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NO DEFENDANT'S BRIEF

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STATE OF SOUTH CAROLINA

In The Court of Appeals

No Respondent's Brief RECEIVED

DEC 17 2014

APPEAL FROM GREENVILLE COUNTY

SC Court of Appeals

C. Victor Pyle, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CHRISTOPHER T. GAMBLE,

APPELLANT

APPELLATE CASE NO. 2014-000465

RECORD ON APPEAL

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1 STATE OF SOUTH CAROLINA) COURT OF GENERAL SESSIONS
) 2012-GS-23-6330
 2 State of South Carolina)
)
 3)
)
 4 vs.) TRANSCRIPT RECORD
)
 5 Christopher T. Gamble)
 Defendant)
)

6 -----
 7 March 5, 2014
 Greenville, South Carolina

8
 9 B E F O R E: The Honorable C. Victor Pyle

10 i

11
 12 A P P E A R A N C E S:

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 14 Attorney for the State

15 Timothy Sullivan, Esquire
 16 Attorney for the Defendant

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 22 Caroline Hiskell
 Thirteenth Circuit Court Reporter

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Patrick Lavery	23	27	---	---
Deborah Patrick	31	35	---	---
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State versus Gamble - Jury Selection

P R O C E E D I N G S

1
2 THE BAILIFF: All rise, the Honorable C.
3 Victor Pyle presiding.

4 THE COURT: Thank you. Please take your
5 seats.

6 MS. MUNSON: Your Honor, we are ready to
7 proceed in the case of State versus Christopher Gamble.

8 THE COURT: Are we ready, Mr. Sullivan?

9 DEFENDANT GAMBLE: No, we're not, Your Honor.
10 Me and my lawyer have not got this together yet.

11 MR. SULLIVAN: Your Honor, we have been
12 talking before this and this is a simple case.

13 THE COURT: Listen, I'm going to get a jury
14 up here and we're going to have a jury trial. It's been
15 on the docket so we're ready to go.

16 MR. SULLIVAN: Yes, sir.

17 THE COURT: Get the panel up.

18 THE CLERK: How many do you want?

19 THE COURT: Thirty, the strikes are five and
20 five.

21 DEFENDANT GAMBLE: Your Honor, even though I
22 don't feel comfortable about this trial.

23 THE COURT: I can't advise you on anything,
24 sir. That's your lawyer and you need to talk to him.

25 MR. SULLIVAN: We talked outside, Your Honor,

State versus Gamble - Jury Selection

1 and I gave him all of the facts and --- if you want to
2 make a motion to fire me.

3 DEFENDANT GAMBLE: Yes, sir.

4 MR. SULLIVAN: Judge, he wants to make a
5 motion to relieve me.

6 THE COURT: That's fine. What's the grounds?

7 DEFENDANT GAMBLE: That me and my lawyer we
8 haven't gotten together and it's been over 18 months.
9 Yesterday, he finally ---

10 THE COURT: That's not your lawyer's fault,
11 sir, it's your fault for not getting with him.

12 DEFENDANT GAMBLE: Yes, sir, I did try to get
13 with him.

14 THE COURT: We are going forward with the
15 trial with or without your lawyer. If you want to fire
16 him and handle it yourself, you can do that, but of course
17 that would not be advisable for you to do. Unless you
18 want to fire him and handle it yourself, with or without
19 him, we're going to trial. Do you understand that?
20 Alright.

21 (Jury panel enters the courtroom.)

22 Ladies and gentlemen, if I could have your
23 attention at this time, we will select a jury in the case
24 of State against Christopher Gamble.

25 Mr. Gamble, would you please stand up and

State versus Gamble - Jury Selection

1 face the jury panel for me a moment.

2 (Mr. Gamble complies.)

3 He is indicted for domestic violence of a
4 high and aggravated nature. The indictment alleges
5 specifically that between May 29, 2012 and May 30, 2012,
6 he intentionally comitted an assault and battery which
7 involved the use of a deadly weapon or resulted in serious
8 bodily injury to a household member, that being Donna
9 Rhodes or Christopher Gamble did intentionally commit an
10 assault without an accompanying battery which would
11 reasonably cause a person to fear eminent serious bodily
12 injury.

13 Potential witnesses in this case will be
14 Patrick Lavery and Chris Kendall both formerly with the
15 Travelers Rest Police Department, Donna Rhodes, Deborah
16 Patrick, Ashley Ledbetter, Victoria Ledbetter, Dr. Bradley
17 Courter with the Greenville Health System.

18 I would inquire at this time if any member of
19 the jury panel is related by blood or marriage or
20 connected by employment to any potential witness in the
21 case. Are you sensible or aware of any bias or prejudice
22 with respect to the defendant, to the State or to the
23 subject matter of the case or do you know any reason why
24 you could not give this defendant and the State a fair and
25 impartial trial based on the law and evidence to be

State versus Gamble - Jury Selection

1 presented? If so, would you please stand and give me your
2 name.

3 Yes, ma'am.

4 MS. SMITH: Rebecca Smith, I've been a victim
5 of violent crime and I don't think I would be able to be
6 impartial.

7 THE COURT: Thank you. I appreciate you
8 telling me that. We would not put you on this case.

9 Do I have any member of the panel that has
10 any connection with Walt Wilkins, now or formerly, the
11 solicitor or any member of his family or any member of his
12 staff including Judy Munson who is handling this case, or
13 with law enforcement whether that be federal, state,
14 county or municiple? If so, would you please stand and
15 give me your name.

16 Yes, ma'am.

17 MS. CROCKETT: Anna Crockett, my husband is
18 employed with Laurens County Sheriff's Office.

19 THE COURT: Would that fact, in any way,
20 interfere with your ability to be a fair and impartial
21 juror in this case?

22 MS. CROCKETT: No, sir.

23 THE COURT: Thank you, ma'am.

24 Tim Sullivan represents the defendant. Do I
25 have any clients now or formerly of Mr. Sullivan? If so,

State versus Gamble - Jury Selection

1 would you please stand and give me your name.

2 Do I have any member of the panel or any
3 member of your family that's been convicted of a violent
4 crime? If so, would you please stand and give me your
5 name?

6 Alright, the strikes are five for the State,
7 five for the defense.

8 Ladies and gentlemen, when your name is
9 called I would ask you to please come forward to the
10 podium, turn around, face counsel, and await further
11 instructions. Thank you.

12 THE CLERK: Juror No. 225, Mark Wagner.

13 What says the State?

14 MS. MUNSON: Please present this juror.

15 THE CLERK: What says the defense?

16 MR. SULLIVAN: Please swear the juror.

17 THE CLERK: You may have a seat in the jury
18 box.

19 Juror No. 98, Herbert Hitzig.

20 What says the State?

21 MS. MUNSON: Please present the juror.

22 THE CLERK: What says the defendant?

23 MR. SULLIVAN: Swear the juror, please.

24 THE CLERK: You may have a seat in the jury
25 box.

State versus Gamble - Jury Selection

1 Juror No. 241, William Yeargin.

2 What says the State?

3 MS. MUNSON: Please present the juror.

4 THE CLERK: What says the defendant?

5 MR. SULLIVAN: Swear the juror, please.

6 THE CLERK: Have a seat in the jury box,
7 please.

8 Juror No. 197, Fred Simms.

9 What says the State?

10 MS. MUNSON: Please present the juror.

11 THE CLERK: What says the defendant?

12 MR. SULLIVAN: Please excuse the juror in
13 this case.

14 THE CLERK: You may have a seat, sir.

15 Juror No. 205, Mark Steenback.

16 What says the State?

17 MS. MUNSON: Please present the juror.

18 THE CLERK: What says the defendant?

19 MR. SULLIVAN: Excuse the juror.

20 THE CLERK: You may take your seat.

21 Juror No. 108, Chris Johnson.

22 What says the State?

23 MS. MUNSON: Please present the juror.

24 THE CLERK: What says the defense?

25 MR. SULLIVAN: Please swear the juror.

State versus Gamble - Jury Selection

1 THE CLERK: You may have a seat in the jury
2 box.

3 Juror No. 134, Pamela McCormick.

4 What says the State?

5 MS. MUNSON: Please present the juror.

6 THE CLERK: What says the defendant?

7 MR. SULLIVAN: Swear the juror, please.

8 THE CLERK: You may have a seat in the jury
9 box.

10 Juror No. 80, Osco Gardin.

11 What says the State?

12 MS. MUNSON: Please present the juror.

13 THE CLERK: What says the defendant?

14 MR. SULLIVAN: Please excuse this juror.

15 THE CLERK: You may take your seat.

16 Juror No. 57, Roseanne Dieschbourg.

17 What says the State?

18 MS. MUNSON: Please present the juror.

19 THE CLERK: What says the defendant?

20 MR. SULLIVAN: Swear the juror, please.

21 THE CLERK: You may have a seat in the jury
22 box.

23 Juror No. 47, Anna Crockett.

24 What says the State?

25 MS. MUNSON: Please present the juror.

State versus Gamble - Jury Selection

1 THE CLERK: What says the defendant?

2 MS. SULLIVAN: Excuse the juror.

3 THE CLERK: You may take your seat.

4 Juror No. 4, Bessie Akins.

5 What says the State?

6 MS. MUNSON: Please present the juror.

7 THE CLERK: What says the defendant?

8 MR. SULLIVAN: Please swear the juror.

9 THE CLERK: Thank you. You may have a seat
10 in the jury box.

11 Juror No. 45, Lisa Coleman.

12 What says the State?

13 MS. MUNSON: Please present the juror.

14 THE CLERK: What says the defendant?

15 MR. SULLIVAN: Please swear the juror.

16 THE CLERK: You may have a seat in the jury
17 box.

18 Juror No. 144, Garth Moore.

19 What says the State?

20 MS. MUNSON: Please present the juror.

21 THE CLERK: What says the defendant?

22 MR. SULLIVAN: Please swear the juror.

23 THE CLERK: You may have a seat in the jury

24 box.

