

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY

Maite Murphy, Circuit Court Judge

RECEIVED

MAY 17 2016

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

RALPH MARTIN,

APPELLANT

APPELLATE CASE NO. 2015-000311

RECORD ON APPEAL

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INDEX

INDEX.....	i
TRIAL TRANSCRIPT (dated February 10, 2015)	1
OPENING STATEMENT BY MR. WARD.....	4
OPENING STATEMENT BY MR. WEHMAN	7
TESTIMONY	
RICHARD STEVENS	
Direct Examination by Mr. Ward.....	9
Cross-Examination by Mr. Wehman	11
BECKY MARTIN	
Direct Examination by Mr. Justis.....	13
Cross-Examination by Mr. Wehman	24
COLLEEN CONNOLLY	
Direct Examination by Mr. Ward.....	27
Cross-Examination by Mr. Loy.....	33
Redirect Examination by Mr. Ward	40
STATEMENT BY MR. WEHMAN	42
RESPONSE BY MR. JUSTIS	43
RULING BY THE COURT	44
STATEMENT BY MR. JUSTIS	45
RESPONSE BY THE COURT.....	46
STATEMENT BY MR. WEHMAN	47
REPSONSE BY MR. JUSTIS	48
RULING BY THE COURT.....	49

TESTIMONY

CARLIN STRICKLAND

Direct Examination by Mr. Justis.....	52
Cross-Examination by Mr. Wehman	68

JARROD VINCENT POWELL

Direct Examination by Mr. Justis	73
Cross-Examination by Mr. Wehman	85

STATE RESTS.....	88
------------------	----

MOTION FOR A DIRECTED VERDICT BY MR. LOY	88
--	----

RESPONSE BY MR. JUSTIS	90
------------------------------	----

DECISION BY THE COURT	91
-----------------------------	----

TESTIMONY

RALPH WAYNE MARTIN

By the Court.....	92
-------------------	----

DEFENSE RESTS	95
---------------------	----

CLOSING ARGUMENT BY MR. JUSTIS.....	95
-------------------------------------	----

CLOSING ARGUMENT BY MR. WEHMAN.....	104
-------------------------------------	-----

JURY CHARGE.....	109
------------------	-----

JURY QUESTION	120
---------------------	-----

RESPONSE BY THE COURT.....	122
----------------------------	-----

VERDICT	124
---------------	-----

JURY POLL	125
-----------------	-----

RESPONSE BY MR. WEHMAN	128
------------------------------	-----

STATEMENT FROM MS. PATRICIA MARTIN.....	130
---	-----

RESPONSE FROM MR. JUSTIS	134
--------------------------------	-----

SENTENCING	136
------------------	-----

STATE'S EXHIBIT NO. 5 (Becky Martin's Written Statement).....	137
---	-----

INDICTMENT	139
SENTENCING SHEET	141
CERTIFICATE OF COUNSEL.....	142

THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT:

**STATE'S EXHIBIT NO. 4-
(AUDIO FROM OFFICER POWELL'S BODY MICROPHONE)**

STATE OF SOUTH CAROLINA

COURT OF GENERAL SESSIONS

COUNTY OF DORCHESTER

2014-GS-18-0851

STATE OF SOUTH CAROLINA

TRANSCRIPT OF RECORD

VS.

RALPH MARTIN

FEBRUARY 10, 2015
ST. GEORGE, SC

B E F O R E:

HONORABLE MAITÉ MURPHY, JUDGE, AND A JURY.

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I N D E X

	WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
1					
2					
3	WITNESS				
4	OPENING STATEMENTS				
5	MR. WARD	44			
6	MR. WEHMAN	47			
7	RICHARD STEVENS				
8	MR. WARD	49			
9	MR. WEHMAN		51		
10	BECKY MARTIN				
11	MR. JUSTIS	53			
12	MR. WEHMAN		64		
13	COLLEEN CONNOLLY				
14	MR. WARD	67		80	
15	MR. LOY		73		
16	CARLIN STRICKLAND				
17	MR. JUSTIS	92			
18	MR. WEHMAN		108		
19	JARROD VINCENT POWELL				
20	MR. JUSTIS	113			
21	MR. WEHMAN		125		
22	RALPH WAYNE MARTIN				
23	THE COURT	132			
24	CLOSING ARGUMENTS				
25	MR. JUSTIS	135			
	MR. WEHMAN	144			
	CHARGE OF THE COURT	149			
	VERDICT OF THE JURY	164			
	SENTENCE OF THE COURT	175			
	CERTIFICATE OF REPORTER	177			

- - -

E X H I B I T S

NO.	DESCRIPTION	ID	EVD
P-1	BLUE DOG LEASH	38	122
P-2	ROLL OF TWINE	38	121
P-3	911 RECORDING	38	
P-4	IN CAR VIDEO RECORDING	38	125
P-5	BECKY MARTIN STATEMENT NO. 1 - 7/1/14	38	90
P-6	BECKY MARTIN STATEMENT NO. 2 - 2/4/15	38	
P-7	PHOTO - FRONT OF HOUSE	38	98
P-8	PHOTO - TOP OF GARAGE	38	98
P-9	PHOTO - FRONT DOOR	38	98
P-10	PHOTO - PHONE FAR AWAY	38	98
P-11	PHOTO -PHONE CLOSE UP	38	98
P-12	PHOTO - PHONE SUPER CLOSE	38	98
P-13	PHOTO - BLUE LEASH	38	100
P-14	PHOTO - TABLE FAR AWAY	38	100
P-15	PHOTO - TABLE CLOSE UP	38	100
P-16	PHOTO - TWINE	38	100
P-17	PHOTO - VICTIM'S FACE	38	70
P-18	PHOTO - VICTIM FRONT NECK	38	70
P-19	PHOTO - VICTIM SIDE NECK	38	70
P-20	PHOTO - VICTIM FULL BODY	38	70
P-21	PHOTO - VICTIM WRISTS	38	70
C-1	JURY NOTE	160	

- - -

1 attention to the testimony in this case so that at the end of
2 the testimony, after all the arguments of counsel and the
3 charge on the law by the Court, you will then be in a
4 position to determine what the true facts are and apply the
5 law to those facts and thus render a true and just verdict.

6 It will be the added duty of the foreperson, who I will
7 appoint at a later time, to be the Court's liaison and to be
8 the person that contacts the Court if you need anything. And
9 I will give you further instructions as to what those duties
10 will entail later.

11 Any objections to the preliminary charge from either the
12 State or the defense?

13 MR. JUSTIS: None from the State, Your Honor.

14 MR. WEHMAN: None from the defense, Your Honor.

15 THE COURT: Solicitor, you may proceed.

16 MR. WARD: May it please the Court, Your Honor.

17 THE COURT: Yes, sir.

18 MR. WARD: "Come in and help me." That's what the
19 officer heard a woman screaming from inside the house because
20 this man, Ralph Martin, had threatened to kill his wife and
21 was in the throes of assaulting her and choking her when the
22 police arrived.

23 The defendant is charged with one count of criminal
24 domestic violence of a high and aggravated nature. A person
25 is guilty of this crime if one of the following occur: A

1 person commits an assault and battery on a household member
2 with the use of a deadly weapon or results in serious bodily
3 injury, or an assault occurs with or without the accompanying
4 battery, which would reasonably cause a person to fear
5 imminent serious bodily injury. Let me repeat that.
6 Reasonably cause a person to fear imminent, serious bodily
7 injury or death.

8 Now, back in the beginning of July 2014, a neighbor
9 hears screaming and arguing coming from the Martins' house.
10 He calls the police. Officer Powell responds to the house,
11 approaches the front door and announces himself and
12 immediately hears Ralph Martin's wife, Becky Martin, scream,
13 "Come in. Help me."

14 She, a short time later, opens the door. She is then
15 able to speak with law enforcement and gives a statement to
16 them about what had just happened. She tells them the
17 defendant had been drinking all day, was on medication, and
18 came out of the bedroom a little time later. When he was
19 angry, he started slapping her and punching her in the face.

20 He then grabbed twine and wrapped her hands together,
21 tied them together. When she tried to break free, he grabbed
22 a dog leash, put it around her neck, and pulled tight,
23 choking her, and that's when law enforcement arrived and
24 stopped it.

25 The defendant, all the time he was doing this, was

1 threatening to kill her. Becky Martin reasonably believed
2 she was in fear for her life that night.

3 EMS then responded out to the scene. They evaluated
4 Ms. Martin. They advised her to go seek further medical
5 treatment at a hospital. Mrs. Martin refused to go to the
6 hospital that night.

7 Then about a week ago, last Wednesday, Ms. Martin went
8 and met with these two attorneys. She met with them in their
9 office and gave a new statement about what she said happened
10 that night.

11 MR. WEHMAN: Objection, Your Honor.

12 THE COURT: Basis of your objection?

13 MR. WEHMAN: It's improper. It's -- Your Honor, I
14 believe this is factually inconsistent with what occurred.
15 It's improper, and it's discrediting a statement that hasn't
16 been admitted yet.

17 THE COURT: Under what rule of evidence is your
18 objection based?

19 MR. WEHMAN: Your Honor, I would argue that you can't
20 impeach her, which he's attempting to do, before she's made a
21 prior inconsistent statement. She's not testified. She has
22 not made an inconsistent statement; therefore, he's
23 attempting to impeach the witness before she's done that.

24 THE COURT: His opening is merely assertion as to what
25 he thinks the issues will be. The testimony itself will be

1 what the jury will determine. Your objection is overruled.

2 MR. WARD: Thank you, Your Honor.

3 MR. WEHMAN: Thank you, Your Honor.

4 MR. WARD: She gave a new statement of what she said
5 happened that night, and it does contradict what she said the
6 night of the incident when she was speaking with law
7 enforcement.

8 Ladies and gentlemen, that night when the defendant was
9 assaulting her, choking her and threatening to kill her, she
10 was reasonably in fear for her life or serious bodily injury,
11 and that is why after you hear all the testimony from that
12 witness stand and see all the evidence in this case you'll
13 have no choice but to find the defendant, Ralph Martin,
14 guilty of criminal domestic violence of a high and aggravated
15 nature.

16 THE COURT: Counsel.

17 MR. WEHMAN: Thank you, Your Honor. May it please the
18 Court.

19 THE COURT: Yes, sir.

20 MR. WEHMAN: Solicitor Justis, Solicitor Ward.

21 Good afternoon. We want to thank you, Mr. Martin and I,
22 not necessarily for your attendance, because we know that's
23 mandatory: You have to be here. But what you do have the
24 choice about is your attention.

25 The Judge just went over a charge with you. And

1 attention I think is the most important thing that you can
2 take from that charge, because you have a very important job.
3 You are a judge, judge of the facts. The facts are going to
4 be laid out. The solicitor has made some representations
5 about what the facts will be. You'll have a chance to hear
6 them and make your own decision.

7 My client, Ralph Martin, walked into this courtroom an
8 innocent man. The State has a very, very important burden
9 that they have to meet before they can convict him of what
10 they have charged him with. They have the burden of proving
11 him guilty beyond any reasonable doubt.

12 Now, you'll hear from the victim, Ms. Martin, his wife
13 of over 40 years. She was there that night. She is the only
14 witness who will testify that was there that night when these
15 acts were alleged to have happened. She is going to recite
16 to you what happened that night. Pay attention. Take
17 everything that she says with a grain of salt, but also pay
18 attention to her words.

19 At the end of her testimony, along with the testimony of
20 the other witnesses in this case, I'm confident that you will
21 deliberate, pass your votes in to your foreman, and at the
22 end of that deliberation, you will find that the State has
23 not met their burden of proving Mr. Martin guilty beyond a
24 reasonable doubt.

25 Again, we'd like to thank you for your attention and for

1 your presence here today. Without you, we could not do this,
2 so thank you.

3 THE COURT: Solicitor, you may call your first witness.

4 MR. WARD: The State calls Richard Stevens.

5 RICHARD STEVENS,
6 being first duly sworn, testified as follows:

7 THE COURT: Your witness.

8 MR. WARD: Thank you, Your Honor. May it please the
9 Court.

10 DIRECT EXAMINATION BY MR. WARD:

11 Q. How are you today, Mr. Stevens?

12 A. I'm well.

13 Q. Good. Mr. Stevens, where do you live?

14 A.

15 Q. All right.

16 A. Summerville.

17 Q. And are you married?

18 A. Yes, I am.

19 Q. Are you employed?

20 A. I am.

21 Q. Where do you work?

22 A. in North Charleston.

23 Q. And how long have you lived at that address?

24 A. Going on ten years.

25 Q. And do you know the defendant in this case?

1 A. I do not.

2 Q. About how -- can you see the defendant's house from your
3 house?

4 A. Yes, it's three houses down.

5 Q. Okay. And is it on the same side of the street?

6 A. No, it's on the opposite side of the street.

7 Q. Opposite. About how far would you say your house is
8 from theirs?

9 A. Few hundred yards.

10 Q. Let's turn your attention back to the beginning of
11 July 2014. Can you tell the jury what you remember from that
12 day?

13 A. Yes. Just a second, though. I said yards. I meant
14 feet.

15 Q. Thank you.

16 A. Yes. That night my wife and I had gone out onto the
17 porch to smoke a cigarette. We heard some shouting outside.
18 There's a -- a bar across the street from where the incident
19 happened. A lot of times shouting comes from there, so I got
20 up and looked out the door to see where the shouting was
21 coming from.

22 I saw a shadowy figure at the residence in question, and
23 it was about halfway down the driveway behind a car. After a
24 few seconds maybe, I heard somebody say, "Help me. Help me."
25 Then I saw that figure move and a male voice said, "Get back

1 in the house."

2 And at that time I turned to my wife, asked her if I
3 should call the police, and I told her what I'd heard and she
4 said probably, so I did.

5 Q. Okay. And did you call police?

6 A. Yes, I did.

7 Q. And after that did you have any other involvement in
8 this case?

9 A. I think an officer came by the house and asked if I had
10 anything else to add, and I didn't, so no, nothing else after
11 that.

12 MR. WARD: Thank you. No further questions. Please
13 answer any the defense may have.

14 THE COURT: Cross-examination.

15 MR. WEHMAN: Thank you, Your Honor. May it please the
16 Court.

17 THE COURT: Yes, sir.

18 CROSS-EXAMINATION BY MR. WEHMAN:

19 Q. Good afternoon, Mr. Stevens.

20 A. Hi.

21 Q. Good afternoon. So you testified that you are a
22 neighbor of the Martins; is that correct?

23 A. Yes.

24 Q. Okay. You live a couple houses down?

25 A. Yes.

1 Q. And on that night, you testified you'd heard some
2 shouting?

3 A. Yes.

4 Q. Do you live near a bar?

5 A. Yes.

6 Q. About where is that?

7 A. Okay. The neighbor's house is three houses down and
8 across the -- he lives on the corner, and across the street
9 from them is the bar.

10 Q. Okay. And you testified you heard shouting and
11 someone -- you said a female's voice saying, "Help me"?

12 A. Yes.

13 Q. And you heard another voice from somewhere say, "Get
14 back"?

15 A. "Get back in the house," yes.

16 Q. Did you see anything?

17 A. It was dark.

18 Q. So you didn't see anything?

19 A. I didn't see who it was that had said it.

20 Q. Could you see who the female voice was that was
21 shouting?

22 A. No. I just saw a shadowy figure.. I couldn't see who it
23 was.

24 MR. WEHMAN: Okay. Court's indulgence, Your Honor.

25 No further questions, Your Honor.

1 THE COURT: Any redirect?

2 MR. WARD: Nothing from the State.

3 THE COURT: You may step down, Mr. Stevens. Thank you.

4 You may call your next witness.

5 MR. JUSTIS: At this time the State calls Becky Martin.

6 BECKY MARTIN,

7 being first duly sworn, testified as follows:

8 THE COURT: Your witness.

9 MR. JUSTIS: Thank you, Your Honor, may it please the
10 Court.

11 THE COURT: Yes, sir.

12 DIRECT EXAMINATION BY MR. JUSTIS:

13 Q. Good afternoon, Ms. Martin.

14 A. Hello.

15 Q. Could you tell us where you live?

16 A.

17 Q. And is that --

18 A. Summerville.

19 Q. -- in Summerville?

20 A. Yes.

21 Q. Is that in Dorchester County?

22 A. Yes, it's in

23 Q. Okay. And were you living there back in July of 2014?

24 A. Yes.

25 Q. Okay. And who were you living at that residence with

1 back then?

2 A. My husband.

3 Q. And who --

4 A. And my son.

5 Q. Okay. And who's your husband?

6 A. Ralph Martin.

7 Q. Is he in the courtroom today?

8 A. Yes.

9 Q. Could you point him out for the jury?

10 A. He's over there with the blue shirt (indicating).

11 MR. JUSTIS: Please let the record reflect she
12 identified the defendant as her husband, Mr. Ralph Martin.

13 Q. Was there an opportunity for law enforcement to arrive
14 at your house back in July of 2014?

15 A. Yes.

16 Q. And what was happening that night that precipitated law
17 enforcement coming to the house?

18 A. Ralph suffers from post-traumatic stress disorder --
19 syndrome, and he was also drinking, and he gets -- he don't
20 make sense. He starts scrambling his words and hollers and
21 everything when he's -- he's going through episodes.

22 Q. Okay. And was there a verbal altercation that occurred
23 that night?

24 A. No.

25 Q. Okay. Was there any physical altercation between he and

1 you that evening?

2 A. No.

3 Q. Okay.

4 A. Other than him -- he did not take the leash to me. He
5 took the leash, but he didn't put it around me. He had some
6 twine and he wrapped them around my arms and my neck, but it
7 was loose and I just took it off.

8 Q. Okay. I'm showing you what's been marked as State's
9 Exhibit No. 1. Could you take a look at that for me and tell
10 me if you recognize that?

11 A. Yes. He didn't -- it's too little. That's Sandy's, my
12 dog's -- his dog's leash.

13 Q. Okay.

14 A. It would not go around me.

15 Q. Okay.

16 A. No way.

17 Q. Did he attempt to put it around you?

18 A. No, he just picked it up, but he didn't even -- he
19 looked at it and realized that it wouldn't go around me.

20 Q. Let me show you what's been marked as State's Exhibit
21 No. 2. Do you recognize this?

22 A. Yes, that's crabbing twine.

23 Q. Is that the twine he put around your hands?

24 A. It was, yes, around here (indicating) and around my
25 neck, but it was very loose. I just took it off. He was

1 trying to confine me.

2 Q. So you're saying he was trying to confine you with it?

3 A. Yes. Because I -- when he -- when he gets into those
4 situations where his panic -- with the post-traumatic
5 syndrome, he loses -- he doesn't know who he is and he -- he
6 starts calling out people's names and I don't know who he's
7 talking about it. He don't know who he's talking about.. It
8 stem back from coming home from Vietnam. He done the same
9 thing then, and that's been 30-some years, 40-some years ago.

10 Q. Okay.

11 A. We've been together 47 years.

12 Q. And when he started doing this, at some point in time,
13 did you walk outside?

14 A. Yes.

15 Q. Okay. And when you walked outside, what did you do?

16 A. I just went outside.

17 Q. Okay. Did you say anything when you went outside?

18 A. No, I just went outside.

19 Q. Okay. And at what point did you come back inside?

20 A. I didn't. He come outside.

21 Q. Okay. And what happened when Mr. Martin came outside?

22 A.. He come outside and grabbed hold of me and told me to go
23 back inside. But by that time the dogs -- we've got two
24 dogs, and they come out, and so he was screaming for them to
25 come back.

