

22450

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY

R. Lawton McIntosh, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JULIUS QUINTEZ MANIGAULT,

APPELLANT

APPELLATE CASE NO. 2015-000092

RECORD ON APPEAL

KATHRINE H. HUDGINS
Appellate Defender

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

Attorney for Appellant

ALAN WILSON
Attorney General

JOHN W. MCINTOSH
Chief Deputy Attorney General

J. BENJAMIN APLIN
Assistant Attorney General
Office of the Attorney General

PO Box 11549
Columbia, SC 29211
(803) 734-3727

SCARLETT ANNE WILSON
Solicitor, Ninth Judicial Circuit
101 Meeting St., Ste. 400
Charleston, SC 29401-2214
fax (843) 740-5858
(843) 958-1900

Attorneys for Respondent

ANDERS

NO DEFENDANT'S BRIEF

No Respondent's Brief Filed

ORIGINAL

RECEIVED

SEP 10 2015

SC Court of Appeals

INDEX

INDEX.....	i
TRIAL TRANSCRIPT	1
OPENING STATEMENT BY MS. NEWAM.....	69
OPENING STATEMENT BY MS. FRAYER.....	73
TESTIMONY	
KEVIN WHITFIELD.....	75
KEVIN LIZARAZO	88
TIM HOLLEY.....	97
JAMES GREENAWALT	101
SHAWNTA MIDDLETON.....	168
CHARLETTE RICH.....	173
MOTION FOR DIRECTED VERDICT.....	185
CLOSING ARGUMENT BY MS. YOUNG	207
CLOSING ARGUMENT BY MS. FRAYER.....	217
CHARGE ON THE LAW.....	224
VERDICT	264
SENTENCING	266
MOTION FOR RECONSIDERATION OF SENTENCE.....	276
INDICTMENT	277
CERTIFICATE OF COUNSEL.....	

THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE'S EXHIBIT #5 (Dash cam Video)

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	
COUNTY OF CHARLESTON	)	DOCKET NO. 2014-GS-10-1010
	)	
	)	
STATE OF SOUTH CAROLINA	)	
	)	
vs.	)	
	)	
JULIUS QUINTEZ MANIGAULT	)	
	)	
Defendant	)	
	)	
	)	
	)	TRANSCRIPT OF RECORD
		January 8, 2015
		Charleston, South Carolina

VOLUME 1 (OF 2)

B E F O R E:

THE HONORABLE R. LAWTON MCINTOSH, JUDGE

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

KELLEY YOUNG, ESQ.
JENNA NEWMAN, ESQ.
Attorneys for the State

CANTRELL FRAYER, ESQ.
LUKE MALLOY, ESQ.
Attorneys for the Defendant

JOYCE C. RUEGER, CVR-M
Circuit Court Reporter

INDEX TO PROCEEDINGS	PAGE
PROCEEDINGS	5
VOIR DIRE	10
STRIKING OF THE JURY	29
MOTION TO SUPPRESS	
Remarks by Mr. Malloy	43
Reply by Ms. Young	52
JURY SWORN	58
COURT-INTRODUCTION TO JURY	59
OPENING STATEMENTS	
By Ms. Newman	69
By Ms. Frayer	73
KEVIN WHITFIELD	
Direct Examination by Ms. Newman	75
Cross-Examination by Ms. Frayer	79
Redirect Examination by Ms. Newman	83
KEVIN LIZARAZO	
Direct Examination by Ms. Newman	88
Cross-Examination by Ms. Frayer	92
Redirect Examination by Ms. Newman	96
TIM HOLLEY	
Direct Examination by Ms. Young	97
Cross-Examination by Ms. Frayer	100

INDEX TO PROCEEDINGS (continued)

	PAGE
JAMES GREENAWALT	
Direct Examination by Ms. Young	101
Cross-Examination by Ms. Frayer	146
Redirect Examination by Ms. Young	164
SHAWNTA MIDDLETON	
Direct Examination by Ms. Young	168
Cross-Examination by Ms. Frayer	172
CHARLETTE RICH	
Direct Examination by Ms. Newman	173
Cross-Examination by Ms. Frayer	183
MOTION FOR DIRECTED VERDICT	
Remarks by Ms. Frayer	185
FIFTH AMENDMENT RIGHTS	186
CERTIFICATE OF THE COURT REPORTER	195

INDEX TO EXHIBITS

[All exhibits pre-marked prior to start of trial unless otherwise indicated in transcript]

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
1	Scale and 13 baggies	179
2	Map	109
3	Chain of custody form	194
4	Lab Report	181
5	Video of dash cam	120
6	Photo	(withdrawn)
7	Photo	(withdrawn)
8	Tow sheet	I.D. only
9	CAD	(withdrawn)
10	Aerial view of map	144 / 144

DEFENDANT

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
1	Incident Report	85 I.D. only
2	Internal Investigation form	159 I.D. only
3	Internal Investigation form	159 I.D. only

COURT

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
1	Note from jury	58

State v Julius Manigault
Proceedings
January 8, 2015

PROCEEDINGS

1
2 THE COURT: Good morning. Let me ask the
3 attorneys. From my understanding we have a motion to
4 suppress. So what would be the attorney's preference?
5 To go ahead and do that after we pick a jury and before
6 we start or do it now? I'm fine to do whatever y'all
7 want to do.

8 MS. YOUNG: The only request from the State would
9 be to do it before the jury is sworn. But either way
10 works for us.

11 THE COURT: Yes. I don't swear them until we get
12 started.

13 MS. YOUNG: Okay. Thank you, Your Honor.

14 MR. MALLOY: I don't have any preference before or
15 after we pick the jury.

16 THE COURT: Okay. How long do you think it's
17 going to take on your motion? I don't have any
18 particularized grounds so I'm not sure what your motion
19 is going to be?

20 MR. MALLOY: I think it would last probably between
21 -- I think it's just going to be one witness. We're not
22 calling any witnesses. I think 15 to 30 minutes
23 probably.

24 THE COURT: Fifteen to 30 minutes?

25 MR. MALLOY: Yes.

State v Julius Manigault
Proceedings
January 8, 2015

1 THE COURT: Y'all want to go ahead and do that now?
2 MS. YOUNG: That would be great.
3 THE COURT: Is that all right with you?
4 [Whereupon, the court confers with the clerk]
5 THE COURT: Let's do this. Let's bring the jury
6 in. This is going to be a short trial right?
7 MS. YOUNG: That's correct, Your Honor.
8 THE COURT: Does the State want an alternate?
9 MS. YOUNG: Yes, Your Honor.
10 THE COURT: You do?
11 MS. YOUNG: Yes.
12 THE COURT: Okay. Strikes are five and five is
13 that right?
14 MS. YOUNG: That's correct.
15 THE COURT: Do you agree with that?
16 MR. MALLOY: Yes, we agree with that Your Honor.
17 THE COURT: Let me make sure since I am from
18 Anderson I don't know everybody here. You are Ms. Young?
19 MS. YOUNG: Yes, Your Honor.
20 THE COURT: You are Mr. Frayer?
21 MR. MALLOY: I'm Mr. Malloy. I'm her second chair
22 on this.
23 THE COURT: You're Ms. Frayer?
24 MR. FRAYER: Yes.
25 THE COURT: I apologize. What's your name?

State v Julius Manigault
Proceedings
January 8, 2015

1 MS. NEWMAN: I'm Jenna Newman, Your Honor.

2 THE COURT: I'm sorry?

3 MS. NEWMAN: Jenna Newman.

4 THE COURT: Newman?

5 MS. NEWMAN: Yes, sir.

6 THE COURT: Okay. I apologize to you in advance
7 if I forget them or butcher them, okay.

8 MR. FRAYER: Your Honor, my client has an injury
9 that prevents him from standing; he was shot. So he's in
10 a wheelchair; he won't be able to stand. So I just
11 wanted to make the court aware of that.

12 THE COURT: That's fine.

13 MS. YOUNG: Your Honor, may we approach briefly?

14 THE COURT: Yes, ma'am.

15 [Whereupon, an off the record bench conference is
16 held]

17 THE COURT: Is the State ready to go with jury
18 selection?

19 MS. YOUNG: Yes, Your Honor.

20 THE COURT: Is the defense ready?

21 MR. FRAYER: Yes, Your Honor.

22 [Whereupon, the jury panel enters the courtroom at
23 11:00 a.m.]

24 THE COURT: Ladies and gentlemen, my name is Lawton
25 McIntosh. I'm from Anderson, South Carolina and it is my

State v Julius Manigault
Proceedings
January 8, 2015

1 pleasure to be here in Charleston this week for a term of
2 General Sessions court. We are starting the second case
3 of the week. The name of this case is the State of South
4 Carolina versus Julius Quintez Manigault who is charged
5 with assault on a police officer while resisting arrest
6 and possession with intent to distribute marijuana.

7 Before we get started can everyone hear me okay?
8 You'll be able to hear me better in just a moment. But I
9 generally speak loud enough so you can. Let me just tell
10 you that the fact that this gentleman has been charged,
11 arrested, and indicted is not evidence of his guilt and
12 doesn't lead to an inference nor a presumption of his
13 guilt.

14 These documents are simply the charging papers by
15 which the State of South Carolina would charge someone
16 and have them brought to court for a trial and a
17 determination of their guilt or innocence. With that
18 being said I need to ask you several questions. Have
19 they been put under oath this morning?

20 CLERK OF COURT: No, they haven't Judge just from
21 Monday was the last time they were under oath.

22 THE COURT: Do you mind placing them under oath.

23 [Whereupon, the jury panel is sworn by the Clerk of
24 Court]

25 CLERK OF COURT: If you have accepted this oath

State v Julius Manigault
Proceedings
January 8, 2015

1 please have a seat.

2 [Whereupon, all jurors are seated]

3 CLERK OF COURT: Please let the record reflect all
4 the jurors took their seat.

5 THE COURT: Very good.

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

State v Julius Manigault
Voir Dire
January 8, 2015

1 VOIR DIRE

2 THE COURT: Ladies and gentlemen unlike Monday
3 these questions are really more generalized and not so
4 personal. So unless you have an absolute necessity I'm
5 going to ask that if you respond to the question stand up
6 give me your juror number if you have it with you, give
7 me your name, and your response to the information being
8 sought.

9 There will not be unless you specifically request it
10 the opportunity at the end the process like you had
11 Monday to come up and speak to the Judge in a more
12 confidential setting. With that being said the first
13 question that I have has anyone ever been related by
14 blood or marriage to either Julius Quintez Manigault or
15 Officer Greenawalt? If so, would you please stand.

16 [Whereupon, no one stands]

17 Next, has anyone ever had a close personal or social
18 relationship with Julius Quintez Manigault or Officer
19 Greenawalt? If so would you please stand.

20 [Whereupon, no one stands]

21 THE COURT: Very good. Ladies and gentlemen, the
22 following are a list of folks who may testify in this
23 case. I'm going to read you the entire list so if you
24 don't get a name raise your hand and I'll try to make
25 sure that you do. The first and possible witness is

State v Julius Manigault
Voir Dire
January 8, 2015

1 Officer Kevin Whitfield, North Charleston Police
2 Department, Detective Diego Lizarazo, North Charleston
3 Police Department, Officer Tim Holley, North Charleston
4 Police Department, Shawnta Middleton, North Charleston
5 Police Department, Charlette Rich, North Charleston
6 Police Department. Did everyone get those names?

7 [Whereupon, an individual stands]

8 THE COURT: Okay sir, did you not get a name?

9 UNIDENTIFIED JUROR: Oh, no sir.

10 THE COURT: You got them all?

11 UNIDENTIFIED JUROR: I got one that was in there.

12 THE COURT: Okay. Let me go ahead -- I want to
13 make sure everyone got the names first, but you got it.
14 Thank you. Has anyone ever been related by blood or
15 marriage to any of the potential witnesses I've just read
16 to you? If so would you please stand?

17 [Whereupon, an individual stands]

18 THE COURT: Okay. What is your name and juror
19 number?

20 MR. SAXON: 317, Emmett Saxon.

21 THE COURT: I need you to speak up please?

22 MR. SAXON: Emmett Saxon, 317.

23 THE COURT: 317?

24 MR. SAXON: Yes, sir.

25 THE COURT: Okay, Mr. Saxon. Which witness are you

State v Julius Manigault
Voir Dire
January 8, 2015

1 related to by blood or marriage?

2 MR. SAXON: Tim Holley.

3 THE COURT: And what is his relationship to you?

4 MR. SAXON: My cousin.

5 THE COURT: He's your cousin?

6 MR. SAXON: Yes, sir.

7 THE COURT: First cousin, second cousin?

8 MR. SAXON: First cousin.

9 THE COURT: Do you see him very often?

10 MR. SAXON: Yes, sir.

11 THE COURT: How often do you see him?

12 MR. SAXON: About every other weekend or so he comes
13 over to the house.

14 THE COURT: Would your relationship with Mr. Holley
15 prevent you from being fair and impartial to both the
16 plaintiff -- I mean to the State and the defense in this
17 matter?

18 MR. SAXON: Yes, sir.

19 THE COURT: It would?

20 MR. SAXON: Yes, sir.

21 THE COURT: All right. I'm going to excuse you
22 from the trial of this case. I'm going to ask you to
23 stick around for a little bit.

24 MR. SAXON: Yes, sir. Thank you.

25 THE COURT: Anyone else? Has anyone ever had a

State v Julius Manigault
Voir Dire
January 8, 2015

1 close personal or social relationship with any of the
2 potential witnesses that I've just read to you? If so
3 would you please stand.

4 [Whereupon, no one stands]

5 THE COURT: Very good. Ms. Frayer, if you would
6 stand up and introduce your side of the case please,
7 ma'am?

8 MR. FRAYER: Thank you, Your Honor. My name is
9 Cantrell Murray Frayer. I work with the Charleston
10 County Public Defender's office. My boss is Ashley
11 Pennington. Sitting with me on this trial is Mr. Luke
12 Malloy who also works with the Charleston County Public
13 Defender's office. We're representing Mr. Julius Quintez
14 Manigault. We have offices in Charleston and Berkeley
15 County.

16 THE COURT: I'm not hearing what she is saying?
17 Did you introduce who -- you're introducing your firm
18 right, the Public Defender's office?

19 MR. FRAYER: Yes, sir.

20 THE COURT: Okay. I'm sorry. Thank you, ma'am.
21 All right Ms. Cantrell -- Ms. Young; excuse me.

22 MS. YOUNG: Thank you, Your Honor. Good morning.
23 My name is Kelley Young. I work in the Charleston County
24 Solicitor's office for Scarlett Wilson in the 9th
25 Judicial Circuit. This is Jenna Newman, an assistant

State v Julius Manigault
Voir Dire
January 8, 2015

1 solicitor helping me with the case. You're also going to
2 see my investigator Kenny Barfield in and out of the
3 courtroom throughout the process as well as Officer
4 Greenawalt with the North Charleston Police Department.

5 THE COURT: Very good. Has any member of the jury
6 panel ever been represented by any of the attorneys here
7 in this courtroom or any member of the Charleston County
8 Solicitor's office or the Charleston County Public
9 Defender's office? If so will you please stand.

10 [Whereupon, no one stands]

11 THE COURT: Has any member of the jury panel ever
12 had a close personal or social relationship or related by
13 blood or marriage to any of these attorneys in the
14 courtroom, any attorney who works for the Solicitor's
15 Office here in Charleston or for the Public Defender's
16 office? If so would you please stand.

17 [Whereupon, an individual stands]

18 THE COURT: Thank you, ma'am. What is your ---

19 MS. VANRAALTE: --- not exactly, but my husband
20 represents the City of North Charleston. He's a ---

21 THE COURT: --- just one -- what is your name?

22 MS. VANRAALTE: I'm Lisa Vanraalte, I'm 44 ---

23 THE COURT: --- 44 ---

24 MS. VANRAALTE: --- I'm an inactive member of the
25 South Carolina Bar.

State v Julius Manigault
Voir Dire
January 8, 2015

1 THE COURT: You are?

2 MS. VANRAALTE: Yes, sir.

3 THE COURT: And your husband represents who?

4 MS. VANRAALTE: The City of North Charleston.

5 He's a former federal drug prosecutor as well.

6 THE COURT: Okay. And you are an attorney
7 yourself?

8 MS. VANRAALTE: Yes, sir.

9 THE COURT: Would the fact that you are an attorney
10 or your husband represents North Charleston prevent you
11 from listening to the testimony and evidence presented in
12 this case and being fair and impartial to the State and
13 to the defense?

14 MS. VANRAALTE: I would do my very best.

15 THE COURT: Ma'am?

16 MS. VANRAALTE: I would do my very best.

17 THE COURT: That's not good enough. You have to
18 say yes, it will or no, it won't.

19 MS. VANRAALTE: Yes, it will.

20 THE COURT: Okay. I'm going to ask you to stick
21 around too, okay. Thank you. I'm going to excuse her
22 from the trial in this matter. Anyone else?

23 Has any member of the jury panel formed or expressed
24 any opinion about any issue in the matter of the State of
25 South Carolina versus Julius Manigault? If so would you

State v Julius Manigault
Voir Dire
January 8, 2015

1 please stand.

2 [Whereupon, no one stands]

3 THE COURT: Is any member of the jury panel aware
4 of any bias or prejudice that they may hold against
5 either the State of South Carolina or to this defendant
6 in this case or their attorneys? If so would you please
7 stand.

8 [Whereupon, no one stands]

9 THE COURT: Is there any member of the jury panel
10 that is a member of the Charleston County grand jury that
11 issued the indictments in this case? If so would you
12 please stand.

13 [Whereupon, no one stands]

14 THE COURT: Is there any member of the jury panel
15 who is a member of any group which has as its primary
16 purpose the promotion of law enforcement or victim's
17 rights? Examples, but certainly not an exclusive list of
18 such groups, would be MADD, SADD, or CAV. But if any
19 member of the jury panel is a contributor to or a member
20 of any groups which has as their primary purpose the
21 promotion of law enforcement or victim's rights would you
22 please stand.

23 [Whereupon, no one stands]

24 THE COURT: Does any member of the jury panel know
25 of any reason whatsoever why he or she should not be

State v Julius Manigault
Voir Dire
January 8, 2015

1 selected to serve in the trial of this matter as a juror
2 with particular emphasis being placed on your ability to
3 be fair and impartial to both the State of South Carolina
4 and this defendant? If you know of any reason why you
5 should not serve please stand?

6 [Whereupon, individuals stand]

7 THE COURT: What's your juror number?

8 MR. WEISSGLASS: 381 and my name is Barry
9 Weissglass.

10 THE COURT: And you're the gentleman I talked to
11 Monday?

12 MR. WEISSGLASS: Yes, sir. I'm sorry ---

13 THE COURT: --- that's all right, I understand.
14 Tell me again your juror number?

15 MR. WEISSGLASS: Its 381, sir.

16 THE COURT: Okay. And I understand for the record
17 that you have a contractual relationship with some of the
18 law enforcement entities involved in this matter correct?

19 MR. WEISSGLASS: Yes, sir. And actually I believe
20 we're involved in their direct care.

21 THE COURT: Okay. So I'll excuse you from the
22 trial in this matter. What is your juror number?

23 MR. GIARDINO: Juror 147.

24 THE COURT: Okay. You are Mr. Giardino?

25 MR. GIARDINO: Yes, sir.

State v Julius Manigault
Voir Dire
January 8, 2015

1 THE COURT: So what would be your concern?
2 MR. GIARDINO: I'm a retired police officer.
3 THE COURT: Okay. So that would prevent you from
4 being fair and impartial?
5 MR. GIARDINO: In a case like this I believe it
6 would, yes.
7 THE COURT: You think so? Okay, I'll excuse you
8 but I'm going to ask you to stick around for me okay.
9 MR. GIARDINO: Thank you.
10 THE COURT: Thank you. All right sir, you in the
11 back?
12 MR. HULL: 193, Lowell Hull.
13 THE COURT: Mr. Hull?
14 MR. HULL: Yes.
15 THE COURT: And what is your concern?
16 MR. HULL: I just wanted to let the court know that
17 I have Reserve duty tomorrow.
18 THE COURT: You have reserve duty tomorrow?
19 MR. HULL: Starting at 7 a.m.
20 THE COURT: Are you going with my law clerk? So
21 does he. I'll excuse you because we might very well get
22 into tomorrow and that would be a conflict. I'm going to
23 excuse you Mr. Hull. Thank you so much. Thank you for
24 your service as well. Ma'am?
25 MS. GUARDIABAKER: Yes sir, I just want to ---

State v Julius Manigault
Voir Dire
January 8, 2015

1 THE COURT: --- I need you to speak up ---

2 MS. GUARDIABAKER: --- I am number 164 Marilene
3 Guardiabaker.

4 THE COURT: Okay.

5 MS. GUARDIABAKER: I just want to make sure that the
6 -- I would not be available next week. I just want to
7 make sure ---

8 THE COURT: --- if we're over here next week some
9 of these lawyers are going to be in real trouble okay.
10 I'm kidding you ---

11 MS. GUARDIABAKER: --- I'm on travel on Monday.

12 THE COURT: Right. We anticipate this case very
13 well will be over by tomorrow and at the most Saturday.

14 MS. GUARDIABAKER: Thank you.

15 THE COURT: Anyone else? Has any member of the
16 jury panel or any member of their family or a close
17 personal friend ever been a victim of a violent crime?
18 If so would you please stand.

19 [Whereupon, individuals stand]

20 THE COURT: Okay, we've got a couple. Young lady
21 on the front, what is your name and juror number?

22 MS. DAY: 97, Colby Day.

23 THE COURT: Okay, Ms. Day.

24 MS. DAY: I have an uncle that was murdered but it
25 was prior to me being born and should not affect me in

State v Julius Manigault
Voir Dire
January 8, 2015

1 any way.

2 THE COURT: It won't affect your ability to be fair
3 and impartial to both sides?

4 MS. DAY: Correct.

5 THE COURT: Thank you very much. Yes, sir?

6 MR. BOTTS: Joseph Botts, 33. My brother-in-law was
7 murdered.

8 THE COURT: Okay sir, how long ago has that been?

9 MR. BOTTS: It's been 30 years.

10 THE COURT: Thirty years?

11 MR. BOTTS: Yes, sir.

12 THE COURT: Would that affect your ability to be
13 fair and impartial to both the State and to the
14 defendant?

15 MR. BOTTS: No, sir.

16 THE COURT: It will not? I'm sorry, I just didn't
17 catch it.

18 MR. BOTTS: No, sir.

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

20 MS. BAYER: Juror 21, Karen Bayer. My husband's
21 best friend was jumped and robbed.

22 THE COURT: I'm going to need you to speak up.
23 I've got grey hair and bad ears. Go ahead.

24 MS. BAYER: I'm usually really loud; sorry about
25 that. 21, Karen Bayer.

State v Julius Manigault
Voir Dire
January 8, 2015

1 THE COURT: Yes, ma'am.

2 MS. BAYER: My husband's best friend was jumped and
3 robbed.

4 THE COURT: How long ago was that?

5 MS. BAYER: Ten years.

6 THE COURT: Would that impact on your ability or
7 affect your ability to be fair and impartial to both
8 sides in this case?

9 MS. BAYER: No, sir.

10 THE COURT: Thank you so much. Counsel, if anybody
11 wishes to have additional voir dire just let me know.
12 I'm assuming if you don't ask you don't want it.

13 MS. YOUNG: Thank you, Your Honor.

14 MR. FRAYER: Thank you.

15 THE COURT: Yes, ma'am?

16 MS. HOFFMAN: Juror 186, Brenda Hoffman.

17 THE COURT: Yes, ma'am?

18 MS. HOFFMAN: I had a nephew who was murdered five
19 years ago.

20 THE COURT: Would that impact on your ability to be
21 fair and impartial to both sides in this case?

22 MS. HOFFMAN: No, sir.

23 THE COURT: No?

24 MS. HOFFMAN: No.

25 THE COURT: Thank you so much. Yes, sir?

State v Julius Manigault
Voir Dire
January 8, 2015

1 MR. MCLAIN: Tim McLain, 239. My wife was assaulted
2 when she was in college.

3 THE COURT: She was assaulted when she was in
4 college?

5 MR. MCLAIN: My wife was assaulted when she was in
6 college, yes.

7 THE COURT: How long has that been?

8 MR. MCLAIN: Probably about 18 years.

9 THE COURT: Eighteen years? Would that affect your
10 ability to be fair and impartial to both sides of this
11 case?

12 MR. MCLAIN: No, I don't think so.

13 THE COURT: I'm sorry?

14 MR. MCLAIN: I do not think so.

15 THE COURT: It would not? Okay, I've got to have
16 more than equivocation.

17 MR. MCLAIN: No.

18 THE COURT: Thank you so much. Has any member of
19 the jury panel or a member of their family or close
20 personal friend ever been accused of committing a violent
21 crime? If so would you please stand.

22 [Whereupon, no one stands]

23 THE COURT: Have you or any member of your family
24 ever had any criminal charges adjudicated by or currently
25 pending with the Charleston County Solicitor's Office?

State v Julius Manigault
Voir Dire
January 8, 2015

1 If so would you please stand.

2 [Whereupon, no one stands]

3 THE COURT: Have you or any member of your family
4 ever been represented by the Charleston County Public
5 Defender's office? If so would you please stand.

6 [Whereupon, no one stands]

7 THE COURT: Would any member of the jury panel have
8 a problem following the law that I give to you in this
9 matter even if you feel like that law is inappropriate or
10 unfair? If so would you please stand.

11 [Whereupon, no one stands]

12 THE COURT: Does any member of the jury panel have
13 any religious convictions, philosophical or moral beliefs
14 or political orientations that would make it difficult
15 for you to sit in judgment of another person? If so
16 would you please stand.

17 [Whereupon, an individual stands]

18 THE COURT: What is your name and juror number?

19 MS. KOPALD: I'm Patricia Kopald.

20 THE COURT: Juror number what, please?

21 MS. KOPALD: 213.

22 THE COURT: 213 Kopald; okay?

23 MS. KOPALD: You mean like a death sentence? I
24 don't mean to sound ---

25 THE COURT: --- this case is not a death penalty

State v Julius Manigault
Voir Dire
January 8, 2015

1 case ---

2 MS. KOPALD: --- okay, I just want to make sure.

3 THE COURT: No, this case -- the charges in this
4 case as I told you earlier ---

5 MS. KOPALD: --- I didn't think so.

6 THE COURT: That's okay.

7 MS. KOPALD: I just had to be honest.

8 THE COURT: I want you to be honest. It's
9 important for the State and this defendant. His life is
10 in at liberty right now so it's a very important matter.
11 So you feel Ms. Kopald just to make sure as long as this
12 case doesn't involve a death penalty you can be fair and
13 impartial to both sides and make a decision?

14 MS. KOPALD: Absolutely.

15 THE COURT: Thank you so much. Does any member of
16 the jury panel have any bias or prejudice for or against
17 law enforcement which would make them unable to give a
18 fair and impartial decision based on the testimony and
19 evidence in this matter?