25 Juror No. 169, Jamie Pruitt.

State versus Gamble - Jury Selection

1 What says the State?

2 MS. MUNSON: Please present the juror.

3 THE CLERK: What says the defendant?

4 MR. SULLIVAN: Excuse the juror in this
5 matter.

6 THE CLERK: You may have a seat.

7 Juror No. 172, Brian Rable.

8 What says the State?

9 MS. MUNSON: Please present the juror.

10 THE CLERK: What says the defendant?

11 MR. SULLIVAN: Swear the juror, please.

12 THE CLERK: You may have a seat in the jury
13 box.

14 Juror No. 26, Kristin Bouldin.

15 What says the State?

16 MS. MUNSON: Please excuse the juror from the
17 trial in this matter.

18 THE CLERK: You may take your seat.

19 Juror No. 233 Wendell Wilde.

20 What says the State?

21 MS. MUNSON: Please present the juror.

22 THE CLERK: What says the defendant?

23 MR. SULLIVAN: Swear the juror.

24 THE CLERK: You may have a seat in the jury
25 box.

State versus Gamble - Jury Sworn

1 THE COURT: Ms. Wilde, would you have a seat
2 in that first seat and serve of the fore person for me,
3 please, sir.

4 THE CLERK: Juror No. 38, Cecil Carver.
5 What says the State?

6 MS. MUNSON: Please present the juror.

7 THE CLERK: What says the defendant?

8 MR. SULLIVAN: Swear the juror, please.

9 THE CLERK: You may have a seat in the jury
10 box.

11 THE COURT: One alternate, one for the State
12 and two for the defense.

13 THE CLERK: Juror No. 35, Raymond Carland.
14 What says the State?

15 MS. MUNSON: Please present the juror.

16 THE CLERK: What says the defendant?

17 MR. SULLIVAN: Excuse the juror in this
18 matter.

19 THE CLERK: You may take your seat.

20 Juror No. 226, Martin Watson.

21 What says the State?

22 MS. MUNSON: Please present this juror.

23 THE CLERK: What says the defendant?

24 MR. SULLIVAN: Swear the juror in this case.

25 THE CLERK: You may have a seat in the jury

State versus Gamble - Opening Statements

1 box.

2 THE COURT: I need the balance of the panel
3 to report back to the jury assembly room. Thank you.

4 (Jury panel exits the courtroom.)

5 Swear the jury, please.

6 THE CLERK: Would you please stand and raise
7 your right hands. The correct response to the oath is, "I
8 will." You shall well and truly try the case 2012-GS-
9 23-6330, Christopher Terrell Gamble, indicted for domestic
10 violence of a high and aggravated nature and a true
11 verdict rendered according to the law and the evidence so
12 help you God.

13 THE JURY: (Collectively) I will.

14 THE CLERK: Thank you. You may have a seat.

15 THE COURT: Brief opening statements,
16 solicitor.

17 MS. MUNSON: If it please the Court.
18 Mr. Sullivan.

19 Ladies and gentlemen, the State of South
20 Carolina versus Christopher Gamble; the reason it's
21 necessary for me to emphasize that is because this is one
22 of those cases where you're going to hear about a lot of
23 emotions, people being mad, love. You're going to hear
24 about all of this stuff. You're going to hear about what
25 I anticipated a complicated relationship between the

State versus Gamble - Opening Statements

1 defendant and Donna Rhodes. She's pregnant with his child
2 right now.

3 You're going to have a lot of things running
4 through your head. Why would a woman do that? What's
5 wrong with her? What's wrong with him? All of that stuff
6 is going to be going through your head, but please
7 remember, ladies and gentlemen, this is the State versus
8 South Carolina versus Christopher Gamble.

9 You're not going to be burdened with having
10 to try to figure out or psychoanalyze the relationship
11 between those two. What you're going to have to decide is
12 has the State given you enough evidence to show that the
13 defendant beat her, punched her in the face, hit her with
14 a ball bat and you'll see the photographs of the results
15 of his love.

16 You're going to hear when Donna Rhodes went
17 to the hospital after the beating that she lied. She told
18 the doctors that she fell. She told the nurse that she
19 fell. She'll explain that to you, but just remember,
20 ladies and gentlemen, you don't have to figure out the
21 relationship between these two, you just have to figure
22 out whether or not there's enough evidence to show he's
23 guilty of domestic violence of a high and aggravated
24 nature.

25 And at the close of the case, I'm going to

State versus Gamble - Opening Statements

1 ask you to find him guilty of that offense because that's
2 what the evidence is going to show. Thank you for your
3 time.

4 THE COURT: Mr. Sullivan.

5 MR. SULLIVAN: Thank you, Your Honor.
6 Ms. Munson. It is a complicated relationship and when
7 it's all said and done it comes down to two things and it
8 won't be a very long case. You won't hear any CSI and
9 things like that, but did she come off the porch and did
10 she change her story and that's what you got to find out.
11 Now, you're not looking for the truth in this case, you're
12 not a detective, but what you're looking for is can they
13 prove to you beyond a reasonable doubt that he's guilty.
14 If you listen to the witnesses and the statements they
15 made and why they made them and what's happened since.

16 They have to prove to you beyond a
17 reasonable doubt that she was assaulted and continued to
18 lie about it. And that's what you have to figure out if
19 they can prove it beyond a reasonable doubt. Thank you.

20 THE COURT: Call your first witness.

21 MS. MUNSON: We call Chris Kendall.

22 THE CLERK: Please come forward and put your
23 left hand on the Bible and raise your right hand.

24 CHRISTOPHER LEE KENDALL, having been duly
25 sworn, testified as follows:

Christopher Lee Kendall - Direct Examination

1 Please come around and have a seat. State
2 your name for the record.

3 THE WITNESS: Christopher Lee Kendall.

4 DIRECT EXAMINATION

5 BY MS. MUNSON:

6 Q. Who do you work for, sir?

7 A. I work for the South Carolina Criminal Justice
8 Academy.

9 Q. And what do you do for them?

10 A. I am a traffic safety instructor.

11 Q. Who do you instruct?

12 A. I instruct basically all of the police officers
13 in the State of South Carolina as well as some military
14 members.

15 Q. How long have you been in the job you have now?

16 A. I've been there since July of last year.

17 Q. Where were you working in May of 2012?

18 A. I was working for the Travelers Rest Police
19 Department.

20 Q. And what was your job title?

21 A. I was a police officer there.

22 Q. What were your duties?

23 A. General patrol, responding to calls for service,
24 traffic enforcement.

25 Q. How long were you with the Travelers Rest Police

Christopher Lee Kendall - Direct Examination

1 Department?

2 A. I was with them for five and a half years.

3 Q. Now, did you get a call in reference to the case
4 we're here about today?

5 A. This actual case, I was not called on the actual
6 case that you guys are here about today.

7 Q. What about prior to the incident that brings us
8 here today?

9 A. I was called out prior to the incident on a case
10 involving some of the parties involved.

11 Q. On what date did you get called out?

12 A. If it's okay that I refer to my report. It was
13 May 26, 2012.

14 Q. What time did you go out?

15 A. It was approximately 10:47 p.m.

16 Q. Was anyone with you?

17 A. Yes.

18 Q. Who was that?

19 A. At the time he was my corporal, he is now
20 sergeant, Bill Foreno with the Travelers Rest Police
21 Department.

22 Q. Were y'all in the same car, different cars?

23 A. Two different cars.

24 Q. Where did you go in response to the call you got?

25 A. The location we went to is [REDACTED]

Christopher Lee Kendall - Direct Examination

1 [REDACTED] That's in the City of Travelers Rest.

2 Q. In what county?

3 A. Greenville county.

4 Q. The apartment that you went to, did you see
5 anybody when you went to the apartment?

6 A. Yes, I did.

7 Q. Who did you talk to?

8 A. I observed a black male and a black female at the
9 apartment and I ended up speaking with both of them
10 ultimately. I identified them throughout the course of
11 the investigation as Donna Letitia Rhodes and a
12 Christopher Terrell Gamble.

13 Q. Did you see anybody else in or around the
14 apartment when you went out there?

15 A. I believe they had two kids inside the apartment.

16 Q. Did you see the children?

17 A. I believe I saw them around the living room area
18 but it didn't play into anything we did so my recollection
19 on that is a little fuzzy.

20 Q. The call that you got, how would you characterize
21 that? A well check, emergency, what type call was it?

22 A. It was a domestic dispute.

23 Q. When you got out there you say you spoke with
24 Donna Rhodes?

25 A. That's correct.

Christopher Lee Kendall - Direct Examination

1 Q. Describe her general physical appearance?

2 A. She appeared normal. In fact, when we pulled up
3 on scene, she did not seem concerned with my arrival, did
4 not seem anxiety of our arrival. It appears as though
5 people sitting at a house and seeing the police roll up
6 and wondering what's going on and why we were there.

7 Q. How much time did you spend with her?

8 A. Looks like we probably weren't even there for
9 maybe 15 minutes, give or take.

10 Q. Did you notice any physical injuries on Donna
11 Rhodes?

12 A. No, I did not.

13 Q. Did you ask her if she was okay?

14 A. I did.

15 Q. And after staying at the apartment for 15 minutes
16 or so, did you arrest anybody?

17 A. I did not.

18 Q. What did you do after you left the scene?

19 A. I went back out and also wrote an incident
20 report.

21 MS. MUNSON: Your Honor, may I approach?

22 THE COURT: Yes.

23 (Photographs marked as State's Exhibit Nos. 1
24 through 8 for identification.)

25 BY MS. MUNSON:

Christopher Lee Kendall - Cross-examination

1 Q. Mr. Kendell, I'm showing you what's been marked
2 as State's Exhibits 1 through 8. If you could take a look
3 at those?

4 A. Yes.

5 MS. MUNSON: And for the record, Your Honor,
6 I have provided defense with copies of these.

7 BY MS. MUNSON:

8 Q. Do you recognize the person in these photographs?

9 A. Yes, that would be Ms. Rhodes.

10 Q. Can you tell from these photographs where the
11 photographs were taken?

12 A. It looks like it was inside of the conference
13 room in our City Hall, Travelers Rest.

14 Q. How did Ms. Rhodes appearance change from when
15 you saw her on the 26th to what's in these photographs?

16 MR. SULLIVAN: Objection. I don't believe he
17 saw these photographs. He was there on the 26th and left
18 and we don't know if he took these photographs.

19 THE COURT: Overruled. Go ahead.

20 THE WITNESS: Based on what I see in those
21 pictures, she did not have the, what looks like, bruising
22 or swelling on the eyes and I wasn't able to see under her
23 clothes at the time we dealt with her on the 26th but she
24 never complained of any other injuries. I did not see
25 anything about her ear, her neck, or her eyes, and her

Christopher Lee Kendall - Cross-examination

1 elbows. Those would have been the only things I would
2 have been able to see in my interactions with her.

3 BY MS. MUNSON:

4 Q. Okay.

5 A. She looked normal as best I could see.

6 MR. MUNSON: Thank you. I have nothing
7 further, Your Honor.

8 THE COURT: Mr. Sullivan.

9 CROSS-EXAMINATION

10 BY MR. SULLIVAN:

11 Q. You say you came out 10:47 on the 26th.

12 A. I believe our call was somewhere around that
13 time, yes, sir.

14 Q. Do you know who called that report in?

15 A. I believe -- give me just one second, please -- I
16 believe it was her mother.

17 Q. So as far as you know the call did not come from
18 Ms. Rhodes or from Mr. Gamble?

19 A. Correct, not according to what my dispatcher
20 relayed to me.

21 Q. When you went there she was, as you say, normal
22 and fine?

23 A. Yes, sir. They did not appear to be concerned
24 with my appearance at their residence.

25 Q. And you talked Chris, Mr. Gamble?

Christopher Lee Kendall - Cross-examination

1 A. I talked to both parties, yes, sir.

2 Q. At anytime did you detect the order of alcohol.

3 A. Yes, sir. I smelled it when I first got there.

4 When I separated them, I detected a little bit of an odor
5 coming from her and I detected some coming from Mr. Gamble
6 and I believe she did admit that both parties may have
7 been engaged in it that day.

