VOLUME II of II

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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County
Honorable Clifton Newman, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MARTIN DIXON,

APPELLANT

APPELLATE CASE NO. 2023-000597

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Mr. Dixon's interview. I will replace their CD when I find my copy.

THE COURT: All right.

MS. ZMROCZEK: But I do need to -- I'm going -- I'm going -- it's marked as State's 33. So obviously, I'm going to put a defense sticker on it.

THE COURT: All right.

Is it already in evidence as State's 33?

MS. ZMROCZEK: It's not in evidence, Your Honor. And I'll make sure to go through the proper channels.

THE COURT: Any objection to it being admitted?

MR. SCOTT: No, Your Honor. If it's just the interview with him, no. There's been some -- if I may, Your Honor?

THE COURT: Yes.

MR. SCOTT: A little bit of a different topic. I don't how to handle this. I saw some requested jury charges. Alibi was one. We found a reciprocal Rule 5 asking for any evidence of alibi. To this day, we have received none. I don't know what the specifics as far as if there's an alibi defense.

THE COURT: Was a notice of alibi filed?

MR. SCOTT: No.

THE COURT: Okay.

MR. SCOTT: So when I don't know if we need a motion in limine or not. I just happened to see a requested jury charge.

MS. ZMROCZEK: And -- and that's the one that I addressed yesterday, Your Honor. I said I wasn't sure whether or not we were going to go forward on that. Obviously -- so what will be defense (inaudible), Your Honor, he tells the -- he tells the officers that he was not even in South Carolina. Do I think that that arises to an alibi charge? I think that that's certainly up to the Court's determination.

We did not file a written alibi notice. I -- so -- so I understand that that certainly, you know, may not be an issue. But he's certainly going to testify that he was not in South -- well, you'll hear what he testifies to, Your Honor.

And also the investigator testified that he did not give any statement, which is why we will be impeaching that investigator with this interview. Because he does, Your Honor, make a statement to the investigator that says, "I wasn't

even in South Carolina."

THE COURT: All right.

Anything else?

MR. SCOTT: Nothing from the state.

THE COURT: All right.

We'll take a couple of minutes and then press on. Take a couple of minutes and then press on.

MS. ZMROCZEK: Thank you.

And Your Honor just for -- for -- for -- I'm sorry -- your time. I know how awful this sounds. Just for time, this will be our only witness, except for having to recall the investigator after he testifies about that he did give a prior inconsistent statement. That's it.

THE COURT: Okay.

MS. ZMROCZEK: Thank you.

(A recess is taken.)

THE COURT: Bring the jury.

(The jury enters the courtroom at 4:04 p.m.)

THE COURT: Ladies and gentlemen, you've heard the State's case. It's now the defense's turn.

You may call your first witness.

MS. ZMROCZEK: Thank you.

Your Honor, we call Martin Dixon.

THE BAILIFF: Come around to be sworn, sir. Place you left hand on the Bible, raise your right hand, turn around and face the clerk for me.

THE CLERK: State your full name, please.

THE WITNESS: Martin Dixon.

THE CLERK: You solemnly swear the testimony you're about to give in this case will be the truth, the whole truth, and nothing but the truth so help you God?

THE WITNESS: I do.

THE CLERK: Thank you, sir.

You can have a seat right there.

THE BAILIFF: Watch your step. Watch your step up. Watch your step right there. Watch that microphone right there. See that microphone right there? Watch that one. Okay?

THE WITNESS: All right.

THE BAILIFF: All right.

Thank you.

MARTIN DIXON

having first been duly sworn, testifies as follows:

DIRECT EXAMINATION

BY MS. ZMROCZEK:

Q Mr. Dixon, will you -- I want you to introduce yourself to the jury. Tell them how old you

are and where you are from.

A Okay. I'm 53 years old. I'm originally from New York.

Q You said New York?

A Yes.

Q Where in New York?

A Queens.

Q Queens?

A Yes, ma'am.

Q How long were you in New York?

A Just about all my life.

Q Okay. Poorly-asked question.

A Yeah.

Q How old were you when you moved to South Carolina?

A I believe I was in my twenties.

Q In your twenties?

A Yes, ma'am.

Q And have you been to South Carolina since then?

A (No audible response.)

Q Have you -- has South Carolina been your home most of the time?

A Yes, ma'am.

Q Okay. How far did you go in school?

A 12th grade.
Q Okay. Did you graduate?
A Yes.
Q Okay. Were you in any special classes or regular classes?
A I was in regular classes.
Q You were in regular classes, right?
A Yes, ma'am.
Q You -- when you lived in New York, did anything traumatic happen to you?
A Yes, ma'am.
Q Tell the jury about that.
A One of my friends had shot in the head in front of me for his car. And my mom wanted me to come down.
Q And what happened to you after that?
A I've been in a bad car wreck.
Q And I yell at people because I can't hear them. And so I'm going to do the same to you.
A Okay.
Q I know it's awkward. But just try to keep your voice up, okay?
A Okay.
Q And so you said how did it affect you? I'm sorry.

A I've been -- I had head injuries and I been in a bad car wreck. PTSD and a couple of other things.
Q So were those two separate instances?
A Yes.
Q How far apart where they?
A Not too far apart.
Q Okay. That happened when you were in New York?
A Yes, ma'am.
Q Were you ever hospitalized in New York?
A Yes, ma'am.
Q And where were you hospitalized?
A I've been to an institution called Bellevue, Bellevue Hospital.
Q Have you ever been hospitalized in South Carolina?
A Yes, ma'am.
Q Where?
A A place called the Three Rivers.
Q Three Rivers?
A Yes, ma'am.
Q Do you remember what year that was? Was it the same year or a different year?
A It was the same year.
Q It was two separate times in the same year?

A I believe it was three.
Q Okay. And what year was that?
A I believe it was 20 -- 2019, I believe.
Q 2019?
A Yes, ma'am.
Q Okay. Was it before August 2019 or after August 2019?
A It was before.
Q Okay. So all the times that you were hospitalized at Three Rivers was before, right?
A Yes, ma'am.
Q Okay. You -- now why -- what diagnoses do you have?
A I have manic-depressive -- it was -- I think it was schizophrenia, I believe.
Q Let me ask you this: What medications do you take?
A I'm taking Zoloft.
Q You're taking what?
A Zoloft.
Q Zoloft?
A Yes, ma'am.
Q Anything else?
A No. Not anymore.
Q Okay. Have you been taking a lot of

medications in the past?

A Yes, ma'am.

Q Okay. So let me ask you this, when you were arrested in October 16, 2019, where did you go after that? When you -- when they arrested you, where did they take you?

A When they arrested me in North Carolina?

Q Right. Out of North Carolina.

A They brought me to South Carolina.

Q Okay. And they brought you to South Carolina?

A Yes, ma'am.

Q Where did they take you in South Carolina?

A To the police department.

Q Okay. Where did they take you after the police department?

A They took me to jail.

Q Okay. There we go. So they took you to jail.

A Yeah.

Q And that was in October 2019?

A Yes, ma'am.

Q Have you been in jail ever since?

A Yes. I been there the whole time.

Q Do they allow you to take all of your

medications while you're in jail or do they alter them?

A They let me take them.

Q Okay. So you -- how do you have income?

A I get disability.

Q You get disability?

A Yes, ma'am.

Q How long have you gotten disability?

A Ever since the accident. Long time ago.

Q Okay. In 2019, how much were your disability checks?

A It was over a thousand.

Q Over a thousand dollars?

A Yes, ma'am.

Q Okay. Do you know Michelle Jones?

A Yes, ma'am.

Q Tell the jury how you know Michelle Jones.

A Michelle Jones was my girlfriend.

Q How long were y'all boyfriend and girlfriend?

A A few months.

Q A few months prior to you being arrested or prior to the dates that we're here for today in August?

A Prior to me being arrested.

Q Okay. Do you know Antrone Dubose?

A Yes, I do.

Q Okay. How do you know him?

A I have known Antrone for quite a while. He was a friend of mine.

Q Okay. And did you ever rent out a trailer to him?

A No. No, ma'am.

Q Okay. Did y'all ever live together?

A Yes, we have.

Q So tell the jury about that.

A We used to live in North Charleston. I let him stay with me. And he didn't -- he didn't have no money. I knew I was trying to help him. I seem like a brother. I had more money income. So I didn't have no problem with helping him out.

Q Okay. Did -- why did that arrangement ever change? Like what changed? Did -- did he always live with you? Or why did he stop living with you?

A He wanted to go and hang out. I guess he was mad because I met, you know, Michelle and I started helping her.

Q Okay.

A It was like I was caught in the middle between a friend and girlfriend.

Q Okay. And did they know each other independently of you?

A Yes.

Q Okay. And so you were -- when you say you started helping Michelle out, tell the jury what you mean by that?

A I would buy her food, clothes. I paid for the phone. She never had a phone. She wanted one. I got her one.

Q There's been more than implications that you were taking advantage of Michelle. Were you ever doing that?

A No, ma'am.

Q What about Mr. Dubose? Did you ever use him or take advantage of him for anything?

A No, ma'am.

Q Now let me ask you this: Did he ever take you places in his car?

A Yeah. We went places.

Q Did you ever demand that he pay you to do that?

A No.

Q Okay. I want to -- I'm going to speed this along. But I want to ask you a few questions. So Three Rivers, where is that located?

A I believe that's in Lexington, I believe.

Q Okay. So close to West Columbia?

A I think so. I'm not too familiar with

Columbia.

Q Okay. So that's what I want to ask you. How did you end up at Three Rivers and in Columbia in general? Tell the jury a little about that.

A Oh, I was -- I was admitted over there to get help. I didn't know nothing about that place. They sent me there.

Q Who sent you there?

A It was Police Department and doctors and stuff because I had a breakdown that I was dealing with. Their situation. Them arguing all the time. I couldn't do it anymore.

Q Okay. So you had a breakdown?

A Yes.

Q So the police -- because you had a breakdown, the police were there to help you make?

A Yeah, I called them.

Q You called them. And what did you tell them?

A I wasn't feeling right. My hands were shaking and short of breath. I stopped to the store. And they told me to stay on the line. And I stayed on the line with my phone. And first a fire truck pulled up, and then an ambulance and police pulled up.

Q Okay. Where did they take you?

A They took me to Lexington Hospital at first.

Q That was -- where were you when you called the police?

A I was in Cayce.

Q Okay. Why were you in Cayce?

A I don't remember why -- how -- I think I caught a ride with somebody.

Q Okay.

A I was trying to get to Lexington Hospital, but I didn't know the area.

Q Uh-huh.

Why were you trying to get to Lexington Hospital?

A Because I wasn't feeling right.

Q Okay. So do you know people here in -- in the Columbia area where we are?

A No, ma'am.

Q Okay. So when you caught a ride and you were in Cayce, how did that work out?

A I ran into a person at a store and I offered to pay them money to drop me off. And they said, "Well, I can drop you off to the store. That is as far as I'll go." So I said that would be fine. And I was going to try to find someone else and, you know, try to get there.

Q What were you doing in this part of the town

versus in Charleston?

A Well, I came down far as before I came down with Antrone.

Q Okay.

A You know, he wanted to come down here. But I had to go to, what you call that? Strom Thurmond building?

Q Uh-huh.

A And we all knew where it was.

Q Uh-huh.

A I had to go there because I had to keep changing my check.

Q Okay. You -- you had to -- you have to update your information?

A Right.

Q And you've done that how many times?

A I had done that in a while in the past.

Q Okay. Let me ask you this: Do you have family?

A Yes, I do.

Q Okay. Where do they live?

A My mom stays in Holly Hill. That's --

Q Okay.

A -- on the outskirts of Orangeburg.

Q Okay. Did you spend any time there? Did you

live there for any significant period of time?

A Yes, I have.

Q And Holly Hill's kind of almost -- really almost halfway between here and Charleston, right?

A Yes.

Q Okay. I'm going to show you State's Exhibit 29. Can you recognize that?

A Let's see. Yes, I recognize that.

Q Okay. And it's already in evidence. And it's a letter. And it says Martin Luther Dixon. Who's that?

A That's me.

Q All right.

Then it says [redacted] -- I got to get better eyes -- Boy Scout Road, Gaston, South Carolina. Who lived there?

A Me.

Q You lived there?

A Yes.

Q And this says May 2019?

A Yes.

Q Okay. So do you remember what month you were in Three Rivers the first time you went there?

A No. That --

Q Was it before May?

A Yes.
Q When you got out, what did you do?
A I went and got me a place.
Q In Gaston?
A Yes.
Q Okay. And then the second time when you went back to Three Rivers, do you recall about the dates of when that was?
A It was -- I'm -- I'm not sure exactly.
Q Was it many weeks before August or a few weeks before August?
A It was -- it was a few weeks.
Q A few weeks?
A Yes.
Q Okay. And you -- and so when you get out the second time from Three Rivers, where was your -- where were you planning on living? When you were in Three Rivers, was it a day? How long was it?
A Maybe two or three weeks.
Q They kept you there for weeks at a time, right?
A Yes, ma'am.
Q Okay. So when you got out the second time, what was your -- what were your plans?
A I was going to move to North Carolina.

Q You were going to move to North Carolina?
A Yes, ma'am.
Q Tell the jury why you were going to move to North Carolina.
A It was -- to me, it was -- where I was going was a better environment. Because down here, they got gangs and stuff. And I didn't want to be around that. So I went through -- I had a friend down there.
Q You had a friend there?
A Yeah.
Q Okay. And so when you were in Three Rivers, was Michelle with you?
A No, ma'am.
Q Okay. Did you know her -- or did you -- when did you -- how did you meet back up with her and when?
A I met back up with Michelle when I went to Charleston.
Q Okay. And what happened in Charleston?
A Me and Mr. Antrone went to Charleston. And I met up with her. And they -- you know, start -- they argued all the time.
Q How was that -- was that good for your mental health?
A No.
Q Okay. You -- I want obviously to -- to -- to

talk about why we are here. Okay?

A Yes, ma'am.

Q So obviously, you understand why we are here. We're in a trial, right?

A Yes, ma'am.

Q And you've seen Mr. Dubose testify, right?

A Yes, ma'am.

Q And Ms. Jones testify, right?

A Yes, ma'am.

Q How does it make you feel to hear what they had to say about you?

A It hurts me.

Q Why does it hurt you?

A Because I can't see why they would just sit up there and lie like that. And they know all I tried to do was help and got caught in the middle of them bickering and arguing and fighting all the time about something that happened in the past that I didn't even know nothing about.

Q Okay. I want to show you State's 41. I know that your eyes are about as great as mine.

A Okay. I see it.

Q Okay. Do you know -- do you know what that is?

A A receipt.

Q That's a receipt for a hotel, right, or a motel?

A Yes, ma'am.

Q Tell the jury how this -- and the dates on here, August 1 through August 5?

A Yes, ma'am.

Q And it has your name, right?

A Yes, ma'am.

Q So tell the jury -- tell the jury about why you -- why you rented this motel room?

A I rented that because during the time, as far as me trying to deal with paying for the house and paying for all of these things, I ended up losing my place.

Q Okay.

A So we had to go to a hotel. You know, I couldn't stay in the street, so I ended up paying for that.

Q Okay. And so a lot of these items -- well, minus the receipt, but the envelope, the State's 30, which are some medical records, which I know I'm not even going to ask you to read the date, but the date's on there. And -- and the jury can see that.

A Yes, ma'am.

Q So you had all of these papers. Why did you

have all of these papers in -- in Mr. Dubose's car?

A It was in the car when I went down to the gas station and he decided he wanted to leave. He left. He drove off.

Q Okay.

A I looked and I said I know he didn't do me like that.

Q And I want to come back to that. But -- but were you living out of Mr. Dubose's car?

A No. I had papers -- I just had my papers and stuff in there.

Q You just had your papers and stuff in there?

A Yes, ma'am.

Q Because you had been kicked out of your house?

A Right.

Q You had lost, not been kicked out?

A Not kicked out.

Q Right. You lost your house, right?

A Yes, ma'am.

Q And that was right around this time that you had just gotten out of Three Rivers again?

A Yes, ma'am.

Q Okay. And so -- so I want to be real clear about the timeline. Okay. So August 1, you checked

into the motel?

A Yes.

Q And you checked August 5?

A Yes, ma'am.

Q Okay. And what happened August 5, 2019, where did y'all go?

A We went to the hospital and we went to the gas station.

Q Okay. So let's stop there. You went to -- when you say "we," who are you talking about?

A Me, Michelle Jones, and Antrone Dubose.

Q Okay. And why did you go -- which hospital did you go to?

A We went to Lexington.

Q Okay. And clearly from the paperwork that was in the car, you had been to Lexington, you had been to Lexington before, right?

A Yes, ma'am.

Q And so were you familiar with the hospital?

A I was familiar with that area because of Three Rivers.

Q Okay. Okay. And so why did y'all go to the hospital on August 5?

A Went to -- Michelle wanted to go.

Q Okay.

A She wanted to go to the hospital for something.

Q And -- and -- and -- let me ask you this: Do you have a license?

A No, ma'am.

Q Okay. Okay. Why didn't have a license?

A My license was suspended because I failed to turn in a tag. You know how you hold -- you hold a tag. And I didn't know that they were going to suspend my license. I took the insurance off the car. And I didn't turn the tag -- I couldn't find the tag. And they suspended my license.

Q Okay. So are you supposed to drive if you don't have a license?

A No, ma'am.

Q Okay. And have you done that once before?

A Yes, ma'am.

Q And what happened?

A I got arrested.

Q You got arrested for?

A I did.

Q So did you drive -- were you driving?

A What?

Q I'm sorry. That was a terrible question. Going back to August 5, 2019, were you driving?

A No. Antrone was driving.
Q Okay. Did you want to get arrested again for driving without a license?
A No, no, no, no, no. Huh-uh.
Q All right.
Or driving under suspension. Sorry.
A No.
Q Okay. So -- so Mr. Dubose drives y'all to the hospital?
A Yes, ma'am.
Q All right.
Do you recall how long you were there?
A It was -- it was a while.
Q Okay. Do you recall what time of day it was?
A It was at night.
Q Okay. It was at night?
A Yes, ma'am.
Q And so she was -- she was treated at the hospital. We've seen the --
A Yes, ma'am.
Q -- the records, right?
A Yes, ma'am.
Q And they gave her some prescriptions --
A Yes, ma'am.
Q -- right? And who picked you up from the

hospital? Or did he pick you up? Tell me how that -- how that work?

A Antrone was -- he was outside.

Q Okay. He didn't come inside?

A No, ma'am.

Q Okay. Did you have a phone at this time?

A Yes, ma'am.

Q And did Michelle have a phone at this time?

A Yes, ma'am.

Q And did Antrone have a phone at this time?

A Yes, ma'am.

Q Okay. Do you know Mr. Dexter Dubose?

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

Q Ever talk to him on the phone?

A No, ma'am. That's the first time I actually ever seen him.

Q Okay. You -- so it's the nighttime and she gets released from the hospital?

A Yes, ma'am.

Q And tell the jury what happens after that.

A We went to the gas station. We stopped to the gas station. So me and Michelle get out. He pulls off.

Q "He" who?

A Antrone Dubose.

Q He pulls off?

A He pulls off. He got all our stuff, paperwork in the car and stuff. He just drives off. I'm saying to myself, "I know he ain't doing me like this."

Q All right.

So you and Michelle were at the gas station. Did you have a ride?

A No.

Q Your ride just took off, right?

A Yes, ma'am.

Q So then -- so then, what happened next?

A I ended up having to call my friend in North Carolina.

Q Who was your friend?

A T.

Q And you called T. What did you ask of T?

A I asked T -- you know, I told T that, you know, that he drove off and had all of our stuff in the car and could he come and get us.

Q Okay.

A Cause we were stranded.

Q Okay. And that was August 5, 2019?

A Yes, ma'am.

Q Okay. Do you recall about -- is it still

nighttime or is it --

A It's at night.

Q The middle of the night or --

A It was probably like eight, nine maybe.

Q Okay. P.m.?

A Yes, ma'am.

Q And so did he come and get you?

A Yes, he did.

Q And where did he take you?

A He took us to North Carolina.

Q To Hickory, North Carolina?

A Yes, ma'am.

Q And this was a friend that you had known previously?

A Yes, ma'am.

Q Now let me ask you this: When you were arrested in October 2019 in Hickory, North Carolina, did you have your -- did you have a phone at that time?

A Yes, ma'am.

Q And what happened to that phone? Did the police take it?

A Yes, ma'am.

Q Okay. Did you have Mr. -- did you have T's number memorized?

A No, ma'am.

Q Okay. Have you been able to have any contact with him --

A No, ma'am.

Q -- after you were arrested?

A No, ma'am.

Q Okay. So what did you do while you were in Hickory?

A Well, we was -- we were at the hotel.

Q Okay.

A And I was planning on putting down for a house the next day. Because I had -- I had my check.

Q Okay.

A I paid -- me and Michelle paid together on that room.

Q Okay.

A So we could put together a down -- deposit and first-month rent. And our friend was going to help us as well, you know.

Q So how -- how is it that you got arrested when you were in Hickory?

A I went and paid the -- the -- the room.

Q Okay. And when you paid, did you have to give them any information?

A Yeah. My name and everything.

Q Could you give them any identification?

A Yes, I did.

Q Okay. What happened after you did that?

A After that, it must've been maybe 20 minutes maybe went by. And I get a phone call in the room. I was on the third floor. And I picked the phone up. And they telling me to come to the desk. I asked them why. They said, you know, nothing really, just come to the desk. I said okay, fine. So me and Michelle, we went. We left out. We went in the elevator. We went down. As soon as the elevator open, I get guns in my face.

Q Okay. Did you ever see Mr. Dubose after he drove off and left you Michelle at the gas station?

A No, ma'am.

Q All right.

Did you -- did you hear about what happened to him?

A No, ma'am.

Q Okay. When did you learn about what happened?

A After the police told me I was under arrest for attempted murder. I had to ask him, "You sure you talking about me?"

Q Now which police told you that? Was that in North Carolina?

A Yes, ma'am.
Q Okay. And so that was October 16, right?
A Yes, ma'am.
Q And did you spend a little bit of time up there in the jail before they bought you down here?
A Yes, ma'am. They took me to their jail down there.
Q Okay. Let me ask you this: Did you -- did they ask you if they could -- if you would agree to -- to -- to be released to South Carolina?
A Yes, ma'am.
Q Okay. And did you fight extradition?
A No, ma'am.
Q So how long do you think it took for you to get brought back down to South Carolina?
A I left the 24th.
Q Okay. So -- so on the 16th, you were read the warrant. So at that point -- at that point, you knew that -- you knew the facts that were in your warrants, right?
A Yes, ma'am.
Q Okay. And did you -- were you ever allowed to have any communication Ms. Jones after y'all were both arrested?
A No, ma'am.

Q Okay. So you don't know anything about where she learned her information?
A No, ma'am.
Q Okay. O you know anyone named Mike here in Columbia?
A Yeah. We -- we have a mutual friend.
Q Okay. Did you ever talk to Mike?
A I talked to Mike on the phone.
Q Uh-huh.
Okay. And -- and that was after you were arrested, right?
A Yes.
Q Okay. Did you ask him questions -- don't tell me what he told you. But did you ask him questions? Were you trying to find out information at that point?
A Yes, ma'am.
Q Okay. Let me ask you this: Did you hit Mr. Dubose -- I'm showing you State's 39. Did you ever hit Mr. Dubose with this?
A No, ma'am.
Q Okay. Did you ever put him in the trunk of a car?
A No, ma'am.
Q Did you ever order Michelle to put him in the

trunk of a car?

A No, ma'am.

Q Did you burn Mr. Dubose's car?

A No, ma'am.

Q Did you try to burn it?

A No, ma'am.

Q Do you know what happened to Mr. Dubose after he left y'all at the gas station?

A No, I don't.

Q Mr. Dixon, I think those are all the questions I have. No. I lied. I do have a few more questions. When the -- who -- when you got to South Carolina, who did you talk to?

A When I got to South Carolina?

Q Uh-huh.

Which police did you talk to?

A I guess Columbia.

Q Okay. The Columbia Police Department?

A Yes, ma'am.

Q And with that being Mr. Montgomery right here?

A I'm not -- I don't remember.

Q Okay. Did they bring you to a room?

A I remember being brought me to a room that looked something like First 48. And they handcuffed me

to a table.

Q They handcuffed you to a table?

A Then they walked out of there. Then they came back.

Q Okay. Did they ask you any questions?

A He asked -- he went to ask me something. And I told him --

Q What did you tell him?

A I told him I wasn't even in South Carolina, you know. I was trying to figure out what was going on. But he was, you know, being --

Q You told the -- you told the police that you weren't even in South Carolina?

A I told them that.

Q Did you tell them that -- that -- that they could -- that they could prove that?

A Yes.

Q Okay. How did you tell them to -- what did you tell them to -- to try to help you to help them understand you weren't in South Carolina?