1 Q. Okay. And the leash and the twine incident, did that
2 happen prior to you coming outside or did that happen after?

3 A. After. No, the leash was first.

4 Q. Okay.

5 A. Yes.

6 Q. So the leash happened, then you came outside?

7 A. Yes. And then he -- when I come back inside, he come
8 out and told me to come back inside.

9 Q. What was he trying to do with the leash?

10 A. I guess he thought he was going to tie me up, but it was
11 too little.

12 Q. What did he try to tie -- like what part of you did he
13 try to tie up with it?

14 A. He didn't do anything. He just grabbed it. Then he
15 realized it was too little and he put it down.

16 Q. Did he say anything when he picked it up?

17 A. No.

18 Q. Do you remember police arriving that evening?

19 A. Vaguely.

20 Q. Okay. Did you call police?

21 A. No.

22 Q. And what did you tell police when they arrived?

23 A. I don't remember. I don't remember anything from that
24 night.

25 Q. Okay. Do you remember giving a written statement to

1 police that evening?

2 A. No. I mean, I remember writing, but I don't remember
3 what I wrote or why.

4 Q. So you don't recall giving a written statement to
5 Deputy Strickland that evening?

6 A. No, sir.

7 Q. I'm showing you what's been marked as State's Exhibit 5.
8 Do you recognize it? Please take a moment to look at it. Do
9 you recognize that?

10 A. Yes, that's my handwriting.

11 Q. Okay.

12 A. But I don't remember what these questions were that I
13 answered. I don't remember that.

14 Q. So you remember making a statement, but you don't
15 remember --

16 A. Yes.

17 Q. -- the content of the statement?

18 A. No.

19 Q. Would that be a fair --

20 A. Yes.

21 Q. -- statement to say?

22 A. Yes.

23 Q. But that is your handwriting?

24 A. When I'm nervous, yes. I usually write better than
25 that.

1 Q. And is that your signature at the bottom?

2 A. Yes.

3 Q. And what about the second page; is that your signature
4 at the bottom?

5 A. Yes.

6 Q. And what was the -- what was the date on that statement?

7 A. It was July the 1st, I thought. Where is the date?

8 July the 1st.

9 Q. Okay. Thank you. Would it help if you read this to
10 refresh your memory about what you told police that night?

11 A. No.

12 Q. Would that help you?

13 A. No.

14 Q. Okay. Now, did you have -- did you have an opportunity
15 to -- obviously you talked to police that night?

16 A. I don't remember. I remember this officer (indicating),
17 but I don't remember anybody else.

18 Q. Okay. Officer Powell right here (indicating)?

19 A. Yes.

20 Q. So you remember --

21 A. Yes.

22 Q. You remember his face from that evening?

23 A. Yes.

24 Q. Do you remember meeting with an EMT?

25 A. No.

1 Q. Okay. And do you remember if you went to the hospital
2 that night?

3 A. No, no. I wasn't hurt.

4 Q. Okay. And did you have an opportunity to give another
5 statement recently?

6 A. No.

7 Q. To anyone?

8 A. No. Not that I know of.

9 Q. Okay. Do you remember making a statement to
10 Mr. Martin's attorneys last week at their office? Do you
11 remember doing that?

12 A. I don't know what I said.

13 Q. Okay. Let me show you what's been marked as State's
14 Exhibit No. 6. Please take a look at that. Let me know if
15 it refreshes your memory.

16 A. Yes.

17 Q. Okay. So do you remember making that statement to them
18 last week?

19 A. Yes.

20 Q. Okay. Is that your signature at the bottom?

21 A. Yes.

22 Q. So you would agree with the statements in there?

23 A. Yes.

24 Q. So could you tell the jury what you told the public
25 defender's office last week what happened? I mean, you've

1 read this statement.

2 A. Yes.

3 Q. Do you need to see it again?

4 A. I guess. I don't --

5 Q. Okay.

6 A. I suffer from anxiety disorder, so I can't -- I don't --
7 sometimes I don't remember.

8 Q. I understand.

9 A. I take medication for it.

10 Q. What was it you told the public defender's office last
11 week that occurred that evening?

12 A. I don't need that. I can tell you what happened.

13 Q. Okay.

14 A. He -- he --

15 Q. Well, tell us.

16 A. He had been -- Ralph had been drinking all day, and he
17 was also taking his medicine for post-traumatic stress
18 disorder, and he -- he went to lay down. And when he woke
19 back up about four hours later, he was just not making any
20 sense. He was talking out of his head and called out
21 people's names that I did not know, and he really scared me.

22 Q. Right.

23 A. So I --

24 Q. So you were scared that night?

25 A. Yes, and I ran out. That's why I ran out.

1 Q. But he came after you?

2 A. Yes. He told me get back in the house, and I went back
3 in the house.

4 Q. Okay. All right. Thank you.

5 At this time I'm going to show you State's Exhibit 17
6 through 21. Can you please take a look at these and tell me
7 if you recognize these?

8 A. Mm-hmm, yes. Well, that right there is this right here
9 (indicating) from a dog that I used to have, and she was
10 small. When we pick her up, she scratched me. That's scars.
11 But my mouth being bloody, yes --

12 Q. Well, first of all --

13 A. -- see my teeth?

14 Q. -- what do they appear to be?

15 A. My teeth are messed up. They always -- I always got
16 blood on my mouth.

17 THE COURT: Ms. Martin, if you would, on -- the number
18 of each picture, if you're describing something on each
19 picture, please reference the number.

20 Q. Right. Generally, first of all --

21 A. What?

22 Q. There's a number on each picture on the back. Okay?

23 Generally, what are those?

24 A. What are?

25 Q. Photographs?

1 A. Yes.

2 Q. Of what?

3 A. Of me.

4 Q. Okay. And if you look at each photograph, and if you
5 turn it over, there's a number on each one.

6 A. Mm-hmm.

7 Q. On the little red sticker. If you could tell us the
8 number and then kind of describe what that is a picture of.

9 A. This is No. 18, and it's just my neck. There's no --
10 there's no cuts or anything.

11 And this is No. 19, and I don't see anything.

12 And this is No. 20 and, no, I don't see anything except
13 for the scars that are there right now from the dog.

14 And this is 21, and I don't see anything.

15 Q. But you would agree that they're all pictures of you?

16 A. Yes.

17 Q. And this is from that evening?

18 A. I guess. Those are the scars right there from my puppy
19 (indicating).

20 Q. Okay. Thank you.

21 MR. JUSTIS: Beg the Court's indulgence.

22 Q. Ms. Martin, were you drinking that evening?

23 A. I don't drink.

24 Q. Okay.

25 A. I've never drank in my life. I do not smoke. I do not

1 take drugs except for my medication from the doctor. I do
2 not drink.

3 Q. Okay.

4 A. Anybody that knows me knows I don't drink. And I am a
5 Christian, so --

6 MR. JUSTIS: Okay. Well, thank you very much. Please
7 answer any questions that Mr. Wehman might have for you.

8 THE COURT: Cross-examination.

9 MR. WEHMAN: Thank you, Your Honor. May it please the
10 Court.

11 THE COURT: Yes, sir.

12 CROSS-EXAMINATION BY MR. WEHMAN:

13 Q. Ms. Martin, how are you?

14 A. Angry.

15 Q. Yes, ma'am.

16 A. I'll calm down.

17 Q. Yes, ma'am.

18 Now, you had mentioned before about PTSD --

19 A. Mm-hmm.

20 Q. -- in reference to Ralph.

21 A. Mm-hmm.

22 Q. Where did that come from?

23 A. From Vietnam. He's a Vietnam veteran.

24 Q. Okay. What branch did he serve in?

25 A. In the Army.

1 Q. And did he do any tours overseas?

2 A. Did he?

3 Q. Yes.

4 A. Yes, Vietnam.

5 Q. Right, right.

6 A. And also he went to Germany, but I went with him when he
7 went to Germany.

8 Q. Okay, okay. Now --

9 A. And he volunteered. He was not drafted. The draft was
10 back then. He volunteered for all of it.

11 Q. Okay.

12 A. He's a very good man.

13 Q. Now, you stated, when you were speaking to the
14 solicitor, about being confined. At any point during that
15 confinement, were you in fear for your life?

16 A. No. I've been with him for 47 years. He won't -- no.
17 If he was going to hurt me, he would have done it by now.

18 Q. Okay. At any point during this altercation, did he
19 strike you?

20 A. No.

21 Q. And you stated that -- did he ever put the dog leash
22 around your neck?

23 A. No. It's too little.

24 Q. If you weren't in fear for your life, why do you believe
25 he was binding you?

1 A. Trying to hold me, keep me from going, leaving. He was
2 afraid I was going to leave. He was not in his right mind.

3 Q. So you believe he was afraid you were going to leave?

4 A. Yes.

5 MR. WEHMAN: Court's indulgence, Your Honor.

6 THE COURT: Yes, sir.

7 MR. WEHMAN: May I approach the witness, Your Honor?

8 THE COURT: You may.

9 Q. I'm going to show you what you've already looked at,
10 which is State's Exhibit 17. You were saying something about
11 the blood on your mouth. Can you tell me what -- how that
12 blood got there?

13 A. Me biting my lips. Do I need to show you my teeth?

14 Why --

15 Q. You're fine.

16 A. I got diabetes, and my teeth are breaking off, and so
17 they're very baggy, so they're always bloody or something.
18 And I can't walk because of my diabetes.

19 Q. Now, when EMS came -- do you recall EMS coming?

20 A. No.

21 Q. You don't?

22 A. No.

23 Q. So you do not remember what you told them?

24 A. No. I don't remember talking to any -- I don't remember
25 any of that.

1 Q. Okay. But you did testify that you did not go to the
2 hospital?

3 A. No. I've never gone to the hospital or a doctor's
4 office because of anything that he's done to me, no.

5 I fell at my doctor's office the other day and did more
6 damage, broke my glasses, blacked my eye, because I can't
7 walk.

8 Q. Okay.

9 A. Blacked my knee, and I still got scars on my hands, but
10 the doctor was right there. Saw it.

11 MR. WEHMAN: Court's indulgence, Your Honor.

12 I have no further questions, Your Honor.

13 THE COURT: Any further redirect?

14 MR. JUSTIS: None, Your Honor.

15 THE COURT: You may step down, Ms. Martin. Thank you.

16 THE WITNESS: Thank you.

17 THE COURT: You may call your next witness.

18 MR. WARD: Colleen Connolly.

19 COLLEEN CONNOLLY,
20 being first duly sworn, testified as follows:

21 THE COURT: Your witness.

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

24 THE COURT: Yes, sir.

25 DIRECT EXAMINATION BY MR. WARD:

1 Q. Good afternoon, Ms. Connolly.

2 A. Good afternoon.

3 Q. Where are you currently employed?

4 A. Dorchester County EMS.

5 Q. And how long have you worked there?

6 A. I've been full-time there for about a year now.

7 Q. Okay. What type of education is required for your job?

8 A. We do about a year of school, and then there's a
9 nationally standardized testing that we have to go through in
10 order to get our certification, including every month we have
11 to complete so many hours of continuing education and
12 recertify every three years.

13 Q. And what is your job title right now?

14 A. I am an EMT, emergency medical technician, crew member
15 with Dorchester County.

16 Q. And part of your -- what are some of your job duties?

17 A. Patient care. We do a lot of -- EMTs do a lot of trauma
18 patient care, including taking care of the truck, public
19 service events.

20 Q. And could you explain for the jury kind of the procedure
21 you follow when you're called out to an assault case?

22 A. Sure. We get the call, generally with assault cases, if
23 there's not police already on scene, we stand by in the area
24 until the scene's secured. Once we arrive on scene, we
25 immediately make patient contact. Usually if the officers

1 are there, we get a little information from the officer,
2 whatever information they have.

3 Once we make patient contact, we speak with the patient,
4 find out their chief complaints and immediately start getting
5 vital signs and taking care of the patient, treating any
6 injuries they have, then getting them loaded into the
7 ambulance and transporting them to the ER for further
8 evaluation by a physician.

9 Q. And what happens if someone refuses to go to the
10 hospital, to be transported to the hospital?

11 A. It's their right to refuse, so if they do refuse, we
12 explain to them any risks involved related to their injuries
13 that they might -- might cause further action if they don't
14 get treated. And we have them sign our refusal policy.

15 Q. Okay. Now, let's turn your attention to the incident in
16 this case. How did you become involved?

17 A. There was a 911 call received for our dispatch center.
18 So then we were the closest truck to the incident, so we were
19 dispatched there. The scene was already secured. There were
20 already police on scene, so we were able to go straight into
21 the scene, which was the residence, and made patient contact.

22 Q. Okay. And who was the patient you made contact with?

23 A. Patient was Ms. Becky Martin.

24 Q. Okay. And what was the first thing you did when you
25 made contact with Ms. Martin?

1 A. We immediately asked her what had happened and what she
2 was complaining of, what her chief complaints were.

3 Q. And what were her chief complaints?

4 A. She was complaining of some head pain as well as some
5 tenderness in her neck where there was some bruising present.

6 Q. Okay. I'm showing you what's been marked as State's
7 Exhibits 17 through 21, if you'd take a look at those.

8 A. Okay.

9 Q. Do you recognize those?

10 A. Yes, sir. This is the victim, Becky Martin, that we
11 were called to evaluate.

12 Q. And are those photographs a fair and accurate
13 representation of what you saw on her that night?

14 A. Yes.

15 MR. WARD: At this time, Your Honor, we'd ask for
16 State's Exhibits 17 through 21 to be admitted into evidence.

17 (State's Exhibits 17-21 admitted into evidence.)

18 THE COURT: Any objection?

19 MR. LOY: No objection, Your Honor.

20 THE COURT: They're in.

21 MR. WARD: May I publish for the jury, Your Honor?

22 THE COURT: Yes, sir.

23 Q. I'm showing you what's been marked as State's 17. Could
24 you explain kind of what you saw on her that night from this
25 picture?

1 A. There was -- on the right lateral and posterior part of
2 her neck, there was some slight bruising going on and redness
3 to the area.

4 Q. And if you can, on the screen right there, you can
5 actually touch it and kind of circle and put marks on the
6 screen. If you could show what you were describing or where
7 you saw those injuries.

8 A. The area was kind of like right in here (indicating) and
9 then around to the back of her neck, which you can't see as
10 well in this picture. And there was some redness where the
11 patient had stated that the -- she had been strangled.

12 Q. And did you notice anything about her mouth?

13 A. Yes. There were some cuts and bleeding to her mouth.
14 You can see in this picture.

15 Q. Okay. I'm showing you State's 18. Were you able --
16 could you explain this photograph?

17 A. This is another picture of her neck. Same. There was
18 redness and bruising in this area around to the back of the
19 neck that (indicating) --

20 Q. And then State's 21, did you see anything when you
21 evaluated her that night on this part of her?

22 A. I don't believe so. I don't have anything noted in my
23 report about that.

24 Q. Okay. And after you evaluated Ms. Martin, what was your
25 advice to her?

1 A. That she be transported by me and my partner to the
2 hospital to be further evaluated by a physician.

3 Q. And why was it your -- why did you tell her she should
4 be evaluated further?

5 A. When she received several blows to the head, she stated,
6 by a closed fist and was complaining of pain in her head and
7 a headache, and that can cause a number of life-threatening
8 injuries, including, you know, bleeding inside your head,
9 hemorrhaging.

10 And then in addition to that, she stated that she had
11 been strangled with a dog leash and then a piece of some sort
12 of yarn around her neck. And strangulation can cause
13 swelling inside your throat. You can create trauma to the
14 area, break something in that area. And all of those can
15 lead to life-threatening injuries.

16 And we, unfortunately, in the field don't have the
17 ability to rule all of that out, so we recommended that she
18 be transported and evaluated at the hospital where they have
19 that ability to rule out those sort of things.

20 Q. And did Ms. Martin take your advice and go to the
21 hospital that night?

22 A. She did not. She refused transport to the ER, despite
23 me and my partner explaining these things to her and against
24 our medical advice, which I stated in my report, and she, as
25 every patient who is alert and oriented, has that right to.

1 Despite knowing that they could have life-threatening
2 injuries, they can refuse transport.

3 Q. Okay. And did she -- how did she refuse? Is there
4 something she needed to --

5 A. She signed our refusal policy for Dorchester County,
6 which states that we recommended and told her that her
7 condition required further evaluation by a qualified
8 physician and that she would be best served by being
9 transported in the EMS unit. We advised her of the possible
10 consequences of her decision and explained to her that these
11 could result in loss of life or other serious aggravation of
12 any medical condition she already had.

13 And she signed stating that she understood all of that
14 and that even though we requested that she receive further
15 treatment by us that she decided to refuse.

16 MR. WARD: Thank you. Beg the Court's indulgence.

17 THE COURT: Yes, sir.

18 MR. WARD: No further questions. Please answer any the
19 defense may have.

20 THE COURT: Cross-examination.

21 MR. LOY: Thank you, Your Honor.

22 CROSS-EXAMINATION BY MR. LOY:

23 Q. I'm sorry. I missed your name when you came in, ma'am.

24 A. Colleen Connolly.

25 Q. Ms. Connolly?

1 A. Yes, sir.

2 Q. And, Ms. Connolly --

3 MR. LOY: May I approach the witness, Your Honor?

4 THE COURT: You may.

5 Q. I see you've got some paperwork up there with you.

6 A. Yes, sir.

7 Q. Is this duplicative of what I have? Do I have the same
8 stuff?

9 A. Yes, sir.

10 Q. So we're looking at the same paperwork?

11 A. Yes, sir.

12 Q. And you were referring to that -- the paperwork I
13 mean -- during the course of your testimony; is that correct?

14 A. That is.

15 Q. And this happened -- that is, you responded to
16 or , whatever it was, back in July; is
17 that right?

18 A. July 1st.

19 Q. Okay. So it's been months, six, seven months since
20 then, a little more; is that right?

21 A. Yes, sir.

22 Q. And you've responded to a lot of calls in the meantime,
23 have you not?

24 A. That is correct.

25 Q. How many in a day or a week? And I know it varies, but

1 roughly, what would be fair to say?

2 A. Probably in the Summerville area, it can be anywhere
3 from two to six calls. It fluctuates. It's really hard to
4 really put a number on it.

5 Q. When you say two to six calls, do you mean in a shift,
6 in a day that you work?

7 A. In a 24-hour shift.

8 Q. And is that how you work, on a 24-hour shift?

9 A. Yes, sir.

10 Q. So -- and then it's a small percentage of those cases
11 that you respond to that you're actually called into court to
12 testify; is that right?

13 A. That's correct.

14 Q. Have you been called to testify before?

15 A. I have been called to testify but not actually
16 testified.

17 Q. Not put on the witness stand?

18 A. Right, correct.

19 Q. You're doing great.

20 A. Thank you.

21 Q. And I take it that the scenes or situations that you're
22 called to or respond vary a great deal, do they not?

23 A. They can, yes.

24 Q. I mean, sometimes people have, and I don't know the
25 lingo, but an organic difficulty, like something wrong with

1 them physically from the inside, like have a heart problem or
2 a kidney problem or an aneurysm, those of type of things, and
3 you get called upon to respond to those, do you not?

4 A. Correct.

5 Q. And sometimes it's more on the lines of an automobile
6 accident or a farm accident or any nature of things that
7 cause people to be in danger or hurt; is that right?

8 A. Correct.

9 Q. Okay. And it would certainly be fair to say that since
10 you're not a rolling hospital, I understand you all do the
11 best that you can when you show up, but you all err on the
12 side of caution; is that fair to say? Do you understand my
13 question?

14 A. Um --

15 Q. What I mean -- and I'm sorry. I don't want to cut you
16 off, but if you don't, I can rephrase it and maybe make it a
17 little artfully constructed.