8 Q. They may have had a few drinks and then you got a
9 call from the mother?

10 A. At the time, that would be the picture laid out.

11 MR. SULLIVAN: Nothing further.

12 MS. MUNSON: Nothing further. May this
13 witness be excused, Your Honor?

14 THE COURT: Any objection to him being
15 excused?

16 MR. SULLIVAN: No, Your Honor.

17 THE COURT: Thank you, sir, you may be
18 excused.

19 MS. MUNSON: The State calls Patrick Lavery.

20 THE CLERK: Come around to be sworn. Place
21 your left hand on the Bible and raise your right.

22 PATRICK LAVERY, having been duly sworn,
23 testified as follows:

24 Thank you. You may have a seat. Please
25 state your name for the record.

Patrick Lavery - Direct Examination

1 THE WITNESS: Patrick Lavery.

2 DIRECT EXAMINATION

3 BY MS. MUNSON:

4 Q. Who do you work for, sir?

5 A. Currently I work for the City of Anderson Police
6 Department.

7 Q. And what is your job title?

8 A. Patrolman.

9 Q. And what are your duties?

10 A. Answer calls for police services, unformed
11 patrol, routine patrol, traffic enforcement.

12 Q. Who were you working for in May of 2012?

13 A. Travelers Rest Police Department.

14 Q. And were your duties about the same?

15 A. Yes.

16 Q. And did you get a call in reference to this case
17 while you were working for Travelers Rest?

18 A. I did.

19 Q. On what date were you called out?

20 A. May 29, 2012.

21 Q. About what time did you get it?

22 A. Approximately 10:40 in the evening.

23 Q. Where did you go in response to the call that you
24 got?

25 A. I went to the [REDACTED] [REDACTED] which is

Patrick Lavery - Direct Examination

1 located at [REDACTED] [REDACTED] I responded to

2 [REDACTED] [REDACTED]
3 Q. Who did you find when you got there?

4 A. Upon arrival I spoke to the complainant, a
5 Patrick individual who advised that her daughter had been
6 assaulted by a Christopher Gamble subject who was
7 currently in the residence. So the mother of the victim
8 was outside the apartment and I made contact with her when
9 I first arrived.

10 Q. After speaking with the victim's mother, did you
11 make any contact with Donna Rhodes or the defendant?

12 A. I did. I knocked on the door of the apartment
13 and made contact with Donna Rhodes. When I first observed
14 her, I noticed that both of her eyes were black and blue
15 and extremely puffy and I asked her what had happened.

16 Q. How did she respond?

17 A. She advised me that she fell.

18 Q. So did you just leave after that?

19 A. Absolutely not. Myself and another officer spoke
20 to Rhodes for several minutes and she advised me that she
21 had been beaten by Gamble with his hands and a baseball
22 bat on May 22, 2012 approximately 11:30 in the evening at
23 that residence.

24 Q. May 22nd?

25 A. She advised that it happened on May 26 around

Patrick Lavery - Direct Examination

1 12:00 -- May 26, 2012 approximately 11:30 is when she said
2 this all occurred.

3 Q. And did you talk with the defendant?

4 A. Very briefly.

5 Q. Now, about how long did you stay on the scene?

6 A. Approximately we were there about 30, 45 minutes
7 out at the scene and then we transported the victim to the
8 police department.

9 Q. And what did you do with her at the police
10 department?

11 A. We took statements from her, her mother and we
12 also took photographs of her at the police department.

13 MS. MUNSON: May I approach the witness, Your
14 Honor?

15 THE COURT: Yes.

16 BY MS. MUNSON:

17 Q. I'm showing you State's Exhibits 1 through 8 and
18 if you could take a look at them.

19 A. Okay.

20 Q. Do you recognize those?

21 A. I do.

22 Q. How do you recognize those?

23 A. They were the photographs taken at the date of
24 the incident and the location is at the conference room at
25 the Travelers Rest City Hall Complex 6711 State Park Road.

Patrick Lavery - Cross-examination

1 (Stealth Bat marked as State's Exhibit No. 9
2 for identification.)

3 BY MS. MUNSON:

4 Q. And let me show you also State's Exhibit No. 9
5 and ask you to take a look at that. Do you recognize that
6 item?

7 A. I do.

8 Q. What is that item?

9 A. It's a Stealth T-Ball baseball bat that I seized
10 at the incident location.

11 Q. Does it appear to be in the same condition as
12 when you took it into custody?

13 A. Absolutely.

14 Q. And this white tag on it, what information is on
15 that tag?

16 A. It's an evidence tag that has the submitting
17 agency which is the Travelers Rest Police Department, Case
18 No. 06-12-5026, the date of collection, the time of
19 collection, who collected it and that was me.

20 Q. Okay.

21 A. A brief description of what it is, Stealth T-Ball
22 baseball bat and where it was seized at and that was [REDACTED]

23 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

24 Q. Thank you.

25 MS. MUNSON: At this time I move State's No.

Patrick Lavery - Cross-examination

1 9 into evidence.

2 THE COURT: Any objection?

3 MR. SULLIVAN: None, Your Honor.

4 (Stealth Bat previously marked as State's Exhibit
5 No. 9 for identification was admitted into evidence.)

6 BY MS. MUNSON:

7 Q. From where did you get this exhibit, Officer
8 Lavery?

9 A. At the incident location, [REDACTED] [REDACTED] [REDACTED].

10 Q. And specifically who gave it to you?

11 A. The victim's mother had it in her vehicle. She
12 said that the six-year old son had retrieved it from the
13 household and given it to her.

14 Q. So you got it from the victim's mother?

15 A. That is correct.

16 MS. MUNSON: Nothing further at this time,
17 Your Honor.

18 THE COURT: Mr. Sullivan.

19 CROSS-EXAMINATION

20 BY MS. SULLIVAN:

21 Q. I'm trying to get the time right. On 5/29 at
22 22:40 was when you went. Who called that complaint in?

23 A. I believe the victim's mother, the Deborah
24 Patrick subject.

25 Q. This incident supposedly happened on 5/26,

Patrick Lavery - Cross-examination

1 correct?

2 A. According to the victim, yes.

3 Q. At one time on that date an officer checked on
4 them and said they were fine, were you aware of that?

5 A. I know there was several prior incidents to the
6 time of me going there that the police department had been
7 called.

8 Q. After 5/26 and before you went, there had been a
9 welfare check done by the Travelers' Rest Police
10 Department?

11 A. I believe so, yes.

12 Q. And this would have been on the 29th or so,
13 correct, that morning, the welfare check after the 26th?

14 A. According to my records on 5/29 around 11:00 in
15 the morning the Travelers Rest Police Department did do a
16 welfare check of the Rhodes subject about that incident
17 and she supposedly lied to the officer about ---

18 Q. She told them she fell, didn't she?

19 A. All I know is that she supposedly wasn't truthful
20 with him or her level of fear, I'm not exactly sure what
21 she told them.

22 Q. You don't know whether she's lying or not. This
23 is our supposition?

24 A. That is correct.

25 Q. They saw her that day, didn't they?

Patrick Lavery - Cross-examination

1 A. I believe so, ye.

2 Q. And they would have seen her in the condition as
3 we see in these pictures, correct?

4 A. I would assume, yes.

5 Q. If the incident happened on the 26th and they saw
6 her, they did not arrest Chris Gamble.

7 A. They did not.

8 Q. Who called you to go back out there?

9 A. Deborah J. Patrick was the complainant, the
10 caller on this incident.

11 Q. And she's the one who told you he assaulted her,
12 was that the initial report?

13 A. Yes, she was the one.

14 Q. The complainant was Ms. Patrick and she was the
15 one that said her daughter had been assaulted. This
16 wasn't Ms. Rhodes?

17 A. That is correct.

18 Q. And then you noticed the face, arrested Chris,
19 took her to the police department, took the pictures and
20 took her statement.

21 A. I didn't arrest the defendant based on Deborah
22 Patrick's statements. I arrested the defendant due to the
23 victim's statements, not Ms. Patrick.

24 Q. Deborah Patrick got you there, said her daughter
25 had been assaulted, then you saw the daughter, then she

Deborah Patrick - Direct Examination

1 said she lied, then you went outside and she said that he
2 had beat her with his, I guess, fists and then this
3 baseball bat?

4 A. Correct.

5 Q. She gave a written statement?

6 A. That's correct.

7 Q. Do you know to your own personal knowledge that
8 she was seen at the hospital after this incident? Do you
9 have any knowledge? If you don't, you don't.

10 A. She had been at North Greenville Hospital on
11 5/27/2012 around 22:00 hours for medical treatment.

12 Q. And as a result of that treatment, nobody was
13 arrested, was there?

14 A. That is correct. She had told the doctors she
15 had fell and that's how the injuries occurred.

16 Q. Thank you, sir. Nothing further.

17 MS. MUNSON: Nothing further. May this
18 witness be excused?

19 THE COURT: Any objection to this witness
20 being excused?

21 MR. SULLIVAN: No, Your Honor.

22 THE COURT: You may be excused. Thank you.

23 MS. MUNSON: Your Honor, the State calls
24 Deborah Patrick.

25 THE CLERK: Place your left hand on the Bible

Deborah Patrick - Direct Examination

1 and raise your right.

2 DEBORAH PATRICK, having been duly sworn,
3 testified as follows:

4 You may have a seat and state your name for
5 the record.

6 THE WITNESS: My name is Deborah Patrick.

7 DIRECT EXAMINATION

8 BY MS. MUNSON:

9 Q. Ms. Patrick, where do you live?

10 A. [REDACTED].

11 Q. Where is that? Easley?

12 A. Yes, ma'am.

13 Q. Do you work outside of the home?

14 A. I work at Country Side Village.

15 Q. What do you do there?

16 A. I'm a cook.

17 Q. Now, Ms. Patrick, we've had a conversation about
18 this in that you can only say what you saw and not what
19 anybody told you. Okay.

