you to place your left hand on the Bible and raise your right hand. You swear to tell the truth, the whole truth, and nothing but the truth so help you God?

MR. JENKINS: Yeah.

THE COURT: Thank you, sir. Yeah. If you'll just come over here and have a seat there and make sure you speak loudly into that microphone, okay.

MR. JENKINS: All right.

THE COURT: All right. Solicitor, your witness?

TRACE JENKINS, first being duly sworn, testified as follows:

Direct Examination by Mr. Reynolds:

Q. Good morning. Would you mind stating your name for the record, please?

A. Trace Jenkins.

Q. What's your occupation?

A. What you mean?

Q. Job, what do you for a living?
A. Oh, I'm an oil filler ---
COURT REPORTER: I'm sorry, what?
A. An oil filler.
THE COURT: If you'll slide up a little bit.
COURT REPORTER: Yeah, thank you.
THE COURT: There you go. Thank you.
Q. Where are you from?
A. Lancaster.
Q. Lancaster County. All right. Let's go back to September 26, 2023, specifically, between the hours of 12 and 1am, 12am to 1am. Do you recall where you were?
A. At that time, yeah.
Q. Where?
A. I was at the store.
Q. What store?
A. Jack's.
Q. Jack's?
A. Yeah. Jack's, Jack's Store.
Q. Okay. And that's in what county?
A. Lancaster.
Q. Lancaster County. All right. So what were you doing there?
A. I was getting gas.
Q. Okay. And after you got gas, left the pump ---

A. Was about to head home.
Q. Okay. Were you sitting in -- were you staying ---
MR. FRICK: Objection. Leading, Your Honor.
THE COURT: Sustained.
MR. FRICK: Okay.
MR. REYNOLDS: My apologies.
Q. Okay. Are you familiar with Mr. Michael Charles Johnson?
A. Yeah. He’s a buddy of mine.
Q. Okay. Do you know him by any other name?
A. Uh, uh.
THE COURT: That’s a no.
Q. Okay. Thank you. Did you see Mr. Johnson at Jack's that night?
A. Yeah.
Q. Okay. Do you see Mr. Johnson the courtroom right now?
A. Yeah.
Q. What is he wearing? Can you describe for the record?
A. He’s right there.
(Whereupon, witness demonstrates)
Q. What’s he wearing?
A. A black seat.
THE COURT: So noted.
Q. Thank you. What was Mr. Johnson doing when you saw him that night?

A. Seeing he was getting gas.
Q. Okay. Did you see what vehicle he was driving?
A. Uh, uh. I wasn't even paying attention.
COURT REPORTER: I'm sorry I didn't understand you.
A. I wasn't paying attention.
Q. All right. Did you interact with him at all that night?
A. We spoke. We said, "What's up?" And I carried on.
Q. And then where did he go?
A. In the store to pay for gas. And I was already done pumping gas.
Q. Okay. What happened after that?
A. Just I was about to pull off and she come running to my truck and got in.
Q. She?
A. Yeah.
Q. Who is she?
A. Autumn, I think. Autumn.
Q. So she approached your window ---
A. Yeah.
Q. --- casually?
A. Yeah. Yeah.
Q. She didn't seem overly excited or anything?
MR. FRICK: Your Honor, I ---
MR. REYNOLDS: My apologizes ---

THE COURT: Hang on! What?

MR. FRICK: I would ask to let his witness to testify.

THE COURT: Okay. Thank you. I'll give a little bit of leeway. Don't -- don't try to lead, please.

MR. REYNOLDS: Thank you, Your Honor.

Q. So you said it was a completely normal interaction. What did she say to you?

A. She said pull off. She told me -- she got in and told me to pull off.

Q. That's the only thing she said?

A. Yeah. I think, if I remember.

Q. So what was her appearance?

A. Just in a hurry, I guess.

Q. Physically, how did she look?

A. I don’t know. I didn't see her every day. I just ---

Q. At that moment, how did she look?

A. She look like Autumn is all I know.

Q. Okay. So what did you do next?

A. I just pulled off and went to the store. Went to the next -- went to the next store up.

Q. What was that store?

A. That was Buford Crossroads. The Exxon.

Q. What happened next?

A. I just -- I dropped her off at the ambulance and that’s about it.

Q. Had you talked to anyone after that?
A. No.
Q. You spoke to no one, okay. So you dropped her off and left?
A. Yeah.
Q. That’s it.
MR. REYNOLDS: Begging the Court's indulgence?
THE COURT: Yes, sir.
Q. So when you dropped her off, did you speak to law enforcement at all?
A. No.
Q. Not a word?
A. No. Well, they asked me did I hear anything I said no so I left.
Q. And that was it?
A. That was it.
Q. Just no, and you left?
A. Yeah.
Q. Okay. Dropped her off. No. Left. Didn't stay for any amount of time?
A. No.
Q. Okay. Was there anything else that she brought into your vehicle?
A. A dog.
Q. Did you speak to anyone about the dog?

A. No.
Q. No?
A. Uh, uh.
Q. Not a word was mentioned?
A. No
Q. Okay.

MR. REYNOLDS: No further questions at the moment.

THE COURT: All right. Defense?

MR. FRICK: No questions for this witness.

THE COURT: All right. Thank you, sir. You're free to step down. You're free to leave.

All right. Ladies and gentlemen of the jury, let's go ahead and take our mid morning recess. Don't talk about the case. We'll get you back out here just as soon as possible. I will tell you I have two virtual hearings starting at 11 so I'll get -- they're not gonna take very long. There's settlement hearings on civil cases. So it'll probably be about five after, ten after 11 before we get you back in here. That'd be about a 15, 20 minute break, okay.

Thank you.

(Whereupon, the jury exits the courtroom at 10:52pm)

THE COURT: All right. Anything before, we take a break?

MR. FRICK: Nothing from defense.

113

MS. McGINNIS: No, sir.

(Whereupon, the Court takes a short recess)

MS. McGINNIS: Judge, can we proffer a quick part of EMS testimony so we can try and avoid any issues ---

THE COURT: What's -- what's the issue you're trying to avoid?

MR. FRICK: We're trying to determine whether he should be qualified as an expert or what he -- I mean, if he's rendering opinion or if he's just stating training or ---

THE COURT: What's the EMS person gonna say?

MS. McGINNIS: Judge, he's gonna testify about the injuries that were reported or the mechanisms of the injury that were reported to him that they were consistent with what he saw on her body. But he is also going to testify based on his training just a little bit about strangulation and what that does to the body, it includes the airway that it can lead to ---

THE COURT: I mean, I don't think that requires expert testimony, I mean, he's an EMS. He's trained. He's a trained EMT. I, you know, they're not -- y'all not offer him as an expert, are you?

MS. McGINNIS: Correct.

THE COURT: Yeah.

MS. McGINNIS: And I'm not asking ---

THE COURT: I don't think it requires that. I mean, I

114

don't think the statute requires or the burden of proof requires it to be proved by an expert so....

MS. McGINNIS: And I'm, specifically, not asking him to render an opinion as to how long ---

THE COURT: Okay.

MS. McGINNIS: --- she was strangled or anything like that. Just that she reported ABC injuries, XYZ were consistent with. Strangulation ---

THE COURT: Right. What I'm saying I don't think we need a proffer.

MS. McGINNIS: Okay.

THE COURT: I don't think we need to waste time on that. I think if you have a problem with the testimony that's being offered, as long as they aren't offering it in the form of an opinion, an expert opinion, you know, you can make your objection for your record. And, of course, I'll -- I'm telling you now I'll over your objection, but --

MR. FRICK: Right.

THE COURT: --- I think it's the way -- the statutes written, the way the charge is, you know, I, you know, it's means likely to produce. I think the State has the latitude to show what that means and they don't have to necessarily do it without expert, with an expert, excuse me.

115

MR. WHITE: We'd just ask -- I think this what the State is saying is that he not just get into specifics, you know, in this specific case this is what I believed happen. Just generally, if any ---

THE COURT: Right.

MR. WHITE: Yeah.

THE COURT: Right.

MS. McGINNIS: Right. And that's ---

THE COURT: And he can testify about what he had seen in his, in his field of being an EMT.

MS. McGINNIS: Right.

THE COURT: And that kind of thing ---

MS. McGINNIS: And we're not even going that far.

THE COURT: Okay.

MS. McGINNIS: So....yeah.

THE COURT: Okay. Beautiful. It's sounds good. Bring the jury in.

(Whereupon, the jury enters the courtroom at 11:19am)

THE COURT: All right. Everybody is present. Thank you, ladies and gentlemen. Call your next witness?

MS. McGINNIS: We'd call Ryan O'Donnell.

THE COURT: Sir, place your left hand on that Bible. Raise your right. You swear or affirm the testimony you give be the truth, the whole truth, and nothing but the truth so help you God?

MR. O'DONNELL: I do.

THE COURT: Thank you. Have a seat there.

RYAN O'DONNELL, first being duly sworn, testified as follows:

Direct Examination by Ms. McGinnis:

Q. Good morning, Mr. O'Donnell.

A. Good morning.

Q. Can you state your name? Introduce yourself a little bit for the record?

A. Absolutely. My name is Ryan O'Donnell. I'm a paramedic currently at Atrium. At the time, I was working at Lancaster EMS.

Q. How long have you been working in the medical field?

A. Since 2005, about 20 years.

Q. 2005. Walk the jury a little bit through how you started in that medical field and maybe lean in a little closer to that mic for me?

A. Absolutely. In 2005 I had started by getting my EMT out in Southern California. I worked as a 911 EMT in Orange County for two years. I went to UCLA to get my paramedic. Worked in Los Angeles for about two to three years in Los Angeles. They'd had a hiring freeze in California for fire so I had come out here and worked at Medic in Charlotte for five years. I went back to California and worked as a firefighter paramedic in Los

Angeles and in Orange County as well for four years till I was injured. I came back out here. Loved it out here. Came back out. And moved the family out and we've been working out here -- worked at Piedmont briefly for about a year and then worked at Lancaster for a couple years. And now transitioning to get nurse practitioner license so I'm working at the hospital now.

Q. Okay. And you're working at the hospital as a paramedic. Can you talk a little bit about how that is? Like what your, your job roles are there?

A. Sure. Absolutely. We are about as the same thing as a nurse. There's maybe a couple procedures that a nurse can do that we can't. There's a couple procedures that we can do that they can't. But we're pretty much interchangeable. So pretty much top to bottom whatever you can imagine a nurse doing from IV skills, drugs, medications assessments, you know, from your stub toes to your cardiac arrest, all encompassing.

Q. Okay. And you mentioned that you got your EMT certificate and your paramedic certificate out in California.

A. Mmm, hmm.

Q. Are you required to do ongoing training to like keep your licenses up within the State of North and South Carolina?

A. We do. I'm also nationally registered. So I also keep up nationally as well. I'm currently licensed in eight different states. But every State has a little bit different requirements. But as long as you're nationally registered which is kind of the highest standard you can be at, typically, most states will take your training through that. But, yes, you have a 100, 120 hours of continuing education every couple years.

Q. So bottom line you've been doing this for a long time so you had a good bit of training and experience?

A. I've been doing this a good portion of my life, yeah. So I've been 911 the whole time so....been out there for a little bit.

Q. Okay. So I want to turn your attention back to the early morning hours of September 26, 2023. Were you working with a partner at Lancaster County EMS at that time?

A. Yes, ma'am.

Q. And what kind of shifts did you work?

A. We were working 24 hour shifts at the time.

Q. So 8am one day to 8am the next day?

A. Yes, ma'am.

Q. Okay. Specifically, just a little bit after 1:30, did you respond to, check out a young lady at the Buford Express Car Wash?

A. We did.
Q. And that's, obviously, here in Lancaster County?
A. Yes, ma'am.
Q. Okay. What did you see when you got there to that gas station as far as the patient?
A. There was a young lady that was with the officer. And when we had pulled up we had met up with Officer Tribble. And he kind of started telling us a little bit about what she had mentioned to him. And then we kind of took over and started our assessment. They were both standing, I believe, outside of, it might - his vehicle I believe when we pulled up. We pulled up maybe 30, 40 feet from them.
Q. Okay. And when you first start to evaluate a patient who's, you know, ambulatory walking around, what's kind of the first things that you do in that assessment?
A. Well, when you first walk in you kind of just pick up on a patient's demeanor. You know, kind of look at the scene safety, what's going on around you, obviously, with officers already there. You know, we can kind of cross a lot of that stuff off. So our next, usually, the first thing we'll do is just try to, you know, kind of hold down the patient to kind of check her demeanor. You know, kind of activities, is she moving around. If there anything that's kind of off right off the bat. You know, if there any obvious injuries you can see. Then we'll go through

our assessment and, you know, let her tell us the story of what's going on with her major and chief complaints are. And then we go through a physical assessment from there to kind of check out and see, you know, what we can find as well.

Q. Okay. And that's what you did that evening ---

A. Yes, ma'am.

Q. --- with the patient who is Ms. Robinson, the victim in this case, correct?

A. Yes. I think we originally started outside. It was, like you mentioned, it was like 1 or 2 in the morning. The lighting wasn't the best. I think we had started originally assessing outside the ambulance. And then moved her inside the ambulance to kind of further assess. It's better lighting.

Q. And what was Autumn's demeanor when you first encountered her?

A. She appeared to be upset. She was crying. And heart rate was elevated. You could she was still very upset when we arrived.

Q. And what -- what did she report to you had happened to her?

A. She reported that I believe an ex-boyfriend had kept her in a car. Had ---

MR. WHITE: Objection, Your Honor. Hearsay.

THE COURT: Overruled.

Q. She had mentioned that her boyfriend had kept her in a car. Had struck her multiple times throughout the head, neck, arms. Mostly she reported injuries kind of towards the left side of her body. She reported instance of choking to the point of passing out as well. That's some of the initial complaints that she had. I believe it was head, arm, and that left side of the neck.

Q. Okay. And were there physical injuries on her that you were able to see when you evaluated her even outside in the not so great light?

A. Yes. When we walked up even in kind of that ambient light of the car wash, you could see bruising and abrasions around the neck. I believe outside the ambulance where she had said she was hit in the head, around the head. In that occipital region, I could feel a hematoma, large, you know, bump on the back of her head on the back side. And like I said I think originally we could see, you know, some bruising abrasions about the neck.

Q. Okay. I'mma hand you what's been marked for identification purposes as State's Exhibit 1 through 5. Can you take a look at those and tell me if they fairly and accurately depict the condition of the victim when you saw her that night?

A. Yes. Yes. That's what I saw.

MS. McGINNIS: Judge, at this time I moved State's 1 through 5 into evidence.

THE COURT: All right. Without objection. Admitted into evidence.

(Whereupon, the Photos has been marked and entered into evidence as State's Exhibit Nos. 1 through 5).

MS. McGINNIS: Permission to publish?

THE COURT: Permission to publish, granted. Y'all look at your screens.

Q. In this first photo, State's Exhibit Number 1, just talk a little bit through what you see in this photo injury wise?

A. Well, just right at the bat like when we got there, you can see that there was what appeared to me just as kind of a fresh bruising and abrasions on the neck. You can see what that mark there is. It's generally when there's pressure placed on the neck like that you will break blood vessels which is what you're seeing, kind of the dots that are around that inside of the purple area as well as it looks like maybe just some abrasions kind of coming down this way and kind of running towards the other side of your neck.

Q. Okay. And in State's Exhibit Number 2, what do we see in this one?

A. Those would be more of the abrasions that were running

down like maybe borderline lacerations, you would call them depending how deep. They didn't appear to be scabbed at the time which indicated to me they appeared to be fairly fresh.

Q. Okay. State's Number 3? The glare is a little bit difficult to deal with. What is that?

A. Yeah. That one -- that one you can't quite see as well, but there was some bruising on that, that left upper side kind of up into the neck. Some redness and same thing. It looked like a little bit of like almost like pressure injuries and abrasion like from hands or nails.

Q. Okay. And then up under her necklace, what do we see?

A. The same. Yeah, a continuation of that, of those abrasions as well as you can see again like that petechiae, the dotting from the pressure injuries.

Q. Okay. State's Exhibit 4? I know this is a little bit harder to see, but describe what this photo captures?

A. This to me, is where I can see it better, is the bruising that she had, the patient had up over that left side as well as, you know, at the time we could tell there was what looked like potentially other markings. You know, given my experience would be kind of almost appeared to be finger kind of markings on her side, but also just more of that bruising that you would see from pressure injury.