20 [Whereupon, individuals stand]

21 THE COURT: Okay. What is your juror number?

22 MS. WEBER: 380, Rachel Weber.

23 THE COURT: And you have bias or prejudice for or
24 against law enforcement?

25 MS. WEBER: My step-dad is a police chief.

State v Julius Manigault
Voir Dire
January 8, 2015

1 THE COURT: Ma'am?

2 MS. WEBER: My step-dad is a police chief.

3 THE COURT: Okay. So that makes you unable to
4 give a fair opinion?

5 MS. WEBER: I think so in this case.

6 THE COURT: Ma'am?

7 MS. WEBER: I think so, yes.

8 THE COURT: Okay. I'm going to excuse you but I'm
9 going to ask you to stick around.

10 MS. WEBER: Okay.

11 THE COURT: Thank you so much. That was Ms. Weber?

12 MS. WEBER: Yes, sir.

13 THE COURT: Thank you so much Ms. Weber. I'm going
14 to excuse Ms. Weber from the trial of this matter.

15 Is there any member of the jury panel who is or has
16 a family member that is presently or formerly employed by
17 any law enforcement agency? Other than the ones we've
18 excused would you please stand.

19 [Whereupon, individuals stand]

20 MR. INGRAHAM: 195.

21 THE COURT: 195? And you are Mr. Ingraham?

22 MR. INGRAHAM: Correct, sir. My father was a
23 former state police officer in New York State.

24 THE COURT: Okay. Would that affect and impact
25 your ability to be fair and impartial to both sides of

State v Julius Manigault
Voir Dire
January 8, 2015

1 this case?

2 MR. INGRAHAM: No, sir.

3 THE COURT: It will not?

4 MR. INGRAHAM: I do not think so.

5 THE COURT: Now let's make sure so we are clear for
6 the record. You can be fair and impartial to the State
7 and to the defense is that correct?

8 MR. INGRAHAM: What's the question again? Sorry,
9 sir.

10 THE COURT: Let me just preface it this way. What
11 we're looking to do is select 12 people who can listen to
12 the testimony, listen to evidence, and listen to the law
13 as I give it to you and make their decision based on the
14 testimony and the evidence and according to the law
15 unaffected by any outside prejudice or bias they may have
16 for or against one side or the other. Okay?

17 MR. INGRAHAM: I might have some prejudice --

18 THE COURT: Okay. And again what is your juror
19 number?

20 MR. INGRAHAM: 195, sir.

21 THE COURT: I'm going to excuse you but I'm going
22 to ask you to stick around. Thank you so much. Yes,
23 ma'am?

24 MS. SIEDELL: 327, Helen Siedell. My daughter is a
25 trial attorney with the criminal division of the

State v Julius Manigault
Voir Dire
January 8, 2015

1 Department of Justice.

2 THE COURT: Okay. And would that affect your
3 ability to be fair and impartial to the State and to the
4 defendant in this matter?

5 MS. SIEDELL: No, sir.

6 THE COURT: Thank you so much. Is there anyone on
7 the jury panel who does not understand that the State of
8 South Carolina has the burden of proof in this trial and
9 must prove the defendant guilty by proof beyond a
10 reasonable doubt? If so would you please stand.

11 [Whereupon, no one stands]

12 THE COURT: Is this your verdict? Is any member of
13 the jury panel who would believe the testimony of a law
14 enforcement officer over any other witness simply because
15 they are a law enforcement officer? If so would you
16 please stand.

17 [Whereupon, no one stands]

18 THE COURT: All right. Any additional voir dire
19 from the State?

20 MS. YOUNG: No, Your Honor.

21 THE COURT: From the defense?

22 MR. FRAYER: None, Your Honor.

23 THE COURT: Very good. Ladies and gentlemen, what
24 we're about to do is they will -- in the old days we had
25 somebody who could not read or write who would come up

State v Julius Manigault
Voir Dire
January 8, 2015

1 and reach into a spindle and draw out names. Now we have
2 a computer that will randomly select the people who have
3 not been excused from this case.

4 If your name is called if you would step to the bar
5 and stand up in front of this lectern [indicates] and
6 face the State and face the defense and bring your
7 personal items with you and they will make a decision as
8 to whether or not you will be selected to serve in the
9 trial in this matter. I believe everybody has agreed to
10 have one alternate, correct?

11 MS. YOUNG: Yes, Your Honor.

12 MR. FRAYER: Yes, Your Honor.

13 THE COURT: Five and five, alternate the defense
14 gets two, the State gets one.

15

16

17

18

19

20

21

22

23

24

25

State v Julius Manigault
Striking of the Jury
January 8, 2015

1 STRIKING OF THE JURY

2 CLERK OF COURT: Ladies and gentlemen like the
3 Judge just told you if your name is called please gather
4 your belongings, come up to this podium [indicates] turn
5 and face the parties as I'm doing. I'll then ask each
6 party a question and I'll either ask you to have a seat
7 back in the audience or I'll ask you to have a seat in
8 the jury box. Juror number 54, Kendrick Capers.

9 [Whereupon, the juror comes forward]

10 CLERK OF COURT: What say you for the State?

11 MS. YOUNG: Please excuse this juror.

12 CLERK OF COURT: Mr. Capers, please have a seat
13 back in the audience. You've been excused from the trial
14 of this case.

15 [Whereupon, the juror returns to the audience]

16 CLERK OF COURT: Juror number 107, Christina
17 Douglas. One zero seven.

18 [Whereupon, the juror comes forward]

19 CLERK OF COURT: What say you for the State?

20 MS. YOUNG: Court's indulgence.

21 [Whereupon, Ms. Young and Ms. Newman confer]

22 MS. YOUNG: Please excuse this juror.

23 CLERK OF COURT: Ms. Douglas, please have a seat
24 back in the audience. You've been excused from the trial
25 of this case.

State v Julius Manigault
Striking of the Jury
January 8, 2015

1 [Whereupon, the juror returns to the audience]
2 CLERK OF COURT: Juror number 73, Regena Cofer.
3 [Whereupon, the juror comes forward]
4 CLERK OF COURT: What say you for the State?
5 MS. YOUNG: Please seat this juror.
6 CLERK OF COURT: What say you for the defendant?
7 MR. FRAYER: Please seat the juror.
8 CLERK OF COURT: Ms. Cofer, please have a seat in
9 the jury box. You've been selected as a juror in this
10 case.
11 [Whereupon, Ms. Cofer is seated in the jury box as a
12 juror]
13 CLERK OF COURT: Juror number 334, Maurice Smalls.
14 Three three four.
15 [Whereupon, the juror comes forward]
16 CLERK OF COURT: What say you for the State?
17 MS. YOUNG: Court's indulgence.
18 [Whereupon, Ms. Young and Ms. Newman confer]
19 MS. YOUNG: Please seat this juror.
20 CLERK OF COURT: What say you for the defendant?
21 MR. FRAYER: Court's indulgence.
22 [Whereupon, Ms. Frayer and Mr. Malloy confer]
23 MR. FRAYER: Please seat the juror.
24 CLERK OF COURT: Mr. Smalls, please have a seat in
25 the jury box. You've been selected as a juror in this

State v Julius Manigault
Striking of the Jury
January 8, 2015

1 case.

2 [Whereupon, Mr. Smalls is seated in the jury box as
3 a juror]

4 CLERK OF COURT: Juror number 161, David Grimball,
5 one six one.

6 [Whereupon, the juror comes forward]

7 CLERK OF COURT: What say you for the State?

8 MS. YOUNG: Court's indulgence.

9 [Whereupon, Ms. Young and Ms. Newman confer]

10 MS. YOUNG: Please seat this juror.

11 CLERK OF COURT: What say you for the defendant?

12 MR. FRAYER: Please seat the juror.

13 CLERK OF COURT: Mr. Grimball, please have a seat
14 in the jury box. You've been selected as a juror in this
15 case.

16 [Whereupon, Mr. Grimball is seated in the jury box
17 as a juror]

18 CLERK OF COURT: Juror number 375, Lori Washington,
19 three seven five.

20 [Whereupon, the juror comes forward]

21 CLERK OF COURT: What say you for the State?

22 MS. YOUNG: Please seat this juror.

23 CLERK OF COURT: What say you for the defendant?

24 MR. FRAYER: Please seat the juror.

25 CLERK OF COURT: Ms. Washington, please have a seat

State v Julius Manigault
Striking of the Jury
January 8, 2015

1 in the jury box. You've been selected as a juror in this
2 case.

3 [Whereupon, Ms. Washington is seated in the jury box
4 as a juror]

5 CLERK OF COURT: Juror number 46, Matthew Bruce.

6 [Whereupon, the juror comes forward]

7 CLERK OF COURT: What say you for the State?

8 MS. YOUNG: Please seat this juror.

9 CLERK OF COURT: What say you for the defendant?

10 MR. FRAYER: Court's indulgence.

11 [Whereupon, Ms. Frayer and Mr. Malloy confer]

12 MR. FRAYER: Please seat the juror.

13 CLERK OF COURT: Mr. Bruce, please have a seat in
14 the jury box. You've been selected as a juror in this
15 case.

16 [Whereupon, Mr. Bruce is seated in the jury box as a
17 juror]

18 CLERK OF COURT: Juror number 109, Lamar Drayton,
19 one zero nine.

20 [Whereupon, the juror comes forward]

21 CLERK OF COURT: What say you for the State?

22 MS. YOUNG: Please excuse this juror.

23 CLERK OF COURT: Mr. Drayton, please have a seat
24 back in the audience. You've been excused from the trial
25 of this case.

State v Julius Manigault
Striking of the Jury
January 8, 2015

1 [Whereupon, the juror returns to the audience]
2 CLERK OF COURT: That's three strikes for the
3 State. Juror number 294 Melissa Powers, two nine four.
4 [Whereupon, the juror comes forward]
5 CLERK OF COURT: What say you for the State?
6 MS. YOUNG: Court's indulgence.
7 [Whereupon, Ms. Young and Ms. Newman confer]
8 MS. YOUNG: Please seat this juror.
9 CLERK OF COURT: What say you for the defendant?
10 MR. FRAYER: Seat the juror.
11 CLERK OF COURT: Seat the juror?
12 MR. FRAYER: Seat.
13 CLERK OF COURT: Ms. Powers, please have a seat in
14 the jury box. You've been selected as a juror in this
15 case.
16 [Whereupon, Ms. Powers is seated in the jury box as
17 a juror]
18 CLERK OF COURT: Juror number 97, Colby Day.
19 [Whereupon, the juror comes forward]
20 CLERK OF COURT: What say you for the State?
21 MS. YOUNG: Please seat this juror.
22 CLERK OF COURT: What say you for the defendant?
23 MR. FRAYER: Court's indulgence.
24 [Whereupon, Ms. Frayer and Mr. Malloy confer]
25 MR. FRAYER: Please excuse the juror.

State v Julius Manigault
Striking of the Jury
January 8, 2015

1 CLERK OF COURT: Ms. Day, please have a seat back
2 in the audience. You've been excused from the trial in
3 this case.

4 [Whereupon, the juror returns to the audience]

5 CLERK OF COURT: Juror number 251, Dorothy
6 Milledge.

7 [Whereupon, the juror comes forward]

8 CLERK OF COURT: What say you for the State?

9 MS. YOUNG: Court's indulgence.

10 [Whereupon, Ms. Young and Ms. Newman confer]

11 MS. YOUNG: Please seat this juror.

12 CLERK OF COURT: What say you for the defendant?

13 MR. FRAYER: Court's indulgence.

14 [Whereupon, Ms. Frayer and Mr. Malloy confer]

15 MR. FRAYER: Please seat this juror.

16 CLERK OF COURT: Madame Juror, please have a seat
17 in the jury box. You've been selected as a juror in this
18 case.

19 [Whereupon, Ms. Milledge is seated in the jury box
20 as a juror]

21 CLERK OF COURT: Juror number 194 Michael
22 Hutchinson, one nine four.

23 [Whereupon, the juror comes forward]

24 CLERK OF COURT: What say you for the State?

25 MS. YOUNG: Please excuse this juror.

State v Julius Manigault
Striking of the Jury
January 8, 2015

1 CLERK OF COURT: Mr. Hutchinson, please have a seat
2 back in the audience. You've been excused from the trial
3 of this case.

4 [Whereupon, the juror returns to the audience]

5 CLERK OF COURT: That's four strikes for the State.
6 Juror number 240 Karen McLean.

7 [Whereupon, the juror comes forward]

8 CLERK OF COURT: What say you for the State?

9 MS. YOUNG: Please seat this juror.

10 CLERK OF COURT: What say you for the defendant?

11 MR. FRAYER: Court's indulgence.

12 [Whereupon, Ms. Frayer and Mr. Malloy confer]

13 MR. FRAYER: Please excuse this juror.

14 CLERK OF COURT: Ms. McLean, please have a seat
15 back in the audience. You've been excused from the trial
16 of this case.

17 [Whereupon, the juror returns to the audience]

18 CLERK OF COURT: Juror number 145 Patricia
19 Generette.

20 [Whereupon, the juror comes forward]

21 CLERK OF COURT: What say you for the State?

22 MS. YOUNG: Please seat this juror.

23 CLERK OF COURT: What say you for the defendant?

24 MR. FRAYER: Court's indulgence.

25 [Whereupon, Ms. Frayer and Mr. Malloy confer]

State v Julius Manigault
Striking of the Jury
January 8, 2015

1 MR. FRAYER: Please excuse this juror.

2 CLERK OF COURT: Ms. Generette, please have a seat
3 back in the audience. You've been excused from the trial
4 of this case.

5 [Whereupon, the juror returns to the audience]

6 CLERK OF COURT: That's three strikes for the
7 defendant. Juror number 216 Kevin Kress, two one six.

8 [Whereupon, the juror comes forward]

9 CLERK OF COURT: What say you for the State?

10 MS. YOUNG: Please seat this juror.

11 CLERK OF COURT: What say you for the defendant?

12 MR. FRAYER: Please seat this juror.

13 CLERK OF COURT: Mr. Kress, please have a seat, in
14 the jury box. You've been selected as a juror in this
15 case.

16 [Whereupon, Mr. Kress is seated in the jury box as a
17 juror]

18 CLERK OF COURT: Juror number 16 Jarrod Bardaville,
19 one six.

20 [Whereupon, the juror comes forward]

21 CLERK OF COURT: What say you for the State?

22 MS. YOUNG: Please excuse this juror.

23 CLERK OF COURT: Mr. Bardaville, please have a seat
24 back in the audience. You've been excused from the trial
25 of this case.

State v Julius Manigault
Striking of the Jury
January 8, 2015

1 [Whereupon, the juror returns to the audience]

2 CLERK OF COURT: That's five strikes for the State.

3 Juror number 327 Helen Siedell.

4 [Whereupon, the juror comes forward]

5 CLERK OF COURT: What say you for the State?

6 MS. YOUNG: Please seat this juror.

7 CLERK OF COURT: Any challenge from the State; I'm
8 sorry

9 MS. YOUNG: No, Your Honor.

10 CLERK OF COURT: What say you for the defendant?

11 MR. FRAYER: Please excuse this juror.

12 CLERK OF COURT: Ms. Siedell, please have a seat
13 back in the audience. You've been excused from the trial
14 of this case.

15 [Whereupon, the juror returns to the audience]

16 CLERK OF COURT: That's four strikes for the
17 defendant. Juror number 239 Timothy McLain, two three
18 nine.

19 [Whereupon, the juror comes forward]

20 CLERK OF COURT: Any challenge from the State?

21 MS. YOUNG: None.

22 CLERK OF COURT: What say you for the defendant?

23 MR. FRAYER: Court's indulgence.

24 [Whereupon, Ms. Frayer and Mr. Malloy confer]

25 MR. FRAYER: Please seat the juror.

State v Julius Manigault
Striking of the Jury
January 8, 2015

1 CLERK OF COURT: Mr. McLain, please have a seat in
2 the jury box. You've been selected as a juror in this
3 case.

4 [Whereupon, Mr. McLain is seated in the jury box as
5 a juror]

6 CLERK OF COURT: Juror number 303 Teri Richmond,
7 three zero three.

8 [Whereupon, the juror comes forward]

9 CLERK OF COURT: Any challenge from the State?

10 MS. YOUNG: No.

11 CLERK OF COURT: What say you for the defendant?

12 MR. FRAYER: Please seat this juror.

13 CLERK OF COURT: Ms. Richmond, please have a seat
14 in the jury box. You've been selected as a juror in this
15 case.

16 [Whereupon, Ms. Richmond is seated in the jury box
17 as a juror]

18 CLERK OF COURT: Juror number 229 Carolee
19 Maniscalco.

20 [Whereupon, the juror comes forward]

21 CLERK OF COURT: Any challenge from the State?

22 MS. YOUNG: No.

23 CLERK OF COURT: What say you for the defendant?

24 MR. FRAYER: Please seat the juror.

25 CLERK OF COURT: Madame Juror please have a seat in

State v Julius Manigault
Striking of the Jury
January 8, 2015

1 the jury box. You've been selected as a juror in this
2 case.

3 [Whereupon, Ms. Maniscalco is seated in the jury box
4 as a juror]

5 CLERK OF COURT: Juror number 215 Regina Kozek, two
6 one five.

7 [Whereupon, the juror comes forward]

8 CLERK OF COURT: Any challenge from the State?

9 MS. YOUNG: No.

10 CLERK OF COURT: What say you for the defendant?

11 MR. FRAYER: Please seat the juror.

12 CLERK OF COURT: Ms. Kozek, please have a seat in
13 the jury box. You've been selected as a juror in this
14 case.

15 [Whereupon, Ms. Kozek is seated in the jury box as a
16 juror]

17 CLERK OF COURT: Now picking for the alternate.
18 The strikes are one and two. Juror number 340 Veronica
19 Smith.

20 [Whereupon, the juror comes forward]

21 CLERK OF COURT: Any challenge from the State?

22 MS. YOUNG: Please seat the alternate.

23 CLERK OF COURT: What say you for the State?

24 MS. YOUNG: Please seat this alternate.

25 CLERK OF COURT: What say you for the defendant?

State v Julius Manigault
Striking of the Jury
January 8, 2015

1 MR. FRAYER: Please seat this juror.

2 CLERK OF COURT: Ms. Smith, please have a seat in
3 the jury box. You've been selected as a juror in this
4 case.

5 [Whereupon, Ms. Smith is seated in the jury box as
6 an alternate juror]

7 CLERK OF COURT: Your Honor, the jury has been
8 selected and is seated.

9 THE COURT: Yes, sir. Any motion from the State
10 with regard to the jury selection process?

11 MS. YOUNG: No, Your Honor.

12 THE COURT: Any motion from the defense with regard
13 to the jury selection process?

14 MR. FRAYER: Court's indulgence.

15 [Whereupon, Ms. Frayer and Mr. Malloy confer]

16 MR. FRAYER: None, Your Honor.

17 THE COURT: None?

18 MR. FRAYER: None.

19 THE COURT: Very good. All right ladies and
20 gentlemen, those of you who were selected I'm going to
21 ask that you go back to your jury room just one second
22 and you pick someone to serve as your Foreperson. Our
23 alternate would you raise your hand?

24 [Whereupon, the juror complies]

25 THE COURT: You have a right to vote but you may

State v Julius Manigault
Striking of the Jury
January 8, 2015

1 not serve as Foreperson. It doesn't have to be
2 unanimous; just by a simple majority. Once you do select
3 the person who is going to serve as your spokesperson in
4 the trial and who will preside over your deliberations at
5 the end of the case I want you to write your name and
6 your juror number down if you can remember it. Put it on
7 a piece of paper.

8 Then poll your fellow jurors to determine who, if
9 anybody would like to have pad and pencil to use during
10 the trial of this case. If there is anyone who would
11 like to have that just put the number of people who would
12 like to have pads and pencils so we can have those
13 available to you. Once you get that information knock on
14 the door and the bailiff will bring that information back
15 to us in the courtroom.

16 And for your information we have a few things we've
17 got to do upfront before we get started. I anticipate we
18 will probably get started around 12 o'clock or shortly
19 thereafter, okay. Please take them to the jury room.

20 [Whereupon, the jury exits at 11:38 a.m.]

21 THE COURT: Except those of you who I've asked to
22 stick around we appreciate you doing your civic duty.
23 However with today's trial we will be finishing up the
24 trials we're doing this week. I can see the
25 disappointment in all of your eyes that you weren't

State v Julius Manigault
Striking of the Jury
January 8, 2015

1 selected but we do thank you for being here. I will tell
2 you that I think it was Winston Churchill who said there
3 is no higher service that a citizen can do during peace
4 time than to sit on a jury. I can tell you that without
5 your willingness to do your civic duty then the rule of
6 law will not prevail. And if we don't have a rule of law
7 then you see examples of what happens across this world.

8 So you may not think this system is the best but I
9 would challenge anyone here to come up with a better
10 system than we have. That being done, you will probably
11 get a whopping big check from the Clerk of Court within a
12 week or so. Don't spend it all in one place. The better
13 news is you don't have to come back for three years to
14 state court. Thank you so much. Other than the ones I
15 asked to stick around y'all are excused.

16 [Whereupon, the jury panel is excused and exits at
17 11:41 a.m.]

18 THE COURT: Did you hear the court reporter? She's
19 got a little fan over her head so try to speak loudly. I
20 know some of you are soft spoken so try to do your best
21 so we can hear you, okay. And if she doesn't she's going
22 to wave her hand so y'all just need to repeat yourselves.

23
24
25

State v Julius Manigault
Motion to Suppress-Remarks by Mr. Malloy
January 8, 2015

1 MOTION TO SUPPRESS

2 THE COURT: All right. We have a motion to
3 suppress from the defense in this matter for unlawful
4 search is that correct?

5 MR. MALLOY: That's correct.

6 THE COURT: Are you going to argue the motion Mr.
7 Malloy?

8 MR. MALLOY: I am, Your Honor.

9 THE COURT: I'll be glad to hear from you.

10 MR. MALLOY: Well, Your Honor my position is that
11 this unlawful search is the State's burden to prove that
12 it falls within one of the exceptions to the
13 warrantless...

14 THE COURT: So a warrantless search. You need to
15 present your prima facie argument and then they can
16 respond to it. They don't have to just to go forward.
17 You have ---

18 MR. MALLOY: --- would you like me to state my
19 arguments to the court ---

20 THE COURT: --- yes, sir. Your generic motion
21 doesn't give me any information to make a ruling on it.
22 So go ahead and tell me your basis; besides it being
23 warrantless.

24 MR. MALLOY: Your Honor, my argument is that this
25 was a search of an automobile. My motion is to suppress

State v Julius Manigault
Motion to Suppress-Remarks by Mr. Malloy
January 8, 2015

1 the contraband found within the automobile.

2 THE COURT: Which is marijuana?

3 MR. MALLOY: Marijuana and a digital scale.

4 THE COURT: Give me the circumstances. Was this a
5 stopped vehicle?

6 MR. MALLOY: This was a stopped vehicle. It was a
7 traffic stop. Our client, Mr. Manigault was the driver.
8 Officer Greenawalt approached the driver's side and
9 determined he did not have a license and Mr. Manigault
10 was detained after a foot chase. He was I believe about
11 20 yards from the vehicle.

12 THE COURT: So let me make sure I understand.
13 Officer Greenawalt pulled this gentleman over for
14 whatever -- I don't know the basis behind why he pulled
15 him over but in the process of him walking up to the
16 vehicle the defendant fled the scene?

17 MR. MALLOY: That's correct. He fled the -- he was
18 placed under arrest and at that time the defendant did
19 flee.

20 THE COURT: Oh, okay. So he was placed under
21 arrest before he fled?

22 MR. MALLOY: Your Honor, that's a factual situation
23 we may have an issue with but I believe Officer
24 Greenawalt was attempting to detain him. And he had
25 determined that he didn't have a driver's license and at

State v Julius Manigault
Motion to Suppress-Remarks by Mr. Malloy
January 8, 2015

1 that point Mr. Manigault did flee. He was ---

2 THE COURT: --- had it been determined at that
3 point when he was attempting to detain the defendant that
4 there was contraband within his car?

5 MR. MALLOY: No, Your Honor. No indication of the
6 smell of marijuana or anything of that nature ---

7 THE COURT: --- so what you are saying to me
8 essentially is that the search would have been incident
9 to arrest?

10 MR. MALLOY: Your Honor, I believe that is what we
11 are dealing with here.

12 THE COURT: What's the basis of this traffic stop
13 Ms. Young?

14 MS. YOUNG: The basis, Your Honor, is speeding and
15 also swerving and almost hitting a bicycle.

16 THE COURT: Would you agree with me Mr. Malloy that
17 that gives an officer probable cause to stop?

18 MR. MALLOY: Your Honor, I will agree with the
19 allegation of speeding. I think we are going to see the
20 video and I think it appears more that the pedestrian
21 entering the roadway ---

22 THE COURT: --- well for the general proposition if
23 there is a traffic violation law enforcement has probable
24 cause to initiate a traffic stop.

25 MR. MALLOY: I agree and speeding would be enough.

State v Julius Manigault
Motion to Suppress-Remarks by Mr. Malloy
January 8, 2015

1 THE COURT: Once that stop has been completed do
2 you also agree that law enforcement has a right to
3 require the driver to exit the vehicle and do a pat down
4 search for -- on Terry purposes?

5 MR. MALLOY: I would agree that they are allowed to
6 have the driver exit the vehicle.

7 THE COURT: Sir?

8 MR. MALLOY: I would agree that they may make the
9 driver exit the vehicle. I would not agree that they can
10 do a pat down unless there is some other indication of
11 danger at that point.

12 THE COURT: Okay. In this case, let me make sure I
13 understand your argument, traffic stop the defendant was
14 asked to exit the vehicle. At that point some question
15 as to whether or not he tried to flee the scene so he was
16 secured by law enforcement.

17 MR. MALLOY: He was.

18 THE COURT: And placed under arrest?

19 MR. MALLOY: Correct.

20 THE COURT: And then the search incident to that
21 arrest found the contraband?

22 MR. MALLOY: There was marijuana found in his sock.
23 The arrest was ---

24 THE COURT: --- his sock?

25 MR. MALLOY: That's correct.

State v Julius Manigault
Motion to Suppress-Remarks by Mr. Malloy
January 8, 2015

1 THE COURT: Okay.

2 MR. MALLOY: The arrest was for driving under
3 suspension. At this point before he was searched
4 incident to arrest no indication of contraband in the
5 vehicle. Back up officers did arrive almost immediately.
6 There was a passenger in the vehicle; he fled the scene
7 and was no longer on scene. He was actually -- Mr.
8 Manigault was actually apprehended via K-9, which was
9 released from the back of Officer Greenawalt's car
10 shortly after Mr. Manigault was detained.

11 One of the -- I did have some questions that needed
12 to be answered myself from this hearing. One is when
13 exactly the marijuana is found; was it before or after
14 the search of the vehicle? I think that makes a big
15 difference in terms of whether they had probable cause to
16 then search the vehicle itself. At the point that he
17 detained ---

18 THE COURT: --- hang on. Maybe I'm just being slow
19 over here but I thought you said the marijuana was found
20 in his sock.

21 MR. MALLOY: That's correct. It's not clear to me
22 though whether it was found before or after the search of
23 the vehicle. And that was an issue that I was going to
24 take testimony ---

25 THE COURT: --- based on your information did the

State v Julius Manigault
Motion to Suppress-Remarks by Mr. Malloy
January 8, 2015

1 search of the vehicle take place before your client
2 attempted to flee the scene?