20 A. Okay.

21 Q. Now, do you know Donna Rhodes?

22 A. That's my daughter.

23 Q. Do you have any other children besides Donna?

24 A. I have four more.

25 Q. And do you know where Donna lives?

Deborah Patrick - Direct Examination

1 A. She was living in Travelers Rest.

2 Q. She was?

3 A. Yes, ma'am.

4 Q. Do you know where she lives now?

5 A. She lives in Easley with me.

6 Q. Now, I want you to think back to the incident
7 that brings us here today, okay.

8 A. Okay.

9 Q. You went over to your daughter's place in
10 Travelers Rest?

11 A. Yes, ma'am.

12 Q. And when did you go over there?

13 A. I went over there on a Monday afternoon --
14 Tuesday.

15 Q. Do you remember the day of the week -- I'm sorry,
16 the date?

17 A. No, ma'am.

18 Q. How did you get to your daughter's place in
19 Travelers Rest?

20 A. I had a friend's daughter take me over there.

21 Q. Was anyone with you besides your friend's
22 daughter?

23 A. Vickie and Ashley.

24 Q. Anybody else in the car with you?

25 A. No, ma'am.

Deborah Patrick - Direct Examination

1 Q. When you got there, were was it day or night?

2 A. It was turning night when I got there.

3 Q. And why did you go over to your daughter's house?

4 A. Well, I hadn't heard from her since that Saturday
5 when she called me and said that she was upset and, of
6 course, they got into it. I told her, then, why don't you
7 just call the police.

8 Q. So you talked with her on Saturday?

9 A. I talked to her that Saturday and it was like
10 9:30 or 10:00.

11 Q. And after that conversation you didn't hear from
12 her on Saturday or Sunday?

13 A. No. We usually call each other about three times
14 a day.

15 Q. And you didn't hear from her at all?

16 A. No.

17 Q. When you went over there, did you find your
18 daughter?

19 A. Yes, ma'am.

20 Q. Was she inside or outside of the apartment?

21 A. She was inside.

22 Q. Did you knock on the door or how did you get in?

23 A. Knocked on the door.

24 Q. Who answered?

25 A. Chris the little boy answered.

Deborah Patrick - Direct Examination

1 Q. Her son?

2 A. Donna' s son.

3 Q. What's his full name?

4 A. His name is Christopher Gamble.

5 Q. And who is his father?

6 A. Chris.

7 Q. When you say Chris.

8 A. Chris Gamble, Sr.

9 MS. MUNSON: Your Honor, let the record show
10 that she just pointed to the defendant.

11 THE COURT: Alright.

12 BY MS. MUNSON:

13 Q. Now, when Chris answered the door, did you go
14 into the apartment?

15 A. Yes, ma'am.

16 Q. And did you find your daughter inside the
17 apartment?

18 A. Yes, ma'am. She was in like the back part, the
19 bedroom or something.

20 Q. Did you go back there?

21 A. No, ma'am. I called her and she came out and she
22 had her head hold down. When she came out she had her
23 head held down and I said, what's wrong. And when he
24 looked at me, that's when I saw everything.

25 Q. And when you saw your daughter in that condition,

Deborah Patrick - Direct Examination

1 what did you do?

2 A. I asked her what was wrong and then I asked Chris
3 what happened.

4 Q. After trying to figure out what happened, did you
5 make a decision to do something?

6 A. Yes, I asked him and he told me that she fell.
7 And then I went -- and her son ---

8 MR. SULLIVAN: Objection.

9 THE COURT: Don't tell us what the son said.

10 MS. MUNSON: Remember, Ms. Patrick, you can't
11 tell us what Chris, Sr., said.

12 THE WITNESS: Sorry about that.

13 MS. MUNSON: That's okay.

14 BY MS. MUNSON:

15 Q. So you tried to figure out what was going on and
16 then you called for help.

17 A. Uh-hum.

18 Q. What did you call?

19 A. I called the police.

20 Q. What did you tell them?

21 A. I said I think they need to come out and I think
22 Christopher Gamble had jumped on my daughter and that's
23 what I told them.

24 Q. Did they come?

25 A. Yes, ma'am.

Deborah Patrick - Direct Examination

1 Q. About how long after you called them did they get
2 there?

3 A. It was about 20 minutes.

4 Q. When they left, did they take Christopher with
5 them?

6 A. They stayed out there about 30 or 40 minutes
7 before the got Chris to come out of the house.

8 Q. Were you in on some on the conversations that
9 your daughter had with law enforcement?

10 A. Yeah, I talked to them and he told me to calm
11 down and let me handle it and that's how it happened.

12 Q. Did you hear anything that you daughter was
13 saying to law enforcement?

14 A. No, I wasn't that close. I was more with her
15 other daughter.

16 Q Now, before the police got there, did you take
17 anything out of the house?

18 A. I took -- her son got out of the tub and he told
19 me what happened.

20 Q. He told you what happened and that's fine, but
21 after speaking with Chris, did you get anything from
22 Chris?

23 A. I got a bat from Chris.

24 Q. And from where did he get the bat?

25 A. He looked in the closet where the toys was. The

Deborah Patrick - Direct Examination

1 bat was hid behind the toys under a box. He tore the
2 whole closet up to find the bat for me.

3 Q. Did you watch him look for it?

4 A. Yes, ma'am. I thought it was a plastic bat.

5 Q. When you got the bat from Christopher, what did
6 you do with it?

7 A. I took it outside and put it in my friends car.

8 Q. And after that?

9 A. After that, we waited until the police came.

10 Q. Ms. Patrick, I'm showing you State's Exhibit No.

11 9. Do you recognize that?

12 A. Yes, ma'am.

13 Q. And what is that?

14 A. That's a steel bat.

15 Q. And where did you get this?

16 A. I got it from Chris. He handed it to me.

17 Q. After Chris, Sr., the defendant, after he was
18 taken from the scene, where did you go?

19 A. I went to the police station.

20 Q. What did you do there?

21 A. I told him what I had seen and what my grandson
22 had told me what happened.

23 Q. Now, you said you went to see your daughter on
24 Tuesday.

25 A. I think it was Tuesday.

Deborah Patrick - Cross-examination

1 Q. Other than your daughter not contacting you, what
2 else had you upset?

3 A. The main thing that I hadn't heard from her and I
4 was concerned, really concerned.

5 Q. Thank you very much.

6 MS. MUNSON: I have no further questions.

7 THE COURT: Mr. Sullivan.

8 CROSS-EXAMINATION

9 BY MR. SULLIVAN:

10 Q. You called the police, I believe on the 26th?

11 A. Sir, I called and see whether my grandson was at
12 school and when the teacher told me he was not in school,
13 I ---

14 Q. I'm talking about Friday night, the 26th, did you
15 call the Travelers Rest Police Department?

16 A. No, sir, I did not call the police department. I
17 called to have an officer go out there and check.

18 Q. That's what I mean.

19 A. I did not know the address she they couldn't go.

20 Q. So no officer when to the house after you made
21 that call?

22 A. No, sir. I don't know.

23 Q. The first time an officer was at that time was
24 when you went to the house on a Tuesday, 29th, and saw
25 your daughter, that's the only time you know the police

Deborah Patrick - Cross-examination

1 came?

2 A. That's the only time.

3 Q. And then you talk to your daughter and she said
4 that Chris had beat her; is that correct?

5 A. Yes, sir.

6 Q. She didn't call you Friday, Saturday, Sunday or
7 Monday?

8 A. She did not call me Sunday at all and I know
9 something was wrong.

10 Q. Or Tuesday?

11 A. Or Tuesday.

12 Q. Now, after they were separated for a while, did
13 they go back and live together?

14 A. Sir?

15 Q. Did they go back and live together?

16 A. They tried to.

17 Q. They were separated seven or eight months?

18 A. No, not that long. No, sir.

19 Q. Do you know of your own knowledge is she
20 expecting his child?

21 A. Yes, sir.

22 MR. SULLIVAN: Nothing further.

23 MS. MUNSON: Nothing further, Your Honor.

24 THE COURT: Thank you. You can step down.

25 MS. MUNSON: State calls Donna Rhodes.

Donna Rhodes - Direct Examination

1 THE CLERK: Please come up to the stand,
2 place your left hand on the Bible and raise your right.

3 DONNA RHODES, having been duly sworn,
4 testified as follows:

5 Thank you. You may have a seat. Please
6 state your name for the record.

7 THE WITNESS: Donna Letitia Rhodes.

8 DIRECT EXAMINATION

9 BY MS. MUNSON:

10 Q. Hey, Donna.

11 A. Hello.

12 Q. Where do you live now?

13 A. I'm in Easley.

14 Q. Do you work outside the home?

15 A. No, I don't.

16 Q. Do you have any children?

17 A. Yes, I do.

18 Q. How many children?

19 A. Two children.

20 Q. What are their ages?

21 A. My son, he's eight, and my daughter, she's four.

22 Q. Your eight-year-old son, who's the father of your
23 son?

24 A. Christopher Gamble.

25 Q. He's in the courtroom?

Donna Rhodes - Direct Examination

1 A. Yes, he is.

2 Q. Where is he sitting?

3 A. Right there.

4 Q. And we noticed that you're pregnant now. Who is
5 the father of that child?

6 A. Christopher Gamble.

7 Q. When did you meet him?

8 A. Seven years ago when I was sixteen.

9 Q. How old are you now?

10 A. Twenty-eight.

11 Q. How did y'all meet?

12 A. Through my cousin. I met him through my cousin.

13 Q. How long have y'all been in a romantic
14 relationship?

15 A. On and off for ten years almost.

16 Q. Now, your son Chris, Jr., is there anything
17 special about him, anything unusual?

18 A. He's very special. He has autism.

19 Q. How does it come out? How does it autism
20 display?

21 A. Perception autism. I guess the way you and I see
22 things, he sees things differently and the way that you
23 handle people's emotions.

24 Q. A situation like this, based on you knowing your
25 child being his mother, how would he react to a situation

Donna Rhodes - Direct Examination

1 like this?

2 A. I think ---

3 MR. SULLIVAN: Objection, speculation.

4 THE COURT: I sustain the objection.

5 BY MS. MUNSON:

6 Q. Does he go to school?

7 A. Yes, ma'am, he does.

8 Q. Where does he go?

9 A. McKinley Elementary.

10 Q. What grade is he in?

11 A. Second.

12 Q. How old is he?

13 A. He's eight.

14 Q. How's he doing in school?

15 A. He does pretty good.

16 Q. Your daughter, is Christopher the father of that
17 child as well?

18 A. No, ma'am.

19 Q. Now, let's get back to May of 2012.

20 A. Yes, ma'am.

21 Q. Where were you living then?

22 A. In Travelers Rest.

23 Q. In a home, house?

24 A. An apartment.

25 Q. Who was living with you in Travelers Rest?

Donna Rhodes - Direct Examination

1 A. Me, my children, and occasionally Mr. Gamble.

2 Q. Occasionally, can you explain what you mean by
3 that?

4 A. He would sometimes come over and spend the night.

5 Q. Now, were you working when you lived in Travelers
6 Rest?

7 A. No, ma'am.

8 Q. Was Chris working?

9 A. No, ma'am.

10 Q. How long did you live in that Travelers Rest
11 apartment?

12 A. Not very long, just a couple of months. I lived
13 there after the situation.

14 Q. After the situation, let's talk about that, what
15 brings us here today, that incident. Do you remember
16 that?

17 A. Yes, ma'am, I do.

18 Q. During this time in May, do you recall police
19 coming to your house to check on you?

20 A. Yes, ma'am.

21 Q. Relating to this incident, when was the first
22 time you had an officer come to your house do you remember
23 relating to this incident?