Q. Okay. And then finally, State's 5? And I know this

looks like just a picture of hair, but describe what's captured in this picture?

A. That would have been the hematoma. It was on the back of her head. There was a hematoma on this side and some, a little bit smaller hematoma on that left side with some what looked like some redness and bruising is already starting to form on that left side.

Q. And where I'm pointing here in the middle is that kind of what this photo is trying to capture?

A. Yeah. That's -- if I can see that correctly, that looked like that was that redness and bruising that we were noticing on the, on the head.

Q. Okay. And you're using the term hematoma, and I know that's a medical term. What is that in layman's terms?

A. Goose egg.

Q. Goose egg, okay.

A. Goose egg. Swelling. They usually ---

THE COURT: Y'all can pass those around if you want, ladies and gentlemen.

A. It's just a -- this swelling that come from what most people call a goose egg. It's just that, that ball and it balls up after an injury, especially, head wounds. There's not a lot of space for that swelling to go so it's basically a goose egg.

Q. Okay. So the injuries that Ms. Robinson reported, or

the mechanisms of injury that Ms. Robinson reported to you, based on your training experience were those mechanism, mechanisms of injury reflected in the injuries that you saw visibly on her?

A. They'd be consistent with what she told us.

Q. Okay. And now, I want to kind of switch gears just a little bit and talk about strangulation or choking as a colloquial term. Have you had training specifically on choking or strangulation?

A. I have.

Q. Can you tell the jury a little bit about, first of all, what choking or strangling somebody does to the body as well as timelines in which it becomes dangerous?

A. Sure. Choking is kind of held in variables, but really the primary one would be is, you know, including the airway. There's two different things during choking that you can actually include from your carotid artery as well as your airway. So depending on the pressure and how, how much, I guess, I'd say occluded, I mean, blocking off the airway. It's, you know, you squeeze tighter for 50%, 90%, 100%, typically, when you occlude an airway to, you know, greater than probably 90%, you're looking at, you know, probably having somebody pass out due to lack of oxygen to the head or blood depending on how big your hands are probably under a minute, I would say. It could happen

pretty quickly depending on the amount of the occlusion. And from that point if you hold much longer as that oxygen drops, you have less oxygen to the brain, less blood to the brain. The brain will start to die and that's where you can have brain injury as well as death depending how long you hang on for.

MS. McGINNIS: Beg the Court's indulgence. If you'll answer any questions Mr. White has for you.

MR. O'DONNELL: Yes, ma'am.

Cross-Examination by Mr. White:

Q. Good afternoon, Mr. O'Donnell.

A. Good afternoon, sir.

Q. How are you doing today?

A. I'm doing very well. Thank you.

Q. Okay. So you checked Autumn out that evening, correct?

A. Yes, sir.

Q. And you had mentioned earlier that it looked like the bruises were fresh, is that correct?

A. It appeared to me. Yes, sir.

Q. Could you explain to myself and the jury what, what that would mean? Are we talking two minutes? Three days?

A. Well, the the fresh part to me was on a like on the abrasion of the lines you see coming down in those pictures, that process of healing can start, usually, it seems like within a day or so, ah, where you would start to

see kind of that scabbing kind of start to take over. When I had inspected her, those abrasions still had not scabbed. They still looked, I guess, moist. A little bit wet. So that's where it led me to believe these were -- had -- something had happened within the, you know, last probably couple hours, at least. On the -- on the bruising side, bruising is probably a little bit tougher only because it, the variable of how hard, you know, someone is squeezing or pressing will also kind of determine how quickly some of that bruising can form. But when you see what I was talking about the little dots around it, we would call like a petechiae of it. Those little dots are usually seen fairly fresh fairly early within a couple hours, I would say. When you're seeing a bruising kind of to that. What will happen, eventually, is when those blood vessels kind of break up the thicker bruises what we're most commonly used to seeing will start to spread over so it just looks like that big purple'ish yellow and you see those little dots still a lot of times that can indicate that it's still, you know, pretty, pretty ---

Q. Okay. Thank you for that answer.

A. Yes, sir.

Q. Now, if it had happened seven, eight, nine hours prior, is there a chance that there would have been some bruising or wouldn't appear so fresh or is that still in the

timeframe?
A. I wouldn't be able to tell you that. Sorry. I -- without knowing how hard it'd be tough to tell.
Q. Okay. So it could have been ---
A. Sorry.
Q. Okay. There's no problem. Now, you keep mentioning hematomas. You have to excuse me, I did not go to any kind of medical school.
A. Yes, sir.
Q. Do hematomas bleed?
A. No. Typically, no. That was -- it would be close which is why that swelling happens.
Q. Okay.
A. So it's usually encompassed inside like when you see a head injury they tend to bleed a lot. It's the same kind of idea, however, it's closed encompassed under the skin, so it's not opened ---
Q. Okay.
A. --- like a laceration would be that we could release that pressure.
Q. So this isn't a medical term, but it's kind of like an egg as we call it ---
A. Yeah.
Q. --- like you got hit in the head?
A. Yeah.

Q. Okay.
A. Yes, sir.
Q. So if there's those eggs there, there wasn't blood in the hair that you saw?
A. That is usually the -- it's inflammation, blood, you know, that runs to that area, but no -- I didn't see ---
Q. A fresh bleed ---
A. —-- yeah -- no, sir. No, sir.
Q. Was there a lot of spit in her hair too?
A. That would be tough to tell.
Q. It didn't look like there was any spit or blood in that picture, correct?
A. Blood, no. I did not see any blood. Spit -- her hair looked messy. So what it was that was in there, I wouldn't be able to tell you that.
Q. Okay. Now, if a patient, such as Autumn, requested to go to a hospital, would you take them to Atrium Health, you guys wouldn't or you would do that?
A. If she -- absolutely, yeah. If a patient requested specifically to go up to Atrium, absolutely, we would take them there.
Q. Now, do you remember informing Autumn that you would take her to Lancaster, Atrium or I believe Piedmont?
A. we usually offer. I think usually we'll say would you like to go to the emergency department. And then usually

they will tell us the closest or pick something specific, yeah.

Q. Okay. Now, if someone has a serious head injury, moderate head injury, do you usually recommend that they get checked for that or is it usually not something to worry about?

A. Typically, yeah. Yeah, absolutely. Especially, if they're showing signs of any kind of delays and any kind of neuro deficits, absolutely.

Q. Okay. Yeah, you know, with the strangulation and it effecting the brain, but in your report you had noted that she was oriented, seemed oriented. Was able to answer questions. Seem to be ---

A. Yes, sir.

Q. --- remembered this, correct?

A. Yes, sir.

Q. So you weren't concerned about that, at that time, to rush ---

A. Not at that time.

Q. Okay.

A. No.

Q. Now, do you remember her refusing treatment. But it was it was also that she was going to go, but she would go the next day? She wanted to be with her family?

A. I do recall that. Yes, sir.

Q. So it wasn't enough of an emergency that you need to take her right away, but you were still advising and under the impression she should go get checked out be documented make sure she was good?

A. Absolutely. Yes, sir.

Q. Okay. Now, were you aware that happened?

A. No. No. After she left with the officer I didn't know anything after that.

Q. Okay. She did refuse treatment, correct?

A. Transport, yes, sir.

Q. Transport, okay.

MR. WHITE: I beg the Court's indulgence?

THE COURT: Yes, sir.

Q. Now, do you ever drive the EMS trucks?

A. I do. Not as much as I used to in the past, but yes. Yes, sir.

Q. So you just -- anytime there's a call you flip the lights on, everybody's out your way, you're going to the scene, is that correct?

A. Most times. There's different levels of call responses. Sometimes not lights and sirens but, typically, yeah, lights and sirens.

Q. Okay. Now, in the report it was saying that this wasn't a call where lights and sirens were used, correct?

A. They were not. No.

Q. Okay. Now, her vitals and blood pressure, the things that you would check, all seem to be in a state that you were not concerned that she needed to be rushed off immediately?

A. Yes, sir.

Q. Okay. And y'all gave her an ice pack, correct?

A. Yes, sir.

Q. Okay. So she got an ice pack and then went home because she refused to be transported, correct?

A. Yes, sir.

MR. WHITE: No further questions.

THE COURT: All right. Thank you. Any redirect?

MS. McGINNIS: No, Your Honor.

THE COURT: Thank you, sir. You're free to leave.

MR. McDONNELL: Thank you very much.

THE COURT: All right. The State can call its next witness.

MS. McGINNIS: Beg the Court's indulgence?

THE COURT: Yes.

MS. McGINNIS: The State calls Special Agent Justin Tribble.

THE COURT: All right.

THE CLERK: If I can get you to place your left hand on the Bible and raise your right. You swear the testimony you're give will be the truth, the whole truth, and nothing

but the truth so help you God?

MR. TRIBBLE: I do.

THE CLERK: All right. If you'll have a seat in that chair and pull it up to the mic please.

MR. TRIBBLE: Yes, sir.

THE COURT: All right.

JUSTIN TRIBBLE, first being duly sworn, testified as follows:

Direct Examination by Ms. McGinnis:

Q. Good morning, Special Agent Tribble, how are you?

A. Good. Good morning.

Q. Good. Where are you currently employed?

A. I'm employed with the South Carolina Law Enforcement Division Midlands Region.

Q. And what is your role there?

A. The Special Agent, we investigate various crimes through an assistant agency. So depending on it could be from officer involved shooting to sexual assault.

Q. And being an assisting agency means that a local police department or sheriff's office would have to call SLED and ask for help and y'all would respond and help them, is that right?

A. Yes.

Q. Okay. How long have you been with SLED?

A. I've been with SLED since July 2025.

Q. Okay. Prior to that where were you employed?
A. Lancaster County Sheriff's Office since 2023 to 2025, July.
Q. Okay. And were you in law enforcement prior to that?
A. Yes. I was in law enforcement in Virginia. I was with Manassas Park Police Department. I was with the Federal Task Force in Northern Virginia and the Narcotics Task Force as a detective.
Q. And for how long?
A. I started in 2020, so I got promoted after a year on the road to detective. So moved down to Virginia 2020, roughly, July, again.
Q. July is a month for you to make moves?
A. Yep.
Q. All right. So back in late September of 2023, you were working here at sheriff's office?
A. Yes.
Q. And what was your role there?
A. I was a deputy on the road.
Q. Deputy on the road. And what is a deputy on the road do?
A. We investigate, respond to calls for service, depending on what calls come in. It could be, check in welfare check to larcenies, burglaries, whatever. We’re the first responder to any call that comes in for a variety of crimes

that occur.
Q. And do you recall what shift you were working back, specifically, September 26th?
A. I was definitely on night shift. That's for sure. I don't know what specific shift, B or A. I believe it's B if I'm not mistaken.
Q. Okay. And what hours is night shift?
A. It's gonna be generally four, I believe it's four to four.
Q. 4pm to 4am?
A. Yes, ma'am.
Q. Okay. So the night of the 25th into the 26th you were working that night shift. And did you respond to a call for service at the Buford Express Car Wash right there at Buford Crossroads?
A. Yes, ma'am.
Q. And who did you find at that location?
A. Autumn Robinson and Trace Jenkins, I believe his name is.
Q. Okay. And what was Autumn's demeanor when you encountered her?
A. She was visibly upset in distress when I walked up to her. I observed her with a cloth pressed up against her cheek and she was spitting on the ground. I was trying to figure out what was going on with her. And she proceeded

to tell me why I was called there. My original call for service was assault that happened and a stolen vehicle. So that's why I was acquired about. I observed marks on her face and her neck region. When I asked her about that she said that her ex-boyfriend, she named Michael Johnson, was -- she was with him, I guess, she was at our house is what she said on Freeman Way is where it started. She was inside her house. Came home briefly and went inside. Came back outside, he was in the vehicle. Her dog was in the vehicle. I guess coerced her, is what she was telling me, using the dog to get in the vehicle. And she eventually got into the vehicle. When she got into the vehicle they drove around. And, periodically, he was -- what Autumn told me was he was striking her while they were driving. Stopping periodically. Then I noticed some injuries to her neck. I asked her about that. She said that he wrapped his hands around my neck and choked me. Once, I asked -- following that, I asked did you lose consciousness? She said, “Yes.” And then she said it continued repeatedly for hours. And then once she -- I tried to ask about her route of travel. She said started at her house on Freeman Way. Went up to North Carolina. And then, I guess, they came back down South Carolina and Lancaster. She advised that during that time she believed her life was in danger. She was in fear for her life. He told her she was gonna, he

was gonna kill her multiple times. Then after that I called EMS, during this time, had them to respond to check her out. While we were looking over you could see the marks getting closer examination of her head and her neck area. I felt a bulk while examining her. I was trying to make sure she was okay while they're on the way to take pictures for evidence purposes. And then once she got back, in the back of the ambulance they examined her further. While she was in the back of the ambulance I spoke to Jenkins ---

Q. Okay. I'mma stop you right there.

A. Yes, ma'am.

Q. Mr. Jenkins that testified just a little while ago, correct?

A. Yes.

Q. And without saying, specifically, what he told you, did what he said consistent with Autumn and her statement about how she left Jack's?

A. It was not consistent.

Q. Trace's statement was not consistent with what Autumn said?

A. Oh, yes. Yes, it was.

Q. Okay. And were you made aware of how Autumn was able to leave Jack's store?

A. Yes.

Q. And what was that? How was that?
A. Autumn got to the store, I guess, in her Honda Accord. They pull it up, I guess ---
MR. FRICK: Your Honor, he keeps saying “guess” I'mma have to object to speculation to that.
THE COURT: Okay. Just testify from you memory, sir.
A. Yeah. I’m testifying from my memory. I'm just, just kind of like a spacial thing.
THE COURT: Sure. I understand.
A. But once Autumn came to the, ah, got to the store with Johnson, she was in the vehicle. Johnson ran up to or not ran, but went into the store. And then Autumn got out of the vehicle. Ran up to Jenkins vehicle. Got into the vehicle after telling him he's going to kill me, please get me out of here, please.
Q. And did Trace get her out of there?
A. Yes.
Q. And I’mma jump ahead a little bit, were you able to speak with someone at Jack's and review their security camera footage?
A. Yes.
Q. Now, there's little technological difficulty with obtaining that footage, is that right?
A. Yes.
Q. Tell the jury a little bit about what the issue was?

A. When I went to go retrieve the video from Jack's they weren't able to get it downloaded properly. So what I did was set up my body cam to be able to, at least, if I couldn't get it, eventually, I could at least have something to reference back to, to be able to see this, and then from start to finish whenever he arrived from what they told me on scene.

Q. And were you able to do that and capture it on your body cam?

A. Yes.

Q. Okay.

MS. McGINNIS: May I approach the witness?

THE COURT: Yes.

Q. I'm handing you what's been marked for identification purposes is State's Exhibit 6. Are you familiar with the surveillance video on that disc?

A. Yes.

Q. And what is that video?

A. It's a video of my, or it's a video of the surveillance footage from the parking lot. I asked for Pump 1. That's where I was told that they parked when they pulled up to the gas station and that's what the shot is of.

Q. And is the video contained on this disc a fair and accurate representation of the security camera footage?

A. Yes.

Q. Nothing was edited, added, altered, deleted?
A. No.
MS. McGINNIS: Judge, at this time, I'd move State's 6 in evidence.
MR. FRICK: No objection.
THE COURT: All right. Without objection. Entered in evidence. Permission to publish.
MS. McGINNIS: Thank you, judge.
THE COURT: Look at your video screens.
(Whereupon, the Video Body Cam has been marked and entered into evidence as State's Exhibit No. 6)
MS. McGINNIS: Judge, I may have to beg the Court's indulgence, indulgence and publish this at a later date. I forgot this laptop doesn't have a DVD player.
THE COURT: Okay.
MS. McGINNIS: So I'll hold off on publishing that.
THE COURT: Okay.
Q. Okay. So back to on the scene, the incident, you spoke with Trace. He was consistent with what Autumn said about getting away from the gas station. What did you do after EMS was finished checking Autumn?
A. After they finished their assessment, she said she wanted to do a return back to her residence. I gave her a courtesy ride back there to her father, Travis's residence.
Q. Okay. And when you got her to that residence, did you

go inside and speak with her and her father for a little bit?