3 MR. MALLOY: No, it did not.

4 THE COURT: So after he was apprehended by the K-9
5 unit a search took place of the vehicle is that correct?

6 MR. MALLOY: That's correct.

7 THE COURT: Okay. Ms. Young anything you have --
8 anything further Mr. Malloy?

9 MR. MALLOY: Well, my position is that once he was
10 apprehended there was no one else on the scene. There is
11 no -- we're dealing with an Arizona v Gant situation
12 where he was detained and had no access to the interior
13 of the vehicle where he could have possessed a weapon or
14 destroyed evidence.

15 It's a little unclear to me when the marijuana was
16 found on his person. If he was just being arrested for a
17 traffic stop I don't see how any evidence for that arrest
18 could have been found within the vehicle if we're dealing
19 with finding marijuana on his person ---

20 THE COURT: --- that's where I'm a little bit
21 foggy. What relevance would the search of the vehicle
22 have if the contraband was found on the defendant's
23 person?

24 MR. MALLOY: The relevance would be if they
25 searched the vehicle before they even determined --

State v Julius Manigault
Motion to Suppress-Remarks by Mr. Malloy
January 8, 2015

1 before they even found the marijuana on his person then
2 the contraband cannot have been used as a basis for the
3 probable cause to search the vehicle. If all they had to
4 arrest him at that point ---

5 THE COURT: --- well how about the fact that he ran
6 from law enforcement?

7 MR. MALLOY: Your Honor, I think it would be just
8 as easy to assume that he was running to avoid detention
9 for driving under suspension.

10 THE COURT: It's still illegal either way.

11 MR. MALLOY: It is, but no evidence of the driving
12 under suspension -- no additional evidence would have
13 been found in the vehicle. They only had general
14 probable cause for a warrant on a search at that time to
15 search for evidence for driving under suspension.
16 They've already got the evidence ---

17 THE COURT: --- assuming for the sake of argument
18 that law enforcement searched the vehicle after Mr.
19 Manigault fled the scene prior to him being apprehended.
20 What violation would there be at that point?

21 MR. MALLOY: I'm sorry Your Honor, could you state
22 that again?

23 THE COURT: Sure. The basis of your motion is it
24 is a warrantless search right, and according to what you
25 tell me Mr. Manigault fled the scene after being

State v Julius Manigault
Motion to Suppress-Remarks by Mr. Malloy
January 8, 2015

1 requested to exit the vehicle, which officers have a
2 right to do. What I understand you to say is at this
3 juncture once he has fled from officers and is admitted
4 driving that you don't know whether or not they -- law
5 enforcement then went into the vehicle to search the
6 vehicle or they did so after they found marijuana on his
7 person after they apprehended him?

8 MR. MALLOY: I think it's clear they searched after
9 he fled but it's not clear whether they searched before
10 or after they found marijuana.

11 THE COURT: So once he fled what would be the
12 significance of their search before they apprehended him?

13 MR. MALLOY: My position would be is that they did
14 not have probable cause to execute a warrantless search
15 at that time.

16 THE COURT: Okay. So did the search of the
17 vehicle reveal anything?

18 MR. MALLOY: It did; several bags of marijuana in
19 additional to a scale ---

20 THE COURT: --- several bags, okay, because I kept
21 going back to it being on his person.

22 MR. MALLOY: We've got some marijuana found on his
23 person and then we have the larger amount found within
24 the vehicle. This motion is to suppress the marijuana
25 and the contraband found within the vehicle.

State v Julius Manigault
Motion to Suppress-Remarks by Mr. Malloy
January 8, 2015

1 THE COURT: So that would not be under the -- all
2 right, Ms. Young?

3 MS. YOUNG: Thank you, Your Honor. Would you like
4 me to put the officer up or just give you a summary of my
5 argument?

6 THE COURT: Whatever you prefer.

7 MS. YOUNG: I'll start with the argument and then
8 if you'd like me to go forward with the officer he is
9 here as well.

10 THE COURT: Okay.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

State v Julius Manigault
Motion to Suppress-Remarks by Ms. Young
January 8, 2015

1 MS. YOUNG: I guess the defense conceded he was
2 pulled over for speeding and almost swerving and hitting
3 a bicycle after ---

4 THE COURT: --- he doesn't concede that; he does to
5 the speeding.

6 MS. YOUNG: Okay. After being pulled over the
7 officer would testify that he approached the vehicle. He
8 asked for his driver's license and smelled the odor of
9 marijuana. At that point he attempted to -- he realized
10 the defendant told him he did not have a driver's
11 license. He would not comply with exiting the vehicle.
12 He eventually had to -- the officer had to unlock the
13 door himself, remove him from the vehicle and put him
14 down on the ground to handcuff him.

15 At that point the passenger gets out of the vehicle
16 and the officer delays waiting to handcuff him while the
17 passenger runs away. At that point he handcuffs him,
18 asked him to stop moving several times. At that point
19 the defendant is able to jump up, shoves the officer so
20 hard he hits the car. At that point the officer's hand
21 is stuck in the handcuffs and he twists the officer's arm
22 backwards so hard he slices the officer's middle finger
23 and it's bleeding. At that point throughout the struggle
24 he is about to deploy his K-9 to help with the situation.
25 At that point he would have been under arrest for

State v Julius Manigault
Motion to Suppress-Remarks by Ms. Young
January 8, 2015

1 assaulting a police officer while resisting arrest.

2 After that occurred ---

3 THE COURT: --- had he placed him under arrest at
4 that juncture?

5 MS. YOUNG: I'm sorry?

6 THE COURT: Had he said you're under arrest?

7 MS. YOUNG: When he was down on the ground he said
8 stop resisting. As soon as he found out he didn't have a
9 license he pulled him out of the vehicle and asked him to
10 turn it off and was placing him under arrest for driving
11 without a license. He later determined it was driving
12 under suspension and that's what the ticket shows.

13 After the assault occurred the K-9 was released and
14 apprehended the defendant just about 20 yards away or so;
15 so right on the scene. He had to call for backup to
16 search the vehicle because his hand was cut so he was
17 bleeding and needed E-M-S to come to the scene.

18 THE COURT: So when did the search of the vehicle
19 take place; before or after the defendant was
20 apprehended?

21 MS. YOUNG: After the defendant was apprehended one
22 of the officers on the scene searched him incident to
23 arrest. And then the vehicle was searched as an
24 inventory search prior to tow. The passenger ---

25 THE COURT: --- does the State have ---

State v Julius Manigault
Motion to Suppress-Remarks by Ms. Young
January 8, 2015

1 MS. YOUNG: --- had run away.

2 THE COURT: Does Charleston County have a policy
3 and procedure for doing their inventory search?

4 MS. YOUNG: They do and there is a tow sheet that
5 they filled out as well.

6 THE COURT: It is? All right.

7 MS. YOUNG: So that would be the basis for the
8 search of the vehicle.

9 THE COURT: I'm going to deny your motion to
10 suppress. That is an appropriate search under the
11 circumstances. I'll note your objection. If you would
12 like to proffer anything else on the record Mr. Malloy
13 with regard to...

14 MR. MALLOY: Your Honor, I have nothing further as
15 far as the motion.

16

17

18

19

20

21

22

23

24

25

State v Julius Manigault
Proceedings
January 8, 2015

1 THE COURT: All right. Let's do this. Let's take
2 about five or ten minutes to get your heads ready to go
3 then we'll go ahead and come back in with opening
4 statements. I might just depending on how long your
5 opening statements are going to be I might go ahead and
6 cut us off and let them go to lunch and bring them back
7 for testimony. How many witnesses do you have?

8 MS. YOUNG: Your Honor, we have six witnesses. The
9 first three are fairly quick just for planning purposes.

10 THE COURT: Right. And have you been able to -- I
11 think y'all said y'all already stipulated as far as or
12 premarked your exhibits as much as you could is that
13 correct?

14 MR. FRAYER: Right, Your Honor. We have premarked
15 the exhibits.

16 THE COURT: Okay. Any other matters I need to
17 consider evidentiary concerns from either side at this
18 juncture?

19 MS. YOUNG: Your Honor, only if we need to do an
20 in-camera hearing regarding the standing. If that
21 becomes an issue; right now I understand it's not.

22 MR. FRAYER: That is not an issue, Your Honor.
23 We're not talking about his ---

24 THE COURT: --- to make sure I understand what
25 you're saying you're saying you acknowledge that this

State v Julius Manigault
Proceedings
January 8, 2015

1 gentleman can stand but because of his condition he just
2 has a wheelchair is that what it is? Or do you not
3 acknowledge that?

4 MR. FRAYER: Your Honor, I don't acknowledge that
5 he can stand. I have not seen him stand since he was
6 shot back in September. The medicals that I have last
7 received were in November from his doctor. I have not
8 seen -- every time he has come to my office for a meeting
9 he has been in the wheelchair. Every time he has come to
10 a status conference he has been in a wheelchair.

11 I have not seen him stand, I have not seen him walk
12 so I don't have any information that he can stand. He's
13 still on his medications as far as I know it. He is not
14 -- we're not planning to wheel him up there for him to
15 testify during that trial. We're not planning to mention
16 anything about his being in a wheelchair during this
17 trial because that's not what this case is about. So I
18 don't see that as relevant.

19 THE COURT: I do -- I would tend to agree, I'll
20 wait and see, but I would think that unless the defendant
21 takes the stand that you might have to come back in a
22 reply mode as opposed to doing it in your case in chief
23 and at that point let's do it in-camera and let me
24 consider probative versus prejudicial effect of it, okay.

25 MS. YOUNG: Thank you, Your Honor.

State v Julius Manigault
Proceedings
January 8, 2015

1 THE COURT: And relevance. That being said let's
2 take a quick break and be back at 12:00 please.

3 [Whereupon, court is in recess from 11:55 a.m. until
4 12:10 p.m.]

5 THE COURT: Is the State ready?

6 MS. YOUNG: Yes, Your Honor.

7 THE COURT: Is the defense ready?

8 MR. FRAYER: Yes, Your Honor.

9 THE COURT: Very good. Will you bring the jury in
10 please?

11 [Whereupon, the jury enters at 12:12 p.m.]

12 THE COURT: Mr. Bailiff, do you have the
13 Foreperson?

14 THE BAILIFF: Yes, Your Honor.

15 [Whereupon, the bailiff provides document to the
16 court]

17 THE COURT: Juror number 215?

18 THE JUROR: Yes, sir.

19 THE COURT: And you are an alternate on the back
20 row? If the both of you would remain in those
21 prospective seats each time you come in and out of the
22 courtroom it will help us perform some functions we need
23 to. We have a request for 13 pads and pencils.

24 [Whereupon, pads and pens are provided to the
25 jurors]

State v Julius Manigault
Proceedings
January 8, 2015

1 [Whereupon, court's exhibit number 1 is marked by
2 the court reporter]

3 THE COURT: Would you swear the jury please?

4 CLERK OF COURT: Madame Forelady and ladies and
5 gentlemen if you would please stand and raise your right
6 hands to receive your oath. At the conclusion of the
7 oath please confirm by saying I do. Raise your right
8 hands please.

9 [Whereupon, the jury is duly sworn by the Clerk of
10 Clerk]

11 CLERK OF COURT: Thank you. You may be seated.

12

13

14

15

16

17

18

19

20

21

22

23

24

25

State v Julius Manigault
Introduction to the Jury
January 8, 2015

1 THE COURT: Ladies and gentlemen of the jury as we
2 called out earlier this is the case of the State v Julius
3 Quintez Manigault who has been charged with assaulting a
4 police officer while resisting arrest and possession with
5 intent to distribute marijuana.

6 I don't know if any of you have ever been involved
7 in the judicial system before in a civil case, criminal
8 case, as a witness, a party, or in some other capacity.
9 I would expect that each and every one of you however has
10 watched on T.V. or at the movies what purports to be a
11 criminal trial. Let me quickly dispel you. This is
12 going to be way different from what you've seen on T.V.,
13 it's going to be different from what you've seen on the
14 movies. Trials are not entertainment. They are a
15 fundamental part of our democracy. They are often very
16 slow, very deliberate and methodical. They are a search
17 for the truth to try to make sure that justice is done.

18 Now in this case these attorneys when they are sworn
19 in to be attorneys they take an oath to be advocates for
20 their clients. And you can expect them to be advocates
21 for their respective positions in this case. However,
22 they are also officers of this court, which means that
23 you can expect that they will be professional, courteous,
24 and competent to one another and ethical to one another,
25 any witness who may appear as well as to this court. Now

State v Julius Manigault
Introduction to the Jury
January 8, 2015

1 you've just taken an oath that you will do your best to
2 be fair and impartial, to try to reach a unanimous
3 verdict in this matter. The parties, the attorneys, and
4 this court has a right to expect of you that you will be
5 fair, that you will be impartial, and you will perform
6 your duties in an ethical manner.

7 Now what I am telling you now is not the law. I
8 will give that to you at the end of this case. I'm just
9 going to give you a brief explanation of the process so
10 you'll get a general idea as to where we are going to go.
11 I don't anticipate this being an extremely long case. I
12 imagine we will probably go into tomorrow and finish
13 tomorrow.

14 Now some of you most of you have chosen to make
15 notes of these proceedings and that's good. Some judges
16 don't let jurors take notes. I think it is a good thing.
17 However, let me caution you before we get started that
18 just because something appears in someone's notes doesn't
19 mean it trumps somebody's memory.

20 Some people are better note takers than others.
21 Some people don't require any notes to be taken; they can
22 remember the proceedings just fine without them. So at
23 the end of the day Madame Forelady when you begin your
24 deliberations if there is a difference between somebody's
25 memory and somebody's notes, the notes do not trump.

State v Julius Manigault
Introduction to the Jury
January 8, 2015

1 That's why they call them deliberations; you will have to
2 hash that out. Also in performing your functions you are
3 in the law finders of the facts. You're the sole judges
4 of the facts in this case i.e. which verdict you intend
5 to reach. In performing that duty it will be imperative
6 upon you to decide which testimony that you wish to
7 believe and which testimony you wish not to believe. And
8 I will tell you more about that at the end of this case.

9 But in the vernacular of attorneys we call that the
10 creditability of the witnesses. So if you are so engaged
11 in taking notes that you missed somebody's subtle
12 response to a question or their reaction on the stand you
13 may miss something that is critical as to their demeanor
14 and how they are actually testifying about. So I would
15 caution you don't get so engrossed in your note taking
16 that you don't observe the witnesses actions and their
17 reactions on the stand.

18 That being said I'll remind you that the fact that
19 this defendant has been arrested charged and indicted is
20 not evidence of his guilt. It does not raise an
21 inference of his guilt nor a presumption of his guilt.
22 These indictments are purely the mechanical paperwork by
23 which the State brings this defendant before a jury such
24 as yourselves for a trial and a determination of his
25 guilt and innocence. In fact, this defendant has said

State v Julius Manigault
Introduction to the Jury
January 8, 2015

1 I'm not guilty to both of these charges. Therefore the
2 burden is placed upon the State of South Carolina to
3 prove each and every element of the charges against him
4 by proof that satisfies you of guilt beyond a reasonable
5 doubt. Each charge will stand alone from one another.
6 You will separately and independently consider each of
7 the charges and I will give you more on that at a later
8 date.

9 But let me give you a brief definition of what
10 reasonable doubt is. And this is the highest standard
11 that we recognize in our law; the highest burden of
12 proof. A reasonable doubt is the kind of doubt that
13 would cause a reasonable person to hesitate to act in an
14 important matter in their own affairs.

15 Now the State has the burden of proving the
16 defendant is guilty beyond a reasonable doubt. Some of
17 you in the past may have participated in a civil trial
18 where the burden of proof is much lower; it is a
19 preponderance or the simple greater weight of the
20 evidence.

21 In criminal cases the burden is much higher. It is
22 by proof beyond a reasonable doubt. Now proof beyond a
23 reasonable doubt is proof that leaves you firmly
24 convinced of the defendant's guilt. With that being said
25 ladies and gentlemen there are very few things in this

State v Julius Manigault
Introduction to the Jury
January 8, 2015

1 world that we know with mathematical certainty and the
2 law does not require in criminal cases proof that
3 overcomes every possible doubt there may be in a case.

4 If at the end of this matter based on your
5 consideration of all the evidence and your application of
6 the law as I give it to you, you are firmly convinced the
7 defendant is guilty of one or more of the charges against
8 him it will be your duty to find him guilty. On the
9 other hand if you think there is a real possibility that
10 he is not guilty then you must give him the benefit of
11 the doubt and find him not guilty.

12 Now as I told you your purpose is to find the facts
13 in this case as you are the sole judges. No one in this
14 courtroom including myself can intervene on your function
15 as being the sole fact finders in this case. That is
16 solely your province, therefore if I do anything during
17 the course of this trial that seems to indicate to you
18 how you are to find facts, in other words what verdict
19 you were supposed to reach I'm going to ask you but also
20 instruct you to disregard it.

21 Our Constitution does not allow Circuit Court judges
22 or trial judges to state an opinion or to have an opinion
23 on the facts. That is solely your determination. In
24 fact you will determine what the facts are from what you
25 hear in this courtroom from this witness stand right here

State v Julius Manigault
Introduction to the Jury
January 8, 2015

1 [indicates] by way of sworn testimony and any exhibits
2 that I allow into evidence. Now you are not to be
3 influenced by anything that you see outside of the
4 courtroom when court is not in session and you are not to
5 be influenced by any bias or prejudice you may have when
6 you came into this courtroom; that's why we went through
7 the voir dire process to begin with.

8 I will point out to you although this is a
9 relatively short trial it is very important to pay close
10 attention to the testimony and the evidence. Ordinarily,
11 if there was an incorrect factual finding by a jury
12 that's not correctable on appeal. On the other hand if I
13 make a legal mistake there are lots of folks up in
14 Columbia who will correct my mistake. So pay close
15 attention to the testimony and the evidence so at the end
16 of the day when the case is placed in your hands for
17 deliberations you are able to engage in those
18 understanding what the testimony and the evidence is.

19 Now the law that makes you the sole judges of the
20 facts makes me the sole judge of the law. Just like I
21 cannot invade your province you cannot invade mine. You
22 may disagree with the law as I give it to you but it
23 would be inappropriate for you to try to apply anything
24 but the law as I give it to you. Again, if I am mistaken
25 there are people who will correct my mistakes. But you

State v Julius Manigault
Introduction to the Jury
January 8, 2015

1 must apply it as I give it to you. Now during the course
2 of this trial until you are given unequivocal word to
3 begin your deliberations you may not do so. And what
4 that simply means is that during a break, overnight, over
5 lunch you can't speak amongst yourselves about did you
6 hear what that testimony was or did you hear what she
7 said or what he said or what about this exhibit.

8 You can't speak with your spouses, your children or
9 anyone else whether directly face to face, over email,
10 twitter, or any form of communication. And the reason
11 being we want you to listen to the testimony and the
12 evidence completely and hear the charge on the law before
13 you begin your deliberations so that you don't engage in
14 any kind of premature, factual findings in this matter.

15 Also, we as trial judges are instructed to instruct
16 juries that they may not engage in independent jury
17 research. What that simply means is that during the
18 course of this trial you may not look up any matter
19 involved in this case, any issue or any issue you think
20 would be helpful.

21 You may not look up anything about any court
22 official, me or these attorneys or these parties and for
23 the same reason. We want you to make your decision based
24 on the testimony that is placed before you here in this
25 courtroom and according to the law as I give it to you.

State v Julius Manigault
Introduction to the Jury
January 8, 2015

1 Quite frankly if you were to do any independent research,
2 the State nor the defense will know what you researched.
3 They have no way to challenge its voracity or accuracy so
4 therefore you are not to do that. After the case is over
5 with you are free to look up anyone or anything that you
6 would like.

7 In Charleston there is not much of a problem here
8 but if you happen to bump into these attorneys or a party
9 or a witness and they don't speak to you they are not
10 being rude. They know they cannot speak to you and I'm
11 going to ask you -- I'm also going to instruct you not to
12 speak to them. It's okay to nod your head and be a
13 little gracious but if the other side sees you speaking
14 with a witness or a party they are going to think there
15 is improper or ex parte communications and that causes us
16 a lot of problems.

17 Also I don't think this will happen but if there is
18 any news about this case, T.V., radio or some other
19 communications do not read, listen, or hear it until
20 after this case is over with and you've been dismissed.
21 Now in every case there are five phases. The first phase
22 is the opening statements. The second phase is the
23 presentation of the evidence. The third phase are the
24 closing arguments. I will then charge you on the law and
25 the final phase is when you begin your deliberations.

State v Julius Manigault
Introduction to the Jury
January 8, 2015

1 Now in just a minute the State is going to stand up and
2 give you an opening statement about what they contend the
3 case is. I'll point out to you that what any of these
4 attorneys may tell you during the course of this trial by
5 way of opening statements or otherwise is not evidence.
6 The only real evidence you will hear is the sworn
7 testimony from the witness stand. I'm not minimizing it;
8 it's important for you to help you understand this case
9 but they are not subject to cross-examination and what
10 they tell you is not evidence. At the end of the case I
11 will remind you that if your memory of the facts are
12 different from what you are told by anyone in this case
13 then your memory will control. The defendant's attorney
14 may also but is not required to give an opening statement
15 because the burden of proof rests on the State at all
16 times in this matter.

17 Also and finally ladies and gentlemen in any case
18 I've ever been involved with there are objections. The
19 attorneys have an ethical duty to object anytime he or
20 she sees something they think is improper in the
21 courtroom. Madame Forelady the fact that an attorney may
22 object and to the extent I let you stay in the courtroom
23 and see my ruling on that objection is not proper fodder
24 for your jury's deliberations and you must stop any juror
25 from raising the issue about the fact an objection was

State v Julius Manigault
Introduction to the Jury
January 8, 2015

1 made and my ruling on it okay. I'll remind you of that
2 again. Now just to make sure I haven't misquoted
3 something or omitted to tell you something I'm going to
4 ask you to go back to your jury room. You can carry your
5 pads with you. I don't think you'll have much of a
6 chance to even sit down before we bring you back in here
7 for opening statements. If you'll go back to your jury
8 room, please.

9 [Whereupon, the jury exits at 12:27 p.m.]

10 THE COURT: Any additions or exceptions from the
11 State?

12 MS. YOUNG: None, Your Honor.

13 THE COURT: From the defense?

14 MR. FRAYER: None, Your Honor.

15 THE COURT: Okay. You ready to start?

16 MS. YOUNG: Yes. Ms. Newman is going to open.

17 THE COURT: Okay. You ready to start?

18 MR. FRAYER: Yes, Your Honor.

19 THE COURT: Okay. Will you bring the jury back?

20 [Whereupon, the jury enters at 12:28 p.m.]

21 THE COURT: Is the State ready to proceed?

22 MS. YOUNG: Yes, Your Honor.

23 THE COURT: Opening statements?

24 MS. NEWMAN: Thank you, Your Honor. May it please
25 the court?

1

2

3

8

13

19

State v Julius Manigault
Opening Statement-By Ms. Newman
January 8, 2015

1 case the Judge is going to instruct you on the law as he
2 just mentioned. But this is how we're going to prove the
3 defendant guilty. As to the possession with intent to
4 distribute marijuana charge we must prove the defendant
5 possessed marijuana with the intent to distribute it.

6 You're going to hear testimony about how 13
7 individual baggies were found that night each weighing
8 approximately one gram. Two baggies in the defendant's
9 right sock, four baggies in a Hershey kiss bag on the
10 center console of the car and seven baggies in the spare
11 tire compartment of the car along with a digital scale.
12 Again, all these baggies weighed approximately one gram
13 and being nearly identically packaged.

14 You're going to hear this is indicative of selling
15 marijuana. And you're also going to hear how Officer
16 Greenawalt prior to stopping the defendant that night was
17 patrolling and saw the defendant driving slowly through
18 the parking lot of Club Bosses in North Charleston which
19 you will hear is an area known for high narcotics
20 activities.

21 Now as to the assault on a police officer while
22 resisting arrest charge we must prove to you that the
23 defendant knowingly and willfully assaulted or wounded a
24 police officer while the defendant was resisting arrest
25 being made by someone the defendant knew or should have

State v Julius Manigault
Opening Statement-By Ms. Newman
January 8, 2015

1 reasonably known was a law enforcement officer.

2 Testimony and the video you are going to see will show
3 you the defendant was pulled over for speeding, swerving
4 and nearly hitting a bicyclist.

5 Officer Greenawalt approaches the vehicle clearly in
6 law enforcement attire indicating he is a law enforcement
7 officer. As Officer Greenawalt attempts to place the
8 defendant under arrest that's when you're going to see
9 the defendant try to flee, violently thrashes, twists and
10 pushed the officer against defendant's own car twisting
11 so hard that the officer's hand is sliced by his own
12 handcuffs.

13 Now we only have to prove that the assault or a
14 wounding happened that night. But here we have both; we
15 have an assault on Officer Greenawalt and wounding
16 Officer Greenawalt. This was a situation brought on by
17 the defendant that night and Officer Greenawalt's only
18 option was to use his trained K-9 even after several
19 warnings to the defendant of his intention to do so.

20 And at the end of it all just listen out for the
21 excuse the defendant gives for fighting Greenawalt; I
22 thought the dog was on me. I thought the dog was on me.
23 You're going to see it for yourself soon. And the facts
24 of this case including the video itself show you how
25 necessary and important it is to uphold your duty as

State v Julius Manigault
Opening Statement-By Ms. Newman
January 8, 2015

1 jurors and find that man [indicates] accountable for his
2 actions. After hearing all the witnesses, seeing the
3 video for yourselves you're going to see that the
4 testimony and the evidence matches up and when you do we
5 will stand back before you again and ask you to deliver a
6 verdict that justice demands; that is a verdict of
7 guilty.

8 THE COURT: Thank you, ma'am. Does the defense
9 wish to have opening statements?

10 MR. FRAYER: Yes, Your Honor. May it please the
11 court?

12 THE COURT: Yes, ma'am.

13
14
15
16
17
18
19
20
21
22
23
24
25

State v Julius Manigault
Opening Statement-By Ms. Frayer
January 8, 2015

1 OPENING STATEMENT

2 BY MS. FRAYER:

3 Ladies and gentlemen, Mr. Manigault sits before you
4 an innocent man. It's important that throughout this
5 trial you keep that in mind. He is innocent and it is
6 the State's job to prove to you beyond a reasonable doubt
7 that he's guilty.

8 I submit to you that the State wants you to believe
9 that everything that they say is the truth. They want
10 you to believe that the video that they are talking about
11 shows you what they say it shows you. You're going to
12 see the video for yourselves and you're going to be able
13 to make a decision about what you see in the video. What
14 you're going to see in the video is an officer
15 overzealous basically snatching Mr. Manigault out of his
16 car -- out of the car he is driving.

17 You're going to see him yes, he deploys his K-9.
18 You're going to see Mr. Manigault a scared man trying to
19 get away. He's also charged and the State mentions that
20 he is charged with two crimes; assaulting an officer
21 while resisting arrest. You're going to be able to hear
22 on the video and you're going to be able to see on the
23 video. Listen to what the officer says on the video
24 while you're looking at the pictures. The officers find
25 two bags of marijuana on Mr. Manigault, on his person in

State v Julius Manigault
Opening Statement-By Ms. Frayer
January 8, 2015

1 his possession on him in his sock; that's what he had.
2 Ladies and gentlemen, that's not possession with intent
3 to distribute marijuana. You'll see it for yourself and
4 after you've seen all the evidence that the State has and
5 after you've heard all the testimony from that stand you
6 make a decision for yourself. And we'd ask that you
7 return a verdict of not guilty in this case. Thank you.