A I told them where I was. I told them they could call where I was at the hotel where I registered at. And I also had my phone with me.

Q Did you talk to them about technology?

A Yes.

Q Okay. Were -- what was your expectation when you told them that you weren't there and -- and -- and that they could look it up?

A I thought they were going to actually look it up and, you know, come to me and tell me okay, it was a mistake. That didn't happen. It just -- it just went -- you know, people just started believing what they wanted to. And nobody wanted to say nothing to me after that. And here I am.

Q And so -- and so when you got to South Carolina, and you're in the jail, did you have a lawyer?

A Yes, ma'am.

Q Was it me?

A No, ma'am.

Q Did you have a few lawyers before me?

A I had -- what was it? One?

Q Okay.

A Yes, it was one.

Q And then -- and then, was I appointed -- when was I appointed your case? Do you recall?

A After I fired her.

Q Okay. All right.

And so was that recently fairly?

A Yes, ma'am.

Q Okay. So -- so you didn't say nothing to the police, right?

A No, ma'am.

Q You told them --

A Yes.

Q -- that you were --

A I just wasn't --

Q -- you weren't even in the state?

A Yes, ma'am.

Q And did you know that that room had video cameras?

A Yes, ma'am.

Q Okay. Now, those are all the questions I have for you, Mr. Dixon. But you can't leave yet.

A Okay.

Q Okay. I want you to answer questions either Mr. Scott or Mr. Whitmire has for you?

A Okay.

Q Okay?

THE COURT: Cross-examination.

CROSS-EXAMINATION

BY MR. SCOTT:

Q Mr. Dixon, so tell me -- so how do you wind up -- you live in Gaston. I heard that part. Then you lost your house. How does it come to be that you are

back in Charleston and then coming to Columbia with Antrone and Michelle?

A Because that's where Michelle was.

Q Okay.

A That's where she was living.

Q She wasn't living with you in Gaston?

A Not at first, no.

Q When did she move in to Gaston?

A After she said she didn't want to be in North Charleston anymore.

Q So she moved up to Gaston, you lose the house, go back to Charleston?

A Yes.

Q How did you get down there?

A Rode with Antrone.

Q Antrone came up to Gaston from Charleston to pick you up and take you down?

A We was all together.

Q He was living in Gaston with you?

A Anywhere I went, he stayed. Because he didn't have no money to pay no rent or nothing.

Q Wait a minute. I heard you say earlier he lived somewhere in Summerville with you. Now you're saying he lived up in Gaston?

A I never said Summerville. We never lived in

Summerville.

Q Where was it?

A We lived in North Charleston --

Q North Charleston.

A -- together.

Q Okay.

A Never been in Summerville.

Q I didn't hear you say anything about him living in Gaston with you?

A Yeah. He lived there, but for a second. It was -- it was a quick second.

Q A quick second?

A Yep. Because I lost it trying to help him and Michelle.

Q You just always helping everybody, aren't you?

A I mean, those are my friends.

Q Okay.

A And you know, and I try to do what I can.

Q All right.

So you lose your place. And y'all go back down to North Charleston?

A Yeah. We went back down.

Q Where did you stay there?

A We just stopped down there and came back up.

Q Why did you stop down there?
A Michelle wanted to go.
Q Okay. Y'all don't have any -- Antrone is y'all sole mode of transportation; is that right?
A No, not really.
Q What's your other mode of transportation?
A I have a couple of other friends in North Charleston. But he was always living with us. So he wanted to drive. And I always give him money for gas and paid the gas and helped him out. I mean, he borrowed money from other people. I tried to get him out of situations. He was like a little brother to me. I told him I didn't want him to get in no trouble.
Q Okay. So you lose your house in Gaston. You go to Charleston, North Charleston, for a quick second. You turn around and come back up here?
A Yes, sir.
Q And then you're just spending money for hotels at that point, right?
A I had no choice. I mean, it's three of us.
Q Y'all got to live together? What you call that? Is that a throuple? Have you heard that term? Are you-all living together as boyfriend/girlfriend/boyfriend?
A No. Just friends. We was just friends.

Q Okay?

A And she was my girlfriend. He was my -- he was like my best friend. I was like a big brother to him. And she was my girlfriend.

Q Doesn't seem ideal if he and Michelle are arguing all the time. That's what you said. You said it kind of --

A Yeah.

Q Wait a minute. You said it kind of drive you crazy, but you're tagging them along with you all over the state. Why were you doing that? Just cause you have a big heart?

A No. They didn't have nowhere to go. I mean I'm not going to just turn my back on my friends. I wouldn't want nobody to do that to me.

Q Heard about Antrone's family --

MS. ZMROCZEK: Your Honor, I asked that he be allowed to finish his statement.

BY MR. SCOTT:

Q You're not done?

A Yes. I didn't just want to turn my back on him because he wouldn't have done that to me.

Q He wouldn't have done that to you. Right. He would not have turned his back?

A Not on the street.

Q He would not have turned his back on you is what you just said?

A Yeah.

Q Okay.

A During that time, yeah.

Q And we all know that Antrone has family down in Moncks Corner. He's got a brother here in town. He's got places to go. You just tag him along with you. Because he had the wheels, right?

A No.

Q You got to have him if you want to get around?

A No. He wanted to come. And I have other friends with cars.

Q Okay. So you're down in Charleston. You just kind of keep coming back to Columbia and you want to be in Columbia, why?

A Well, I had to come to Columbia for the Strom Thurman Building to get my paperwork and stuff changed. And he had to get some things changed because he know people down here. I didn't really know too many people down here.

Q Why were you wanting to settle in Columbia? I don't get it. That wasn't explained to me.

A Different environment. During that time, you

know, she wanted to get out of Charleston.

Q All right.

Now tell me this: When did you decide I want to get out of Charleston and get to Columbia because I don't like Charleston? Was that around -- you checked into the hotel August 1, 2019?

A What do you mean?

Q You checked into the hotel August 1, 2019?

A I believe so.

Q The OYO Hotel in West Columbia?

A Yes, sir.

Q Okay. That's when you made your decision that you got to get out of North Charleston --

A No.

Q -- and go to Columbia?

A No. We -- all three of us had sat down and decided what we want to do.

Q And when did y'all decide?

A When we were in North Charleston.

Q When were you in North Charleston?

A A while before that.

Q When was that?

A I don't know the exact dates. But we always talked about leaving because of the violence that was there. But we didn't know about the violence that was

here. We didn't know about it because cause we didn't know too much about Columbia.

Q Because you don't have any ties to Columbia, right?

A I don't know.

Q So you-all come here and the idea is we're just going to live in a hotel together? I mean, is that --

A No.

Q -- a long-term plan?

A No.

Q What's the long-term plan?

A That was -- that was a situation where we had no choice -- well, we had a choice. We could have stayed in the car. I was like no, she's a female. She don't need to be, you know, in no car.

Q Could have stayed down in North Charleston where y'all got family and connections and support, right?

A We was trying to do it on our own.

Q So the plan was we're just going to live, all three of us in a hotel together. We don't really have any plan beyond that. That's -- that's your testimony?

A I mean, we had -- we had plans. We were just trying to figure out, you know, what we was going to do

because everything was falling on me.

Q Okay.

A And I tried to do the best I could by myself. I couldn't do it. I thought I could. I couldn't do it.

Q Right.

A I couldn't do it.

Q And I imagine those two arguing all the time was messing with your head too?

A I just felt bad.

Q Yeah.

A I wasn't angry or nothing. I felt bad because I felt like I was in the middle of a situation. And I couldn't take sides. And Antrone would get upset when I, you know, tell him, "She's a female; just let it go. Oh, you're just taking her side." And then, if I tell her, then she get mad with me. So it's like I couldn't win for losing.

Q So you just kind of caught in the middle. So why not say, "Antrone, you need to go be with your family, man"?

A See, Antrone -- Antrone been through a lot of stuff.

Q Yeah. He has.

A And I -- I wouldn't -- I wouldn't do him like

that. And there was people out there that were trying to take advantage of him.

Q Uh-huh. People take advantage of Michelle too, don't they?

A Michelle too, yes. So I had to feel like I had to protect them both from, you know, people who trying to take advantage of them. Because I didn't need anything from them.

Q But you don't know people in Columbia. Tell me about being in Cayce. Okay. When y'all were at the hotel in West Columbia. Tell me all the different places y'all checked out as far as living.

A I can't remember now.

Q What steps did you go through? Did you talk to somebody about renting an apartment or -- if so, who?

A Actually, I was looking on my phone --

Q Uh-huh.

A -- and looking at different places and prices of stuff.

Q Did you go visit any places?

A Yeah, we did.

Q Where?

A Went to -- we went to Lexington one time. We went to -- I remember this place called King Street.

Q King Street?
A Yes. King Street. It's down -- it's a street called King Street.
Q Where is that?
A Only thing I remember is a Suds gas -- Suds washing machine place and a store on the corner. It's a block. But I noticed it was a lot of guys standing out there and it wasn't a good area. It was like -- the rent was cheap, but I said no.
Q Okay. So that's about the only place you checked out, King Street?
A It's a couple of other places we was looking at. I don't remember all of them.
Q None of them were good enough for you?
A I don't remember all of them. That was a long time ago.
Q And then you checked out of the hotel August 5. So you spent about four days looking at places and nothing ever suited you. That's your testimony?
A No. After we -- after we left, that was a wrap.
Q That was it?
A No, that was a wrap. We went to the hospital and then we went to the gas station. That was the last time I seen him. After he drove off, I ain't -- I

ain't even seen him no more. The plan was over with.

Q Antrone would never turn his back on you. But now you're saying he just left you high and dry?

A He drove off. I ain't never thought he would do that. He did that.

Q Okay.

A He did that.

Q And what was your plan? If he hadn't left, where were you going to go after you checked into the hotel?

A We weren't sure. We weren't sure. I wanted -- I wanted to go -- what I wanted to do was go to North Carolina.

Q What's the plan?

A That was the plan.

Q And you were going to take Antrone up there with you?

A Yeah. He wanted to go.

Q Just three musketeers going from North Carolina to Columbia to Cayce to Lexington, up to Hickory, North Carolina. All the while your girlfriend and he don't get along, so much so that it messes with your head and drive you crazy?

A I thought that I could -- somewhere in my mind I thought that I could -- wanted to -- them be

friends.

Q Uh-huh.

A Maybe they were going to stop. I was like, you know.

Q Because you got a big heart and you're always trying to help people, right?

A I don't know about all of that.

Q You said it earlier.

A I try to help. That's how you get your blessings. I try to help people. And it always bite me. It always. Always. My mom always tell me that's going to be my death.

Q Helping people. You got such a big heart?

A I'm in handcuffs. I'm in here.

Q God bless you. So the plan is you checked -- we want to live in Columbia?

A Yes, sir.

Q And then we stop paying on a hotel room and we don't really know where we're going to go after that. We don't really have no clue. Then Antrone leaves. And so, well, I guess we'll just go up to Hickory, North Carolina. You made a split-second decision?

A No, we was going.

Q Wait. Wait. You made a split-second

decision. We're not going to look around here in Columbia anymore. We're just going to go up to Hickory, North Carolina. That's -- that's how it happened?

A We was already going to go up there because I had a friend up there.

Q You just said you were looking all through Columbia?

A Yes. That was waiting for --

Q You went King Street?

A Yes.

Q You went to Lexington?

A Yes.

Q And then you just said let's shift midstream and go up to Hickory, North Carolina?

A It was cheaper. And I had a friend up there that I knew that was going to help me because I couldn't do it myself.

Q It was a good friend?

A Huh?

Q It was a good friend?

A Yes.

Q And what was his name?

A T.

Q All right. What's his last name?

A Ordum.
Q Pardon me?
A Ordum.
Q Pordum?
A Yes.
Q T Pordum.
A Ordum.
Q Would you spell that?
A I don't know how you spell that.
Q It's a good friend of yours?
A Uh-huh.
Q T Ordum?
A Uh-huh.
Q Okay. So we can look him up and give him a call?
A Yeah.
Q T Ordum. What's his first name? How do you spell that?
A I -- that's -- T. I just know him as T.
Q Just the letter T?
A Correct.
Q Hickory, North Carolina. And I'm going to call him and he's going to come down here and talk to us some?
A I don't know about all of that.

Q Well, why wouldn't he?

A I don't know what he's doing. I ain't talk to him. I've been locked up for almost four years. I don't know.

Q You haven't had any chance to research where T Ordum is?

A No, I didn't do all of that.

Q Why not? That's a good friend of yours.

A I been in jail.

Q Yep. And you had a lawyer too. You just talked about having a couple of lawyers.

A No. One lawyer.

Q You said you fired one.

A That's it.

Q Then you have this one here at?

A Yeah. I have her.

Q Did you say, "Hey. We got to find this T Ordum. He's in Hickory, North Carolina. Hickory ain't that big. And there ain't that many Ordums I've ever heard of."

A I didn't know that I was having -- even having to go through all this.

MS. ZMROCZEK: Your Honor --

THE WITNESS: I didn't know it was going to be in jail this long.

MS. ZMROCZEK: Your Honor -- Your Honor, I'm sorry. I have a matter of law.

THE COURT: Take it up later.

You may proceed.

MS. ZMROCZEK: Thank you.

BY MR. SCOTT:

Q T Ordum. All right.

We're going to see if we can find him. You haven't asked anybody to find T Ordum all these -- all this time?

A I've been in jail for almost four years.

Q You got lawyers?

A I don't have my phone. I don't have anything. I don't -- anddin the jail that I'm in, you'd be lucky if you get a phone call.

Q Listen. How did Aimee Zmroczek know about T? Y'all were just talking about T.

A Okay.

Q Did you ever say I need you to find this T guy? We need him here?

A No.

Q Never thought that --

A I didn't -- I didn't think I was going to have to go through this. I thought it was going to be open and shut.

Q Well, if this is a real person, he's going to find him, okay? T Ordum.

Let's remember T Ordum, everybody.

And it's about two and half hours to get from here to Hickory, right?

A I guess -- I guess so.

Q Well, that's where you wanted to live. You don't know how long it takes to get there?

A I don't know like that.

Q About two and a half hours? Would you disagree with me?

A I don't know. I can't really disagree with you. I don't know. I'm not sure.

Q Well, for argument's sake, had you ever been there before?

A I been there one time before.

Q You remember it being about two and a half hours from Columbia?

A I know it was a long ride, but I can't say exactly.

Q You wouldn't argue with me, though. So T Ordum on the night of August 5, you call him up. And you say, "Hey, T. I'm stranded over here in West Columbia off 378. I need a ride. Would you come from Hickory, North Carolina, and pick me up?" Right?

That's how it happened?

A Somewhat.

Q And did he say, "You crazy. Jump on Greyhound, man"?

A Nah. I don't have friends like that.

Q Okay. So he said, "All right. Let me drop what I'm doing. I will drive down to" -- and by the way, where are you. You say you're at that gas station? Where? Where's the gas station?

A Down there in Lexington.

Q Lexington County? You were still in West Columbia? Where are you?

A I guess Lexington. I don't know Columbia like that. All I know is Lexington. I know downtown. I don't know, like, the area like that. I'm not from here.

Q Back in August, you were wanting to live there. So T Ordum comes down two and a half hours from Hickory, picks you up, turns around and drives two and a half hours back to Hickory? And why didn't you stay with T Ordum?

A T stays with his mom.

Q Okay. Okay. You said I'm just going to (inaudible). About three months, you rented a hotel up there?

A Somewhere around in there.

Q How much money did that cost?

A A lot.

Q Wouldn't it had been smarter to maybe like put that money down for a down payment on a -- you were looking for long-term living area, weren't you? You just said I'm going to rent a hotel, I guess?

A Well, the money -- the money I had, I was trying to -- I was going to get a house. I was going to get a place. I had to spend the money on food and hotel. And that -- that -- that eats it up. If you ever rented a hotel and you had to buy food out in the street, you know how quick your money would go. It don't last that long.

Q The point is: Why spend it on down payment for apartment or house or something instead of just throwing it away on a hotel for three months? That's exorbitant, a lot of money?

A I agree; I wasn't thinking on that. It happens like that sometimes.

Q Do you do a lot of things without thinking?

A No.

Q No? All right.

So tell me about -- which one of those fingers did you injure in an accident at Boeing?

A Boeing?
Q Boeing.
A What about Boeing?
Q What about it? Did you ever work there?
A No.
Q You never told anybody you worked at Boeing?
A I never worked at Boeing. I had got disability.
Q Okay. You know that you're under oath?
A Yeah.
Q Did you tell anybody you injured your finger, fourth finger on your left hand at an accident while working at Boeing?
A I got my fingers.
Q Okay. And did you injure one finger that had to require screws to be put in it?
A No.
Q You never would have told anybody that, would you?
A I probably was playing around with somebody. But you can clearly see I got my fingers.
Q Okay. Let me see that finger right there.
A This one.
Q What's going on with that? Hold it up. Hold it up. Show the jury. Your ring finger on your left

hand, what's going on there? That's what I'm asking you about.

A What about it?

Q You got screws in it, right?

A No. This finger been broke. This finger been broke. I ain't -- no screws in my fingers.

Q You remember at some point talking to a Dr. Richard Frierson?

A I don't remember him.

Q All right.

MS. ZMROCZEK: Your Honor, he didn't generate that report, so I believe that's improper impeachment.

THE COURT: Overruled.

BY MR. SCOTT:

Q Take a look right here. Can you read it?

A I got --

Q Don't read it out loud. But read this part. See if that refreshes your memory.

A There you go.

Q Okay. Why'd you say that?

A First of all, during that time, they changed my medication. I was on -- what's the name of that medication. It will have you delusional and stuff. They had to take me off it. Cause I -- it had me

commit suicide, almost commit suicide in the -- in the jail during the time. They gave me the wrong kind of medication.

Q Tell me --

A So they sent me to the hospital.

Q What did you tell the doctor about your finger?

A I don't even remember, cause I was on the --

Q Did that not refresh your memory?

A No.

Q You didn't tell them you smashed it?

A I probably told them all kind of stuff. I was under some kind of medication and they give me the wrong kind of medication. Hospitalized. I actually hung myself.

Q You hung yourself?

A Yes.

Q So do you tell people a lot of things sometimes that's not true?

A No. That was -- that was the only answer that -- during that time. I took -- they gave me the wrong medication at the hospital. And I actually hung myself. And they cut me down and took me. You can look that report up. They took me to the hospital. And I've been on mental health hold the whole time.

That's why I didn't shave or nothing. Cause they don't let you get, you know. I been there on mental health hold the whole time.

Q Okay. Are you getting nervous?

A No.

Q Show the jury your hand again. Hold the other one up. I'm talking -- why do you keep hiding the left hand, man? Hold it up. What's going on with that finger right there?

A It was broke before.

Q Okay. How'd you --

A This one was broke. This one was broke. This one was broke.

Q How did you break it? How'd you break this one that won't stay straight?

A Fighting.

Q Fighting?

A Yeah.

Q Okay. Did you have to have screws put in it?

A No.

Q All right.

So you have a very noticeably-injured finger. You don't disagree with me?

A I don't have no screws or nothing.

Q Why did you tell the doctor that?

A Like I told you, I was on medication. I don't remember -- I don't remember telling him none of that stuff. They will tell you I was under some -- I'm trying to remember the name of that medication. Had me hallucinating and everything to the point where I hung myself.

Q This your lawyer just showed you, that's your Defense 6. That's an interview recorded that you had with Investigator Wayne Montgomery. Do you remember that?

A Somewhat.

Q Did you tell him the truth?

A Yeah.

Q The whole truth?

A Yeah. I told him I wasn't -- I wasn't in South Carolina.

Q Right. And you --

MS. ZMROCZEK: Your Honor, again, I would ask that he be allowed to answer the question.

THE COURT: You may proceed.

BY MR. SCOTT:

Q You told him the whole truth, right?

A Yes.

Q So everything you said on this is the whole, complete truth.

Did you tell him about T Ordum?

A I don't know -- I don't remember if he asked me.

Q How would he know to ask you about T Ordum?

A I don't remember what he asked me, really. I remember one thing. He said was I in South Carolina. And I told him no.

Q Okay. Did you tell him --

A I -- that's the only thing I remember.

Q Did you tell him where you were?

A I told him I was in North Carolina.

Q So if we watch this, that's what it will say?

A I guess. I know I told him I wasn't in South Carolina. I remember telling him that.

Q And you -- you said, "Hey, man. Go talk to T Ordum. And he's going to tell you where I was"?

A No. I didn't know I had to go through all that. I didn't really know what was going on. At the time, it didn't -- it didn't make sense to me.

Q Did you watch this with your attorney your interview? Do you remember it?

A No.

Q Do you want to watch it?

A (No audible response.)

Q I mean, you're on the stand. You want to

watch what you told him or you want me to just admit it and let the jury watch it later?

A You can watch it.

MR. SCOTT: Okay. Your Honor, the state --

THE WITNESS: I would like to see that myself.

MR. SCOTT: This is Defense No. 6. And the state, I guess, moves to introduce State's No. --

MS. ZMROCZEK: I did not introduce it yet. But you can. It was marked for ID as Defense 6. I'm fine moving it in as Defense 6, Your Honor. I don't have a problem with it.

MR. SCOTT: Okay. Defense 6.

THE COURT: It's admitted.

(Defense Exhibit No. 6 is admitted into the record.)

(Defense Exhibit No. 6 is played.)

BY MR. SCOTT:

Q You talked about working at Boeing right there?

A Yeah.

Q Now, you remember?

A Yeah. I'd lied to him on there on that part.

Q Okay. But a minute ago, you said you didn't remember?

A I didn't remember. It was what? Four years ago. I didn't remember that.

Q You just testified to a bunch of stuff you remembered crystal clear?

A No. That's -- that's the only thing I didn't remember.

Q That -- that's the --

A That, I didn't remember that.

Q And you remember telling Wayne Montgomery that you'd never been in trouble and you don't have a record?

MS. ZMROCZEK: Your Honor, we have a matter of law.

MR. SCOTT: It's a question on a defense exhibit, Your Honor.

THE COURT: It's something that's on the exhibit?

MR. SCOTT: Yes, sir.

THE COURT: That the defense introduced?

MR. SCOTT: Yes, sir.

THE COURT: Ms. Zmroczek.

MS. ZMROCZEK: Your Honor, I believe that if we are to properly argue it, it needs to be outside the presence of the jury.

THE COURT: Skip the question and proceed.

BY MR. SCOTT:

Q Okay. Everything you told that officer was 100 percent the truth?

A Except for that. I showed him everything else.

Q Except for what?

A Except for the Boeing part.

Q That's the only --

A Everything else, I showed him.

Q Everything else you told him was the truth?

A Yes. I showed proof.

Q Okay. So if I showed you something else, you're telling me you didn't lie to that officer when you were talking to him?

A I just told you I did as far as Boeing thing.

Q Just the Boeing thing?

A And I show -- I handed him the paperwork and showed him everything else that he wanted to see. The other officer took the copies. They've got copies of it.

Q No. You took it back from him, if you watch. You didn't let him make a copy.

A Before I left, they got -- they got that paperwork. I don't even have that paperwork.

Q What was it?

A I don't even remember. I just know it was a lot of paperwork I had on me. I don't remember exactly what it was. But I know it was something that would have proved me, you know, somewhere else. I wasn't -- and I showed it to him.

Q Okay. Why did you just -- you offered -- you said yourself, "I don't get in trouble." Why did you tell him that?

A Since 2007.

Q Huh?

A Since 2007 I haven't been in no trouble.

Q You said you don't have any record?

A I don't know about that. I mean, how long -- I don't know how long they hold it. How many years do they hold it on you? I thought it was seven years. That's why I was like I don't have anything.

Q I mean, that's not true, though. Why did you tell him that?

A I don't know how long they hold it. That's what I just said. I don't know. I thought they hold it only for seven years. After that, you don't supposed to have anything.

Q Okay. But that wasn't true when you told him that?

A But it was seven years. Seven years went by.

What?

Q Who told you that?

A That's what I assumed. I didn't know.

Q You just assumed that?

A I assumed that.

Q What else did you tell that lawyer that you just assumed to be true?

A Just that.

Q So now just that and just the Boeing; those were the only two lies?

A That was my assumption. The Boeing thing was a lie. That was my assumption, like I told you. I didn't know they hold it more than seven years. I thought after seven years, you know, you don't supposed to have nothing on you.

Q That's -- and you just assumed that?

A That's what I believed.

Q You still believe that?

A Not now. I mean, you're bringing it up.

Q Yeah. I just wonder --

A I just learned something. I didn't know that.

Q I just wonder why you told that officer that. I mean, what else did you tell him that maybe wasn't true?

A Nah. That was -- like I told you, I believed that. It wasn't like it wasn't true. I really believed that.

Q Okay. Huh. And the jury is going to have this?

A Uh-huh.

Q So they will get to here when you say, "Investigator Montgomery, going talk to T Ordum. He's going to tell you everything you need to know about my whereabouts"?