A. I did. I wanted to let him know what was going on due to the situation in case it was ongoing. He was aware due to her state of mind being upset.

Q. While you were in there, did y'all discuss some security cameras?

A. Yes.

Q. And what was that discussion related to?

A. I asked him due to the fact that she reported that it happened at that residence and possibly outside that I wanted to figure out if there was any evidence that we could recover. He advised that he would check the cameras and get back to me.

Q. Okay. Did he ever get back to you?

A. He did not.

Q. Okay. Following that you left Autumn there with her father, and what was your next steps as far as the investigation of this case?

A. After that we went back -- well, at this point I had to -- we couldn't get the video that night so I had to go to the -- my next duty day I responded back to Jack’s and that's when we got the video. After that, or in the meantime we also put the vehicle in NCIC as stolen. And we also, I believe, that's at the time we were trying to

figure out the whereabouts of Johnson and the vehicle.
Q. Okay. And, ultimately, you signed arrest warrants on Mr. Johnson for the assault and battery of a high and aggravated, and the kidnapping charges that were before the Court on today, is that correct?
A. Yes.
Q. Now, when you were employed with the Lancaster County Sheriff's Office were you equipped with a body worn camera?
A. Yes.
Q. And what were the rules parameters about your body cam?
A. If you're interacting with the public or making public contact that your body camera needs to be on.
Q. Okay. And where did you wear that body camera on your person?
A. On my chest, usually, in a higher upper chest region so I got the full view no matter what I was doing with my arms.
Q. Okay. And the operation of that body cam is it a press button on, press button off?
A. Yes.
Q. As far as the footage, how does it get uploaded or saved or off the camera into the system?
A. So the footage from the body camera it can go several different ways by Bluetooth. It can connect automatically when you pull into the sheriff's office, or you can dock it

at a station to be able to upload into the system and categorize it.

Q. Okay. And when you say categorize, can you assign an identification to a video?

A. Yes. You'll have a specific ID for every event that is created to be able to track its whereabouts and figure out even who's watched it or if you're sending a video and be able to keep track of it.

Q. And did you do that in this case, tag your body camera video with this particular case number?

A. Yes. In these cases, especially, with the nature of the case we make sure that we categorize it, give it a case number, and then any specific notes that we need.

Q. Okay. Are you able to alter or do anything with the camera footage, anything like that?

A. No. After we -- after we submit it and dock it, there has to be permissions given by the department. There's -- you have to get requests done if you want to do any redactions or anything like that. You can't just make changes by yourself, likely.

Q. And did you submit any requests to do any redactions or anything of that sort ---

A. No.

Q. --- with your video in this case?

A. No, ma'am.

Q. And now, you were with Autumn for a significant period of time, is that fair?
A. Yes, ma'am.
Q. Approximately hour and 45 minutes, two hours?
A. Yes.
Q. Was your body camera recording the entire time?
A. Yes, ma'am.
Q. Have you reviewed that in preparation for trial for this case?
A. Partly.
Q. Okay.
A. It’s been a busy week.
Q. So I'm going to approach and hand you what's been marked as State’s Exhibit Number 7. You have reviewed the snippet of your body cam that’s on this video, is that correct?
A. Yes, ma’am.
Q. And it's the first approximately 16 or so minutes ---
A. Yes, ma’am.
Q. --- of your body cam -- other than being, not the entire hour and 45 minutes, has there been any, any edits or changes made to that video footage?
(Whereupon, the clerk’s phone goes off)
THE COURT: It happens, ladies and gentlemen. The reason I don't get on anybody about their phones going off

in the courtroom before is because my phone has gone off in the courtroom before. I figure if mine goes off everybody gets to one reprieve, so it's all good. We're good to go. Repeat your question or repeat the answer. Plus you don't have a flash drive for this either?

MS. McGINNIS: Correct.

THE COURT: So it's going to be, we gotta get a laptop to play the CD when you ask to publish?

MS. McGINNIS: Yep. I'll ---

THE COURT: All right. We'll do -- we'll cross that bridge when we get there. Go ahead.

MS. McGINNIS: Okay.

Q. So other than being shortened to the 16'ish minutes, has there been any alterations to that video?

A. No, ma'am.

Q. And does it fairly and accurately reflect your interactions with Autumn that night?

A. Yes, ma'am.

MS. McGINNIS: Judge, at this time, I'd move State's 7 in evidence?

MR. FRICK: Judge, I do have a matter of law I need to take up on it.

THE COURT: All right. Thank you. So, ladies and gentlemen of the jury, let's take a quick recess. I know what time it is. We got lunch coming. Is that them

telling you ---

THE CLERK: No, sir.

THE COURT: Okay. We're gonna go assess the lunch situation, but until then we'll keep moving, okay. While we're back -- while y'all are back there in the jury room don't discuss the case, but y'all elect who your foreperson is going to be, okay. Y'all talk amongst yourselves and decide who your foreman or forelady is going to be.

The foreperson is the person who is the spokesperson for the jury here in court. That's the person I look to if I have a question or if y'all need to tell me anything. It's also the person who fills out the verdict form. And it's the only -- it's the person who signs the verdict form. But, you know, the foreperson gets a vote just like the rest of you, okay. So whoever wants to do it, y'all talk amongst yourselves and elect one. It can be anybody except for either one of the alternates, okay. So y'all head on back and take care of that, at least, while we're at this little break, okay. Once you've name who it is write it down on a piece of paper in there and give to the bailiff, okay, and they'll bring it to me.

Thank you.

(Whereupon, the jury exits the courtroom at 11:56am)

THE COURT: All right. The jury is out. Yes, sir?

MR. FRICK: Judge, I don't object to most of the

video. It's up to about 11:40 in there. I have no objection to. But somewhere around 11:40 mark that's where Autumn was talking to the EMS personnel who just testified. I -- it is my feeling that he goes into a little bit more of an opinion. They're talking about whether her jaw has injuries or not. So I think it's a little bit more than just what he, basically, testified to.

THE COURT: So I need to look at 11:40 for how long?

MR. FRICK: About five minutes.

THE COURT: Okay. Y'all got the laptop thing, is that what that is?

MS. McGINNIS: Yes, sir.

THE COURT: Oh beautiful. All right. So let's go to 11:40 of the CD and I'll look at that real quick. And then y'all need to State -- y'all need to move to flash drives. You know that.

MS. McGINNIS: I know. I'm sorry.

THE COURT: I don't even -- I don't have CD players in our laptop either.

MS. McGINNIS: It’s just habit, judge.

THE COURT: All right. We’re gonna gonna go ahead -- we'll go ahead and take a recess. Then I -- let me go tell them. I’mma go -- I’mma be at recess. I'll let them know. They can go ahead and start eating lunch. I’mma do this before we all at recess, okay.

MS. McGINNIS: I'll get it teed up to 11:40.

THE COURT: Let me go tell them real quick not talk, reinvigorate, not talk about the case, but elect the foreperson, and they can eat lunch, okay. And then I come right back out when you get that teed up.

MS. McGINNIS: Yes, sir. Thank you, judge.

THE COURT: All right.

(Whereupon, the judge takes a moment to go talk to the jury)

THE COURT: All right. So where are we at now?

MR. FRICK: It is currently at about 11:06 ---

THE COURT: All right, 11:06.

MR. FRICK: Mine really comes in -- there's a point where she says I think my jaw is broken, and I got it about 11:40.

THE COURT: Okay.

(Whereupon, the video is played for the Court)

THE COURT: All right. So what's your motion?

MR. FRICK: My motion is that last five minutes there when EMS talked to her and even Deputy Tribble there's a lot of speculation. It could be this. It could be this. We think you should go get checked out. And we don't have any documentation of any of that stuff. So I'm concerned about just the speculation there.

THE COURT: You don’t think that helps your case, the

fact that she didn't after all that advice that she was given by both the arresting officer and the EMS professional to go follow up on this; you may want to consider all these very vast injuries you may have and then she doesn't do anything. You don't think that helps your case? I'll leave it to your discretion. You can talk to your co-counsel about it.

MR. FRICK: Let me discuss it with Mr. White.

THE COURT: I understand exactly what you're saying about speculation -- hang on.

MR. FRICK: I'm more concerned about the speculation. I think I can go into all those in my argument without that.

THE COURT: I'm with you. What's the State's response?

MS. McGINNIS: I mean, judge, it's all a conversation for purposes of medical treatment. He's saying you need to go get checked out because it could be any of these bad things. No one's testified that it is any of these bad things. But he said, hey, you need to go get checked out which she did. She testified that she went up to Waxhaw or Monroe or whatever later that same day after she had cleaned up and rested a little bit. But nobody's saying that's what happened to her. But I think it certainly could have based on the injuries that they're seeing on her

and I don't think there's anything on there that's, that's prejudicial.

THE COURT: I think the video is redundant. I mean, repetitive of the testimony in evidence. The testimony that's already in the record. I mean, so I agree with the defense. I'm not going to allow it in.

MS. McGINNIS: Just those last five minutes?

MR. FRICK: The last five minutes.

THE COURT: Yeah.

MR. FRICK: That was my objection just to be clear.

THE COURT: Yeah. The last five minutes. Everything else come in.

MS. McGINNIS: Okay.

THE COURT: So 11 ---

MR. FRICK: 11:40 is what I was saying.

THE COURT: 11:40....so the body worn camera video everything comes in up until 11 minutes and 40 seconds. And the basis for my decision on that, to keep it out, is I think it's irrelevant and bolstering based upon the evidence that’s already in. I mean, I, you know, the EMS guy already testified about his concerns and what he saw and that the strangulation could have produced great -- so the State has already introduced evidence of, could have produced great bodily injury. That's already in there, I mean -- and so, you know, and I know you disagree with that

and you'll be asking for me on at a directed verdict stage. I kind of tip my hand on that. But I think there's enough evidence of means likely to produce that's already in. And so the further allow extraneous video to be in would be improper bolstering for lack of a better description.

All right. So anything else before we take a recess?

MS. McGINNIS: No, judge. Although, Deputy Tribble is our last witness. The State will rest after ---

THE COURT: Okay.

MS. McGINNIS: --- we do the videos.

(Whereupon, the Video has been marked and entered into evidence as State’s Exhibit No. 7)

THE COURT: And I can do all that. I can tell them that then.

MS. McGINNIS: I don't know if you want to discuss charges at all.

THE COURT: We'll do all that after the evidence is in.

MS. McGINNIS: Okay. I'll need probably 15, 20 minutes before closing after our charge conference.

THE COURT: Sure. I'll let everybody know.

MS. McGINNIS: Okay.

THE COURT: All right. Sounds good. So you're still under oath. You're still a witness on the stand. So you can't talk to anybody about your testimony, okay.

MR. TRIBBLE: Yes, sir.

THE COURT: Anything else?

MR. FRICK: No, sir.

THE COURT: All right. We're at recess. My plan is to start back at 12:45, okay. So it's going to be a short recess, but I want to get this in and get it to the jury early afternoon, please.

All right. Thank you very much.

MR. REYNOLDS: Thank you, Your Honor.

(Whereupon, the Court takes a lunch)

(Whereupon, we're back on the record at 12:51pm)

THE COURT: All right. Go get the defendant, please. Bring him out. We got -- we got lawyers there. Don't bring the jury yet. Just get the lawyers.

All right. Bring the jury down.

MR. BAILIFF: Yes, sir.

THE COURT: Thank you, man.

(Whereupon, the jury enters the courtroom at12:53pm)

THE COURT: All right. Thank you, ladies and gentlemen of the jury. Juror number 76, you've been elected to be the foreperson. I appreciate you. I'll go over the verdict form with you at the conclusion of everything before y'all get the case, all right. We'll resume with the questioning of this witness.

(Whereupon, the Foreperson Picked has been marked and

entered into evidence as Court's Exhibit No. 1)

MS. McGINNIS: Thank you, judge. I believe you ruled on the Mr. Frick's motion so permission to publish.

THE COURT: Yeah. Permission to publish granted for the is this the body worn camera or for the surveillance video?

MS. McGINNIS: I'mma publish both back-to-back.

THE COURT: Okay. All right.

MS. McGINNIS: Subject to your to ruling.

THE COURT: All right. Y'all make sure your screens are working and watch your screens. Okay.

(Whereupon, the video is played for the jury)

Q. And it's gonna be on this left computer screen, is that correct?

A. Yes.

Q. Can you talk a little bit about what the jury is seeing on that screen?

A. So I was told they pulled up the Pump 1, so that's what I was focusing on with the camera angle. You're going to see them pull up. And then you'll see a male actually pulls his shirt or closing off, walking towards the front of the, this truck here.

(Whereupon, witness demonstrates)

A. That's going to be 2009 silver Honda Accord. Then moments later, you'll see Robinson get out of the passenger

side of the vehicle with her dog. And she's gonna be running towards the truck with her dog in the right hand. Enters the vehicle after a moment, and then they pull off.

Q. All right. And I'm going to play it one more time without commentary now that you have kind of narrated what they're Looking for there.

(Whereupon, the video is played again for the jury)

Q. So the silver Sedan that we see parked at the gas pump, is his vehicle?

A. That's in the Aumtum Robinson's vehicle.

Q. And the first person we see get out of that vehicle?

A. It's gonna be Michael Johnson.

Q. The defendant in this case?

A. Yes.

Q. And he walks towards a silver looking pickup truck near the bottom of the screen, is that correct?

A. Yes.

Q. Whose vehicle is that?

A. It's gonna be Trace Jenkins.

Q. Okay. And after a moment or two we see Michael walk off the screen, and then what do we see?

A. We see Autumn get out of the passenger side of the Sedan and run up to the passenger side of the truck.

Q. And that was consistent with the story that she told

you of what happened when you met with her that very night, correct?

A. Yes.

Q. Okay. Finally, this next video, again, is your body worn camera from the beginning of that night, is that correct?

A. Yes.

Q. And while it loads, when you push to turn your body camera on is there any jump in time?

A. There is about 30 second delay that the sheriff's office has where it's like muted, but then the sound will kick on.

Q. So it goes back and captures the 30 seconds of video, but without audio?

A. Yes.

Q. And then the sound kicks on at the moment that you press the button?

A. Yes.

Q. Okay. And is that evident in this video as well?

A. I believe so.

(Whereupon, the video is played for the jury)

MS. McGINNIS: I don't think I have any further questions for you. If you answer anything Mr. Frick has.

THE COURT: All right. Defense?

MR. FRICK: Thank you, Your Honor.

Cross-Examination by Mr. Frick:

Q. Agent Tribble, if I, if I slip up and call you deputy please don't take offense?

A. Yes, sir.

Q. Agent, for those of us who aren't exactly familiar with, with how you get to a call, you are dispatched to a call, is that correct?