8 THE COURT: How long is your first witness?

9 MS. YOUNG: Fairly short, Your Honor.

10 THE COURT: Go ahead and call them please, ma'am.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

State v Julius Manigault
Kevin Whitfield-Direct Examination by Ms. Newman
January 8, 2015

1 MS. YOUNG: The State calls Officer Kevin
2 Whitfield.

3 [Whereupon, Officer Whitfield comes forward]

4 [Whereupon, the witness is duly sworn by the Clerk
5 of Court]

6 CLERK OF COURT: Please give us your full name and
7 spell your last for the reporter please, sir.

8 THE WITNESS: My full name is Kevin Rashawn
9 [phonetic] Whitfield, W-H-I-T-F-I-E-L-D.

10

11 KEVIN WHITFIELD,

12 Having been first duly sworn,

13 Was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY MS. NEWMAN:

16 Q. Good morning Officer Whitfield.

17 A. Good morning.

18 Q. Where do you work?

19 A. North Charleston Police Department.

20 Q. And in what position?

21 A. Patrol. I work the south end of the city.

22 Q. How long have you been with them?

23 A. About ten years.

24 Q. What are your duties in patrol?

25 A. Answer routine calls, traffic stops; things of that

State v Julius Manigault
Kevin Whitfield-Direct Examination by Ms. Newman
January 8, 2015

1 nature.

2 Q. Were you employed in the same position back in
3 October of 2013?

4 A. Yes, ma'am.

5 Q. And did you respond to an incident on McMillan
6 Avenue back on October 16th, 2013?

7 A. Yes, I did.

8 Q. Please tell the jury why you responded that night?

9 A. It was to assist an officer in a call for assistance
10 in reference to a fight --

11 Q. What was the first thing you did upon responding?

12 A. The first thing I did was go to assist Officer
13 Greenawalt and secure the scene.

14 Q. And why did you assist Officer Greenawalt?

15 A. Because he was actively fighting with a subject --

16 THE COURT REPORTER: I'm sorry; repeat your answer.

17 A. He was actively fighting.

18 Q. [Ms. Newman] The defendant?

19 A. The defendant, yes ma'am.

20 Q. And once you respond to the scene and make sure it's
21 secure and everything what did you do next?

22 A. I did an inventory of the vehicle.

23 Q. And tell us what that means and what the purpose of
24 that is?

25 A. The purpose to inventory the vehicle is to get a --

State v Julius Manigault
Kevin Whitfield-Direct Examination by Ms. Newman
January 8, 2015

1 see what's all in the vehicle to make sure that whatever
2 was in the vehicle was still in the vehicle once it's
3 towed by the tow company.

4 Q. And did you search the entire vehicle?

5 A. I just searched the passenger side of the vehicle.

6 Q. Okay. And did someone else assist you in
7 searching?

8 A. Yes, ma'am.

9 Q. And who was that?

10 A. Officer Lizarazo.

11 Q. And where did he search?

12 A. He searched the driver's side of the vehicle.

13 Q. During your search what, if anything, did you
14 locate?

15 A. On the center console I located a Hershey kiss bag
16 with four bags of marijuana approximately the same weight
17 and size.

18 Q. The same weight and size?

19 A. Yes, ma'am.

20 Q. Do you know if Officer Lizarazo found anything
21 during his search?

22 A. Yes, he did.

23 Q. What did he find?

24 A. He found about seven bags of marijuana in the trunk
25 of the vehicle where the spare tire is.

State v Julius Manigault
Kevin Whitfield-Direct Examination by Ms. Newman
January 8, 2015

1 Q. Okay. And did he find anything else?
2 A. No, ma'am.
3 Q. Okay.
4 A. Oh, and a scale; the scale.
5 Q. He found a scale?
6 A. Yes.
7 Q. Did he show you what he found?
8 A. Yes, he did.
9 Q. Okay. And was that marijuana packaged similarly to
10 the marijuana you found?
11 A. Yes, it was.
12 Q. Okay. Same size, same weight it looked like?
13 A. Same size, same weight; yes.
14 Q. What did you do with the bags that you found?
15 A. The bags that I found I placed them on the passenger
16 seat in Officer Greenawalt's car.
17 Q. Did you have any other involvement in this case?
18 A. No, I did not.
19 MS. NEWMAN: Beg the court's indulgence.
20 [Whereupon, Ms. Newman and Ms. Young confer]
21 MS. NEWMAN: No further questions.
22 THE COURT: Cross-Examination?
23
24
25

State v Julius Manigault
Kevin Whitfield-Cross-Examination by Ms. Frayer
January 8, 2015

1 CROSS-EXAMINATION

2 BY MS. FRAYER:

3 Q. Officer Whitfield ---

4 THE COURT: --- could you speak up just a little
5 bit please, ma'am?

6 Q. [Ms. Frayer] Officer Whitfield, as a part of your
7 duty did you complete a tow sheet?

8 A. Yes, I did.

9 MR. FRAYER: May I approach?

10 THE COURT: Yes, ma'am.

11 Q. [Ms. Frayer] I'm going to show you what has been
12 marked for identification only as State's exhibit 8.

13 [Whereupon, the witness is shown document]

14 Q. Do you recognize this?

15 A. Yes, I do.

16 Q. And what is that?

17 A. This is a tow sheet that we use when towing
18 vehicles.

19 Q. And did you complete that tow sheet?

20 A. Yes, I did.

21 THE COURT: What exhibit number is that?

22 MR. FRAYER: It's State's exhibit 8 for
23 identification only.

24 Q. [Ms. Frayer] And you completed this tow sheet
25 correct?

State v Julius Manigault
Kevin Whitfield-Cross-Examination by Ms. Frayer
January 8, 2015

- 1 A. That's right, yes ma'am.
- 2 Q. And you indicated that you removed seven bags from
3 this vehicle?
- 4 A. On the tow sheet I wrote seven bags. I must have
5 forgot to put the other four.
- 6 Q. Okay. But your testimony on direct is that you
7 found how many bags in the Hershey kiss?
- 8 A. Four.
- 9 Q. Four bags?
- 10 A. Yes, ma'am.
- 11 Q. So you only -- you removed four bags from the
12 vehicle correct?
- 13 A. I just got the four bags from the center console --
14 the Hershey kiss bag.
- 15 Q. Okay. But that's not listed on here?
- 16 A. No, ma'am. I must have left that off.
- 17 Q. Okay. And you also listed the owner of the vehicle
18 on there and whose name is listed as the owner of the
19 vehicle?
- 20 A. An Africa Palmer [phonetic].
- 21 Q. Okay. And that's not the defendant's name correct?
- 22 A. That's correct. That's not his name.
- 23 Q. And you didn't search the entire vehicle?
- 24 A. No, I did not.
- 25 Q. Okay. You only searched the passenger side?

State v Julius Manigault
Kevin Whitfield-Cross-Examination by Ms. Frayer
January 8, 2015

- 1 A. Yes, ma'am.
- 2 Q. Is there any reason why you didn't search the entire
3 vehicle?
- 4 A. I had another officer that was also searching the
5 vehicle with me.
- 6 Q. Okay. And you don't know who placed the Hershey
7 kiss bag in the car?
- 8 A. I do not.
- 9 Q. I'm sorry?
- 10 A. I do not, no.
- 11 Q. And so you did not search the trunk?
- 12 A. No, ma'am.
- 13 Q. And the Hershey kiss bag was found in the center
14 console. Was the center console a closed console or was
15 it open?
- 16 A. I found it on the center console.
- 17 Q. Sitting on the top of it?
- 18 A. Yes.
- 19 Q. So that would be between the driver's seat and the
20 passenger seat?
- 21 A. Yes.
- 22 Q. And it was in plain view?
- 23 A. Yes.
- 24 Q. And you don't know who any of the things in the car
25 belonged to correct?

State v Julius Manigault
Kevin Whitfield-Cross-Examination by Ms. Frayer
January 8, 2015

1 A. That's correct.

2 Q. But the car belonged to the registered owner was
3 Africa Palmer [phonetic] correct?

4 A. Yes..

5 Q. According to your information on the tow sheet?

6 A. Correct.

7 Q. Did you contact Ms. Palmer that night?

8 A. I did not.

9 Q. Did you do any additional investigation of the car
10 and the owner ---

11 A. --- no ---

12 Q. --- and who it was loaned to or anything like that?

13 A. No, ma'am.

14 MR. FRAYER: Court's indulgence.

15 [Whereupon, Ms. Frayer and Mr. Malloy confer]

16 MR. FRAYER: Nothing further, Your Honor..

17 THE COURT: Any redirect?

18 MS. NEWMAN: Briefly, Your Honor.

19

20

21

22

23

24

25

State v Julius Manigault
Redirect Examination by Ms. Newman
January 8, 2015

REDIRECT EXAMINATION

BY MS. NEWMAN:

Q. Officer Whitfield, on that tow sheet that you just looked at who is the driver?

A. The driver is a Mr. Julius Manigault.

Q. So Julius Manigault was the driver that night?

A. Correct.

Q. To your knowledge was Africa Palmer ever located on the scene that night?

A. She was not.

Q. To your knowledge were there any females located in the vehicle that night or located on the scene?

A. No, ma'am.

MS. NEWMAN: Beg the court's indulgence.

[Whereupon, Ms. Newman and Ms. Young confer]

MS. NEWMAN: No further questions.

THE COURT: May this witness be excused?

MS. YOUNG: Yes, Your Honor.

MR. FRAYER: Yes, Your Honor.

THE COURT: Thank you, sir.

[Whereupon, the witness is excused and exits the witness stand]

State v Julius Manigault
Proceedings
January 8, 2015

1 THE COURT: Madame Foreman, I'm going to go ahead
2 and call this a lunch break at this point. If you and
3 your jury will be back in your jury room by 2:15 we will
4 resume the testimony. If you will leave your pads in the
5 jury room and not carry them with you they will be secure
6 while you are on break. Thank you so much.

7 [Whereupon, the jury exits at 12:48 p.m.]

8 THE COURT: Anything from the State before we
9 recess?

10 MS. YOUNG: Your Honor, just if it does become an
11 in-camera issue what we talked about earlier that would
12 have been the witness that we would have. So subject to
13 recalling him should the door be opened.

14 THE COURT: Okay.

15 MR. FRAYER: Is this what you have?

16 MR. FRAYER: Your Honor, he is out on bond and we'd
17 like him to remain on bond.

18 THE COURT: Well once he reported that bond would
19 have ended. I will let him remain out but I will tell
20 you Mr. Manigault that if you do not return this trial
21 will continue in your absence. So it's in your best
22 interest to come back here to court, okay.

23 MR. MANIGAULT: Yes, sir.

24 THE COURT: Thank you.

25 MR. FRAYER: Thank you, Your Honor.

State v Julius Manigault
Proceedings
January 8, 2015

1 MS. YOUNG: What time, Your Honor?

2 THE COURT: 2:15.

3 MS. YOUNG: Thank you.

4 [Whereupon, court is in recess from 12:50 p.m. to
5 2:22 p.m.]

6 [Whereupon, defendant's exhibit number 1 is marked
7 by the court reporter]

8 THE COURT: Please be seated. Is the State ready?

9 MS. YOUNG: Yes, Your Honor.

10 THE COURT: The defense ready? Where is the
11 defendant?

12 MR. FRAYER: No, we're not ready, Your Honor. We
13 are waiting on the defendant and we have a matter we need
14 to take up with Your Honor before the jury comes in.

15 THE COURT: Okay. Let's get your client out here
16 and we'll be glad to put it on the record.

17 [Whereupon, the defendant enters the courtroom]

18 THE COURT: All right Ms. Frayer, you've got a
19 matter you'd like to place on the record?

20 MR. FRAYER: Yes, Your Honor. I'd like to place on
21 the record it was brought to my attention during the
22 break that Mr. Manigault informed my co-counsel that he
23 had hired a private attorney for this hearing. My co-
24 counsel informed him that it was -- we did not know that.
25 It was too late at this time; the jury had been selected

State v Julius Manigault
Proceedings
January 8, 2015

1 and the trial had already begun. We had several status
2 conferences in this matter and we were never informed
3 that by Mr. Manigault. I just think for all intents and
4 purposes I just needed to put that on the record because
5 he did tell co-counsel that.

6 And we just want to put that on the record that I
7 had been informed of that after the trial started that he
8 hired a private attorney. No private attorney showed up
9 this morning for this matter. He did attend the last
10 status conference on 12/30/2014 and was informed ---

11 THE COURT: --- the private counsel attended the
12 status conference?

13 MR. FRAYER: No, Mr. Manigault did with me with
14 Judge Harrington presiding over that. He did not
15 indicate to Judge Harrington at that time that there was
16 any intent to hire new counsel and so therefore we went
17 on and prepared for trial, Your Honor, and so that is
18 what we were informed today.

19 THE COURT: Let me just say this. To the extent he
20 may have hired counsel they didn't notify the State that
21 they were coming into the case did they?

22 MS. YOUNG: That's correct.

23 THE COURT: To the extent that is in fact true,
24 which I somewhat doubt, he waived the right to be
25 represented by private counsel by conducting himself by

State v Julius Manigault
Proceedings
January 8, 2015

1 which he has. That being said is the State ready to
2 proceed?

3 MS. YOUNG: Yes, Your Honor.

4 THE COURT: The defense ready, Ms. Frayer?

5 MR. FRAYER: Yes, Your Honor.

6 THE COURT: Okay. Would you bring the jury in?

7 [Whereupon, the jury enters at 2:26 p.m.]

8 THE COURT: Madame Forelady and ladies and
9 gentlemen of the jury, does everybody have their pads and
10 pencils for the course of this trial? Let me just point
11 out before we go any further if anybody needs a break or
12 you can't hear anything in the proceedings just raise
13 your hand. This is not an endurance contest and so if
14 you need anything personally if you would just let us
15 know we'll take care of it. Call your next witness
16 please?

17 MS. NEWMAN: Thank you, Your Honor. The State
18 calls Detective Diego Lizarazo.

19 [Whereupon, Detective Lizarazo comes forward]

20 [Whereupon, the witness is duly sworn by the Clerk
21 of Court]

22 CLERK OF COURT: Please state your full name and
23 spell your last name for the record.

24 THE WITNESS: Diego Lizarazo. The last name is
25 L-I-Z-A-R-A-Z-O.

State v Julius Manigault
Diego Lizarazo-Direct Examination by Ms. Newman
January 8, 2015

1 DIEGO LIZARAZO,
2 Having been first duly sworn,
3 Was examined and testified as follows:
4 DIRECT EXAMINATION
5 BY MS. NEWMAN:
6 Q. Good afternoon detective.
7 A. How are you, ma'am.
8 Q. Where do you work?
9 A. North Charleston Police.
10 Q. In what position?
11 A. Detective.
12 Q. How long have you been with North Charleston?
13 A. About four years; a little bit over four years.
14 Q. And were you employed as a detective back in the
15 same position on October, 2013?
16 A. I was not. I was a patrol officer.
17 Q. What were your duties as a patrol officer?
18 A. Answer calls, assist officers, backup, customer
19 service.
20 Q. So back on October 16th, 2013 did you respond to an
21 incident on McMillan Avenue?
22 A. I did.
23 Q. And is that in Charleston County?
24 A. Yes, ma'am.
25 Q. Why did you respond that night?

State v Julius Manigault
Diego Lizarazo-Direct Examination by Ms. Newman
January 8, 2015

1 A. It came out as an officer requiring assistance and
2 backup call, a combative subject who had fled.

3 Q. What was the first thing that you did upon
4 responding?

5 A. I made sure the scene was secure, the officer was
6 okay, and there was no more outstanding subjects; no more
7 threats.

8 Q. And at that time was the defendant still on scene?

9 A. Yes.

10 Q. Since Officer Greenawalt was injured that night did
11 he instruct you to participate in an inventory search of
12 the vehicle?

13 A. Yes.

14 Q. Why do you conduct inventory searches?

15 A. To protect the property of the owner or whatever,
16 the property that is in the vehicle to protect the
17 property.

18 Q. Is that done prior to towing a vehicle?

19 A. Correct.

20 Q. What kind of car was it that you searched?

21 A. It was a silver --

22 THE COURT REPORTER: I'm sorry; what kind of car?

23 A. A Dodge Avenger.

24 Q. [Ms. Newman] And when you were searching the car did
25 anyone else participate in searching with you?

State v Julius Manigault
Diego Lizarazo-Direct Examination by Ms. Newman
January 8, 2015

- 1 A. Yes, ma'am.
- 2 Q. Who was that?
- 3 A. It was Officer Whitfield.
- 4 Q. So when you searched the vehicle where did you
- 5 search?
- 6 A. I searched the passenger -- I'm sorry, the driver's
- 7 side of the vehicle and the trunk.
- 8 Q. When you searched what, if anything, did you locate?
- 9 A. In the trunk of the vehicle under the spare tire
- 10 where the spare tire console is placed I located seven
- 11 baggies of green plant like material along with a scale.
- 12 Q. Did you see the baggies that Officer Whitfield
- 13 collected?
- 14 A. I did.
- 15 Q. And where those baggies similar in type and weight
- 16 to the baggies that you collected?
- 17 A. They were, yes ma'am.
- 18 Q. In your four years of law enforcement experience
- 19 what does this type of packaging indicate?
- 20 A. It indicates ---
- 21 MR. FRAYER: --- objection, Your Honor.
- 22 THE COURT: State your objection.
- 23 MR. FRAYER: Speculation.
- 24 THE COURT: Ma'am?
- 25 MR. FRAYER: Speculation.

State v Julius Manigault
Diego Lizarazo-Direct Examination by Ms. Newman
January 8, 2015

1 THE COURT: Overruled.

2 A. It states possession with intent to distribute
3 drugs; you know manufacturing.

4 Q. [Ms. Newman] How were the baggies that you found?
5 Could you describe them a little bit?

6 A. They were small baggies. They contained a small
7 amount of green plant like material in them just for
8 regular sale. Clear plastic baggies. Small transaction.
9 Easy to conceal.

10 Q. And these were just like the baggies that Whitfield
11 showed you?

12 A. Yes, ma'am.

13 Q. After you recovered the baggies what was done with
14 them then?

15 A. They were because Officer Greenawalt was injured he
16 was being attended by E-M-S they were placed in Officer
17 Greenawalt's vehicle and secured in the passenger side.
18 They were turned over to his vehicle.

19 Q. Was that the extent of your involvement in this
20 case?

21 A. Yes, ma'am.

22 MS. NEWMAN: Beg the court's indulgence.

23 [Whereupon, Ms. Newman and Ms. Young confer]

24 MS. NEWMAN: No further questions.

25 THE COURT: Cross-Examination.

State v Julius Manigault
Diego Lizarazo-Cross-Examination by Ms. Frayer
January 8, 2015

1 MR. FRAYER: Thank you, Your Honor.

2 CROSS-EXAMINATION

3 BY MS. FRAYER:

4 Q. Good afternoon detective.

5 A. Good afternoon, ma'am.

6 Q. And you've been employed four years now with North
7 Charleston?

8 A. Yes, ma'am.

9 Q. Did you write a report in this incident?

10 A. I did not.

11 Q. And you indicated that the baggies that you found in
12 the trunk were packaged for sale?

13 A. Correct.

14 Q. And how do you know that?

15 A. It's -- from my experience every time I've located
16 narcotics in that type of packaging it constitutes for
17 distribution. You make the charge possession with intent
18 to distribute.

19 They are easy to sell on the street. That's what
20 people buy on the street. Easy to make a hand to hand
21 transaction and stuff like that.

22 Q. And when someone buys it on the street it's in that
23 baggie?

24 A. Correct.

25 Q. Okay. So if someone were to buy that item from

State v Julius Manigault
Diego Lizarazo-Cross-Examination by Ms. Frayer
January 8, 2015

- 1 someone then it would be in that same packaging?
- 2 A. An individual plastic small bag; yes, ma'am.
- 3 Q. The same packaging correct?
- 4 A. Once they purchase it I don't know.
- 5 Q. If you were to stop someone who had a baggie on them
- 6 it would be the same kind of baggie ---
- 7 A. --- correct ---
- 8 Q. --- if they had just purchased it correct? So you
- 9 can't with 100 percent certainty say that this baggie was
- 10 for sale, was packaged for sale?
- 11 A. Multiple baggies. I believe they were packaged for
- 12 sale.
- 13 Q. You believe that?
- 14 A. Yes.
- 15 Q. Okay.
- 16 A. From my experience charging somebody with simple
- 17 possession of marijuana from having one baggie the
- 18 multiple the defendant had it's been indicated to me that
- 19 they recently purchased that from the street.
- 20 That's how we start making a charge possession with
- 21 intent to distribute when somebody is in possession of
- 22 more than one believed to be their personal use.
- 23 Q. Thank you, detective. And you found this in the
- 24 trunk correct?
- 25 A. Yes, ma'am.

State v Julius Manigault
Diego Lizarazo-Cross-Examination by Ms. Frayer
January 8, 2015

- 1 Q. Not on his person?
- 2 A. No, ma'am.
- 3 Q. Okay. And you said you searched the driver's side
- 4 of the car?
- 5 A. Correct.
- 6 Q. How many -- was this a two-door car or a four-door
- 7 car?
- 8 A. Four-door car.
- 9 Q. Four-door car. Did you search the back seat?
- 10 A. Correct.
- 11 Q. You find anything else in the car?
- 12 A. No, ma'am.
- 13 Q. Nothing else?
- 14 A. Along with the scale and along with the narcotics,
- 15 the initial narcotics, the scale and the narcotics.
- 16 Q. Nothing else other than narcotics found in the car?
- 17 A. Correct.
- 18 Q. And did you know whose car this belonged to?
- 19 A. I did not.
- 20 Q. But did you search Mr. Manigault?
- 21 A. No, ma'am.
- 22 Q. You weren't involved in that?
- 23 A. No, ma'am.
- 24 Q. But the drugs that you found were in the car?
- 25 A. Correct.

State v Julius Manigault
Diego Lizarazo-Cross-Examination by Ms. Frayer
January 8, 2015

1 Q. In the trunk?

2 A. Correct.

3 MR. FRAYER: Court's indulgence.

4 [Whereupon, Ms. Frayer confers with Mr. Malloy]

5 Q. [Ms. Frayer] And the total weight on the items that
6 you found in the trunk was not the presumptive weight for
7 possession with intent to distribute correct?

8 A. Correct.

9 THE COURT: Redirect?

10 MS. NEWMAN: Briefly, Your Honor.

11 THE COURT: Yes, ma'am.

12

13

14

15

16

17

18

19

20

21

22

23

24

25

State v Julius Manigault
Diego Lizarazo-Redirect Examination by Ms. Newman
January 8, 2015

1 REDIRECT EXAMINATION

2 BY MS. NEWMAN:

3 Q. Detective Lizarazo, was a smoking device or a
4 marijuana cigarette were either of those found in the car
5 that night?

6 A. I'm not aware.

7 Q. Was any kind of drug paraphernalia or stuff used to
8 smoke right then and there found in the car that night?

9 A. Not from my discovery.

10 Q. So to your knowledge it was 11 bags were found in
11 that car that night?

12 A. From what I found and what Officer Whitfield found
13 yes, ma'am.

14 Q. Thank you.

15 MS. NEWMAN: No further questions, Your Honor.

16 THE COURT: May this witness be excused?

17 MS. YOUNG: Yes, Your Honor.

18 MR. FRAYER: Yes, sir.

19 THE COURT: Thank you. Thank you, sir.

20 [Whereupon, the witness is excused and exits the
21 witness stand]

22 THE COURT: Call your next witness please.

23 MS. YOUNG: Thank you, Your Honor.

24

25

State v Julius Manigault
Tim Holley-Direct Examination by Ms. Young
January 8, 2015

1 MS. YOUNG: The State calls Officer Tim Holley.

2 [Whereupon, Officer Holley comes forward]

3 [Whereupon, the witness is duly sworn by the Clerk
4 of Court]

5 CLERK OF COURT: Please state your full name and
6 spell your last name for the record.

7 THE WITNESS: Timothy Lee Holley, H-O-L-L-E-Y.

8 - - - - -

9 TIM HOLLEY,

10 Having been first duly sworn,

11 Was examined and testified as follows:

12 DIRECT EXAMINATION

13 BY MS. YOUNG:

14 Q. Good afternoon Officer Holley how you doing?

15 A. I'm good. How are you?

16 Q. Good. Where are you currently employed?

17 A. City of North Charleston Police Department.

18 Q. And how long have you been employed with the North
19 Charleston Police Department?

20 A. Since July of 2009.

21 Q. Okay. And were you in that same position back in
22 October of 2013?

23 A. Yes, ma'am.

24 Q. Okay. Were you working the evening of October 16th
25 specifically?

State v Julius Manigault
Tim Holley-Direct Examination by Ms. Young
January 8, 2015

1 A. Yes, ma'am ---

2 Q. --- 2013? Did you respond to an assault on a police
3 officer incident that evening?

4 A. I did.

5 Q. Where did you respond to?

6 A. It was at the corner of Rivers and McMillan Avenue
7 at the Exxon gas station.

8 Q. And that's in Charleston County?

9 A. Yes, ma'am.

10 Q. Approximately what time did you respond to the
11 incident?

12 A. I got there approximately about 10:40 p.m.

13 Q. And once you arrived on the scene what was your
14 involvement in this case?

15 A. Once I arrived on scene there were already about two
16 other officers on the scene helping Officer Greenawalt
17 with the subject.

18 When I got there I took custody of the subject and
19 escorted him back to my vehicle due to Officer Greenawalt
20 being injured.

21 Q. So due to Officer Greenawalt being injured did you
22 conduct a search incident to an arrest of the defendant
23 in this case?

24 A. Yes ma'am, I did.

25 Q. And per NCPD policies and procedures is a suspect

State v Julius Manigault
Tim Holley-Direct Examination by Ms. Young
January 8, 2015

1 supposed to be searched incident to arrest?

2 A. Yes, ma'am.

3 Q. And why is that?

4 A. The reason being is to make sure they don't have any
5 weapons on them which could harm themselves or us or any
6 kind of --

7 Q. And did you locate anything when you searched the
8 defendant in this case?

9 A. Yes, ma'am. Upon searching the defendant I did
10 locate in his right sock two small green baggies with a
11 green plant material in them.