18 What I mean is this: If you show up and you and your
19 partner think, "Well, this person might need more medical
20 treatment, well, they might well not," you advise them to get
21 more medical treatment or be seen by the doctor, do you not?

22 A. Correct. And I feel that anybody who felt the need to
23 call 911, which is an emergency service, had something going
24 through their head that they felt like they need to be
25 evaluated, and that would most -- you know, properly be done

1 by a physician.

2 Q. Okay. But separating this case from those, since
3 there's nothing before you that tends to show you that
4 Ms. Martin dialed 911 -- I mean, you were summoned by someone
5 else.

6 A. Mm-hmm.

7 Q. So in a situation where, regardless of who dialed for
8 EMS, when you respond, if you think it's questionable as to
9 whether or not further treatment would be beneficial to this
10 person, you err on the side of caution and recommend they be
11 seen?

12 A. Yes, I would recommend that they go to the ER.

13 Q. And that's what you did in this case; is that right?

14 A. I recommended that she be evaluated by a physician
15 because her injuries could have caused some sort of life
16 threat or furthered her medical conditions that she already
17 had.

18 Q. Okay. Well, I'm looking on what I think is Page 3 --

19 A. Mm-hmm.

20 Q. -- of your report.

21 A. Mm-hmm.

22 Q. And just so I can show you what I'm looking at, it's
23 this one that says "final" and it's got a narrative here?

24 A. Correct.

25 Q. Do you have that with you?

1 A. I do.

2 Q. Would you look at that with me for just one moment. And
3 I was counting down in the narrative section, one, two,
4 three, four, five, six, seven lines, which starts with -- and
5 then three words in, "No additional pain"; do you see that?

6 A. Yes, sir.

7 Q. And would you read -- just begin reading there for me,
8 please.

9 A. "No additional pain upon palpation of the head."

10 Q. Now, let me slow you down. What does that mean, "No
11 additional pain upon palpation of the head"?

12 A. She was complaining of head pain, and palpating is when
13 you press down around, so we check that there's no additional
14 rebound tenderness or pain when you press down.

15 Q. And in this case there was not?

16 A. Correct.

17 Q. Okay. And it goes on, "Redness with mild tenderness
18 upon palpation of the lateral portions of the neck"; is that
19 right?

20 A. Correct.

21 Q. Then it says, "No pain or tenderness down the spinal
22 column"?

23 A. Yes.

24 Q. "Or through the back"?

25 A. Yes.

1 Q. And no other acute findings?

2 A. Correct.

3 Q. Now, they publish an indictment in this Court earlier
4 that said Ms. Martin had been knocked unconscious on that
5 evening. Did you ask her about loss of consciousness?

6 A. I believe I -- yes, I did, and she said she denied any
7 loss of consciousness --

8 Q. So when you --

9 A. -- as stated in my report.

10 Q. I'm sorry. I didn't mean to cut you off.

11 A. No, that's okay. I was just saying stated in my report
12 that she denied any loss of consciousness.

13 Q. So when you responded to the scene, when the police were
14 there and things were going on and the lights were flashing
15 and you were doing your examination, you asked, and they
16 said, "Well, no, there was no loss of consciousness"; is that
17 right?

18 A. That is correct.

19 Q. No falls?

20 A. Correct.

21 Q. No tightness or tenderness in the throat, yes?

22 A. Correct.

23 Q. Now, you've talked about some mild bruising or
24 tenderness or something in the throat, but if we look at
25 this, at this line it says, "No tightness or tenderness in

1 the throat or difficulty breathing."

2 A. Correct.

3 Q. Is that right?

4 A. Correct.

5 Q. Denies chest pain and that she doesn't need to go to the
6 doctor, that in her opinion she doesn't want to go to the
7 doctor.

8 A. In her opinion, she felt like she did not want to be
9 transported by us to the ER at that time.

10 Q. And you agree that's her right?

11 A. That is her right, correct.

12 Q. She exercised it?

13 A. Correct.

14 Q. You passed her on the way out, so she did survive the
15 whole ordeal?

16 A. Yes.

17 MR. LOY: Just one moment, please.

18 Nothing further. Thank you.

19 THE COURT: Any redirect?

20 MR. WARD: Briefly, Your Honor.

21 REDIRECT EXAMINATION BY MR. WARD:

22 Q. Looking at that narrative that you've been looking at,
23 what was her chief complaint when you were evaluating her?

24 A. She stated her chief complaint was head pain and -- give
25 me just a moment, head pain and tenderness to the neck

1 (indicating).

2 Q. Okay. And you stated she refused to go to the hospital,
3 but also in here, did she mention about anyone being able to
4 take her in case?

5 A. She stated she did not want to go with us at that time,
6 but if she felt like her granddaughter lived close and that
7 her granddaughter could take her to be evaluated or that she
8 might be able to manage the pain on her own at home, but she
9 urged very strongly about her granddaughter being so close
10 and being available to take her to the hospital to be
11 evaluated.

12 MR. WARD: Thank you. No further questions.

13 MR. LOY: Nothing, Your Honor, thank you.

14 THE COURT: You may step down, ma'am. Thank you.

15 THE WITNESS: Thank you.

16 THE COURT: You may call your next witness.

17 MR. JUSTIS: State calls Deputy Carlin Strickland.

18 MR. WEHMAN: Your Honor, may we approach?

19 THE COURT: You may.

20 (Judge and attorneys confer.)

21 THE COURT: Ladies and gentlemen, let's take just a
22 brief recess. If you would step into your jury room, we'll
23 be right back with you.

24 (The jury retires to the jury room at 3:22 p.m.)

25 THE COURT: Mr. Loy, you had a matter to bring up to the

1 Court?

2 MR. LOY: I think Mr. Wehman is going to handle that
3 argument at the bar, Your Honor.

4 THE COURT: You may proceed.

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

7 THE COURT: Yes, sir.

8 MR. WEHMAN: I believe that the State is intending to
9 call the deputy to elicit the statement that's been made.
10 And the defense's argument would be that the witness has been
11 called to the stand. She has been confronted with this
12 statement. She admitted that she signed the statement. She
13 did deny not remembering what was in the statement.

14 However, the Rule 613 does allow impeachment of a
15 witness on their own statement. However, it must be -- she
16 must be confronted with what is in that statement. The
17 solicitor is well within his rights to go through that
18 statement, advise her of what is in there, have her admit or
19 deny on the record whether she made that statement.

20 At that point, if she denies making the contents of that
21 statement, extrinsic evidence of that statement is
22 admissible. He can publish the statement. He can try to
23 submit it into evidence. However, in this case, she was
24 presented with the statement. She said that was her
25 signature. The contents of that statement were not -- were

1 not delved into. We did not hear what she wrote. She did
2 not get a chance to admit or deny that she said those things.

3 Based on that, we would argue on -- based on the notes
4 on Rule 613 that the State did not allow her to comment on
5 the contents of that statement and, therefore, no further
6 extrinsic evidence of that statement is admissible.

7 THE COURT: All right. Solicitor?

8 MR. JUSTIS: Yes, Your Honor. According to Rule 613 of
9 the rules of evidence, it does state that unless the witness
10 is advised of the substance of the statement, which in this
11 case she was actually handed the statement, she was given the
12 opportunity to read the entire statement, okay, which she
13 did.

14 She looked at the entire statement, both pages; the time
15 and place it was allegedly made, we did cover that with her;
16 and the person to whom it was made, we said
17 Deputy Strickland, given the opportunity to explain or deny
18 it.

19 Her explanation was she didn't remember. She didn't say
20 she didn't make the statement; she didn't say she did. She
21 said, "I don't remember. It's my handwriting, but I don't
22 remember."

23 And under *State v. Moses*, it specifically states that
24 there's wide latitude extends to a witness indicating an
25 ability to recall or to remember a previous statement. So

1 she has to -- unequivocally, she has to say, "I made that
2 statement," and she didn't state that.

3 If she says, "I didn't make that statement," it can come
4 in, or if she says, "I don't remember," it comes in. And she
5 clearly said several times, "I don't remember." She talked
6 about her memory, how she doesn't remember things and
7 everything. So she clearly stated she did not remember
8 making that statement.

9 She did acknowledge, "That's my signature," you know,
10 "that's my handwriting, but I don't remember making the
11 statement."

12 So based on that, the State would allege that we are
13 entitled to have this officer authenticate that statement and
14 have that statement brought in as extrinsic evidence against
15 her.

16 THE COURT: Pursuant to Rule 613, a witness's own
17 out-of-court statement is hearsay if offered for its truth.
18 However, when a witness's prior inconsistent statement is
19 offered for impeachment, however, it's being offered merely
20 to show that the witness told a different story at a
21 different time, so it's admissible.

22 You may proceed. Let's have our jury back.

23 MR. JUSTIS: And, Your Honor, if we might real quick,
24 before we bring the jury out, we have a similar situation
25 with oral statements that were made to Deputy Powell.

1 Deputy Powell had his body mic on the entire time, and she
2 makes some oral statements similar -- I mean, similar to what
3 she puts in her written statement. She makes some oral
4 statements, and it would be our intention with Deputy Powell
5 to get into those oral statements. We have that recording,
6 and that was provided to the defense also.

7 (Brief pause.)

8 MR. JUSTIS: So we would have the same issue. Rather
9 than having to bring the jury in and out, if you want to
10 address it, we would make the same argument that she -- you
11 know, I asked her about oral statements that she made to the
12 police officers. She, again, said she couldn't remember.

13 Now, we do have, obviously with his body mic, there's a
14 lot of stuff going on. There's parts of his body mic
15 recording that has things that the defendant was saying. It
16 would be our intention to play only snippets that deal with
17 what she said, those statements she said, so that it would --
18 because there are some issues with some prior bad acts, and
19 it would be our intent to keep that out. And we can actually
20 review that with -- before we call Deputy Powell, with the
21 defense so that they're aware of what portions we would play.

22 MR. LOY: Is it a couple of minutes? Is it 20 minutes?

23 MR. JUSTIS: Total, it's probably going to be a couple
24 minutes. It's not long.

25 THE COURT: Okay.

1 MR. JUSTIS: The whole video is like an hour and 40
2 minutes, but we've gone through and narrowed it down to
3 probably about eight, ten minutes tops, maybe.

4 THE COURT: Do you all want to take a quick break to
5 review that?

6 MR. LOY: Yes.

7 MR. JUSTIS: Do you want to do that now? We can do
8 that.

9 THE COURT: And that way if there's any objections, we
10 can deal with it all at once.

11 MR. LOY: Thank you, Your Honor.

12 THE COURT: So you all just let me know when you're
13 ready.

14 MR. JUSTIS: Thank you, Your Honor.

15 THE COURT: We'll be at ease, just don't discuss your
16 testimony with anybody.

17 (Recess held.)

18 THE COURT: Have you all had an opportunity to review
19 the statement?

20 MR. JUSTIS: We have, Your Honor.

21 THE COURT: Okay. And is everybody in agreement as far
22 as what's coming in? I know you still wanted to put your
23 objection regarding the officers.

24 MR. WEHMAN: Yes, Your Honor.

25 THE COURT: Okay. I'll be happy to hear from you.

1 MR. WEHMAN: Thank you, Your Honor. And may it please
2 the Court.

3 THE COURT: Yes, sir.

4 MR. WEHMAN: It's my understanding that there will be
5 four segments of audio from, I believe, Officer Powell that
6 will be attempted to be introduced into evidence. And we
7 would make the argument that these are captured on a body
8 microphone. There's no video. It's just his dash cam was on
9 and he was recording. His body mic picked up all of these
10 statements made by Becky, Becky Martin. We would argue that
11 these are hearsay.

12 And secondly, we would kind of renew our previous
13 argument as to the written statement. We would argue that
14 this is extrinsic evidence of a statement. First, she --
15 that statement that she made in writing is going to be
16 introduced into evidence. You've already ruled on that a few
17 moments ago.

18 And secondly, extrinsic evidence of a statement that she
19 made is not admissible unless the witness is advised of the
20 substance of the statement, the time and place it was
21 allegedly made and the person to whom it was made. And
22 that's *State v. Galloway*, which is still good law in South
23 Carolina.

24 We would argue that she was presented with a statement
25 by the solicitor. She was asked whether or not her signature

1 was affixed to the bottom of it, which she admitted, and he
2 asked if she made that statement. She said she could not
3 remember.

4 However, it was never clear whether or not she read
5 through that statement. I believe at one point he said, "Are
6 you going to read through," and she might have made some
7 reference to, "No, I don't need to," or "I don't" -- it is
8 not clear that she read that statement, actually read the
9 words and denied whether or not she made it or not.

10 We would argue that she gets that opportunity to read it
11 and have it made clear on the record that she did read it and
12 does not know if she made that statement or not.

13 THE COURT: Mr. Justis?

14 MR. JUSTIS: And I would argue, Your Honor, she did have
15 it. She had the opportunity to read it. She didn't read it
16 out loud, but she did look at the statement. It actually
17 protects the jury from hearing those statements. She had an
18 opportunity to read it and either deny it, say "I don't
19 remember" or say, "Yes, this is true," before any of those
20 statements were actually improperly introduced to the jury.

21 So we would say that the law is very clear. She says
22 she doesn't remember, which she stated that several times, "I
23 don't remember anything I said," basically, is what she said.
24 "Yes, that's my signature. Yes, that's my handwriting, but I
25 don't remember." So we would argue that it does meet that

1 exception.

2 THE COURT: The Court's recollection of her testimony
3 was that she was given the statement. She indicated that it
4 was her handwriting on the date in question, which was
5 July 1st. She also stated that it was her signature. Her
6 testimony, however, was not unequivocal admission that she
7 made the statement, said it was her writing, but she doesn't
8 remember making the contents of the statement.

9 So based upon that, under *State v. Blalock*, basically
10 when that court found that when a witness admits
11 unequivocally that a prior inconsistent statement has been
12 made by him or her, at that stage they impeach themselves.
13 This is not what she did. She said that she did not
14 remember, so therefore, evidence is admitted when simply --
15 when the witness simply avoids any direct answer, which is
16 what she did. She just basically said that she did not
17 remember.

18 And *State v. Blalock* found that if a witness either
19 directly admits or denies the act of declaration as when he
20 merely states that he does not recollect or as it seems gives
21 any further indirect answer not amounting to an admission, it
22 is competent for the adversary to prove the affirmative or
23 otherwise the witness might in every case exclude evidence of
24 what he had done or said by answering he did not remember.

25 So based upon that, I think it's clearly -- it goes to

1 being offered that the witness told a different story at the
2 time, not for the truth of the matter asserted, so I think
3 the witness's statement does come in, as does the oral
4 statements, because statements can be either oral or written,
5 so I think you're free to proceed on those grounds.

6 MR. JUSTIS: Thank you, Your Honor.

7 MR. WEHMAN: Thank you, Your Honor.

8 (State's Exhibit 5 admitted into evidence.)

9 MR. JUSTIS: Yes, Your Honor. If we might, at this time
10 we can publish the times we're going to play on that video.

11 THE COURT: Okay.

12 MR. JUSTIS: It will actually be with the next witness,
13 but at 3 minutes and 30 seconds into the video, she made
14 several statements. And then at -- looks like at 15 minutes
15 45 seconds in, and then at 19:50 in and then at 20:05 in,
16 those statements are made.

17 THE COURT: And, Mr. Wehman, is that your understanding
18 of when the statements were made?

19 MR. WEHMAN: Yes, Your Honor.

20 THE COURT: All right. The video has been properly
21 redacted? Or you're able to stop it at the appropriate
22 times?

23 MR. WARD: Yes, Your Honor.

24 THE COURT: Okay.

25 MR. JUSTIS: Mr. Ward's in charge of that.

1 THE COURT: It's a technical matter. Okay. Anything
2 further before we bring the jury out?

3 MR. JUSTIS: No, Your Honor.

4 MR. LOY: Your Honor.

5 THE COURT: Yes, sir.

6 MR. LOY: Only, if I may, just for clarity sake and
7 purposes of our record, we may want to make a copy of the
8 minutes and seconds that are actually being introduced and
9 make it a Court's exhibit in the event a jury wanted to
10 rehear any of that.

11 THE COURT: Sure.

12 MR. LOY: It needs to be clear what it was they had
13 heard and what they hadn't heard.

14 THE COURT: Sure. We can certainly do that.

15 MR. LOY: Because we don't have -- they don't have a
16 redacted copy, so they're not introducing the CD into
17 evidence. I'm not sure exactly by what manner they can come
18 back and listen to something that's not in evidence. It's an
19 issue before the Court that may or may not arise.

20 MR. JUSTIS: Well, I think what we would do is we would
21 put the CD in evidence subject to these specifications, so if
22 that -- they don't get to take the whole CD and listen to the
23 whole thing.

24 THE COURT: Right. So if they wanted to listen to it
25 again, we'd bring them back out and listen to the specific

1 portions.

2 MR. JUSTIS: Yes, Your Honor.

3 THE COURT: Okay. Anything further?

4 MR. JUSTIS: No, Your Honor.

5 THE COURT: All right. Let's have our jury, please.

6 (The jury enters the courtroom at 3:59 p.m.)

7 THE COURT: Welcome back, ladies and gentleman of the
8 jury. Thank you for your patience. We will now proceed with
9 the testimony.

10 You may proceed.

11 MR. JUSTIS: Thank you, Your Honor. May it please the
12 Court.

13 THE COURT: Yes, sir.

14 CARLIN STRICKLAND,

15 being first duly sworn, testified as follows:

16 DIRECT EXAMINATION BY MR. JUSTIS:

17 Q. Deputy Strickland, where do you work?

18 A. Dorchester County Sheriff's Office.

19 Q. And how long have you worked for Dorchester County?

20 A. About a year and a half, almost two years.

21 Q. And what's your position at the sheriff's office?

22 A. I'm a road deputy.

23 Q. And could you explain to the jury briefly what some of
24 your duties are as a road deputy?

25 A. I respond to normal patrol cars, I'm sorry, patrol

1 responses as far as 911 calls, things that dispatch send out,
2 do routine patrols, traffic stops, a lot of foot patrol, get
3 out and talk to people, those types things.

4 Q. Okay. And did you have an opportunity to respond to a
5 call at 100 -- I think it's in Summerville back
6 in July of 2014?

7 A. Yes, sir, I did.

8 Q. And when you arrived, what did you observe?

9 A. Deputy Powell had the door open at the time. He was
10 radioing for me while I was en route to it that he had heard
11 some things and he was going to perform a forced entry. He
12 asked that I escalate my response time, so thankfully I was
13 close enough to him to where I didn't have to. I pulled my
14 vehicle, my patrol vehicle in and exited out of my car
15 quickly. I ran to the front door. Deputy Powell was arguing
16 and it seemed like he was somewhat wrestling with the
17 defendant at the time, getting him in handcuffs.

18 He didn't need much of my help, so I proceeded to walk
19 in and speak with the victim. She approached me at the front
20 door. I asked her to step outside so I could speak with her
21 to kind of give distance between Deputy Powell and her and
22 kind of relieve her from the situation and speak with her and
23 just begin to talk about what happened that evening, if she
24 was okay, just kind of assess the situation as it became
25 clear to me, because I wasn't able to speak with

1 Deputy Powell prior to me just arriving on scene.

2 Q. And when you made contact with Ms. Martin, what was her
3 demeanor?

4 A. She was very emotional. She was very slow to speak.
5 She stuttered a few times. It took her a little bit to catch
6 her breath. Every time she started to say something, you
7 could tell something traumatic had happened. Usually when I
8 confront people that are in instances like this, they have
9 trouble saying a lot of things in general. It takes them a
10 long time to talk about it. They can't use their words
11 properly. That's what she was displaying to me.