A Okay.

Q He's going to say that on that -- you're going to tell him that on the video?

A I don't remember the whole video, like I told you.

Q Tell the jury.

A I don't remember the whole video. It been almost four years ago. And I've been all these different kind of medications. I've been in jail. I don't remember every -- I don't remember everything. I'm not going to say I did or I didn't. I don't remember.

Q You sound -- you just -- and by the way, the phone. You said you had that phone that they found on you about eight days. Is that what you told them?

A Eight days.
Q They asked you about the phone. When did you get the phone that they have?
A That wasn't my only phone.
Q Not long before?
A I had another -- I had two phones.
Q Where is -- why do you have two phones?
A Because I wanted one.
Q You wanted one, but you had two.
A Yes.
Q Why did you have two phones?
A I wanted to get me a newer phone. And I did.
Q What did you do with the old phone?
A I don't remember.
Q Just gone?
A I don't remember. I don't know if they got the phone, the other phone in my property. I don't even know.
Q They got the one that you had on you. But you don't know where the other one is?
A I don't know.
Q Because you keep saying technology is going to help, but you -- you gave them the phone that you only had eight days before this?
A I don't know if that was the one or not.

Q But we're going to keep --
A I had more than one phone. I don't know if that was it or not.
Q We're going to keep looking for T Ordum.
A You can.
Q Okay. And he's going to -- that was somebody you didn't think Wayne Montgomery needed to know about because you didn't tell him anything about that video, did you?
A I didn't know I was in trouble. At first, I'm like -- I'm trying to figure out what was going on.
Q You didn't handcuffs and --
A Yeah. But I know I didn't do anything wrong.
Q You were in handcuffs to bring you from North Carolina and you didn't think you were in trouble?
A I mean, I didn't know what was going on. I wanted to find out what was going on. So you know, I talked to them. I asked them. And I said I wanted to talk to the lawyer. I didn't know nothing about that.
Q But anyway, you told them -- you did talk to a lawyer. You told them about T Ordum?
A I don't remember.
Q Okay.
A I don't remember exactly.
Q Okay. So it's your testimony that Antrone

ditched you and Michelle. And now, even though you're on video lying any time you get a chance, it's them; they were lying on you. That's your testimony?

A Only lied about one thing, like I told you. And everything else, I showed them paperwork.

Q Well, you lied to the doctor about your finger because you're now saying you didn't hurt it at Boeing?

A I was under medication at that time. I actually hung myself.

Q Then you'd lied to the jury about saying you never worked at Boeing?

A I never did.

Q And then on that video, you're telling the officer you worked at Boeing?

A Yeah. I told them a lie.

Q And then you told the officer you didn't have a record, you never have been in trouble. And that was a lie too?

A I don't know about all of that. I know about the seven-year thing. I was thinking I shouldn't have nothing on my record. That's what I was thinking.

Q All right.

A You know, after seven years. I've not get in trouble since 2007. I did -- I didn't get not even a

ticket. So I don't -- I didn't think of nothing that.

Q So even in this brief cross-examination that's been about 20 minutes now, you've lied under oath or admitted to lying under oath, what was that? Five or six times just in our brief conversation?

MS. ZMROCZEK: Your Honor, I would object to the characterization that he lied under oath.

THE COURT: Objection overruled.

BY MR. SCOTT:

Q Just in our brief little conversation, how many times have you lied?

A I lied? I never told you I worked at Boeing.

Q Listen to me. I asked you earlier about hurting your finger working at Boeing. You said I never hurt my finger. Then we looked --

A I never told you that. I told you my finger was broke.

Q Okay. You told the doctor you hurt it at Boeing, right?

A I don't remember what I -- I know I was under medication during that time.

Q And I asked you if you worked at Boeing, you said never?

MS. ZMROCZEK: Your Honor, that's been asked and answered numerous times.

At this point, he's badgering the witness.

THE COURT: Objection sustained.

BY MR. SCOTT:

Q How many lies did we just uncovered here, though, talking?

A Like I told you, I didn't lie to you about nothing because, first of all, I never told you I worked at Boeing. You assumed that.

Q We just watched a video, man.

A Yeah, I told the officer. I'd lied to him.

Q How come --

A One time.

Q How --

A Because I showed him paperwork. That's the difference between someone saying something to someone actually showing you something. That's two different things. I showed him. That's just like saying, Okay, I've got a gun, but I don't show you one. But if I show you I've got a gun, then you know I've got one.

Q You ever done that?

A No.

Q Mr. Dixon, how do we know --

A Wow.

Q How do we know -- listen. Listen to me. I'm trying to figure out Martin Dixon speak. How do we

know when you're lying to us and when you're not? Because you said sometimes you telling the whole truth to Montgomery. But now you tell us you lied to him a bunch of times. How can we know when you're lying? What's the code to crack?

A Paperwork.

Q Where's the paperwork? Give it to me.

A Ask him.

MR. SCOTT: Where's the paperwork? Did he give you paperwork?

THE WITNESS: He looked at it.

BY MR. SCOTT:

Q Where is it? What did it say?

A Ask him. He looked at it.

Q I'm asking you. You're on the stand?

A I don't remember exactly. You've got to ask him. He -- he -- he looked at it. His partner looked at it. You know, they didn't have no problems with it. So I don't -- I don't remember a day for a day 'cause it been four years ago. I wish I could help you with that, but I can't.

Q What we can watch is the video and it is helpful. All it was was your fugitive paperwork. It didn't say anything. It didn't help you one lick.

A I don't --

MS. ZMROCZEK: Your Honor, is he now saying that he knows what the paperwork is? This line of questioning is --

BY MR. SCOTT:

Q It's on the video. It's on the video. When he reads it, he says this is just your fugitive paperwork, right?

A I seen him -- I handed him -- it looked like a couple of papers. I don't know what it was.

Q Anyway, the jury -- your lawyer has introduced that as Defense Exhibit 6. So were you lying the whole time to the officer or were you telling the truth the whole time?

A We just went through this. I'm going to say it again. I lied one time about the Boeing situation. I gave them paperwork to show everything else that was facts.

Q Okay. But we just don't -- we can't tell when you're lying or when you're telling the truth, right?

A Paperwork tells the truth.

Q All right. Give me the paperwork.

A You've to get it from him.

Q Fugitive paperwork. How is that going to help you? That is what Hickory gives you --

A I don't know what he has.

Q -- when they get you back to Columbia.

MS. ZMROCZEK: Your Honor, again, this has been asked and answered numerous times.

MR. SCOTT: Nothing further.

THE COURT: Overruled.

REDIRECT EXAMINATION

BY MS. ZMROCZEK:

Q Mr. Dixon, he asked you about going to see Dr. Frierson, right?

A Yes.

Q Right?

A Yes. Right.

Q And Dr. Frierson had some medical diagnoses for you, right?

A Yes, ma'am.

Q Because you have major depressive disorder?

A Yes, ma'am.

Q And so they were having trouble getting your medication right?

A Yes, ma'am.

Q Okay. And were -- when you were talking to Dr. Frierson in a medical setting while you were having trouble with your medication, did he say --

MR. SCOTT: Objection to hearsay.

BY MS. ZMROCZEK:

Q Were you put under oath?

A No, ma'am. What are you talking about? In here?

Q You were put under oath in here, right?

A Okay.

Q When you talked to Dr. Frierson, were you put under oath?

A I don't remember. In the -- in the -- in the room?

Q I mean, did he put your hand on a Bible and tell you?

A No, ma'am.

Q Okay.

A No.

Q When the police on that video were asking you questions, did they say you're under oath?

A No, ma'am.

Q Okay. Did you tell them that you were being assassinated?

A No, ma'am.

Q Okay. Were you -- what were your feelings?

A I felt -- I felt like I was -- like, they just wanted to make an arrest. You know, they wanted to arrest me. I didn't understand what was going on.

You know --

Q So you were confused?

A Yeah.

Q Were you scared?

A No. Because I didn't do anything. I know I didn't do anything. So I was like -- that's why I just said what I said to him, 'cause he wouldn't listen. I was like okay. Actually, I was being sarcastic with him, which I shouldn't have been. But yeah.

Q You -- he was asking you about how that you're just a bighearted person.

Now, Mr. Dixon, did you -- did -- did -- did you get help from Michelle and Antrone when they could give it to you? Was it a mutual relationship or were you just taking care of everybody?

A I was -- I was doing it. I was doing it. Because I know they was paying -- they was paying bills on other things. They didn't have no money like that. They didn't have no money like that. So me, during that time, I didn't have no big bills. Whatever I could help with, I help with. That's what friends do. You don't -- you know I wasn't into loaning nobody no money. That breaks up friendships if they don't pay you back. So I help when I can.

Q Okay. And -- and we saw the video. Were

they -- were they -- were they talking to you nicely or were they talking to you aggressively?

A They were aggressive, very aggressive.

Q Did they kick back -- did -- did Investigator Montgomery kick back and -- and laugh and -- and -- and joke with you?

A No.

Q Did he make you feel comfortable?

A No.

Q Did you tell him you weren't in the state?

A I told him. I told him a couple of times. I told him.

Q Were you thinking clearly?

A Yeah, I was.

Q Okay. Were you hoping that they would -- would -- would scratch that. That's a terrible question.

Did you ever deny knowing Michelle or Antrone?

A No.

Q Did you ever tell them that -- that you were going to be assassinated?

A No.

Q Did you ever -- you -- we talked about suicide. So this major depressive disorder, what does

that do to you?

A It's -- I get real depressed, real depressed to the point where my hands start shaking and, you know, suicidal thoughts and stuff like that.

Q Is that something that you've been working on and addressing?

A Yes, ma'am.

Q Did you -- when you were reading the warrants about the charges that you received, how did that make you feel?

THE COURT: Ms. Zmroczek, that's improper --

MS. ZMROCZEK: Okay.

THE COURT: -- redirect.

BY MS. ZMROCZEK:

Q When he was asking -- when Mr. Scott was asking you about paperwork and things like that -- scratch that question.

Did they ever ask you -- let me rephrase.

Your Honor, I'm sorry. I'm just trying to make sure I ask the correct -- the question properly.

When you got on the stand today, what is different about the testimony that you gave here versus when you were in that room? Were you -- did you put your hand on the Bible?

THE COURT: How many questions you want to --

you're going to ask?

MS. ZMROCZEK: Your Honor, I'm just about done.

BY MS. ZMROCZEK:

Q Did you kidnap Mr. Dubose?

A No, ma'am.

Q Did you attempt to murder Mr. Dubose?

A No, ma'am.

Q Thank you. I have no further questions.

THE COURT: Anything further?

MR. SCOTT: No, Your Honor.

THE COURT: You may step down.

Call your next witness.

MS. ZMROCZEK: Your Honor, the defense rests.

THE COURT: Any reply by the state?

MR. SCOTT: No, Your Honor.

THE COURT: All right.

Ladies and gentlemen, the state has rested. The defense has rested. No reply by the state. That means you have heard all of the testimony. The next thing is closing arguments, which we will do tomorrow morning at 9:30. Have a good evening. Please do not discuss the case.

(The jury exits the courtroom at 5:24 p.m.)

THE COURT: Any matters of law?

MS. ZMROCZEK: Yes. Thank you.

First, Your Honor, I need to place -- I stated I had a matter of law and you said to make sure I place it on the record afterwards. Your Honor, I object to the burden shifting of the questions by Mr. Dix- -- by Mr. Scott.

Your Honor, the best inference that you can raise in closing, but to burden shift -- to burden shift to tell -- to ask questions about Mr. Dixon saying, Well, where is he? Your Honor, that -- that burden never shifts. The burden is not on Mr. Dixon to prove himself innocent. Those questions were absolutely burden shifting.

At this point, I would have to again move for a mistrial based on the improper burden shifting by the questions asked by Mr. Scott.

THE COURT: Mr. Scott.

MR. SCOTT: Your Honor, I think the state, January 18 of 20 -- of this year, we did ask for notice of any alibi. On the stand, he mentioned T Ordum for the first time, which we never heard of. I asked him simply if he could aid the state in any way in locating Mr. Ordum so that we could vet this new disclosure that was previously asked by the state for notice of -- never received notice

of. I think that was an appropriate question.

He answered it. He had no idea how to find Mr. T Ordum. This was something that was elicited by his defense attorney on direct. I think an appropriate question is please help the state in locating Mr. Ordum if that's the first time we're hearing that after asking for notice three or four months, Your Honor.

THE COURT: The Rule of Criminal Procedure provides a notice of alibi that -- by defendant upon written request of the prosecution stating the date, time, and place of which the alleged offense occurred. The defendant shall serve within 10 days or at such time as the Court may direct upon the prosecution a written notice of his intention to offer an alibi witness.

The notice shall state the specific place or places at which the defendant claims to have been at the time of the alleged offense and the names and addresses of the witnesses upon whom he intends to rely to establish such an alibi.

Was a notice of alibi filed in this case?

MS. ZMROCZEK: It was not, Your Honor.

THE COURT: All right.

MS. ZMROCZEK: Which is why --

THE COURT: Just one question. Yes; no.

MS. ZMROCZEK: No.

THE COURT: Well, there's no notice of alibi filed in this case. Despite that fact, the defense submitted to the Court a request for the Court to charge alibi. In addition, the defense has put a witness on the stand who claims to have had an alibi or had an alibi, claiming that he was someplace else at the scene of the crime. The defense has violated the rules and claimed the alibi without giving proper notice pursuant to Rule 5(b).

Had they provided notice of Rule 5(b), then the question by the state would not have been necessary since the rules would otherwise require the defense to disclose specific information about the witness as they claim to rely. I find that the line of questioning was appropriate and was not burden shifting and deny any objection to that line of questions.

MS. ZMROCZEK: Thank you, Your Honor.

THE COURT: Anything else?

MS. ZMROCZEK: Yes, Your Honor. At this time, I would like to have a charge conference. As I have told the Court previously, depending on

what the testimony was that I would request an alibi charge. But I said it will depend on the -- the evidence. So Your Honor, I guess at this time, it would be proper to have a charge conference so that we could properly argue any --

THE COURT: At this time, the Court is entertaining any motions at the end of the evidence.

MS. ZMROCZEK: Thank you.

Yes, Your Honor. We would also move again for a directed verdict and we move all of our previous motions based on our previous arguments.

THE COURT: And the Court respectfully denies all of those motions.

We're now at Rule 20. Time for requests. Requests of legal instructions that the jury show be submitted at the close of the evidence or at such earlier time, the trial judge shall reasonably direct. All requests must include accurate citations to authorities relied upon. What -- what has been submitted in compliance with that rule?

MS. ZMROCZEK: I'm sorry, Your Honor. I was dropping things and didn't hear your question.

THE COURT: The Court has been provided a

laundry list of words, general charge, (inaudible), reasonable doubt, and a list of many other -- many other topics. Have not been provided any specific requests for charge.

MS. ZMROCZEK: Your Honor, I did include the specific *Logan* request in the e-mail that I sent and I cited *Logan* in the e-mail.

THE COURT: You said direct and circumstantial evidence dash *Logan* charge.

MS. ZMROCZEK: Yes, Your Honor.

THE COURT: I don't see any -- any specific requests for charge.

Now, jury charges are, as you-all know, they are detailed written instructions to the jury. All requests for legal instructions to the jury shall be submitted at the close of evidence or at such time as the trial judge shall reasonably direct -- direct.

All request must include accurate citations to authorities relied upon. That's Rule 20 of the Rules of Criminal Procedure.

MS. ZMROCZEK: I will pull them up, Your Honor, since we have just closed the evidence.

THE COURT: Those were requested last week

per my law clerk.

MS. ZMROCZEK: Did I overlook the state's as well, Your Honor?

THE COURT: Pardon?

MS. ZMROCZEK: Did I overlook the state's request?

THE COURT: We received nothing from the state nor anything from the defense.

Any -- any requests to charge by the state?

MR. SCOTT: No, Your Honor.

THE COURT: The state has no requested charges.

MS. ZMROCZEK: Then, I will submit mine right now, Your Honor.

THE COURT: We will take a three-minute break while you search for --

MS. ZMROCZEK: Thank you.

Thank you.

I'm just typing in the correct information.

THE COURT: All right. Well, e-mail to me whatever it is that you are looking for if you find it.

MS. ZMROCZEK: Thank you.

(A recess is taken.)

MS. ZMROCZEK: E-mailing it now, Judge.

(Pause.)

THE COURT: Regarding presumption of innocence, that's a standard charge. The request for reasonable doubt is a standard charge.

MR. SCOTT: Judge, your -- your reasonable doubt is *Victor v. Nebraska*?

THE COURT: Combination of the two.

MR. SCOTT: Oh, right. But it does have firmly --

THE COURT: Firmly convinced.

MR. SCOTT: Okay.

MS. ZMROCZEK: The only additional standard charges, Your Honor, that don't require citations, I would refer back to the e-mail. But I did submit the proper citations for the *Logan* -- *Logan* circumstantial evidence charge.

THE COURT: The request for circumstantial evidence is not a correct circumstantial -- direct and circumstantial evidence charge under the current law. This particular request for charge says all of the circumstances must be consistent with each other.

The Court has indicated that's an improper charge --

MS. ZMROCZEK: That is the charge under

Logan, Your Honor.

THE COURT: Pardon?

MS. ZMROCZEK: That is the charge under *Logan*.

THE COURT: That is -- not what you forwarded to me.

MS. ZMROCZEK: I'm sorry?

THE COURT: What you forwarded to me is not the --

MS. ZMROCZEK: Okay.

THE COURT: -- correct charge.

You have in the requested charge all of the circumstances must be consistent with each other. In the latest approved charge, all of that's to be deleted. Therefore, the Court will charge the -- these charges cited 2013 and 2014. They have since been updated to delete all of that.

Prior bad acts. I didn't hear any testimony of prior bad acts.

MS. ZMROCZEK: I believe that that's what he was eliciting, Your Honor, from the stand on cross-examination of Mr. Dixon.

THE COURT: What -- what was the prior bad acts that he elicited?

MS. ZMROCZEK: That he had been in trouble

before.

THE COURT: So he was --

MS. ZMROCZEK: Your Honor, we'll withdraw that. We'll withdraw that request.

THE COURT: All right.

And those are all that you submitted.

MS. ZMROCZEK: With citations. The previous -- the other -- Your Honor, the other requests are the standard charges, the credibility of witnesses; multiple charges -- the identification is a standard charge that we would request, which is in the charge book so I don't -- intent; probable cause for arrest, which is a standard charge.

THE COURT: Standard charge as to what? How do I charge probable cause to arrest someone? He's been indicted by the grand jury.

MS. ZMROCZEK: Okay.

THE COURT: And that's what we are here on.

MS. ZMROCZEK: We requested a charge on prior inconsistent statements, the standard charge.

THE COURT: Spoilation --

MS. ZMROCZEK: We withdraw that request, Your Honor.

THE COURT: (inaudible).

MS. ZMROCZEK: Your Honor, I believe that was before... sorry. Hang on. (Pause.)

Your Honor, we submitted that when he was still -- the indictment for robbery was still -- excuse me, for arson was still in play. We would withdraw that request.

THE COURT: All right.

Kidnapping and attempted murder was sent last night.

MS. ZMROCZEK: Yes, sir.

THE COURT: Malice is contained in the charge.

MS. ZMROCZEK: Yes, sir.

THE COURT: A&B third.

MS. ZMROCZEK: So Your Honor, as I argued in my directed verdict motion, we would ask for a lesser included charge. Obviously, we said A&B third. I think that in order to get to A&B third, the proper -- the proper requests revolves around assault and battery aggravated nature, which is a lesser-included charge of -- less included -- lesser-included offense of attempted murder. And then, Your Honor, we would ask that it also be assault and battery first, assault and battery second, and assault and battery third.

THE COURT: Was that inconsistent with his alibi?

MS. ZMROCZEK: Well, Your Honor since we --

THE COURT: Or you're withdrawing the alibi charge or request?

MS. ZMROCZEK: I was unsure if the Court was going to charge alibi since we didn't properly request it. So that's where -- I think that's where we have a miscommunication.

I -- I agree that that would be inconsistent with his alibi. If you are going to charge alibi, then we wouldn't ask for the lesser included. If you're not, then we would ask for lesser-included.

THE COURT: What says the state?

MR. SCOTT: Your Honor, basis of the attempted murder which presumably would be the lesser-included -- or the basis of the lesser-included A&B third, all of the testimony has been the attempted murder stems from the placing him inside the trunk of a car and setting the car on fire.

I think there's been some argument by the defense about the hitting him over the eye and everything. That was the least of Antrone Dubose's trouble that day. That was not the basis

of the attempted murder. Clearly, the basis of the attempted murder would be setting the car on fire with him in the trunk. So A&B third, or really any other assault and battery type charge, would be in appropriate based on the only facts giving in this case by --

THE COURT: What's the state's position regarding alibi?

MR. SCOTT: Your Honor, it was never appropriately noticed despite our requests for some ample notice and saying that that goes up until the day of trial, please give us some notice so that we can vet it. It was never given.

I don't think -- you know, the jury heard his version. But I don't know. I would argue against a jury charge from the judge on alibi whenever the state did everything it could do to get some kind of notice of alibi and that still failed. So I would -- I argue against charging the jury on alibi.

MS. ZMROCZEK: Your Honor, I think that the violation of the rule is the basis for you allowing him to ask him the names, etc., etc. *State v. Robbins*, 275 S.C. 372 [sic], which is a 1980 charge, an alibi charge is requires when

there is evidence that the defendant did not perform the criminal act, was in another place at the time of the commission, thus making it impossible for him to be at the scene of the crime.

They were on notice on October 24 when he told them I was not in the state or South Carolina.

MR. SCOTT: Something just seems wrong, Judge. It seems like it should be procedurally barred when the rules say, hey, when the state asks for some notice, the rules say give it to them. It's almost like --

MS. ZMROCZEK: You have a copy of that notice? I just don't have a copy of that notice.

MR. SCOTT: It was clocked in with the clerk of court's office. You should have a copy. It was e-mailed directly to you on January 18, 2023.

MS. ZMROCZEK: That's why was I asking for it. Thank you.

MR. SCOTT: I don't know what else we could of done. We've been in constant contact and -- and communications regarding this case. At any point, they could've indicated that here's where he's going to say he was. Here's the witness

who's going to attest to that. All of these things that the rulebook says that the state needs to do if you're entitled to that information, we've done it.

THE COURT: Anything else on this alibi issue?

MS. ZMROCZEK: Nothing further, Your Honor.

(Pause in proceeding.)

THE COURT: I am kind of conflicted on this charge of alibi and not charging alibi. I agree that --

MR. SCOTT: Your Honor, would you -- sorry.

THE COURT: -- assault and battery should not be charged because it's attempted murder -- the basis for the attempted murder charge is not the injury, but the -- well, part -- the injury -- the injuries are part and parcel of it. But the charge is attempted murder. Either he is guilty of that or not guilty. If he did what the state claims, than he can't be guilty of assault. It would have to be, I would think, murder.

With regard to alibi, the defendant has not properly raised alibi. But the state did not object to testimony regarding alibi when the defendant claimed that he was in North Carolina

and wasn't here. There was no objection to that testimony. So from that point, the issue, that alibi was litigated through testimony. So I'm going to -- of course, part of the charge of alibi is mere did now at the scene does not constitute an alibi. The state has to disprove alibi, which is -- in order to prove he's the one who did it, then that is, in effect, disproving his alibi.

So I think based on the testimony litigating the alibi issue that even though the defendant did not give notice of alibi, because it was introduced and not objected to, I'm going to charge alibi. I'm not going to charge assault and battery.

Ms. Zmroczek, did you want one or the other?

MS. ZMROCZEK: I -- I -- I believe that that -- that would be proper.

THE COURT: All right.

Anything else about the requested charges?

MR. SCOTT: Your Honor, will you e-mail us a copy so we can study it tonight a little bit.

THE COURT: All right.

MS. ZMROCZEK: That would be my request as well.

THE COURT: Yeah. She'll send it to you

tonight.

MR. SCOTT: I said earlier --

THE COURT: Pardon?

MR. SCOTT: I'm sorry. I said earlier that we didn't have any. Would you consider a hand-of-one charge, Judge? I went and printed one that I had on file. It's just the standard one.

THE COURT: What says the defense to Your Honor, I would argue against the hand-of-one/hand-of-all. The hand-of-one/hand-of-all charge requires testimony that there was -- they were working together in concert as an act. Their -- the witness I think that they were relying on hand-of-one/hand-of-all would be Ms. Jones who said -- testified ad nauseam that she was forced to do everything. There was no joint meeting of the minds. So I do not believe hand-of-one/hand-of-all is appropriate in this charge -- in this case.

THE COURT: Mr. Scott?

MR. SCOTT: The testimony of Antrone Dubose is that they both worked in together to force him into the trunk of the car. She was kicking him. Of course, Mr. Dixon was hitting him in the head with the tire iron, threatening him the whole

time.