24 A. Before the incident happening.

25 Q. An hour, a couple of days?

Donna Rhodes - Direct Examination

1 A. Maybe a couple of hours before.

2 Q. Do you remember who the officer was?

3 A. I'm sorry, I can't say.

4 Q. That's alright. How long was the officer there at
5 your house?

6 A. For several minutes.

7 Q. After speaking with the officers, did they leave
8 or what did they do?

9 A. After he came and made sure everything was okay
10 or at least he felt or they felt, they left.

11 Q. Did you call the officers out to your house?

12 A. No, ma'am.

13 Q. Had you spoken with your mother that day?

14 A. Yes, ma'am.

15 Q. Just normal conversation?

16 A. I just told her that me and Mr. Gamble was
17 arguing and what was going on.

18 Q. What kind of relationship do you say you had with
19 your mother?

20 A. We have a great relationship. I talk to her all
21 the time.

22 Q. You're smiling when you say that.

23 A. Yeah.

24 Q. So you let your mom know what was going on and
25 then after you talked with your mom, did you stay there at

Donna Rhodes - Direct Examination

1 the apartment?

2 A. Yes, ma'am, I did.

3 Q. Did you leave the apartment at all that night?

4 A. I did. Yes, I did. After the police left, I
5 did.

6 Q. Where did you go?

7 A. I went to the neighbors. I went outside to smoke
8 and a neighbor called me from the back to come over.

9 Q. Was it a walk, a drive?

10 A. Just a walk.

11 Q. Did you go over there to the neighbor's?

12 A. Yes, ma'am, I did.

13 Q. Did the defendant come with you?

14 A. No, ma'am.

15 Q. Did you invite him?

16 A. No, ma'am.

17 Q. Did you tell him that you were going?

18 A. I can't remember for sure but I'm pretty sure
19 that I did. I'm not going to say yes or no for sure.

20 Q. So you went to the neighbors, he was there, where
21 were your children?

22 A. They're in bed.

23 Q. Was this at night or during the day you went over
24 to your neighbors?

25 A. It was at night.

Donna Rhodes - Direct Examination

1 Q. This was before or after the police came over to
2 your house to check on you?

3 A. After.

4 Q. How long did you stay at the neighbors?

5 A. Probably about 30 minutes. Enough time to take a
6 couple of drinks with them.

7 Q. The couple of drinks that you had, how did it
8 affect you?

9 A. It didn't have enough time to affect me, I don't
10 think.

11 Q. Did you get drunk, that's what I'm asking?

12 A. No, I had been drinking earlier.

13 Q. What shape were you in then?

14 A. I was fine. I'm not going to say I wasn't a
15 little tipsy, but I wasn't drunk, falling down drunk.

16 Q. Did you have any trouble understanding what was
17 going on?

18 A. Oh, no.

19 Q. What is it that made you leave your neighbors
20 house and go back to your apartment?

21 A. Mr. Gamble told me that he was leaving.

22 Q. How did he tell you that?

23 A. He said I'm about to go.

24 Q. Did he come over and tell you that?

25 A. No, ma'am, he yelled it out the back door.

Donna Rhodes - Direct Examination

1 Q. Were you outside at the neighbors?

2 A. Yes, ma'am, standing in the front yard.

3 Q. When the defendant hollered to you that he was
4 leaving, what did you do?

5 A. I automatically came over there. I knew I had to
6 be with my children.

7 Q. Okay. When you go into the apartment, what did
8 you do next?

9 A. I walked in the door and after I walked in the
10 door I was attacked.

11 Q. You were attacked. Explain to the jury what do
12 you mean by that?

13 A. I mean I was physically assaulted, punched, beat,
14 I was assaulted.

15 Q. What did the defendant assault you with, if
16 anything?

17 A. His hands, his feet, a bat, poured bear on me. I
18 was sexually assaulted.

19 Q. Where did he sexually assault you?

20 A. In the room, in the bedroom.

21 Q. The bedroom. How long did this assault go on?

22 A. I went on for a very long time. It even carried
23 on to the next day when I woke up.

24 Q. Did you go to sleep in your own bed?

25 A. Yes, I did.

Donna Rhodes - Direct Examination

1 Q. When you woke up the next day, physically, how
2 did you feel?

3 A. I was in pain.

4 Q. In pain where?

5 A. Everywhere.

6 Q. Where was the defendant when you woke up the
7 following day?

8 A. When I woke up he was in the bed with me.

9 Q. Did you tell him that you were hurting?

10 A. I didn't say nothing. He automatically attacked
11 me again.

12 Q. Just while you were laying in the bed?

13 A. Yeah.

14 Q. Were you trying to defend yourself at all?

15 A. No.

16 Q. Why?

17 A. In my case if I were to try to defend myself, it
18 just makes things worse.

19 Q. How long did the second assault last?

20 A. Not very long. I just laid there.

21 Q. And what did he do?

22 A. He just laid there and made jokes about how I
23 looked and told me I would never disrespect him again.

24 Q. And what did you do that was disrespectful to him
25 in his mind?

Donna Rhodes - Direct Examination

1 A. The night when I went over to the neighbors house
2 there was a guy out there and the guy was laughing and the
3 guy touched me on my back and I felt like -- well, I know
4 that's what he thinks I disrespected him by.

5 Q. Did you start a relationship with this guy?

6 A. No. I just the gentleman that night. I don't
7 recall his name.

8 Q. So the next day at some point did you get medical
9 help?

10 A. Not that day, several days later.

11 Q. So the assault was on the 26th?

12 A. Yes, ma'am.

13 Q. And you didn't get any medical attention on the
14 27th?

15 A. No, ma'am.

16 Q. How long did you wait before you went to the
17 hospital?

18 A. I can't remember the exact date, but I would say
19 it was probably two days afterwards.

20 Q. So you can't remember exactly what day you went
21 to the hospital?

22 A. No, ma'am.

23 Q. That's fine. When you did go, how did you get
24 there?

25 A. Mr. Gamble took me.

Donna Rhodes - Direct Examination

1 Q. Why did he do that?

2 A. I begged him to take me.

3 Q. Why were you begging him to take you to the
4 hospital?

5 A. I was in pain and at first he wouldn't take me.

6 Q. When you went to the hospital with him, where
7 were you children?

8 A. In the car.

9 Q. When you got to the hospital, explain to the jury
10 what happened? Did you go in by yourself or did he go in
11 with you or what happened from there?

12 A. I went by myself in the hospital and I told them
13 that I fell, I fell off the porch.

14 Q. You told them you fell off the porch?

15 A. Yes, ma'am.

16 Q. You need to explain to the jury why you told them
17 that?

18 A. Mr. Gamble told me to tell them that I fell off
19 of the porch.

20 Q. Is that the truth?

21 A. No, ma'am.

22 Q. When you left the hospital, where was Mr. Gamble?

23 A. When I left he was with me. He picked me up.

24 Q. And where did you go from there?

25 A. Back to the apartment.

Donna Rhodes - Direct Examination

1 Q. Now, after you went to the hospital, you still
2 hadn't spoken to your mother all this time?

3 A. No, my phone was broke. I didn't get to talk to
4 my mom.

5 Q. So that's why you didn't talk to your mom?

6 A. Yes, ma'am.

7 Q. And how did your phone get broke?

8 A. Mr. Gamble broke it.

9 Q. Why did he do that?

10 A. I guess in an outrage.

11 Q. Was it an intentional thing? Did you see ---

12 A. Oh, yes, he broke it.

13 Q. Did officers come back to your house?

14 A. Yes, ma'am. An officer came to check to see how
15 I was doing.

16 Q. An officer came before or after your mom came to
17 your house and saw you?

18 A. This was before.

19 Q. What physical condition were you in when the
20 officer came?

21 A. I was hurt.

22 Q. Where was the defendant when the officer came?

23 A. Sitting on the couch kind of behind the door.

24 Q. And what did you tell the officer?

25 A. That everything was fine.

Donna Rhodes - Direct Examination

1 Q. Did you tell him how you got marked up like that?

2 A. I told him I fell.

3 Q. How much time passed before your mother showed
4 up?

5 A. Not much. I think it was the next day, the next
6 night.

7 Q. When you saw your mother, did you lie to her as
8 well?

9 A. Yes, ma'am.

10 Q. For how long?

11 A. Until I felt like she was going to leave me
12 there. I didn't want her to leave. I didn't want to have
13 to stay there with him any more.

14 Q. When you did tell the police that the defendant
15 assaulted you, why did you tell?

16 A. I felt like we were all out of there and my
17 children was safe and secure and I was definitely not
18 wanting to go back in there with him.

19 Q. What influence, if any, or pressure did your
20 mother put on you to make you tell the truth?

21 A. None at all.

22 Q. Now, let me show you State's Exhibits 1 through 8
23 and if you could just take a look at those, please.

24 Do you recognize those, Ms. Rhodes?

25 A. Yes, ma'am, I do.

Donna Rhodes - Direct Examination

1 Q. Are State's Exhibits 1 through 8 true and
2 accurate depictions of what the defendant did to you?

3 A. Yes, ma'am.

4 MS. MUNSON: Your Honor, the State moves 1
5 through 8 into evidence.

6 THE COURT: Any objection?

7 MR. SULLIVAN: No objection.

8 THE COURT: Without objection, they're in
9 evidence.

10 (Photographs previously marked as State's
11 Exhibit 1 through 8 for identification was admitted into
12 evidence.)

13 BY MS. MUNSON:

14 Q. Ms. Rhodes, let's take a look at these. Is this
15 how your eyes normally are?

16 A. No, ma'am.

17 Q. This mark on your nose right here, where did that
18 come from?

19 A. Somewhere in that incident.

20 Q. Let's look at State's Exhibit No. 2. On State's
21 2, this area here on your right ear, does this show any
22 injury on your right ear?

23 A. Yes, ma'am.

24 Q. And what happened on your right ear?

25 A. I'm sorry. You know I was hit several times. I

Donna Rhodes - Direct Examination

1 don't know exactly what blow or what hit caused this jury.

2 Q. But do you have any doubt about who caused that
3 injury?

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

5 Q. And who was that?

6 A. Mr. Gamble.

7 Q. This is Exhibit No. 3, this scratch on your face
8 and swelling on your ear, where did you get these? Not
9 necessarily which blow but how did you come to have these
10 injuries?