12 Q. Okay. And did you have an opportunity to make any
13 physical observations of Ms. Martin?

14 A. Yes, sir. She had several things about her that I
15 noticed instantly. She had a redness around her mouth. It
16 looked like what appeared to be dried blood, from what I
17 could see. It was on the bottoms of her lips and little bit
18 on her -- like, on her gums where it had still been present.

19 She had what appeared to have been marks on her wrist
20 from some type of string or something that had been tied or
21 wrapped around her wrists, to the point where I could see it
22 from a distance where I didn't have to get very close to her.
23 Very roughly between me and her (indicating), as I am now, it
24 was quite visible. It was still red. There were a lot of
25 indentions in it, not where just it had been wrapped, like,

1 one time but, like, a couple, because there were different
2 layers of it.

3 There was also a mark on the side of her neck. It was
4 kind of wide. It wasn't the same consistency as what was on
5 her hand, both her hands, rather. It was just different
6 looking. It wasn't real small and thin like the other one.
7 It was quite big. It was only apparent, though, on the side
8 and on the back. I didn't see anything on the front. That's
9 the only thing that I recall as far as her person.

10 Q. Okay. At this time I'm showing you what's been marked
11 as State's Exhibit 17. Could you describe what we're looking
12 at there?

13 A. This is Ms. Martin, and this is what I was speaking of
14 earlier, the redness around her lips right here. You can
15 tell, like, from what I can see, the normal lip color seemed
16 to be, like, a normal, like, light pink. This section that's
17 across the top on both sides was almost black, like it had
18 been dried for a little bit, which appeared to look like
19 blood. And as you kept going little bit further, you can see
20 that it turns into a little bit more red color.

21 Q. Okay. I'm showing you what's been marked as State's 18.
22 Could you tell us what we're looking at there?

23 A. As I described a minute ago, there was an inconsistency
24 right here (indicating) on her neck that was different from
25 what was on her hands. It seemed to be wider and not as,

1 like, fine. There was a lot of detail on what was on her
2 hands, and this was different from that.

3 I could only see bruising from this side and what was on
4 the back of the neck, which we don't have a picture of here.
5 And there wasn't anything on the other, the other views of
6 this.

7 Q. Okay. State's Exhibit 19?

8 A. So the mark on the side continued from about here
9 somewhere along in this point, and then there was also a mark
10 on the back somewhere around here (indicating).

11 Q. I'm showing you State's 21. Tell us what we're looking
12 at there.

13 A. These are the small marks that I described. They show
14 several different small patterns. There's one across right
15 here just above that one; there's a second one right about
16 there; there was one here (indicating).

17 And then you can see kind of there's a second little
18 straight line that comes right across the top of it where it
19 appeared that each one had been wrapped not once but like
20 twice because of the lines that were across there. They're
21 quite deep in the indentation. I would say roughly about a
22 16th or 32nds deep and probably about an eighth inch wide.

23 Q. Okay. And can you see those marks in this picture,
24 State's 20?

25 A. I can see three of them. There's one here, one there

1 and there's one right about there (indicating).

2 Q. Do you know who took these pictures?

3 A. Yes, sir. I did.

4 Q. Did you take other pictures while you were there?

5 A. Yes, sir. I took a series of pictures from outside the
6 residence all the way in, including all the evidence.

7 Q. I'm showing you what's been marked as State's 7 through
8 12. Do you recognize these?

9 A. Yes, sir. No. 7 is the exterior of the home. This is
10 from the street view, roughly where both of our patrol cars
11 were parked. It also shows the front door being open.

12 No. 8 is the -- shows the numerics of the house number,
13 depicts that this is the actual house we were responding to.
14 The house number's above the garage door, which is 100.

15 No. 9 depicts the front door where we made contact with
16 both individuals prior to entering the house.

17 No. 10 is a depiction of a -- what appears to be a cell
18 phone battery that was on -- in the driveway in between -- I
19 guess you would call it a front walkway, the driveway and the
20 vehicle that was currently in the driveway.

21 No. 11 and No. 12 are also other pictures close up
22 depicting that particular battery from different views.

23 Q. And did you take all those pictures?

24 A. Yes, sir, I did.

25 Q. And are they a fair and accurate representation of what

1 you observed that evening?

2 A. Yes, sir.

3 MR. JUSTIS: At this time the State would offer
4 State's 7 through 12 in evidence.

5 THE COURT: Any objection?

6 MR. WEHMAN: No objection, Your Honor.

7 THE COURT: They're in.

8 (State's Exhibits 7-12 admitted into evidence.)

9 Q. And briefly, Deputy, showing you State's 7, could you
10 briefly tell us what that is?

11 A. That's the front of the house from the street view.
12 You're looking from the perspective of where the two patrol
13 cars were parked. That's looking at the house.

14 Q. And State's 8?

15 A. That's the top of the driveway depicting the numerics of
16 the house being 100. That's the garage door.

17 Q. And State's Exhibit 9?

18 A. That's the garage door, the vehicle that was in the
19 driveway and the front door to the residence.

20 Q. Is that the vehicle -- withdraw.

21 State's 10, what is that depicting?

22 A. This is the picture of the battery right there
23 (indicating). I know it looks like a leaf, but that's the
24 cell phone battery that we recovered. That's in between the
25 vehicle that was in the driveway. This is, like, the

1 walkway. The front door's here (indicating).

2 Q. State's 11?

3 A. That's just a different view and a close-up picture of
4 the battery from the cell phone.

5 Q. And finally State's 12?

6 A. That's another close view also of the same battery.

7 Q. Did you -- besides the pictures of the victim and the
8 pictures of the outside of the house, did you take any other
9 pictures?

10 A. I took several pictures. I took pictures of the
11 evidence that was also collected during the scene. I took
12 pictures of the injuries, the house, the cell phone, the
13 battery. I think that's about it. I can't recall to my -- I
14 mean, it's been a while since I've taken those pictures.

15 Q. Okay. I'm showing you State's Exhibit 13, 14, 15 and
16 16. Do you recognize those items?

17 A. Yes, sir.

18 Q. And what are they?

19 A. No. 13 is a leash that was recovered at the scene that
20 the defendant said -- sorry, that the victim said was used on
21 her during the incident.

22 No. 14 is a table that's in the middle of living room in
23 between the dining room and the living room. On the table is
24 a roll of twine or string, depending how you want to call it.
25 It's still on the coil, and there's a pair of scissors beside

1 it. That's what the victim stated that was used on her as
2 well.

3 No. 15 and 16 are two different views of the same twine
4 or string just in a closer format so you can see them a
5 little bit better.

6 Q. And are those items fair and accurate representations of
7 what you observed that night?

8 A. Yes, sir.

9 Q. And you took these photographs?

10 A. Yes, sir.

11 MR. JUSTIS: State would offer State's 13 through 16
12 into evidence.

13 THE COURT: Any objection?

14 MR. WEHMAN: No objection, Your Honor.

15 THE COURT: They're in.

16 (State's Exhibits 13-16 admitted into evidence.)

17 MR. JUSTIS: May I publish, Your Honor?

18 THE COURT: You may.

19 Q. I'm showing you State's 13. Briefly explain what that
20 is.

21 A. That's the dog leash she was speaking of that she stated
22 it was used against her.

23 Q. And State's 14?

24 A. This is the table that's in between the two rooms, the
25 kitchen and the living room. And on the table right here you

1 can see this is where the twine is at that was in plain view
2 when we walked through the residence (indicating).

3 Q. State's 15?

4 A. This is a closer picture of the same table, also showing
5 the same string (indicating).

6 Q. And what's that item right above the string?

7 A. It's a pair of scissors.

8 Q. And finally, State's 16?

9 A. That's, once again, just a closer view of the same two
10 items.

11 Q. Thank you.

12 Now, you've mentioned that you had an opportunity to
13 speak with the victim?

14 A. Yes, sir.

15 Q. Did you have an opportunity to take any kind of
16 statement from the victim?

17 A. Deputy Powell initiated a written statement. He asked
18 her if she would write one down for us. When she said she
19 would, Deputy Powell handed her the clipboard that had it
20 already on it, explained to her how to fill it out and how to
21 answer the questions and how to write a written statement in
22 her words.

23 As he handed it to her, I stood by and said -- told him
24 he can take care of his other things and I would handle the
25 written statement for him, so I witnessed her actually

1 writing the statement down and walked her through the rest of
2 that process. So he gave her the piece of paper but I helped
3 her fill it out.

4 Q. And I'm showing you what's been marked as State's
5 Exhibit 5. Do you recognize that?

6 A. Yes, sir.

7 Q. And what does that appear to be?

8 A. This is a photocopy of that written statement that was
9 taken that evening or morning.

10 Q. Okay. And how do you know it's a copy of the original
11 statement?

12 A. I signed it. I looked at it several times. This is my
13 handwriting where I wrote the question and answer in a
14 certain portion of it, my handwriting as far as me witnessing
15 it, writing where the interview place was and signing that I
16 gave her the copy.

17 Q. Okay. Have you had an opportunity to read that
18 statement?

19 A. Not since then, no.

20 Q. Okay. Please take a moment and read that statement to
21 yourself.

22 Is that what you recall that evening?

23 A. Yes, sir.

24 Q. Is this a fair and accurate representation of the
25 statement that was taken by you of her that evening?

1 A. Yes, sir.

2 MR. JUSTIS: At this time, Your Honor, the State would
3 offer State's 5 into evidence.

4 THE COURT: Any objection?

5 MR. WEHMAN: Your Honor, we would object. I would renew
6 my previous motion. Also, we would argue that foundation
7 hasn't been laid at this point. It's not consistent or
8 inconsistent.

9 THE COURT: Subject to your previous objection, your
10 objection's overruled.

11 MR. WEHMAN: Thank you, Your Honor.

12 Q. Deputy Strickland, could you --

13 MR. JUSTIS: May I publish for the jury, Your Honor?

14 THE COURT: You may.

15 Q. I don't know, Deputy, if you could read that or if I
16 have to do it kind of in sections.

17 A. I'm good there.

18 Q. Could you kind of tell us what we're looking at here?
19 Kind of start at the top of the page and go down.

20 A. This on the top right, this would be your case number.
21 This is what the case is filed under as far as the report,
22 incident, evidence. Anything that follows the case will stay
23 with this number.

24 This box that we have here, this entire square, it's
25 pretty much standardized information about themselves. It's

1 their name, their date of birth, their Social Security
2 number, information so that we could identify who it was that
3 took the statement. If we had to contact them, it has their
4 phone number and things like that, their employer address,
5 their driver's license, those type of things. It also
6 establishes the location of the interview, who it is taking
7 the statement, the department in which they represent.

8 The second line starting here states the actual person
9 that's giving it, once again, that they understand the
10 following and that to some degree, they've received some type
11 of education. It requires them to specify that education
12 type so we can determine whether we need to dictate certain
13 portions or they can actually read and write correctly.

14 Where it starts originally with these blank lines, from
15 here down is where they actually start their written
16 statement, which we explain to them to put in your own words
17 exactly how -- what events that happened and took place that
18 evening to the best of your ability. That's what's written
19 here.

20 Q. Okay. And that handwriting there where it starts that
21 kind of statement part, whose handwriting is that? Is that
22 your handwriting?

23 A. No, sir. That's Ms. Becky's.

24 Q. And can you read us what that paragraph says?

25 A. It says, "Ralph has been drinking for days. He has PTSD

1 and it" -- I believe it says, "under care at the VA in
2 Charleston." It's an abbreviation, "and continues to drink
3 although he is taking meds. He was in the bedroom all day,
4 and when he came out, he started slapping me and punching me.
5 Then he decided to tie me up and tie me with his fishing
6 string and was choking me when police come. He said he was
7 going to kill me."

8 Q. Okay. And after that portion, what's that next section
9 down there with the Q and all that?

10 A. This is what we reference as what's called question and
11 answer time. Sometimes we feel that in different parts of
12 the narrative, they leave out descriptions or things that
13 they have told us but not written down, things that they have
14 uttered out loud but for some reason didn't write it in the
15 actual statement. So we request if I write out an answer, I
16 will say it for you and ask you verbally, and then you write
17 the answer out for me, basically reminding them of what they
18 had previously stated and see if they will answer it for us.

19 So the Q would be my handwriting, and each one is where
20 I would verbally ask and then write it out, each statement.
21 Then the A is where she would write out the answer to that
22 statement in each one.

23 Q. And could you take us through that Q&A on that page?

24 A. My question was that the first one was, "Where did he
25 slap and punch you?" She responded with her answer was,

1 "Face, head and back."

2 The second question was, "How many different things did
3 he tie you up with?" The answer was, "A leash and twine."

4 The third question was, "How did he tie you up?" The
5 answer was, "First he tied my neck, then my hands and was
6 starting to tie my feet to -- when the police came to the
7 door."

8 Q. Okay. And then slide it up a little bit further. Could
9 you kind of explain what the bottom of the page is and
10 everything?

11 A. This is the date and time at which we finished the
12 statement. The top of the page is when we actually started,
13 so you can see the consistency of when the timeline of the
14 statement was actually taken. To my knowledge, there was
15 several minutes from when she actually started to complete
16 it. It took her a little bit to kind of finish it. She took
17 a little break in between. The -- and we were also speaking
18 with EMS, trying to wrap that up at the time as well.

19 This is Ms. Martin's signature here where she signs it.
20 It's also signifying that she's been given a copy and she's
21 read it, and also given two pages of it, which was right
22 here, signifying that. We have the witness signature, which
23 is mine, signifying that I witnessed it, and that's also my
24 badge number.

25 Q. And 146 is your badge number?

1 A. Correct.

2 Q. And on the second page, kind of take us through the
3 second page. Start in at the top.

4 A. What I usually do is I have the witness or the person
5 giving the statement sign it at the top just stating that
6 this is the second page of that statement as well. That's
7 why I have that. And it's a continuation of hers, which is
8 Ms. Martin.

9 These are the last two questions that I asked, which
10 was, "Did he say how he was going to kill you?" And the
11 answer was, "Choke me with the twine."

12 The other question was, "Did he prevent you from calling
13 law enforcement? It says, "He took my phone" -- and end of
14 statement. He -- this mark here was where I scratched
15 something out and I initiated above it so you can state that
16 I didn't try to change it, as well as here (indicating).
17 These are her initials above her scratch mark as well.

18 The end of statement is where we establish there isn't
19 anything left that she wanted to tell us. I always try to
20 ask, "Is there anything that you forgot? Is there anything
21 that you need to tell me further that you haven't told me
22 already that you need to write down?"

23 If they don't have anything further, I have them write
24 "end of statement" or usually "EN." Sometimes it's easier to
25 write that, which is right here.

1 The giant X and all these little marks here are the
2 initials of the person that gives that statement. The
3 purpose of this is so that I line through each line and have
4 them initial each individual block so that nothing can be
5 added by myself, another deputy or anyone else without them
6 being present and actually starting a new statement
7 altogether so that I can't change, alter or misrepresent
8 anything they've given me. And at the bottom I have them
9 sign it.

10 Q. Okay. Was that the extent of your involvement in this
11 case?

12 A. Yes, sir, that was pretty much it. I did see Mr. Ralph
13 in the hospital when I drove to the hospital to meet with
14 Deputy Powell. His laptop wasn't working, so I let him
15 borrow mine to do his report.

16 MR. JUSTIS: Okay. Beg the Court's indulgence.

17 No further questions. Please answer any questions
18 Mr. Wehman has.

19 THE COURT: Cross-examination.

20 MR. WEHMAN: Thank you, Your Honor. May it please the
21 Court.

22 THE COURT: Yes, sir.

23 CROSS-EXAMINATION BY MR. WEHMAN:

24 Q. Good afternoon, Deputy.

25 A. Good afternoon.

1 Q. Okay. Now, you testified that you took these
2 photographs, correct?

3 A. Yes, sir.

4 Q. Now, let me show you what's been marked State's 18.
5 Now, is that an accurate depiction of what you saw when you
6 responded and took those photos?

7 A. Yes, sir.

8 Q. You said you noticed bruising?

9 A. Yes, sir.

10 Q. Let me show you what's been marked as State's 19.
11 That's also an accurate depiction of how the victim looked
12 when you arrived on scene?

13 A. Yes, sir.

14 Q. And what did you state you saw there?

15 A. There was bruising around the neck, the top and the
16 side. I know it's a little bit difficult to see because of
17 the back splash of the flash of light. Unfortunately we
18 don't have the best equipment when it comes to video cameras.

19 Q. Okay. But that's how she looked?

20 A. Yes, sir.

21 Q. And one more, State's 21. This is a zoomed-in shot of
22 her hands, correct?

23 A. Yes, sir.

24 Q. Did you transport Mr. Martin?

25 A. No, sir. Deputy Powell did.

1 Q. Okay. So he booked Mr. Martin when he was arrested?

2 A. Yes, sir.

3 Q. Okay. Let me ask you a question about the statement
4 that you took. Now, Ms. Martin told you in her statement
5 that Mr. Martin tied her, her neck, her hands and was
6 starting to tie her feet when the police came to the door,
7 correct?

8 A. Yes, sir.

9 Q. To a chair?

10 A. She didn't specify.

11 Q. But she was tied up when the police came to the door?

12 A. Not that I saw.

13 Q. Okay. But that's what she stated?

14 A. Yes, sir.

15 Q. Were you at the door when police made contact with her
16 initially?

17 A. No, sir. Deputy Powell had the door open prior to my
18 arrival.

19 MR. WEHMAN: Okay. Court's indulgence, Your Honor.

20 I have no further questions for this witness, Your
21 Honor.

22 THE COURT: Any further redirect?

23 MR. JUSTIS: No, Your Honor.

24 THE COURT: Counsel, please approach.

25 (Judge and attorneys confer.)

1 THE COURT: Ladies and gentleman of the jury, it's about
2 4:30, and I am certainly mindful that many of you don't live
3 very close by, so it's a good time for us to stop the
4 testimony to allow you time to get home in time in case you
5 have other obligations this evening. So we will conclude the
6 testimony for today and we'll resume the testimony tomorrow
7 morning.

8 If you could be back in your jury room between 9:30 and
9 9:45, that way we can get started right at 9:45, that should
10 allow you plenty of time to get to the courthouse and park
11 and get into your jury room.

12 Again, please remember my previous instructions not to
13 talk to anyone about the case or do any independent research
14 about the case or anything regarding the case or don't talk
15 to any family members, friends or anything of that sort.

16 Again, have a good night, and we will see you in the
17 morning.

18 (The jury retires to the jury room at 4:30 p.m.)

19 THE COURT: Officer Strickland, you may step down.

20 THE WITNESS: Thank you, Your Honor.

21 THE COURT: Anything further before we adjourn for the
22 day?

23 MR. JUSTIS: Nothing from the State, Your Honor.

24 MR. WEHMAN: Nothing from the defense, Your Honor.

25 THE COURT: We'll be adjourned until 9:30, 9:45.

1 (Trial of the case adjourned on February 10, 2015 at
2 4:30 p.m.)

3 - - -

4 (Trial of the case resumed on February 11, 2015 at 10:11
5 a.m.)

6 THE COURT: Parties ready to proceed?

7 MR. JUSTIS: State's ready, Your Honor.

8 MR. WEHMAN: Defense is ready, Your Honor.

9 THE COURT: All right. Let's have our jury, please.

10 (The jury enters the courtroom at 10:12 a.m.)