12 Q. So were the baggies similar to one another?

13 A. Yes, ma'am.

14 Q. And after locating the baggies what did you do next?

15 A. I took the baggies and I secured them in Officer
16 Greenawalt's patrol vehicle and advised him what I found.

17 Q. In the front right seat?

18 A. Yes, ma'am.

19 MS. YOUNG: Court's indulgence.

20 THE COURT: Yes, ma'am.

21 [Whereupon, Ms. Young and Ms. Newman confer]

22 Q. [Ms. Young] And was that the extent of your
23 involvement in the case?

24 A. Yes, ma'am.

25 THE COURT: Cross-Examination?

State v Julius Manigault
Tim Holley-Cross-Examination by Ms. Frayer
January 8, 2015

1 CROSS-EXAMINATION
2 BY MS. FRAYER:
3 Q. Good afternoon officer Holley.
4 A. Good afternoon.
5 Q. When you got to the scene you took custody of Mr.
6 Manigault?
7 A. Yes, ma'am.
8 Q. And you searched him?
9 A. Yes, ma'am.
10 Q. And the only thing you found on him was two bags of
11 marijuana?
12 A. Yes, ma'am.
13 Q. Thank you. No further questions.
14 THE COURT: Redirect?
15 MS. YOUNG: No, Your Honor.
16 THE COURT: May this witness be excused?
17 MS. YOUNG: Yes, Your Honor.
18 MR. FRAYER: Yes, Your Honor.
19 THE COURT: Thank you, sir.
20 [Whereupon, the witness is excused and exits the
21 witness stand]
22 THE COURT: Call your next witness.
23
24
25

State v Julius Manigault
James Greenawalt-Direct Examination by Ms. Young
January 8, 2015

1 MS. YOUNG: Thank you, Your Honor. The State calls
2 Officer Greenawalt of the North Charleston Police
3 Department.

4 [Whereupon, Officer Greenawalt comes forward]

5 [Whereupon, the witness is duly sworn by the Clerk
6 of Court]

7 CLERK OF COURT: Please state your full name and
8 spell your last name for the record.

9 THE WITNESS: James Marcel [phonetic] Greenawalt,
10 Jr. Last name is spelled G-R-E-E-N-A-W-A-L-T.

11 - - - - -

12 JAMES GREENAWALT,

13 Having been first duly sworn,

14 Was examined and testified as follows:

15 DIRECT EXAMINATION

16 BY MS. YOUNG:

17 Q. Good afternoon officer, how are you doing today?

18 A. I'm doing good.

19 Q. Where are you currently employed?

20 A. The North Charleston Police Department.

21 Q. And how long have you been with law enforcement?

22 A. A total of 12 years all together.

23 Q. And right now are you with the K-9 unit?

24 A. Yes ma'am, I am.

25 Q. How long have you been with the K-9 unit with North

State v Julius Manigault
James Greenawalt-Direct Examination by Ms. Young
January 8, 2015

1 Charleston?

2 A. Going on five years.

3 Q. And in those 12 years of all law enforcement
4 experience have you received any advanced training in
5 narcotics or drug investigation?

6 A. Yes, ma'am. I've actually attended multiple classes
7 for advanced training as far as narcotics and officer
8 safety classes totaling somewhere around the hours of 100
9 or so.

10 Q. And how many drug arrests would you say you've made
11 in your 12 years?

12 A. I could probably average around 800 drug arrests
13 I've made in my career so far.

14 Q. That was 800?

15 A. Eight hundred.

16 Q. And with the K-9 unit do you have a specific K-9
17 that is assigned to each K-9 officer?

18 A. Yes, ma'am. Each individual K-9 officer has their
19 own K-9 that is assigned to them. My patrol K-9 is K-9
20 Felon.

21 Q. Okay. And so when you're doing your job day in and
22 day out the K-9 will travel with you?

23 A. Yes.

24 Q. Were you working in that position back on October
25 16, 2013?

State v Julius Manigault
James Greenawalt-Direct Examination by Ms. Young
January 8, 2015

1 A. Yes, I was.

2 Q. And what were your primary duties at that time?

3 A. K-9 is known as a supportive role for patrol. We
4 are there to assist them whenever they are needing a drug
5 sniffing vehicle. K-9's are also used for tracking of
6 suspects. Basically it's a supportive role.

7 But we're also assigned to the more crime ridden
8 areas of the city. If we're having problems or a spike
9 in robberies or a spike in burglaries and stuff like that
10 they will assign our K-9 units to patrol those areas more
11 often so we are more visible and can assist patrol to
12 help combat the actual crime that is going on in that
13 neighborhood; to be more visible.

14 Q. So does the K-9 also act as like a back up or a
15 partner in the case?

16 A. My K-9 is also my backup partner. Yes, he is
17 trained to assist me with apprehensions. If I was to get
18 in trouble, assaulted, or ever hurt on scene he is there
19 to aid me.

20 Q. And turning your attention specifically to October
21 16, 2013 were you working that evening?

22 A. Yes, I was.

23 Q. Were you patrolling around or were you working at a
24 specific location?

25 A. During that timeframe our what is known as COMSTAT

State v Julius Manigault
James Greenawalt-Direct Examination by Ms. Young
January 8, 2015

1 [phonetic], which is a specially assigned area. We are
2 assigned certain bars that are having a lot of spikes in
3 crimes at bars; namely Bosses being one of them down
4 south end of the city, which is located off of St. Johns
5 right there by McMillan.

6 This area has been known to be high drug crime area.
7 We've gotten numerous calls for fights, numerous calls
8 for guns in vehicles, and numerous calls for narcotics
9 and drugs being on people's possessions.

10 Q. So were you parked in that area of Club Bosses that
11 evening?

12 A. Yes, I was. I was parked across the street at the
13 South Carolina Federal Credit Union bank that is on the
14 corner of Spruill and McMillan.

15 And I was parked in their parking lot at the stop
16 sign facing Spruill Avenue, which gives me a clear view
17 unobstructed of the entire parking lot at Club Bosses.

18 There were two entrances going into that club and I
19 was able to see and observe both entrances going in and
20 out of the club.

21 Q. And did anything happen while you were sitting over
22 there watching Club Bosses that night?

23 A. Yes, ma'am. The club had just opened its doors
24 about 30 minutes prior to me arriving. I observed three
25 of their armed security guards that they have working the

State v Julius Manigault
James Greenawalt-Direct Examination by Ms. Young
January 8, 2015

1 actual nightclub. These guys are certified through SLED.
2 We've had encounters before where we would help each
3 other out. They are the ones that do the pat down of the
4 people going into the club at the time so they do let us
5 know hey, there's a gun on this guy walking into the club
6 or whatnot.

7 While parked across the street I observed a silver
8 grayish Dodge Avenger driving through the parking lot
9 very slowly; not parking not stopping, just driving very
10 slowly through the parking lot.

11 As it passed the security guards one of them took
12 their flashlight and kind of shined it in my direction as
13 the car kept going through the parking lot never
14 stopping.

15 Q. And what time was this around?

16 A. I'd have to look at my report -- I believe it was
17 10:30, 10:33.

18 Q. Did you write a report in this case?

19 A. I did write a report for this case.

20 MS. YOUNG: May I approach, Your Honor.

21 THE COURT: You may.

22 Q. I'm showing you what has been premarked as
23 defendant's exhibit 1.

24 [Whereupon, the witness is shown document]

25 Q. Is that the report you wrote in this case?

State v Julius Manigault
James Greenawalt-Direct Examination by Ms. Young
January 8, 2015

- 1 A. Yes, it is.
- 2 Q. Would that help refresh your recollection?
- 3 A. Yes, ma'am.
- 4 [Whereupon, the witness reviews document]
- 5 A. My dispatch time was 10:39.
- 6 Q. Okay. So it was around 10:39 p.m.?
- 7 A. Yes, ma'am.
- 8 Q. Okay. At that point you said that Club Bosses had
- 9 just opened? Was the parking lot crowded? Could you
- 10 kind of describe that for us?
- 11 A. No, ma'am. There was three cars in the parking lot
- 12 that I can recall. Two of them I recognized as being the
- 13 SLED security guys personal vehicles that they drove to
- 14 the club; and one of them being the actual owner of the
- 15 club itself when it opens. There were no other patrons
- 16 in the parking lot at that time.
- 17 Q. And so this silver grayish as you described Dodge
- 18 Avenger was it parked in the parking lot at all?
- 19 A. Never in the parking lot. When the club opened I
- 20 was there across the street for the entire time the
- 21 duration of when the other guys arrived. I never saw
- 22 that vehicle in the parking lot until I saw it drive
- 23 through.
- 24 Q. Okay. So it did a slow drive by and then what
- 25 happened?

State v Julius Manigault
James Greenawalt-Direct Examination by Ms. Young
January 8, 2015

1 A. That's when the attention -- it was brought to my
2 attention by the SLED guys they felt uneasy. They didn't
3 know what was going on why the car was driving so slowly
4 through the parking lot. Like I said they never parked.
5 They drove in and exited the parking lot.

6 Once the vehicle exited the parking lot it turned
7 right on St. Johns. St. Johns goes into McMillan. They
8 came to a stop at the stop sign at St. Johns and McMillan
9 and they made a right hand turn onto McMillan.

10 Q. Okay. And then what happened after that?

11 A. As the vehicle approached there is a stop light at
12 McMillan and Spruill. They went straight through the
13 stop light traveling still on McMillan.

14 I exited the parking lot of the bank and got in
15 behind them on McMillan as we were travelling towards
16 Rivers Avenue. We were in lane number two, which is the
17 second lane from the median.

18 We were traveling 46 miles per hour on McMillan.
19 McMillan is a 35 mile an hour zone is what it is rated
20 for. I initiated a traffic stop on the vehicle as I saw
21 it swerve around a bicyclist that was on McMillan. He
22 almost struck the bicyclist.

23 Once I initiated my blue lights the vehicle turned
24 right into an Exxon gas station, which is right on the
25 corner of McMillan and Rivers Avenue.

State v Julius Manigault
James Greenawalt-Direct Examination by Ms. Young
January 8, 2015.

1 Q. So you made a traffic stop as a result of him
2 speeding and what was the other thing?

3 A. He was speeding and he almost struck a bicyclist
4 that was on McMillan.

5 Q. I'm showing you what has been premarked as State's
6 exhibit 2 for identification.

7 [Whereupon, the witness is shown exhibit]

8 Q. Do you recognize this?

9 A. I do.

10 Q. What is that?

11 A. This is a topical aerial view from I believe Google
12 Earth the area that I am describing.

13 Q. And does it show Club Bosses and the area you're
14 describing where the driving occurred?

15 A. It does. It has a clear view of Club Bosses. It
16 has a clear view of where my patrol car was parked and it
17 also has a clear view of where the traffic stop and
18 incident took place.

19 Q. And does it fairly and accurately depict the area as
20 it was at the time of the incident?

21 A. Yes.

22 MS. YOUNG: At this time the State would move to
23 have State's exhibit 2 moved into evidence, Your Honor.

24 THE COURT: Any objection?

25 MR. FRAYER: Without objection.

State v Julius Manigault
James Greenawalt-Direct Examination by Ms. Young
January 8, 2015

1 THE COURT: Admitted without objection.
2 [Whereupon, State's exhibit number 2 is entered into
3 evidence by the court]
4 MS. YOUNG: May I publish to the jury, Your Honor?
5 THE COURT: Yes, ma'am.
6 [Whereupon, State's exhibit number 2 is shown on
7 screen]
8 Q. [Ms. Young] Can you see it this way or would you
9 like me to turn it around Officer Greenawalt?
10 A. I'm looking.
11 Q. Okay.
12 A. If you'll pull it up just a tab bit then we'll be
13 able to see the entire parking lot.
14 [Whereupon, Ms. Young adjusts the photograph]
15 A. There we go.
16 Q. Okay. Now where is Club Bosses on there? Can you
17 either X it or circle where Club Bosses is?
18 A. Club Bosses is going to be this area right here
19 [indicates]. This part right there [indicates] is
20 actually Club Bosses. The other building you see next to
21 it is another separate club that is actually in the same
22 parking lot.
23 Q. Okay. And where were you parked when you were
24 patrolling or looking out at the area of Club Bosses?
25 A. My vehicle is parked right here [indicates]. There

State v Julius Manigault
James Greenawalt-Direct Examination by Ms. Young
January 8, 2015

1 is a stop sign in the parking lot of that's [indicates] a
2 South Carolina Federal Credit Union bank and I'm right
3 there [indicates] next to the stop sign in those parking
4 spaces facing Club Bosses and I'm actually able to see
5 the parking lot from there.

6 Q. Okay. And then describe for us or show us where
7 you eventually pulled the defendant's vehicle over.

8 A. This [indicates] was the intersection I was actually
9 talking about he went straight through. I got behind the
10 vehicle right about here [indicates] of the South
11 Carolina Federal Credit Union.

12 I paced the vehicle at 46 miles per hour. Observed
13 him swerve to miss the bicyclist around this area
14 [indicates] and initiated the traffic stop as soon as he
15 pulled around that bicycle -- initiated a traffic stop
16 right there [indicates] and that's when he pulls into the
17 Exxon gas station, which is right here [indicates].

18 Q. Okay. And what's next door to the gas station?

19 A. Next door to the gas station is McDonalds, which
20 hires off duty security officers, us; police officers who
21 work there at nights.

22 Q. Was there an off duty officer working that night?

23 A. Yes, there was.

24 Q. And did he eventually help you respond to this
25 situation?

State v Julius Manigault
James Greenawalt-Direct Examination by Ms. Young
January 8, 2015

1 A. He did. He responded to the scene.

2 MS. YOUNG: Court's indulgence. I'm just going to
3 print that out for the jury.

4 Q. [Ms. Young] Now after you pulled the vehicle over
5 what happened?

6 A. After I pulled the vehicle over he pulls straight
7 through the Exxon parking lot to the rear of the parking
8 lot -- can you show it?

9 Q. Just describe it for us and then I'll get them to
10 print that out and we'll ---

11 A. --- there is a line of bushes that separate the Exxon
12 and the McDonalds. And he pulled right in front of the
13 bushes where the back parking lot of the Exxon is. I
14 approached the vehicle on the driver's side at that time.

15 Q. Okay. What happened when you approached the
16 vehicle?

17 A. As normal I always touch the rear of the vehicle
18 with my right hand. I approached to the driver's side
19 pillar between the rear driver door and the front of the
20 rear passenger door.

21 I advised the subject that he was speeding a little
22 bit. I identified myself as Officer Greenawalt, North
23 Charleston Police K-9 and I advised him I needed his
24 driver's license, registration, and proof of insurance.

25 Q. Were you also wearing your K-9 uniform?

State v Julius Manigault
James Greenawalt-Direct Examination by Ms. Young
January 8, 2015

1 A. Yes, ma'am. I was wearing my police issued police
2 K-9 uniform, which was a grey polo with blue --

3 Q. And once you asked for a license, registration and
4 proof of insurance did he comply?

5 A. Not at first. The defendant handed me I want to say
6 it was a Regal Crowns movie card instead of his driver's
7 license at which point I handed it back to him and told
8 him I didn't need his movie card; I needed his driver's
9 license. At that point he fumbles through some more
10 paperwork and hands me a South Carolina identification
11 card.

12 Q. Was that a driver's license?

13 A. No, it was not.

14 Q. Did he ever give you a driver's license?

15 A. No, he did not.

16 Q. Okay. What happened at that point?

17 A. I asked him if he actually had a driver's license.
18 The defendant states to me that no, he did not have a
19 driver's license. At that time I already made the
20 decision he was going to be placed under arrest for
21 driving without a license.

22 Q. So what did you -- what happened next?

23 A. Well, while speaking with the individual, the
24 defendant, I could smell the odor of raw marijuana coming
25 from the vehicle. I was also already calling for backup

State v Julius Manigault
James Greenawalt-Direct Examination by Ms. Young
January 8, 2015

1 at that time. I don't always make a big excited
2 utterance about noticing the smell of narcotics in the
3 vehicle. Number one, it's for officer safety. You don't
4 want the defendant or suspect to know that you know there
5 is something inside the vehicle, okay. That's something
6 you learn through years of being a police officer.

7 So while I'm speaking with the defendant I'm already
8 radioing back to my dispatchers that I need an assisting
9 unit on scene. At that time I could see the defendant
10 reaching over to the center console.

11 Through my experience and time on the job and going
12 to the advanced classes I've learned that when you have
13 drugs or narcotics inside a vehicle there is a good
14 possibility there is also weapons inside the vehicle
15 along with it. They use that for their protection. They
16 use it them to protect their stock of drugs.

17 I was unable at this time to see what he was
18 reaching for in his center console. A normal person when
19 they turn to reach for their center console doesn't turn
20 their entire back to the officer. They don't reach up
21 out of their seat to block the officer's view so they can
22 do whatever they are doing inside the center console.

23 The defendant lifted himself about three or four
24 inches off the seat, turned to the right and had his
25 whole back facing me blocking my entire view of his hands

State v Julius Manigault
James Greenawalt-Direct Examination by Ms. Young
January 8, 2015

1 that entire time. I stated to the defendant several
2 times to unlock the door and step out of the vehicle.
3 The window was rolled down however the door was still
4 locked. The defendant failed to comply with my -- I want
5 to say four times I asked him to step from the vehicle.
6 The entire time I am telling him to step from the vehicle
7 he is fumbling through inside the center console.

8 At this point it has heightened my awareness of what
9 is going on. I'm starting to have an understanding that
10 maybe there is a weapon he is reaching for. I'm wanting
11 to make sure I'm going to be safe.

12 I unlocked the driver's side door and told him to
13 step outside the vehicle one more time. He refuses to do
14 so. I take his arm, his left arm, and I did what is
15 called a straight arm bar takedown, which is taught to us
16 by the South Carolina Criminal Justice Academy.

17 The straight arm bar takedown is to bring the
18 subject out of the vehicle down to the ground and to gain
19 compliance. It was definitely the least amount of force
20 necessary I was using to affect this arrest.

21 For my safety it was to bring him to the ground,
22 keep his hands where I could see them. He was an
23 unsearched person at this time. I didn't know what he
24 had on his person and I didn't know what he was reaching
25 for inside the center console.

State v Julius Manigault
James Greenawalt-Direct Examination by Ms. Young
January 8, 2015

1 Q. And again you had no backup at this point?

2 A. I still had no backup at this time.

3 Q. So after he -- you got him out of the vehicle what
4 happened next?

5 A. As I get him out of the vehicle the straight arm bar
6 takedown didn't work the way it was supposed to. He kind
7 of spun around keeping his balance on his feet. I was
8 eventually able to get him down on the ground after I
9 advised him verbally to get down on the ground.

10 Once he was on the ground I took possession of his
11 right arm and was able to gain compliance with him on the
12 ground. He was stomach down on the ground. I was on top
13 of him with my body weight to keep him from coming up.

14 At that time I see something move out of the corner
15 of my eye and it's the passenger exiting the vehicle. I
16 still had no backup at this time on scene. I could hear
17 them coming but they weren't there.

18 My fear for my safety I didn't reach my handcuffs, I
19 didn't reach for anything else; I'm looking to keep an
20 eye on where the passenger is going.

21 I'm relaying to the responding officers that are
22 coming to the scene that the passenger has taken off on
23 foot and there are several apartments over here
24 [indicates] where you see where it says Pine Forest
25 Drive. There are several like section 8 housing back

State v Julius Manigault
James Greenawalt-Direct Examination by Ms. Young
January 8, 2015

1 there that is surrounded by an eight foot wooden fence.
2 The passenger took off on foot behind the McDonalds
3 towards that eight foot fence. Once he ran to the
4 backside of the bushes of the McDonalds I couldn't see
5 him anymore because I still had the suspect -- the
6 defendant on the ground.

7 Once I lost total sight of him I went ahead and
8 wanted to detain the person I did have; the defendant who
9 was on the ground. As I placed one handcuff on the
10 defendant's right arm he was able to push off with his
11 left arm and roll me off of him to stand back up on his
12 feet.

13 Once we stand up on our feet I'm holding onto the
14 handcuff, which is at this time now twisted around my
15 middle right finger. I'm holding on for the simple fact
16 that all K-9 officers at our department when we are
17 issued our police Tahoe's for our police K-9 vehicles we
18 have what is called a door popper on our vest.

19 And what this door popper does for us is whenever we
20 are in trouble or in need of our K-9 for assistance we
21 can press this door popper and it will automatically pop
22 open the rear driver's side door of our police vehicle
23 allowing the K-9 to deploy from the vehicle.

24 So as we're struggling through me holding onto the
25 suspect, defendant, he pushes me and slams me into the

State v Julius Manigault
James Greenawalt-Direct Examination by Ms. Young
January 8, 2015

1 vehicle that he was operating. We slammed into the rear
2 driver's side door. I'm still holding onto the handcuff
3 trying to reach my door popper at this time. At this
4 point I'm fearing for my safety extremely. He's still an
5 unsearched suspect at this time. I don't know what he
6 has on his person.

7 He physically takes one hand, hits me on my right
8 shoulder. I couldn't tell if it was an open or closed
9 fist at the time. I couldn't tell if it was an open or
10 closed fist at the time. After he strikes me I was able
11 to get a hold of my door popper and press the button.

12 I hear the mechanism on my Tahoe pop, which tells me
13 that the door has opened. Once I see K-9 Felon exiting
14 the vehicle I finally let go of the handcuff that was
15 keeping the defendant within a couple of arms reach of me
16 and I let go of the handcuff.

17 By letting go of the handcuff the defendant was
18 struggling and trying to get away from me so hard that he
19 actually his momentum he lost his balance and fell
20 backwards and landed on his back.

21 He was able to regain his balance, get back up, and
22 took up running in front of his vehicle that he was
23 operating. K-9 Felon got to my side. I gave him his
24 command to apprehend the suspect and K-9 felon
25 apprehended the suspect about 20 yards from the vehicle.

State v Julius Manigault
James Greenawalt-Direct Examination by Ms. Young
January 8, 2015

1 Q. Prior to the defendant being able to get up during
2 this when you were trying to place him under arrest did
3 you give him any warnings at all?

4 A. The suspect or the defendant had several warnings.
5 While I was on top of him he was warned that if he was to
6 move or do anything for my safety that the K-9 would be
7 released.

8 That's what my dog is there for and that's what the
9 actual use and enforce continuum that we use at the North
10 Charleston Police Department would be appropriate for.

11 Q. And did you -- were you injured as a result of this
12 defendant's actions?

13 A. Yes, I was. My right middle finger was sliced open.
14 I had to be tended to by E-M-S. Due to having to be
15 tended by E-M-S is why other officers had to help me
16 complete the scene.

17 Q. Do you still have a scar from that?

18 A. Yes, I do have a scar on my finger from that.

19 Q. Was this incident recorded?

20 A. Yes. The whole incident was recorded on my digital
21 in car camera. With the exception of the very last part
22 of it my in car camera being digital, it's like a hard
23 drive for your computer, it was about to be full and it
24 runs out right at the time that I started filling out the
25 tow sheet.

State v Julius Manigault
James Greenawalt-Direct Examination by Ms. Young
January 8, 2015

1 Q. Okay.

2 MS. YOUNG: May I approach, Your Honor?

3 THE COURT: Yes, ma'am.

4 Q. [Ms. Young] I'm showing you what has been premarked
5 as State's exhibit 5.

6 [Whereupon, the witness is shown exhibit]

7 Q. Do you recognize this?

8 A. I do.

9 Q. How do you recognize this?

10 A. It has the O-C-A on it that was issued to me and it
11 also has my initials and the date on it.

12 Q. And does the O-C-A is that just the case number
13 assigned to this case ---

14 A. --- that's the case number assigned to it by our
15 computer aided dispatch system.

16 Q. And you said your initials and the date. Is that
17 when you reviewed this disk in my office?

18 A. Yes, it is.

19 Q. Okay. And did it fairly and accurately depict the
20 scene as it occurred that night?

21 A. Yes, ma'am.

22 MS. YOUNG: Your Honor, at this time the State
23 would seek to admit State's exhibit 5 into evidence.

24 THE COURT: Any objection?

25 MR. FRAYER: Without objection.

State v Julius Manigault
James Greenawalt-Direct Examination by Ms. Young
January 8, 2015

1 THE COURT: Admitted without objection.

2 [Whereupon, State's exhibit number 5 is entered into
3 evidence by the court]

4 MS. YOUNG: May I publish to the jury?

5 THE COURT: Yes, ma'am.

6 Q. [Ms. Young] Officer Greenawalt as I'm loading this
7 I'm going to stop it and kind of go through some
8 questions along the way.

9 A. Yes, ma'am.

10 MS. YOUNG: I apologize, Your Honor.

11 Q. [Ms. Young] While we're waiting for this to load I'm
12 just going to go through some other questions right now.
13 After this assault occurred did you participate in the
14 search of the vehicle?

15 A. No, I did not. I was in the back of the E-M-S truck
16 being attended to.

17 Q. Okay. And were you present though on the scene
18 still while the other officers searched the vehicle?

19 A. Yes. The E-M-S truck was no more than ten yards
20 away from the whole incident where it occurred.

21 Q. And were you present when they searched the
22 defendant as well or in the vicinity?

23 A. I was in the vicinity.

24 Q. Were you given any evidence from the vehicle search
25 or the search of the defendant to transport?

State v Julius Manigault
James Greenawalt-Direct Examination by Ms. Young
January 8, 2015

- 1 A. Yes.
- 2 Q. What were you given in this case?
- 3 A. I was given one black digital scale and I was also
4 given 13 individually wrapped baggies of marijuana. They
5 were all similar in size, weight, and appearance.
- 6 Q. And again you said that search does not show up on
7 the video because the video cut off?
- 8 A. Right.
- 9 Q. Okay. It just -- not cut off but ran out of time.
- 10 A. Right. It just ran out of space memory.
- 11 Q. Okay. We'll go back to the video now.
- 12 [Whereupon, the C.D. plays] [Not taken down]
- 13 Q. Now what's going on right here Officer Greenawalt?
- 14 A. Right now we're on McMillan Avenue. I'm merging
15 back over behind the defendant's vehicle at this time
16 observing his speed to be 46 miles an hour in a 35 mile
17 an hour zone.
- 18 You'll see him swerve around the bicyclist right
19 there. At that time I'm initiating the traffic stop.
20 We're pulling into the Exxon as we drive through and he
21 pulls against the bushes right here [indicates] between
22 the McDonalds and the Exxon.
- 23 Q. Okay. Let me pause it real quick to make sure the
24 volume is working. What's going on right here?
- 25 A. I'm approaching the vehicle. You can see me touch

State v Julius Manigault
James Greenawalt-Direct Examination by Ms. Young
January 8, 2015

1 the back of the right vehicle. Now our digital cameras
2 inside of our vehicle we have to have one belt mic that
3 is attached to us and you can hear everything that is
4 said while I'm at the vehicle.

5 There is also a microphone that is inside the
6 vehicle that I believe she is going to turn off so you
7 don't hear my dog barking the entire time.

8 At this point I've already smelled the marijuana as
9 I approached the vehicle as I'm talking to the defendant
10 and identified myself. Raw marijuana has a very
11 distinctive smell and I'm able to recognize it through my
12 experience and training.

13 I've already advised the defendant that I needed his
14 driver's license, registration, and proof of insurance.
15 I identify myself as a police officer not only verbally
16 but he can physically see I'm a police officer by what
17 I'm wearing.

18 The defendant at this time is reaching over into the
19 center console and I'm not able to see his hands at this
20 time. It heightens your awareness as a police officer
21 when you can't see somebody's hands that's the point in
22 time they are probably going to get hurt or killed or not
23 go home to see their family that night.