11 A. That same incident on the 26th.

12 Q. And how did you get these scratch marks on your
13 back?

14 A. I don't know exactly where they came from.

15 Q. Was it a result of the same incident?

16 A. Yes, ma'am, it was.

17 Q. And now we have State's Exhibit No. 5. Which
18 part of your body is this?

19 A. My left leg.

20 Q. This injury right here and this bruising, is this
21 a result of the incident at well?

22 A. I don't know where that came from but that came
23 from being whipped with the bat.

24 Q. Being whipped with it?

25 A. Yes.

Donna Rhodes - Direct Examination

1 Q. No. 6, this bruising here, do you know exactly
2 what caused that?

3 A. The same thing.

4 Q. What do you mean?

5 A. When he was hitting me across the buttocks in the
6 legs with the bat.

7 Q. This is State's No. 7.

8 A. I can't say exactly how that happened but it did
9 happen that night.

10 Q. What part of your body is that?

11 A. My left elbow.

12 Q. Finally, State's No. 8.

13 A. And that's the opposite elbow.

14 Q. And this injury down here, that came from this
15 incident along with this scratch?

16 A. Yes, ma'am.

17 Q. Now, after the defendant was taken into custody,
18 where did you go?

19 A. I went to Spartanburg to a battered women's
20 shelter.

21 Q. And how long did you stay there?

22 A. About a month, maybe more.

23 Q. And now you've obviously seen the defendant since
24 then?

25 A. Yes, ma'am.

Donna Rhodes - Cross-examination

1 Q. How do you feel about him?

2 A. I love him. I still love him to this day. I
3 just think that he needs some help.

4 Q. Thank you, Ms. Rhodes.

5 THE COURT: We'll take a recess before cross-
6 examination. Take the jury out please.

7 You can step down for the time being.

8 THE WITNESS: Yes, sir.

9 (Jury exits the courtroom for a brief
10 recess.)

11 THE COURT: Do not talk with the solicitor or
12 discuss your testimony during the break. Okay.

13 THE BAILIFF: Remain seated. Court is now in
14 session.

15 THE COURT: Bring in the jury.

16 (Jury re-enters the courtroom.)

17 Mr. Sullivan, you may proceed.

18 CROSS-EXAMINATION

19 BY MR. SULLIVAN:

20 Q. Ms. Rhodes, we'll just go over a few things.

21 Now, this all started on the 26th of May?

22 A. Yes, sir.

23 Q. The evening of the 26th.

24 A. Yes, sir.

25 Q. And you and Chris had been having a couple of

Donna Rhodes - Cross-examination

1 drinks?

2 A. Yes, sir.

3 Q. And then you went to a neighbor. Somewhere along
4 the way your mother called the police and they came by on
5 the 26th?

6 A. No, sir.

7 Q. You don't recall talking to a policeman and you
8 said everything was fine on the 26th?

9 A. Yes, sir, but my mother didn't come by.

10 Q. No, I said she called.

11 A. Yes, sir, she did.

12 Q. She called and they came by and this is before
13 you were hurt?

14 A. Yes, sir.

15 Q. And the officers didn't find anything?

16 A. Yes, sir.

17 Q. And then you went to the neighbors, had a couple
18 of more drinks on the 26th in the evening about 10:00 or
19 11:00 o'clock and that's when this assault allegedly
20 occurred?

21 A. Yes, sir.

22 Q. Then y'all stayed in the house that night.

23 A. Yes, sir.

24 Q. That happened a Friday night and then you stayed
25 there and then you went to the hospital on Sunday; is that

Donna Rhodes - Cross-examination

1 correct?

2 A. I'm not so sure.

3 Q. There is a date on this. Maybe this will refresh
4 your memory. It says triage on Sunday, May 27th about
5 10:10.

6 A. Okay.

7 Q. So you were hurt Friday and then didn't do
8 anything Saturday and then you went to the hospital on
9 Sunday evening.

10 A. If that's what the documents state, yes, sir.

11 Q. And you told them that you fell off a porch and
12 landed on your face.

13 A. Yes, sir, I did.

14 Q. How did you get to the hospital?

15 A. Mr. Gamble.

16 Q. Did he stay with you or did he take the kids
17 home?

18 A. I wasn't aware at the moment but he left and came
19 back to get me.

20 Q. Did you call him to come back or did he just come
21 back?

22 A. I can't remember, sir.

23 Q. But there was a time there that you were with the
24 doctors and the nurses when he wasn't there, correct?

25 A. Yes, sir.

Donna Rhodes - Cross-examination

1 Q. And at that time, you didn't call the police.

2 A. No, sir, I didn't.

3 Q. You had some injuries and you told them you fell
4 off the porch and landed on your face, correct?

5 A. Yes.

6 Q. Now, you had a well check after you were injured,
7 the officers came back by as a follow-up to see how you
8 were; is that correct?

9 A. No, an officer and another officer came by.

10 Q. This is after you were injured?

11 A. Yes, sir.

12 Q. And you told them everything was fine and that
13 you had fallen off the porch.

14 A. Yes, sir.

15 Q. And then your mother call.

16 A. My mother called the police.

17 Q. And then the police came and when you went out
18 with her and that's when you told them that you had lied
19 to them, the doctors and everybody that you had really
20 been beaten up.

21 A. Yes, sir.

22 Q. You never called the police?

23 A. No, sir.

24 Q. There were times you were away from Chris like at
25 the hospital -- was he with you all day Saturday?

Donna Rhodes - Cross-examination

1 A. He was with me all day until I went to the
2 emergency room.

3 Q. And in the emergency room you were by yourself?

4 A. Yes, sir.

5 Q. Now, you gave a statement to the officers about
6 what happened to you. Do you recall this statement, this
7 copy of it? You can take your time.

8 A. I remember.

9 Q. It's four pages dated the 29th. Now, on Page 3,
10 I would have you read here to here just that one top line.
11 You can read it first " and then read the whole line.

12 THE COURT: Why don't you read it for her.

13 MR. SULLIVAN: Did you tell them that he hit
14 you with a bat and I'm just guessing around 20 times but
15 no less than ten.

16 THE WITNESS: Yes, sir.

17 BY MR. SULLIVAN:

18 Q. And this is what you told the officers?

19 A. Yes, sir.

20 Q. Now, since that happened, you and Chris have been
21 back together, right?

22 A. Yes, sir.

23 Q. And then separated for a while. Now, you are
24 expecting his child.

25 A. Yes, sir.

State versus Gamble

1 Q. Has he called you about your pregnancy or
2 anything, concerned about it?

3 A. Not since he got out of jail this last time. I
4 hadn't spoke with him.

5 Q. After he made bail for these charges.

6 A. No, just this last month he was in jail.

7 Q. Didn't involve you?

8 A. No, sir.

9 Q. He's not in jail now.

10 A. Sitting right there.

11 Q. He's living in Easley?

12 A. Yes, sir.

13 Q. Are you living in Easley?

14 A. Yes, sir.

15 Q. Do y'all see each other at all?

16 A. I see him but I just continue to go on my way.

17 Q. And this is the bat, right?

18 A. Yes, sir.

19 MR. SULLIVAN: Nothing further, Your Honor.

20 THE COURT: Any redirect?

21 MS. MUNSON: Just briefly, Your Honor.

22 REDIRECT EXAMINATION

23 BY MS. MUNSON:

24 Q. Where on your body did he hit you with this bat?

25 A. He hit me the majority on my back and my legs and

State versus Gamble

1 just a couple of times in the back of the head.

2 MS. MUNSON: Nothing further.

3 THE COURT: You may step down.

4 (Witness leaves the witness stand.)

5 MS. MUNSON: Your Honor, at this time, the
6 State asks permission to move in State's Exhibit No. 10
7 which is a stipulation agreement.

8 MR. SULLIVAN: No objection.

9 THE COURT: So entered.

10 MS. MUNSON: The State would like permission
11 to publish it.

12 THE COURT: Yes.

13 (Stipulation agreement marked as State's
14 Exhibit No. 10 for identification and entered into
15 evidence.)

16 "Now, the State signs with the undersigned
17 representative and the defendant signs with his
18 undersigned representative stipulate as to the following
19 as facts in the trial of the above matter: 1) Donna
20 Rhodes was treated in the emergency department at North
21 Gate Hospital on May 27, 2012 at 22:09 hours by
22 Dr. Bradley Porter, a licensed physician. 2) that Donna
23 Rhodes told Dr. Porter and the nursing staff that the
24 injuries were the result of a fall. 3) that Dr. Porter
25 noted the following injuries; large hematoma central

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1 forehead, draining to both eyes, bilateral raccoon eyes,
2 nose is swollen, face very swollen, lips swollen,
3 laceration lower right, left ear hematoma, fracture,
4 cervical strain."

5 Thank you, Your Honor. With that, Your
6 Honor, that is the State's case.

7 THE COURT: Take the jury out, please.

8 (Jury exits the courtroom.)

9 Any motions, Mr. Sullivan?

10 MR. SULLIVAN: I move for a directed verdict.
11 From her testimony, she admitted she lied about falling
12 off the porch and her story was inconsistent.

13 THE COURT: And I deny your motion.

14 Now, you'll have some testimony?

15 MR. SULLIVAN: I'd like to him for a moment.

16 (Attorney Sullivan confers with his
17 attorney.)

18 Your Honor, we have discussed it and he tells
19 me he would not like to take the stand.

20 THE COURT: Put him under oath, please.

21 THE CLERK: Raise your right hand.

22 CHRISTOPHER GAMBLE, having been duly sworn,
23 testified as follows:

24 THE COURT: You can be seated now. We have
25 reached the point in your trial where you need to make a

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1 decision as to whether you will or will not testify in
2 your own defense. Do you understand that?

3 DEFENDANT GAMBLE: Yes, sir.

4 THE COURT: I tell you that you don't have to
5 take the stand and testify because that's your
6 constitutional right and the burden is on the State always
7 to prove you guilty beyond a reasonable doubt. Do you
8 understand that?

9 DEFENDANT GAMBLE: Yes, sir.

10 THE COURT: I have to tell you, of course,
11 that you have a right to take the stand and testify. Do
12 you understand that?

13 DEFENDANT GAMBLE: Yes, sir.

14 THE COURT: If you decide to take the stand
15 to testify, then you become subject to cross-examination
16 by the State. I don't know if you have any prior criminal
17 record for which you can be impeached, but if you do, then
18 the solicitor can impeach you on those prior offenses. Do
19 you understand that?

20 DEFENDANT GAMBLE: Yes, sir.

21 THE COURT: Now, are you satisfied now with
22 the services of your lawyer?

23 MR. SULLIVAN: Go ahead, you can answer.

24 DEFENDANT GAMBLE: Mr. Sullivan is doing a
25 good job for what he know.

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1 THE COURT: That's fine.

2 DEFENDANT GAMBLE: It's more.

3 THE COURT: I understand. Are you under the
4 influence of any drug alcohol or any substance right at
5 this moment?

6 DEFENDANT GAMBLE: No, sir.

7 THE COURT: You sober?

8 DEFENDANT GAMBLE: Yes, sir.

9 THE COURT: You know what you're doing?

10 DEFENDANT GAMBLE: Yes, sir.

11 THE COURT: And you've made the decision not
12 to testify; is that correct?

13 DEFENDANT GAMBLE: Yes, sir.

14 THE COURT: Anything else?

15 (No response.)