11 THE COURT: Good morning, ladies and gentlemen of the
12 jury. I hope you had a pleasant evening.

13 Sir, what is your name on the end?

14 THE JUROR: Alan or William Abernethy.

15 THE COURT: Mr. Abernethy?

16 THE JUROR: Yes, ma'am.

17 THE COURT: Since you've taken that seat the last couple
18 days, I'm going to appoint you as foreman.

19 THE JUROR: Okay. Thank you.

20 THE COURT: We will now proceed with the testimony in
21 the trial.

22 Solicitor, you may call your next witness.

23 MR. JUSTIS: Thank you, Your Honor. May it please the
24 Court.

25 THE COURT: Yes, sir.

1 MR. JUSTIS: At this time, the State calls Deputy
2 Jarrod Powell.

3 JARROD VINCENT POWELL,
4 being first duly sworn, testified as follows:

5 THE COURT: Your witness.

6 MR. JUSTIS: Thank you, Your Honor, may it please the
7 Court.

8 THE COURT: Yes, sir.

9 DIRECT EXAMINATION BY MR. JUSTIS:

10 Q. Deputy Powell, where do you work?

11 A. Dorchester County Sheriff's Office.

12 Q. And how long have you worked there?

13 A. I've been at Dorchester for two years.

14 Q. Okay. And how long have you been in law enforcement?

15 A. Almost 11.

16 Q. Okay. Where were you previous to Dorchester --

17 A. Sumter. Sumter Police Department in South Carolina.

18 Q. Okay. And what's your job title at the sheriff's
19 department?

20 A. I'm a deputy sheriff.

21 Q. And what are some of your responsibilities?

22 A. I enforce state and local or county ordinance, laws. I
23 also -- at the time, I was performing patrol duties. I was a
24 patrol officer, responded to calls for service, assisted the
25 public, enforce traffic laws and state criminal laws. I'm

1 currently assigned as a school resource officer in Dorchester
2 County.

3 Q. And did you happen to be on patrol back in July of 2014?

4 A. I was.

5 Q. Did you happen to respond in regards to a domestic
6 dispute on July 1st?

7 A. I did.

8 Q. And where did you respond to?

9 A.

10 Q. Okay. Is that in Summerville?

11 A. That's Summerville, Dorchester County, South Carolina.

12 Q. And do you remember approximately what time you
13 responded?

14 A. It was approximately 9:21 p.m.

15 Q. Okay. And when you responded to that location, what did
16 you observe when you arrived there?

17 A. I stepped out of my car. The call from dispatch was
18 that there was a -- unknown people were arguing. There was
19 some kind of disturbance at the corner of and

20 . That's in the subdivision. I
21 pulled up right at the corner of , right in front of
22 , got out and I heard a disturbance several seconds
23 after I got out of the car coming from inside the residence,

24

25 I stepped onto the yard so I can hear a little bit

1 better, see if I can hear, discern what was being said, and
2 as I got to the front porch, I heard a disturbance inside.

3 MR. WEHMAN: Objection, Your Honor, hearsay.

4 THE COURT: He hasn't said anything yet as to what was
5 said.

6 MR. WEHMAN: Thank you, Your Honor.

7 THE COURT: Little premature.

8 THE WITNESS: As I stood up, I could hear -- at the
9 front porch, I could hear a woman very distinctively
10 screaming, she had very much appeared to be in distress from
11 inside the residence.

12 Q. Okay. I'm showing you what's been marked as State's
13 Exhibit 7. Do you recognize that?

14 A. I sure do.

15 Q. And what is that?

16 A. This is from my perspective where my patrol car was,
17 that is the front of the house,

18 Q. Thank you. And after you heard this female screaming,
19 what did you do next?

20 A. To the best of my recollection, I said -- I announced
21 who I was, sheriff's office, Dorchester County. And as soon
22 as I announced that, I heard a female scream to me very
23 distinctively, "Come in and help me."

24 MR. WEHMAN: Objection, Your Honor, hearsay.

25 MR. JUSTIS: Excited utterance, Your Honor.

1 THE COURT: Overruled.

2 MR. WEHMAN: Thank you, Your Honor.

3 Q. I'm showing you what's been marked as State's Exhibit 9.

4 Do you recognize that?

5 A. Yes. That's where I was standing on the porch, right
6 behind the door, the front door -- or in front of the door.

7 I'm sorry.

8 Q. After hearing that comment, what did you do next?

9 A. I -- because of the disturbance going on inside the
10 residence, I did not know what was going on inside, except I
11 was very sure there was a disturbance. And with the woman
12 screaming, "Come help me," very frantically, I got on my radio
13 just like this radio right here and I said to my dispatcher,
14 "Please give me the channel," which means the frequency that
15 we were on, give me priority so that she can hear me in case
16 I have to escalate my action, okay.

17 And I also asked Deputy Strickland, who was en route to
18 assist me, to pick up his response, which means come a little
19 faster, because I didn't know what I was getting into, which
20 was why I delayed entry, because I didn't know what was
21 waiting behind me, behind the door.

22 Q. At some point in time, did you actually enter the home?

23 A. I did. I -- after I announced that to the dispatcher, I
24 knocked again, said, "Ma'am, can you hear me?"

25 And I believe I heard her say, "Come in."

1 So I went to open the door, and she had -- Ms. Martin
2 had already opened it before I had a chance to put my hand on
3 the knob, she actually opened the door, and I could see into
4 the house.

5 Q. And when Ms. Martin opened the door, what did you
6 observe?

7 A. I immediately observed Ms. Martin standing in the
8 doorway. About 20 feet, approximately 20 feet behind her
9 standing in the front room facing the opposite direction
10 towards the TV was Mr. Martin, the defendant.

11 I saw immediately Ms. Martin was in distress. She was
12 sweating; she was breathing heavily; and she had a very
13 distinctive red mark on the side of her neck right back here
14 (indicating). It appeared to me that there was some kind of
15 confrontation and she had sustained injury.

16 Q. What did you do at that point when you observed that?

17 A. I took a step into the residence so I could get closer
18 to him and kind of be between her and him, okay, Mr. Martin
19 and Ms. Martin. And she had told me -- she just
20 spontaneously uttered, "He has been trying to kill me all
21 day. He" --

22 MR. WEHMAN: Objection, Your Honor, hearsay.

23 THE COURT: Sustained.

24 THE WITNESS: And what I did was I approached Mr. Martin
25 and I placed handcuffs on him and I detained him.

1 Q. Okay. What happened after you detained Mr. Martin?

2 A. I removed him from the residence.

3 Q. At some point did Deputy Strickland arrive?

4 A. He did.

5 Q. And approximately when did Deputy Strickland arrive?

6 A. I want to say right at a minute, no more than a minute.

7 Q. And after detaining Mr. Martin, what did you do next?

8 A. I did -- what I did was I left the residence for a brief
9 moment. I took Mr. Martin with me to the car and I placed
10 him in the back of my car.

11 Q. And why did you place him in the back of your car?

12 A. When we detain people, we usually don't like to keep
13 them in the middle of the situation. If we're trying to talk
14 to the victim, the alleged victim at the time and get her
15 side of the story, we don't want cross fire. We don't want
16 the suspect, you know, shouting at her or we don't want the
17 victim to feel intimidated by the suspect being there. So we
18 put, usually put them in the car for the moment.

19 Q. Okay. Was there some point where EMS was contacted?

20 A. Yes. I radioed to my dispatcher to have EMS come,
21 Dorchester County EMS come to the house.

22 Q. And why did you ask your dispatch to do that?

23 A. Because what was advised to me but also what I observed.
24 I observed the injury, like I said, to her neck. I also saw
25 around her wrist what appeared to be striations from unknown

1 object at the time.

2 Q. Okay. I'm showing you what's been marked as State's 17,
3 18, 19, 20 and 21. Can you identify those?

4 A. I can.

5 Q. And what are they?

6 A. No. 17 is a picture of Ms. Martin and her face and
7 the -- what I saw, the injury to her mouth, apparent injury
8 to her mouth with the blood.

9 This is No. 18. This is a view of her neck where you
10 can see the manifestation of the injury that I saw
11 immediately when I walked in the door or when she opened the
12 door.

13 No. 19 is just a -- it shows more of the back of her
14 neck and the right side of her neck, again, where I mentioned
15 where I saw the injury when she opened the door.

16 This one is her standing. This is No. 20, her standing
17 up and where you can see what I described were striations
18 around her right wrist and a little bit of her left wrist.

19 This is No. 21. This is a close-up shot of her wrists,
20 and you can see it more clearly, all the striations on both
21 of her wrists.

22 Q. Now, while you were there that evening, did you collect
23 any items of evidence?

24 A. I did.

25 Q. And what did you collect from the residence?

1 A. I collected a blue dog leash and I collected a roll of
2 twine.

3 Q. I'm showing you what's been marked as State's Exhibit
4 No. 2. Do you recognize this?

5 A. I do.

6 Q. And what is that?

7 A. This is the roll of twine that I seized from the
8 residence that night.

9 Q. And how can you tell you seized that roll of twine?

10 A. This -- by the feeling of it and the appearance, I know
11 for a fact that this is what I had seized. This was also --
12 this was present on the scene -- at the scene when I was
13 there.

14 Q. And when you collected that item, what did you do with
15 that? How did you collect it?

16 A. I immediately placed it in a bag that appears -- that
17 looks -- that's what you see here (indicating), and I marked
18 it. I notated it, completed a chain of custody form and
19 attached it with it so I could submit it into evidence.

20 Q. Okay. And then what did you do with that item after you
21 put it in a bag and identified it? What did you actually do
22 with it?

23 A. After -- after -- and I forgot to mention,
24 Deputy Strickland took a picture of it before I actually put
25 it in the bag, but once I put it in the bag, I placed it in

1 the back of my patrol car in a secure location so nobody can
2 manipulate it.

3 MR. JUSTIS: At this time the State would offer
4 State's 2 into evidence.

5 THE COURT: Any objection?

6 MR. WEHMAN: No objection, Your Honor.

7 THE COURT: State's 2.

8 (State's Exhibit 2 admitted into evidence.)

9 Q. Deputy, I'm showing you what's been marked as State's
10 Exhibit 1. Do you recognize this?

11 A. I do.

12 Q. And what does that appear to be?

13 A. This is the blue dog leash that I just mentioned that
14 was also taken from the scene on the floor. After it was --
15 after the photograph was taken by Deputy Strickland, I did
16 the same thing as I did with the twine; I put it in a bag
17 that resembled this and I notated it as evidence and I
18 secured it in the back of my patrol car so it could not be
19 manipulated.

20 Q. And after you put it in the back of your patrol vehicle,
21 what did you do with those two pieces of items or evidence?

22 A. When I -- after the arrest was made and it was
23 transported to the jail facility in Dorchester County, I
24 placed it into our evidence with a chain of custody form at
25 the sheriff's office,

1 MR. JUSTIS: At this time the State would offer
2 State's 1 into evidence.

3 THE COURT: Any objection?

4 MR. WEHMAN: No objection, Your Honor.

5 THE COURT: It's in.

6 (State's Exhibit 1 admitted into evidence.)

7 Q. Now, when you arrived at the residence, who was at the
8 residence, how many individuals?

9 A. Aside from myself, there was Ms. Martin and the
10 defendant, Ralph Martin.

11 Q. At some point in time, did you have an opportunity to
12 interview the victim in the case?

13 A. I did.

14 Q. Okay. And are you aware of whether or not she wrote a
15 statement?

16 A. Yes. I started her on a statement, and
17 Deputy Strickland did complete or allow her to complete it
18 while he remained on scene.

19 Q. Deputy, is your car -- is your patrol vehicle equipped
20 with an in-car camera?

21 A. It is.

22 Q. And how does that system work?

23 A. Any call that we're on, we are required by policy to
24 have the camera we have -- we carry a body mic on our person
25 so it can record audio, what we're saying and what's going

1 on. We're required by policy to carry those and have them on
2 at all times when we're on calls, just as I had on that
3 night.

4 Q. Okay. So you were wearing a body mic that night?

5 A. I was.

6 Q. And did you have that body mic activated that night when
7 you responded to this call?

8 A. I did.

9 Q. And was there -- was there a recording made of, I guess,
10 your investigation of this situation that night?

11 A. Yes.

12 Q. At this time I'm showing you what's been marked as
13 State's Exhibit 4. Do you recognize that?

14 A. Yes. It is the CDR recording of my body mic from that
15 night.

16 Q. Okay. Could you explain, I guess, how that DVD gets
17 made?

18 A. When we make an arrest, we obviously have a body mic
19 recording, or we should, by policy, as I did there, and I
20 submit a form to a special person that works for our agency
21 to save the video. She gets our body mic recordings and she
22 periodically goes through them, but what we do is we put a
23 priority on it in writing, and they retrieve that and they
24 put it on a disc like the one I just identified, and they put
25 it into evidence.

1 Q. And on this, have you had the opportunity to view this
2 particular DVD?

3 A. Yes.

4 Q. Since it was made?

5 A. Yes, I have.

6 Q. And prior to testimony today?

7 A. Yes.

8 Q. Is it a fair and accurate representation of the events
9 of that evening?

10 A. It is.

11 Q. Okay. Now, you talked about your camera in the car. So
12 can you describe a little bit what would be on that video as
13 far as, like, what would the video be of?

14 A. You're going to -- the video does not travel with us
15 like the cam, like the audio does, the mic. So you would see
16 the cruiser, the point of view of the front of the cruiser,
17 the way it's facing. You'll hear, but you won't see because
18 it doesn't come with us. It's not like a body camera.

19 Q. Okay. But the actual audio is -- it comes through a mic
20 that you wear on your person?

21 A. That's correct. That's correct.

22 MR. JUSTIS: At this time the State would offer
23 State's 4 into evidence.

24 THE COURT: Except as to your previous objections?

25 MR. WEHMAN: Yes, Your Honor.

1 THE COURT: Okay. Thank you.

2 (State's Exhibit 4 admitted into evidence.)

3 Q. Deputy Powell, when you reviewed this DVD and the audio
4 on this DVD, did it include statements from the victim about
5 what occurred that evening?

6 A. Yes, sir.

7 MR. JUSTIS: At this time, Your Honor, the State would
8 ask to publish those selected portions of the video that was
9 previously discussed between the attorneys.

10 THE COURT: Yes, sir.

11 MR. JUSTIS: And, Your Honor, just for the record, we
12 have a duplicate copy of this that the attorneys have heard
13 that we're going to use that. It's already cued up for those
14 portions.

15 THE COURT: Okay.

16 (Audio played.)

17 MR. JUSTIS: No further questions.

18 THE COURT: Cross-examination.

19 MR. WEHMAN: Thank you, Your Honor, may it please the
20 Court.

21 THE COURT: Yes, sir.

22 CROSS-EXAMINATION BY MR. WEHMAN:

23 Q. Good morning, Deputy. How are you?

24 A. Good morning. Good. You?

25 Q. Doing well.

1 When you responded to the Martins' household, it was
2 your testimony that Ms. Martin opened the door, correct?

3 A. She did open the door.

4 Q. And she let you in?

5 A. She allowed me to come in the residence, yes.

6 Q. So when you came in, she was not tied up?

7 A. At that time she was not tied up.

8 Q. Now, you stated --

9 MR. WEHMAN: May I approach the witness, Your Honor?

10 THE COURT: You may.

11 Q. You stated that you took a look at this picture?

12 A. Yes.

13 Q. And that represented the -- that shows the blood that
14 you saw that night, correct?

15 A. On the mouth.

16 Q. Okay. Was it dry when you saw it?

17 A. It appeared so, yes.

18 Q. Now, did you book Mr. Martin?

19 A. I did.

20 Q. Do you have a copy of your booking sheet with you?

21 A. I believe we -- I don't have it with me right here, but
22 one has been made, yes.

23 Q. Okay. Do you --

24 MR. WEHMAN: Court's indulgence, Your Honor.

25 May I approach the witness, Your Honor?

1 THE COURT: You may.

2 Q. Is this a copy of the booking sheet?

3 A. It appears so, yes.

4 Q. Okay. Does it have listed Mr. Martin's height and
5 weight on that sheet?

6 A. Yes, it appears so.

7 Q. Could you read that to me?

8 A. It says six-four, 250.

9 Q. Okay. Now, the things that we heard, those were all of
10 Ms. Martin after this incident took place, correct?

11 A. Yes.

12 Q. You did not see any assault while you were there?

13 A. I did not witness any assault take place.

14 Q. And the injuries that are captured on these photographs
15 that the solicitor showed you and you looked at, do those
16 accurately depict what you saw?

17 A. Yes.

18 Q. Were there any other injuries on her arms other than
19 what you testified to? Anything else? Any other injuries
20 that are not captured?

21 A. Not to my recollection.

22 MR. WEHMAN: Your Honor, I have no further questions for
23 this witness.

24 THE COURT: Any redirect?

25 MR. JUSTIS: No redirect, Your Honor.

1 THE COURT: You may step down, sir, thank you.

2 THE WITNESS: Thank you, Your Honor.

3 THE COURT: You may call your next witness.

4 MR. JUSTIS: At this time the State's rests, Your Honor.

5 THE COURT: Ladies and gentlemen, at this time we'll
6 take a very brief recess and give you an opportunity to just
7 use the restroom or whatever. We'll be back with you in
8 about ten minutes.

9 (The jury retires to the jury room at 10:34 a.m.)

10 THE COURT: Any motions at this time?

11 MR. LOY: Yes, Your Honor. Your Honor, at this point in
12 time the defense would move for a directed verdict on the
13 grounds that the evidence that's been presented is not
14 credible enough or consistent enough to convince a reasonable
15 and impartial jury of guilt of the defendant beyond a
16 reasonable doubt.

17 The burden, I know, is relatively slight at this point,
18 that is, burden on the State to put forward credible evidence
19 such as could sustain a verdict. And, I mean, the State
20 always wants to argue, well, is there any evidence at all,
21 and I don't think that's the burden. I think the question is
22 whether or not there's any credible evidence or enough
23 credible evidence that would support a conviction.

24 And in this case, the testimony appears inconsistent in
25 that there are allegations Ms. Martin was tied up. She says

1 at one point, the State contends, she was tied up. The
2 officer says, "When I got there, she's the one who opened the
3 door." Her own testimony was that "These things that they
4 claim I was tied up with were just so loose they were wrapped
5 around me. I just pulled them off and set them aside
6 myself."

7 Her testimony further was that, "I didn't" -- her live
8 testimony, "I didn't feel threatened. I didn't feel like I
9 was going to be hurt or endangered. He's a good man," I
10 think is a quote. "He wouldn't hurt me. I know that he
11 wouldn't have hurt me." Then the inconsistencies with what
12 you hear here today. I think that -- that is on this audio
13 tape that's presented. I think that without any other real
14 indicia, evidence of a physical assault, which there's just
15 not, no one saw it.

16 You've heard testimony that Mr. Martin is 6 foot 4,
17 250 pounds. I think the Court could take judicial notice
18 that Ms. Martin is obviously a much smaller person, that she
19 had difficulty coming in and out of the courtroom. I noticed
20 a couple of times when people reached out to her because she
21 moved slowly and indicates she has diabetes and her health is
22 not good.

23 The idea that Mr. Martin has been, as was attributed to
24 him, punching her, hitting her, etc., and produced no other
25 injury than what is shown on the photographs that have been

1 introduced, and there's at least an argument that they --
2 that they don't show anything other than a spot on her lip,
3 which she says she has bad teeth from diabetes and that's
4 self-inflicted. That's just something that occurs.

5 But there's certainly not black eyes, broken bones,
6 fractured orbital sockets, bruises up and down or anything to
7 support the contention that she has suffered some sort of
8 severe assault or beating at the hands of Mr. Martin or
9 anyone else.