Then, of course, Ms. Jones today indicated that she helped force him into the trunk of the car along with Mr. Dixon. And in her recorded statement, which is actually in evidence now, at some point, she indicated that she lit some of the paper that was thrown into the vehicle that ultimately leads to attempted murder.

So I have some evidence through testimony and through some of the core evidence that they both worked in concession with one another, joint goal of kidnapping the defendant -- the victim, rather, and ultimately killing him. So I think it would be appropriate in this case based on the evidence that has been introduced.

THE COURT: All right.

Ms. Zmroczek.

MS. ZMROCZEK: Thank you.

Again, even the testimony where she said she lit the paper, she said that she was ordered to, that it was not done in concert.

THE COURT: All right.

The victim said they both beat him up and both put him in the trunk. Her defense was, "Well, I did it, but I was forced to." But the

testimony in the record is that she along with Mr. Jones -- Mr. Dixon that facilitated the commission of the crime. So I'm going to charge that.

MR. SCOTT: Thank you, Your Honor.

I think I've seen yours and I'm fine with this. The one I have may very well be the exact one you have.

MS. ZMROCZEK: And, Your Honor, based on your ruling, I think that mere presence then should also be charged if you're going to charge hand-of-one/hand-of-all.

THE COURT: All right.

Mere presence is inconsistent with alibi.

MS. ZMROCZEK: Well, certainly. I would maintain that, you know, that I -- I think that part of the requirements of jury charges that they get to consider although that I disagree that hand-of-one/hand-of-all is -- is appropriate and they say that they were together. So, Your Honor, I think that based on relying on -- on Mr. Dubose's testimony, I think that mere presence then should additionally be charged if it's going to be hand-of-one/hand-of-all.

THE COURT: I'm not going to charge alibi and

mere presence because they're inconsistent. You can't have an alibi -- he can't be mere present -- merely present if he's in North Carolina.

MS. ZMROCZEK: Well, certainly. And Your Honor, we would then argue -- if we have to choose between the two, we're not choosing mere presence.

THE COURT: I'm not going to charge mere presence. I am not going to charge mere presence. (Pause.)

There's a component of mere presence contained within the hand-of-one charge. A portion of it says, that I was just handed up, it says: However, mere presence at the scene is not sufficient to convict one as a principal. The theory of aiding and abetting intent is also a necessary element. Must be a common design in the crime being committed pursuant with the person aiding and abetting in the overt act. So that -- intent as well is part of the hand-of-one charge.

You want an identification charge?

MS. ZMROCZEK: I do, Your Honor, specifically with regards to the testimony of Dexter Dubose. That was the basis for that request, because he said that he -- he was talking about voice

identification that he had talked to him before. And -- and it was the same person that was trying to charge him $600 for the trailer. So that was the basis -- that testimony was the basis of that request, Your Honor.

THE COURT: I give a standard identification charge.

All right.

Anything else?

MR. SCOTT: Nothing from the state.

THE COURT: All right.

Well, we will send you-all it tonight. If you have e-mail, e-mail whatever issues you may have with what is sent to you. And then, we'll hopefully, proceed at 9:30 tomorrow morning.

How long do y'all plan to argue?

MS. ZMROCZEK: Eight hours. Just kidding, Your Honor. You said 9:30?

THE COURT: Yes.

MS. ZMROCZEK: Your Honor, I -- I would expect that it would be probably 45 minutes. I don't -- I don't anticipate going any longer than that.

MR. SCOTT: That's what I was thinking, 30 or 40 minutes.

THE COURT: All right.

We'll see how it goes. Again, at 9:30. See you-all then.

(The Court recesses for the day.)

CERTIFICATE

I, the undersigned, Teresa B. Johnson, Official Court Reporter, do hereby certify that I transcribed the electronic recording of the remote hearing in this matter; and that the foregoing is a true transcript of said electronic recording.

I do further certify that I am not a relative, employee, attorney, or counsel of any of the parties connected with the action, nor am I financially interested in the action.

Dated: August 20, 2023

/s/Teresa B. Johnson

Teresa B. Johnson

Official Court Reporter

STATE OF SOUTH CAROLINA	IN THE COURT OF GENERAL SESSIONS
COUNTY OF RICHLAND	Case No.: 2020GS4001501, 2020GS4001502
State of South Carolina,	
vs.	
Martin Dixon,	
Defendant.	April 6, 2023

TRANSCRIPT OF TRIAL - DAY 4 OF 4

BEFORE THE HONORABLE CLIFTON B. NEWMAN
Circuit Court Judge, presiding

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P R O C E E D I N G S

(Court is called to order on Thursday, the 6th day of April 2023, at 9:40 a.m.)

THE COURT: Good morning. Are y'all ready for the jury?

MS. ZMROCZEK: Yes.

THE COURT: Bring them on.

(The jury enters the courtroom at 7:42 a.m.)

THE COURT: Good morning.

All right.

Ladies and gentlemen, you've heard the case and received the evidence. It's now time to hear closing arguments from the lawyers.

First, from the State.

MR. SCOTT: Thank you, Your Honor.

May it please the Court?

THE COURT: Yes, sir.

MR. SCOTT: Ladies and gentlemen, vulnerable people are always going to be pray and victim to someone or something.

In August of 2019, Antrone Dubose was and is a special-needs adult who was homeless, in need of help. But he was used and taken advantage of and ultimately left for dead by Martin Dixon. The intent of Martin Dixon had been for Antrone Dubose

to die in the trunk of his own car, burned alive.

Antrone Dubose was an easy mark for a predator like Martin Dixon. A predator like Martin Dixon realizes that rather quickly. Antrone had been taken advantage of his whole life. And you heard from him. He has several disabilities, including a learning disability, for which he does receive a monthly check. People are always looking to get their hands on this money as we've heard. And apparently, it's not all that difficult to separate Antrone Dubose from his money that he gets. On top of that, Antrone had a car. And he's the guy people like Martin Dixon used to give them rides to wherever they want to go.

Sad thing in this case, and it seems like Antrone really believed Martin Dixon was his friend. He really believed Martin Dixon had his best interest in mind. Vulnerable people are always going to be pray and victim to someone or something. Sad thing is the vulnerable person doesn't usually realize that until it's too late.

So the testimony was August 2019, Martin Dixon wanted to go to Columbia. Why he wanted to go to Columbia is a bit confusing. But it was

testified to that he was wanting to come here and he was dating Michelle Jones. Michelle Jones is another vulnerable adult who has suffered with bipolar disorder, schizophrenia most of her life. She, too, has been used and abused by Martin Dixon with him using physical and mental abuse to control her. Martin Dixon tells Antrone that both of them should go to Columbia to look for a place to live. Martin Dixon does not tell Antrone that he intends on taking Michelle Jones too.

When it comes time to leave Charleston for Columbia, Antrone was surprised and apparently a little bit upset to find out that Michelle Jones, too, is coming along for the ride. This had been communicated to him. And he was against it because as you've heard, he and Michelle Jones never get along. They would argue amongst one another. They were never really friendly with one another. So this was problematic for Antrone Dubose who had been told that we're going to Columbia, you and me, and we're going to find a place to live together. That was never Martin Dixon's intent. It was never his intent to come to Columbia to look for housing.

But they leave Charleston and the

misadventure begins. They run into trouble rather quickly it seems. It was testified to that there is a flat tire and it was discovered that the car needed at least two replacement tires. I think the oil needed to be changed.

Michelle Jones was directed or offered to pay for these repairs. And testimony was it cost somewhere in the range of $400. It was testified to that it was Michelle Jones who paid for that using her disability check or the money from that check.

The three continued to Columbia and ended up over in West Columbia, at a hotel called the OYO Hotel. It's apparently no longer there. But right off the Frontage Road, 378, and I-26 right there near the Lexington Medical Center. Once again, Michelle Jones money was used to pay for the hotel. This was August 1, 2019. Remember, Antrone is found in the trunk of the car August 7, 2019.

It appears the three spent their time aimlessly in Columbia over the next several days. If they were there to look for apartments or rentals or any kind of living arrangement, they failed. They failed at that. Doesn't appear much

effort was made to search for any kind of home or any living quarters.

When the money ran out for the hotel, the three rode around Columbia in the car. It looks like they spent time in the parking lot of Lexington Medical Center. Other than that, they just sort of aimlessly spent their time in Columbia.

August 6, 2019, Antrone Dubose had had enough. They weren't making any real effort to find a home. That was his reason for coming to Columbia from Charleston with Mr. Dixon. He thought they were going to find somewhere to live. 'Cause again, he had been driven out of his car down in North Charleston for some time. So the prospect of finding a home with who he thought was this friend probably seems like a pretty good plan. But there was no effort being made. He saw that.

At the same time, he had a doctor's appointment back down in Charleston. He mentioned this and he mentioned he was tired of driving around. Martin Dixon wasn't having it. He tells him, "Well, just find a doctor up here." Antrone says, "That's not really how it works. I have one

down in North Charleston who sees me and understands my disabilities and other things that I've been treated for." This was not a good enough answer for Mr. Dixon.

Mr. Antrone Dubose decided he needed to call his brother Dexter. Again, it -- it's unclear what Martin Dixon was really doing in Columbia. Anyone who heard the testimony understand his tent and intent was never to find any sort of living space. It was clear he was up to something in Columbia. Whatever it was he was wanted to do here he was not finished and he wasn't ready to go back to Charleston. Martin Dixon tells Antrone that they were going to be staying here, and that's the deal. He's the shot caller. I think everybody understands that.

Antrone, whenever he had a chance, like I said, he calls Dexter Dubose -- we heard from him his brother -- and says, "Look, I'm -- I'm up here in Columbia. I'm ready to go home. I'm with these two and they're not letting me go home."

Dexter had already kind of -- he had some information about this misadventure, if you will. Because Antrone had mentioned to him before they left Charleston, "I've got to take these people up

to Columbia. Dexter understood it as kind of like an informal Uber type thing that he was going to be paid to take them from Charleston up to Columbia. So he was already kind of skeptical about it. Of course, he remembered Dixon from when Antrone and Dixon lived together years before.

Dexter tells Antrone Dubose, "Just tell them you're ready to leave."

Antrone said, "I tried that. That's not working."

Dexter says, "Put him on the phone with me."

Dexter testifies that -- that he spoke with Martin Dixon who -- who was rather upset and who -- who claimed that Antrone owned him money.

Dexter said, "I don't know what you're talking about to let him go home." He said, "He ain't going home. He owes me money."

An argument ensued, ultimately, leading up to Martin Dixon hanging up the phone. Dexter Dubose testified he tried to call back a number of times, but the phone had been turned off.

Martin Dixon's immediately yelling at Antrone Dubose now for making his spot hot. "You made this spot hot now. Why did you do that?" And

again, it's unclear. You know, what is Martin Dixon up to that he's worried that Antrone was snitching on him, telling about his whereabouts and what he was doing? We don't know. But we do know he wasn't looking for housing here. He was up to something.

Martin Dixon is angry now. They pulled behind an abandoned building, an empty parking lot. Martin Dixon gets into it with Antrone Dubose, telling him he wants to go home so bad he's going to have to cough up that $400 that he owed for the car repairs. Antrone tells him he doesn't have that kind of money on him. But that's not good enough.

Martin Dixon hits him in the head with what has been referred to as either a tire iron or a crowbar. We -- we do know it was something hard enough and he was hit forcefully enough to open up his left eyebrow and cause some bleeding. It's not difficult to imagine Antrone Dubose being stunned at this point. His supposed friend had just struck him in the head with some hard object. He's bleeding on top of that.

Now, he's got Martin Dixon and Michelle Jones screaming at him, kicking him, telling him to get

into a trunk, a very -- the trunk of his own car. He's told to get in that trunk. And then, he has pushed him and the threat of more violence if he didn't do as he was told.

And to imagine the next several minutes for Antrone is -- it's rather terrifying. It's a fear of mind. It's hard to see that he was crammed into such a small, already-cluttered space. Inside that trunk was a lot of his belongings. You'll see the pictures of the spare tire in there.

Antrone testified. And you've seen him. He's about a 260-pound man. But he's cramped into that dark, hot cluttered space. It's August in Columbia.

Now, Martin Dixon's moving the car. He's driving. He's driving over curbs. He's braking hard.

Now, Martin Dixon is talking out loud for Antrone Dubose to hear. I'm going to drive this car into the lake with you in it. It's terrifying. It's hard to imagine being in that kind of a situation.

And now, Martin Dixon's saying, "I'm going to burn this car. That's what I'm going to do. You

love this car so much; you're going to die in it."

The old Lexis was driven down a narrow access road off of Elmwood Avenue down to what I call Elmwood Cemetery and into a section of that large cemetery called Randolph Cemetery. That's the very last one before you get to the river. Martin Dixon gets out of the car and directs Michelle Jones to do the same.

The two of them light paper on fire and throw it into the vehicle. They place a rag into the gas tank, light it on fire too, and then take off running into the night.

What they didn't know at that time, though, was their efforts to kill Antrone Dubose have failed. Y'all heard the fire department captain, Chris Ford, who was testifying to the three things you need for a successful fire. You need fuel. They had that. You need heat. They had that. And you need ample oxygen. The only reason Antrone Dubose is alive now is because they didn't count for the ample oxygen. They threw the paper into the car, shut the door, they were unable to get the rag far enough into that gas tank and to provide enough oxygen to light the gas on fire. But make no mistake. That was the intent. That

was the intent. The intent was to kill Antrone Dubose area. And for what? What could that man have ever done to meet a fate like that? Martin Dixon was able to call for a ride to pick he and Michelle up to get them out of town.

Next morning, Freddie Free, he shows up at Randolph Cemetery. He was the very first witness you guys heard from. He was the fellow who goes out every couple of weeks and cuts the grass there at Randolph Cemetery. By now, I think this is a -- if you're from Richland County or a live in Richland County as we all do, you probably are familiar with the cemetery. Here, we have a view, bird's-eye view looking towards Columbia from I-26. If we left here and jumped on 126 toward Chapin, Spartanburg, this would be that cemetery on the right that you would see.

And you-all think about it, think about how it's way up on the hill as you go down 126. From the road up to the top is almost 25/30 feet. It's interesting because Michelle Jones who's not from here talked about the cemetery, you know, the one by the freeway; the one up on the hill. Wonder how she knew that? How did she know about that?

Y'all have seen the cemetery. What you can't

usually see from 126 is the access road that goes alongside. It's a frontage road and it's the way you get into the cemetery.

The car Freddie Free found on the morning of August 7, 2019, was located at the curve in the little access road. You see from the other pictures there, there was a retaining wall that makes it invisible from the highway there. The black Lexus that was Antrone Dubose's most prized possession had been given to him by a former employer, had become his home in recent times. The very thing that made him valuable to the predator, Martin Dixon, was this car. And it was what Martin Dixon intended on it being his coffin as well.

This is what Freddie Free found. The doors, of course, were closed at the time. And the car begins to move as he gets closer. And it's hot out. And he's -- he's -- he's wondering why the car is moving. He doesn't see anybody on the inside. But the car is moving. But nobody is talking. But he is sure, and you can hear it in the 911 call, that someone is in there.

Officers arrive. They can't figure out any way to open the trunk. The latches are broken.

It's unable to be opened. They have to use the Jaws of Life to cut it open. And they find an unconscious Antrone Dubose suffering mildly from heat exhaustion and dehydration with a gash over his left eyebrow.

It is difficult even looking at the picture to imagine even in an empty trunk being crammed in there, but this one is -- is cluttered with all -- all sorts of items. This is what Martin Dixon intended on being Antrone Dubose's coffin.

It was evident immediately that somebody had attempted to burn the car. Of course, the rag getting stuck in the gas tank or attempted to be stuck in the gas tank, the soot, the burn marks all along the car. And the inside, it was clear evidence that -- this would be the passenger -- front passenger seat of paper -- of paper being lit on fire and thrown into the car. The tire iron was found in the passenger seat as well.

Front driver seat, too, had paper and other items that -- that somebody had attempted to light on fire. So sit is very clear to any investigator, certainly any fire department employee, that this car, somebody had intended to burn it.

In looking through the car, they began finding items that didn't belong to Antrone Dubose, the victim, the owner of the car, but Martin Dixon found medical paperwork. They found medicine; various forms of medical paperwork. They found various letters that had Martin Dixon's name on it.

Antrone Dubose gets to the hospital. Again, he's treated for heat exhaustion, dehydration. He's -- he's got an open wound over his left eyebrow.

Wayne Montgomery. Wayne Montgomery, the investigator in that case, the bogeyman, according to Martin Dixon because he was so mean and aggressive in his interview. Of course, you guys will get to watch that interview. You'll get to see you get to see how mean and aggressive Wayne Montgomery is.

Investigator Montgomery, veteran police officer at the Columbia Police Department, goes to the hospital and speaks with Antrone Dubose. Antrone Dubose, from the first time he is asked until this week, has always maintained two names, two names only who are responsible for him being in the trunk of the car, two people who were

responsible for attempting to kill him after kidnapping him in the trunk of his own car. He's never wavered.

I don't mean to disparage. But Antrone Dubose is -- is not a sophisticated, complex thinker, I don't think. I don't think anybody who seen him or heard him testify -- he himself admits he's got some learning disabilities. His brother talked about that as well.

He has always maintained two people were involved with this. And those two people were Michelle Jones and Martin Dixon. That was the very first thing he told Wayne Montgomery. And he has never wavered; never given any other name. Martin Dixon and Michelle Jones did this to him.

Officers put Martin Dixon and Michelle Jones in the system that flags them for arrest whenever anybody could catch up with them. They certainly can't find them anywhere around town. Months go by. And in October, they are finally found living out of a hotel in Hickory, North Carolina. They had absolutely no connections to Hickory, North Carolina. They are brought back to Columbia and interviewed.

Michelle Jones was spoken to, again, by mean

old Wayne Montgomery. But Wayne, as you're watching in her interview, he listens carefully as she speaks. Michelle Jones, her afflictions, they're obvious, too, in the interview. At one point, she may be talking about vast conspiracies to assassinate members of her family. At another point, she may be touting her successful rap career. But she's also able to provide details that are compelling to Investigator Montgomery.

She talks about certain details of Mr. Dubose's kidnapping and attempted murder that she really shouldn't have any knowledge of, but for being there. You know what I'm saying? She knows about certain things that how would she had ever have known that.

She brings up the car repairs on the way to Columbia and how Antrone Dubose owes her money for those repairs. You know, she mentions Martin Dixon's name as being involved unprompted. She talks about how Antrone Dubose had been trying to call his brother while they were in Columbia. How would she know these things, but for being there?

She says the beating happened in a parking lot near the alleyway. She mentions the attempted murder happening in a graveyard. She brings that

up without anybody mentioning that to her. You're going to see it unfold in her interview. How does she know those things if she wasn't there? How did she know those things if she was in North Carolina at the time of this with Martin Dixon?

It seemed at times during cross-examine -- the cross-examine yesterday. You understand when I call state witness, it's direct examination. And then when the defense gets up there and questions a state's witness, is called cross-examination.

But the cross-examination yesterday did seem at times that Michelle Jones was being mocked by Martin Dixon's lawyer. You know, the defense turn around and would ask Michelle a question and then laugh at the answer and kind of smirk at you guys when she would speak and rather delusional type things she was saying about maybe somebody working for NASA or Illuminati. And she was being mocked on the stand. There's no way around it.

But, of course, somebody like Michelle Jones that's been mocked and made fun of her whole life. Ms. Zmroczek's not the first one who kind of smirk when she says something a little off-the-wall or -- or, you know, roll her eyes or anything like

that. That's just -- that's just how it is. And the idea is to completely discredit anything and everything Michelle Jones has to say. She has schizophrenia and bipolar disorder. She, like Antrone Dubose, has been mocked and made fun of and beaten and taken advantage of her whole life.

She has those maladies, ladies and gentlemen. But as far as I know, she's never been diagnosed with any psychic ability, okay? So if she doesn't have supernatural, psychic ability, how on earth does she know all these facts about the case unless she was truly right there when it happened? The natural and logical conclusion is that she was speaking about something she herself had witnessed and experienced and was involved in. She admitted to that. It's not that she used psychic ability or that she was a fantastic guesser. It's that she was there, right?

She sat up there on that stand and answered questions for me and Martin Dixon's lawyer. And she told you what she remembered happened. And you heard it. And you'll get to watch the video. The first thing she told Wayne Montgomery when she got out of the patrol car from Hickory, North Carolina.

Martin Dixon, make no mistake, he's a flimflam man. Okay? That's a con artist. And you saw yourself yesterday. He's a user of people. He's the worst kind of user of people though because his prey is the vulnerable, the most vulnerable amongst us. He surrounds himself with people who suffer from learning disabilities and other disabilities who he can easily direct and control and persuade. He is deceitful. The truth of the innocent -- or rather, the trust of the innocent is the liar's most useful tool. And these innocent, vulnerable people certainly put their trust in him. And that is very useful to a liar and a con man like Martin Dixon.

Martin Dixon is interviewed too by mean and aggressive Wayne Montgomery. And immediately, the flimflam man tries to con the police. You -- you see, the con man, he's so used to conning the unsophisticated that he figures his (inaudible) will work on a professional like Wayne Montgomery.

He launches into this paperwork. Remember that from the video? He has it with him. He pulls it out. He's got several copies of these papers that -- that will prove he couldn't have been in South Carolina in August of 2019.

Now, mind you, his interview is in October 24, 2019. It looks like about seven or eight days after Antrone was found in the trunk of his car. But he is saying and I was not in South Carolina. He doesn't tell Wayne Montgomery where he was, but just that he wasn't in South Carolina. He just knows that.

Wayne Montgomery asked, "Can I see those papers you got that are going to show you were elsewhere?" Alas, they're just copies of his fugitive from justice warrants. Completely useless and have no relevancy really to this case. Those are just the warrants he was served when he was picked up as fugitive from justice in North Carolina and brought back here. Dixon then takes those forms back and tells Wayne Montgomery that he'll get them after he gets a lawyer.

MS. ZMROCZEK: Objection, Your Honor.

MR. SCOTT: It's in the video.

THE COURT: Basis for the objection?

MS. ZMROCZEK: *Doyle v. Ohio*, Your Honor.

MR. SCOTT: It's a --

THE COURT: What was the statement? What did you say?

MR. SCOTT: The statement was the forms he

has in the videos, the defense exhibit, and Wayne Montgomery asked if he could make copies. And he says, "You can after I get a lawyer." It's a defense exhibit that's going to be with the jury.

THE COURT: Overrule the objection.

MR. SCOTT: He takes the forms back from Wayne after handing them to him and says, "You'll get them -- I'll give them back to you after I get a lawyer." He promises Wayne he will get him camera footage and witnesses who will say he was somewhere else. He tells his interviewers he wasn't in South Carolina at all in August. Of course, we all know that's not true. We got him checking into the OYO Hotel. But that's what he is immediately telling Wayne Montgomery because he is so used to conning these unsophisticated people that -- that he thinks it will work with a veteran police officer.

He discloses he has a phone and it will exonerate him too. But he just got that phone 30 days ago. Again, he's been on the lam for 78 days. Thirty days ago doesn't help us with August 7, 2019. What did he do with the phone back then or whether he had a phone at all? We don't know what he did with it.

He tells Wayne Montgomery that he works at Boeing in Charleston and that he has no record, no criminal record. You guys are going to have that interview. It's not long. He doesn't talk long. It's not going to take a lot to watch it.

Because I heard yesterday that Martin Dixon said he was scared because Wayne Montgomery was aggressive. Wayne Montgomery was and is a professional. If Martin Dixon was frustrated, it wasn't because Wayne was being aggressive, it's because he's not falling for the con man's lies. But you'll never see Wayne Montgomery act in anyway aggressive. But that's what the flimflam man is trying to tell you from the stand yesterday.

He took that stand and it was immediately apparent the striking difference even in how he speaks and how Antrone Dubose speaks and how Michelle Jones speak. It's clear who the shot collar was in that trio. You think for one minute Martin Dixon has ever been taken advantage of by Antrone Dubose? You think he's ever been used by Michelle Jones? You think either one of them ever would be able to pull one over on him? He thinks he's a better con man than he really is, though.

He tried to con a veteran police officer and then yesterday he tried his best to con you. That's all that testimony was. One big rambling lie.

First of all, he wanted everyone to know he was the victim in all of this and it's because he had such a big heart. He surrounds himself with all of these vulnerable people, not to use them; it's that he's got such a big heart. He can't help it. Not because they have a check that comes in the mail every month and not because they -- he can get them to drive him all over South Carolina. It's just out of the goodness of Martin Dixon's heart. That's what he told you.

And his story was essentially this. He had been living in Charleston County. But he had moved to Lexington County a few years before our incident date, to Gaston, he says. And he says that because he knows we found the envelope in the car that has a Gaston residence. He lost at home due to financial hardship and had to go back to Charleston. Okay? This was the testimony yesterday.