16 Then you'll have the final argument.

17 MR. SULLIVAN: Yes, sir. I've explained that
18 to him.

19 THE COURT: How long do you think you need to
20 talk to the jury?

21 MR. SULLIVAN: Ten minutes.

22 MS. MUNSON: From my side, it's not all that
23 complicated. If I go 15 minutes, I'd be surprised.

24 THE COURT: We'll go do arguments now.

25 MR. SULLIVAN: If we could take a couple of

State versus Gamble - Closing Arguments

1 minutes to get my thought together.

2 THE COURT: How much time do you need?

3 MR. SULLIVAN: About five minutes.

4 MS. MUNSON: Five minutes as well, Your
5 Honor.

6 THE COURT: We'll take a five minute recess.
7 (Whereupon, there was a brief recess.)

8 THE BAILIFF: Remain seated.

9 THE COURT: Okay. Bring the jury, please.

10 MS. MUNSON: Your Honor, are you going to
11 charge on the lesser included?

12 THE COURT: No.

13 (Jury re-enters the courtroom.)

14 Ladies and gentlemen, in the trial of a
15 criminal case the defendant has absolutely no burden. He
16 or she does not have to take the stand and testify or
17 otherwise present evidence that's because it's his
18 constitutional right not to do so. The burden is always
19 on the State to prove the defendant guilty beyond a
20 reasonable doubt.

21 The defendant in this case has exercised his
22 constitutional right not to testify or present any
23 evidence in this case so the testimony in the case is
24 complete. The time has arrived for the attorneys to make
25 their closing argument to you and when they have concluded

State versus Gamble - Closing Arguments

1 their arguments, then I'll charge you the law with respect
2 to this case and I will allow charge you further on this
3 defendant's right not to take the stand or testify.

4 Alright, solicitor, you may proceed.

5 MS. MUNSON: May it please the Court, Your
6 Honor.

7 Ladies and gentlemen, this hurt. You can see
8 from these photographs there's no question, I say
9 respectively, there's no issue at all about that.

10 Sometime on the 26th of May this happened to Donna Rhodes.

11 I saw the issue is did she fall or did he
12 beat her? Did he hit her in the face? Did he hit her in
13 the back and knock her down? Did he hit her with the bat?
14 That's the issue.

15 The judge is going to tell you that the
16 defendant and the victim were, within the meaning of the
17 law, household members. In this case what the State is
18 alleging that they have children in common and it meets
19 the statutory requirements of household members.

20 We also have to prove that he assaulted her
21 and either used a deadly weapon or caused serious bodily
22 injury. These injuries look horribly. She had a broken
23 nose. I guess it's hard to tell if that's a serious
24 bodily injury, but when you beat somebody in the back of
25 the head with a bat, it's the State's position and I'm

State versus Gamble - Closing Arguments

1 confident you will agree that is assaulting somebody with
2 a deadly weapon.

3 So which is it? Did she fall or did he beat
4 her? Let's talk about that. Look at these injuries, if
5 she fell, she would have had to fall and roll 35 feet. A
6 broken nose, she had a scratch on her nose, a busted lip,
7 busted right elbow, busted left elbow, marks along her
8 thigh and her buttocks, scratches on the back of her neck,
9 do you need to be a doctor or a scientist to know that's
10 just not how that goes down.

11 When a person does fall on their face, she
12 had no injuries on her hands. She would have to have
13 fallen on her elbows and hit her nose breaking her nose
14 and the hematoma on her forehead that the doctor noticed.
15 If she's falling on her face, how did she get the stuff on
16 her neck? How does she get the mark on her thigh and on
17 her buttocks? Because he hit her.

18 This right here, ladies and gentlemen, is
19 Christopher Gamble's love. Think about the bat. It
20 wasn't just laying around where toys would be. It was
21 hidden in a closet. Remember Donna's mother told you the
22 kid had the tear up the closet to find it? He hid the bat
23 and he broke her phone so that she couldn't call for help.

24 She did have an opportunity to tell but she
25 didn't and you ask how could she do that? Why would

State versus Gamble - Closing Arguments

1 anybody do that? Thankfully this is not a psychology
2 class or psychiatry class so you don't have to answer that
3 question.

4 She told you that the first time she said he
5 beat me is when her mother showed up at her house. She
6 felt safe. She was at the hospital and I'm sure
7 Mr. Sullivan wants you to believe she could have told the
8 doctors and everybody else and got the police there and do
9 something about it right then and there. Well, yeah,
10 while he's riding around in the car with her kids.
11 Really?

12 You don't have to understand or support the
13 complications and the seemingly ridiculous things that go
14 through a woman's mind when she's the victim of domestic
15 violence. No one is asking you to do that. It's hard to
16 separate the two. It may make no sense to you at all that
17 someone could get hit with a baseball bat and then go back
18 to them and have another baby with them. That may make no
19 sense to you. But remember, the State has to prove and
20 this is your challenge -- Mr. Sullivan and I don't agree
21 on a lot in this case but one thing we did agree on is
22 y'all. We both know that you're going to consider all
23 this carefully and come up with a decision. Not what
24 makes me happy, not that makes him happy, not to save
25 Donna Rhodes but a decision that speaks the truth based on

State versus Gamble - Closing Arguments

1 the evidence. Based on that and that alone.

2 The evidence, ladies and gentlemen, is that
3 he beat her. Hit her with that bat. You will not
4 disrespect me. What? And how did she react to it? She
5 didn't tell anybody. She put up with it. She may put up
6 with it ten years from now. We don't know.

7 This is not the trial of jury, please, save
8 Donna Rhodes. I'm not asking you to do that. You can't
9 do that. This is not a trial of I, personally, think you
10 need to punish Christopher Gamble. I don't matter and
11 this is not about punishment and its not about therapy.
12 And I hope that should bring you some relief that you
13 don't have to get into all of that.

14 Now, I respectfully say to you, ladies and
15 gentlemen, that the evidence in this case shows that he
16 did commit the offense of criminal domestic violence of a
17 high and aggravated nature. It not only happened to Donna
18 Rhodes, it not only happen to women everywhere, I urge you
19 on behalf of the people of Greenville County I urge you to
20 find him guilty.

21 THE COURT: Mr. Sullivan.

22 MR. SULLIVAN: If it please the Court, Your
23 Honor.

24 Ladies and gentlemen, I told you at the very
25 beginning this was going to be complicated. This started

State versus Gamble - Closing Arguments

1 off a Friday night, May 26th. They were having a few
2 drinks and they had a fight. When did the police come to
3 their house? When she called them? Momma was living in
4 Easley and she gets in the middle of things. She calls
5 them and says go check on Donna and they come to the
6 house. The cops come to the house said everything was
7 fine and they both had been drinking and then Ms. Rhodes
8 after that, she went to the neighbors and had a few
9 drinks.

10 Then she said after she came back from the
11 neighbors, she was assaulted. They started fighting
12 around 11:00 and they stayed fighting all night and then
13 all day Saturday. And then on Sunday around 10:00, Chris
14 took her to the hospital because she complained that she
15 was hurt. She told the doctor and the nurses I fell off
16 the porch. If you're drunk, you don't fall like a normal
17 person. You could fall and hit your face, get black eyes
18 and when you get up, get scrapes, I don't know. When you
19 fall down if you're drunk maybe you don't fall in your
20 hands.

21 Now, he's not there when she goes to the
22 hospital. He's with the kids. She checks into the
23 hospital and he leaves. She can call the police, tell the
24 doctors and nurses and say call the police. She could say
25 he beat me and have him arrested. No. He comes back to

State versus Gamble - Closing Arguments

1 get her and takes her home. This is Sunday night.

2 They're all day Monday. The officers came
3 back for a well check and the officer saw her. He came to
4 the door and she said I fell off the porch officer. She's
5 right there and all she has to do is step out the door.
6 She could have said he beat me, but again she said I fell
7 off the porch and he took me to the hospital. He said,
8 okay, fine and he leaves.

9 Momma drives over and she sees her, calls the
10 police and says tell the police you got beat up. She
11 gives a statement but you've got injuries consistent with
12 a fall. Chris was sitting right there on the couch.

13 Now, this is an aluminum bat. I didn't hear
14 any expert testify about DNA and this bat is pretty heavy.
15 She said in her testimony, and I was shocked, he hit me
16 I'm guessing twenty times. Twenty times with this back.

17 Now, folks, use your common sense. If I'm
18 mad at you and I hit you with this bat twenty times, she
19 would look a lot worse than she does in these pictures.
20 This does damage, severe damage. It can break bones,
21 shatter faces. This can really hurt you. This is more
22 consistent with somebody falling off the porch.

23 Think about it and bear in mind if they've
24 proven to you beyond a reasonable doubt that he used that
25 bat and not a fall. Thank you.

State versus Gamble - Jury Charge

1 THE COURT: Take the jury out for a moment,
2 please.

3 (Jury exits the courtroom.)

4 Will counsel approach for just a minute.

5 (Whereupon, there was a off-the-record bench
6 conference.)

7 Okay. Bring them back, please.

8 (Jury re-enters the courtroom.)

9 THE COURT: Ladies and gentlemen of the jury,
10 the defendant in this case has been indicted for domestic
11 violence of a high and aggravated nature. This is a
12 statutory offense and Section 16-25-65 of our Code of Laws
13 provides in part as follows: A person who violates
14 section 16-25-20(a) is guilty of criminal domestic
15 violence of a high and aggravated nature when the
16 following occurs, an assault and battery which involves
17 the use of a deadly weapon or results in serious bodily
18 injury to the victim.

19 Now, in this connection I charge you that the
20 burden on the State is to prove beyond a reasonable doubt
21 that this defendant caused physical harm or injury to a
22 member of the defendant's household which involves the use
23 of a deadly weapon or resulted in serious bodily injury to
24 the victim.

25 Now, a household member includes a spouse, a

State versus Gamble - Jury Charge

1 former spouse, persons who have a child in common and the
2 person of the opposite sex with whom the defendant is
3 cohabiting or has co-habited in the past.

4 A deadly weapon is any object or substance
5 that is used in such a way that is reasonably and likely
6 to cause death or serious bodily injury.

7 Now, with respect to bodily injury, I charge
8 you that it is up to you to determine whether or not the
9 State has proven beyond a reasonable doubt that any injury
10 or injuries sustained by the victim in this case were
11 series.

12 Ladies and gentlemen, in this case, you have
13 a function or a responsibility that is entirely separate
14 and distinct from my function as the trial judge. The
15 constitution of our State does not allow me to charge you
16 on the facts on this case or discuss the facts with you or
17 in any way or manner let you know what my personal
18 feeling, if any, is about this case. That's because you
19 and you alone are the sole judges of the fact, therefore,
20 if during the course of this trial you have an opinion or
21 you felt like I have a personal feeling about this case
22 one way or another then you disregard that feeling or that
23 impression. You and you alone are the judges of the
24 facts.