10 As a matter of fact, when she comes in here today or
11 yesterday, would today if she had the opportunity, and
12 completely disavows that this has occurred or that this is a
13 problem with her, I simply think it's an abuse of discretion
14 to allow it to go forward to the jury. So based on those
15 things, I'd ask you to enter a verdict of -- or direct a
16 verdict of not guilty.

17 THE COURT: Thank you, Mr. Loy.
18 Solicitor.

19 MR. JUSTIS: Your Honor, I would say, and as Mr. Loy
20 said, there's clearly evidence of some injuries. We've had
21 testimony to that. The officer, both officers and the EMT
22 saw injuries, so they did see some -- what they determined to
23 be some fresh injuries. Some of the blood they did say was
24 dry.

25 But according to the statute, there doesn't even have to

1 be a battery. You heard from her, from the body mic
2 testimony, that she said, "He was trying to kill me. He was
3 beating the shit out of me all day." She says that right on
4 there.

5 So I think that is a question for the jury to determine
6 her credibility. That's their job to do that. They are the
7 judge of the facts.. It's their job to judge credibility of
8 witnesses, and they can do that.

9 So there doesn't even have to be a battery, even if you
10 conceded the fact that he didn't hit her, just the fear that
11 she was in, evidenced by her statement, which she agreed to.
12 That's her signature. That's her handwriting. And then the
13 statement she made to law enforcement and to the EMT, the
14 statements for medical diagnosis and then the excited
15 utterances, we would say that there's more than enough
16 evidence to make it a jury question.

17 THE COURT: Mr. Loy, at this juncture of the trial, as
18 you're well aware, the Court is concerned with existence or
19 nonexistence of evidence, not the weight of it, and there has
20 been evidence submitted as to each element of the offense of
21 criminal domestic violence, high and aggravated nature, and
22 your motion will be respectfully denied.

23 MR. LOY: Thank you, Your Honor.

24 THE COURT: Thank you. Does your client intend on
25 testifying.

1 MR. WEHMAN: Your Honor, if we can have a moment to
2 speak with him.

3 THE COURT: Sure.

4 (Counsel confers with Defendant.)

5 MR. LOY: Your Honor, would you like to address the
6 defendant?

7 THE COURT: Mr. Martin, if you would please stand and be
8 sworn, please.

9 RALPH WAYNE MARTIN,
10 being first duly sworn, testified as follows:

11 THE COURT: Mr. Martin, at this time I'm going to
12 explain to you certain of your rights. If you do not
13 understand anything that I say, please let me know. If you
14 want me to explain anything in more detail, also please let
15 me know. Do you understand?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: We have reached the stage of the trial where
18 you may present your defense. You have the right to claim
19 the protections given to you by the Fifth Amendment of the
20 Constitution of the United States. This amendment states in
21 part that no person shall be compelled in any criminal case
22 to be a witness against himself. This means that you cannot
23 be required to testify in this case. You have the right to
24 testify on your own behalf; however, no one can make you
25 testify. This is a personal right and no one can waive this

1 right except for you.

2 If you decide to testify, you will be subject to the
3 same rules that govern other witnesses, and you may be
4 examined and cross-examined on any relevant issue in this
5 case.

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

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

16 If you decide not to testify, I will instruct the jurors
17 that they cannot give the fact that you did not testify any
18 consideration whatsoever and that there is to be absolutely
19 no prejudice to you because you did not testify. It's left
20 entirely up to you whether or not you want to testify.

21 You may talk with your attorney, your family, your
22 friends or anyone else, but the final decision must be yours,
23 and it's left entirely up to you. Do you understand what
24 I've explained to you?

25 THE DEFENDANT: I understand, yes, ma'am.

1 THE COURT: Do you have any questions about what I've
2 explained to you?

3 THE DEFENDANT: No, ma'am.

4 THE COURT: Have you discussed with your lawyers whether
5 or not you should testify?

6 THE DEFENDANT: Yes, I have.

7 THE COURT: Do you wish to talk with your lawyers any
8 more at this time?

9 THE DEFENDANT: No. My attorneys -- I would like to
10 speak to my wife.

11 MR. LOY: No.

12 He said he'd like to speak to his wife.

13 It's not appropriate at this time. You can't do that.

14 THE DEFENDANT: Okay. I don't know about this --

15 THE COURT: You don't need to speak to your attorneys at
16 this time any further?

17 THE DEFENDANT: No. No, ma'am.

18 THE COURT: Do you wish to testify?

19 THE DEFENDANT: No, ma'am.

20 THE COURT: All right, sir, thank you. You may have a
21 seat.

22 Mr. Wehman, do you intend on introducing any witnesses?
23 Do you just wish to rest in front of the jury?

24 MR. WEHMAN: That's correct, Your Honor. We'd like to
25 rest.

1 THE COURT: Okay. Do you all need a quick break before
2 we go into closing and the jury instructions or are you all
3 okay?

4 Mr. Loy, do you need a break?

5 MR. LOY: No, thank you, Your Honor. I'm good. Thank
6 you, though.

7 MR. JUSTIS: The state's fine, Your Honor.

8 MR. WEHMAN: We're fine, Your Honor.

9 THE COURT: All right. So we'll allow you to rest in
10 front of the jury, then we'll proceed with the jury
11 instructions and closing arguments.

12 (The jury enters the courtroom at 10:46 a.m.)

13 THE COURT: Welcome back, ladies and gentleman of the
14 jury.

15 MR. WEHMAN: Your Honor, at this time the defense rests.

16 THE COURT: Ladies and gentlemen of the jury, at this
17 point both sides have rested their case and it's now time to
18 proceed with closing arguments of counsel. And please pay
19 close attention, as we will now proceed.

20 Solicitor.

21 MR. JUSTIS: Thank you, Your Honor, may it please the
22 Court.

23 "Come in and help me," that's what Becky Martin told
24 Deputy Powell when he knocked on the door. That's what
25 Mr. Ward told you in his opening statement. That's what she

1 said seven months ago, and I submit to you that's what she
2 said yesterday to everyone, "Help me," when she testified.

3 Now, I'm going to talk just briefly about the applicable
4 law in this case. First of all, the judge is going to charge
5 you on the law, and if anything I say contradicts what the
6 judge instructs you, follow what the judge tells you. She's
7 the judge of the law. But you're going to have two options,
8 two particular crimes that you're going to look at, and you
9 can find him guilty or not guilty of either/or or not guilty
10 of both.

11 The first one is criminal domestic violence, all right,
12 which states when a person causes physical harm or injury to
13 a person's own household member or offers or attempts to
14 cause physical harm or injury to a person's own household
15 member with the apparent present ability under circumstances
16 reasonably creating fear of imminent peril.

17 So if Mr. Ward's my wife and I say, "I'm going to punch
18 you," do I have the ability to carry that threat out from
19 here? No. If I'm right here and I say, "I'm going to punch
20 you," did I put him in imminent peril? That's what the
21 second one means.

22 The first one's pretty clear. You caused physical harm
23 or injury. The second one says you offer or attempt to, but
24 you have to be able to carry it out, imminently. Not "I'm
25 going to kill you tomorrow."

1 Criminal domestic violence of a high and aggravated
2 nature. That's what the defendant's indicted for. That's
3 criminal domestic violence, which I just talked about, but it
4 has to have an aggravating circumstance, okay, and there's
5 two possibilities.

6 The first one is an assault and battery, which involves
7 the use of a deadly weapon or results in serious bodily
8 injury to the victim; or the second one, which I would
9 contend is appropriate here, an assault, with or without the
10 accompanying battery. In other words, you don't have to have
11 an injury, which would reasonably cause a person to fear
12 imminent serious bodily injury or death. "He was going to
13 kill me. He was choking me."

14 Now, what us lawyers say is not evidence. The only
15 evidence in this case is what you heard from that witness
16 stand and physical evidence that's introduced. What I say,
17 what Mr. Wehman says is not evidence. We make arguments, we
18 don't introduce evidence. This is the evidence and what you
19 heard from that witness stand is the evidence in the case.

20 And what did you hear? What's the evidence in this
21 case? Well, Ms. Martin took the stand, and what did she tell
22 us? If I had to sum it up, she doesn't remember much.
23 That's what she told us. She does remember some things, she
24 remembers leashes and twine, okay. She knew what this was
25 (indicating), and she puts it in his hands that night.

1 She tells us about twine that he put around her wrist.
2 You'll have this back there (indicating). Puts that around
3 her wrists. And when you look at the pictures, and they're
4 really -- when you put them on that machine, it kind of
5 whites it out a little bit.

6 You can see the marks in her wrist, right there
7 (indicating). They show up real nice in the picture. And
8 you'll have these pictures back there. You can look at them.
9 In fact, you can even see them from that far distance. Those
10 are indentions in her wrists. She testifies it was loose.
11 Is that reasonable to believe they were loose when it made
12 indentions in her skin? (Indicating.)

13 But she admits this was on her wrist. And why? She
14 says that he was trying to confine her. That's the word she
15 used. Why? Well, she says he was drinking that night; he
16 suffers from PTSD; and he was just crazy that have night.
17 That's why she tried to leave the house, because she was
18 scared. She said that, "I was scared."

19 "Why did you leave the house?"

20 "I was scared."

21 "I was scared." Reasonably cause a person to fear.
22 Fear, imminent serious bodily injury or death. And when
23 police arrive, you know, what did Deputy Powell tell you?
24 Distinct red mark.

25 Well, if you look at the pictures again, sometimes

1 technology isn't the greatest thing. Red mark (indicating),
2 okay. You can see it in that picture. You'll have these
3 back there. This is just another angle from the front. Red
4 mark. And when you look at that, doesn't look like that
5 string. But (indicating) maybe a leash.

6 The question is why is he putting twine around her
7 wrists? Is that reasonable? Is that a reasonable thing?
8 And she runs out, and she goes outside, that's where she's
9 hollering. The neighbor hears her. Neighbor calls 911. And
10 what do police find in the driveway? Her cell phone battery,
11 her cell phone battery in the driveway. She didn't call 911.
12 The neighbor did.

13 I would submit to you she couldn't call 911 because the
14 phone wasn't in -- the battery wasn't in her phone. She told
15 three different people the night of the incident all these
16 other things. And those three people, the two deputies, the
17 EMT, they came. They testified.

18 The EMT talked about, you know, her chief complaint.
19 What was her chief complaint? Head and neck pain. Head and
20 neck pain.

21 The officers took a written statement from her that
22 night. Deputy Strickland, he talked about that. Here's the
23 statement. It's in evidence. You can read it. She states,
24 "Been drinking all day. When he came out, he started
25 slapping me and punching me. Slapping me and punching me."

1 Then he decided to tie me up." She testified to that, "And
2 he tied me up with fishing string," she testified to that,
3 "and was choking me."

4 "Choking me," would reasonably cause a person to fear
5 imminent serious bodily injury or death. If someone's
6 choking you, would it be reasonable to fear serious bodily
7 injury or death? They're choking you.

8 Then the officer asks, "Where did he slap and punch
9 you?"

10 "Face, head and back. Used the leash and twine, tied my
11 neck, then my hands and was starting to tie my feet when the
12 police came to the door."

13 "Did he say how he was going to kill you?"

14 She said, "Choke me with the twine."

15 "Did he prevent you from calling law enforcement?"

16 "Yes, he took my phone."

17 And what did we find on the sidewalk? The battery from
18 the phone. Okay.

19 But if that's not enough, Deputy Powell had his mic on
20 that happen night, okay, and he, you know, recorded
21 everything that was going on. And you heard those tidbits.
22 I'm going to play them again for you here in a second, but
23 there's four little tidbits.

24 The first one, she's heard saying, "He's been trying to
25 kill me all day." All day. Hence the dried blood, okay.

1 Hence the dried blood.

2 "He beat the shit out of me. He tried to choke me to
3 death." Reasonably cause a person to fear imminent serious
4 bodily injury or death.

5 "He's got to go. He's got to go." That's what she said
6 in her own words.

7 The next -- and can we play that? Play that little
8 first snippet.

9 (Audio played.)

10 MR. JUSTIS: Then she says, few minutes later, she says.
11 "He tried to kill me tonight. You all got here just in
12 time."

13 Play that clip.

14 (Audio played.)

15 MR. JUSTIS: And then she says again, little while
16 later, "He tried to kill me tonight."

17 (Audio played.)

18 MR. JUSTIS: And then finally, the officer asks her,
19 "Did you lose consciousness at any time, ma'am?"

20 And she says, "Slightly, yes."

21 "At what point?"

22 And she says, "When he punched me." And then she goes
23 on to say, "He hit me on top of the head, just everywhere.

24 (Audio played.)

25 MR. JUSTIS: That's her words, okay. And that is the

1 night of the incident. The night of the incident. An
2 assault, with or without the accompanying battery, which
3 would reasonably cause a person to fear imminent serious
4 bodily injury or death. Doesn't matter if she's scared today
5 or yesterday. The question is was she scared on July 1st,
6 2014. It's her own words.

7 Now, as I mentioned, lawyers, we make assertions. What
8 I call assertions. It's not evidence; it's assertions. Now,
9 the defense asked Deputy Powell about the size of the
10 defendant, six-four, 250. I can only assume that, you know,
11 someone that big, you know, if he hit her, he would have
12 really -- as frail as she is, really hurt her.

13 But remember what she said: He was drunk. He was
14 drunk, you know, just out of his head, according to her.
15 Drunk people don't always make the best fighters.

16 So you've got her written statement made that night,
17 written by her, signed by her that she acknowledges, "That's
18 my handwriting. That's my signature, but I don't remember,"
19 okay. Then we have the oral statements that were recorded
20 that are her saying basically the same thing. Then all of a
21 sudden in Court, "I don't remember."

22 Why? Why would she testify that way? Maybe she doesn't
23 remember. Maybe those blows to the head did affect her
24 memory. People lose memory. Maybe that is the case. Or
25 maybe -- maybe she's so scared of him that she doesn't want

1 to be held responsible for helping to get him convicted. So
2 you come into Court and say, "I don't remember," because if
3 it didn't happen, just say it didn't happen. If it didn't
4 happen, just say it didn't happen. Don't say, "I don't
5 remember." It was seven months ago, not seven years ago.

6 You know, the thing about witnesses, and the Judge will
7 tell you this: You're the judges of the facts. And one of
8 the things the judge will instruct you on is the credibility
9 of witnesses. And the judge will tell you that as the judge
10 of the facts, you have a wide latitude to determine people's
11 credibility.

12 And that's why jurors, you come from different walks of
13 life, but we all determine and judge credibility every day.
14 When someone tells you something, whether it's your wife,
15 your husband, your kids, your friends, your relatives, your
16 enemies, you're constantly evaluating, "Do I believe them,
17 yes or no?" And the judge will tell you that. The judge
18 will tell you about factors to consider when you're judging
19 credibility.

20 And the judge will tell you that you have, as the
21 finders of fact, you have the right as a juror to believe the
22 entirety of someone's testimony, all of it, or you have the
23 ability to reject the entirety of someone's testimony, or you
24 have the ability to accept part and reject part of someone's
25 testimony. You can believe one person over many or many over

1 one. The Judge will tell you this.

2 So when you look at witnesses and their testimony,
3 you're going to evaluate their credibility. Do witnesses
4 lie? Sometimes. Sure. We're human beings. Pictures don't
5 lie, okay, because pictures, kind of like audio tape, it just
6 records what's there. There's no bias.

7 So when you look at it, okay, it just records what it
8 looked like that night. A picture can't lie. We might not
9 like what we see in a picture. I don't think anybody likes
10 their driver's license photo, but the picture just takes
11 what's there, okay.

12 And you know there's an old saying that says a picture
13 is worth a thousand words. Well, ladies and gentlemen, I
14 submit to you that these pictures right here, they're worth
15 one word, and that's guilty. Thank you.

16 THE COURT: Mr. Wehman.

17 MR. WEHMAN: Thank you, Your Honor. May it please the
18 Court.

19 THE COURT: Yes, sir.

20 MR. WEHMAN: Solicitor Ward, Solicitor Justis.

21 Good morning. You made it to the end of this trial.
22 Now, the solicitor has painted a very good picture for you.
23 Unfortunately, that picture has holes. He tells you that you
24 need to look at all the evidence. He tells you to listen to
25 this video, the audio clips that were played. He wants you

1 to take a look at this statement. It will be back in the
2 jury room with you. It's in evidence. You can look at it.
3 However, he wants you to consider to discredit what the
4 victim, Becky Martin, said on that witness stand.

5 Now, the State has a burden. Mr. Martin doesn't have a
6 burden. He's an innocent man sitting there until you, the
7 jury, come back and find him guilty. And it's guilty beyond
8 a reasonable doubt. A reasonable doubt. Something that
9 would cause a reasonable person to pause.

10 One person testified during this entire trial that knew
11 what happened, that saw what happened, that was there:
12 Becky Martin.

13 The State put up on the screen the elements of a couple
14 of crimes, criminal domestic violence of a high and
15 aggravated nature, and a key element of that, one is serious
16 bodily injury. I would argue, when you go back to your jury
17 room, and you'll have these pictures and you can look at
18 them, this is not serious bodily injury. Not serious bodily
19 injury, I would argue.

20 However, there is another section of that statute that
21 allows if you would find a person would reasonably fear.
22 Now, they put a witness on that stand who was there during
23 the entire incident. She told you and the entire courtroom
24 that she did not fear that man right there. In fact, she
25 said a lot of things. She said, "He's a good man. I'm not

1 afraid of him." This is his wife of 46 years. "I'm not
2 afraid of him." She admitted that she had an anxiety
3 disorder.

4 When you hear the video, you hear the audio, what you
5 hear that night is someone who is in distress. There was an
6 argument. I'm sure there was an argument. She was in
7 distress. She has an anxiety disorder. She didn't call the
8 police. The police were called for her.

9 There's mention -- you'll see a picture of a battery, a
10 cell phone battery, is that their only phone? Is that from
11 her cell phone? We don't know. But it's a battery. It's in
12 their yard. They want to say that she had no ability to call
13 911. Did she tell you she had no ability? No, she did not.

14 She said that he has PTSD and needs help, needs help.
15 That's what she said.

16 She laughed at the very idea that the dog leash would
17 even fit around her neck. And I would encourage you to take
18 a look at these. I mean, take a look at the photos. Could
19 this cause that (indicating)? Possibly. Is it definitive
20 that this caused that? Can you even make out what the injury
21 is? Take a look. You'll have them.

22 Now, aside of Ms. Martin, there were a lot of other
23 witnesses that testified, all of which were put up to
24 discredit her testimony. You heard Deputy Strickland. He
25 came up. He told you how a statement is taken, how they make

1 statements. During that statement, she was in her home. She
2 had the opportunity to write down everything she wanted to.
3 He asked some questions to clear some things up.

4 She was not sitting in a chair, did not swear an oath to
5 tell the truth, but she made a statement to him. He didn't
6 see anything. He can only tell you what she told him, which
7 is great, if she's telling the truth. Fortunately she came
8 in today or yesterday -- I'm sorry, sat there and told you
9 what she told him was not true.

10 She discredited her entire original story. She told you
11 a new story. And there was mention that she came in and told
12 that story to me in my office. She did. She came in and
13 told me that story.

14 EMS was called up. And through the EMS officer, you
15 heard she did not lose consciousness. She told them, "I did
16 not lose consciousness." The indictment you heard at the
17 beginning of the trial pointed out that she did, caused her
18 to lose consciousness, as part of the facts to support the
19 CDV HAN warrant. She told you she didn't lose consciousness
20 or at least didn't complain to the EMS attendant that was
21 there at that time that she did.