Then, he decides in August to come back to Columbia to find a home. Michelle Jones is his girlfriend at the time. So he, you know, wants to

live with her. But also, he wants to bring Antrone Dubose alone to live with him, I guess as a trio, a home in Columbia.

He says Michelle and Antrone never get along and argue constantly, so much that it was greatly stressful for him, yet he's trying to move to Columbia with the two of them. Does that make any sense? And he -- he struggled at times really when I was asking him what was the plan. And he really was all over the place and did a poor job explaining what his plans were in Columbia.

However, despite those two people, Jones and Dubose not getting along, Martin Dixon decided he would come to Columbia, look for houses for them to live in with both of them. All three them would live together. He agrees he used his name on August 1 to check into the OYO Hotel and then paid in cash. That was on the stand. Now he tells Wayne Montgomery I wasn't even in South Carolina in August. He's got to have his testimony match evidence.

So when I show him, "Hey, we've got a ticket that you were in South Carolina in August," he's got to switch his story up.

"Oh, yeah. That's right. I was lying to

Wayne when I said it. Now, I'm telling the truth. I used my name to check into the OYO Hotel, August 1, 2019, and paid in cash. We paid in August 5th."

And then, they check out because they run out of money. That's why they said they checked out of the OYO, August 5. Again, they were in Columbia because they were supposed to be looking for houses. But he couldn't really name anywhere they had viewed. He mentioned there was one in Lexington and one on King Street. He said he had also been searching for them on his phone while they were in town.

His story is this, though. After checking out of the OYO Hotel, the three of them go to some unnamed gas station. Michelle and Martin Dixon go inside. Antrone Dubose stays outside, stays outside in his car. When Michelle and Martin comes back out, Antrone is gone, never to be seen again.

Now, he never tries to call Antrone, "Hey, man. Where are you? You didn't leave us, did you?"

No, he doesn't try to do that. He doesn't really try to do anything else, you know, after

being supposedly abandoned. He then testifies to this: After being abandoned by his rider, he doesn't call Antrone. He doesn't call his mother just down I-26 in Orangeburg. He says -- he suddenly pivots and says, "You know what? We've been saying we want to live here in Columbia, but let's go move to Hickory, North Carolina."

That was his testimony yesterday. After being abandoned and standing in a parking lot of a gas station, the only reason he's in Columbia is to look for a place to live. He suddenly says, "Let's move to Hickory. What the hell."

So that was his testimony. I didn't make that. You-all heard that yourselves. I want to live in Hickory.

So he has this very close, very good friend in Hickory, North Carolina, he says. This friend is so close to him that he thinks I'm going to give this friend a call. Because, you see, this is the kind of friend who will drop everything on a Monday night. Okay. August 5, 2019, was a Monday. This friend is so close he's going to drop everything and drive two and a half hours from Hickory, North Carolina, down to some gas station in West Columbia. He's going to pick

Martin Dixon and Michelle Jones up, just at the drop of a hat, and then drive the two and a half hours back to Hickory, North Carolina. That's a good friend. I always think of when you try to name close friends, those are the friends who will drop everything at 3 a.m. and -- and come pick you up if you're in a hard spot. That's the kind of friend apparently this was for Martin Dixon.

And we know this guy's name is T. And I say, "Well, great. What's T's last name?" And martin Dixon paused. You saw it. He stopped for a second. And I asked him again, what's T's last name. And he muttered. I asked him to repeat himself. And I think what we got was Ordum, T Ordum. Nobody's ever heard of such a name. I never heard that last name in my life. T Ordum. So I said, "Okay. Well, great. Let's -- how you spell that?"

"I don't know. I don't know how to spell that. That's all I know, T Ordum."

"Where does he live?"

"I don't know."

"Where is he?"

"I don't know."

So there's no such person as T Ordum. There

is no T Ordum of Hickory, North Carolina. The flimflam man is trying to sell you a bill of goods that is a complete lie. That's what he does.

Never explained how he ran out of money to pay for the hotel in West Columbia, but suddenly was able to find enough money to rent a hotel for just over 70 days in Hickory, North Carolina. How does that happen?

I asked Martin Dixon about something rather minor, the injury to his finger. Y'all remember that yesterday? It was rather a minor thing, but it was indicative of a larger problem with Martin Dixon. He's unable to tell the truth about even about the smallest things. He has a visibly maimed finger. He is unable to straighten that particular finger. He reported to a doctor that he had injured it while working at Boeing. Okay? Just a minor detail of the case, right? He has an injured finger that is visibly mangled.

I asked him about it. And he wouldn't show it to me. Remember that? He was doing all this kind of stuff and putting his left hand down. Hey, man. I'm just asking you about your finger on your left hand.

I asked him if he hurt it while working at

Boeing. He said under oath, sworn oath, "No. Because I never worked at Boeing."

I said okay. I showed him a document. I asked, "Why did you told a doctor you had hurt it while working at Boeing and it required screws to be put in it?"

He indicated that, "I lied to the doctor. I lied to the doctor. That was untruthful."

Why would you lie to your doctor? The person who is opposed to be treating you and looking out for your best interest and your health? I said, "Wait a minute. Didn't you tell Wayne Montgomery you had worked at Boeing too? What's -- what's going on here? Why are we lying about this?"

He said he never told Wayne Montgomery that he worked at Boeing. So I played that video which you will have. And he -- there he is he's clearly telling Wayne Montgomery that he worked at Boeing. He said, "Oh. I was lying to police too. You've got to believe me. I lied to my doctor. I lied to police. But today, I'm telling the truth."

That's what -- that's kind of what happened yesterday. That's exactly what happened yesterday on the stand. Why would he want to lie to police? And why would he want to lie about something that

minor?

He tells Wayne Montgomery he's never been in trouble; has no record. I said, "Now, Martin, why would you have said that the way Montgomery? Isn't that a lie?"

He said, "No. It's not a lie. I -- I just assumed a record only goes back a couple of years. And then -- so I didn't have to tell him that." When you lie and you lie and you lie, it kind of becomes your language. And that is the language of a con man. That's the language of a flimflam man. Lie, lie, lie. Flimflam man is going to con and con. It may work for some people, but not with discerning people.

I asked him, How did you break the Martin Dixon code and determine? You know, when he's telling the truth and when he's just lying about even the smallest issue. He was unwilling to give us that particular code. So we are left to judge ourselves to judge his credibility and what makes sense and what makes absolutely no sense and why he lies and lies and lies or why he surrounds himself with these vulnerable people and why he uses them like he does. Cause a con man can lie so much and so broadly that there really is no way

to tell if he ever tells the truth. Liars and users and abusers make lies their language, always looking to get something they want or dig themselves out of a tight spot.

Martin Dixon is a con man who prays on the vulnerable, surrounds himself with those who easily fall for his deceit. The truth is, as it seems, Antrone Dubose was not going along with the plan. He was going against what Martin Dixon was demanding. He's involving people like his brother, Dexter Dubose who Martin Dixon could never control. He was involving other people and was wanting to take his car and go home. And that didn't sit well with Martin Dixon. Martin Dixon kidnapped that man in the trunk of his own car. Martin Dixon tried to kill that man by burning him alive in the trunk of his own car.

Antrone Dubose was, from the very first time he was asked, he said it was Martin Dixon and Michelle Jones who did this to him. He said that on August 7, 2019, when he was arrested. He said it this week on the stand and he said it today. Why would he make that up? And why would Michelle Jones make that up? These two people who don't even get along amongst one another, why are they

in concert with the fact that there were three people out there that day, there were three people who were pushed in that car and there were three people who were at the cemetery when it was set on fire? Cause Michelle Jones said it too. She said it when she was arrested and she said yesterday from the stand.

Now, you-all are here today to hear this case. And the charges that I have presented to you-all for your consideration are those -- two charges of kidnapping and attempted murder. And it's interesting. I've tried kidnapping cases a lot. The law -- the law in South Carolina, the law I expect the judge to read to you in essentially this form: Whoever shall unlawfully seize, confine, abduct, or carry away any person by any means whatsoever without authority of law is guilty of kidnapping.

Now, we have a lot of cases where the kidnapping is simply somebody holding onto somebody's arms and not letting them out of a room for a brief period of time. Statutorily, it meets the element of a kidnapping. But most people when they think of a kidnapping, they think of our current situation. So in those other situations,

I'm left trying to convince the jury, well statutory not letting somebody out of a room does rise to the level of kidnapping. And I will say sometimes to them, Everybody has a preconceived notion that kidnapping involves throwing someone into the trunk of a car and driving away with them. We actually have that in this situation. We literally have somebody forced into the trunk of a car, breaking the safety latch, and driving off with them in it.

So kidnapping, unlawfully seize, confine, abduct, or carry away any other person by any means whatsoever. "Seize" means to take a hold of suddenly and forceably. "Confine" means to limit, restrict, or enclose within bounds, imprison, or shut in. "Abduct" means to lead someone away by force.

This -- this is the best example, our case, of a textbook kidnapping that you can have. And that's what Martin Dixon is charged with. That's what Martin Dixon is guilty of: Kidnapping that man; putting him in the trunk of the car with no access; breaking the safety latch so he can't even get out.

Attempted murder, a person who with intent to

kill attempts to kill another person with malice aforethought, either impressed or implied. That's attempted murder. Of course, if he follows through, Antrone Dubose ends up dying, that's murder. This was an attempt. Thankfully, Antrone Dubose is here with us today. So he is guilty of attempted murder. His intent was clearly to kill the man. You don't throw somebody in the trunk of the car and light it on fire without having that intent.

What is malice aforethought? Malice is hatred, ill will, or hostility towards another person. It is the intentional doing of a wrongful act without just cause or excuse and with an intent to inflict an injury or under circumstances of the law would infer an evil intent. I don't know of any intent more evil than what Mr. Dixon did to Antrone Dubose.

When does malice need to form in the mind for an attempted murder? It does not require that malice exists any particular time before the act is committed, but it must exist in the mind of Martin Dixon just before and at the time the act was committed. Therefore, there must be a combination of previous evil intent and the act.

Malice.

We've heard testimony from two witnesses that as Martin Dixon was driving down the road vocalizing his intent, vocalizing his malice, "I'm going to drive this car in the lake. Nope. I change my mind. I'm going to set it on fire." That's, ladies and gentlemen, is what is called expressed malice.

So how can malice be shown? It can be expressed or inferred.

MS. ZMROCZEK: Your Honor --

MR. SCOTT: It can be expressed or inferred. It don't mean different kinds of malice, but merely the manner in which malice may be shown to exist. It's either by direct evidence or by inference from the facts and circumstances which are proved. Again, expressed malice is shown when a person speaks words. It's expressed hatred or ill will for another person or when the person prepared beforehand to do the act which is later accomplished.

Malice may be inferred from conduct showing a total disregard for human life. A good example of inferred malice, trying to light a car on fire when someone is locked in the trunk. A good

example of expressed malice: "Since you love your car so much, you're going to die in it." Those are both forms of malice. That is what we have here.

I have to prove my case, ladies and gentlemen, beyond a reasonable doubt. Every case I try in this Court, every case any prosecutor tries from here to Portland, Oregon, if there's a conviction, the jury had to find the defendant guilty beyond a reasonable doubt. What does that mean?

It's the highest standard, really, we have in the law. And it's a standard I accept every trial I do. And if I can't pass the test, if I can't pass muster and prove to you all beyond a reasonable doubt that he's guilty, you cut him loose. And I accept that. I go to sleep every night and I sleep well. And I don't look back and -- and question, you know, a jury's decision.

If I don't prove this case beyond a reasonable doubt, acquit him. Find him not guilty. If you believe the flimflam man, find him not guilty.

Beyond a reasonable doubt, does it mean beyond all doubt? I think it's safe to say

there's a number of things in this case we wonder about. Does it mean that you have to go beyond all doubt his guilt? No. It means that you have a doubt that's reasonable. And based on logic, you should find him not guilty. Just like I told you, if you have a logical believe that he wasn't involved in this, that he didn't get together with Michelle Jones, throw the man in the trunk of the car and then help her light the car on fire and do it all alone, acquit him.

But if your doubt is not reasonable or your doubt is not really logical, you should find him guilty. That's what beyond a reasonable doubt means. You have to be a hundred percent certain this judge is going to tell you no, that there's very few things in this world we know with absolute certainty. And in criminal cases, the law does not require proof that overcomes every possible doubt.

If based on your consideration of evidence, you are firmly convinced -- I put this in bold. The Judge is going to use that term twice, "firmly convinced." When you think about reasonable doubt, here is the question to ask yourself. It is as simple as this: Are all 12 of us firmly

convinced he did this? If the answer is yes, you convict him. That doesn't mean, Well, I'm firmly convinced, but I still wonder, you know, about this part or I still wonder about that part. If you are firmly convinced, find him guilty. You must find him guilty, rather.

That's the case. I will have one more brief reply argument. But now, you -- you get to hear from the defense attorney. But you-all have heard the facts.

The unsophisticated. I don't know how many of you have children. But when children are young, it -- it's usually fairly easy to catch them in a lie. Because with a lie, you -- you have to maintain that lie over time. And you can catch somebody slipping up and eventually, you know, it's easy to kind of vet out a lie with a child or somebody rather unsophisticated. Sometimes they stray away. And sometimes they just outright say, okay, you got me.

Again, not to disparage. Antrone Dubose is not a sophisticated man. Michelle Jones is not a sophisticated woman. They have maintained since August 7 and October 2019 who was there that night? Who was there when he was stuffed in the

trunk? Who was there when the car was set on fire? They have consistently maintained that. There's never been any other names and there's never been any other variation of how this happened. Okay? I want you to consider that. I want you to consider any credibility that he is owed when he took the stand yesterday and whether his story made any sense.

I want you to deliberate. And I want you to render the only verdict that speaks the truth; the only verdict that provides any justice to the victim in this case. It's what Martin Dixon is on trial for. I asked you to find him guilty of both of those charges: Guilty of kidnapping and guilty of attempted murder. Thank you.

THE COURT: Ladies and gentlemen, we'll take a five-minute break. Please do not discuss the case.

(The jury exits the courtroom at 10:33 a.m.)

MS. ZMROCZEK: Your Honor, may I please put something on the record?

THE COURT: Yes.

MS. ZMROCZEK: Thank you.

And we probably need to pull up the slide.

Your Honor, I objected and continuing to

object. You -- you e-mailed us the charge last night, the perfect attempted murder charge. Because attempted murder has been written over and over and over litigated, mostly by me.

Your Honor, your charge is -- is -- is -- is actually follows the law under *State v. Burdette* where we don't talk about inferred or implied malice. He puts up there about what inferred malice is, and he reads it up there. It's not allowed. I understand that you're going to charge the law.

But Your Honor, when the jury comes back, I would request that you tell the jury that any law only comes from you. It does not come from the slide that says inferred malice. There's no inferred malice under *State v. Burdette*. I don't know why we're still having this argument at this time. But that's my objection.

THE COURT: Mr. Scott?

MR. SCOTT: I don't know *Burdette*. I think malice can be inferred by complete disregard for human life. That's what I said. That's what I believe malice is. Of course, they know and I've told them that the judge of the law is the judge on the bench, not me.

THE COURT: And I don't follow you, Ms. Zmroczek. Tell me again what you were saying.

MS. ZMROCZEK: Your attempted murder charge that you're going to read to the jury says malice is --

THE COURT: Well, I know what my charge says.

MS. ZMROCZEK: Right, right. Your charge doesn't include inferred malice, implied malice. And that was what was argued to the jury by Mr. Scott, which is a violation of *State v. Burdette*.

THE COURT: *Burdette* says you cannot infer -- specifically says the trial court shall no longer instruct the jury that malice may be inferred by the use of a deadly weapon. You had a deadly weapon? And I did not hear any reference of that by Mr. Scott.

MR. SCOTT: None was made, Your Honor.

I know *Belcher;* I don't know *Burdette*. I think *Belcher* was the case that said malice cannot be inferred by the use of a deadly weapon. I have never -- I haven't use that particular inference in years. I certainly wouldn't do that today. I said inference -- inference may be made or malice may be implied through reckless disregard for a

human life. I think that's still the law.

THE COURT: Inferred malice is still a proper charge. Just you cannot -- *Burdette* and *Belcher* applied to -- I overrule the objection that was made in this case.

You are correct, Ms. Zmroczek. This charge does not indicate anything regarding inferred malice. But it does not mean that it was an incorrect statement of law.

MS. ZMROCZEK: Right. Your charge is correct, Your Honor. And I guess I -- I just would ask that you reiterate to the jury that not what the lawyers say is the law but what you say is the law. Thank you.

THE COURT: I think they will get that from the charge.

MS. ZMROCZEK: Thank you.

THE COURT: Okay. We'll take five minutes and then press on.

MS. ZMROCZEK: Thank you.

(A recess is taken.)

THE COURT: Before the jury comes in regarding Mr. Forney and Mr. Scott regarding the competency hearing that I began with the lady, Ms. Jones, I understand she is not here today for

me to complete that. I am going to decide on the record her issue of competency having received this evaluation. We can schedule it next week or I will be presiding in General Sessions the week after. We can do it that Monday, the 17th. Any problems with that?

MR. FORNEY: I would, Your Honor, like to get her evaluated again. The evaluation you have is four years old. She has had some previous -- some additional care since then.

THE COURT: I understand now you're arguing it outside of her presence. I'm going to schedule a hearing and everything that you're wanting to raise now, you raise with your client present. And I will make that determination.

MR. FORNEY: Thank you, Your Honor.

THE COURT: All right.

It will be on the 17th. I'm going to say noon, noon on the 17th.

If you'll bring the jury.

MR. SCOTT: Off the top of my head, I think that's fine for me. I just want to check my calendar.

THE COURT: All right.

(The jury enters the courtroom at 10:48 a.m.)

THE COURT: All right, Ms. Zmroczek.

MS. ZMROCZEK: Thank you, Your Honor. May it please the Court.

Competent, credible evidence. I want to say that one more time. Competent, credible evidence. As I was preparing for closing argument last night, which seems to gone on a little longer than I expected, I thought about when we first introduced ourselves to each other and we introduced y'all to the case. We talked about things that you would be looking for.

Mr. Whitmire got up and said, "This is -- this is not a whodunit." And I disagreed. In my opening, I told you that I would ask you to look for confidence, credible evidence. We're going to do a little discussing of that, hopefully, for not too long over the next couple of minutes. Because I have the pleasure, the distinct pleasure of representing Mr. Dixon in this case. I also have the additional obligation of representing the Constitution. And I want to talk to you a little bit about that.

The Constitution is something that we risk our lives, fellow Americans, defending these freedoms, the freedoms that are protected under

the Constitution, freedom of speech, right to bear arms, the right to ask for an attorney. You-all, in a few moments, will be joining me in that fight. Because as jurors, you are taking on the role of defending the Constitution.

What I'm going to do this morning is go through and evaluate, much as Mr. Scott did, some of the evidence. And I'm going to continue to ask you to review the evidence that's competent and credible.

I want to explain to you that this is my last opportunity to be able to talk to you. When I'm done, Mr. Scott gets to come back up, as you heard, and do what is called a "rebuttal argument." I'll tell you that's the hardest time for a defense attorney because we can't stand up again and we can't respond. But it's done that way for a very important reason.

Judge Newman will tell you that the state has the burden of proof in this case. And even though I've put up a case, entered evidence, put testimony, challenged witnesses, that burden never ever shifts to Mr. Dixon. That burden remains with the state.

Judge Newman's going to read you the law.

And he's going to define reasonable doubt and talk a little bit more about that later. He's going to tell you that affirmative defenses have been raised, alibi, and that the state also has to disprove that beyond a reasonable doubt.

The reason the state gets the opportunity to rebut, like I said, is because the proof that they have two reach is the highest in American jurisprudence. And it's done that way for a reason. You-all have been sitting here for going on four days now to answer a very serious question of fact. And if you don't have the evidence to answer that question, Judge Newman will tell you that the law will be your guide. The law will guide you as to what a just and proper verdict is in this case.

When reviewing all of the evidence that y'all heard from the stand and listening to Mr. Scott in his -- in his closing remarks, sometimes you hear or see or remember things differently. The beauty of a jury is that each and every one of you individually makes your own determination as to what you heard as to what was said and as to what the evidence is. Not what I think. Not what Mr. Scott thinks. It's not what anybody thinks

but you. And that's a -- that's the beauty of deliberations. Twelve people, 12 citizens with the same rights and the same protections get to go in and deliberate and talk about what evidence is credible, what evidence is competent. Is there enough evidence to convict Mr. Dixon?

Now, how I've set up my closing remarks, I've kind of broken it down, tried to stay organized into three things. The first thing I want to talk about is my fear, my fear about what's going to happen in that jury room. I want to talk about it, get it out there, explain it to you so it gives you an -- additional things to think about.

After that, I want to briefly go through the evidence. I'm not going to recite everybody's testimony. Y'all have sat through here. You've listened very closely. You'll have all of the evidence back there with you. You'll have a computer. You can watch the evidence. You can evaluate it. And I want you to do that.

And then, lastly, I'll discuss very briefly the law. Judge Newman's going to charge you on the law. And this is simply my opportunity to tell you what facts apply to the law and how that makes a difference in how you deliberate in this

case.

So before I talk about the first set of witnesses, I want to talk about my fear. My fear in this case is that as you are sitting there and when you go back into the jury room, you say, "Ms. Zmroczek, why didn't you call T? Why didn't you give us those phone records? Why didn't you prove that he was in North Carolina?" And the answer is simple.

When the Judge instructs you about the burden of proof, he will instruct you that a defendant is never required to prove his innocence. Would we have liked to? Absolutely. You've heard from the witness stand the problems with how time has gone on, three months, five years, and 22 days has passed since Mr. Martin was arrested, even longer since the charges were taken out. I know that each and every one of you will take those responsibilities seriously and that you will follow the law.

I want to talk about the first kind of group of witnesses. One thing that's always challenging as a defense attorney is cross-examining law enforcement. Because their job is to serve and protect. I respect law enforcement. And I ask

nothing less of them. And when I cross-examined Investigator Montgomery about how he's been trained and qualified throughout the last 26 years, I was tough in my questioning. And the reason I was is because the gravity of the situation at hand requires that law enforcement maintain their professionalism toward individuals and communities that they are charged with serving.

The importance of thorough and diligent police work is crucial when you are conducting a comprehensive investigation. You want to gather all the necessary evidence to ensure that justice is served. Failing to do so can end up in wrongful convictions. It can end up with people who committed the crime going free.

That's why they have spent years and years and years gathering more tools to use. Because they want to make sure that when you make a decision, that you-all -- you have all of the facts, especially in a case like this where the state relies solely on two witnesses.

And in fact, from what I understand the crux of the state was these two witnesses are so damaged like little children that we just -- we --

we want you to ignore the things that don't make sense. Even if they weren't damage, even if they had their PhDs, witness testimony is inherently unreliable. That's why we rely on the other stuff to corroborate it.

The other stuff, it's not rocket science. It's not 2080 future -- futuristic tools. These are tools that we use every day, phone records. Everybody has a phone. That phone follows you everywhere.

I asked Investigator Montgomery, you can get -- issue a subpoena for a phone with a couple of clicks of a mouse. And they e-mail it to you. Not right back. It takes some time cause they have to gather it. And when you get that back, it has data; it has locations; it has text messages; it has call logs.

So that when Mr. Dubose who, as described by the state, is so childlike that instead of having to attack him and say, "What time was that call? When was it? would just look at the phone records and say, "Okay. Here we go." Because what the state is asking you to do, ladies and gentlemen, is overlook some problems with the tapes.

I want to talk about the evidence that was

collected by George Potash. You heard him on the stand. Ten years been trained. He and another investigator from whom we didn't hear. But he was able to tell us all of the things that were collected. (inaudible) one on the backside of each of the bumpers.

You'll have all of these pictures back there with you because crime scenes tell stories. That's why we have crime scene investigations. Because crime scenes tell stories. And sometimes, those stories reveal that a childlike witness might not have been telling the truth. Maybe they were confused.

But ladies and gentlemen, he, Investigator Potash, collected tire iron, wrench, whatever we want to call it. Silver, black. You don't have your glasses on? In fact, when he was up here on the stand, he had his gloves on. It's not going to be tested now, so no gloves need. But you put gloves on to protect any evidence, any biological evidence that could be on when someone says, I was hit in the head with a tire iron." Okay. So you take them as their word.

Ronald Reagan, favorite thing he ever said, "Trust, but verify." Trust, but verify. So it

was easy to call Mr. Dixon a liar over and over and over, even though he's on the same social security income that the other two witnesses were.

But when somebody says hit with a tire iron, trust, but verify. We had 11 separate fingerprints listed. And let me just tell you why those are important. Because in rebuttal, I expect Mr. Scott to stand up and say, "They were living in the car." We'll get to that. "They were -- all of their stuff was in the car. We expected that to be there."

These are not fingerprints that were lifted from the inside of a car. And that's why I painstakingly went through with Investigator -- or -- yeah, Crime Scene Investigator Potash because I said where these located. Fingerprints on the gas can, right around a gas can where you had to hold it in. Fingerprints on the bumper, fingerprints on the doors, outside, not inside.