A. Yes, sir.

Q. You receive over your radio a description of what an incident may be?

A. Yes, sir.

Q. And where to go?

A. Yes, sir.

Q. And that's what happened in this case?

A. Yes, sir.

Q. And in this case you were directed to go to Buford Express or the car wash over there?

A. I believe the report says Laser Car Wash. That's what I saw on the -- yeah.

Q. Okay. You don't get the 911 call, do you?

A. No, sir.

Q. Okay. So you have no idea who called in to 911, correct?

A. No, sir.

Q. Okay. Did you collect a 911 call?

A. I don't recall.
Q. Okay. Now, when you when you initially got there, you met with the person, the person that you were there to meet, right, Ms., Ms. Robinson?
A. Yes, sir.
Q. Okay. And you started trying -- you have no idea other than -- what was this an assault call, essentially?
A. It was dispatched. It was an assault and stolen vehicle was involved and then I responded to the location.
Q. So you get there, you don't really know what you're getting into other than what you've just heard?
A. Yes, sir.
Q. Okay. You see her. She seems upset. You start asking questions. Gather some basic information, correct?
A. Yes, sir.
Q. Okay. And one of the things you ask her, eventually, is where did this happen, right?
A. Yes, sir.
Q. And she responds to you, initially, Zion Road, is that correct?
A. Yes, sir.
Q. Okay. Y'all talk a Little bit more and I'm gonna skip around a little bit, okay.
A. I'll try to keep up.
Q. I'm sure you can. Y'all talk a little bit more. And,

eventually, she tells you that she stays with her grandma or dad on Freeman Way?
A. Her day on Freeman Way. Yes, sir.
Q. Okay. Okay. And then she later says that that is where the incident took place, correct?
A. Yes, sir.
Q. Okay. And she doesn't say anything at that point about going to North Carolina or being in North Carolina, does she?
A. To be honest, I'm not sure when exactly it happened. I just know throughout the course of the investigation she said they traveled to North Carolina but it started at Freeman Way.
Q. Okay. All right. So we started in South Carolina and went to North Carolina is what she tells you at some point, correct?
A. Yes, sir.
Q. Is it fair to say that she told you that after you got back to her dad's house? Do you recall?
A. Do not recall.
Q. Okay. If I showed you a snippet of your body cam, would that refresh your recollection?
A. Yes, sir.
Q. Okay. Okay. I'mma pause this before it goes into it just so we can set the scene. Do you recognize this

location?
A. Yes, sir.
Q. Where's this location?
A. It’s gonna be Freeman Way.
Q. Okay. That's her dad's house?
A. Yes, sir.
Q. Okay. And can you tell with this -- well, you didn't respond to Freeman Way, right? You didn't initially respond to Freeman Way?
A. Yes, sir.
Q. Okay. So this is after you've taken her back home after everything's cleared up at the car wash, right?
A. Yes, sir.
Q. Okay.
(Whereupon, the video is played for the jury)
Q. Okay. So is it fair to say that she told you after you get back to her dad's house something happened in North Carolina?
A. Yes, sir.
Q. Okay. Now, is this -- do you recall whether that was before or after dad said, Oh, I’ve got surveillance cameras?
A. I do not recall.
Q. Okay. That's fine. But he did mention that he had surveillance cameras, correct?

A. Yes, sir.
Q. Okay. Did you get an opportunity to see those?
A. I did not.
Q. Okay. They were trying to pull them up that night, but there was some indication that y'all would communicate later, is that correct?
A. Yes, sir. I told him to contact the sheriff's office whenever they were able to get it figured out.
Q. Okay. Okay. And I think -- I mean, y'all exchanged phone numbers, is that correct?
A. I do not recall.
Q. Would that have been unusual if y'all had exchanged phone numbers?
A. Not unusual, sir.
Q. Okay. I mean, you were handling this as your case, correct?
A. Yes, sir.
Q. You weren't necessarily calling in an investigator at this point, right?
A. No, sir.
Q. Okay. Is it fair to say, you are the case agent on this case?
A. Yes, sir.
Q. Okay. Because you did conduct some further investigation. correct? Here's what I'm getting at, the

next day you went to Jack's to look for a video, right?
A. Yes, sir.
Q. Okay. Now, let's talk about that for a second. So you went over there and there was some difficulties in trying to get the video ---
A. Yes, sir.
Q. --- we've established -- okay. But the lady who was in charge of it was there with you, correct?
A. Yes, sir. I believe it's the manager, possibly.
Q. Okay. But she got you hooked up with the machine and got it going for you, right?
A. She wasn't familiar with it, so I was trying to figure it out as I was there.
Q. Okay. Okay. Was there any indication that they had somebody who could do that?
A. She was the boss. I don't know if she had someone who could do that.
Q. Okay. All right. But we didn't get the video from there. What we have is a picture of your body cam watching the video, correct?
A. That was a fail safe for me just in case there was complication. Sometimes in investigations equipment malfunctions, you know, communications doesn't happen.
Q. Right.
A. So I wanted to have something, at least, you know, from

that incident me reviewing it ---
Q. Right.
A. --- to where if it doesn't show up later, at least, I have something to go off of to refresh my memory.
Q. Sure. Sure. And that's what happened here?
A. Yes, sir.
Q. We -- the only thing we've got is this, this body cam, correct?
A. Yes, sir.
Q. Okay. And to be fair, now, you didn't show that body cam to Autumn or anybody else to identify folks in that, correct?
A. No, sir.
Q. Okay. Your statement, that's the car; that's her; that's him; and, that's the other guy; is your assessment of the situation, correct?
A. yes, sir. I was -- prior to this incident, there was already, he was known to law enforcement. There was already warrants that were out for him.
MR. FRICK: Objection, Your Honor. I move to strike. Move to strike.
THE COURT: Yeah. Strike. Jury disregard that statement.
Q. Okay. But you continued on to try to figure out what ---

A. I was able to identify him.
Q. Okay. All right. But again, there was -- other than your looking at it, there's no independent verification of that? You didn't confirm it with anybody else?
A. Could you rephrasing?
Q. You didn't show the video to anybody else and go, okay, who's that right there? Is that the car? Correct?
A. No, sir.
Q. Okay. In fact, the only thing you know about the car is the description had been given to you that night, right?
A. Yes, sir.
Q. Okay. Now, obviously, we're here because there's a charge of assault and battery of a high and aggravated nature, and a charge of kidnapping, correct?
A. Yes, sir.
Q. Okay. And you've been in law enforcement a while, correct?
A. Yes, sir.
Q. You've been a detective, correct?
A. Yes, sir.
Q. And now you're with South Carolina Law Enforcement Division?
A. Yes, sir.
Q. Did you go get a warrant for kidnapping? Let me ask you this, when you do a case ---

A. Yes, sir.
Q. --- it's the course of your business to do incident reports, correct?
A. Yes, sir.
Q. And you supplement them, correct?
A. Could you repeat that?
Q. You supplement them like, like -- so we got a report where you went out to the car wash, and you kind of summarize what happened, correct?
A. Yes, sir.
Q. And as you talk to other people you write up a summary of that, correct?
A. Yes, sir.
Q. Okay. And so as you do things, you write incident reports, is that fair to say?
A. Yes, sir.
Q. Okay. I'mma show you what was provided by the State in discovery. Is that -- does that look familiar to you?
MS. McGINNIS: Judge, I object to the testimony regarding this. I believe it's a matter of law we need to take up outside the jury.
THE COURT: All right. Let me see it.
(Whereupon, the Court takes a moment to read document)
THE COURT: So are you offering this in evidence?
MR. FRICK: No, sir. I'm just gonna ask him about it.

THE COURT: Okay. You still object?

MS. McGINNIS: Yes.

THE COURT: Okay. All right. Ladies and gentlemen of the jury, head on back to your jury room. Don't discuss the case.

(Whereupon, the jury exits the courtroom at 1:22pm)

THE COURT: All right.

MS. McGINNIS: Judge, I'm just going to object to his determination as to whether or not the charge was founded or unfounded being before the jury. I think just like the indictment, itself, is not evidence. It's merely a charging document. The officer's case file his supplements are not meant to be the end all, be all. That's why they come to the solicitor's office and that's why we can determine if other charges are appropriate which we did in this case. I think it would be very prejudicial to ask the officer was the case, did you unfound the kidnapping charge? What does that mean in front of the jury who's considering a kidnapping charge that the State believe was appropriate and that a grand jury true billed.

THE COURT: All right. Mr. Frick?

MR. FRICK: Well, judge, I've got body camera on this where he says, specifically, coming back to after he's leaving the home when he walks back; speaks with Ms. Robinson; says he drove you up to North Carolina; did all

this other stuff; wouldn't let you leave. And he says we're gonna get kidnapping too. And then as he further is on in his investigation, we have this report where he said I determined I'm not going to pursue that charge. I think that is highly probative. I think it is necessary to my defense. I don't see how it's -- well, I don't know what would be prejudicial to the State. But the fact that they decided to go forward with it, I mean, I've got the investigating officer right here and he decided in his view he didn't think there was enough to go get a warrant.

THE COURT: All right.

MS. McGINNIS: I think that's incredibly prejudicial. With all due respect to Officer Tribble, he does not have a law degree. He does not have extensive legal training. When we looked at it, looked at the case file and facts, clearly there are elements there that we felt like we could meet and that would satisfy the kidnapping burden. He had her confined in the car. She tried to get out and she couldn't. She was lured there against her will. And I think that it's incredibly prejudicial to question the officer who brought the case and have him tell this jury, at one point, I didn't feel like there's enough for kidnapping. I don't know what the probative value of that is.

THE COURT: Okay.

MR. FRICK: Well, judge, here's ---

THE COURT: I'm listening.

MR. FRICK: —-- here's the last part I've got on that. She asked him, "Did you get a warrant for kidnapping and ABHAN?" His answer was, "Yes." So now I'm cross-examining him off of that question.

THE COURT: But you can -- okay. Ask him, "Did you get a warrant for kidnapping?"

MR. FRICK: I did. He didn't respond. That's why I showed him the incident report.

THE COURT: Okay. Well, he can say -- he can answer the question. But as to whether or not he made the decision to unfound it and not seek a charge, that's goes on further. So I agree with the State. I mean, I think it's -- I think you -- you can get an answer to your question, "Did you charge him with kidnapping?" And he says, "Yes or No." Whatever the case may be, I think that's it. To further go into the mechanisms of how a direct indictment works and how a grand jury works ---

MR. FRICK: I'm not intending to get into that at all.

THE COURT: Right. Well, see that's what I'm saying, because if you open that -- if I were to let that in and I think it would be fair for the State would say, "Well, you know, didn't 12 out of 18 grand jurors vote to true bill it and find that there's probable cause?" We're not gonna go

down that path. So I just think what I'll limit it to is that, you know, agent, you answer the question, you know, did, did you charge or did you charge him with kidnapping? And I think that's fair. He can say no. Just because he may be charged later on, that's something you can argue in, in, you know, in closing and that's something you can, obviously, argue in closing as well.

All right. Anything else?

MS. McGINNIS: No, sir. Thank you.

THE COURT: While I got you to myself without the jury here, so what we'll do in the interest of time sake, the State's gonna rest after this?

MS. McGINNIS: Yes, sir.

THE COURT: And, of course, because of that I have to send it back out again. They're going to be popping back and forth. I'll go ahead and let you know, I'll go ahead and after directed verdicts, if I were to deny the directed verdict that's when I'll question, I'll go ahead and question your client about his right to testify. And then if, if they -- do y'all intend to rest or do you know?

MR. FRICK: If he’s not testifying, we will rest.

THE COURT: Okay. Have y'all already talked to him about all that?

MR. FRICK: No. We have not had that conversation today.

THE COURT: Okay.

MR. FRICK: We approached it yesterday, but....

THE COURT: Okay. All right. We'll deal with that, then, at the appropriate time. I just hate to keep sending them in and out that kind of thing.

All right. Go get the jury

MS. McGINNIS: Thank you, judge.

(Whereupon, the jury enters the courtroom at 1:28pm)

THE COURT: All right. Thank you, ladies and gentlemen, sorry for the interruption. I know it's probably frustrating to have to get up and leave and then come right back but, you know, this beautiful courtroom is almost impossible to have off the record discussions that need to be on the record while y'all still sitting there, okay, so that's why I do that. So please understand that. Okay.

All right. Mr. Frick?

Conti- Cross-Examination by Mr. Frick:

Q. Agent Tribble, have you had a chance to review that?

A. Yes.

Q. Okay. Did you pursue a charge of kidnapping against Michael Johnson?

A. No, sir.

Q. Thank you, sir.

MR. FRICK: No more questions.

170

THE COURT: All right. The State's witness.

MS. McGINNIS: I beg the Court’s indulgence?

THE COURT: Yes.

MS. McGINNIS: Judge, I don’t believe I have any further questions.

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

MR. TRIBBLE: Thank you, sir.

THE COURT: All right. The State can call it’s next witness.

MS. McGINNIS: Judge, at this time, the State rest.

THE COURT: The State has rested. So, ladies and gentlemen, I just got out my mouth, I'm sorry, to make y'all get up and go out, but now it's one of those times again, okay. The State has rested its presentation of testimony and evidence. I do need to talk with the lawyers. We gonna finish this case today, okay. But I need you to go back into your jury room. Don't talk about the case.

Thank you very much.

(Whereupon, the jury exits the courtroom at 1:30pm)

Directed Verdict

MR. FRICK: Your Honor, at this time, the State, ah, the defense would move for a directed verdict.

THE COURT: I thought he was gonna argue it?

171

MR. FRICK: I took it from him.

THE COURT: Okay. All right.

MR. FRICK: Sorry.

THE COURT: Go ahead.

MR. FRICK: Taking in the evidence in like most favorable to the State, I don't think there's enough evidence to be sent to the jury on both charges. It can be decided as a matter of law. Essentially, you've got an uncorroborated statement. There's no other records that corroborate the allegations in the kidnapping or the ABHAN charge. So I'd ask you to render a verdict and decide it as a matter of law. In the alternative, should you decide that there is enough to go, I would ask you to reduce ABHAN charge to some other level as they are lesser included offenses.

THE COURT: Thank you, Mr. Frick.

MS. McGINNIS: Madam Solicitor?

MS. McGINNIS: Judge, I think the victim’s statement alone is enough to get it to a jury. It goes to the weight of the evidence whether or not they believe her statement, excuse me, in her testimony about being held in the car, being unable to leave. She testified that she tried to get out multiple times. He pulled her back by her hair. The doors were locked. She couldn't unlock them. She couldn't get out. Things of that nature with regard to the

172

kidnapping charge. With regard to the ABHAN, judge, it is a well settled principle that choking or strangulation is a means likely to cause a death or great bodily injury. She is, obviously, injured by Mr. Johnson. He's the one seen getting out of the car with her getting out immediately thereafter. She's covered in bruises and marks. EMS testified that they were within the last couple hours which sits squarely within her statement as to when this happened to her. So I think it is more than enough to go to the jury for them to weigh her credibility when they decide these charges, Your Honor.

THE COURT: All right. I agree with the State's position. I do find under the, any evidence standard, that there's enough evidence in this record for a reasonable jury to conclude a verdict of guilt on the charges. Having said that, however, I do believe there's also enough going to the, you know -- so on the directed verdict the motion for directed verdict denied. As far as instructing the jury on alternatives for a verdict, I tend to agree with Mr. Frick and the defense that, you know, this case hinges on credibility. This is a credibility case. And, you know, while the victim does have marks on her, specifically, the ones around the neck that's why I'm allowing the jury to consider ABHAN, the most serious charge. But I do think there's enough of a credibility

173

issue under the weight of the evidence to allow the jury to consider lesser charges. So I'm going to instruct, unless, y'all tell me otherwise, I'm going to instruct the jury on ABHAN, the high charge, all the way down to A and B second, third, excuse me, which is the lowest charge.

All right. Any objection from the State on that?

MS. McGINNIS: I don't like it, judge, but I understand your reasoning so....

THE COURT: Okay. Thank you.

MR. FRICK: That would have been the defense's request.

THE COURT: Okay. Thank you. All right. So having done that y'all need time to discuss ---

MR. FRICK: Yes.

THE COURT: --- with your client a little bit longer?

MR. FRICK: Yes. Yes, sir.

THE COURT: All right. Let's do that. So here's what we're gonna do, I'mma go take a recess. Now, Mr. Johnson, you listen to your lawyers.

MR. JOHNSON: Yes, sir.

THE COURT: They're both very good lawyers. But, ultimately, it's your decision whether or not you want to testify, okay. I've already told you that you do have some convictions on your prior record which I will allow the jury to hear about if you testify. If you don't testify

174

those things don't come in, okay.

MR. JOHNSON: Yes, sir.

THE COURT: So I just want you to know that. Also, while we're down for, you know, another 10 minutes or so, I don't want to -- I don't want to come back in and they say they rest, and I send them back out again to get ready for closings, okay. So if the if the defense says “we rest”, and y'all let me know when I come back that y'all are gonna rest. Like for example, if he doesn't testify, are y'all resting?

MR. FRICK: Yes, sir.

THE COURT: Okay. Good. So if they rest, we’re gonna go straight into closings.

MS. McGINNIS: Yes, sir.

THE COURT: So let's go ahead and take our - another 15 minutes right now to get ready. Y'all can discuss that. Get your notes ready. Then we can move straight into closings.

MR. FRICK: What kind of closings are we doing? We doing the old way or we gonna do the Beatty way?

THE COURT: You have the right -- well, if you're not introducing any evidence you get to go last.

MR. FRICK: Okay.

THE COURT: So if -- if -- if you introduce anything, you know, the way State versus Beatty, the person with the

175

right to the second argument gets to choose whether or not to require the State to get up and, and at the end. All right. But since you have the right to the first argument, excuse me, the second -- see that's what it is. So do you want to allow them to get up or you want to do it the old way?