22 You also heard from Deputy Powell the victim answered
23 the door, opened the door, let him in. Again, a picture was
24 painted of a woman bound, in fear for her life. She answered
25 the door. She had marks on her hands. She admits, she got

1 on the stand and told you, yes, she had rope tied around her
2 hands. She answered the door.

3 You saw her try to get back to that -- the gallery. She
4 had a hard time moving. Whatever was around her, she got up
5 and answered the door.

6 We heard from the Deputy who booked him Ralph Martin is
7 6 foot 4 inches, 250 pounds. We also heard in the audio that
8 "He was slapping and punching me all over." 6 foot 4,
9 250 pounds, "Trying to kill me all day." The solicitor made
10 mention that drunk people might not make the best fighters,
11 but he is 6 foot 4 and 250 pounds, had a woman, according to
12 her initial statement, tied up, hitting her on top of the
13 head.

14 You can look at the pictures. Her arms are there. Her
15 head, her face. If a man that large was slapping and hitting
16 her all day, would there be more than what is shown there? I
17 submit to you that there would.

18 Reasonable doubt. The judge is going to charge you on
19 reasonable doubt. What could be more reasonable? What could
20 cause you to pause than the very person whom my client
21 Ralph Martin was alleged to have committed criminal domestic
22 violence against telling you, "I lied. I lied. The
23 statement I gave that night, not true. This is what
24 happened."

25 He wants to say that she can't remember. She was

1 provided with the affidavit that she signed, and she almost
2 said, "I don't remember what's in that."

3 He said, "Do you want to review it?"

4 She put it down, said, "I don't need that because I know
5 what happened. Do I remember what I said that night? No,
6 but I know what happened."

7 He does not have to prove his innocence. They have to
8 prove beyond a reasonable doubt that he is guilty.

9 Fear for her life, scared. Solicitor said maybe she's
10 intimidated. She's sitting behind him right now. Wife of 46
11 years.

12 Ladies and gentlemen, Ms. Martin's a reasonable person.
13 She told you she was not in fear of imminent serious bodily
14 injury. She answered the door.

15 As to CDV, which the solicitor told you he'll also make
16 an option or the judge might make an option for you, physical
17 harm or injury. You'll see injury on her mouth. She said --
18 some of you sitting right here in front of her might have
19 seen her teeth. She said she caused that injury. And as a
20 reasonable person, she did not fear imminent bodily injury.

21 Ladies and gentlemen, this case is now to you. I would
22 argue the State has not met its burden. What could be more
23 reasonable than the one person who was there saying it didn't
24 happen. Thank you.

25 THE COURT: Ladies and gentlemen, it's now time for me

1 to instruct you on the law. The indictment charges the
2 defendant with criminal domestic violence of a high and
3 aggravated nature. I remind you that the fact that the
4 defendant was arrested, charged and indicted in this case is
5 not evidence in this case and cannot be considered by you as
6 evidence of guilt in this case, nor does it create any
7 presumption of inference of guilt. This document is simply
8 the formal written instrument which contains the charges made
9 against the defendant, the formal document by which the case
10 is brought into this Court.

11 The defendant has pled not guilty to this indictment and
12 the plea of not guilty puts the burden on the state to prove
13 the defendant guilty of the indictment before he can be
14 convicted of that indictment.

15 A person charged with committing a criminal offense in
16 South Carolina is never required to prove himself innocent.
17 I charge you that it is an important rule of the law that the
18 defendant in a criminal trial, no matter what the seriousness
19 of the charge may be, will always be presumed innocent of the
20 crime for which the indictment was issued unless guilt has
21 been proven by evidence satisfying you of that guilt beyond a
22 reasonable doubt.

23 The presumption of innocence does not end when you begin
24 your deliberations, but it accompanies a defendant throughout
25 the trial until you reach a verdict of guilt based on the

1 evidence satisfying you of that guilt beyond a reasonable
2 doubt.

3 The presumption of innocence is like a robe of
4 righteousness placed about the shoulders of the defendant,
5 which remains with the defendant until it has been stripped
6 from the defendant by evidence satisfying you of the
7 defendant's guilt beyond a reasonable doubt.

8 The presumption of innocence is not a mere legal theory;
9 it is not just a mere legal phrase. It is a substantial
10 right to which every defendant is entitled unless you, the
11 jury, are satisfied from the evidence of the defendant's
12 guilt beyond a reasonable doubt.

13 What is a reasonable doubt in the law? A reasonable
14 doubt is a kind of doubt that would cause a reasonable person
15 to hesitate to act. The State has the burden of proving the
16 defendant guilty beyond a reasonable doubt. Some of you may
17 have served as jurors in civil cases where you were told that
18 it is only necessary to prove that a fact is more likely true
19 than not true, such as by the greater weight or preponderance
20 of the evidence. In criminal cases, the State's proof must
21 be more powerful than that. It must be beyond a reasonable
22 doubt.

23 Proof beyond a reasonable doubt is proof that leaves you
24 firmly convinced of the defendant's guilt. There are very
25 few things in this world that we know with absolute

1 certainty. In criminal cases, the law does not require proof
2 that overcomes every possible doubt.

3 If based on your consideration of the evidence you are
4 firmly convinced that the defendant is guilty of the crime
5 charged, you must find the defendant guilty. If on the other
6 hand you think there is a real possibility the defendant is
7 not guilty, you must give the defendant the benefit of the
8 doubt and find him not guilty.

9 I remind you that during this trial you and I have
10 certain duties to perform. As the trial judge, it is my
11 responsibility to preside over the trial of this case, and I
12 also have the duty to rule on the admissibility of evidence
13 offered during this trial.

14 You are to consider only the competent evidence before
15 you. If there was any testimony ordered stricken from the
16 record in this case during this trial, you must disregard
17 that testimony. You are to consider only the testimony which
18 has been presented from the witness stand, any exhibits which
19 have been made a part of the record in this case, and any
20 stipulations of counsel.

21 In addition, I have the duty to charge you the law
22 applicable to this case. As a presiding judge, I am the sole
23 judge of the law in this case and it is your duty as jurors
24 to accept the law and apply the law as I now state it to you.
25 If you already have an idea as to what the law is or what the

1 law ought to be and it does not agree with what I now tell
2 you the law is, you must abandon this idea because you are
3 sworn to accept the law and apply the law exactly as I state
4 it to you.

5 In every case tried in this Court before a jury, the
6 jury becomes the sole and exclusive judge of the facts in the
7 case, a trial judge cannot intimate, state, comment on or
8 make any statement to a trial jury about the facts in the
9 case.

10 Since you, the jury, are the sole judge of the facts in
11 the case, you are not to infer from what I have said during
12 the progress of the trial or in ruling on admissibility of
13 evidence or otherwise or anything that I say now during the
14 course of this instruction to you that I have any opinion
15 about the facts in this case. The law does not allow me to
16 have an opinion about the facts in the case. This is a
17 matter solely for you, the jury, to determine.

18 As jurors, it is your duty to determine the effect,
19 value, weight and the truth of the evidence presented during
20 this trial. There are two types of evidence which are
21 generally presented during a trial: Direct evidence and
22 circumstantial evidence. Direct evidence is the testimony of
23 a person who claims to have actual knowledge of a fact, such
24 as an eye witness. It is evidence which immediately
25 establishes the main fact to be proved.

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

7 The law makes absolutely no distinction between the
8 weight or value to be given to either direct or
9 circumstantial evidence, nor is a greater degree of certainty
10 required for circumstantial evidence than of direct evidence.
11 You should weigh all of the evidence in the case.

12 After weighing all the evidence, if you are not
13 convinced of the guilt of the defendant beyond a reasonable
14 doubt, you must find the defendant not guilty.

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

21 Criminal intent is always a matter that must be
22 determined by the jury from circumstances surrounding the
23 situation. There is no way to prove intent by a mathematical
24 certainty. There is no way medical science can dissect a
25 person's brain and determine what the person had in mind, so

1 the law says that criminal intent may be inferred from the
2 circumstances shown to have existed. This is how you make a
3 determination of whether or not the element requiring intent
4 was present.

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

10 Criminal intent is a mental state, a conscious
11 wrongdoing. It is up to you to determine what the defendant
12 intended to do based upon the circumstances shown to have
13 existed. Criminal intent can arise from action or failure to
14 act. It may arise from negligence, recklessness or an
15 indifference to duty or to consequences that is considered by
16 the law to be the equivalent of criminal intent.

17 Necessarily, you must determine the credibility of
18 witnesses who have testified in this case. Credibility
19 simply means believability. It becomes your duty as jurors
20 to analyze and evaluate the evidence and determine which
21 evidence convinces you of its truth.

22 In determining the believability of witnesses who have
23 testified in this case, you may believe one witness over
24 several witnesses or several witnesses over one witness. You
25 may believe a part of the testimony of a witness and reject

1 the remaining part of the testimony of that same witness.
2 You may believe the testimony of a witness in its entirety or
3 reject the testimony of a witness in its entirety. You may
4 consider whether any witness has exhibited to you any
5 interest, bias, prejudice or any other motive in this case.
6 You may also consider the appearance and the manner of a
7 witness while on the witness stand.

8 There has been evidence that the witness may have made
9 prior statements which are not consistent with the witness's
10 present testimony. You may use this evidence to decide
11 whether to believe the witness. You may also use evidence of
12 the earlier contradictory statements to determine the truth
13 of those statements. It is up to you to decide whether to
14 believe the earlier statements or the testimony given at
15 trial.

16 If a witness is shown to have knowingly testified
17 untruthfully concerning any material matter, you may consider
18 this in determining whether to trust the witness's testimony
19 as to other matters. You may reject all testimony of that
20 witness or give all or part of the testimony the weight that
21 you think it deserves.

22 I instruct you and emphasize that the fact that the
23 defendant did not testify is not a factor to be considered by
24 you in any way in your deliberation and in your consideration
25 on the question of guilt or innocence of the defendant. It

1 must not be considered by you in any manner whatsoever. A
2 defendant has the constitutional right to remain silent, and
3 the assertion of this right must not be considered by you in
4 your deliberations.

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

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

13 The defendant has been charged with criminal domestic
14 violence of a high and aggravated nature. A defendant is
15 guilty of criminal domestic violence of a high and aggravated
16 nature when the defendant commits an assault and battery upon
17 a member of the defendant's own household and certain
18 aggravating factors are present.

19 A household member is a spouse, a former spouse, a
20 parent, a child, a grandparent, a brother or sister, a
21 grandchild or a person with whom the defendant has a child in
22 common and a person of the opposite sex with whom the
23 defendant is living with or has lived with in the past.

24 An assault occurs when a person unlawfully attempts or
25 offers to commit a violent injury upon another person and has

1 the present ability to complete the attempted injury. It is.
2 the intentional creation of a reasonable fear of imminent
3 bodily harm, it is not necessary that the attempted injury or
4 the harm actually takes place. For example, if I walk up to
5 you and when we are within arms' reach I reach back to hit
6 you, that is an assault.

7 The battery is the unlawful touching of another person
8 by a person who has committed the assault. An unlawful
9 touching can be caused by a part of the accused's body or by
10 any object the accused puts in motion. A battery is the
11 completion of the assault by using or applying force to
12 another person, however slight that force may be. Using my
13 earlier example, if I carry through the assault by hitting
14 you, that is a battery.

15 As I have stated, the State must also prove the
16 circumstance of aggravation. This means that the assault and
17 battery must involve the use of a deadly weapon or result in
18 serious bodily injury to the victim.

19 In addition, an assault that may reasonably cause a
20 victim to fear imminent bodily serious injury or death
21 constitutes an aggravating circumstance.

22 If you find that the State has not proven that the
23 defendant is guilty of criminal domestic violence of a high
24 and aggravated nature, you must then determine whether the
25 State has proven that the defendant is guilty of criminal

1 domestic violence.

2 In order to prove criminal domestic violence, the State
3 must prove beyond a reasonable doubt that the defendant
4 caused physical harm or injury to a member of the defendant's
5 own household or that the defendant offered or attempted to
6 cause physical harm or injury to a member of the defendant's
7 own household with the apparent present ability to cause harm
8 or injury under the circumstances, reasonably creating a fear
9 of imminent danger.

10 There are several possible verdicts which you may find
11 in this case, and there's no significance in how these
12 verdicts are stated. It's simply that one must be stated
13 first.

14 Ladies and gentlemen, your verdict must be unanimous,
15 and Mr. Abernethy, as foreperson, you will sign the actual
16 verdict form. The verdict form is pretty self-explanatory.
17 It goes to -- "As to the charge of criminal domestic violence
18 of a high and aggravated nature, we, the jury, unanimously
19 find the defendant," and it says "Circle one, either not
20 guilty or guilty," and your verdict.

21 If your verdict was not guilty as to the charge of
22 criminal domestic violence of a high and aggravated nature,
23 then render a verdict on the charge below. The charge below
24 is the charge of criminal domestic violence. And, again,
25 "We, the jury, unanimously find the defendant either guilty

1 or not guilty," and it would be signed by the foreperson.

2 Ladies and gentlemen, I will now ask you to return to
3 your jury room. Do not begin your deliberations yet until
4 the bailiff knocks on the door and gives you all the exhibits
5 in this case. Thank you.

6 (The jury retires to the jury room at 11:29 a.m.)

7 THE COURT: Any exceptions or objections to the jury
8 charge from either the State or the defense?

9 MR. JUSTIS: None, Your Honor.

10 MR. WEHMAN: No, Your Honor.

11 THE COURT: If you would gather up the exhibits, and
12 here's the verdict form, and we'll send it back to the jury.

13 (Evidence and verdict form delivered to the jury at
14 11:32 a.m.)

15 (Recess held.)

16 THE COURT: We have a note from the jury that states,
17 "Would you please clarify the difference between the charges
18 of CDV and CDV of a high and aggravated nature," and it's
19 signed by the foreman of the jury. We'll mark this as a
20 Court's exhibit.

21 (The Court's Exhibit 1 marked for identification.)

22 THE COURT: What I thought is I would just reread both
23 criminal domestic violence and criminal domestic violence of
24 a high and aggravated nature, if that's okay with both sides.
25 Any other different suggestions?

1 MR. WEHMAN: That sounds good to me.

2 MR. JUSTIS: I would think so. And I guess you'd start
3 with CDV first, like maybe -- because really the aggravated
4 is kind of like that plus the aggravated. I mean, that's why
5 in my closing I kind of did it like that. I think it makes
6 logical sense, especially since they're just hearing it.

7 THE COURT: Right.

8 MR. JUSTIS: And they don't have something in writing
9 that they can refer to.

10 THE COURT: Well, that's another option too. I can give
11 them the written charge on each.

12 MR. JUSTIS: I don't have a problem with the written
13 charge.

14 THE COURT: That's up to you all.

15 MR. WEHMAN: That's fine.

16 MR. JUSTIS: Just because it uses a lot of big words,
17 monosyllabic words or whatever.

18 MR. WEHMAN: Multisyllabic.

19 MR. JUSTIS: Multi. Exactly. It might be easier for
20 them, then they can --

21 THE COURT: I'm happy to do that. I mean, that's up to
22 you all. If you all don't have any objection, we can just
23 give them the written instruction, and I'll let you look at
24 it real quick before we do that.

25 MR. WEHMAN: Your Honor, we -- actually, we will object.

1 We would ask that you bring them back in and verbally --

2 THE COURT: That's fine.

3 MR. JUSTIS: And that's fine. If they're not fine with
4 that, that's fine.

5 THE COURT: All right. Let's have our jury.

6 (The jury enters the courtroom at 11:59 a.m.)

7 THE COURT: Welcome back, ladies and gentlemen of the
8 jury. I've received your note regarding your wish to be
9 clarified on the law of criminal domestic violence and the
10 difference between that and criminal domestic violence of a
11 high and aggravated nature, so I will read each of the law
12 pertaining to each of those charges.

13 Criminal domestic violence, in order to prove criminal
14 domestic violence, the State must prove beyond a reasonable
15 doubt that the defendant caused physical harm or injury to a
16 member of the defendant's own household or that the defendant
17 offered or attempted to cause physical harm or injury to a
18 member of the defendant's own household with the apparent
19 present ability to cause harm or injury under circumstances
20 reasonably creating a fear of imminent danger.

21 Criminal domestic violence of a high and aggravated
22 nature is as follows: A defendant is guilty of criminal
23 domestic violence of a high and aggravated nature when the
24 defendant commits an assault and battery upon a member of the
25 defendant's own household and certain aggravating factors are

1 present.

2 A household member is a spouse, former spouse, a parent,
3 a child, a grandparent, a brother or sister, a grandchild, a
4 person with whom the defendant has a child in common and a
5 person of the opposite sex with whom the defendant is living
6 or has lived with in the past.

7 An assault occurs when a person unlawfully attempts or
8 offers to commit a violent injury upon another person and had
9 the present ability to complete the attempted injury. It is
10 the intentional creation of a reasonable fear of imminent
11 bodily harm. It is not necessary that the attempted injury
12 or harm actually take place. For example, if I walk up to
13 you and we're within arms' reach and I draw back to hit you,
14 then that is an assault.

15 A battery is an unlawful touching of a person by another
16 person who has committed the assault. An unlawful touching
17 can be caused by part of the accused body or any object the
18 accused puts in motion. A battery is the completion of the
19 assault by using or applying force to another person, however
20 slight that force might be. Using my earlier example, if I
21 carry through the assault by hitting you, that is a battery.

22 As I have stated, the State must also prove the
23 circumstance of aggravation. This means that the assault and
24 battery must involve the use of a deadly weapon or result in
25 serious bodily injury to the victim.

1 In addition, an assault that reasonably causes a victim
2 to fear imminent bodily serious -- imminent serious bodily
3 injury or death constitutes an aggravating circumstance.

4 I hope that clarifies your question between the
5 difference of the two, in the two charges. Is that
6 sufficient, Mr. Foreman?

7 THE JUROR: Yes, ma'am.

8 THE COURT: All right. Thank you.

9 (The jury retires to the jury room at 12:02 p.m.)

10 THE COURT: Any exceptions or objections from the State
11 or from the defense?

12 MR. JUSTIS: No, Your Honor.

13 MR. WEHMAN: No, Your Honor.

14 THE COURT: We'll mark the note as a Court's Exhibit.

15 (Recess held.)

16 THE COURT: It's my understanding that have we have a
17 verdict, so we will go ahead and bring the jury in.

18 (The jury enters the courtroom at 12:14 p.m.)

19 THE COURT: Mr. Foreman, has the jury reached a verdict?

20 THE JUROR: Yes, ma'am.

21 THE COURT: If you would please hand it to the bailiff.

22 Everything appears in order. Madam Clerk, if you'd
23 please publish the verdict.

24 THE CLERK: Yes, ma'am. In the matter of State of South
25 Carolina versus Ralph Martin, Dorchester County, indictment

1 2014-GS-18-05 -- 0851, as to the charge of criminal domestic
2 violence of a high and aggravated nature, we, the jury,
3 unanimously find the defendant guilty, signed by foreperson
4 William Abernethy dated February 11, 2015.