So when Mr. Dixon said, "I was in North Carolina. I was not in South Carolina. Investigator Potash who has done his job right there on the scene can say, "I got these great prints. We don't even have to send them to SLED. Let's run them through our database. Let's see

what matches."

Ladies and gentlemen, it doesn't cost any more money. It doesn't take any more time. But it helps us verify what happened. Two DNA swabs inside the vehicle. Three cell phones. Three cell phones.

None of that was tested. And that was evidence that we have, evidence that wasn't even gathered, no phone records, no GPS, no data, no gas stations videos. They didn't know what gas station it was. Mr. Dubose told him it was the one right by the hospital, the Pit. Did you even take five minutes to go and look at it?

No hospital videos. No follow-ups on Jones' witness statement. One thing that I think I'm going to continue to argue and I hope that you continue to challenge and to ask and I've got a few of the clips is that the state is asking you to believe what Ms. Jones says but only when it corroborates what they want it to corroborate, otherwise, she's delusional.

These are commonsense questions. They completely relied on Dubose and Jones. They took their special-needs witnesses at their word.

One thing that struck me as just shocking,

quite honestly, when I asked Investigator Montgomery isn't possible -- possibility that Mr. Dubose testified he was mad, he was mad that he was cut off, that he left? Impossible. Impossible anybody else could have done this. Impossible that he goes to a location filled with homeless people and doesn't get into a fight. It is impossible, not a possibility. Ladies and gentlemen, I submit it's a possibility. They ignored independently verifiable evidence.

This receipt is an independent, verifiable evidence. We know when somebody was in a hotel. And in fact, Ms. Jones continued to say, "No, I paid for the hotel. He didn't put his name down." When you watch her original video, you'll see: We never even went to a hotel. But she is not lying because she's delusional.

Call it what you want, but the state is always held to their burden. This isn't a -- this isn't a "somebody took my cell phone out of a car" case. This isn't a petty little case. This is a very serious case.

Three witnesses, Mr. Free, Officer Dwyer, CSI Potash. They all talked about -- and they gave their own quantitative descriptions of the

homeless population ranging from there's a lot to many. And eventually, substantial. Is it reasonable to inquire, since Mr. Dubose himself on that stand testified that when he was in the hospital set to be released, he told his worker -- his social worker, "I want to go to a homeless shelter in Columbia."

Is it reasonable to ask if this anger at Mr. Jones and Mr. -- and Ms. -- excuse me, Ms. Jones and -- and Mr. Martin set him off? Is it reasonable? Okay.

I want to talk about Antrone Dubose's testimony for a bit. So the testimony was that they were all homeless or the implication was that they were all homeless and living out of the car.

Ladies and gentlemen, you're going to have each and every one of these car pictures. I'm not going to go through them all. But what I ask you to do when you are evaluating the evidence and you're deliberating is to ask yourself: Does this look like a vehicle that was housing three grown adults? Or does it look like somebody had a recently-gathered hospital bag that's stumped on the floor? And I want -- I want to get to that. I want -- but this point seems to have been lost

on the state.

The hospital records. You have them in here. August 6. Monday, August 6. Everybody agrees on one thing. Everybody agrees that Mr. Dubose in that parking lot says that he -- they left the hospital and that's when all this transpired. So are now we to believe he was in a car for two days? That's just a silly little fact. Don't worry about that.

But, ladies and gentlemen, the Judge is going to tell you that you should worry about that. You should inquire about individual questions: Is it a reasonable question? Is it reasonable to ask?

I'm not -- I'm not pulling red herrings out of my pocket. I'm following the facts. And the fact of the matter is if we had cell phone records, we could tell you.

So Mr. Dubose testified he had an undisclosed disability. If you hear Mr. Scott talk, he's childlike. He's childlike enough to get a driver's license and have a vehicle. He has a cell phone. You heard his brother testify he had multiple cell phones. He was employed. He was employed at car dealerships, Ruby Tuesday, and Burger King.

The last time he worked was in 2020. This adult child who is so fragile, has a driver's license, a car, a cell phone, and job, the last time he worked was 2020. But not only that, evil, evil Mr. Martin Dixon is just taking advantage of people. He didn't charge two people $100 to drive them to Walmart.

Mr. Dubose testified he didn't know anything about Columbia. But his brother with whom he's very close to lives in Columbia. Michelle Jones testified that he, Mr. Dubose, was the one who drove to that parking lot slash alley. If you're going to consider her testimony, then you have to consider all of it.

Going back to the tire iron injury. Remember when I asked Investigator Potash where he collected the -- the two blood -- well, we don't know if there were blood, they -- they tested presumptively positive at this scene. But then nobody bothered to go further. We've got blood on this side of the bumper, passenger side. And then he testified we have blood on the driver's side of the -- of the car. Is it reasonable to inquire if that is an indication of perhaps a struggle? Was Mr. Dubose perhaps trying to -- trying to

negotiate with people to get some more money?

And ladies and gentlemen, this is a tire iron. (Demonstrating.)

This is a resulting injury of getting hit in the head with a tire iron? This. No skull fracture. Not even stitches. He needed a Band-Aid.

When you consider the evidence, you have to consider all of the evidence. These are some commonsense questions. One thing that us lawyers do sometimes, we get so worked up about all of the legalese and paid a lot of money to get this education, when a lot of times, you just have to rely on your common sense in conjunction with all of this.

I asked him on the stand -- he didn't give us an answer -- "So let me get this straight, Mr. Dubose. You're so tortured that you want to leave Columbia. You're in your car that you own by yourself with your cell phone and your keys and you're telling me you didn't just leave?"

I submit to you, ladies and gentlemen, he did just leave. He did just leave, which is why -- which is why this recently-used hospital bag is right there. Because he testified that he was

being cut off and he was passed off about it.

Is it reasonable to infer that he just left? Does that give you a hesitation? Is it something that could happen? And if the answer, ladies and gentlemen is yes, then there is your answer. And you don't have to go any further. The Judge is going to tell you: If you have any reason to doubt, any reason, not space aliens, not any of that, this is a legitimate reason.

Also, when he was found the keys, the phone, they were all in the car. And again, I already talked about April -- or excuse me, August 5, that evening he claims all this happens. But he's not found until August 7. But we're going to skip over the fact that there's a whole 24 hours that are not accounted for.

The Judge is going to read you the charge on the law about evaluating credibility. And so this is what he's going to read you here. Things that you can use. But not just these things. Again, you-all have your common sense. Things that you can use to evaluate someone's credibility, their demeanor, manner of testifying.

I couldn't have sat any closer. Because I was trying to hear the answers to the questions,

the questions that weren't being asked. Sometimes I even had to get a voice raised by Mr. Scott. No eye contact. Hesitate with his answers, which again was just used against Mr. Dixon. "Oh, when I asked him something, he hesitated." Mr. Dubose didn't even answer some of the questions. Ladies and gentlemen, those aren't all of the things that you consider. Those are just some of the things that I have. But I'm not the juror; you are.

Whether the witness had a reason to be biased or prejudiced. What bias did Mr. Dubose have to testify that Ms. Jones or Mr. Dixon did this to him? Could it be that he was cut off? Could it be that he was mad just like he testified? Is that a bias? Is that a prejudice? Could it be that he owed him money? That he owed Ms. Jones money, could that be a reason?

The judge will then tell you to consider the testimony was contradicted on the one hand or supported or corroborated on the other hand. I promise I'm not going to mention -- I probably will. I'm going to try not to mention the date of the hospital again. But that is not the only information that's not corroborated. Was he found in the back of the trunk? Yes. That is

corroborated.

The question that you have to be firmly convinced with your answer is: How did he get there? How did he get there? Did he get into a fight? Is that why there's blood on both sides? Is that his blood on both sides? Whose blood is that? Whose -- whose scratch? Whose fingernail is that little cut above the other little cut?

Okay. So Mr. Scott said this in -- in -- in his closing. And he said: "How would she know? How would Michelle Jones know these things?" That's a great question. I would love to tell you some of my theories on the answers.

The evidence that you saw and that you'll get to see -- you'll get to take all of these videos back there and watch them completely. But this is what they're saying is corroborated testimony.

(Exhibit is played.)

MS. ZMROCZEK: So what they want you to -- to do is, again, find her delusional when she's talking about assassination, right?

And -- and when you watch the whole video, you'll get to hear what year she's talking about. She's talking about 2018. You know what the easiest way to figure out when it was? All those

papers, all that paperwork that was in the car that's in the custody of the police, where are the receipts? Where's the tag? She said she just five minutes later, she paid tag. Well, then surely we have a receipt of that. Because I assure you the government keeps track of all of that.

That's why the question mark there. One of the things that -- the first thing that they mentioned that she corroborated the testimony on was she know about the car and it's being changed.

(Exhibit is played.)

MS. ZMROCZEK: So this is some more of the corroborated testimony about she knew facts the only people would know who had been there. But when you watch that, she never said light, she never said fire. What she said is -- well, when she sat down, and you will see it, she gets read the warrant. It says: Car was lit on fire, blah, blah, blah, blah, blah.

And then, as he's asking what's happening, she's not mentioning any writing of any papers or any rags getting stuffed in any trash cans. But you know who is mentioning it? Investigator Montgomery. Want to talk about taking advantage

of people with special needs. Just trying to gather information that helps you and ignoring the ginormous red flags that she said the word "assassination" over 50 times at these interviews.

(Exhibit is played.)

MS. ZMROCZEK: Here is some more of the corroborated testimony. How would she know this?

(Exhibit is played.)

MS. ZMROCZEK: Well, we know how she knows Antrone because he assassinated her boy cousin and her girl cousin.

(Exhibit is played.)

MS. ZMROCZEK: Intimate detail of somebody that had to have been there that did these heinous crimes, but she can't remember what time it is? Don't worry, Investigator Montgomery, because she's going to fix that for us.

(Exhibit is played.)

MS. ZMROCZEK: Was that her testimony or was that his?

(Exhibit is played.)

MS. ZMROCZEK: Took her to a parking lot -- I mean, an alley. And as you watch the full testimony, Mr. Dubose testified that he was kidnapped at that point even before he was in the

trunk. He doesn't know Columbia. But Ms. Jones, who does she say drives there? Mr. Dubose. Ladies and gentlemen, these are the two witnesses with the intimate knowledge, again, on August 5 this allegedly is occurring.

(Exhibit is played.)

MS. ZMROCZEK: Intimate details that she didn't know because she didn't know until he introduced that fact to her. There's something -- I think there's a Netflix document about it. There's something -- this phenomenon of false confession is where you have people who are easily susceptible. So you tell them something and they know that's what you want to hear, right?

She's chained to a table. She's chained to a table. She doesn't want to be chained to a table. You heard she's getting assaulted and all of these kind of things in jail. But the intimate details they want to tell you that only she would know, they don't come from her brain. They come from Montgomery's mouth.

(Exhibit is played.)

MS. ZMROCZEK: Okay. So it corroborates that she said that she hit him. Well, that's not exactly what she said. It said she hit him

because he hit her. Self-defense.

(Exhibit is played.)

MS. ZMROCZEK: The contradicted testimony. So Mr. Scott, you know, and the devil Mr. Dixon is that he is, oh, he was hiding that finger from y'all. Remember, he didn't want to show you. He was hiding that finger. Well, guess what, Mr. Dubose when I finally could get him to answer, I said, "Did you tell Investigator Montgomery that he was missing a finger?"

"No, I did not. I did not tell him that."

Interesting that that fact came from some medical records that were in the possession of Investigator Montgomery.

Some of the contradicted testimony from Mr. Dubose said he didn't know any money. Drove to an alley versus a building. It's all the same. He knew Columbia.

Who struck him? Who struck who?

He, also, you know, when Mr. Dixon says that he was left in a gas station, some gas station. But when Mr. Dubose said he went to a gas station by himself and called his brother and then they're in the parking lot of McDonald's later own, (inaudible).

Driving to Charleston for the Strom Thurmond building. You heard testimony that each and every one of these individuals receive social security disability. Oh, well, he just has PTSD and depression. He's way better than them. He's evil. He's taking control of them. I'm not going to debate disability. We don't know what Mr. Dubose's disability was because he wouldn't -- he wouldn't tell us.

(Exhibit is played.)

MS. ZMROCZEK: So I'm not -- I'm actually not going to make y'all sit here and listen to this. Y'all can do that if you want.

Although aside from the nature of how I get to listen to this testimony and cross-examine this person, it would be comical. But there's nothing comical about the state solely relying on the testimony of this woman and Mr. Dubose.

(Exhibit is played.)

MS. ZMROCZEK: There so many, several instances of contradicted testimony that I was going to play for all of y'all. But I think you get my point. And I don't want to waste your time. Okay.

Next, let's talk about Mr. Dexter Dubose. He

is the brother of -- of -- of -- of child Antrone Dubose. But the first time he ever spoke with anyone about this case was in February of 2022.

Also, which I appreciate because he was under oath, he didn't confirm the identity of Mr. -- of Mr. Dixon. He didn't say, yes, that's his voice. I knew it is him. He said there's some guy that tried to swindle him out of $600 for two weeks and a trailer. I don't know who that was. The judge is going to give you a charge on identity. And that is -- that is specifically related to Mr. Dubose testimony, Dexter Dubose.

Michelle Jones. Again, I'm just going to encourage y'all to watch the entire interrogation. I mean, you -- you saw what -- what the testimony was here. It didn't matter who was asking the question or how we asked, she was going to answer how -- how -- how she thought that we wanted her too. And I don't take joy in that. I don't think she should've been called because I think there's so many problems with her testimony.

But I don't bring these cases. The state did. And the state relied on her testimony so they had to call her. The internal inconsistency alone while she was on the stand makes it so hard

to follow. But the state doesn't want you to say that she's a liar. Lying Dixon, lying Dixon, lying Dixon. She's just delusional.

She was also calling him "Dickerson." Her fiancé? She's facing 75 years in prison, ladies and gentlemen. I assure you that her intimate knowledge is sparked by what she's facing.

How -- how -- the question was posed to you how could she have outside knowledge, how could she have any outside knowledge of what happened that night? There were only three people there.

(Exhibit is played.)

MS. ZMROCZEK: Wait. Wait. He got out right afterwards? Ladies and gentlemen, we know that's not true. That's not intimate knowledge.

(Exhibit is played.)

MS. ZMROCZEK: Mike. Mike seems to have intimate knowledge. Would it have taken an incredible amount of time to find Mike? Well, she didn't give his last name. That's okay, cause listen to what she does give.

(Exhibit is played.)

MS. ZMROCZEK: I'm sorry. I'm sorry. What did she say? Mike -- this Mike has intimate knowledge. She says, "You've got -- you've got my

phone. Just look at the message. It's right there. Right there." Independent, verifiable information with their phone in their possession. I'm not asking to move mountains or make miracles.

Okay. So one thing that the judge is also going to charge you on the law is this -- this accomplice liability or hand of one is the hand of all. It's -- it's a law that we have in South Carolina that allows the jury to consider that the hand of one is the hand of all.

If one person is involved in it, then everybody's responsible for it. But when he gives you -- and he's going to send the charge back with you, so you can read it for yourself. But it says joined in -- and with another. Join in. Responsible for everything and all the natural consequences.

For example, two people can be guilty of killing one person if only one has the gun. But that's because they joined in.

So the state is asking you to now convict Mr. Dixon on hand-of-one/hand-of-all because Mr. Dubose said they both did it. But then, he has to say but you have to ignore the testimony of Ms. Jones who said, "I was forced." That's not

hand-of-one/hand-of-all. That's not joining. You can't -- you can't have your cake and eat it too. These are issues that are too important. She was acting in self-defense because she was being assassinated and Martin was being assassinated.

And she also testified both on the video and on the stand one of the times that she was consistent that she was never a willing participant. I submit to you the facts do not support convicting Mr. Dixon under hand-of-one/hand-of-all.

I want to talk -- and I promise you I'm almost done. I want to talk a little bit about Mr. Dixon. So one of the rights that we have in the Constitution is your right to remain silent. That means that you don't have to talk until or unless you want to. Because -- because y'all are protecting the innocent. You are innocent until proven guilty. But somehow Mr. Scott wants to say, "Oh, you watch that video. He's all comfy with those cops. And he yelled 'my lawyer, my lawyer.'" So he's guilty because he was asserting a constitutional right?

I want you to look for the differences in the approach to the interrogation. So Mr. Scott said

you'll get to see that video. You'll get to see Mr. Bully Montgomery. How -- you guys are the finders of the factor. You get to decide whether or not there were any differences in his testimony. But I would -- I would ask that you -- you look for a few things that I noticed. Because you'll have the videos back there and you'll have the date.

And one thing I was getting all these clips together last night, I looked. And 10/24/19, Mr. Dixon goes into his interrogation room. 10/24/19, Ms. Jones go into her interrogation room. Both around 1500, which makes sense, because they were arrested and transported, right? But they're in different interrogation rooms.

So -- so these are happening at the same time. But for one whole hour, Mr. Dixon is chained up -- you'll see it. Because you'll get the video -- in his room. Nobody is talking to him. I'm not lying. I misspoke. At 48 minutes into the process, someone comes in, undoes him, takes him to the bathroom. And then he sits for a long time. So he's sitting in a room by himself -- you'll hear it on the video -- with no food. Cause he hadn't eaten. And he is in there

just sitting.

And then, you'll turn to Ms. Jones. Oh, oh, and it's not just him when they finally do come in an hour and three minutes later. It's two people. And you will see Investigator Montgomery sitting in this chair over here. You'll see the fugitive task force guy read him the warrants. I want you to look and compare that to Mr. Jones' interview.

Because first, you have the task force warrant guy by himself. He's in there. Then you have Investigator Montgomery. And he comes in the room. And he's not sitting in the middle of the room. He's cozied up right at the table. His feet kicked out. And he's laughing, you know, when she doesn't get her facts right. Watch and evaluate the differences in the approach to the interrogation.

So evaluating the credibility, again, of Mr. Dixon, because each and every witness should be evaluated for their credibility. Because if that's what you're going to rely on to convict somebody, you want to make sure that you got it right. So you got to see his demeanor.

Mr. Scott's recollection of -- of -- of Mr. Dixon's demeanor, my recollection of

Mr. Dixon's demeanor, it doesn't matter. What we think doesn't matter. We're not the finders of fact; you are.

You get to ask yourself: Was he coherent? Was he consistent and logical? Did he admit that when he lied to the officer he was scared because he didn't know what was going on? Did he admit to that? Yes. But that doesn't mean it was a lie when he admitted to it. He wasn't under oath in that room. He was under oath in front of you. And he told you, yeah.

And then the doctor that supposed to protect him, even though he doesn't really have problems because he's (inaudible). Mr. Dixon told you that he was on medication. Yeah, he lied. "That makes him a liar. You can believe anything he says."

Whether he has a reason to be biased or prejudiced, of course. Of course. But he wants to testify truthfully because two people that he cared about and that he took care of and spent a lot of time with were not getting along and making his life miserable. So much so that he told you that Mr. Dubose just takes off in the car with their stuff, which is convenient, but then he wants to turn around and say that he did this

because they got all of their stuff in there. So of course. Of course, they did it.

Whether the testimony is contradicted or supported or corroborated. So Mr. -- Mr. Scott says that he recall the testimony, that he lied about the hotel. I recall it differently. Doesn't matter what either one of us recall. It's what you recall. Do you recall how he told you he had recently been released from Three Rivers for his suicidal problems? And that because of that, he lost his house and he got a hotel? Is that denying that he was in a hotel?

Those are the facts that you get to assert. Was he candid when he, you know, was lying to the cops. And did he explain why? And was that sufficient enough? Because he didn't lie on the stand because he told you. He didn't say, "I never was at a hotel on the video," and then get on the stand and say, "I think I was. I don't know." He's consistent.

Okay. So much of these things. And again, this is the body language that I know that y'all will look for when you get to go back in there. But most importantly, look at the time that has elapsed.

(Exhibit is played.)

MS. ZMROCZEK: I'm sorry. They walk in the door within one minute and he says "I wasn't in South Carolina." So much has been made that Mr. Dubose has been inconsistent with his testimony since the very first time he was questioned.

I submit that Mr. Dixon has as well. Because at 16:03:13 when they walked in the room, by 16:03:52, the first statement he says, "I wasn't even in South Carolina."

(Exhibit is played.)

MS. ZMROCZEK: 16:05, two minutes later, I wasn't in -- I wasn't even in Columbia, South Carolina. And Investigator Montgomery hands on his knees, leaning over, far away, Mr. Dixon here in the corner chained to a table with another investigator. Could that -- is it reasonable that he would feel that that was intimidating? Those are -- those are questions that you get to ask and you get to decide. Those are facts for you to decide. But I submit within the first two minutes of having any contact with Investigator Montgomery, he tells him twice "I wasn't in South Carolina."

(Exhibit is played.)

MS. ZMROCZEK: The third time at 16:06, he again says "I wasn't in South Carolina." They want to tell you that -- that there was evidence presented that he had switch phones and changed phones. I believe I was here for the whole trial. Not once did I see an expert witness testify that there were multiple phones, that there were phones with different dates, phones that didn't match. I didn't see that testimony. But the state wants you to consider it.

(Exhibit is played.)

MS. ZMROCZEK: For the fourth time, he says Investigator Montgomery says August 7. And he goes, "I was not in South Carolina." August 7 followed by, "I was not in South Carolina." Is that the same consistent statement as to what Mr. Dubose said? Why does his get more weight than Mr. Dixon? I submit it's because it's the only information that is sought in this case.

(Exhibit is played.)

MS. ZMROCZEK: He says, "You have a phone?"

He was like, "No, I don't have my phone."

"Yeah. The police have your phone."

"Yeah. What's your password?"

He's so diabolical and he's so evil that he doesn't even have a password on his phone. But then, he remembers, "Wait, phone, radio towers, GPS, you can find me."

And Montgomery says, "Yes, yes."

Didn't even issue information.

So the judge is also going to charge you on the law of alibi. And sure, would we have loved to have found this elusive person that they claim doesn't even exist. I'm going to talk about that in a minute. But the judge is going to along with all the other charges ask you -- not ask you, order you to consider the charge of alibi as well. And it's kind of a reverse -- the state has to prove their case beyond a reasonable doubt. It's kind of the reverse with alibi. They have to disprove it beyond a reasonable doubt.

And -- and -- and so much has been maintained about this elusive T, this person who is being made up.

And ladies and gentlemen, the -- the -- the next group of slides that -- that I'm going to -- to show for you to me are the most important, especially given the -- the tone of the closing and my challenge of this investigation in this

case.

THE COURT: Ms. Zmroczek, you said you needed 45 minutes and you're about an hour in, I believe.

MS. ZMROCZEK: Thank you, Your Honor.

I have two more slides.

(Exhibit is played.)

MS. ZMROCZEK: She's got some intimate knowledge. This intimate knowledge is one that supports Mr. Dixon.

(Exhibit is played.)

MS. ZMROCZEK: It's on the phone. They want to challenge Mr. Dixon who's been in jail for three years, five months, and 22 days. They have the evidence right here in front of them on one of their witnesses that they want you to believe.

(Exhibit is played.)

MS. ZMROCZEK: He was in Hickory at his mom's house. You can recall the testimony about when he was being questioned because he was lying. He was like, "I don't know. He lives with his mom." Ladies and gentleman, you have to consider all of the evidence in this case.

Again, I have to sit down. I'm way past my time. I -- I don't get to come back and respond to the rebuttal. I just ask as you're doing your

duty in protecting our Constitution that you asked Mr. Scott some of the questions that we've asked here: Why -- why -- why didn't you just get the cell phone evidence? Why when Mr. Dixon doesn't say what you want him to is he a liar, but the other people aren't?

Ladies and gentlemen, when you get this case in just a few minutes and you go back and you listen to the arguments, but more importantly, read the law and deliberate the facts and you come back with your verdict, I want you to be proud to say the state has not met their burden and that we proudly find Mr. Dixon not guilty.

Thank you, Your Honor.

THE COURT: All right.

Reply by the state.

MR. SCOTT: Alibi. The Judge has to charge alibi if anybody brings up any kind of alibi -- oh, sorry.

THE JUROR: Bathroom break, Judge.

THE COURT: All right.

Ladies and gentlemen, you can go to the jury room. Please do not discuss the case.

(The jury exits the courtroom at 11:54 a.m.)

THE COURT: Okay. We'll take five minutes.

(A recess is taken.)

THE COURT: You can bring the jury on in.

(The jury enters the courtroom at 12:03 p.m.)

THE BAILIFF: The jury is present, Your Honor.

THE COURT: All right.

Thank you.

Mr. Scott?

MR. SCOTT: Judge is going to tell you that lawyers' arguments aren't evidence. We merely try to point things out that we find compelling. And a lot of information was talked about in the last four days. We try to distill it. The problem is when a lawyer gets up and starts talking about things that aren't in evidence and starts mischaracterizing evidence. And as she said, Abraham Lincoln once said, "Trust, but verify."