MR. FRICK: I would like to do it the old way.

THE COURT: Your choice is granted, my friend, if your client ---

MR. FRICK: Correct.

THE COURT: —-- doesn't testify?

MR. FRICK: Correct, Your Honor.

THE COURT: All right. All right. We're in recess.

(Whereupon, the Court takes a short recess)

(Whereupon, the Court goes back on the record at 1:52pm)

THE COURT: All right. Mr. Johnson, you swear to tell me the truth, sir?

MR. JOHNSON: Yes, sir.

Defendant's Rights

THE COURT: All right. Thank you. Slide that microphone, Jerry, over to him. You good. You can remain seated. Just answer out loudly. So at this time I'm explaining certain rights you have. If you don't understand anything just say and I'll be glad to repeat it or you can certainly look to your lawyers, okay.

176

MR. JOHNSON: Yes, sir.

THE COURT: All right. So we've now reached the state of the trial where you get to present your defense. You have the right to claim your fifth, under the Fifth Amendment of the United States Constitution which states in pertinent part that "no person shall be compelled in any criminal case to be a witness against himself." This means that nobody can make you testify if you don't want to. In fact, if you don't testify, I will instruct the jury that your choice to not testify has no bearing on whatever the verdict is supposed to be. You understand that?

MR. JOHNSON: Yes, sir.

THE COURT: You understand that this is a personal right that you make, yourself, after, of course, consultation with your lawyers. You understand that?

MR. JOHNSON: Yes, sir.

THE COURT: Now, if you do decide to testify, you'll be subject to the same rules which have govern other witnesses and you may be cross-examined on any relevant issue in this case. Meaning, of course, just like your lawyers have cross-examined witnesses and, you know, made them get crossed up or whatever and not look good in front of the jury, the solicitor's office can to do the same to you. And, in addition, those previous convictions that I've already ruled could come in would be brought out to the

177

jury and it may make some jurors not believe you. You understand that?

MR. JOHNSON: Yes, sir.

THE COURT: And you've discussed all this with your lawyers?

MR. JOHNSON: Yes, sir.

THE COURT: And do you wish to testify?

MR. JOHNSON: No, sir.

THE COURT: And you understand everything I've gone over with you?

MR. JOHNSON: Yes, sir.

THE COURT: And, sir, you agree with your client's decision?

MR. WHITE: I do, Your Honor.

THE COURT: All right. Thank you. Does the defense intend to put up any other case?

MR. WHITE: No, Your Honor.

THE COURT: So the defense is going to rest?

MR. WHITE: Yes, Your Honor.

THE COURT: All right. Perfect. So we'll wait on Mr. Frick, then, to come back out and when he gets in here what we'll do is I'll say the State is rested and I'll look to the defense, I'll say defense call your witness. And then you all will simply say the defense rest. And then we'll go straight into closings. The way we'll do closing, Madam

178

Solicitor, you close or whoever is doing it -- you doing it?

MS. McGINNIS: Yep.

THE COURT: You close in full, you know, long facts. Do whatever you're gonna do. And then y'all get to go and get the last word. Okay.

MR. WHITE: Thank you, Your Honor.

MS. McGINNIS: Thank you.

THE COURT: All right. Sounds good. So as soon as Mr. Frick comes back in we'll get rolling.

(Whereupon, the jury enters the courtroom at 2:04pm)

THE COURT: All right. Thank you, ladies and gentlemen. The State has rested. The defense may call it's witness.

MR. FRICK: Defense rest, Your Honor.

THE COURT: The defense has rested.

All right. So, ladies and gentlemen, we have completed our testimony and evidence phase of the trial. We will now proceed into closing arguments. Please listen to the lawyers carefully as they summarize their cases and defenses to you at this time. The way it works since the State has the burden of proof, they go first, okay. Then after the State makes their argument to you. The defense will then make its argument. And after that happens that's when I instruct you on the law as it pertains to the issues

179

which have arisen in this case. And after all that's done, y'all can finally start deliberating, okay.

Thank you very much. Please give your undivided attention to the attorneys. Madam Solicitor?

MS. McGINNIS: Thank you, judge. May it please, the Court?

THE COURT: Yes, ma'am.

MS. McGINNIS: Counsel?

Closing Arguments by Ms. McGinnis

Ladies and gentlemen, I want to thank you for paying attention today. I know it's a short trial, but we've put a lot of information before you over the last couple hours. Before I get into my argument on the facts, I want to go a little bit into the law that applies in this case.

First off, when Mr. Reynolds addressed you this morning, he said State bears the burden in this case. We must prove to you beyond a reasonable doubt that Michael Charles Johnson is guilty of the offenses with which he has been charged. Now, we don't have to prove that to you beyond any doubt, beyond a shadow of a doubt, but beyond a reasonable doubt. The judge is going to instruct you that a reasonable doubt is a doubt what we call a cause a reasonable person to hesitate to act. It means that there's no other reasonable plausible explanation. We welcome that burden and I believe in this case we have met

180

that burden.

Proof beyond a reasonable doubt is proof that leaves you firmly convinced of the defendant's guilt. There are very few things in this world that we know with absolute certainty. I want y'all to keep that in mind as you listen to my argument to Mr. Frick's argument and I ask y'all to go back into the jury room. We don't need y'all to be absolutely certain. We need y'all to be firmly convinced. And I trust that after our evidence presentation today that you are.

The first charge that Mr. Johnson is charged with is assault and battery of a high and aggravated nature or as we like to call it ABHAN. To prove assault and battery of a high and aggravated nature there's a couple prongs we have to meet. The first is a person unlawfully injures another person. Think back to those photos of Autumn Robinson. She's got bruises around her neck. She's got abrasions up the side of her neck. More bruises on the other side here. What EMS describe as hand marked bruises around her arm and goose eggs. Hematoma is on her scalp that were palpable not only to the medical professional, but to Deputy Tribble when he examined her as well. So we have unlawful injury, check.

The next prong, we have to prove to you that great bodily injury has resulted or that the act is accomplished

181

by means likely to produce death or great bodily injury. Ladies and gentlemen, I don't know of a single person who would have a hard time believing that choking someone, strangling them, cutting off their airways, exerting enough pressure around the neck to leave those bruises visible just a few hours later, who would believe that that is not enough to cause serious bodily injury or death, that it's likely to do so. Ryan O'Donnell testified today it would take less than a minute of that pressure on someone's neck occluding their airway to render them unconscious and not much longer of that pressure to cause oxygen blood not to be able to flow to the brain, brain death and, ultimately, the death of the individual. I submit to you that we have proved to you beyond a reasonable doubt that he assaulted her, inflicted injury, and he did so in such a way that it was likely to produce death or great bodily injury.

The judge is also going to instruct you on some lesser charges. If you weigh the evidence and you find that choking was not means likely to cause great bodily injury, you have other options to consider.

First, is assault and battery in the first degree. And that is when a person offers or attempts to injure another person with a present ability to do so. And, in this case, you would consider his threats that he was going to kill her. His hitting her. Things of that nature. He

182

injured her. And the act occurred during a kidnapping or a theft. And I'm going to talk to you about kidnapping in a little bit. But again, remember Autumn's testimony. She was kept in that car. She tried to get out. The doors were locked. When she tried to get out he grabbed her by her long hair and yanked her back. Again, I believe and I submit to you the State has proven ABHAN. But if you disagree the next one for you to consider is assault and battery, first degree.

If you don't believe Autumn you can, regarding the kidnapping, you can go down to assault and battery in the second degree. This is an assault where someone unlawfully injures another person and moderate bodily injury results or could have resulted. And the definition of moderate bodily injury is right there under D. Temporary or moderate disfigurement. Temporary loss of a bodily member or organ. Temporary or prolonged loss of consciousness which Autumn testified about in this case.

And even further, if you don't believe that she lost consciousness, your final option is assault and battery in the third degree. A person unlawfully injures another.

Again, I submit to you, ladies and gentlemen, that assault and battery of a high and aggravated nature, the charge that the State proceeded with is the appropriate charge in this case. And I urge you to find him guilty of

183

that charge.

The next big charge, ladies and gentlemen, is kidnapping. Now, most people think kidnapping when they think of what you see in the movies. You're putting a burlap sack over somebody's head and snatching them away. And that's a form of kidnapping, but that's not what our law requires the State to prove.

The State must prove that the defendant did unlawfully seize, confine, or kidnap another person by any means whatsoever without the authority of law. And again, ladies and gentlemen, I submit to you Michael Charles Johnson did that to Autumn Robinson in this case. Her dog jumped in the car that he had entered without her permission. They had been dating. He knew she loved this dog. He said, "Get in the car. Your dog is gonna get hurt." Was it perhaps a foolish decision to believe him when he said that? Should she have said, "You're not gonna hurt my dog. I'm not getting in there." Maybe. But that's not what happened. He used a threat that he knew, based on their relationship, would get her in that car and then he kept her in there.

He assaulted her while they were driving. He stopped so that he could assault her using both hands not having to pay attention to the road. She tried to get out. He further assaulted her. She testified that he spit on her,

184

called her names. He confined her. He kidnapped her. He unlawfully detained her, imprisoned her.

The essence of the offense of kidnapping is the unlawful secret holding or imprisonment of a person. An essential element of the offensive kidnapping is that the taking or detention of the person kidnapped is without lawful authority. He had no authority to take on him to get her in her car, carry her away around Lancaster County, down the dirt roads in the late hours of the night.

Kidnapping means the carrying away of a person by a unlawful, unlawful force or fraud against their will. The requisite force or compulsion need not consist of the use of actual physical force. But in this case, ladies and gentlemen, it does consist of physical force.

It's not up there, but the judge is going to instruct you on it. Kidnapping is a continuing offense. The offense starts when one is wrongfully detained, deprived of freedom and it continues until that freedom is restored.

Now, ladies and gentlemen, the defense made a big deal of Ms. Robinson saying that night that the offense had started in South Carolina at her dad's house. That the defendant had been at her dad's house and that's where he got her in the car. She testified to you today on direct, she owned up to it and said it happened at my mom's house in North Carolina. I lied to the police that night. I

185

lied to the police because I was scared that they would say you need to call North Carolina. They would wash their hands of me and my case would fall through the cracks. You saw her on that body cam video, ladies and gentlemen, she was terrified. She was weeping. She had been assaulted. She'd lost consciousness at least twice. Her car was gone. She had been worried about her dog. Her phone was gone. She had no way to call for help. And, ladies and gentlemen, she need not have worried because the offense of kidnapping is a continuing offense. Even had she told the officers the truth that night that it happened in North Carolina, the fact that he kept her confined in that car, would not let her out of that car during the time that he paraded her around the Buford area, the Tradesville Community dirt roads, by the middle school, by the high school, it doesn't matter where it started. Autumn sat up there and did probably one of the hardest things that she's had to do, admit to a jury of her peers, that she lied to the police in a matter as important as this. And I'm begging you, ladies and gentlemen, don't hold that against her. It does not change what that man did to her that night.

Now, there's a couple ways, couple different types of evidence we can use, the State can use in proving a case. Direct evidence and circumstantial evidence.

186

Direct evidence is a little rarer, right? That's an eyewitness testimony. People don't usually commit crimes where there's eyewitnesses to do it. Especially, in cases like this where the victim and the defendant know one another. They had dated, had been romantically involved. Crimes between those type of people typically happen behind closed doors, so you don't have eye witnesses. But in this case, Autumn became her own eye witness. She was brave enough to call the police to tell them what happened and then she was brave enough to come here knowing that she was going to be questioned, badger, examined, called a liar. She came and she sat on this witness stand, and she gave you an eyewitness account of what happened in that car. She doesn't remember all the details, but that's to be expected. Number(1) two and a half years ago; and Number (2) this man had assaulted her. He choked her to the point of unconsciousness at least twice. He banged her head against the window. He'd smacked her in the head with his phone. He punched her in the jaw with his fist. It's only to be expected that she wouldn't remember every detail. Yet, she came up here and she told you to the best of her memory what happened. So that's the direct evidence you have in this case.

You also have the circumstantial evidence. And again, the judge is going to instruct you on exactly what

187

circumstantial evidence is. But it's evidence that tends to prove a chain of facts. So not only do we have Autumn with her injuries with her story, we have the photographic evidence of that. We're not relying on an officer saying, well, she did have some bruising on her. Y'all can see it, ladies and gentlemen. Y'all have the photos. That photo, each one of those photos, is a piece of circumstantial evidence. You have the video from the gas station where you see the silver Sedan pull up. This defendant, Michael Johnson, get out of the car. Pass the truck. Pass Trace Jenkins, who didn't do a great job testifying because he was so nervous, but who did say he was there that night? He saw Michael Johnson walk past his car. Said, "What's up?" And then just moments later Autumn came up to the passenger window. She put her dog through. She climbed in and said, "Please take me away." Doesn't matter that Trace was nervous. It doesn't matter that he wasn't very wordy. What matters is that we have it on video and that tends to prove this chain of circumstances. We, the State, has provided y'all with both direct and circumstantial evidence in this case.

Now, it's not up here, but I want to talk about credibility. The judge is going to instruct you on credibility which means believability. And certainly Autumn did not do herself a service by initiating her

188

statement with an untruth to the police. But the law tells us you do not have to believe all of a witness's statement or, in this case, a victim's statement. You may believe some of it, most of it, all of it, or none of it. You can also consider and you must consider the witness's interests, their motives, their biases, prejudices. Consider her demeanor both that night and when she was on the stand today. Consider why she didn't tell Deputy Tribble the truth that night. She was scared. She wanted justice. She had been assaulted. She feared her own death. She feared harm coming to her dog who she viewed as her child. She feared a car wreck. She told you from the stand that he wrecked her car into the ditch. She was afraid. She was afraid that if she told Deputy Tribble - he took me from my mom's house in North Carolina - that he would say not my problem. Call up there. Good luck to you. She was a 22-year-old young lady who had been through a trauma that I hope no one in this room has ever experienced and she made a mistake. That does not make her unbelievable. That does not make the rest of her story not credible. And I urge you to believe her.

Now, that day she spent the day with friends in Marshville, and she had come back to her mom's house to pick up her dog who was being babysat. As most young people, before they have kids, do they consider their dogs

189

their baby and they have to get a babysitter when they're gone all day. She was comfortable. She felt safe in her mother's house. She hopped out, left the keys in the car and the door open to go get the dog, and that was a mistake. This defendant, after their breakup, was 'lying in wait' for her in a manic state as she described. He jumped in the car, threatened her to get in, using a chip, a bargaining chip that he knew she couldn't resist, the dog. If her dog hadn't jumped into that car, if her dog had not run out and felt comfortable to hop in, he may have saved his mom from what she feared was her last car ride, but he didn't.

She testified that he drove her out to Tradesville, to Buford, like I said earlier, dirt roads, ditches, where he assaulted her. He pulled her hair. He punched her jaw. He hit her in the head with his fist. He hit her in the head with a cell phone. He smashed her head against the window to the point that it created a goose egg. Pulled her hair out. He pulled her hair so forcefully as she tried to get out of the car that you could see the redness and the swelling in the photos despite all of that hair she had. He spit at her. He called her names. Why? She believes because she wouldn't let him get in her phone and they broke up. Inexcusable!

Finally, by the grace of God, her car started to run

190

out of gas. He wasn't able to get gas at their first stop. He had to stop somewhere that was open where he could go in with cash, and stopped at Jack's. She told you he threatened her. "If you get out, I'm going to kill you." Yet. she got out anyway. She could have faced any danger by some random person sitting in a parking lot at 12:47am in the gas station. But as luck would have it, it was somebody who was trustworthy, who took her and carried her away to safety, where she did the right thing, ladies and gentlemen, she called 911 immediately. She reported it immediately. Again, Trace was nervous, but he confirms her story, ladies and gentlemen. Her story is not a stand alone account. But has the other corroborating stories that circle around it.

You heard from Ryan O'Donnell, paramedic, who has been doing it for more than 20 years now. He's at the level of a nurse at the hospital and he could tell you that she had fresh bruises and marked abrasions all over her. That it was consistent with what he was told happened. The choking, hitting the window, hitting with the cell phone, punches with a fist. And he also told you about the dangers of choking/strangulation and how easily it can lead to death.