25 It is your duty and your duty alone to weigh

State versus Gamble - Jury Charge

1 the testimony and the evidence that you've heard in this
2 case and to pass upon the credibility or the
3 believability of the witnesses you heard testify. In this
4 connection you have a right to believe all of what a
5 witness told you or you can disbelieve all a witness told
6 you. You believe a part of what a witness told you and
7 disbelieve what a witness told you. You can believe one
8 witnesses against several or you can believe several
9 against one.

10 You also have the right to take into
11 consideration any bias or prejudice or interest you feel a
12 witness in a case might have.

13 Now, ladies and gentlemen, as I told you I am
14 the judge of the law in this case and it is my duty to
15 charge the law as it applies to the facts in the case.
16 It's not a question of what you feel the law is or might
17 be or should be. It is not necessarily what the lawyers
18 told you it is because you are required to take the law as
19 I give it to you, apply that law to the facts as you
20 determine those facts to be and to write that verdict
21 accordingly.

22 Ladies and gentlemen, in this case as in all
23 criminal cases, this defendant comes into this courtroom
24 presumed to be innocent and this presumption continues and
25 carries through the entire trial until and unless it is

State versus Gamble - Jury Charge

1 proven beyond a reasonable doubt that he has committed the
2 offense charged.

3 Now, some of you may have in the past served
4 as jurors in civil cases and if you have served, you were
5 most likely told that it was only necessary to prove that
6 a fact was more likely true than not true. But in
7 criminal cases, the State's proof must be more powerful.
8 As I've told you it must be beyond a reasonable doubt.

9 Proof beyond a reasonable doubt is proof that
10 leads you firmly convinced of this defendant's guilt.
11 There are very few things in this world we know with
12 absolute certainty and in criminal cases, the law does not
13 require proof that overcomes every possible doubt. If,
14 based on your consideration of the evidence in this case,
15 you are firmly convinced that this defendant is guilty,
16 then you must find him guilty. If, on the other hand,
17 there is a real possibility that he is not guilty, then
18 you must give him the benefit of the doubt and find him
19 not guilty.

20 Ladies and gentlemen, our law does not compel
21 a defendant in a criminal case to take the witness stand
22 and testify and no presumption of guilt may be raised and
23 no inference of any kind may be drawn from this
24 defendant's decision not to testify. Our law never
25 imposes on a defendant in a criminal case the burden or

State versus Gamble - Jury Charge

1 duty of calling any witnesses or producing any evidence or
2 in testifying. Therefore, the decision of this defendant
3 not to take the stand and testify in his behalf can not be
4 taken, held, discussed, or considered against him in any
5 manner whatsoever.

6 Ladies and gentlemen, under the oath you took
7 in this case, you sworn to try this case based solely on
8 the testimony and evidence presented in this case and I
9 therefore charge you it is your duty to lay aside all
10 outside opinions, bias, or prejudice, or sympathy you may
11 have in reaching your verdict. The word verdict is taken
12 from the latin world veredicto and that means to speak the
13 truth. You have no friends to reward in this case or
14 enemies to punish. I charge you to abide by your oath and
15 return a verdict that speaks the truth.

16 You'll have in the jury room with you the
17 indictment in this case. The indictment does not
18 constitute evidence. It simply sets forth the allegations
19 by the State. It is the legal document that brings this
20 case into the courtroom and presents it to you for your
21 determination.

22 There are one of two verdicts in this case,
23 guilty or not guilty and whatever that verdict is must be
24 unanimous and that is all 12 of you must agree.

25 Mr. Foreman, whatever the verdict of the jury

State versus Gamble - Jury Charge

1 is, guilty or not guilty, you'll find a place on the back
2 of the indictment which says verdict. Write out the
3 verdict in the right space and then sign your name in the
4 place that says fore person.

5 At this time, ladies and gentlemen, I'm going
6 to go over my charge with the lawyers so I need you to go
7 back in the jury room. Do not begin deliberating until I
8 spend word in for you to do so.

9 Thank you.

10 (Jury exits the courtroom.)

11 Anything further from the State?

12 MS. MUNSON: Nothing further, Your Honor.

13 THE COURT: Anything further from the
14 defense?

15 MR. SULLIVAN: No, Your Honor.

16 THE COURT: Bring in my alternate.

17 (Alternate returns to the courtroom.)

18 As our 12 jurors have made it through the
19 case, that concludes your services on this one. Thank you
20 very much for your service and that concludes your service
21 for today but I need you to call back after 5:00 this
22 afternoon to find out about tomorrow. Thank you very
23 much. I appreciate it.

24 Send the exhibits back and tell them for them
25 to begin deliberations.

State versus Gamble - Verdict

1 This trial is in recess until a verdict is
2 reached.

3 (Jury begins deliberations.)

4 The jury informs us that they have reached a
5 verdict.

6 (Jury re-enters the courtroom.)

7 If you have reached a verdict, please hand it
8 to the bailiff, sir.

9 Please publish the verdict.

10 THE CLERK: 2012-GS-23-6330, the State versus
11 Christopher Terrell Gamble. The verdict is guilty of
12 domestic violence of a high and aggravated nature.

13 THE COURT: Mr. Foreman, if this is your
14 verdict, would you please raise your right hand?

15 THE JURY: (Complies collectively).

16 THE COURT: Anything further from the State?

17 MS. MUNSON: No, sir, Your Honor.

18 THE COURT: From the defense?

19 MS. SULLIVAN: No, Your Honor.

20 THE COURT: Ladies and gentlemen, that
21 concludes your services on this case but we need you to
22 call in after 5:00 pm today. Call in after 5:00 and
23 you're free to go.

24 (Jury dismissed from the courtroom.)

25 Any motions?

State versus Gamble - Sentencing

1 MR. SULLIVAN: I'd like a motion, Judge, to
2 set aside the verdict based on the evidence presented.

3 THE COURT: And I'd have to deny your
4 verdict.

5 Mr. Gamble, you exercised your constitutional
6 right not to testify in your defense so you have a perfect
7 right to address the court at this time concerning your
8 sentence. Is there anything you'd like to say concerning
9 your sentence?

10 DEFENDANT GAMBLE: I mean I'm charged with
11 CDV of a high and aggravated nature.

12 THE COURT: Alright. Does he have a prior
13 record?

14 MS. MUNSON: Yes, sir. November 11, 1997, he
15 got a probation sentence for two counts of aggravated
16 assault and battery, May 12, 2003 malicious damage for
17 which he paid a fine, January 26 of 2006, he got a
18 probation sentence for possession with intent to
19 distribute cocaine, discharging a firearm into a dwelling,
20 burglary and attempted robbery. January 31, 2001 for
21 escape and he got a one year sentence on that and then
22 December 1st of 2011 possession of a controlled substance.

23 THE COURT: Mr. Sullivan.

24 MR. SULLIVAN: Judge, from the time I talked
25 to Chris he told me he didn't hit this lady with a bat.

State versus Gamble - Sentencing

1 She was involved with him and kept getting involved with
2 him and she had fallen and he took her the hospital.
3 That's the story he's told me from day one. I looked at
4 the discovery and the doctor's report and her statement
5 and ask the question why would he do that, but the jury
6 didn't by that. He still denies he hit her with a bat.
7 He has shown up for court every time. He's never ducked
8 and he always showed up for the court even when we were
9 told we were on the docket for trial from day one.

10 THE COURT: Anything else, solicitor?

11 MS. MUNSON: No, sir.

12 THE COURT: Mr. Gamble, the sentence of the
13 Court is you been committed to the Department of
14 Corrections for a period of ten years.

15 MR. SULLIVAN: I'd like to put on the record
16 you've got ten days for an appeal. Would you like me to
17 file an appeal for you?

18 DEFENDANT GAMBLE: Yes.

19 MR. SULLIVAN: I'll put it in writing and
20 I'll file it within ten days of today's date.

21 ---End of transcript record---

22

23

24

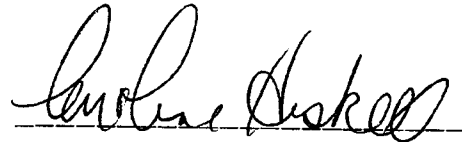
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State versus Gamble - Sentencing

1
2 I, the undersigned Caroline Hiskell, Official
3 Court Reporter for the Thirteenth Circuit of the State of
4 South Carolina, do hereby certify that the foregoing is a
5 true, accurate, and complete transcript of record of all
6 the proceedings had and evidence introduced in the trial
7 of the captioned case, relative to appeal, in the Court of
8 General Sessions of Greenville County, South Carolina
9 on this 5th day of March, 2014.

10 I do further certify that I am neither of kin,
11 counsel, nor interest to any party hereto.

12
13 August 7, 2014

14
15
16 

17 Caroline Hiskell
18
19
20
21
22
23
24
25

WITNESSES

Patrick Allen Lavery

Travelers Rest Police Dept *PK*

5/30/2012

ARREST WARRANT NUMBER
1547237

ACTION OF GRAND JURY
TRUE BILL

Th C Fel
FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Guilty

Wendell W Dell

Foreperson of Petit Jury

Date:

3/5/2014

DOCKET NO. 2012-GS-23-
JMM

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The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

July

TERM 2012 *2013*

THE STATE

vs.

CHRISTOPHER TERRELL GAMBLE

Indictment for

2988

**DOMESTIC VIOLENCE OF A HIGH AND
AGGRAVATED NATURE**

VIOLATION § 16-25-0065

RECEIVED

AUG 10 2012

Clerk of Court
Greenville County

RECEIVED

DEC 17 2014

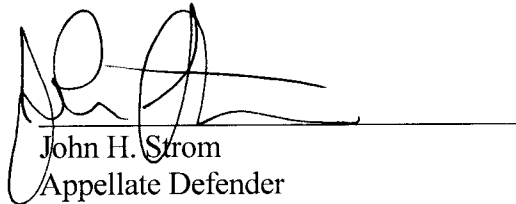
85

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."

December 17th, 2014.



John H. Strom
Appellate Defender

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

ATTORNEY FOR APPELLANT

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Greenville County

C. Victor Pyle, Jr., Circuit Court Judge

RECEIVED

DEC 17 2014

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

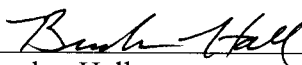
CHRISTOPHER T. GAMBLE,

APPELLANT

APPELLATE CASE NO. 2014-000465

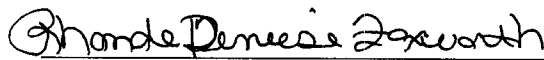
CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Salley W. Elliott, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201 this 17th day of December, 2014.



Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 17th day of December, 2014.

 (L.S.)

Notary Public for South Carolina

My Commission Expires: October 17, 2021.