But when she tells you -- when a lawyer tells you that it was five years ago that Martin Dixon was arrested, check the numbers real quick. Do the calculations. You'll realize it was three years. Was that a mistake on her part? Was it faulty math? Or was she just mischaracterizing the evidence? I don't know. That was the first thing she said and one of the first things. "It's

been five years." In reality, it's been three years.

So that's why you don't take lawyers' argument as evidence. Just like when she stands up and says, "Well, an unknown homeless man did this to Antrone Dubose. He said he wanted to go to a homeless shelter." Granted, we have Transitions over here on Elmwood. We have the Oliver Gospel Mission. So if he wanted to go to a homeless shelter, he could've done that.

But no, she testified, tried to testify the wall that she drove his car down to Elmwood Cemetery, Randolph Cemetery in Elmwood Park and was sleeping that night and an unknown homeless man did this to him. Why -- why wouldn't Antrone just say as he wakes up from getting hit in the head at the hospital, "Wayne, it was a homeless guy who did this. I don't know who it was. It was a homeless guy?"

He was very specific. Has no chance to make up any kind of story. He has no need to. Why would he do this against Michelle Jones and Martin Dixon? I guess you could argue, well, he put Michelle Jones into it because they never got along. But why Antrone? They're friends.

They're formal roommates. They were going to move in together. Doesn't make any sense. But that is Antrone Dubose steadfast assertation for the last three years. No bias. That's what you are looking for.

She testifies, no, a unknown homeless man did that and that was a fingernail scratch. I heard her testify to that. There's been absolutely no evidence of that.

So he was cut off. He had been getting paid by Martin Dubose -- Martin Dixon. He was suddenly cut off. There was no evidence of that.

What you just saw was a mischaracterization of the evidence and what you saw was a number of clips that she had taken out of context. And you're going to have the video. And I challenge you to watch that. And again, if -- if when Montgomery says to her who hit somebody with a tire, she said it wasn't a tire iron, it was a crowbar. That's very interesting because that's what Antrone Dubose said too. He called a crowbar. Things like that. Things like this happened in a cemetery, unprompted.

Now, I understand what she's saying. He asked what color car it was. It was a grayish

color. He said, "Could it have been black?"

"Yeah, it is black. It was black."

If that is him insinuating an answer, so be it. But there are other parts of that interview that she decided conveniently not to play for you. It happened in a graveyard. The victim was trying to call his brother. Martin Dixon. She brings up his name first. Jones paid for the car. Just watch the video. I'm not going to try to take out little clips and play them out of context like she did.

Why if there is an alibi, okay? Michelle Jones is up in Hickory with him when he gets arrested. With Martin Dixon when he gets arrested. Why isn't she asserting this alibi? Her lawyer has been sitting in here the whole time. Why aren't they coming to me and saying, "Dale, you don't know about this T Ordum guy. We've got all the information. We're going to lead you to him. He's going to clear all of this up."

T may exist, but he wasn't taking them up there August 5. He may have been the one that got in them out of the graveyard after they set this car on fire and they need to leave town.

And you're being question by Wayne Montgomery. "Why did you sit like that with him and you didn't sit like that with her?" That's just a silly argument. He's being aggressive because he sits this way when he talked to Martin Dixon. He sits that way when he talks -- I'm going to leave it up to you guys. But if that's what the defense attorney and Martin Dixon find aggressive behavior, I don't know -- I don't know what to tell you, Wayne.

It certainly seemed to be a conversation where he's allowing Martin Dixon to give as much or as little information as he wants. He's advised of his rights. Martin Dixon -- she's right. Right off the bat. "I wasn't here. I was never even in South Carolina in August." That is a lie right off the bat. He's already contradicted himself on the stand. Yes, you were. Now, on the stand, he said, "All right. Well, I was, but I left before this happened."

When he was talking to Wayne, "I've got people who can clear this up. I've got videos. I've got all of this stuff." Why didn't he mention T Ordum then? I don't know. Why are we just now hearing about this guy? I don't know.

It's been three years. There may be a T named Tony that Michelle's talking about. That may have been the person who got them the hell out of Columbia after, you know, the car's on fire and they need to get out of town.

If there's an alibi, Michelle Jones and her lawyer, I would hope they would come to me and say, "Dale, she wasn't here." But she's not saying that. She is on the stand under oath putting herself in this. She's represented. There's the lawyer's back there. He's been watching the whole time. Why would she do that if she had any valid alibi that made any sense or held any water?

Sometimes -- there's a theory called Occam's razor. Okay? And it's a cool name for a very simple idea. And that is, you know, the solution that takes the least amount of jumps to conclusions, the solution that has the simplest answer is probably the one that we should take and probably the one we should use. If we are trying to defy logic and defy reason, we're probably reaching too far. We're probably trying to jump to conclusions.

Just ask yourself, Why would Antrone have

named these two right off the bat right after -- after he's waking up from being medically treated and he's got a police officer in his face? Why isn't he saying, "It was some homeless guy who did this to me"? Why is Michelle Jones coming in here and putting herself in it if she wasn't even in it? Why is she testifying under oath to being a part of something like this?

You heard it. She is facing zero to 30 years. She can get anywhere from probation up to 30 years. And it's up to the judge. When her day in court comes, this isn't her day in court. She's a testifying witness. But why would she put herself in this? That makes no sense if you weren't involved. How would you have these details? How would you have these -- this knowledge of this case if you weren't there?

She gets down from Hickory, North Carolina. Wayne Montgomery is the first person that she's talking to. Martin Dixon, that's the first thing she brings up. They never mentioned anything about Martin Dixon. You listen to them read the warrants to her. She knows the charges. They don't list the victim's name in the warrants. They'll read them out. So that you can hear that

in the interview. Doesn't say anything about a graveyard. Unsolicited, she starts talking about these things. Okay?

And I get she's saying, "Well, you know, Montgomery said, "Could it have been a black car?'" Maybe that suggestive. But there's other things completely unprompted. This happened in a graveyard. Martin Dixon was involved. The car repair issue and how Antrone owed her money. Unsolicited, she brings that up. On her own. I don't know if she's ever been diagnosed with any psychic ability. But she would have to have it to know these things unless you were there.

Credibility is at issue. Who do you think's calling the shots? Y'all heard everybody testifying. Who -- who is -- who is lying on the stand? Who is contradicting themselves on the stand and -- and just unable -- unable to explain to us why he's lying about little things and unable to tell the truth about the most simple things?

What does Antrone Dubose and what does Michelle Jones have to gain at all whatsoever? Three years later, steadfast in her story? What do they have to gain from this? Nothing.

Sometimes the simplest solution is -- is the right answer. And I am not asking you to jump to any conclusions. I'm not asking you to reach. You-all have heard the evidence. You've watched him testify.

The only thing that makes sense -- you know, cell phones are great. That's great. Okay? But they don't do us much good if we are looking for what happened on August 7? Where were you August 7? You ditched that phone and you've gotten a new one. Why did you do that? Why did you get rid of the old phone? What did you do with it anyway? Did you crush it? Is it in a drawer somewhere?

Help us help you, man. If you're going to claim alibi, give us something to go on, man, not just when you're on the stand talking about a T Ordum who doesn't exist. Does that make sense? That you've got a solid alibi, airtight, and you don't produce them to anybody?

Beyond a reasonable doubt -- again, you don't hurt my feelings, and I don't -- I know it's not even a concern of yours. But I present these cases. And -- and I just hope I have logical, reasonable people and, of course, fair people who can weigh the evidence. And you've guys have seen

enough life. You've guys seen enough deceitful people to be able to judge credibility. But what makes sense here? The only thing that makes sense is guilt. That's what I'm going to ask you to do.

Once again, find him of those two indictments: The indictment for kidnapping and that indictment for attempted murder. Thank you.

THE COURT: Mr. Foreman and members of the jury, you have heard the testimony and received the evidence and heard the arguments of the state and the defendant.

I will now explain to you the law that applies to this case. Under the Constitution and laws of South Carolina, you are the finders of the facts. I do not have the right to pass upon the facts or give any opinion that I might have, because this is a matter solely for you, the jury, to determine.

As jurors, then it is your duty to determine the effect, the value, and the weight of the evidence presented during this trial. As the trial judge, it's my job to preside over the trial of the case and to rule upon the admissibility of the evidence offered during the trial. You are to consider only the testimony that came from that

witness stand together with any other evidence or exhibits which have been made a part of the record as well as any stipulations of counsel.

I have the additional duty to charge you the law applicable to this case. And as the presiding judge, I am the sole judge of the law. It is your duty as jurors to accept as correct and apply the law as I now state it to you, then deliberate in an effort to reach a verdict. Finally, I charge you in this regard that you should not be concerned with what you think the law ought to be, but rather what I charge you that the law is.

You are also the judges, the sole judges of the credibility, that is, the believability, of the witnesses who have testified and of the evidence which has been offered. In considering credibility, you may take into consideration many things, such as the demeanor or manner of testifying, whether a testimony was contradicted on the one hand or supported on the other hand and whether the witness had reason to be biased or prejudiced.

You may believe a small portion of a witness' testimony and disregard the larger or vice versa. All of these things, you should consider bearing

in mind that you should give the defendant the benefit of any reasonable doubt. It becomes your duty as jurors to analyze and to evaluate the evidence and determine that evidence which convinces you of its truth.

There's been -- there has been evidence presented that witnesses have made prior statements which are not consistent with the witness' present testimony. You may use this evidence to decide whether to believe the witness. You may also use evidence of the earlier contradictory statement to determine the truth of those things.

It is up to you to determine whether to believe the earlier statements or the testimony given at trial. If a witness is shown to have knowingly testified untruthfully concerning any material matter, you may consider this in determining whether to trust a witness' testimony as to other matters. You may reject all testimony of that witness or give all or part of the testimony you think it deserves.

The indictments in this case allege two separate offenses against the defendant. Indictments are kidnapping and attempted murder.

Each indictment charges a separate and distinct offense. You must decide each indictment separately on the evidence and the law applicable to it, uninfluenced by your decision as to any other indictment. A defendant may be convicted or acquitted on any or all of these other charges or charged offenses. And you will be asked to write a separate verdict of guilty or not guilty for each indictment.

Now, the fact that the defendant was arrested, charged, and indicted is not evidence and cannot be considered by you as evidence of guilt. Nor does it create any inference or presumption of guilt, the indictment is simply the written instruments which contains the charges against the defendant. The indictments are the formal documents by which this case is brought into this court.

The defendant, Martin Dixon, has pled "not guilty" to the indictments. That plea puts the burden on the state to prove the defendant guilty. A person charged with committing a criminal offense in South Carolina is never required to prove himself innocent. And I charge you that -- that it is an important rule of law that the

defendant in a criminal trial, no matter what the seriousness of the charge may be, will always be presumed to be innocent of the crime for which the indictment was issued unless guilt has been proven by evidence satisfying you of that guilt beyond a reasonable doubt.

This perception of innocence does not end when you begin your deliberations. But it accompanies the defendant throughout the trial until you reach a verdict of guilt based on evidence satisfying you of that guilt beyond a reasonable doubt.

The presumption of innocence is like a robe of righteousness placed about the shoulders of the defendant which remains with the defendant until that has been stripped from the defendant by evidence satisfying you of the defendant's guilt beyond a reasonable doubt.

The 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 unless you the jury are satisfied from the evidence of the guilt of the defendant beyond a reasonable doubt. The state must prove the defendant guilty beyond a reasonable doubt. So

what is a reasonable doubt in the law?

A reasonable doubt is a doubt which makes a reasonable, honest, sincere, and conscientious juror hesitate to act. Proof beyond a reasonable doubt is, therefore, the proof of such a convincing character that a reasonable person would not hesitate to rely and act upon it in the most important of his or her own affairs. Proof beyond a reasonable doubt can also be described as proof that leaves you firmly convinced of the guilt of a defendant.

Now, there are very few things in this world that we know with absolute certainty. And in criminal cases, the law does not require proof that overcomes every possible doubt. If based on your consideration of the evidence you are 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 that he is not guilty, you must then give him the benefit of the doubt and find him not guilty.

There are two types of evidence which are generally presented during a trial: Direct evidence and circumstantial evidence. Direct evidence directly proves the existence of a fact

and does not require deduction. Circumstantial evidence is proof of a chain of facts and circumstances indicating the existence of a fact.

Crimes may be proven by circumstantial evidence. The law makes no distinction between the weight or value to be given either direct evidence or circumstantial evidence. However, to the extent the state relies on circumstantial evidence, the circumstances must be consistent with each other and when taken together point conclusively to the guilt of the defendant beyond a reasonable doubt. If the circumstances merely portray the defendant's behavior as suspicious, the proof has failed.

The state has the burden of proving the defendant guilty beyond a reasonable doubt. This burden rests with the state regardless of whether the state relies on direct evidence, circumstantial evidence, or a combination of the two.

The defendant, Martin Dixon, is charged with attempted murder. In order to prove this crime, the state must prove beyond a reasonable doubt that the defendant had the specific intent to kill Antrone Dubose with malice aforethought. Specific

intent means that the defendant consciously intended the completion of acts constituting murder.

Attempted murder is the attempt to kill a person with expressed malice. Or more completely defined, attempted murder is the performance of an act or acts which tend or fail to kill a human being when such acts are done with the expressed malice; namely, with the deliberate intent to kill.

Malice is hatred, ill will, or hostility toward another person and is the intentional doing of a wrongful act without just cause or excuse and with an intent to inflict an injury. Malice aforethought does not require that malice exist for any particular time before the act is committed. But malice must exist in the mind of the defendant just before and at the time the act is committed.

Therefore, there must be a combination of the previous evil intent and the act. Expressed malice is shown when a person speaks words which express hatred or ill will for another or when the person prepared beforehand to do the act which was later accomplished. For example, lying in wait

for person or any other acts of preparation going to show that the deed was in the defendant's mind would be expressed malice.

A specific attempt includes an intent to do a particular criminal act along with an act falling short of the act intended. The state must show more than mere preparation and intent. There must be some overt act committed in an effort to commit the crime. The defendant is charged with kidnapping. The state must prove beyond a reasonable doubt that the defendant knowingly and unlawfully seized, combined, inveigled, decoyed, kidnapped, abducted or carried away Antrone Dubose without authority of law. To do a thing unlawfully is to do it willfully against the law.

"Knowingly" means with knowledge, conscientiously -- consciously, not accidentally.

"Seize" means to take hold of suddenly or forcibly.

"Confined" means to limit, restrict, enclose within bounds, imprison, or shut or keep in.

"Inveigled" means to lure, entice, or lead astray by false representations, promises, or other deceitful means.

"Decoy" means to lure by or as if by decoy.

A decoy is something to entice a person to a trap.

"Kidnap" is to remove a person against his will by unlawful force or fraud.

"Abducted" means to carry out secretly or by force for an illegal purpose.

"Carry away" means to remove.

The state does not have to prove that the defendant did all of these things. Instead, if you find beyond a reasonable doubt that the defendant did any of these things, you may find the defendant guilty of kidnapping.

Something down without authority of law is something which -- which the law does not sanction, admit, allow, condone, or provide justification for. A kidnapping does not have to be for any personal or monetary gain or any illegal purpose, but may be for any reason whatsoever.

In order to establish criminal liability, criminal intent is required. For example, the mental state required to prove -- 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 the jury from the circumstances surrounding the situation. There is no way to prove intent to a mathematical certainty.

There is no way medical science can dissect a person's brain and determine what the person had in mind. So the law says that criminal intent may be inferred from the circumstances shown to have existed. This is how you make a determination of whether or not the element requiring intent was present. It is not necessary to establish intent by direct and positive evidence. But intent may be established by inference in the same way any other fact by taking into consideration acts of the parties and all the facts and circumstances of the case.

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

Criminal intent can arise from actions or failure to act. It may arise from negligence, recklessness, or indifference to duty or to consequences that is considered by law to be

equivalent to criminal intent.

The defendant has raised the defense of alibi. In order to establish an alibi, it must be shown that the defendant was at another specific place at the time the crime was committed and that it was, therefore, impossible for the defendant to have been -- to have been at the scene of the crime. Mere denial of presence at the scene of a crime does not constitute alibi.

There is no burden on the defendant to prove alibi. The burden is on the state to prove beyond a reasonable doubt the defendant is actually present at the scene of the crime, actually participated in the crime, and was not somewhere else. In other words, the state has the burden of disproving the defendant's alibi defense.

If the crime was committed by two or more people who are acting together in committing the crime, the act of one is the act of all. A person joins with another to commit an unlawful act is criminally responsible for everything done by the other person, which happens (inaudible) natural and probable consequences of the acts done in carrying out the common plan and purpose.

For example, two people can be guilty of

killing a person when only one of the two had a gun, there was only one bullet and only one of the two fired the shot that caused the death. If two or more people are acting together -- are together and acting together, assisting each other in committing the offense, the act of one is the act of all or as it is sometimes said, the hand of one is the hand of all.

Prior knowledge that a crime is going to be committed without more is not sufficient to make a person guilty of that crime. Mere knowledge that another person is going to commit a crime, even if the defendant is present when the crime is committed, is not sufficient to convict the defendant as a principal. Guilt as a principal is shown by actual or constructive presence at the scene as a result of a prior arrangement. Therefore, a finding of a prior arranged plan or common scheme is necessary for a finding of guilt as a principal.

The state must prove beyond a reasonable doubt with competent evidence the theory of the hand of one is the hand of all. A principal in a crime is one who either actually commits the crime or who is present, aiding, abetting, or assisting

in the commission in committing the crime. When a person does an act in the presence of and with the assistance of another, the act is done by both. When two or more acting with a common plan or intent are present at the commission of a crime, it doesn't matter who actually commits the crime, all are guilty, hand of one is the hand of all.

Present at the commission of a crime means to be sufficiently near to aid and abet and assist in the commission of a crime. However, mere presence at the scene of the crime that is not sufficient to convict one as a principal under the theory of aiding and abetting.

Intent is also a necessary element. There must've been a common design or intent to commit the crime, and the crime must've been committed pursuant thereto with the person aiding and abetting by some overt act. Intent meaning intending the result which actually occurs not accidentally or involuntarily. Intent may be shown by acts and conduct of the defendant and other circumstances from which you would naturally and reasonably infer intent. The state must prove these elements beyond a reasonable doubt.

An issue in this case is the identification

of the defendant as the person who committed the crime charged. The state has a burden of proving identity beyond a reasonable doubt. You must be satisfied beyond a reasonable doubt of the accuracy of the identification of the defendant before you may convict the defendant.

Identification testimony is an expression of belief or impression by a witness. You must determine the accuracy of the identity -- of the identification of the defendant.

You must consider the believability of each identification witness in the same way as any other witness. You may consider whether the witness had an adequate opportunity to observe the offender at the time of the offense. This would be affected by how -- by things like how long or short of time is available, how far or close the witness was, the lighting condition and whether the witness had a chance to see or know the person in advance.

Once again, I instruct you that the burden of proof is -- upon the state extends to every element of the crime involved and this specifically includes the burden of proving beyond a reasonable doubt the identity of the defendant

as the person who committed the crime. If after examining the testimony, you have a reasonable doubt as to the accuracy of the identification, you must find the defendant not guilty.

Now, while the arguments of counsel are a beneficial part of every trial, you should remember that the statements made by counsel are not evidence. In presented their arguments, counsel often referred to the evidence. However, you should base your verdict from the evidence as you remember it. If there any conflicts between the recollection of counsel about the evidence and your own recollection, you should rely on your own understanding of the evidence.

Mr. Foreman and members of the jury, I'm required to charge of the law as I have done through these instructions now being given to help guide you to a just and lawful verdict. Whether some of these instructions apply would depend upon what you find to be the facts. The fact that I have instructed you on various subjects must not be considered as indicating an opinion of the Court as to what you should find to be the facts or what your verdict should be.

You have been chosen and sworn to give the

parties a fair and impartial trial. When you have done so, you will have complied with your oath and no one will have a right to criticize your verdict.

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

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

It is your duty as jurors to consult with one another and to deliberate in an effort to reach an agreement. Each of you must decide this case for yourself, but only after impartial consideration of all the evidence with your fellow jurors. In the course of your deliberation, do not hesitate to re-examine your own views and change your opinion if you become convinced it is erroneous. However, do not surrender your honest conviction

as to the weight or effect of the evidence solely because of the opinion of your fellow jurors or for the mere purpose of reaching a verdict.

As I stated earlier, you are the judges, the judges of the facts. Your verdict must represent the considered judgment of each juror. In other words, your verdict must be unanimous.

You may have noticed I have read these instructions. I do so to give you the law as accurately as possible. I will give you a copy of these instructions to have in the jury room. You may refer to these instructions to assist you in your deliberations. You must consider the instructions as a whole and may not follow some and ignore others.

Mr. Foreperson, it will be your duty to preside over the deliberations of the jury. If you, in your deliberations, you should desire to communicate with the Court, please reduce your message or question to writing signed by your foreperson and the foreperson only, and pass a note to the bailiffs who will bring it to my attention. I will, then, respond as promptly as possible either in writing or by having you return to the courtroom. However, I caution you,

however, with regard to any message or question you might send that you should never state or specify your numerical division at the time.

Now, you've heard the evidence and you have heard the law. Whatever your verdict, Mr. Foreman, you will indicate on the back of each indictment and then sign and date the verdict. These -- the two indictments on the back, there is a spot that says verdict. Underneath that, you will write guilty or not guilty, sign and date it, whatever your verdict might be, that's where you place the verdict.

The verdict has to be unanimous. And Mr. Foreman, you are not authorized to write the verdict until all of you have agreed on the verdict.

Now, we have selected 14 jurors, but we can only use 12 to deliberate. So out of the first 12 seated, if you cannot continue with deliberations for any reason whatsoever, please let it be known at this time while we still have those alternates on the back row. If you cannot participate for any reason, please let me know.

That means that the first 12 jurors get together and the alternates will not participate

in the deliberation. The bailiffs will retrieve the belongings and the lunch for these -- for the two alternates.

I'm going to send you in the jury room at this time. But do not begin your deliberations until you have received a copy of this jury charge, the indictments, and the exhibits. Once you receive these things, that will be your signal to begin your deliberations. Once you begin deliberations, you will deliberate until you have reached a verdict, at which time, if you knock on the door and advise the bailiff, and we will bring you out to receive your verdict. So please go to the jury room at this time.

Everyone except the last two jurors.

(The jury exits the courtroom at 12:45 p.m.)

THE COURT: All right.

I will speak with you in just a second.

Are there any additions or exceptions to the charge?

MS. ZMROCZEK: None from the defense.

MR. SCOTT: None from the state.

THE COURT: All right.

Very good. If you-all will get together with Ms. Elizabeth about these exhibits, I'm sure

you've got them already.

THE COURT REPORTER: They are ready.

THE COURT: Good to go.

All right.

Well, Mr. Brown, they can have at it. Take the exhibits back there. I'm not sure if they have a computer or what back there.

(Jury deliberations begin at 12:47 p.m.)

THE COURT: All right.

I understand there is a verdict. They can come in.

(The jury enters the courtroom at 2:31 p.m.)

THE COURT: All right.

Mr. Foreman, would you stand for me?

THE FOREPERSON: Yes, sir.

THE COURT: Have you reached a verdict?

THE FOREPERSON: Yes, sir.

THE COURT: Is it unanimous?

THE FOREPERSON: Yes, sir, Your Honor.

THE COURT: If you would pass it.

(The verdict form is handed up to the Court.)

THE COURT: The defendant will stand.

Please publish the verdict.

THE CLERK: May it please the Court.

The State of South Carolina, County of

Richland, Docket No. 2020GS4001502, indictment for attempted murder, the verdict is guilty. Signed by Foreperson No. 311 on April 4, 2020 -- April 6, 2023.

In the case of Docket No. 2020GS401501, the State of South Carolina versus Martin Dixon, indictment for kidnapping, the verdict is guilty. Signed by the foreperson, No. 311, on the date of April 6, 2023.

Mr. Foreperson, is this your verdict?

THE FOREPERSON: Yes, ma'am.

THE CLERK: And the verdict of the entire jury?

THE FOREPERSON: Yes, ma'am.

THE COURT: Thank you.

Any individual polling requested?

MS. ZMROCZEK: Yes, Your Honor.

THE COURT: All right.

Madam clerk, if you will call each juror and ask them was that their verdict and is it still their verdict.

THE CLERK: Juror No. 311, was this your verdict?

THE FOREPERSON: Yes.

THE CLERK: Is this still your verdict?

THE FOREPERSON: Yes.

THE CLERK: Juror No. 98, was this your verdict?

THE JUROR: Yes.

THE CLERK: Is this still your verdict?

THE JUROR: Yes.

THE CLERK: Juror No. 235, was this your verdict?

THE JUROR: Yes.

THE CLERK: Is this still your verdict?

THE JUROR: Yes.