24 Q. And again, did you make the determination to place
25 him under arrest at that point?

State v Julius Manigault
James Greenawalt-Direct Examination by Ms. Young
January 8, 2015

1 A. Once he had already advised me that he did not have
2 a valid driver's license and he was operating the vehicle
3 I had already made the decision he will be going to jail
4 that night for operating a motor vehicle in South
5 Carolina without a driver's license. I had to physically
6 -- right there if you want to pause it a second.

7 [Whereupon, the C.D. pauses]

8 Q. Is that the arm bar that you were talking about ---

9 A. --- that was the straight arm bar takedown. I
10 wasn't able to get low enough as I brought him out of the
11 vehicle to go straight to the ground instead the momentum
12 carried on the outside of the vehicle and he did a 360
13 there.

14 He does eventually go down to the ground and at one
15 point was compliant when I had him on the ground. I told
16 him not to move and he didn't move. I had control of his
17 hands when I needed it.

18 And in a few seconds here is when you will see the
19 actual passenger that I see out of the corner of my eye
20 open the passenger side door and step away from the
21 vehicle.

22 Q. And again per policies and procedures you conducted
23 the arm bar?

24 A. Yes, ma'am. We are taught that as a maneuver as
25 taught at the Academy and is also something that we

State v Julius Manigault
James Greenawalt-Direct Examination by Ms. Young
January 8, 2015

1 review yearly through our annual in service mandatory
2 training.

3 Q. Now I'm going to go and you just tell me when to
4 pause as you need me to.

5 A. Okay.

6 [Whereupon, the C.D. plays] [Not taken down]

7 A. I'm keeping control of his right -- I'm sorry, I'm
8 keeping control of his left arm and you see me bring it
9 behind his back. I kneeled down.

10 [Whereupon, the C.D. pauses]

11 Q. At this point was that when the passenger ---

12 A. --- at that point is when I heard the door open and
13 I saw out the corner of my eye something moving to my
14 right. I'm not sure if it the officer that is responding
15 to help me, but I noticed it was not the officer it was
16 the other suspect slash passenger in the vehicle exiting
17 the vehicle at that time.

18 I was able to maintain control of the defendant's
19 left arm as a simple maneuver that we're taught at the
20 Academy. My left knee is at the small of his back to
21 keep him pinned against the ground and me.

22 And that's just for officer safety reasons. He is
23 not being injured; he is not being hurt at this time.
24 It's an actual move that we are taught to disable a
25 person and keep the chips on our side and not his.

State v Julius Manigault
James Greenawalt-Direct Examination by Ms. Young
January 8, 2015

1 [Whereupon, the C.D. plays] [Not taken down]

2 A. If you will pause it a second.

3 [Whereupon, the C.D. pauses]

4 Q. Is this where you are calling for backup?

5 A. I had already called for backup. This is when I'm
6 advising backup that they needed to step up their
7 response. Usually if you call for backup one of the
8 officers will respond what we call regular code. That
9 means just regular speed, you obey all traffic laws, and
10 you don't go lights and sirens.

11 I'm letting them know now that I am in a physical
12 altercation. The driver is being non-compliant and I got
13 a person running on foot. So by telling my backup
14 responding officers that, they are now running lights and
15 sirens to me to get to my faster.

16 [Whereupon, the C.D. plays] [Not taken down]

17 A. You see me looking around. I'm just trying to keep
18 aware of my surroundings. I don't know where the other
19 suspect is. This is just for ambush warning.

20 Q. [Ms. Young] Is that the officer ---

21 A. --- you'll see the other officer exit McDonalds
22 right there [indicates]. That's an off-duty officer.
23 That's a warning -- you want to pause it there.

24 [Whereupon, the C.D. pauses]

25 A. That's the defendant's warning right there that if

State v Julius Manigault
James Greenawalt-Direct Examination by Ms. Young
January 8, 2015

1 he was to get up and do anything else I would take it as
2 a threat to my life and that I would release the K-9. He
3 was warned verbally to not do anything else.

4 [Whereupon, the C.D. plays] [Not taken down]

5 A. The beep sounds you keep hearing is me trying to get
6 on my radio right now. Radio traffic was so tied up I
7 was not able to get on the radio to advise other officers
8 responding what is going on.

9 [Whereupon, the C.D. pauses]

10 I'm taking my handcuff out of the pouch right there
11 [indicates]. I'm lifting his left arm up with my left
12 hand and I got the handcuffs in my right hand. And the
13 way we do our handcuffs is I got the part that swings
14 around, the open part of the handcuff is pointing out
15 this way [indicates].

16 The bottom part is also open side pointing out this
17 way [indicates]. I take the one hand that I have control
18 of and I place the handcuff on that. I tell him again do
19 not move. He's starting to squirm around and he's
20 starting to pull his arm away from me.

21 This is more of what we call a passive resistance.
22 He's not physically assaulting me, he's not being
23 physically resistive, he's just passively not listening
24 to my commands. All I want him to do is stand still and
25 I want to place the handcuffs on him.

State v Julius Manigault
James Greenawalt-Direct Examination by Ms. Young
January 8, 2015

1 [Whereupon, the C.D. plays] [Not taken down]

2 A. He's still moving his right arm. I can't see it.
3 His right arm is actually underneath him. I want it out
4 to the side. This is where he pushes off of me and
5 begins to gain his balance back to his feet.

6 [Whereupon, the C.D. pauses]

7 At this point I know it's either a fight or flight.
8 The suspect has two options; he's either going to fight
9 me or he's going to run, flight. At this point I have
10 him secured with one handcuff. I'm not letting him go.

11 I'm holding on with two hands right now to the
12 handcuffs. You'll see his right arm swinging, flailing
13 around. At this point you'll see him push me up against
14 the vehicle.

15 Q. [Ms. Young] And again, did you have any backup at
16 this point?

17 A. No. You can hear the sirens in the background. I
18 knew my backup was only seconds away, but no; at this
19 time it's still just me and my K-9.

20 [Whereupon, the C.D. plays] [Not taken down]

21 A. At that point he slams me against the car. He's
22 still flailing with his right arm trying to get my hand
23 to let go of the handcuff. This is the part where my
24 hand is actually starting to get wrapped around the chain
25 lengths that are between the handcuffs and it's starting

State v Julius Manigault
James Greenawalt-Direct Examination by Ms. Young
January 8, 2015

1 to cut into my finger. Then he starts pushing off of me.

2 [Whereupon, the C.D. pauses]

3 A. You see me looking back. At this point is when I
4 let go of the handcuff because I heard the door popper on
5 my car let go. There is a piston that is on that door
6 and when you hit that door popper and you hear that
7 piston kick in and it flails that door open real fast.

8 Once I saw the door fly open I knew my backup, my
9 dog, was there to help me. I let go of the handcuff. I
10 have blood running down my right hand. I'm still holding
11 onto my left hand trying to use my radio.

12 You see he was trying to get away so wildly that he
13 falls backwards with his momentum. In a few seconds
14 he'll get back up on his feet here, run to the right of
15 the screen around the front side of the vehicle.

16 [Whereupon, the C.D. plays] [Not taken down]

17 A. I've just given the command for my dog to apprehend
18 him. And K-9 Felon has already gotten him.

19 [Whereupon, the C.D. pauses]

20 A. All right, K-9 Felon apprehended him on the leg.

21 Q. [Ms. Young] Can you explain to me -- so we're
22 hearing the yelling going on and everything, per policies
23 and procedures what is required once you release your K-9
24 and they apprehend a subject can they release them right
25 away or you know what is the policy?

State v Julius Manigault
James Greenawalt-Direct Examination by Ms. Young
January 8, 2015

1 A. I'm sorry, can you restate that?

2 Q. Once you release your K-9 per policies and
3 procedures can the K-9 just release the subject right
4 away?

5 A. No, ma'am. What we do is once the K-9 is released
6 and actually apprehends a suspect whether it be a fleeing
7 suspect from a vehicle or a fleeing suspect from a bank
8 robbery whatever we're using our dog for once the K-9 is
9 actually apprehending someone and on them the K-9 stays
10 on that person because they are the ones that has control
11 of that person.

12 The dog is the one that actually has physical
13 control of that person. Until that person is placed into
14 double locked handcuffs that dog is not taken off the
15 person at the time.

16 Q. And were you able to yourself place him in
17 handcuffs?

18 A. I was not. Due to the injury to my right hand I
19 wasn't able to put him in handcuffs. I want to say PFC
20 Mulkevaney [phonetic] is actually the one that was able
21 to secure my handcuff to his other arm.

22 Q. And is Mulkevaney [phonetic] the one we see running
23 from the McDonalds?

24 A. Yes, ma'am. PFC Mulkevaney was the one working off
25 duty at the McDonalds.

State v Julius Manigault
James Greenawalt-Direct Examination by Ms. Young
January 8, 2015

1 Q. Okay.

2 [Whereupon, the C.D. plays] [Not taken down]

3 [Whereupon, the C.D. pauses]

4 A. All right. You just heard me on the radio I'm
5 getting him off now. I'm telling the other officers I'm
6 getting the dog off now. He's been secured in handcuffs.
7 I'm pulling the dog off.

8 That's to let the other officers know that they need
9 to back up and get away because they are not to be around
10 as I pulling the K-9 off. My dog only listens to my
11 commands. He won't listen to any other officer's
12 commands. He is obedient to me.

13 [Whereupon, the C.D. plays] [Not taken down]

14 A. All right. Pause there.

15 [Whereupon, the C.D. pauses]

16 A. All right. K-9 Felon had now been taken off the
17 defendant. You'll hear me yelling his commands for him
18 to let go verbally. I also physically take my dog off
19 the apprehension. That way I know he is in my control
20 now.

21 [Whereupon, the C.D. plays] [Not taken down]

22 A. Okay. You want to pause it right there.

23 [Whereupon, the C.D. pauses]

24 A. Now you hear me telling my dog good boy. It's not
25 that I am praising him for biting somebody or doing

State v Julius Manigault
James Greenawalt-Direct Examination by Ms. Young
January 8, 2015

1 whatever. I am praising him because he did the job that
2 he is trained to do. All dogs are different just like
3 humans. All dogs do things differently. My dog works
4 off of verbal praise.

5 He likes to be told he is a good boy. He likes to
6 be petted. He likes to have that -- he doesn't care
7 about treats. He doesn't care about giving him a toy or
8 whatever.

9 So when he completes a task that he is given to do I
10 have to verbally reward him and praise him for the good
11 job that he does so he knows that he did the right thing.

12 Q. [Ms. Young] And is that what you do in your training
13 as well?

14 A. Yes, ma'am.

15 [Whereupon, the C.D. plays] [Not taken down]

16 [Whereupon, the C.D. pauses]

17 Q. And is this Officer Whitfield?

18 A. That is PFC Whitfield.

19 Q. So at this point the backup has arrived other than
20 Officer Mulkevaney?

21 A. Yes, backup has arrived at this time. You'll hear
22 me I'm walking K-9 Felon back to the kennel now.

23 [Whereupon, the C.D. plays] [Not taken down]

24 Q. Is that Officer Holley?

25 A. That is Officer Holley. I just advise Officer

State v Julius Manigault
James Greenawalt-Direct Examination by Ms. Young
January 8, 2015

- 1 Holley to call E-M-S for my middle finger.
- 2 Q. Is that you attempting to get him back in the
3 vehicle?
- 4 A. I was placing him back in the kennel and Officer
5 Whitfield didn't realize that and he was about to open my
6 other side door. And that's why I am yelling to tell him
7 not to open the door. I'm calling my sergeant at this
8 time.
- 9 Q. I know you said your hand was hurt so you couldn't
10 fully search the vehicle ---
- 11 A. --- At this point I'm just checking to make sure
12 there was no guns or anything else left out in the open.
13 I wanted to make sure there was nothing unsecured right
14 there.
- 15 Q. So to secure the scene?
- 16 A. Correct.
- 17 Q. Now at this point are you waiting for E-M-S? Is
18 that what's going on?
- 19 A. Waiting for E-M-S and for my sergeant to arrive.
- 20 Q. Okay.
- 21 A. E-M-S isn't just coming for me though; they're
22 coming for the defendant at the same time. Whenever we
23 have a K-9 apprehension we always have E-M-S come check
24 the defendants out -- the suspects out.
- 25 Q. Is that Officer Lizarazo?

State v Julius Manigault
James Greenawalt-Direct Examination by Ms. Young
January 8, 2015

- 1 A. Yes ma'am, it is.
- 2 Q. What did you say right there?
- 3 A. He thought that the dog was on him.
- 4 Q. When you were on top of him putting the handcuffs
5 on?
- 6 A. Yes, yes.
- 7 Q. So that's the excuse he used?
- 8 A. Yes. He thought I was a dog.
- 9 Q. So is this the beginning of the search of the
10 vehicle?
- 11 A. Yes, they are going to be completing the tow sheet.
12 They are -- we're going through the vehicle right now. I
13 was just explaining to my sergeant right there in the
14 ball cap a slight overview of what happened and the video
15 runs out here in four seconds.
- 16 [Whereupon, the C.D. stops]
- 17 Q. So again, the video -- why did the video run out?
18 It just ran out of time?
- 19 A. It just ran out of available space on the hard
20 drive.
- 21 Q. Okay. Now before we were watching the video I was
22 talking to you a little about the evidence obtained in
23 this case. You said you couldn't search the defendant or
24 the vehicle because you were injured. But you did --
25 Officer Whitfield, Lizarazo, and Holley did assist in the

State v Julius Manigault
James Greenawalt-Direct Examination by Ms. Young
January 8, 2015

1 search, is that correct?

2 A. Correct.

3 Q. And what evidence was obtained in this case?

4 A. Four bags of individually wrapped one gram
5 increments of marijuana were located in the center
6 console in a Hershey bag. And another seven bags were
7 located in the trunk area of the vehicle along with a
8 black digital scale that were also in one gram
9 increments; all wrapped and tied exactly the same.

10 Also during the search incident to the arrest of the
11 defendant two more baggies of one gram increment baggies
12 of marijuana were located in his right sock; also tied
13 and packaged exactly the same as the other 11 bags
14 located inside the vehicle.

15 Q. And were you in charge after you were treated with
16 E-M-S were you in charge of securing that evidence and
17 logging it into evidence with North Charleston?

18 A. Yes, I was.

19 Q. And per N-C-P-D policies and procedures how do you
20 log items into evidence?

21 A. Once they are secured in my custody a chain of
22 custody form is completed. The items are taken back to
23 our City Hall where our police department and evidence
24 room is located. Once they are taken into the evidence
25 room there is a log book that is signed by the officer

State v Julius Manigault
James Greenawalt-Direct Examination by Ms. Young
January 8, 2015

1 logging them into evidence. I write down my name, the
2 O-C-A and exactly where I am depositing the evidence. We
3 have what is called a drop box. It kind of looks like a
4 mailbox that you would put letters in that you see on the
5 streets, which is secured and only available to have
6 access to by our evidence technicians.

7 The marijuana and the digital scale were placed in a
8 sealed plastic bag that is labeled for evidence and also
9 attached to a copy of the report and a copy of the chain
10 of custody and placed into the drop box.

11 Q. And when you say O-C-A is that the associated case
12 number?

13 A. Yes, ma'am. I'm sorry; that's the assigned case
14 number that is given to every case an officer does.
15 Every time an officer does anything in the City of North
16 Charleston a case number or incident number is assigned
17 to that incident.

18 Q. And when the evidence is put into the drop box can
19 any officer have access to that?

20 A. No. The only people that have access to the drop
21 box are going to be our evidence technicians and the
22 sergeant in charge of evidence itself.

23 Q. And then those that would assign it to a technician?

24 A. Correct.

25 Q. Is it then stored in a secure location until it is

State v Julius Manigault
James Greenawalt-Direct Examination by Ms. Young
January 8, 2015

1 tested by a lab technician?

2 A. I know it's stored in our evidence locker in the
3 evidence room which is a secured location. As far as
4 where it's stored at inside there I don't know.

5 Q. That would be for a lab technician?

6 A. That would be for a lab technician to determine.

7 MS. YOUNG: May I approach, Your Honor?

8 THE COURT: Yes, ma'am.

9 Q. [Ms. Young] I'm showing you what has been marked as
10 State's exhibit 1 for identification.

11 [Whereupon, the witness is shown exhibit]

12 A. Yes ma'am, I recognize this.

13 Q. And if you look on both sides, how do you recognize
14 this?

15 A. Once again it has the O-C-A on it; it has my name
16 and the time and date.

17 Q. And that form is that what you fill out when you log
18 the item into the drop box or put it into the drop box?

19 A. Correct.

20 Q. Is that your handwriting?

21 A. It is not my handwriting. I'm actually right handed
22 and with my hand being injured that night and having
23 butterfly stitches on my middle finger I was unable to
24 actually write. I had another officer that was right
25 next to me the entire time; the drugs were still in my

State v Julius Manigault
James Greenawalt-Direct Examination by Ms. Young
January 8, 2015

1 possession, however I had to have her fill the bag out
2 for me.

3 Q. Again, what's in that bag?

4 A. What's in this bag is the remnants now of the 13
5 individually wrapped bags of marijuana. Due to them all
6 being individually packaged each bag is actually tested
7 to make sure it has T-H-C, which is the active ingredient
8 inside of marijuana and that's how we know it's
9 marijuana.

10 Q. So all 13 bags had to be opened?

11 A. All 13 bags had to be opened to be physically
12 tested.

13 Q. Were these items tampered with in any way when you
14 received them from the other officers and logged them
15 into evidence?

16 A. No, they were not.

17 Q. If they were would you have logged them into
18 evidence?

19 A. No, I would not.

20 Q. And you mentioned earlier that you've been with law
21 enforcement for 12 years.

22 A. Correct.

23 Q. And how long with the K-9 unit?

24 A. I've been with K-9 for five -- a little more than
25 five years. It will be six years this year.

State v Julius Manigault
James Greenawalt-Direct Examination by Ms. Young
January 8, 2015

1 Q. And you said you had over 100 hours in advance
2 training in narcotics investigations?

3 A. At least. I can't total all of the ones I've been
4 to.

5 Q. And around 800 arrests?

6 A. On average.

7 Q. In that 12 years and those 800 arrests is it fair to
8 say that -- is it common for drug dealers to use someone
9 else's vehicle when conducting drug deals?

10 A. It is very common. It's also very common for them
11 to use rental vehicles for the simple reason is when we
12 do a seizure of a vehicle when it has to do with a felony
13 arrest the vehicle a) has to be paid off in order for us
14 usually to seize it.

15 It also has to be the person operating the vehicle's
16 vehicle. If it belongs to somebody else we normally give
17 the vehicle back to that person. So drug dealers have
18 gotten smart over the years and either a) use somebody
19 else's vehicle or they go to a rental company and they
20 use a rental vehicle; that way it is no loss to them if
21 they lose the vehicle.

22 Q. And based on your experience in your 800 arrests for
23 drug activity is it common for drug dealers to disburse
24 their stash throughout the vehicle?

25 A. Yes, it is. Essentially if it is in the one gram

State v Julius Manigault
James Greenawalt-Direct Examination by Ms. Young
January 8, 2015

1 increments like this was it's better for a drug dealer to
2 hide his drug stash in several different areas in the
3 hopes that all right, I got stopped, the officer only
4 found two bags of my 13 bags of marijuana.

5 He didn't find all seven bags I hid in the trunk or
6 the other four bags I hid in the center console. It's
7 like a cat and mouse game where it's all in the hopes of
8 the officer not finding everything I have on me.

9 Q. So in an attempt to fool the officer?

10 A. Yes.

11 Q. And as part of you advanced training and 800 plus
12 arrests have you been taught to look at the facts
13 surrounding an incident when determining whether to
14 charge him with possession versus possession with intent
15 to distribute marijuana?

16 A. Correct. We look at what is called the totality of
17 the circumstances where we take every incident that you
18 deal with into -- every fact that you come across into
19 consideration.

20 And the considerations in this fact were that we had
21 13 individually wrapped bags of marijuana. They were all
22 packaged the same with the same plastic bags.

23 They were all tied the same in similar manners and
24 they were all divided up into one -- approximately one
25 gram increments. And not to mention they actually had a

State v Julius Manigault
James Greenawalt-Direct Examination by Ms. Young
January 8, 2015

1 digital scale that was used more likely along with the
2 drugs to measure it out to those one gram increments.

3 Q. And those 13 baggies you said one gram increments is
4 that a common denomination for selling?

5 A. Yes, it is. Now with the higher grade potency of
6 marijuana that we have on the streets nowadays back in
7 the '70 this is not the same marijuana that you would
8 have back then.

9 The T-H-C level, which is the active ingredient that
10 gives you actually that high feeling when you smoke
11 marijuana, the T-H-C levels are so much higher nowadays
12 in marijuana with the way they've been growing stuff that
13 the dealers have gotten away of selling your ounces and
14 your pounds out on the street level.

15 But one gram increment -- this one gram of weed
16 could be equal to five or six grams of weed that was sold
17 five or ten years ago.

18 Q. And so again the 13 bags was that the same type of
19 baggie used?

20 A. They were all the same similar type of plastic
21 baggie and they all had the same similar tied knots as
22 you can see inside the bag here [indicates]. They were
23 all tied the same.

24 Q. And again, they were in 13 baggies but they've since
25 been tested?

State v Julius Manigault
James Greenawalt-Direct Examination by Ms. Young
January 8, 2015

1 A. Correct.

2 Q. And same size, same baggie, same weight generally?

3 A. Correct.

4 Q. And then a digital scale you said was indicative as
5 well as possession with intent to distribute.

6 A. Correct.

7 Q. Were there any other factors surrounding you know
8 before the stop or anything like that?

9 A. Yes. The fact that the defendant was seen driving
10 very slowly through the parking lot of a very crime
11 ridden area, an area that us as K-9 unit has been
12 assigned to because we've had so many problems, that also
13 factored into the fact that he was seen driving through
14 there.

15 Q. And in your experience with law enforcement and
16 training would you if you found a marijuana cigarette or
17 drug paraphernalia in a vehicle would that lend more
18 toward the user versus someone possessing with intent to
19 distribute?

20 A. Correct. If we had found maybe what's called a
21 smoking bowl that they use to pack the marijuana into, if
22 we had found some rolling papers or some other blunt
23 papers that they use to roll marijuana blunts or cigars
24 or marijuana cigarettes that's more indicative of someone
25 being a user. When you find somebody with just the

State v Julius Manigault
James Greenawalt-Direct Examination by Ms. Young
January 8, 2015

1 actual drugs, narcotics on their possession and a digital
2 scale and they are all individually wrapped in baggies
3 exactly the same that's more indicative and inclined of
4 them being an actual drug dealer.

5 Q. And in this case no drug paraphernalia was located?

6 A. No drug paraphernalia was located.

7 Q. And earlier you mentioned there were four baggies on
8 the center console. Was the defendant the driver in this
9 case?

10 A. The defendant was the driver and the sole operator
11 of that vehicle during my stop.

12 Q. And he was reaching toward the center console before
13 he was pulled out of the car?

14 A. Correct.

15 MS. YOUNG: Court's indulgence.

16 [Whereupon, Ms. Young and Ms. Newman confer]

17 MS. YOUNG: No further questions.

18 THE COURT: Just one second.

19 [Whereupon, the court reviews documents]

20 THE COURT: Ladies and gentlemen of the jury we're
21 going to take a quick break for two reasons. We're about
22 an hour and 30 minutes into the afternoon session. In
23 addition I have another jury out that has a question so I
24 need to deal with that. If you will go back to your jury
25 room we'll get you back here in probably about 15 or 20

State v Julius Manigault
James Greenawalt-Direct Examination by Ms. Young
January 8, 2015

1 minutes. Officer, you can step down but you can't speak
2 with anybody about your testimony.

3 THE WITNESS: Yes, sir.

4 [Whereupon, the jury exits at 3:42 p.m.]

5 THE COURT: We'll be at ease.

6 [Whereupon, court is in recess from 3:45 p.m. until
7 4:10 p.m.]

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

State v Julius Manigault
Proceedings
January 8, 2015

1 THE COURT: Ms. Young, are you ready to proceed?

2 MS. YOUNG: Yes, Your Honor. I believe I initially
3 said I was done with questioning. I didn't know that
4 exhibit 2 -- exhibit 10, which was a printout of the map
5 I thought it would be a court exhibit. But it was
6 supposed to be a State's exhibit, and if I could admit
7 that then I will be done.

8 THE COURT: Any objection Ms. Frayer?

9 MR. FRAYER: None, Your Honor.

10 THE COURT: Okay. That will be admitted without
11 objection.

12 MS. YOUNG: Thank you.

13 [Whereupon, State's exhibit number 10 is marked by
14 the court reporter]

15 [Whereupon, State's exhibit number 10 is entered
16 into evidence by the court]

17 THE COURT: Do you need to ask any questions with
18 regard to that exhibit through this witness?

19 MS. YOUNG: No. I believe I established the
20 foundation for that. Thank you.

21 THE COURT: Okay, very good. Are you ready to go
22 Ms. Frayer?

23 MR. FRAYER: Yes I am, Your Honor.

24 THE COURT: Would you bring the jury in please sir.
25 The next two people are chain of custody?

State v Julius Manigault
Proceedings
January 8, 2015

1 MS. YOUNG: Yes, Your Honor. They should be very
2 brief.

3 THE COURT: Okay.

4 [Whereupon, the jury enters at 4:12 p.m.]

5 THE COURT: Ms. Frayer, are you ready with cross-
6 examination?

7 MR. FRAYER: Yes, Your Honor.

8 THE COURT: Okay. You may proceed.

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

State v Julius Manigault
James Greenawalt-Cross-Examination by Ms. Frayer
January 8, 2015

1 CROSS-EXAMINATION

2 BY MS. FRAYER:

3 Q. Officer Greenawalt, you wrote a report in this case

4 correct?

5 A. Yes, ma'am.

6 MR. FRAYER: May I approach?

7 THE COURT: Yes, ma'am.

8 Q. [Ms. Frayer] If you would look at defendant's

9 exhibit 1.

10 [Whereupon, the witness is shown document]

11 Q. Do you recognize that?

12 A. Yes, I do.

13 Q. And is that the report that you wrote in this case?

14 A. Yes, it is.

15 Q. And Officer Greenawalt on your testimony you

16 testified that the reason the car Mr. Manigault was

17 driving got your attention was because the security at

18 the Bosses Club had given you some type of indication

19 that they were suspicious of the vehicle, is that

20 correct?

21 A. Correct.

22 Q. And so that put you on notice about the vehicle and

23 that drew your attention to the car correct?

24 A. Correct.

25 Q. Is that written in your report anywhere?

State v Julius Manigault
James Greenawalt-Cross-Examination by Ms. Frayer
January 8, 2015

1 A. No, it's not.

2 Q. Okay. And the report was written -- I understand
3 that you injured your hand the night of this incident but
4 your report was written on October the 18th correct?

5 A. Correct.

6 Q. Okay. And you didn't put that in your report
7 anything about the Bosses Club security signaling you
8 about this vehicle?

9 A. Actually it was written on the 16th, ma'am.

10 Q. It's the date at the bottom?

11 A. That's a six.

12 Q. Okay. So it's not in there?

13 A. What's not in there?

14 Q. Anything about the Bosses Club and the security?

15 A. No.

16 Q. Okay. So the -- and you indicated that you have 12
17 years of training in law enforcement. You've been on the
18 force -- you've been active in law enforcement for 12
19 years?