And finally, you heard from Special Agent Tribble. Thanks to his body cam, you could see Autumn, see the

191

distress she was in. It is a different person who came and sat on this witness stand and spoke to you today than the young lady in tears that you see on that video, ladies and gentlemen.

This is not a case where we're asking you to connect the dots. This is not 1000 piece puzzle that we're asking you to put together. We're not asking you to solve a "who done it?" In this case, ladies and gentlemen, we know who done it. It was Michael Johnson. Mikey as he's known. Ms. Autumn Robinson had the misfortune to get into a relationship with this man and she very nearly paid for that with her life. What we are asking you to do is to believe Autumn. Believe what she told law enforcement. She was taken into the car by threat of force. She was kept in the car by threat and physical force. While in the car she very nearly lost her life. Forgive her for her mistake. For her fear. For her not knowing that even had she told the truth the Lancaster County Sheriff's Office would have investigated her case to the fullest. Forgive her for her innocence and her naivety that she displayed as a 22-year-old.

I ask you to finish what Autumn started in 2023, in the early morning hours of September, 2026, I'm sorry, September 26th, hold Michael Johnson accountable for the choices he made. Find him guilty of assault battery of a

192

high and aggravated nature and of kidnapping.

Thank you.

THE COURT: Thank you, Madam Solicitor. Mr. Frick?

MR. FRICK: Yes, sir. Just one second.

Closing Argument by Mr. Frick

All right. Ladies and gentlemen, thank you very much for your attention today. This is, as the judge told you yesterday, trials take long in South Carolina and this was a little extremely short. It's a very serious case. Serious for everybody involved. And, obviously, you know we've got Michael Johnson here charged with ABHAN and kidnapping. And I'm going let the judge charge you on what the law is. So I want to talk to you a little bit about the case itself.

What you've heard and you're gonna hear from me and you're gonna from the judge is that the State, the government, must prove their case beyond a reasonable doubt.

Now, what does that mean? And they've got to have credible witnesses. So we gonna talk about credibility. Absolutely! To me beyond a reasonable doubt is not, well, I think that's him in that car. I think he did it. Well, I saw those marks on her neck. That looks like he probably did it. Well, it's just the whole thing is a little fishy. It's a little suspicious. Ladies and gentlemen, I submit

193

to you if that's the conclusion you come up with, then you're going to hear from the judge that that proof fails, and it does not meet the burden of reasonable doubt. There's gotta be no other reasonable explanation other than Mickey Johnson kidnapped and assaulted Autumn Robinson. I submit to you there is.

Let's talk about kidnap. Okay. You've seen the statute. You're going to hear the statute. We all know what kidnapping is. That's not letting somebody go. Okay. We heard the story that he lures her into the car with the dog. I submit to you it's not clear. We're going to get to where it happened. But I submit to you it's not clear where the dog was, whether the dog got in the car or was already in the car. Nonetheless, that's for you to decide. Did the kidnapping even happen? She's lured in with this dog. You heard that mentioned one time and you've not heard of what happened to the dog since then. So this dog that we were so concerned about, we don't know what happened. Let's look at the scene. Now, this is the video that you have. This is a still shot and it is zoomed in. And, allegedly, this is the car. And I say allegedly, because we heard the testimony that is Agent Tribble, who decided that this is the car. Even though all he had was a description of the car. He knew the location. I grant that. And this is Jack's, okay. I'll give you that. But

194

what -- we don't confirm it. We don't go back and talk anybody else. And go, “Is this your car, Autumn?” “Is that Mikey?” We just go that's Mikey. That's the car. She must be in there. And she's the one that comes running out of there with her dog. Ladies and gentlemen, you get to decide whether that's the truth or not. I'm not necessarily saying it's not. What I'm saying is the State's got to prove that to you and I'm saying they got no corroborating evidence other than the officer on the case making his own personal decision that that's what it is. All right.

Well, let's look at other details on this. She said the car got run into the ditch a couple times, okay. Now, I'm guessing she means they go off on the right side of the road or I don't know, it could be the left side of road. We don't know which side of the road. But I ask you to take a look at the front of that car and see if it, to you, looks like a car that was run Off into the ditch. Ladies and gentlemen, this is what I'm talking about when I talk about credibility, okay. You get decide -- you get to decide what you want to believe. Part of it. None. All of it, okay. But I submit to you, these are the building blocks of credibility, okay. If we're not going to be honest about the damage to the car, how can you trust anything else? Furthermore, if we're going lie to the

195

police from the very beginning, how can you trust what comes after that?

But, back to the picture here. Let's say this is Mikey Johnson getting out of the car, and you've got the video. He gets out, and he goes into the store. Let me say that again, ladies and gentlemen, this is a kidnapping and he gets out of the car and leaves the kidnapee in the car and walks away.

Furthermore, you're told we stopped at one gas station because we're running out of gas. We've been driving all over the place. We'll get to that in a second, but we're driving all over the place and running out of gas. So they go to one store, card doesn't work, so we gotta go to another store. Watch the video if you want to, ladies and gentlemen, but when Mikey Johnson comes back out the door, he never pumps any gas. He drives off.

Okay. So first we're gonna leave our kidnapee in the car by themselves and go in the store to go pay for gas that we never pump. Ladies and gentlemen, again, building box of credibility. This is what the State's case is built on. They have one witness, essentially. And your job is to determine the credibility of their witnesses.

All right. ABHAN you're going to get to consider a bunch of different charges and the judge is going to tell you about that. Solicitor went through them. The judge is

196

going to give you what the law is. You can't find multiple ones. The judge is going to tell you that too, okay. You can choose guilty, not guilty of this. Guilty, not guilty of this. Guilty, not guilty of this. Okay. And goes all the way from the worst one, assault and battery of a high and aggravating nature. If you believe that we've got injuries or there was something that occurred that quote "could have caused death", okay. And then the next level is down, go down based on the degree of injury, all the way down to what we used to call simple assault and battery. Ladies and gentlemen, you only have the statement of Autumn to go on this.

Now, you got the pictures. I'm not gonna put them up there. You can look at them all you want. You got EMS that talked to her, okay. They say, well, let's check you out a little bit. All right. He testified. Got her vitals. Blood pressure is all right. Heart rates elevated, but to be expected. Expected it would calm down. Didn't see anything where she, where he would go, no, you need to go to the hospital. Didn't see anything that we thought was life threatening on the scene. We simply said, go get yourself checked out at some point if you think you need to. That's, essentially, what we said. Go get checked out if you think we need to. Now, she tells you she did. Do you have any records? Did you hear from any

197

doctor? You do not. Building blocks of credibility, ladies and gentlemen, is the simple parts that there's no reason to make up that I submit to you we're making up.

Now, I'm not asking you to find Mikey Johnson guilty of any level of assault and battery because, again, it's based on the credibility. How did these marks get here? I don't know. But they've got to prove how they got there. And unless they've satisfied you that it was Mikey Johnson that did this, the proof has failed. You've also got the picture of this hematoma on her head, all right. She tells you she's got blood and spit on her head. You got the picture, you decide whether that's true or not. I submit to you there's no blood and I don't see any saliva. Oh, yeah, you also got the body cam where they're all rooting all up in her hair to see if there's any of this blood and salvia we talked about. I submit to you it's not there.

I do say, however, if you think and I'm not suggesting this at all. Again, I don't think there's credibility in any of the statements. But if you do believe something occurred in that car and the State has proven that Mikey Johnson did something that night, then you could determine that it's not ABHAN, but some other level. And I suggest to you, if anything happened in that car, it does not rise the level of ABHAN. So what happened?

All right. Remember my showing old snippets. First

198

story is, I was on Zion Road, okay. And you may be thinking we're splitting hairs here. I don't know if you're familiar with the area. I submit to you, one road leads off of the other one, okay. But they're two separate addresses and the first one you say is not the correct one. All right. Then the second one you say, you say he was hiding in the yard at dad's house, comes out, hops in the car, makes me get in with the dog - who I submit to you she said was already in the car and she'd left her car running or if the key is in car - and then he convinces her to get into the car. We say nothing about going to North Carolina or anything else. We simply say it happened at my dad's house in South Carolina.

We get to North Carolina when Agent Tribble has gone to dad's house. Dad says, "Well, I got cameras. They'll show you whether he was here or not." Now, all of a sudden, "Oh, we went to North Carolina." Why the change of story at that point? I'll leave that to you, ladies and gentlemen. And, unfortunately, we don't have the videos that could prove or disprove either way on that. They were not collected.

Then, we're driving down the road. He's beating me. He's beating me. And he's beating me. He choked me. She testifies I got punched on the left side of my face. That night when you saw it, and it's on the body cam, she says I

199

got punched on the right side of the face. She's in the passenger seat. So consider this, ladies and gentlemen, Mikey Johnson is in his manic mood has kidnapped Ms. Robinson. He is driving either from North Carolina to South Carolina or South Carolina to North Carolina. It ain't I-77, I tell you that. These are back roads in Lancaster and North Carolina, okay. These are two lane country roads with deer and all kinds of stuff in September at night time, I guess. I don't know. We'll get to that in a second. And he's choking her. And he's beating her. And he's wrecking the car. And he's reaching behind him and grabbing for the dog to throw him out the window. And he's punching her on the right side of her face, all while he's driving the car.

Again, ladies and gentlemen, it's up to you to decide what's credible. I submit to you it's not credible that all this is happening. We stopped in the middle of the road. We stopped in the ditch. We wrecked. Whatever it may be, we're stopping in the middle of a active road. Now, I just told you that these are back country roads, but they got traffic on them. There's nobody reported, "Hey, there's a car on the side of the road and looks like a guy's beating the woman." You have none of that. He hit me with his phone. I submit to you in the body camera, when she's talking to Tribble, she says, "He ain't got a

200

phone." Then she says, "He beat me with his phone." So do we have a phone or not have a phone? Again, ladies and gentlemen, I'm not simply talking about the lie that she admits to, I'm talking about all the little building blocks that become what you heard today as sworn testimony versus what she said along and along. They drove for hours. You saw where she said at her dad's house, it was daylight between 6 or 7 o'clock in Lancaster, South Carolina. Testify, I'm at my mom's house in Waxhaw and it's 10 or 10:30. And I'm not even going to get into what the day like conditions are in Waxhaw, North Carolina at 10 o'clock on a September evening but, again, these are all things you get to consider. Because guess what? Your job, as you have done, is to watch the people who sit in this stand and judge them. That's the correct word. You are the judges of the facts. Judge their credibility based on what they say, how they say it, anything. It's your purview to determine what you want to believe. We drove for hours, but we don't know exactly when it happened. Where did it happen? Zion Street. Freeman Way. Mom's house in North Carolina. It changes, ladies and gentlemen. I submit to you it changed at least two times that night and you heard a third time today that she didn't tell anybody. You heard Agent Tribble up there. He never said, "Oh, yeah, she told me eventually that it started in North Carolina." That's

201

the cop that she talked to. The one that she must have trusted because Lord knows we must not trust North Carolina because we had to say it happened in South Carolina. Now, ladies and gentlemen, I submit that is utterly ridiculous. Anybody who has ever watched the evening news out of Charlotte knows they have law enforcement in North Carolina and they will arrest people. So this whole idea that we concocted this story from the jump to make sure that my case was in South Carolina not North Carolina is completely ridiculous. When did it happen? The first thing she says, "It happened 15 minutes ago." Says it's to Tribble on the body cam. She says it happened about 15 minutes ago. He asked her, "Happened about 15 minutes ago?" She said, "Yeah." And she kind of stops for a second. But she doesn't go, "Well, you know what, nah, it really did happen up in North Carolina, but he kept doing it all the way down the road." No. It happened 15 minutes down the road from my dad's house. Then her timeframe changes to, "Well, it was somewhere around 6 to 7, or we drove around for 6 to 7 hours, or it happened at 6 to 7." To be honest, I'm confused at this point. Now, today you hear it's 10 o'clock in North Carolina. We drove around for about two, three hours. Ladies and gentlemen, consistency is part of the credibility. Why are we telling all these different stories? Why are we confused? Because we can't remember

202

what we said. That's what I submit to you. Again, you determine credibility. And I submit to you everything you've seen goes to that credibility. It is not simply me standing up here and saying, "Ooh, she lied to the cops. She must be lying." I'm saying she admitted to you she lied to the cops. But there are a lot of other inconsistencies and inaccuracies that add up to a lack of credibility overall. And if that lack of credibility lends itself to you not thinking that this is accurate, then, maybe it just looks funny. Maybe it's suspicious is what the charter says, then that proof is not enough. There's nothing corroborating what was said. You don't have the video from Jack's other than the kind of jumpy body cam. You don't have the videos from dad's house. You don't have any medical records that would have supported these injuries. You have what they purport to be what occurred that night. And the only thing you got is April (sic) Robinson's word, Robinson's word to support that.

Ladies and gentlemen, I submit to you, these stories are not credible. They are not believable. When you add them all up -- and, yes, they are puzzle pieces. They are! You are building a puzzle here. And it's like you got a bunch of jigsaw pieces that don't fit. They can't build the picture, ladies and gentlemen. The State cannot build this picture. They're proof fails, Michael Johnson is not

203

guilty.

I thank you very much for your time, your attention, and your service.

THE COURT: All right. Thank you, Mr. Frick.

All right. Ladies and gentlemen of the jury, my part is gonna take about 15 minutes. Y'all Good?

(Whereupon, the jury agrees)

Judge's Charge

Okay. I have it in writing and I know there's nothing worse than looking at a talking head so I'll try to make eye contact as much as possible. But I have it in writing because it's very important. This is the law and I want to make sure I get it right.

So, Mr. Foreman, members of the jury, you've heard the testimony, the evidence, and the arguments of both the State and the defense. I will now explain to you the law that applies to this case. Under the Constitution laws of South Carolina you are the finders of facts in this case. I do not have the right to pass upon the facts or even express any opinion I may have as to them because that's a matter solely for you, the jury, to determine. As jurors then, it is your duty to determine the effect, the value, the weight, and the credibility of the evidence presented during this trial. As the trial judge it's been my responsibility to preside over the trial of this case and

204

to rule upon the admissibility of evidence offered during the trial. You are to consider only the testimony which has been presented from this witness stand, excuse me, together with any exhibits which have been made part of this record in this case. As a presiding judge I am the sole judge of the law of this case. It is your duty as jurors to accept as correct and to apply the law as I now state it to you and use that to reach your verdict. Now, the fact that I may instruct you on various subjects in this case must not be taken by you as indicating what I think of the facts.

And finally, ladies and gentlemen, I charge you that you should not be concerned with what you think the law is or ought to be, excuse me, but rather what I charge you the law is.

Now, you are the sole judges of the credibility or the believability of the witnesses who have testified and the evidence which has been presented in this case.

In passing upon credibility, ladies and gentlemen, you can take into consideration many things such as the demeanor or the manner in which a witness testified. Whether or not a witness had a reason to be biased or prejudiced. Whether or not a witness's testimony was contradicted on the one hand or supported and corroborated on the other hand. All these things you'll consider,

205

bearing in mind, that you should give the defendant the benefit of any reasonable doubt. Your duty, as jurors, is to analyze and evaluate the evidence and determine that evidence which convinces you of its credibility. Typically there's two types of evidence in a trial. You have direct evidence of circumstantial evidence.

Direct evidence directly proves the existence of a fact and does not require any further deduction. That's like eyewitness testimony or something.

Circumstantial evidence is a proof of a chain of facts, which when taken together, indicates the existence of a fact. What does that mean? Okay. That's a law school definition. For example, you know, we're dealing with winter right now, this weather, okay. Last week you go to bed, your lawn is dormant. You wake up the next morning and, you know, you see snow on your lawn and footprints in it. Well, you can infer it snowed while you were asleep. And you can infer somebody's been walking on your lawn. See these are things you can infer even though you didn't see it happen. That's an example of circumstantial evidence, okay. And crimes can be proven by circumstantial evidence and the law makes no distinction between the weight or value to be given to either direct or circumstantial evidence. However, to the extent that the State of South Carolina relies on circumstantial evidence,

206

all of the circumstances must be consistent with each other and when taken together point conclusively to the guilt of the accused beyond a reasonable doubt. Now, if these circumstances merely portray the defendant's behavior as suspicious that proof has failed.