5 THE COURT: Madam Clerk, would you also please poll the
6 jury.

7 THE CLERK: Yes, ma'am.

8 THE COURT: Thank you.

9 THE CLERK: When I call your name, if you'd please
10 stand.

11 Juror No. 124, Carol Lloyd, was this your verdict in the
12 jury room?

13 JUROR NO. 124: Yes, ma'am.

14 THE CLERK: Is this still your verdict?

15 JUROR NO. 124: Yes, ma'am.

16 THE CLERK: Thank you. No. 204, Kenneth Sarley III.

17 JUROR NO. 204: Yes, ma'am.

18 THE CLERK: Is this still your verdict?

19 JUROR NO. 204: Yes, ma'am.

20 THE CLERK: Thank you.

21 No. 34, Claudia Cordray, was this your verdict in the
22 jury room?

23 JUROR NO. 34: Yes.

24 THE CLERK: Is this still your verdict?

25 JUROR NO. 34: Yes.

1 THE CLERK: Thank you.

2 Juror No. 1, William Abernethy, was this your verdict in
3 the jury room?

4 JUROR NO. 1: Yes, ma'am.

5 THE CLERK: Is this still your verdict?

6 JUROR NO. 1: Yes, ma'am.

7 THE CLERK: Thank you.

8 Juror No. 190, William Ridenour, was this your verdict
9 in the jury room?

10 JUROR NO. 190: Yes, it is.

11 THE CLERK: Is this still your verdict?

12 JUROR NO. 190: Yes.

13 THE CLERK: Thank you.

14 No. 33, Pearl Cook, was this your verdict in the jury
15 room?

16 JUROR NO. 33: Yes, ma'am.

17 THE CLERK: Is it still your verdict?

18 JUROR NO. 33: Yes.

19 THE CLERK: Thank you.

20 No. 222, Kelly Staten, was this your verdict in the jury
21 room?

22 JUROR NO. 33: Yes.

23 THE CLERK: Is this still your verdict?

24 JUROR NO. 33: Yes.

25 THE CLERK: Thank you.

1 No. 58, Marcus George, was this your verdict in the jury
2 room?

3 JUROR NO. 58: Yes, ma'am.

4 THE CLERK: Is this still your verdict?

5 JUROR NO. 58: Yes, ma'am.

6 THE CLERK: Thank you.

7 No. 217, Sarah Stafford, was this your verdict in the
8 jury room?

9 JUROR NO. 217: Yes, ma'am.

10 THE CLERK: Is this still your verdict?

11 JUROR NO. 217: Yes, ma'am.

12 THE CLERK: Thank you.

13 No. 4, Chaka Khan Anderson, was this your verdict in the
14 jury room?

15 JUROR NO. 4: Yes.

16 THE CLERK: Is this still your verdict?

17 JUROR NO. 4: Yes.

18 THE CLERK: Thank you.

19 No. 121, Richard Lewis, was this your verdict in the
20 jury room?

21 JUROR NO. 121: Yes, ma'am.

22 THE CLERK: Is this still your verdict?

23 JUROR NO. 121: Yes, ma'am.

24 THE CLERK: No. 144, Shawn Meade, was this your verdict
25 in the jury room?

1 JUROR NO. 144: Yes.

2 THE CLERK: Is it still your verdict?

3 JUROR NO. 144: Yes.

4 THE CLERK: Thank you.

5 THE COURT: Thank you, ladies and gentleman of the jury.

6 If you would please return to your jury room just briefly,

7 I'll be in there to release you in just one second.

8 (The jury retires to the jury room at 12:17 p.m.)

9 THE COURT: I'm going to go release the jury before we
10 proceed to sentencing.

11 Solicitor, if you'd please prepare a sentencing sheet.

12 MR. JUSTIS: Yes, Your Honor, it's being done right now.

13 (Recess held.)

14 THE COURT: And just for the record, the jury has been
15 officially released; however, some of the members of the jury
16 did want to come in, as is their right, to be present for
17 sentencing.

18 Parties ready to proceed?

19 MR. JUSTIS: State's ready, Your Honor.

20 MR. WEHMAN: Yes, Your Honor.

21 MR. JUSTIS: May I approach, Your Honor?

22 THE COURT: Yes, sir. Mr. Wehman, I'll be happy to hear
23 from you.

24 MR. WEHMAN: Thank you, Your Honor. May it please the
25 Court.

1 THE COURT: Yes, sir.

2 MR. WEHMAN: As you're aware now, Mr. Martin is 63 years
3 old. He has an associate's degree in engineering. He is a
4 Vietnam veteran. He served overseas, served in Vietnam, was
5 diagnosed with PTSD, did see active combat over there.
6 During his service he was awarded with six combat medals for
7 various achievements in combat.

8 After his honorable discharge, he has had increasing
9 interaction with the VA Hospital. He is being treated. He
10 is on a -- he has a list of medications that I have printed
11 out from the VA. It's about seven medications, Your Honor,
12 and they're for a variety of things.

13 He is diagnosed with PTSD. He also has been diagnosed
14 with depression from that instance and I guess in connection
15 with his PTSD. He has various other medical problems.
16 Cirrhosis of the liver, I believe, is one of them. He has
17 had CAT scans on his brain. He is in rapidly declining
18 health.

19 Your Honor, his sister has been here in support of him.
20 She's seated on the first row. At the appropriate time, she
21 would like to address you, if you'd be willing to hear from
22 her. Additionally, his wife, Ms. Becky Martin, has stated
23 that she would like to address you.

24 THE COURT: I'll be happy to hear from them.

25 MR. WEHMAN: Ms. Martin. And this is his sister,

1 Ms. Patricia Martin.

2 MS. P. MARTIN: My name is Patricia Martin. I'm Wayne's
3 sister. I just would like to beg for mercy. Wayne is 63
4 years old. I'm the oldest. I'm 64. If you open -- take his
5 shirt sleeves off up right now, you will see scars where he
6 was beaten as a child with cowhide strings. We all were.

7 He can be rehabbed. He's a very sick man. He has
8 cirrhosis of the liver. Pretty sure he has high blood
9 pressure. He suffers with depression. I myself have
10 bipolar.

11 Wayne was given a death sentence this afternoon because
12 he's going to die there. And I'm just pleading, and he's not
13 a bad person. It was out of control. He has PTSD. He was
14 raised in hell. He went into the United States Army. My
15 parents signed for him at 17 years of age. He was also
16 signed at 17 years of age where he could get married.

17 This, this incident, this horrible thing that has
18 happened today that you're seeing has been a monkey -- a
19 circus and a monkey show for 46 years between Wayne and
20 Becky. It's never stopped. It's just war. Long time. It's
21 made it worse.

22 If he were going to kill her, he would have killed her a
23 long time ago, and she's not going to kill him. He's not a
24 bad person, Your Honor. He needs to be in a hospital. I'm
25 begging. He needs to be in a hospital. He needs treatment.

1 Please spare his life by getting him into a rehab center as
2 an inpatient. I'm begging. I'm begging for his life because
3 when he's sentenced to prison today, he's going to die there.

4 Our mom is 85 years old. She doesn't even know he's in
5 jail. This will probably kill my mom too. So today is a day
6 that we'll never forget. And all I'm asking is for mercy. I
7 love him very much. I know for a fact he's not a bad man.
8 He does bad things, and a lot of it's just plain from birth
9 until today, whatever today is, February 2015. Again, I'm
10 begging for mercy.

11 THE COURT: Thank you, Ms. Martin.

12 Yes, ma'am.

13 MS. B. MARTIN: I love him very much. Very, very much.
14 He's been a good man. He really has, but he has them
15 episodes of PTSD and he can't control it. And he's been
16 involved with the VA ever since 1972, and he's got a social
17 worker, but I think she was told not to come. She said the
18 only person that Wayne would hurt would be himself. He
19 wouldn't hurt anybody else, it was ridiculous the things that
20 he was being charged with.

21 And he's got a doctor, Dr. Harmen at the VA, and he's
22 involved in the program continuously. And if he had -- I was
23 going to ask the -- she said for me to start coming with him
24 to the hospital with him.

25 And my son's got PTSD from -- from -- from Korea, and

1 he -- he was home that night, but he stayed in his bedroom.
2 And all three of my -- all three of my children love their
3 daddy. That's why they didn't come, because they couldn't
4 handle this today. And we've got seven grandchildren and
5 three great-grandchildren, and they all ask me, "Where's
6 Granddaddy?" And I said, "He's just -- he's in the hospital.
7 He'll be -- he'll be coming home."

8 Even my mom, my mom called on him with a note to tell
9 him happy birthday on his birthday because my mom loves him,
10 because my mother had a -- my mom's schizophrenic. She had a
11 mental breakdown and was living in Hugh, Florida and Wayne
12 would go over there every weekend and take her off and do
13 things with her because he loves her.

14 He's a very, very loving man, but he's got that PTSD,
15 and that's why he needs help. And that's all I ask, is that
16 he gets treatment and not prison time, because that will kill
17 him and it will definitely kill me. My health's bad, and I
18 can't -- I can't handle being away from him. I can't do it.
19 I have nobody else. My kids are grown and I will not ask
20 them for help. They got their own lives. But he can go --
21 his VA and get help, extended help. I know he'll be okay.

22 THE COURT: Thank you, ma'am.

23 MS. B. MARTIN: Thank you.

24 THE COURT: Anything further from the defense?

25 MR. WEHMAN: Yes, Your Honor, I have -- she alluded to

1 the VA and a contact there. I have spoken to two contacts
2 there: Ms. Deborah Davis and Ms. Merideth Miller. They did
3 provide me -- they do have an extensive inpatient-type
4 program where it's a step-down-type program. The first step
5 would be him residing there in their hospital where he can
6 get treatment.

7 He does -- he is listed alcohol dependent. And based on
8 what we heard in the trial and from what I've talked about,
9 alcohol mixed with these medications does cause problems. So
10 he would be there. He'd be treated for the alcohol problems.

11 Once he completes that phase, there is a step-down where
12 he would not be in the hospital but in housing with other
13 individuals, again, away from home, away from his wife, other
14 individuals going through this program, until he graduates to
15 the next phase.

16 They said that he is -- he's eligible, and what we would
17 ask, Your Honor, is that he be incarcerated in the jail until
18 he's able to be put in a program, either that program or any
19 program that you would be satisfied with, to combat the
20 problem that he has with alcohol.

21 He does have a record, and based on my review of the
22 record, there are a lot of CDV arrests. Most of those
23 arrests involve a time-served sentence. From what I have
24 heard, he tells me the option was put to him, plead guilty,
25 go home today, time served.

1 And we would ask that he be given treatment to help him,
2 to help him overcome this alcoholism, and that's what we
3 would ask for, Your Honor.

4 THE COURT: Thank you.

5 Solicitor.

6 MR. JUSTIS: Thank you, Your Honor, may it please the
7 Court.

8 As far as the sentence goes, and I'm sure Your Honor
9 knows there's a one-year minimum that's not suspendable. He
10 does have credit for approximately seven months. He's been
11 incarcerated since that night in the Dorchester County jail.

12 Looking at his record, Your Honor, it starts back in
13 1976. He was convicted of a DUI. And according to my
14 records, DUI second. That's as far back as I can go, so
15 obviously there was a DUI prior to that.

16 1979 DUI third; 1981 DUI; 1986 DUI; 1997 DUI third; 1999
17 DUI third and a driving under suspension fifth.

18 2002, he was convicted of child abuse, a misdemeanor
19 child abuse out of North Carolina.

20 In 2005, Colleton County, a criminal domestic violence;
21 2006 in Horry County, criminal domestic violence second
22 offense, and it was actually a criminal domestic violence
23 high and aggravated, pled down to a second offense. 2010,
24 again, Horry County, criminal domestic violence second
25 offense, again, another criminal domestic violence high and

1 aggravated, pled down. 2011, criminal domestic violence out
2 of Berkeley County. 2012, two separate convictions for
3 public disorderly conduct. 2014, here in Dorchester County,
4 he had two counts of criminal domestic violence high and
5 aggravated nature. One was dismissed; one was pled to a
6 criminal domestic violence. That was in January of 2014.

7 Between January of 2014 and April of 2014, three months,
8 he was convicted of DUI first. In April of 2014, he was
9 charged again with criminal domestic violence high and
10 aggravated. Those charges are still pending. I have those
11 charges.

12 Before I even got the case on that situation, he picked
13 up the present charge, another criminal domestic violence
14 high and aggravated. So that's the extent of his record. I
15 do have the public index of all those if you need proof of
16 all that, but I do have that.

17 You know, based on his extensive record, Your Honor, you
18 know, the State would just ask for the maximum sentence under
19 the law. You know, obviously Mr. Martin has gotten a second,
20 third, fourth, fifth, sixth, seventh, eighth chance. And it
21 is the State's opinion that he's just -- he's just run out of
22 chances. Thank you.

23 THE COURT: Well, Mr. Martin, you have people here that
24 support you and love you, despite your actions and your
25 continued violent history.

1 You come before this Court and you basically have had
2 opportunity after opportunity to get help for your treatment
3 and your problem, and you failed to do so. Our society
4 cannot tolerate violence like this against the one person
5 that you're supposed to love and protect and in front of your
6 children. That's despicable.

7 Under indictment 2014-GS-18-0851, you're hereby
8 committed to the State Department of Corrections for a period
9 of ten years, provided upon the service of nine months --
10 nine years, 11 months, with probation to follow for four
11 years. Special conditions of probation are that you are to
12 receive substance abuse counseling, random drug and alcohol
13 testing, you must complete a batterer treatment program and
14 you must perform 100 hours of public service employment.

15 Good luck to you.

16 MR. JUSTIS: Thank you, Your Honor.

17 --- END OF TRANSCRIPT OF RECORD ---
18
19
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24
25

DORCHESTER COUNTY SHERIFF'S OFFICE

VOLUNTARY STATEMENT

CASE # 14007020Page 1 of 2

LAST NAME <u>Martin</u>	FIRST NAME <u>Becky</u>	MIDDLE NAME <u>Ann</u>	AGE	D.O.B.
NICKNAME/AKA	M ☐ F ☒ SSN	STREET ADDRESS		
CITY	STATE <u>SC</u>	ZIP	MAILING ADDRESS IF DIFFERENT	
TELEPHONE		CELL/TELEPHONE	OCCUPATION <u>retired</u>	
EMPLOYER		EMPLOYER ADDRESS		
DRIVER'S LICENSE NUMBER/STATE		DATE AND TIME OF INTERVIEW <u>7/1/2014 @ 2245</u>		
LOCATION OF INTERVIEW <u>SC</u>				
INTERVIEWING AGENT <u>C. Strickland</u>	DEPARTMENT <u>DCSO</u>	INTERVIEWING AGENT	DEPARTMENT	

I, Becky Martin understand I do not have to say anything, and I volunteer the following information of my own free will, for whatever purposes it may serve. I can cannot read and write and completed the grade in school

Ralph has been drinking for days. He has PTSD and is under care at the VA in Charleston. He continues to drink although he is taking Meds. He was in the bedroom all day, and when he came out he started slapping me and punching me. Then he decided to tie me up and tie me up with fishing string and was choking me when police came. He said he was going to kill me.

Q- Where did he slap and punch you?

A- face, head, back

Q- How many different things did he tie you up with?

A- leash & twine

Q- How did he tie you up?

A- 1st he tied my neck, then my hands and was starting to tie my feet when police came to door

→ continue to page #2

I have read each page of this statement consisting of 2 page(s), each page of which bears my signature, and corrections, if any, bears my initials, and I certify that the facts contained herein are true and correct.

Date: 7/1/2014 Time: 2245

Signature of person giving voluntary statement

Becky Martin

WITNESS: C. Strickland/146

WITNESS:

I certify that I have been given a copy of this statement consisting of 2 pages.

VOLUNTARY STATEMENT
SUPPLEMENTAL

Becky A. Martin

Statement of, Continued.

Q- did he say How he was going to kill you?

A- choke me with the twine

Q- ^{as} did he prevent you from calling law enforcement?

A- yes, he took my phone

~~end~~ end of statement

Bm

Bm

Bm

Bm

Bm

Person giving statement to place initials behind
last word of statement as appears on last page.

Becky Martin
Signature of person giving voluntary statement

WITNESSES

S Morelli

Dorchester County Sheriff
14-007020ARREST WARRANT NUMBER
2014A1810300568

Arrested: July 2, 2014

ACTION OF GRAND JURY**TRUE BILL**Rachel Hester
Foreperson of Grand Jury
Date: October 8, 2014**VERDICT**Foreperson of Petit Jury
Date:

DOCKET NO. 2014GS180851

The State of South Carolina
County of DORCHESTER**COURT OF GENERAL SESSIONS**

October 13, 2014 TERM

THE STATE
vs.

Ralph Martin

Indictment forCriminal Domestic Violence of a High
and Aggravated Nature

SC Code: 16-25-65

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.

2014 OCT -9 PM 2:28
CLERK OF COURT
DORCHESTER COUNTY

STATE OF SOUTH CAROLINA)
COUNTY OF DORCHESTER)

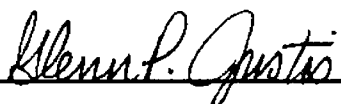
INDICTMENT
2014GS180851

As a Court of General Sessions, convened on October 13, 2014 the Grand Jurors of DORCHESTER County present upon their oath:

CRIMINAL DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE

That in Dorchester County, South Carolina, on or about July 1, 2014, the Defendant, Ralph Martin, did assault and/or cause physical harm or injury or offer or attempt to cause physical harm or injury to Becky Martin, a household member of the defendant with apparent present ability under circumstances reasonably creating fear of imminent peril. Said assault was accompanied by one or more circumstances of aggravation described as the use of a deadly weapon, the infliction of serious bodily injury or reasonably caused the victim to fear imminent serious bodily injury or death in that the defendant did strike the victim and knocked her unconscious. This offense in violation of Section 16-25-65 of the South Carolina Code of Laws, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Glenn P. Justis, Solicitor

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Dorchester

VS.

Ralph Martin

AKA:

Race: WHITE Sex: M Age:

DOB: SS#:

Address:

City, State, Zip: SC

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Criminal Domestic Violence of a High and Aggravated Nature

IN THE COURT OF GENERAL SESSIONS

1-10y
141

INDICTMENT/CASE#: 2014GS180851

A/W#: 2014A1810300568

Date of Offense: 7/1/2014

S.C. Code §: 16-25-65

CDR Code #: 2988

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-25-65 of the S.C. Code of Laws, bearing CDR Code # 2988

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ § 17-25-45The charge is: ☒ As Indicted. ☐ Lesser Included Offense. ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation. ☐ Negotiated Sentence. ☐ Recommendation by the State.

ATTEST:

Glenn P. Justice
Justis, Glenn P.76606
SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 10 days/months/years or ☐ under the Youthful Offender Act not to exceed 9 years plus 11 months 9 years
and/or to pay a fine of \$ 100; provided that upon the service of 9 years plus 11 months 9 days/months/years and/or payment
of \$ 100; plus costs and assessments as applicable*: the balance is suspended with probation for 9 years

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ 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 the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ OrderedTotal: \$ 100 plus 20% fee: \$ 20

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:		\$
§ 14-1-206 (Assessments 107.5%)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$ <u>500</u>
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ <u>5</u>
3% to County (if paid in installments)		\$ <u>18.90</u>
TOTAL		\$ <u>648.90</u>

PTUP

100 days/hours Public Service EmploymentObtain GED ☐Attend Voc. Rehab. or Job Corp. ☐

May serve W/E beginning

Substance Abuse Counseling ☒Random Drug/Alcohol testing ☒Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ 100 beginning\$ 100 paid to Public Defender FundOther: Better treatment must
complete☐ Appointed PD or appointed other counsel.
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

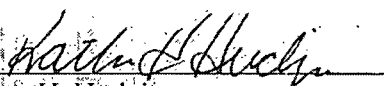
Presiding Judge

Judge Code: 2166Sentence Date: 2/11/15

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."

May 17th, 2016


Kathrine H. Hudgins
Appellate Defender

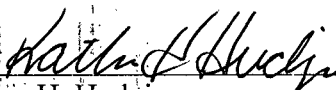
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

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Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
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ATTORNEY FOR APPELLANT

RECEIVED

MAY 17 2016
SC Court of Appeals