20 A. I've been an active police officer for 12 years and
21 during those 12 years I've had advanced training yes.

22 Q. Advanced training. And you have made over 800
23 arrests is that correct; that's what you stated ---

24 A. --- on average.

25 Q. And so with those 800 arrests you have written

State v Julius Manigault
James Greenawalt-Cross-Examination by Ms. Frayer
January 8, 2015

1 reports correct?

2 A. Correct.

3 Q. And you had been trained by the Academy on report
4 writing?

5 A. There is a brief class on doing report writing, yes
6 there is.

7 Q. But you do understand the importance of it with your
8 800 arrests and your 12 years how significant and
9 important a report is?

10 A. Correct.

11 Q. Okay. And that detail about how you -- the driving
12 slowly through the parking lot and all that is not in
13 your report?

14 A. No, it's not.

15 Q. Okay. But you do indicate and we did see on the
16 video the speeding and the incident with the bike that
17 the person was in the street and not on the bike correct?

18 A. They were on the side of the street, yes.

19 Q. Okay. And you did initiate the traffic stop soon
20 after he passed the person on the bike?

21 A. Correct.

22 Q. Okay. Now the business was open at that time?
23 This is a gas station?

24 A. Yes, I believe they were open, yes.

25 Q. Okay. And so him pulling to the rear of the gas

State v Julius Manigault
James Greenawalt-Cross-Examination by Ms. Frayer
January 8, 2015

- 1 station he passed the gas pumps correct?
- 2 A. Correct.
- 3 Q. And went to the rear of the gas station correct?
- 4 A. Correct.
- 5 Q. Okay. Then your car pulled directly behind him?
- 6 A. Yes, ma'am.
- 7 Q. And so the front of his car was the bushes and the
- 8 back of -- the rear of his car was your vehicle?
- 9 A. Correct.
- 10 Q. And you did identify yourself and we've heard all
- 11 that on the video correct?
- 12 A. Correct.
- 13 Q. And you performed -- you asked him for the I.D. --
- 14 for the driver's license which he didn't have, correct?
- 15 A. Correct.
- 16 Q. And immediately you asked him to exit the car?
- 17 A. After he handed me his South Carolina identification
- 18 card, yes.
- 19 Q. Okay. At that time did you tell him he was placed
- 20 under arrest or did you just tell him to exit the car?
- 21 A. I told him to exit the vehicle.
- 22 Q. Okay. When you approached the car he had his
- 23 seatbelt on?
- 24 A. Ma'am?
- 25 Q. Seat belt?

State v Julius Manigault
James Greenawalt-Cross-Examination by Ms. Frayer
January 8, 2015

1 A. Did he have his seatbelt on? I can't recall that.

2 Q. Okay. You indicated that he took a moment and he
3 turned to center console. The lock on the seatbelt is it
4 toward the center console?

5 A. Yes, it is.

6 Q. Okay. Mr. -- you opened the door and got him out
7 of the car correct?

8 A. Correct.

9 Q. You performed what you said you were trained at the
10 Academy which was called an arm bar take down which
11 placed your weight on him on the ground?

12 A. I performed what is called a straight arm bar take
13 down. And it's emphasized that it is used to extricate a
14 person from a vehicle by using their momentum against
15 them.

16 And it's used to help us gain compliance from the
17 subject by getting them to the ground with their hands
18 and arms away from whatever objects and weapons, possible
19 weapons that could be inside the vehicle.

20 Q. Okay. And when you opened the door -- when you
21 approached the vehicle you saw another person in the car
22 correct?

23 A. Correct.

24 Q. Okay. When you did the take down you admitted in
25 your testimony with Ms. Young that when you originally

State v Julius Manigault
James Greenawalt-Cross-Examination by Ms. Frayer
January 8, 2015

1 had him on the ground he was compliant at one point?

2 A. Yes. Once I had him on the ground with his left arm
3 behind his back he was compliant. At that point he
4 wasn't pushing or shoving or attempting to flee at that
5 time.

6 Q. Okay. And during that time we could hear on the
7 video you indicate to him that if he were to move that
8 you would deploy your dog?

9 A. Correct. If he was to move I would take it as a
10 physical threat towards my safety and I would deploy my
11 dog.

12 Q. Okay. But at that time he wasn't?

13 A. No.

14 Q. Okay. The -- you heard the door open -- your
15 testimony was you heard the door open and you saw out of
16 the corner of your eye the person exit the car and run
17 away.

18 A. Correct.

19 Q. Was that person ever located?

20 A. No, he wasn't.

21 Q. But that person was seated in the passenger seat
22 when you initially approached the vehicle?

23 A. Correct.

24 Q. No other people were in the car when you approached?

25 A. No.

State v Julius Manigault
James Greenawalt-Cross-Examination by Ms. Frayer
January 8, 2015

1 Q. According to the report you indicated that during --
2 after he was apprehended by K-9 Felon that two bags of
3 marijuana was found on Mr. Manigault, is that correct?

4 A. Correct.

5 Q. In the video at some point -- you mention a couple
6 of times to Mr. Manigault about the dog correct?

7 A. Yes ---

8 Q. --- about deploying your dog. And during the time
9 that you are mentioning this you are physically on top of
10 him with your knee on top of him and you have him
11 restrained at this time?

12 A. The first time I mentioned it to him was when my
13 attention was being drawn away from him and onto this
14 passenger that was fleeing that I didn't know where he
15 was.

16 It was to let Mr. Manigault, the defendant there
17 know that if he was to move while my attention is being
18 drawn and split in different directions that I would take
19 it as a threat to my safety. The other times that he was
20 warned verbally by me about my dog was when he was
21 physically resisting me.

22 Q. Okay. Did you ever tell Mr. Manigault that he was
23 under arrest?

24 A. He was placed in the handcuffs. He was not verbally
25 told at that time he was under arrest.

State v Julius Manigault
James Greenawalt-Cross-Examination by Ms. Frayer
January 8, 2015

1 Q. Okay. Are there times when you place suspects --
2 when you place individuals in handcuffs and they're not
3 under arrest you place them in handcuffs just to detain
4 them?

5 A. Yes, there is times when we place people in
6 handcuffs to detain them.

7 Q. Okay. You indicated that you smelled raw marijuana
8 when you approached the vehicle?

9 A. Correct.

10 Q. If you could look back at defendant's exhibit 1 for
11 identification is that in your report?

12 A. No, it's not.

13 Q. Officer Greenawalt you indicated and admitted that
14 when Mr. Manigault did not immediately get out of the car
15 that you became agitated or heightened your -- it
16 heightened your sensitivities and made you get on edge
17 about officer safety is that correct?

18 A. I wouldn't say agitated and I wouldn't say on edge.
19 It heightened my awareness for officer safety. My goal
20 is always number one to go home to my family and kids at
21 night.

22 When I can't see somebody's hands and they are not
23 compliant to my verbal commands to get out the vehicle
24 and they keep reaching towards the center console, yes.

25 Q. So you became -- your demeanor changed from when you

State v Julius Manigault
James Greenawalt-Cross-Examination by Ms. Frayer
January 8, 2015

- 1 initially approached the car?
- 2 A. Yes.
- 3 Q. Okay. And at that point you were getting him out
4 the car to arrest him for driving without a license?
- 5 A. Correct.
- 6 Q. Okay. But you didn't tell him at that point that
7 he was going to be placed under arrest so he didn't know.
- 8 A. When a person is being non compliant verbal commands
9 as far as hey, you're being placed under arrest are not
10 used.
- 11 Q. Okay. You had told him to get out the car.
- 12 A. Correct.
- 13 Q. And did you make him aware of why he was being asked
14 to get out the car?
- 15 A. No ma'am, I did not.
- 16 Q. Okay. But when you told him to get out the car
17 there was no way that he could drive it, go forward in
18 the car correct? Like drive the car forward because the
19 bushes were there.
- 20 A. Correct.
- 21 Q. And there was no way he could go back in the car
22 because -- put the car in reverse because your vehicle
23 was directly behind him.
- 24 A. Correct.
- 25 Q. Officer Greenawalt you mentioned that you have

State v Julius Manigault
James Greenawalt-Cross-Examination by Ms. Frayer
January 8, 2015

1 earned several certificates and training and
2 accommodations with the police department, is that
3 correct?

4 A. Correct.

5 Q. You also -- you also conduct some training for them
6 for the police department sometimes.

7 A. Yes, I do.

8 Q. And you've been a K-9 officer now for five years I
9 think you said?

10 A. Yes, ma'am.

11 Q. And the injury that you mentioned to your hand we
12 watched the video. You said that Mr. Manigault was
13 assaulting you and that you all were in an altercation
14 and that was when he was trying to get away?

15 A. Correct.

16 Q. So it would be that you were pulling him and he was
17 pushing you -- so it was momentum -- was it a momentum
18 situation?

19 A. No, I wasn't pulling him. He was pulling away from
20 me. I was holding onto the handcuff to keep him within
21 the proximity of me so I could have them -- be able to
22 get him detained. As far as me pulling, no I never
23 pulled.

24 Q. Okay. He was pulling away from you and you were
25 just trying to hold the handcuff -- hold him with the

State v Julius Manigault
James Greenawalt-Cross-Examination by Ms. Frayer
January 8, 2015

1 handcuffs?

2 A. I was holding onto the handcuffs. I never
3 physically had a hold of him. I had a hold of the
4 handcuffs because my finger was wrapped around the chain.

5 Q. Okay. And he was pulling away from you to get away
6 from you ---

7 A. --- correct ---

8 Q. --- while the handcuffs were still in your hand?

9 A. While the handcuff was on his wrist, and yes.

10 Q. Okay. And that's how -- and you cut -- and your
11 hand was cut in the process because the chain you said
12 was wrapped around your finger.

13 A. Yes. My finger was sliced due to the chain being
14 wrapped around it and due to the fact that he twisted my
15 arm to where it was almost hyperextended back.

16 Q. Okay. And what type of treatment did you have to
17 get?

18 A. E-M-S came on scene. They put butterfly stitches on
19 the wound itself. They determined that it didn't need
20 stitches or a hospital stay at the time.

21 Q. Okay.

22 MR. FRAYER: Court's indulgence.

23 THE COURT: Yes, ma'am.

24 [Whereupon, Ms. Frayer and Mr. Malloy confer]

25 Q. [Ms. Frayer] Officer Greenawalt you did not -- from

State v Julius Manigault
James Greenawalt-Cross-Examination by Ms. Frayer
January 8, 2015

1 the video we could see that you looked in the car several
2 times but you said you didn't search the car correct?

3 A. Correct.

4 Q. Okay. And we could hear you on the video after Mr.
5 Manigault leaves the view of the -- we can hear the dog
6 and Mr. Manigault saying that the dog had him. And you
7 said the dog could not be released until he was in cuffs
8 correct?

9 A. Correct.

10 Q. You called -- you said that you called E-M-S -- you
11 had officer Mulkevaney [phonetic] call the E-M-S for your
12 injuries?

13 A. Correct. And also it's our policy in the K-9 that
14 when we have an apprehension that E-M-S is called for the
15 defendant to check them out also.

16 Q. Okay. Did you also call the E-M-S for Mr...

17 A. Yes, they checked him out also.

18 Q. Okay. At that time did he have any injuries?

19 A. Yes. Due to the K-9 apprehension he received a
20 laceration and a puncture four inches above his right
21 ankle, a laceration to his upper right side calf, and
22 laceration to his left inside calf, four punctures and a
23 laceration to the upper left inside calf, and a puncture
24 on the right knee.

25 Q. No injury to the wrist from where there would have

State v Julius Manigault
James Greenawalt-Cross-Examination by Ms. Frayer
January 8, 2015

1 been any pulling or fighting with the handcuff?

2 A. I was not made aware of any injury.

3 Q. Okay. Also on the video you can be heard telling
4 Mr. Manigault that it was dumb of him to fight with a K-9
5 officer.

6 A. Yes, ma'am.

7 Q. In the video you said on your testimony just a few
8 minutes ago I asked you about a fight and you said Mr.
9 Manigault was pulling away from you and you were holding
10 onto the cuff. You mentioned to him that that was dumb
11 to fight with a K-9 officer. And what did you mean by
12 that statement?

13 A. It was not smart of him to fight with an officer of
14 the law, an officer to the point that he slams me against
15 a vehicle it wasn't smart for him to twist and pull and
16 try to get away from me it wasn't smart of him to take a
17 hand and physically assault me on my body.

18 Q. You specifically said with a K-9 officer.

19 A. Okay.

20 Q. And is that ---

21 A. --- that's what I am.

22 Q. Right. Is that because the dog is a ---

23 A. --- no ma'am ---

24 Q. --- your K-9 is a partner?

25 A. He's my partner; yes he is.

State v Julius Manigault
James Greenawalt-Cross-Examination by Ms. Frayer
January 8, 2015

1 Q. And that's because he is -- have you Officer
2 Greenawalt ever been -- I know you have some certificates
3 and some accommodations with the North Charleston Police
4 Department. Have you ever had any reprimands or anything
5 like that with the North Charleston Police Department?

6 A. Reprimands as far as?

7 Q. For actions with -- or anything like that for your
8 actions?

9 A. I've had a reprimand where I was involved in a
10 police car chase and I ended up on the wrong side of the
11 road; other than that no.

12 MR. FRAYER: Court's indulgence.

13 [Whereupon, Ms. Frayer confers with Mr. Malloy]

14 [Whereupon, Ms. Frayer confers with Ms. Young and
15 Ms. Newman]

16 MR. FRAYER: May I approach, Your Honor?

17 THE COURT: Yes, 'ma'am.

18 [Whereupon, defendant's exhibit numbers 2 and 3 are
19 marked by the court reporter]

20 MR. FRAYER: May I approach the witness?

21 THE COURT: Yes, ma'am.

22 Q. [Ms. Frayer] I'm going to show you what is marked
23 defendant's exhibit 2 and 3. Could you take a moment and
24 review those.

25 [Whereupon, the witness reviews documents]

State v Julius Manigault
James Greenawalt-Cross-Examination by Ms. Frayer
January 8, 2015

1 A. Okay.

2 Q. I'm going to ask you -- let me re-ask you a
3 question. Have you ever been reprimanded by the police
4 department before? Well Officer Greenawalt you have been
5 reprimanded by the police department for violations of
6 policy before right?

7 A. Correct. I mistakenly forgot about these incidents
8 that occurred.

9 Q. Okay.

10 A. Several years ago.

11 Q. Right. And one incident was in 2011 and you were
12 given a letter of caution in one case in 2011 there was a
13 finding of a violation of policy for a traffic violation
14 is that correct?

15 A. Correct.

16 Q. Okay. And that was 2011. Both of these incidents
17 one was a letter of caution and one was a letter actually
18 was a reprimand and both of them were in 2011. One
19 incident involved -- you were a K-9 in 2011?

20 A. Correct.

21 Q. Okay. And the policy was conduct unbecoming an
22 officer?

23 A. Yes, ma'am. However, you're twisting it to where
24 it's saying -- it's conduct unbecoming an officer because
25 I made a statement to a defendant inside a courtroom that

State v Julius Manigault
James Greenawalt-Cross-Examination by Ms. Frayer
January 8, 2015

1 I would see him later and he took it as a threat.

2 Q. Okay. But your department did investigations in
3 these cases ---

4 A. --- oh, yes a complaint was made.

5 Q. Right.

6 A. And an investigation was done.

7 Q. And though that was the outcome there, there have
8 been other people that filed complaints and those were
9 dismissed.

10 A. Of course.

11 Q. Right. So these were the only ones ---

12 A. --- these were founded.

13 Q. I'm sorry?

14 A. These were founded.

15 Q. So when you say on the camera that it was dumb to
16 mess with -- fight a K-9 or -- and several times during
17 the incident you can hear you mentioning about your dog,
18 loose your dog. You made that statement about loose the
19 dog on someone before?

20 A. Of course.

21 Q. And the CompStat with Bosses would there have been
22 any type of call made or anything with -- to notify your
23 department that you had gotten something from the
24 security at the Bosses Club that was --

25 A. I'm sorry?

State v Julius Manigault
James Greenawalt-Cross-Examination by Ms. Frayer
January 8, 2015

1 Q. Would there have been -- you said CompStat was why
2 you would be -- you mentioned something called CompStat?

3 A. It's called CompStat.

4 Q. CompStat?

5 A. Basically that is a meeting of our chief, deputy
6 chiefs and captains and lieutenants. They get together
7 and they get all the crime analysis stuff from our crime
8 analysis division and they find out all the stats of
9 where high crime areas are.

10 They get together and decide what on double days
11 that we have two teams actually working at the same time.
12 One team is assigned to work patrol where they will
13 answer the calls and everything.

14 The other team is actually assigned to the CompStat
15 area, which is the high crime-ridden areas to help
16 suppress the crime that is occurring in those areas.

17 Q. Okay. And so that's what the Bosses location was
18 about?

19 A. Bosses was one of our CompStat areas for the K-9
20 division, yes.

21 Q. And so when the security people would do the --
22 notify you however they notified you then would there be
23 anything over the radio or anything like that where you
24 would say got an indication from Bosses or nothing like
25 that?

State v Julius Manigault
James Greenawalt-Cross-Examination by Ms. Frayer
January 8, 2015

1 A. No.

2 Q. Okay.

3 MR. FRAYER: Court's indulgence.

4 THE COURT: Yes, ma'am.

5 [Whereupon, Ms. Frayer and Mr. Malloy confer]

6 MR. FRAYER: No further questions.

7 THE COURT: Redirect?

8 MS. YOUNG: Yes, Your Honor.

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

State v Julius Manigault
James Greenawalt-Redirect Examination by Ms. Young
January 8, 2015

1 REDIRECT EXAMINATION

2 BY MS. YOUNG:

3 Q. Officer Greenawalt let's talk about those two
4 internal warnings.

5 A. Okay.

6 Q. So those warning were made by people that you
7 arrested?

8 A. This first warning was a subject I had cited for
9 loud music. He was written a citation for that. He was
10 also previously cited a week prior -- I cited him a week
11 prior to that for reckless driving, which in that case he
12 was riding a motorcycle 100 miles an hour down Dorchester
13 Road.

14 Q. So these are obviously people that are not happy
15 with you. You're an officer writing a ticket for them.

16 A. Right. The one we're talking about here the loud
17 music and the reckless driving individual after court the
18 second time I had with him as he was leaving court I just
19 told him I'd see him later. His complaint was that I was
20 harassing him by being in the area.

21 However, the area I was in was the area I was
22 assigned to be in. I was assigned to be there; it was a
23 CompStat area. It was also in the area of one of the
24 bars that we had which is closed now. That was also a
25 high crime-ridden area.

State v Julius Manigault
James Greenawalt-Redirect Examination by Ms. Young
January 8, 2015

1 Q. And in your 12 years of experience you said you made
2 about 800 arrests.

3 A. Correct.

4 Q. So about 798 without complaints?

5 A. Yes, ma'am.

6 Q. Give or take?

7 A. Give or take.

8 Q. So in this case your report you wrote that on
9 October 16th 2013 that's the night of the incident right?

10 A. Correct.

11 Q. And that was right after you were treated by E-M-S?

12 A. Yes.

13 Q. Now let's turn to the actual car stop. You told the
14 defendant to get out at least four times?

15 A. Yes, ma'am.

16 Q. When he wasn't compliant and you finally did get him
17 out of the car you gave him a warning to stop resisting.

18 A. Correct.

19 Q. That was to stop resisting because you were
20 arresting him?

21 A. Yes.

22 Q. You had him in handcuffs?

23 A. I was attempting to ---

24 Q. --- or attempting to. And he was physically on the
25 ground and you had a handcuff on him and you said stop

State v Julius Manigault
James Greenawalt-Redirect Examination by Ms. Young
January 8, 2015

1 resisting.

2 A. Correct.

3 Q. In regards to the assault that took place right
4 after that what were his actions? What did he do?

5 A. Before the assault actually occurred he was
6 compliant. He was on the ground not pushing, not
7 shoving, not hitting but he was compliant.

8 So my actions -- we do the one plus system as far as
9 use of force continuum with his actions being compliant
10 me having him controlled on the ground was enough. I
11 didn't need to do anything else. I didn't need to deploy
12 my dog, I didn't need to do anything else. I was just
13 being aware of my surroundings.

14 Q. And once he got up he pushed you?

15 A. Once we got up he pushed me into the vehicle. We
16 slammed into the mirror driver's side door and as I'm
17 looking back to see if my door popped or not to see if I
18 could press the button for Felon to come out that's when
19 he comes over with his other hand and you can see on the
20 video him actually striking me.

21 Q. So he definitely struck you and he hit you as well?

22 A. Yes.

23 Q. This wasn't him falling back or pushing away?

24 A. No.

25 Q. And then at some point we saw in the video did he

State v Julius Manigault
James Greenawalt-Redirect Examination by Ms. Young
January 8, 2015

1 pull your arm back?

2 A. He actually ---

3 Q. --- did he almost hyperextend it?

4 A. He actually in a manner tried to twist the handcuffs
5 out of my hand twisted my hand back around and that's the
6 point where my finger actually got sliced.

7 Q. Okay. Because of his actions?

8 A. Because of his actions.

9 MS. YOUNG: Court's indulgence.

10 [Whereupon, Ms. Young and Ms. Newman confer]

11 MS. YOUNG: No further questions.

12 THE COURT: Thank you, sir. You can step down.

13 [Whereupon, the witness is excused and exits the
14 witness stand]

15 THE COURT: Your next witnesses are they here?

16 MS. YOUNG: Yes, Your Honor.

17 THE COURT: And they will be relatively short?

18 MS. YOUNG: Yes, Your Honor.

19 THE COURT: Okay. Go ahead and call your next
20 witness please.

21 MS. YOUNG: Thank you.

22

23

24

25

State v Julius Manigault
Shawnta Middleton-Direct Examination by Ms. Young
January 8, 2015

1 MS. YOUNG: The State calls Ms. Middleton from
2 North Charleston Police Department.

3 THE COURT: While we wait, ladies and gentlemen
4 what I was anticipating unless it doesn't suit you was to
5 finish up the testimony I anticipate will be a little bit
6 after five and come back in the morning and do closing
7 arguments and charge on the law. Does that suit?

8 [Whereupon, the jury indicates affirmatively]

9 [Whereupon, Ms. Middleton comes forward]

10 [Whereupon, the witness is duly sworn by the Clerk
11 of Court]

12 CLERK OF COURT: Please state your full name and
13 spell your last name for the record.

14 THE WITNESS: Shawnta Middleton, M-I-D-D-L-E-T-O-N.

15 - - - - -

16 SHAWNTA MIDDLETON,

17 Having been first duly sworn,

18 Was examined and testified as follows:

19 DIRECT EXAMINATION

20 BY MS. YOUNG:

21 Q. Good afternoon Ms. Middleton. Where are you
22 currently employed?

23 A. North Charleston Police Department.

24 Q. And how long have you been employed there?

25 A. Eight years.

State v Julius Manigault
Shawnta Middleton-Direct Examination by Ms. Young
January 8, 2015

1 Q. What is your position at North Charleston Police
2 Department?

3 A. Evidence custodian.

4 Q. And what general duties are required of you in that
5 position?

6 A. Intake evidence, video requests, SLED runs, and drug
7 testing.

8 Q. Were you working on October 17th, 2013?

9 A. Yes, ma'am.

10 MS. YOUNG: May I approach, Your Honor?

11 Q. [Ms. Young] I'm showing you what has been marked for
12 identification as State's exhibit 1 as well as State's
13 exhibit 3.

14 [Whereupon, the witness is shown exhibits]

15 Q. Do you recognize both of those?

16 A. Yes, ma'am.

17 Q. How do you recognize those?

18 A. This is the evidence that I in-took and processed.

19 Q. And was it for this case?

20 A. Yes, ma'am.

21 Q. And how can you tell that?

22 A. I in-took it on October 17th by the chain of
23 custody.

24 Q. Okay, by the chain of custody?

25 A. Yes, ma'am.

State v Julius Manigault
Shawnta Middleton-Direct Examination by Ms. Young
January 8, 2015

1 Q. Where was that evidence -- who was the evidence
2 received from?

3 A. It was received from Officer Greenawalt.

4 Q. And so that would be -- how is that logged into
5 evidence. Can you kind of explain that to us?

6 A. He puts it in a secure location locker and we take
7 it out and process it.

8 Q. And who has access to that locker?

9 A. Only evidence technicians.

10 Q. Okay. So you retrieved it from the locker and then
11 what do you do next?

12 A. We make sure that the case number and the packaging
13 match along with the incident report and then we assign
14 it to a secure location.

15 Q. And do the case numbers match on the custody exhibit
16 1 and exhibit 2 [sic]?

17 A. Yes, ma'am.

18 Q. Okay. And then you said you assign it and you put
19 a sticker on the baggie of the actual evidence?

20 A. Yes, ma'am.

21 Q. And after that when you take it out of the locker or
22 the secured location if it is tampered with in any way
23 would you assign that to a technician to test it?

24 A. No, ma'am.

25 Q. In this case was this item tampered with in any way?

State v Julius Manigault
Shawnta Middleton-Direct Examination by Ms. Young
January 8, 2015

1 A. No, ma'am.

2 Q. So then did you -- was it torn open or anything like
3 that?

4 A. No, ma'am.

5 Q. Once it is assigned where is the evidence kept
6 before it's tested?

7 A. You said before it's tested?

8 Q. Before it's tested -- when you put the sticker on
9 there what's the next step?

10 A. We put it in a secured locker.

11 Q. Okay. And then would a technician then test it
12 after that?

13 A. Yes, ma'am.

14 Q. Who was it assigned to for testing?

15 A. Evidence technician Rich.

16 Q. Is that Charlette Rich?

17 A. Yes, ma'am.

18 Q. Is that the extent of your involvement in this case?

19 A. Yes, ma'am.

20 MS. YOUNG: Court's indulgence.

21 [Whereupon, Ms. Young and Ms. Newman confer]

22 MS. YOUNG: No further questions.

23 THE COURT: Cross-examination.

24

25

State v Julius Manigault
Shawnta Middleton-Cross-Examination by Ms. Frayer
January 8, 2015

1 CROSS-EXAMINATION

2 BY MS. FRAYER:

3 Q. Good afternoon Ms. Middleton.

4 A. Good afternoon.

5 Q. You didn't collect this evidence in any way?

6 A. No, ma'am.

7 Q. And so you don't know where it came from? All you

8 did was get it out of the secured location?

9 A. That's correct.

10 Q. And you only know that it was placed there by

11 Officer Greenawalt because he put his name on the

12 document?

13 A. That's correct.

14 MR. FRAYER: No further questions.

15 THE COURT: Any further questions?

16 MS. YOUNG: No.

17 THE COURT: May this witness be excused?

18 MS. YOUNG: Yes, Your Honor.

19 THE COURT: Thank you, ma'am.

20 [Whereupon, the witness is excused and exits the

21 witness stand]

22 THE COURT: Call your next witness please.

23

24

25

State v Julius Manigault
Charlette Rich-Direct Examination by Ms. Newman
January 8, 2015

1 MS. NEWMAN: Your Honor, the State calls Charlette
2 Rich of the North Charleston Police Department.

3 [Whereupon, Ms. Rich comes forward]

4 [Whereupon, the witness is duly sworn by the Clerk
5 of Court]

6 CLERK OF COURT: If you would speak into the
7 microphone and state your full name and spell your last
8 name for the record?