Now, the State has the burden of proving a defendant guilty beyond a reasonable doubt on each charge. This burden rests with the State regardless of whether the State relies on direct evidence, circumstantial evidence, or some combination of the two.

Now, ladies and gentlemen, I instruct and emphasize to you that the fact the defendant did not testify is not a factor to be considered by you in any way in your deliberations on the question of guilt or innocence. It must not be considered by you in any manner whatsoever. A defendant has a constitutional right to remain silent and the assertion of this right must not be considered by you and your deliberations. So I repeat, under your oath, you are to draw no conclusion whatsoever from the fact that the defendant in this case did not testify. The fact that he didn't testify should not even be discussed in the jury room Mr. foreman. The burden of proof, as I stated to you, is on the State. The defense doesn't have to prove anything, okay. The burden of proof remains on the State to prove guilt beyond a reasonable doubt.

207

Let me talk about two important legal concepts and then we'll kind of move to more of exactly what the charges are here. You need to understand the presumption of innocence. A person charged with committing a criminal offense is never required to prove himself innocent. It's an important rule of law, ladies and gentlemen, that a defendant in a criminal trial no matter what the seriousness of the charge may be is always presumed innocent unless and until proven guilty of the crime for which the indictment was issued by evidence satisfying you of that guilt beyond a reasonable doubt.

Now, this presumption of innocence doesn't end when you start your deliberations. But it accompanies the defendant throughout your deliberations until you've reached a verdict of guilt based upon evidence satisfying you of that burden.

Now, this -- imagine just like I'm wearing a robe, imagine a robe of righteousness wrapped about the shoulders of the defendant which remains with him throughout your deliberations and until you, until it's been stripped away from him by evidence satisfying you of his guilt beyond a reasonable doubt. This presumption of innocence is not a mere legal theory. It's not just a legal phrase. It is a substantial right to which every defendant is entitled to unless you're satisfied or unless you're satisfied for the

evidence of guilt beyond a reasonable doubt.

So what does that mean? What does a reasonable doubt mean? A reasonable doubt is a doubt which makes an honest, sincere, conscientious juror in search of a verdict to hesitate to act.

Proof of a reasonable doubt must, therefore, be proof of such a convincing character that a reasonable person would not hesitate to act upon it in the most important of his or her own affairs.

Now, proof beyond a reasonable doubt can also be described as proof that leaves you firmly convinced of a defendant's guilt and there's very few things we know in this world with absolute certainty and in criminal cases the law does not require proof that overcomes every possible doubt. So if based upon your consideration of the evidence, you're firmly convinced that the defendant is guilty, then you must find him guilty. If on the other hand, you think there's a real possibility he's not guilty, you must give him that benefit of the doubt and find him not guilty.

There's been evidence presented that a witness may have made prior statements which are not consistent with their testimony here in court and you can use that evidence to decide whether or not to believe the witness. You can also use that evidence of the earlier different statement

209

to determine the truth of those statements. It's up to you to decide whether to believe the earlier statement or the testimony given at trial. If a witness is shown to have knowingly testified untruthfully concerning any material matter, you consider that determining whether to trust a witness's testimony as to other matters. You can reject all the testimony of that witness or give all a part of the testimony the way you think it deserves.

Let's talk about criminal intent. In order to establish criminal liability, a criminal intent is required. For example, the mental state required to be proven by the State for a particular crime might be purpose intent, knowledge, recklessness or criminal negligence. Criminal Intent must be proven by the State beyond a reasonable doubt. Criminal intent is always a matter that must be determined by you, the jury, from the circumstantial evidence that's been put in front of you surrounding a situation. There's no way you can prove intent, excuse me, to a mathematical certainty. Medical science cannot dissect a person's brain and determine what that person had in mind. So the law says that criminal intent may be inferred from the circumstances which have been shown to have existed, okay. That's how you make a determination of whether or not the element requiring, requiring intent was present. It's not necessary to

210

establish intent by direct and positive evidence, but intent may be inferred in the same way as any other fact by taking into consideration all the circumstantial evidence surrounding the case.

Criminal intent is a mental state. It's a conscious wrong doing. It's up to you to determine what the defendant intended to do based on the circumstances which have been shown to have existed.

Criminal intent can arise from an action or a failure to act. It can arise from negligence, recklessness, or an indifference to duty or to consequences that are considered by the law to be the equivalent of criminal intent.

All right. Let's talk about case charge specific. Assault and battery of a high and aggravated nature or what the lawyers call ABHAN, A-B-H-A-N. A person commits the offense of assault and battery of a high and aggravated nature if the person unlawfully injures another person and great bodily injury to another person results, or the act is accomplished by means likely to produce death or great bodily injury. Great bodily injury is defined as bodily injury which causes a substantial risk of death or which causes serious permanent disfigurement or a protracted loss or impairment of the function of a bodily member, or organ.

Now, if you find the State has failed to prove ABHAN

211

you may consider the lesser offense of assault and battery in the first degree. To prove assault and battery in the first degree, the State must prove beyond a reasonable doubt that the defendant offered or attempted to injure another person with the present ability to do so and the act was accomplished by means likely to produce death or great bodily injury, or that the act occurred during the commission of a kidnapping or theft. Great bodily injury, again, is defined as bodily injury which causes a substantial risk of death, or which cause a serious permanent disfigurement, or a protracted loss, or impairment of the function of a bodily member or organ.

If you find that the State has failed to prove that the -- if you, excuse me, if you find the State has failed to prove the higher charges of ABHAN or A and B first degree, you may consider the lesser offense of assault and battery in the second degree. A person commits this offense if the person unlawfully injures another person or offers or attempt to injure another person with the present ability to do so, and moderate bodily injury to another person results, or could have resulted. Moderate bodily injury means physical injury that involves the prolonged loss of consciousness or that causes temporary or moderate disfigurement, or temporary loss of the function of a bodily member or organ, or an injury which requires medical

212

treatment when the treatment requires the use of general anesthesia or an injury that results in a fracture or dislocation. Moderate bodily injury does not include one time treatment and subsequent observation of scratches, cuts, abrasions, burns, splinters, or any other minor injuries that do not ordinarily require excessive medical care.

If you find the State has proved the higher degrees of assault and batteries, then you may consider the lesser offense of assault and battery in the third degree. A person commits the offense of assault and battery in the third degree if the person unlawfully injures another person or offers or attempt to injure another person with the present ability to do so.

Let's talk about kidnapping. The State must prove beyond a reasonable doubt the elements of kidnapping that the defendant did unlawfully, seize, confined, or kidnapped another person by any means whatsoever without the authority of law.

Kidnapping is the intentional taking of a person and compelling him or her to be detained against their will. It is the willful and unlawful seizing of a person against their will with the intent to cause him or her to be confined, imprisoned, or detained. The essence of the offense of kidnapping is the unlawful secret holding or

213

imprisonment of a person. An essential element of this offense of kidnapping is that the taking or detention of the person kidnapped is without lawful authority.

Kidnapping means the carrying away of a person by unlawful force or by fraud, and against their will or their seizure in detention for the purpose of so carrying him or her away. The basis of the offense of kidnapping is some form of compulsion. But the requisite force or compulsion need not consist of the use of actual physical force or violence or of expressed threats.

Kidnapping is a continuing offense. The offense commences when one is wrongfully deprived of freedom and continues until freedom is restored.

Let me talk about your deliberations, ladies and gentlemen. The word deliberation is defined as a careful consideration weighing up with a view to a decision. See the genius of our jury system is that it allows 12 good people, both men and women from differing backgrounds, life experiences, and perspectives to consider the evidence, talk about it, and ultimately reach a verdict. The task of a jury is called deliberations for a reason. You, the jury, are to consider the evidence in this case carefully and deliberately. Discuss it calmly, thoroughly, and courteously. Remember you're not partisans or advocates for one side over the other. You're judges of the facts.

214

Sort through the information you've received in this trial and find your verdict from the evidence which has been presented. The Supreme Law of our land the United States Constitution affords everyone a day in court and a fair trial. So this case is very important to both sides because it's their day. Listen to the views of your fellow jurors. Carefully consider their viewpoints. And courteously discuss the evidence. Remember you're doing something deliberately. You're not in a big hurry. And you're tasked with a duty of utmost importance. Your verdict cannot be based on sympathy, passion, prejudice, emotion, or any other consideration that's not in evidence.

So in conclusions, ladies and gentlemen, you've been selected by both the State and the defense to be fair and impartial jurors. It is your duty to determine the facts in this case, given the defendant the benefit of every reasonable doubt on these charges, and from the facts which you determine to be relevant you take and apply the law, which I've just given you, thus, arrive at your verdict.

Now, I have told you the standards you must apply to the charges in the indictments. You've heard the evidence and now you've heard the law. Whatever your verdict is as to these indictments guilty or not guilty, Mr. Foreman, you will indicate it by marking the jury's decision in the respective blanks on the verdict form. Mark only one blank

215

for each charge. You will then sign and date the verdict form. And remember, ladies and gentlemen, that although the Foreman is the only juror who can write on the verdict form and sign it, the verdict is not his verdict alone. It must be unanimous. So, Mr. Foreman, you're not authorized to write on this form until all 12 of you agree as to what it should be and here it is. It says as to indictment number 24-GS-29-712 for the offense of assault and battery of a high and aggravated nature, we find the defendant, and you check one of them. Either not guilty, guilty, guilty of the lesser offense of A and B first, guilty of the lesser offense of A and B second, guilty of the lesser offense of A and B third. You only check one blank, okay. And then the second indictment is for kidnapping, you either check -- you either check one of -- you either check not guilty or guilty. And then you certify it as unanimous decision and date it, okay.

Now, ladies gentlemen, I will send you back to your jury room at this point in time, but do not start discussing the case until you receive this verdict form along with the evidence which came in. Once you get that, that's your signal to finally start talking about it and you'll deliberate until you've reached a verdict at which time you'll knock on the door and advise the bailiff and we'll bring you back out of here, okay. So at this time

216

I'mma have you go back to your jury room. Everybody except for my alternates please remain here in the courtroom with me. Everybody else can go on back.

(Whereupon, the jury exits the courtroom at 3:06pm)

THE COURT: Any exception to the charge from State?

MS. McGINNIS: No, Your Honor.

THE COURT: From the defense?

MR. FRICK: None from us.

THE COURT: Any objections to releasing the alternates?

MS. McGINNIS: No, Your Honor

MR. FRICK: No, Your Honor.

THE COURT: Thank y'all. Y'all are free to go and you're done for the whole week. If you have any personal affection in the jury room, the bailiffs will go in there and get it for you.

Thank you very much. Appreciate your service.

(Whereupon, the alternates are excused)

THE COURT: All right. Y'all come look at the evidence and the verdict form and we'll send it on back there.

MS. McGINNIS: Judge, since they don't have a computer back there can we keep the disc here?

THE COURT: Keep everything here. I mean, you can send the CDs back -- yeah, send them. Yeah, you can send the

217

CDs back that way if they want to look at them they have to come out here.

MS. McGINNIS: Okay.

THE COURT: If they want to look at them.

MS. McGINNIS: Right.

(Whereupon, the jury begins to deliberate)

(Whereupon, the jury has a question)

THE COURT: We have a question from the jury of assault and battery. I am going to send them back there so they can compare them in writing back there.

MR. FRICK: I'm fine with you sending the charge back there.

THE COURT: Any objection to that?

MS. McGINNIS: No, sir.

THE COURT: Okay. All right. That's Court's Exhibit 2)

COURT REPORTER: Yes, sir.

(Whereupon, the Question By The Jury has been marked and entered into evidence as Court's Exhibit No. 2)

(Whereupon, we are back on the record at 4:42pm)

THE COURT: All right. We've got a verdict. Y'all want to get everybody. All right. Bring the jury the down.

(Whereupon, the jury enters the courtroom at 4:45pm)

Verdict

218

THE COURT: All right. All members of the jury are present. Mr. Foreman, it is my understanding the jury has reached a verdict?

MR. FOREMAN: That’s correct, Your Honor.

THE COURT: And is the verdict unanimous?

MR. FOREMAN: Yes, sir.

THE COURT: All right. If you'll hand that to my bailiff. Mr. Bailiff, if you grab the verdict form.

Mr. Clerk, you may publish the verdict.

THE CLERK: Yes, sir. Your Honor, this is the State of South Carolina versus Michael Charles Johnson. Indictment numbers 2024-GS-29-712 and 2025-GS-29-228, we the jury, unanimously find as follows: as to indictment number 2024-GS-29- 712 for the offense of assault and battery of a high and aggravated nature, we find the defendant guilty.

As to indictment number 2025-GS-29-228 for the offense of kidnapping, we find the defendant guilty. Signed Foreperson.

THE COURT: Mr. Foreman, and members of the jury, if that was your verdict and remains your verdict please raise your hand?

(Whereupon, all jurors raise their hand)

THE COURT: All right. Thank you. The verdict is unanimous.

219

Thank you so much, ladies and gentlemen of the jury, for your service. You can head back to your jury room now for further instructions. It won't be very long.

Thank you very much.

(Whereupon, the jury exits the courtroom at 4:45pm)

THE COURT: Mr. Frick?

MR. FRICK: Your Honor, at this time, the defense would renew all previous objections and motion for directed verdict. We would also request a motion for a new trial in this, given that those previous objections and motions. Additionally, I would ask the Court to consider setting the verdict aside under the 13th juror doctrine.

THE COURT: Madam Solicitor, any response to the motions from his defense?

MS. McGINNIS: Judge, I believe nothing has changed since your prior rulings so I'd ask that you stand by this.

THE COURT: Yeah. I stand by my, all my previous rulings on any objections and as well as any pre-trial issues, issues during the trial. I mean, again, you never know what a jury is going to do. I gave this jury the option of numerous different verdicts and it came down to credibility and they believed her. And I think there's enough circumstantial evidence in the record to support this verdict. So I, respectfully, deny your motion and deny your request.

220

All right. We'll proceed towards sentencing here momentarily. Does the victim plan on being back here for sentencing or you want to do sentencing in the morning? What you want to do?

MS. McGINNIS: Judge, if we could have just a couple minutes to make a phone call to her.

THE COURT: Okay.

MS. McGINNIS: And see. I'm also fine to do it in the morning. He's incarcerated; has been detained. So whatever you prefer, Your Honor.

THE COURT: Well, why don't you speak with her and ask where she is and just give me -- and let me know.

MS. McGINNIS: Yes, sir.

THE COURT: We'll be in recess.

(Whereupon, the Court takes a short recess before sentencing)

Sentencing

THE COURT: All right. Madam Solicitor, let's proceed with sentencing.

MS. McGINNIS: Thank you. If I may approach with the sentencing sheets?

THE COURT: Yeah. All right. Yes, ma'am. If you'll give me any prior record and I'll be glad to hear from the State in regards to sentencing.

MS. McGINNIS: Thank you, Your Honor. Mr. Johnson's

221

prior record goes back to 2006 when he was a juvenile. He completed a sentence for burglary, second degree that he was sentenced to as a juvenile; 2009, common law robbery; 2011, driving without a license; 2012, DUI and another common law robbery; 2019, DUS, PWID as a Schedule 1 through 3 drugs, and burglary second degree; 2020, DV third, receiving stolen goods, PWID methamphetamine, and malicious injury to the jail. Out of North Carolina, he has a 2016 conviction for assault with a deadly weapon with serious injury resulting. And a 2020 resisting a public officer. As far as what he currently has pending, judge, he is still facing failure to stop for a blue light; grand larceny, $10,000 or more; distribution or PWID of heroin third subsequent offense; burglary, first degree; point and presenting a firearm; possession of a firearm by a person convicted of a violent offense; and, possession of a weapon during the commission of a violent crime, Your Honor.

He did also, at some point, have a domestic violence, second degree pending which I believe combined with the DV third, the two robberies, the assault with a deadly weapon inflicting serious injury, resting a public officer; and, this conviction shows his propensity not only for violence, but for violence towards women. Mr. Johnson is not a small man. He is tall. He is somewhat intimidating. And it his record as well as today's conviction shows that he is not a

222

person who does well out in society where he can assault people who are weaker than him.