THE CLERK: Juror No. 33, was this your verdict?

THE JUROR: Yes.

THE CLERK: Is this still your verdict?

THE JUROR: Yes.

THE CLERK: Juror No. 194, was this your verdict?

THE JUROR: Yes, ma'am.

THE CLERK: Is this still your verdict?

THE JUROR: Yes, ma'am.

THE CLERK: Juror No. 356, was this your verdict?

THE JUROR: Yes, ma'am.

THE CLERK: Is this still your verdict?

THE JUROR: Yes, ma'am.

THE CLERK: Juror No. 40, was this your verdict?

THE JUROR: Yes.

THE CLERK: Is this still your verdict?

THE JUROR: Yes.

THE CLERK: Juror No. 230, was this your verdict?

THE JUROR: Yes.

THE CLERK: Is this still your verdict?

THE JUROR: Yes.

THE CLERK: Juror No. 146, was this your verdict?

THE JUROR: Yes.

THE CLERK: Is this still your verdict?

THE JUROR: Yes.

THE CLERK: Juror No. 99, was this your verdict?

THE JUROR: Yes.

THE CLERK: Is this still your verdict?

THE JUROR: Yes.

THE CLERK: Juror No. 165, was this your verdict?

THE JUROR: Yes.

THE CLERK: Is this still your verdict?

THE JUROR: Yes.

THE CLERK: The jury has been polled, Your Honor.

THE COURT: The jury has been polled. The verdict is the unanimous verdict of the jury.

Any posttrial motions?

MS. ZMROCZEK: Yes, Your Honor. At this time, we would renew all of our previous motions, including specifically the motions related to the testimony of the codefendant.

THE COURT: Okay. Any response by the state?

MR. SCOTT: Your Honor, we request you deny the motion.

THE COURT: Pardon?

MR. SCOTT: We request you deny that particular motion.

THE COURT: Motion is denied. The co-defendant testified. The Court found that she was competent to testify. She was subject to a vigorous and thorough examination and found to be a witness whose credibility the jury was able to assess.

The jury has unanimously concluded that the defendant is guilty of charges. I respectfully deny the motion.

Anything prior to sentencing?

MS. ZMROCZEK: Nothing further, Your Honor. I believe that we've been able to preserve the record. And --

THE COURT: All right.

MS. ZMROCZEK: My -- my client won't be making a statement, Your Honor. I can tell you that and I understand that will be an issue.

THE COURT: He'll be given a chance to.

Are those the same pants that you had on the other day? They're looking kind of big today. That's your size?

THE DEFENDANT: I guess so.

THE COURT: From the state.

MR. SCOTT: Your Honor, you've heard it. The jury may be interested in hearing it. He's got a criminal history going back to 1992 when he was convicted of a public disorderly conduct; malicious injury to property. He went to prison in 1995 for assault and battery of a high and aggravated nature. He was convicted with that along with another malicious injury of property.

1997, he was arrested for pointing and presenting a firearm. 1997, a driving under suspension. That -- we mentioned that during the

trial.

1998, he was arrested for driving under suspension second and failure to stop for blue lights for which he was convicted. 1998, he went back to prison for failure to stop for blue light and grand larceny.

2001, he went back to prison again, this time for criminal domestic violence of a high and aggravated nature along with assault of a police officer while resisting.

2007, he was charged and convicted and then convicted of simple assault and battery. 2007 --

THE COURT: Wait.

I see a gentleman out there might take his hat off in the courtroom.

MR. SCOTT: Lastly, 2007, he was arrested, but later it was nolle prosed, criminal domestic violence of a high and aggravated nature.

Judge, I know you've seen a lot of different ways to kill a man. I've never seen anybody put in the trunk of a car and somebody light the car on fire and that person being somebody you've known intimately, you lived with, this person considered you a friend and this person also has diminished capacity in one way or another.

A learning disability he testified to. His brother testified he's been a mark his whole life, people taking advantage of him. And now, he almost died at the hands of this man who stuffed him in a trunk after hitting him in the head, tried to light the car on fire, goes up to North Carolina and just forgets about him. Does it as easy as throwing a piece of trash in the trashcan.

Judge, you've got a broad range, zero to 30 on each of those. I completely respect any and all consideration you give to the facts; you give to his criminal record. I have no real recommendation. I'll say that I told him that if he plead guilty, he would save us all the trouble of bringing Mr. Dubose in here to relieve this. I've recommend 18 years.

Now, I've read some stuff in this trial. I've seen him behave. I toss that recommendation out. I think this deserves well in excess of 18 years.

I will tell you as he walked away as I cross-examine, he turned and smiled the whole time. The con man thought he would con the prosecutor. He certainly thought he would con the whole jury. He's con up to the end.

Judge, take all of that into account and sentence him as you see fit. But that's a heinous thing to do, stuff a man in the trunk and set the car on fire.

THE COURT: Regarding the North Carolina trip, you said the -- the scenario, he was put in the car and lit on fire. And when did they go to North Carolina? The same -- same day or the day after?

MR. SCOTT: My belief is it was either that night or the next day. The testimony from the only other person besides him who would know for sure that we've heard from was Michelle Jones. She testified that his mother from Holly -- that makes sense. His mother lives in Holly Hill. He calls her. They walked to Finley Park. It's a short distance on the bike path from the cemetery. They go to Finley Park where they hide out. He calls his mother. She comes up, gets him from the park and takes him back to Holly Hill.

Then after that, I think the next day -- the time lines are closed, but I think the next day is when they go to Hickory. Thereafter, of course, you heard they were on the lam until October. I'm not sure -- I can't afford to live in a hotel that

long. Somehow they were staying in a hotel for 70-something days.

THE COURT: Hotel, the woods, the streets?

MR. SCOTT: Maybe all of the above. You're right.

THE COURT: So Mr. Dubose, come right here and let me talk to you.

Have him come down here.

All right.

How are you doing today?

MR. DUBOSE: I'm doing good, sir.

THE COURT: All right.

What you think about all of this?

MR. DUBOSE: Justice been served.

THE COURT: What you want me to do with this man?

MR. DUBOSE: Eighteen years.

THE COURT: How many?

MR. DUBOSE: Eighteen years.

THE COURT: Eighteen years? How did you come up with that much?

MR. DUBOSE: (No audible response.)

THE COURT: Why did it -- why did he throw you in that trunk and set the car on fire?

MR. DUBOSE: Cause money that I did not had.

THE COURT: Pardon?

MR. DUBOSE: Money that I did not had.

THE COURT: He was trying to take your money.

MR. DUBOSE: Money that I did not had, sir.

THE COURT: Oh, he wanted you to give him some money?

MR. DUBOSE: Yes.

THE COURT: How much money was he trying to get you to give him?

MR. DUBOSE: $400.

THE COURT: $400. Why did he think you had $400?

MR. DUBOSE: To pay back all the stuff that he put on the car.

THE COURT: He spent some money on your car?

MR. DUBOSE: Yes, sir.

THE COURT: Why was he fixing -- help you fix your car? Was that to come to Columbia?

MR. DUBOSE: Yes, sir.

THE COURT: And why were y'all coming here?

MR. DUBOSE: Supposed to be looking for a place to stay.

THE COURT: Why did he get mad with you?

MR. DUBOSE: Because I -- cause I had wanted to go back to Charleston, not stick around

Columbia.

THE COURT: And he didn't want to go back?

MR. DUBOSE: Yes, sir.

THE COURT: Why do you think he tried to kill you? You were his friend, weren't you?

MR. DUBOSE: Yes, sir.

THE COURT: I mean, does he kind of go off on the deep end from time to time? You ever seen him act like that before?

MR. DUBOSE: One time before.

THE COURT: And what he did he do before?

MR. DUBOSE: When we was staying together, he done stuff like stabbing me.

THE COURT: He stabbed you before?

MR. DUBOSE: Yes, sir.

THE COURT: Where was that?

MR. DUBOSE: (No audible response.)

THE COURT: Columbia or Charleston or where?

MR. DUBOSE: Charleston.

THE COURT: So why did you hang around him after that?

MR. DUBOSE: He kind of -- I kind of end my friendship with him after he told me to pack my stuff up and leave.

THE COURT: Pack your stuff up and leave from

where?

MR. DUBOSE: From the apartment that we was staying at in Charleston.

THE COURT: In Charleston. So how did you end up coming to Columbia with him?

MR. DUBOSE: He -- he contact me back and we became friends again.

THE COURT: So what kind of friendship did y'all have?

MR. DUBOSE: I put my trust in him being my friend.

THE COURT: All right. How long you known him?

MR. DUBOSE: I known him for a while just like I known Ms. Jones.

THE COURT: All right.

So when they found you in the trunk of the car, were you unconscious or?

MR. DUBOSE: Yes, sir.

THE COURT: And how did you pass out? How long were you in there before you passed out?

MR. DUBOSE: That -- that Tuesday night to the next morning.

THE COURT: And what caused you to pass out? You couldn't get any air or -- or you know what

caused you to pass out?

MR. DUBOSE: Heat. Like, air.

THE COURT: You thought you were going to die?

MR. DUBOSE: Yes, sir.

THE COURT: Why did you think that?

MR. DUBOSE: Because my life was over. I done been through a lot. So I was like my life is like over with.

THE COURT: You thought that was it, huh?

MR. DUBOSE: Yes, sir.

THE COURT: How are you doing now?

MR. DUBOSE: I'm good. I have some other stuff I deal with now.

MR. SCOTT: There's a case down in Charleston now where he's the victim. Somebody else taken advantage of him down there. Beat him up and stole $2 from him. It's a pending prosecution down in Charleston County.

We've got him in Moncks Corner now under the watchful eye of some people who care about him. If -- if we can keep him out of North Charleston and keep him in Moncks Corner where there isn't a whole lot going on, he seems to do better. But he's an easy mark.

THE COURT: Your brother says you are from MacBeth?

MR. DUBOSE: Yes, sir.

THE COURT: That's down there by Goose Creek, isn't it?

MR. DUBOSE: Yes, sir.

THE COURT: Not Goose Creek, but almost to Bonneau. That's around Bonneau, isn't it?

MR. DUBOSE: Yes, sir.

THE COURT: They still have that beach down there?

MR. DUBOSE: Short State.

THE COURT: Right near where you are from, MacBeth?

MR. DUBOSE: Yeah, Short State. Yes, sir.

THE COURT: Short -- yeah. You used to -- you used togo there one time?

MR. DUBOSE: Yes, sir.

THE COURT: Your brother say it's pretty rough down in there.

MR. DUBOSE: It is kind of. All of the old folks that we used to grow up kind of like moved away. We just bury our grandmamma last year.

THE COURT: You ever took this guy to MacBeth? He ever went there with you?

MR. DUBOSE: No, sir.

THE COURT: Bonneau Beach?

MR. DUBOSE: No, sir.

THE COURT: He just hang around Charleston.

MR. DUBOSE: Yes, sir.

THE COURT: And Columbia and Holly Hill. And where else?

MR. DUBOSE: That's -- that's it.

THE COURT: That's about it? All right.

Anything else you want to tell me about this situation?

MR. DUBOSE: No, sir.

THE COURT: You talk low sometimes and then you talk loud sometimes. What's going on?

MR. DUBOSE: That's -- that's normally how I talk. Sometimes I get nervous.

THE COURT: So I can give him 30 years on each count. Thirty years for trying to burn you up and I can give him 30 years for throwing you and locking you in the trunk.

We didn't have the trial on the arson case. That would be 10 more years. That case hadn't come up or it wasn't called for trial.

How did you pick 18 out of all of them years? Or were you going along with what Mr. Scott said?

MR. DUBOSE: (No audible response.)

THE COURT: You want to see him get out of prison one day?

MR. DUBOSE: (No audible response.)

THE COURT: What you think? Do you want him in prison or out of prison one day?

MR. DUBOSE: Either or. It doesn't matter.

THE COURT: What's that?

MR. DUBOSE: I said: Either or. It doesn't --

MR. SCOTT: He said "either or."

THE COURT: Say it again?

MR. DUBOSE: I said: Either or. It doesn't --

THE COURT: Either or?

MR. DUBOSE: I just need to move on. I've got to keept -- I've got to get this behind me and move on.

THE COURT: You've done a good job. You've done a good job. Coming in here and testifying in all of that, you did a good job. You can have a seat.

Ms. Zmroczek.

MS. ZMROCZEK: Thank you, Your Honor.

My client is 53 years old. I have laid out

extensively his medical -- or excuse me, his mental health challenges when we had the evaluation hearing. And in fact, even yesterday, when he sat down, he said, "So now do they tell us?" So Your Honor, I would renew the fact that, you know, he is just as mentally challenged as all of the people in this case. However, he's getting, you know, called evil and called names.

Your Honor, I think there -- there are --

THE COURT: Well, any -- anyone who tries to burn someone up in a car have -- has to have some mental problems, some mental challenges.

MS. ZMROCZEK: I -- I would agree.

THE COURT: (Inaudible).

MS. ZMROCZEK: Your Honor, he has very little family to speak of. He has grown up just like the rest of the people involved in this case. I think that he's obviously very nervous to say anything given what the Court intimated during the evaluation of whether or not the co was -- co-defendant was going to testify.

I think that his smiles and his reactions to thing -- to things, Your Honor, is a product of his disabilities. But yet when he does it, (inaudible). He is someone that I have grown to

become protective of because people call him evil and a liar and all of these things, Your Honor, when the same kind of testimony comes from the stand that is clearly untrue. And they are praised for it. So he's in a difficult situation.

THE COURT: Things that come from the stand are clearly untrue?

MS. ZMROCZEK: Yes, Your Honor. When the other two --

THE COURT: When lawyers use the word "clearly," it always raises a red flag.

MS. ZMROCZEK: When people clearly are not telling the truth. When they say that they --

THE COURT: Clearly is always subject to interpretation. If things are so clear, we wouldn't have this process.

MS. ZMROCZEK: Well, I'm pretty sure it's clear he's not in the Illuminati, Your Honor.

THE COURT: Well, I don't know. What is that anyway?

MS. ZMROCZEK: We had a full discussion of it from -- from the co-defendant, Your Honor. He -- so I'm -- I'm --

THE COURT: I've heard that word before. There was a guy around town --

MS. ZMROCZEK: Maybe he is --

THE COURT: -- published and accused people for being in an Illuminati on a website.

MS. ZMROCZEK: And Your Honor, and so --

THE COURT: (inaudible) lawyer Illuminati. And the lawyer fired him as a client. And there's no way he could undo the stuff on the Internet. He said the lawyer is in Illuminati. I still haven't figured out what that is, though.

I'm sorry. Go ahead.

MS. ZMROCZEK: Thank you.

Your Honor, I believe that he is similarly situated as far as mental challenges. I think that whatever evidence that the jury did consider to find that would certainly have to be included in that. I do not think that he is somebody who should get 30 years, although he -- provided that that is the option.

We talked about his offer ad nauseam because I did explain to him the challenges and how, as you -- as you told the codefendant when she stood up here that, you know, if you make people go to trial, you get more. And that he should (inaudible) himself.

THE COURT: Don't accuse me of telling

anybody that.

MS. ZMROCZEK: Sorry.

THE COURT: I've never punished anyone for going to trial. He has a constitutional trial in that respect, especially if he thinks he might win.

MS. ZMROCZEK: Well, your Honor, I think that his challenges has made it difficult for him to be able to, you know, think clearly through this process, which is why I had to do those whole host of motions yesterday.

I would respectfully submit he is 53 and on a mental health hold. Sending him to SCDC for any amount of time is, as you stated before, a life sentence. So we would ask the Court to consider all of those things in sentencing.

THE COURT: All right.

Mr. Dixon, anything you want to say?

THE DEFENDANT: No, Your Honor.

THE COURT: Well, we went through the process yesterday of reviewing Mr. -- Mr. Dixon's mental health evaluation. And whereas he has had some issues and has some issues, it's clear to me to the extent that it can be clear that he has the capacity to stand trial.

And particularly prior to trial, he was speaking kind of slowly as if he didn't understand things so well. But the -- the more I observed him, the more I listened to him during the course of this trial, it's become quite evident that he was fully competent to understand the charges against him and jury trial process, when he's telling the truth and when he is not telling the truth. And he's had a fair trial. The jury has found him guilty. I agree 100 percent with the jury's finding of guilt.

It's a matter of credibility, a matter of the weight of the evidence. The state -- the state proved him guilty beyond a reasonable doubt.

Anything else about sentencing?

MS. ZMROCZEK: That's all I have for sentencing, Your Honor.

THE COURT: Mr. Dixon, I think putting a man in the trunk of the car -- a friend, putting him in the trunk of a car, locking the car, and putting a rag in the gas tank and lighting it on fire and walking away and lighting some other paper in the car -- you know, actually, this is a -- this type of case qualifies as a death penalty as well, a murder accompanied by aggravating

circumstances.

MS. ZMROCZEK: There was no -- there was no murder, Your Honor.

THE COURT: Oh, okay. It could have been. Yeah. Through no -- no -- yeah. It could have been. So you -- you've had some luck there.

Of course, I have seen a lot of arsonists who try to burn people up and they don't know how fires work as the witness testified to. They think if they strike a match and gasoline -- if they strike a match, it automatically will cause a big flame and burn everything up. And I can think of nothing more evil than for one man to do that to another man.

Someone who thought you were his friend? And you try to burn him up in a car? Had him locked in a trunk? The police had to take the trunk off to get him out? How could you do such a thing?

And then, to claim that you might not be competent. You obviously have some issues, serious issues to do what you did. But -- and you were smart enough to try to get away. Go all the way to Hickory, North Carolina, of all places. That took some sense, some planning, and conniving.

The sentence of the Court on each count is that you be committed to the State Department of Corrections for a period of 23 years. You'll get credit for any time that you're due credit for. I need to know the exact number of days that he's been in jail. The sentences will run concurrent with each other.

MS. ZMROCZEK: Thank you, Your Honor.

THE COURT: Any idea as to how many days he's been in there?

MS. ZMROCZEK: It's -- as I misspoke earlier, it's been three years, five months, and 22 days.

THE COURT: How many days is that?

MR. SCOTT: I got 1260 days -- well, that's from October 24. Is that the arrest you had?

MS. ZMROCZEK: October 16 is when he was arrested.

MR. SCOTT: October 16 is going to be a 1268 days.

THE COURT: 1268 days' credit.

All right.

Mr. Dixon, good luck to you.

All right.

Ladies and gentlemen, that's it. You-all have come and you've done your duty. Once you've

WITNESSES

(S) Wayne H Montgomery
– Columbia Police Department

ARREST WARRANT NUMBER

2019A4021602479

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: JUL 15 2020

VERDICT

Guilty

Foreperson of Petit Jury
Date: 4/6/2023

DOCKET NO. 2020GS4001501

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

105 July TERM 2020

THE STATE
vs.

Martin Dixon

Indictment for
KIDNAPPING / KIDNAPPING

SC Code: **16-03-0910**
CDR Code: **0095**

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

Defendant

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

Defendant

Witness:

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

SCANNED

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on July 14, 2020, the Grand Jurors of Richland County present upon their oath:

KIDNAPPING

That Martin Dixon did in Richland County on or about August 7, 2019, unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away one ANTRONE DUBOSE, without authority of law, in violation of Section 16-03-0910, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

BYRON E. GIPSON, SOLICITOR

WITNESSES

(S) Wayne H Montgomery
– Columbia Police Department

ARREST WARRANT NUMBER

2019A4021602480

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: JUL 15 2020

VERDICT

Guilty

Foreperson of Petit Jury
Date: 4/6/2023

DOCKET NO. 2020GS4001502

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

105 July TERM 2020

THE STATE
vs.

Martin Dixon

Indictment for
ATTEMPTED MURDER

SC Code: 16-03-0029
CDR Code: 3410

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

Defendant

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

Defendant

Witness:

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

SCANNED

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on July 14, 2020, the Grand Jurors of Richland County present upon their oath:

ATTEMPTED MURDER

That Martin Dixon did in Richland County on or about August 7, 2019, did with the intent to kill, attempt to kill ANTRONE DUBOSE with malice aforethought, either expressed or implied. All in violation of SC Code of Laws § 16-3-29 (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

BYRON E. GIPSON, SOLICITOR

STATE OF SOUTH CAROLINA
COUNTY OF Richland

STATE
VS.

Martin Dixon
AKA:
Race: BLACK Sex: M Age: 53
DOB: [redacted] SS#::
Address: [redacted]
City, State, Zip: Holly Hill, SC 29059
DL#: SID#:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2020 - GS - 40 - 01501

A/W#: 2019A4021602479
Date of Offense: 8/7/2019
S.C. Code §: 16-03-0910
CDR Code #: 0095

SENTENCE SHEET

0-30 yrs

*CDL Yes ☐No☐ CMV Yes☐ No☐ Hazmat Yes☐No☐

In disposition of the above indictment comes now the Defendant who was ☑ CONVICTED OF or ☐ PLEADS

TO: Kidnapping / Kidnapping

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 ☐ §17-25-45 (CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (def.'s initials)

The plea is: ☐Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Scott, Dale SC Bar # 73081 Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☑**State Department of Correction,** ☐**County Detention Center,**

for a determinate term of 23 days/months/years/Time Served ☐**Youthful Offender Act** not to exceed ___years and/or to pay a fine of $ _____; provided that upon the service of ___days/months/years/Time Served and or payment of $ _____; plus costs and assessments as applicable*; the balance is suspended with **probation** for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run
☒ CONCURRENT or ☐CONSECUTIVE to sentence on: _____

☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC. 1,268 days/months

☐ To include time spent on monitored house arrest prior to trial and sentencing.

☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Martin Dixon INDICTMENT/CASE#: 2020 - GS - 40 - 01501

SPECIAL CONDITIONS:

☐ **PTUP** after _____ months/years

And Other Terms Listed Below:

☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing

☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program

☐ Mental Health Counseling ☐ May serve W/E beginning: _____

☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours

☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

☐ Other: _____

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**

Total: $ _____ plus 20% fee: _____ $ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:		$ _____
Fine may be pd. in equal, consecutive weekly/monthly pmts. of $ _____ Beginning _____		
§14-1-206 (Assessments 107.5 %)		$
§14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§14-1-211(A)(2) (DUI Surcharge)	$100	$
§56-5-2995 (DUI Assessment)	$12	$
§56-1-286 (DUI Breath Test)	$25	$
§14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§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, Proviso requires $500 be paid to Clerk during probation and shall be collected before any other fees.	$500	$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	$ 3.75
	TOTAL	$ 128.75

Clerk of Court/ Deputy Clerk: Jennifer McBride-Harris

Court Reporter:

Presiding Judge: [signature]

Judge Code: 2127

Sentence Date: 4-6-2023

STATE OF SOUTH CAROLINA
COUNTY OF Richland

STATE
VS.

Martin Dixon
AKA:
Race: BLACK Sex: M Age: 53
DOB: [redacted] SS#::
Address: [redacted]
City, State, Zip: Holly Hill, SC 29059
DL#: SID#:

*CDL Yes ☐No☐ CMV Yes☐ No ☐ Hazmat Yes☐No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2020 - GS - 40 - 01502

A/W#: 2019A4021602480
Date of Offense: 8/7/2019
S.C. Code §: 16-03-0029
CDR Code #: 3410

SENTENCE SHEET

0-30 yrs.

In disposition of the above indictment comes now the Defendant who was ☑CONVICTED OF or ☐ PLEADS

TO: Attempted Murder

in violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410

☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45 (CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (def.'s initials)

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☐ To include time spent on monitored house arrest prior to trial and sentencing.

☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Martin Dixon INDICTMENT/CASE#: 2020 - GS - 40 - 01502

SPECIAL CONDITIONS:

☐ **PTUP** after _____ months/years

And Other Terms Listed Below:

☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing

☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program

☐ Mental Health Counseling ☐ May serve W/E beginning: _____

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☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

☐ Other: _____

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**

Total: $ _____ plus 20% fee: _____ $ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:		$
Fine may be pd. in equal, consecutive weekly/monthly pmts. of $ _____ Beginning _____		
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§14-1-213 (Drug Court Surcharge)	$150	$
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§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, Proviso requires $500 be paid to Clerk during probation and shall be collected before any other fees.	$500	$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	$ 3.75
	TOTAL	$128.75

Clerk of Court/ Deputy Clerk: Jeanette McBride Jr

Court Reporter: [illegible]

Presiding Judge: [signature]

Judge Code: 2127

Sentence Date: 4-6-2023

RECEIVED
Sep 30 2024
SC Court of Appeals

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

Gary H Johnson
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 30th day of September, 2024.

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Sep 30 2024
SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Richland County

Honorable Clifton Newman, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MARTIN DIXON,

APPELLANT

APPELLATE CASE NO. 2023-000597

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 Deborah R.J. Shupe, Esquire, at the primary email address listed within the Attorney Information System (AIS), this 30th day of September, 2024.

Gary H Johnson
Appellate Defender

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

ATTORNEY FOR APPELLANT