Additionally, judge, the fact that he has been down to the Department of Corrections multiple times shows that he is not someone who has been rehabilitated by the system. Therefore, the State is asking you for a significant sentence in the 20 year range. That is the maximum on ABHAN, but not the maximum on kidnapping as, Your Honor, is aware. Ms. Robinson, we called her to let her know of the verdict and she informed us that she has let Michael Johnson eat up enough of her life and her energy and her time and she is considering this chapter of her life closed. She wants him to get as much time as he can in prison. But she is free of him as of the rendering of this verdict and chose not to return to face him in this courtroom this afternoon, Your Honor.

THE COURT: All right.Thank you, Madam Solicitor, anything further?

MS. McGINNIS: No, Your Honor. Her friend is here kind of on her path, but I don't think she wishes to address you.

THE COURT: Thank you. Mr. Frick?

MR. FRICK: Your Honor, Mr. Johnson is 34-years of age. I'm well aware of his record. He doesn't hide from it. He understands that he had a rough, a rough coming up, judge.

223

And he -- I agree. He didn't get rehabilitation at SCDC because back in those days we didn't have any rehabilitation in SCDC. I think it's improved over the years. But I think he went through the YOA program when it had one of the highest recidivism rates in the country. It's much better now. But at the time he went through it was about 50% recidivism rate. The other times he went down the road, we didn't have programs that we have. I wish they'd have been available because I do believe this is a man who has made some changes and would like to make changes in his life.

Judge, he has been in the Lancaster County Detention Center since his arrest on November 27, '23. It has 801 days. What he has done while he is in there is trying to improve himself. I think he is -- I'll be honest, judge, he is one of the calmest, most and I've called - I've said this to him and I'll say it on the record - one of the most Zen clients that I have had. He is here. He was prepared to accept responsibility. We were unable to come to terms that we could agree upon. We were doing that as late as just before jury selection on Monday. He was prepared to accept some responsibility. What we disagree with is (1) that he kidnapped anybody or (2) the severity of the assault. You've heard the testimony. I don't have to go back through that. I think you understand how I feel about

224

that. I think there's some significant issues with the veracity of it. Obviously, the jury felt otherwise. But having reviewed it in my experience, I think when you're stating that something happened in three different locations and you admit that you were not truthful in your initial statement, I think with that's problematic.

He has progressed while he's at the detention center, judge. This is one of the only county facilities that I'm aware of where we have pre-trial trustees. He has attained that. He is actually a cook at the jail. So he's putting his time to use there. Quite frankly, I think both sides were fueled by, by drugs and whatever this occurred. And quite frankly, I think that was part of the reason why we didn't seek medical attention that night because we were concerned about what a drug test might show. But that is my personal opinion. I have nothing to back that up except experience.

Judge, I am asking you to give whatever a mercy you can, you feel you can show. I certainly understand -- I certainly understand his past. I understand what these charges are. I understand what the allegations are. I still do not believe that they rise to that, but I know you will sentence him appropriately. We just ask for whatever mercy you may be able to show.

THE COURT: Does your client wish to make a statement?

225

He doesn't have to for appellant purposes, at least. That's why I asked.

MR. JOHNSON: I've been in front of you a lot of times. More than four or five times. And I know the way things was and how it looked if I knew what was going to happen, Your Honor. But I ain't gonna get into what she did or what I did. I ain't -- I would try to protect her before anything, you know. But all that happened that day it was something real simple that looked real big. And maybe the time when she was hitting me from across the seat and I did grab her for that split second, for that one second from the store to the other store, I feel like she should have thought that I was trying to do that when she -- you know, she didn't lose conscience, but she, you know, we did have the physical altercation. But as far as all that other stuff it didn't happen. But I'm sorry. I'm sorry to you too. You know, just do what you got to do.

THE COURT: All right. Thank you, sir. Give me just a moment.

(Whereupon, the Court takes a moment to look over paperwork)

THE COURT: All right. On indictment 24-GS-29-712 and indictment 25-GS-29-228, having been found guilty by a jury of your peers, the Court sentences you to 18 years in the South Carolina Department of Corrections on both

226

indictments. Those times were run concurrent. You'll be given credit for 801 days. Best of luck to you, Mr. Johnson.

MS. McGINNIS: Judge ---

MR. FRICK: Judge, there's one more thing I need to put on the records ---

THE COURT: Yes, sir.

MR. FRICK: --- because road because of the statutory construction, the way they do the sex offender registry with kidnapping, you have to find affirmatively that this was not a sex offense. Otherwise, he will be required to register when he's released. I don't believe that there was any evidence of that. I would ask you to determine that it was not so, so he doesn't have to deal with that in the future.

MS. McGINNIS: And I would agree with that, judge. There was no allegations at any point from Autumn that there was any sort of sexual anything ---

THE COURT: I wrote that on there, not a sex offense. The State agrees.

Thank you, y'all.

MR. FRICK: Thank you, Your Honor.

THE COURT: Good luck to you, sir.

MR. WHITE: Thank you, Your Honor.

THE COURT: All right. That concludes the trial of

227

this case. Jury -- I mean, Court is adjourned for the day.

(Whereupon, Court is adjourned for the day at 5:30pm)

228

CERTIFICATE

I, the undersigned, Lisa S. Carter, do hereby certify that the foregoing is a true, accurate, and complete excerpt of transcript of record of all the proceedings had and evidence introduced in the hearing of the captioned cause, relative to appeal, in the Sixth Circuit for Lancaster County, South Carolina, on the 3rd-4th day of February, 2026.

I do further certify that I am neither of kin, counsel, nor interest in any party hereto.

s/ *Lisa Carter*

Lisa Carter

Circuit Court Reporter

April 27, 2026

229

WITNESSES

L. Seswele

J. Tribble (LCSO)

lgc Case # 23-59433

ARREST WARRANT NUMBER

Direct Indictment
IN RE AW# ~~2023A2910102119~~

(DOA 11-27-2023)

ACTION OF GRAND JURY

TRUE BILL

FEB 13 2025

Foreperson of Grand Jury
Date: Patrick Watson

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2025-GS-29- 228 ✓

The State of South Carolina

County of Lancaster

COURT OF GENERAL SESSIONS

FEBRUARY 2025 TERM

THE STATE

VS.

MICHAEL CHARLES JOHNSON

DIRECT INDICTMENT FOR

KIDNAPPING

SC Code: § 16-03-0910
CDR Code: 0095
Class: Felony A

FILED
OFFICE OF
CLERK OF COURT
2025 FEB 13 P 1:47
CLERK OF COURT
LANCASTER, SC

STATE OF SOUTH CAROLINA
COUNTY OF LANCASTER

DIRECT INDICTMENT

At a Court of General Sessions, convened on February 13, 2025, the Grand Jurors of Lancaster County present upon their oath:

KIDNAPPING

The defendant, Michael Charles Johnson, did in Lancaster County, South Carolina, on or about September 26, 2023, unlawfully seize, confine, inveigle, decoy, kidnap, abduct, or carry away Autumn Alexus Robinson, by any means whatsoever, without the authority of law, all in violation of 16-03-0910 *Code of Laws of South Carolina* (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Randy E. Newman, Jr., SOLICITOR

WITNESSES

231

J. Tribble (LCSO)

nnw # 23-59433

ARREST WARRANT NUMBER

2023A2910102119 (DOA 11-27-2023)

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: APR 11 2024

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2024-GS-29-712

The State of South Carolina

County of Lancaster

FILED
OFFICE OF
CLERK OF COURT
2024 APR 11 P 2:48
CLERK OF COURT
LANCASTER, SC

COURT OF GENERAL SESSIONS

APR 11 2024 **TERM**

THE STATE

VS.

MICHAEL CHARLES JOHNSON

INDICTMENT FOR

ASSAULT & BATTERY OF A HIGH AND AGGRAVATED NATURE

SC Code: § 16-03-0600(B)(1)
CDR Code: 3411
Class: Felony C

STATE OF SOUTH CAROLINA
COUNTY OF LANCASTER

INDICTMENT

At a Court of General Sessions, convened on April 11, 24, the Grand Jurors of Lancaster County present upon their oath:

ASSAULT & BATTERY OF A HIGH AND AGGRAVATED NATURE

The defendant, Michael Charles Johnson, did on or about September 26, 2023, in Lancaster County, South Carolina, unlawfully injure Autumn Alexus Robinson and did accomplish that injury by means likely to produce death or great bodily injury, all in violation of 16-03-0600(B)(1), *Code of Laws of South Carolina* (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Randy E. Newman, Jr., SOLICITOR

STATE OF SOUTH CAROLINA | SENTENCE ORDER | IN THE COURT OF GENERAL SESSIONS

COUNTY OF LANCASTER) INDICTMENT/CASE#: 2025-GS-29-00228 233

) AW#: Direct Indictment

STATE vs.) Date of Offense: 09/26/2023

Michael Charles Johnson) S.C Code§: 16-03-0910

AKA: Michael Johnson SSN: [redacted]) CDR Code #: 0095

RACE: W SEX: M DOB: [redacted]) Range of Offense: Kidnapping (NMT 30 years)

In disposition of the above indictment comes now the Defendant who was CONVICTED OF ☒ or ☐ PLEADS

TO: Kidnapping Range of Offense Pled: (NMT 30 years)

In violation of § 16-03-0910 of the S.C. Code of Laws, bearing CDR Code # 0095

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ MANDATORY GPS (CSC w/minor 1st or CSC w/minor 3rd) ☐ § 17-25-45

The charge is: ☒ As indicted ☐ Lesser Included Offense ☐ Defendant Waives Presentment to Grand Jury

The plea is: ☐ w/o Rec/Negotiations ☐ Negotiated _____ ☐ Recommendation _____

/s Melissa McGinnis	102266	/s William P. Frick	69739
Solicitor	SC Bar #	Attorney for Defendant	SC Bar #

The Defendant is committed to the ☑ SCDC ☐ County Detention Center ☐ Home Incarceration Program

for a determinate term of 18 days/months/years/Time Served ☐ YOA NTE _____ years and/or shall pay a fine of $ _____; provided that upon the service of _____ days/months/years/Time Served and or payment of $ _____ plus costs and assessments as applicable* ; balance is suspended with **probation** for _____months/years and subject to SCDPPPS standard conditions of probation, which are incorporated by reference.

The sentence shall run ☑ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

☑ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDC 801 days/months ☐ To include time spent on monitored house arrest prior to trial and sentencing

SPECIAL CONDITIONS:

☐ **PTUP** _____

☐ No Contact with Victim ☐ Domestic Violence Intervention Program ☐ Hold for Inpatient Treatment

☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ SAC/MHC if necessary

☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135

☑ Other: not a sex offence - State agrees

Restitution $ _____

☐ **RESTITUTION See Separate Order (20% per S.C. Code §24-21-490(B))** FINE: $ _____

Fine/Costs and Assessments are to be paid to the Clerk of Court within _____ days/months

§14-1-206 (Assessments 107.5%)		$ _____
§14-1-211 (A)(1) Conv. Surcharge)	$100	$ _____
§14-1-211 (A)(2)(DUI Surcharge)	$100	$ _____
§56-5-1995 (DUI Assessment)	$12	$ _____
§56-1-286 (DUI Breath Test)	$25	$ _____
§14-1-212 (Law Enforcement Funding)	$25	$ _____
§14-1-213 (Drug Court Surcharge)	$150	$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	$41	$ _____
§50-21-114 (BUI Breath Test Fee)	$50	$ _____
§56-5-2942(J) (Vehicle Assessment)	$40/ea	$ _____
3% to County (if paid in installments)	TBD	$ _____
☐ Appointed PD or appointed other counsel. Provisio requires $500 to be paid to Clerk during probation and shall be collected before any other fees	$500	$ _____
☐ §17-3-45(B) Unpaid Application Fee to be paid to the Public Defender Fund	$40	$ 128.75
	TOTAL	$ _____

/s **Michael Watkins**
Clerk of Court/Deputy Clerk

Lisa Carter
Court Reporter

2168
Judge Code

February 4, 2026
Sentence Date

Presiding Judge

SCCA217B
01/27/2025

STATE OF SOUTH CAROLINA | SENTENCE ORDER | IN THE COURT OF GENERAL SESSIONS

COUNTY OF LANCASTER 234) INDICTMENT/CASE#: 2024-GS-29-00712

) AW#: 2023A2910102119

STATE vs.) Date of Offense: 09/26/2023

Michael Charles Johnson) S.C Code§: 16-03-0600(B)(1)

AKA: Michael Johnson SSN: [redacted]) CDR Code #: 3411

RACE: W SEX: M DOB: [redacted]) Range of Offense: Assault & Battery Of A High And Aggravated Nature (NMT 20 years)

In disposition of the above indictment comes now the Defendant who was CONVICTED OF ☒ or ☐ PLEADS

TO: Assault & Battery Of A High And Aggravated Nature Range of Offense Pled: (NMT 20 years)

In violation of § 16-03-0600(B)(1) of the S.C. Code of Laws, bearing CDR Code # 3411

☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ MANDATORY GPS (CSC w/minor 1st or CSC w/minor 3rd) ☐ § 17-25-45

The charge is: ☒ As indicted ☐ Lesser Included Offense ☐ Defendant Waives Presentment to Grand Jury

The plea is: ☐ w/o Rec/Negotiations ☐ Negotiated _____ ☐ Recommendation _____

/s Melissa McGinnis 102266 /s William P. Frick 69739

Solicitor SC Bar # Attorney for Defendant SC Bar #

The Defendant is committed to the ☑ **SCDC** ☐ **County Detention Center** ☐ **Home Incarceration Program**

for a determinate term of 18 days/months/years/Time Served ☐ YOA NTE _____ years and/or shall pay a fine of $ _____; provided that upon the service of _____ days/months/years/Time Served and or payment of $ _____ plus costs and assessments as applicable* ; balance is suspended with **probation** for _____months/years

and subject to SCDPPPS standard conditions of probation, which are incorporated by reference.

The sentence shall run ☑ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

☑ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDC

801 days/months ☐ To include time spent on monitored house arrest prior to trial and sentencing

SPECIAL CONDITIONS:

☐ **PTUP** _____

☐ No Contact with Victim ☐ Domestic Violence Intervention Program ☐ Hold for Inpatient Treatment

☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ SAC/MHC if necessary

☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135

☐ Other: _____

_____

☐ **RESTITUTION See Separate Order (20% per S.C. Code §24-21-490(B))**		Restitution	$
		FINE:	$
§14-1-206 (Assessments 107.5%)			$
§14-1-211 (A)(1) Conv. Surcharge)	Fine/Costs and Assessments are to be paid to the Clerk	$100	$
§14-1-211 (A)(2)(DUI Surcharge)	of Court within _____ days/months	$100	$
§56-5-1995 (DUI Assessment)		$12	$
§56-1-286 (DUI Breath Test)		$25	$
§14-1-212 (Law Enforcement Funding)		$25	$
§14-1-213 (Drug Court Surcharge)		$150	$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)		$41	$
§50-21-114 (BUI Breath Test Fee)		$50	$
§56-5-2942(J) (Vehicle Assessment)		$40/ea	$
3% to County (if paid in installments)		TBD	$
☐ Appointed PD or appointed other counsel. Provisio requires $500 to be paid to Clerk during probation and shall be collected before any other fees		$500	$
☐ §17-3-45(B) Unpaid Application Fee to be paid to the Public Defender Fund		$40	$ 128.75
		TOTAL	$

/s **Michael Watkins**

Clerk of Court/Deputy Clerk

Lisa Carter Court Reporter

2168 Judge Code

February 4, 2026 Sentence Date

Presiding Judge

SCCA217B 01/27/2025

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

RECEIVED
Oct 21 2026
SC Court of Appeals

Lara M. Caudy
Senior Appellate Defender

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

ATTORNEY FOR APPELLANT

This 21st day of October, 2026.

RECEIVED
Oct 21 2026
SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Lancaster County

Honorable Brian M. Gibbons, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MICHAEL CHARLES JOHNSON,

APPELLANT

APPELLATE CASE NO. 2026-000271

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above referenced case has been served upon Mark R. Farthing, Esquire, at his primary email address listed in the Attorney Information System (AIS); and on Michael Charles Johnson, #336543, at Kirkland Correctional Institution, 4344 Broad River Road, Columbia, SC 29210, this 21st day of October, 2026.

Lara M. Caudy

Lara M. Caudy
Senior Appellate Defender

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

ATTORNEY FOR APPELLANT