9 THE WITNESS: My name is Charlette Rich; last name
10 is R-I-C-H.

11 - - - - -

12 CHARLETTE RICH,

13 Having been first duly sworn,

14 Was examined and testified as follows:

15 DIRECT EXAMINATION

16 BY MS. NEWMAN:

17 Q. Good afternoon Ms. Rich.

18 A. How are you doing?

19 Q. How are you? Where are you currently employed?

20 A. North Charleston Police Department.

21 Q. And what is your position there?

22 A. I'm an evidence tech.

23 Q. How long have you been employed as an evidence tech?

24 A. It will be three years next month.

25 Q. And have you received any training for that

State v Julius Manigault
Charlette Rich-Direct Examination by Ms. Newman
January 8, 2015

1 position?

2 A. Yes, I have.

3 Q. And tell me about that.

4 A. Before becoming an evidence tech I had to go to
5 marijuana school for testing marijuana. I also had to
6 learn process and procedures and the intaking of our
7 evidence and preserving it.

8 Q. And please tell the jury what are your duties as an
9 evidence technician?

10 A. The day to day operations of intaking evidence,
11 storing it correctly, testing marijuana, helping the
12 general public get back their personal property,
13 assisting officers for court, answering the phones.

14 Q. Fair to say a good number of duties?

15 A. Yes.

16 Q. So have you had the occasion to chemically analyze
17 substances to determine whether the substance is or
18 contains marijuana?

19 A. Yes, ma'am.

20 Q. And how do you perform that type of examination?

21 A. We do a chemical test and a microscopic test.

22 Q. And tell me about that.

23 A. Once the evidence is taken in it's put in a drug
24 locker. After it is taken out of the drug locker I take
25 it into the lab. I unpackage the item, I weigh it, I put

State v Julius Manigault
Charlette Rich-Direct Examination by Ms. Newman
January 8, 2015

1 it under a microscope and then I do a chemical analysis
2 on it.

3 Q. Okay. And approximately how many times would you
4 say you've conducted marijuana analysis?

5 A. During my month of testing maybe -- it's split up
6 between four of us so maybe four times -- four months out
7 of a year I test marijuana.

8 Q. Can you guesstimate how many times you think you've
9 tested it?

10 A. About 250 to 200 times a week.

11 Q. Okay. So about 1,000 a month or so?

12 A. A thousand a month, yes.

13 Q. For several months a year?

14 A. Yes.

15 Q. So as part of your regular duties you make marijuana
16 analysis?

17 A. Yes.

18 MS. NEWMAN: Your Honor, at this time the State
19 would seek to declare Charlette Rich as an expert in the
20 area of marijuana analysis.

21 THE COURT: Any voir dire?

22 MR. FRAYER: None, Your Honor.

23 THE COURT: Do you stipulate to her expertise?

24 MR. FRAYER: Yes, Your Honor.

25 THE COURT: Ladies and gentlemen, normally a

State v Julius Manigault
Charlette Rich-Direct Examination by Ms. Newman
January 8, 2015

1 witness is limited to what they can testify to what they
2 saw, they heard, they felt or smelled or what they can
3 perceive. However because of somebody's education or
4 experience or a combination of the two if they develop an
5 expertise in a particular area and it's helpful to you
6 the jury they can give their opinion in their area and
7 give the reason for their opinion.

8 In this case it has been stipulated that this
9 witness is an expert in the field of marijuana testing.
10 She will be allowed to give her opinion in that area.
11 Expert testimony is like any other testimony you'll hear
12 in this case; you may accept it, you may reject it, or
13 give it as much weight as you think is appropriate. All
14 right, counsel?

15 MS. NEWMAN: Thank you, Your Honor.

16 Q. [Ms. Newman] Ms. Rich, per North Charleston Police
17 Department procedures when evidence is logged in is it
18 given a case number?

19 A. Yes it is.

20 Q. And once it's in logged is evidence for testing
21 stored in a secured location?

22 A. Yes, it is.

23 Q. Where is that location?

24 A. It is dropped in a drop box by the officer. It is
25 unlocked by one of the evidence techs. It is logged into

State v Julius Manigault
Charlette Rich-Direct Examination by Ms. Newman
January 8, 2015

1 evidence and then it is put it in a drug locker which has
2 a lock and key.

3 Q. And who has access to that location?

4 A. Me and the three other ladies that are evidence
5 techs.

6 Q. Are there any N-C-P-D policies and procedures in
7 place to ensure that the evidence is not in any way
8 tampered with prior to or after testing?

9 A. Yes.

10 Q. Tell us how you receive evidence for testing please.

11 A. I get it out of the drug locker, take it into the
12 lab, and proceed to do my chemical analysis.

13 MS. NEWMAN: May I approach, Your Honor?

14 THE COURT: Yes, ma'am.

15 Q. [Ms. Newman] Ms. Rich, I'm showing you what has been
16 premarked as State's exhibits 1 and 3 for identification
17 purposes only. Would you please look at these?

18 [Whereupon, the witness is shown exhibits]

19 Q. Do you recognize them?

20 A. Yes, ma'am.

21 Q. What do you recognize them to be?

22 A. The evidence in this particular drug case the
23 officer dropped by my signature on it and the date.

24 Q. What about State's exhibit number 3?

25 A. This is a copy of the chain of custody. You have to

State v Julius Manigault
Charlette Rich-Direct Examination by Ms. Newman
January 8, 2015

1 sign it every time you touch a piece of evidence.

2 Q. And you can identify both of those by your
3 signature?

4 A. My signature and the date that I test it.

5 Q. From who or from where did you receive these
6 exhibits?

7 A. Out of the drug locker. Once Ms. Middleton logged
8 it in she locked it in a drug locker. The date that I
9 did the test on it is logged in on the sheet.

10 Q. And does exhibit 1 appear to be tampered with in any
11 way?

12 A. No. My initials and the date that I tested it is
13 still sealed.

14 Q. So has it been continuously under the North
15 Charleston Police Department's care, custody, or control?

16 A. Yes. After testing it, it is locked back up.

17 Q. And is the exhibit in the same condition now as when
18 it was first received?

19 A. Yes ma'am, except for me opening it and sealing it.

20 Q. Okay. Can you tell us more about that?

21 A. Once I received it in the one plastic bag and after
22 I finish testing it I have to double seal it and insulate
23 it and heat seal it. It was 13 individual bags that I
24 had to open plus a scale.

25 Q. Okay. You can tell that by your initials, the fact

State v Julius Manigault
Charlette Rich-Direct Examination by Ms. Newman
January 8, 2015

1 that it is sealed that it was not tampered with?

2 A. Right.

3 Q. And for what purpose did it come into your
4 possession?

5 A. It was dropped in evidence by Officer Greenawalt.

6 Q. And for what purpose?

7 A. For testing to make sure it had traces of T-H-C in
8 it.

9 MS. NEWMAN: Your Honor, at this time the State
10 would offer State's exhibit 1 for admission as evidence.

11 THE COURT: Any objection?

12 MR. FRAYER: Without objection.

13 THE COURT: Admitted without objection.

14 [Whereupon, State's exhibit number 1 is entered into
15 evidence by the court]

16 Q. [Ms. Newman] Please tell the jury the description of
17 the evidence one more time.

18 A. Thirteen individually wrapped bags of green plant
19 material or G-P-M, and a black in color scale.

20 Q. Now after testing a substance to determine if it's
21 marijuana per policies and procedures is a lab report
22 with the results of the examination then generated?

23 A. Yes.

24 Q. And for policies and procedures are you required to
25 then to review the report to ensure that it is accurate

State v Julius Manigault
Charlette Rich-Direct Examination by Ms. Newman
January 8, 2015

1 and then sign it?

2 A. Yes. I sign and date it.

3 Q. Is this done in the ordinary course of business in
4 every case for every substance that you test?

5 A. Yes, ma'am.

6 MS. NEWMAN: May I approach, Your Honor?

7 THE COURT: Yes, ma'am.

8 Q. [Ms. Newman] I'm handing you what has been premarked
9 as State's exhibit 4. Could you please examine it?

10 [Whereupon, the witness is shown exhibit]

11 A. Yes.

12 Q. Do you recognize it?

13 A. Yes. It's a test sheet that I typed up.

14 Q. And how do you recognize it?

15 A. Because my signature and the date that I typed it up
16 and the total of each individual bags what they weighed
17 and if they had T-H-C in it.

18 Q. And this corresponds to case number 2013-036097 for
19 the defendant Julius Manigault?

20 A. Yes.

21 MS. NEWMAN: Your Honor, at this time the State
22 would offer State's exhibit 4 for admission.

23 THE COURT: Any objection?

24 MR. FRAYER: Without objection.

25 THE COURT: Admitted without objection.

State v Julius Manigault
Charlette Rich-Direct Examination by Ms. Newman
January 8, 2015

1 [Whereupon, State's exhibit number 4 is entered into
2 evidence by the court]

3 Q. [Ms. Newman] Ms. Rich, in each of the 13
4 individually wrapped bags that you tested in your expert
5 opinion did you detect the presence of T-H-C?

6 A. Yes.

7 Q. And what is T-H-C?

8 A. That's the simple name of it but its called
9 tetrahydrocannabinol. That's the illegal part of
10 marijuana.

11 Q. Okay. And what is the basis for your opinion that
12 it contained T-H-C?

13 A. Through the chemical test it tested positive for the
14 T-H-C substance and through the microscopic test it
15 tested positive for the same substance.

16 Q. And once you tested the baggies do you then secure
17 the drugs back in the evidence bag?

18 A. Yes, ma'am.

19 Q. How did you do so?

20 A. Put it in an insulated package and heat sealed it,
21 signed it, and dated it and locked it back up in the drug
22 locker once I was finished.

23 Q. Could you please tell the jury the weight of the
24 marijuana for each of those 13 individually wrapped bags?

25 A. Each 13 bags I were weighed. One weighed point

State v Julius Manigault
Charlette Rich-Direct Examination by Ms. Newman
January 8, 2015

1 seven -- and this is in grams -- point seven, point
2 seven, point six, point seven, point seven, point six,
3 point seven, point seven, point six, point eight, point
4 eight, point seven, point seven.

5 Q. So all baggies were nearly identical and similar in
6 weight?

7 A. Right. The average weight was point seven.

8 MS. NEWMAN: Beg the court's indulgence.

9 THE COURT: Yes, ma'am.

10 [Whereupon, Ms. Newman and Ms. Young confer]

11 MS. NEWMAN: No further questions.

12 THE COURT: Cross-examination.

13

14

15

16

17

18

19

20

21

22

23

24

25

State v Julius Manigault
Charlette Rich-Cross-Examination by Ms. Frayer
January 8, 2015

1 CROSS-EXAMINATION

2 BY MS. FRAYER:

3 Q. Good afternoon Ms. Rich.

4 A. Good afternoon.

5 Q. You weren't involved in the collection of this
6 marijuana?

7 A. No, ma'am.

8 Q: And you -- so you don't know where it came from --
9 where they got it from?

10 A. No, ma'am.

11 Q. You just know that Officer Greenawalt deposited this
12 into the secure location at the North Charleston Police
13 Department?

14 A. Yes, ma'am.

15 Q. And then you got it out and you tested it and it
16 tested positive for T-H-C?

17 A. Yes, ma'am.

18 Q. But you did find that there were 13 separate baggies
19 just in there and one big baggie because that's how you
20 do it after you've already opened them up.

21 A. Yes, ma'am.

22 Q. And the scale was just a part of the evidence bag
23 too?

24 A. It was inside the bag too, yes.

25 MR. FRAYER: Court's indulgence.

State v Julius Manigault
Charlette Rich-Cross-Examination by Ms. Frayer
January 8, 2015

1 [Whereupon, Ms. Frayer and Mr. Malloy confer]
2 MR. FRAYER: Nothing further, Your Honor.
3 THE COURT: Redirect?
4 MS. YOUNG: No, Your Honor.
5 THE COURT: May this witness be excused?
6 MS. YOUNG: Yes, Your Honor.
7 MR. FRAYER: Yes, Your Honor.
8 THE COURT: Thank you, ma'am. You may be excused.
9 [Whereupon, the witness is excused and exits the
10 witness stand]
11 THE COURT: Call your next witness please.
12 MS. YOUNG: Your Honor, at this time the State
13 would rest.
14 THE COURT: Very good. All right Madame Forelady
15 and ladies and gentlemen of the jury the State advises
16 that it rests, which simply means they have presented
17 their case in chief. I have a couple of administrative
18 matters. I may bring you back and I may not and may just
19 dismiss you for the day, but if you will go to your jury
20 room we will get back with you in just a short while,
21 okay. So go to the jury room please.
22 [Whereupon, the jury exits at 5:00 p.m.]
23 THE COURT: Any motions?
24
25

State v Julius Manigault
Motion for Directed Verdict-Remarks by Ms. Frayer
January 8, 2015

1 MOTION FOR DIRECTED VERDICT

2 MR. FRAYER: Yes, Your Honor. At this time we
3 would request a directed verdict. We don't feel that the
4 State has met its burden of proof ---

5 THE COURT: --- I'm sorry, would you speak up just
6 a little bit please, ma'am?

7 MR. FRAYER: Your Honor, at this time we would
8 request a directed verdict. We don't feel that the State
9 has met its burden of proof for the assault on officer
10 while resisting arrest and the possession with intent to
11 distribute the marijuana. We'd ask for a directed
12 verdict at this time.

13 THE COURT: I think the facts are capable of
14 showing more than one inference so I'll deny your motion.
15 However, I am going to find that the State has not proven
16 the statutory weight amount for the inference charged so
17 you don't get the inference charge of 28 grams. I know
18 that's no surprise.

State v Julius Manigault
Fifth Amendment Rights
January 8, 2015

1 FIFTH AMENDMENT RIGHTS

2 THE COURT: Mr. Manigault will you raise your right
3 hand? You do not have to stand.

4 [Whereupon, the witness is duly sworn by the Court]

5 THE COURT: I need you to speak loudly so I can
6 hear you okay?

7 MR. MANIGAULT: Yes, sir.

8 [JULIUS MANIGAULT, having been
9 first duly sworn, testified as follows:]

10 THE COURT: At this time I need to explain to you
11 certain of your rights. If you do not understand
12 anything that I explain to you please let me know because
13 they are very important that you understand what I'm
14 explaining to you and I'll be glad to give you more
15 detail if you need it.

16 We've reached that stage in the trial where the
17 State has finished its case. You have a right to put up
18 a defense. You have a right to put up witnesses on your
19 behalf, put up evidence on your behalf. You have the
20 right to testify. You also have the right to claim the
21 protections of the United States Constitution under the
22 Fifth Amendment which I will read to you in part as
23 follows. It says: [Reading] No person shall be compelled
24 in any criminal case to be a witness against himself.
25 Have your rights under the Fifth Amendment been explained

State v Julius Manigault
Fifth Amendment Rights
January 8, 2015

1 to you?

2 MR. MANIGAULT: Yes, sir.

3 THE COURT: Do you understand them?

4 MR. MANIGAULT: Yes, sir.

5 THE COURT: Just to make sure by going to trial
6 today you have a right to confront and cross-examine any
7 of the State's witnesses. You have a right to present
8 evidence in your defense. You have a right to subpoena
9 people here to testify on your behalf, and you have the
10 right to claim the privilege under the Fifth Amendment
11 which means you can't be required to testify; to testify
12 against yourself. Your attorney, nor the State, nor the
13 court, nor anyone else can require you to testify.

14 Now on the other hand if you wish to testify that is
15 a decision that you personally must make. You can make
16 it with the assistance of your attorney or any family
17 members that are reasonably available to you but the
18 decision as to whether or not you wish to testify must be
19 made by you okay sir.

20 MR. MANIGAULT: Yes, sir.

21 THE COURT: Now if you do decide to testify you
22 will be subject to the same rules that govern other
23 witnesses and you may be examined and cross-examined by
24 the State. If you have any convictions involving
25 dishonesty or false statement for crimes punishable by

State v Julius Manigault
Fifth Amendment Rights
January 8, 2015

1 imprisonment for more than a year and I find that the
2 probative value of those -- of that prior record
3 outweighs the prejudice to you then the State will be
4 allowed to cross-examine you about any prior record you
5 may have okay, sir. Obviously the reason they would want
6 to do that is to impeach your creditability. Now on the
7 other hand if you do decide to testify you must make the
8 decision freely and voluntarily knowing your rights under
9 the Fifth Amendment and your other constitutional rights
10 okay. Have you understood everything I've gone over with
11 you thus far?

12 MR. MANIGAULT: Yes, sir.

13 THE COURT: Now if you decide you do not want to
14 testify I will charge this jury in my final charge on the
15 law that they cannot and shall not be -- consider your
16 failure to testify whatsoever because that's your right
17 under the Fifth Amendment and the burden of proof remains
18 on the State to prove each and every element of the
19 charges against you. You understand that?

20 MR. MANIGAULT: Yes, sir.

21 THE COURT: Now do you have any questions of me?

22 MR. MANIGAULT: No, sir.

23 THE COURT: Do you have any questions of your
24 attorney?

25 MR. MANIGAULT: Yes, sir.

State v Julius Manigault
Fifth Amendment Rights
January 8, 2015

1 THE COURT: You do have some questions? I'm sorry,
2 does he want to ask you -- do you want to meet with her
3 for a few minutes and we'll give you a chance to consult
4 with your attorney?

5 MR. MANIGAULT: Yes, sir.

6 THE COURT: Okay. Let's take a break. If you'll
7 send word back if you don't mind and let me know.

8 MR. FRAYER: Yes, sir.

9 THE COURT: Okay. Thank you very much.

10 [Whereupon, court takes a brief recess]

11 THE COURT: Ms. Frayer, have you had sufficient
12 time to speak with your client?

13 MR. FRAYER: Yes I have, Your Honor.

14 THE COURT: Do you feel like he understands his
15 rights under the Constitution particularly with regard to
16 the Fifth Amendment?

17 MR. FRAYER: Yes I do, Your Honor.

18 THE COURT: Okay. Mr. Manigault, do you wish to
19 testify in this matter?

20 MR. MANIGAULT: No, sir.

21 THE COURT: You do not?

22 MR. MANIGAULT: No, sir.

23 THE COURT: Did you make that decision freely and
24 voluntarily?

25 MR. MANIGAULT: Yes, sir.

State v Julius Manigault
Fifth Amendment Rights
January 8, 2015

1 THE COURT: Has anybody forced, threatened, or
2 promised you anything to get you not to testify?

3 MR. MANIGAULT: No, sir.

4 THE COURT: That's your personal decision?

5 MR. MANIGAULT: Yes, sir.

6 THE COURT: Very good.

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

State v Julius Manigault
Proceedings
January 8, 2015

1 THE COURT: I'm going to bring the jury in and
2 dismiss them for the day. We'll come back and do closing
3 arguments and charge on the law tomorrow. If you --
4 would you bring the jury in? I want to go over a few
5 things; I think I've got it. Are you going to want a
6 simple possession charge?

7 MR. FRAYER: Yes, Your Honor.

8 THE COURT: I figured you probably would.

9 [Whereupon, the jury enters at 5:18 p.m.]

10 THE COURT: Madame Forelady, thank you for your
11 patience. After we've taken care of some administrative
12 matters it has been determined that that's all the
13 evidence we're going to present in the case. So what I'm
14 going to do is excuse you for the evening. Any problem
15 with anyone being here at 9:30 in the morning? Is that
16 okay? I know you'd rather not be here at 9:30 in the
17 morning but if to get here at that time would be a
18 problem let me know.

19 Let me remind you if you would do not speak amongst
20 yourselves about this case or with anyone else. Do not
21 look or read or hear anything about the case in the off
22 chance it happens to be out there. Otherwise, I hope you
23 have a nice evening and bundle up before you go home
24 okay.

25 UNIDENTIFIED JUROR: Where do we go when we come in

State v Julius Manigault
Proceedings
January 8, 2015

1 the morning ---

2 THE COURT: --- come back to your jury room here on
3 the third floor. They will explain that to you. Thank
4 you.

5 [Whereupon, the jury exits at 5:19 p.m.]

6 THE COURT: All right. My law clerk is going to
7 give you my proposed charges and the verdict form.
8 Obviously the 28 gram inference will be out and I think
9 y'all recognize that. Do you the State or defense have
10 any requested charge or you just want me to give my
11 standard charges?

12 MR. FRAYER: Your Honor, we would request the
13 simple possession and the simple resisting.

14 THE COURT: Simple resisting?

15 MR. FRAYER: The resisting -- the lesser included
16 resisting arrest without the assault.

17 THE COURT: You're talking about without assault?

18 MR. FRAYER: Yes, sir.

19 THE COURT: There's no evidence of that.

20 MR. FRAYER: Huh?

21 THE COURT: I don't see any evidence of that in
22 this case. I know I have to charge according to the
23 evidence in the case but from what I saw it was assault
24 on that video. I'll be glad to consider it but that
25 would be -- there is no evidence in the record to support

State v Julius Manigault
Proceedings
January 8, 2015

1 it. It would be improper for me to charge it. Do you
2 disagree with that? And I'm not going to make you say
3 right now just think about it and if it's appropriate
4 I'll charge anything that is appropriate Ms. Frayer. I
5 just don't think there is any evidence of there just
6 being a simple resisting.

7 I get corrected all the time and I'm used to it so
8 it doesn't hurt my feelings, okay. So if you want to
9 please do. Mr. Malloy, y'all don't have to make that
10 call tonight. Y'all can discuss it. It wouldn't be much
11 of a chore to get that subpart A is what you're asking
12 for?

13 MR. MALLOY: That's correct.

14 THE COURT: Okay. Just let me know. Does the
15 State have any requested charge?

16 MS. YOUNG: No, Your Honor.

17 THE COURT: All right. One last thing. I'll give
18 you guys the option of me charging the jury first and you
19 closing after me or if you want to go do the traditional
20 way and you close and I'll charge it makes no difference
21 to me. If we're going to deviate from the traditional
22 method both of you have to agree, otherwise we'll do
23 whatever you want. Let me thank the attorneys. Y'all
24 have done a professional job. And I'm really speaking to
25 you Mr. Manigault. Your attorneys have prepared the case

State v Julius Manigault
Proceedings
January 8, 2015

1 and they've done a good job representing your interest in
2 this matter. As cases are won and lost and you never
3 know what a jury is going to do but I want to thank you
4 for being professional and prepared, okay. Thank you
5 very much. See y'all at 9:30 in the morning.

6 [Whereupon, State's exhibit number 3 is admitted
7 into evidence by agreement of all counsel]

8 [Whereupon, court adjourns at 5:25 p.m.]
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

State v Julius Manigault
Certificate of the Court Reporter
January 8, 2015

C E R T I F I C A T E

I, the undersigned, Joyce C. Rueger, Official
Circuit Court Reporter for the Ninth Judicial Circuit of
the State of South Carolina, do hereby certify that the
foregoing is a true, accurate, and complete Transcript of
Record of the proceedings had and evidence introduced in
the trial of the captioned case, relative to appeal, in
the Court of General Sessions for Charleston County,
South Carolina on the 8th day of January, 2015.

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

March 7, 2015



Joyce C. Rueger, CVR-M

Court Reporter

STATE OF SOUTH CAROLINA)

COURT OF GENERAL SESSIONS

COUNTY OF CHARLESTON)

DOCKET NO. 2014-GS-10-1010

STATE OF SOUTH CAROLINA)

vs.)

JULIUS QUINTEZ MANIGAULT)

Defendant)

TRANSCRIPT OF RECORD

January 9, 2015

Charleston, South Carolina

VOLUME 2 (OF 2)**B E F O R E:**

THE HONORABLE R. LAWTON MCINTOSH, JUDGE

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

KELLEY YOUNG, ESQ.

JENNA NEWMAN, ESQ.

Attorneys for the State

CANTRELL FRAYER, ESQ.

LUKE MALLOY, ESQ.

Attorneys for the Defendant

JOYCE C. RUEGER, CVR-M
Circuit Court Reporter

INDEX TO PROCEEDINGS

	PAGE
PROCEEDINGS	199
CHARGE CONFERENCE	199
CLOSING ARGUMENTS	
Remarks by Ms. Young	207
Remarks by Ms. Frayer	217
JURY CHARGE	224
JURY RECHARGE	254
VERDICT	264
SENTENCING	266
CERTIFICATE OF THE COURT REPORTER	276

INDEX TO EXHIBITS

[All exhibits pre-marked prior to start of trial unless otherwise indicated in transcript]

COURT

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
2	Note from Jury	250
3	Note from Jury	261

State v Julius Manigault
Charge Conference
January 9, 2015

1 CHARGE CONFERENCE.

2 THE COURT: Good morning. All right guys, did you
3 have a chance to look at the proposed substantive charge.
4 Didn't my law clerk give that to y'all last night?

5 MS. YOUNG: Yes, Your Honor.

6 THE COURT: I have, Ms. Frayer, I have decided I
7 will charge just simple assault -- just simple resisting
8 as well as resisting with an assault.

9 MR. FRAYER: Thank you, Your Honor.

10 THE COURT: There is evidence that he said it on
11 the tape I believe that he thought it was a dog so I am
12 going to charge that. I have -- do you want me to go
13 over my full charge with you guys? I'll be glad to,
14 other than the substantive charge in this matter. My
15 charge -- I don't know if y'all -- well, I'm sure you
16 probably haven't -- my charge is going to be in three
17 parts.

18 The first part will be general rules that define and
19 control the juror's duties. It would include making
20 their decision based on the evidence before them and that
21 they are not to be influenced by any dislikes or opinions
22 or prejudice of one side or the other; if I've done
23 anything there to disregard that because they and they
24 alone are the judges of the facts. I tell them that they
25 have to do that by weighing and evaluating the evidence.

State v Julius Manigault
Charge Conference
January 9, 2015

1 I can't give them a scale; it's not weighing the evidence
2 in a literal sense but it is a mental process meaning you
3 use your good sense and sound judgment. I describe for
4 them what is evidence and what is not evidence.

5 Then I define for them direct evidence and
6 circumstantial evidence and this is the new
7 circumstantial evidence charge where all the
8 circumstances must be consistent with each other and when
9 taken together would point conclusively to the guilt of
10 the accused. I go over creditability of the witnesses.
11 We had experts in this case didn't we?

12 MS. YOUNG: We did, Your Honor.

13 THE COURT: We had expert testimony. We have the
14 fact that the indictment is not evidence of guilt but
15 there is multiple indictments so each one must be
16 separately determined. I'll go over the presumption of
17 innocence, reasonable doubt, intent, and then the failure
18 of the defendant to testify. And that's the first aspect
19 of my charge. I have it here and you're more than
20 welcome to peruse it if you'd like to.

21 Then I would go over the second aspect of my charge
22 the substantive law that they must apply. And the first
23 would be assaulting an officer while resisting arrest;
24 the second would be simple resisting of arrest, then
25 possession with intent to distribute. In that I have

State v Julius Manigault
Charge Conference
January 9, 2015

1 deleted the inference of 28 grams or more because we
2 don't have that. And then I have the charge on simple
3 possession of marijuana. Any objection to that proposed
4 charge from the State?

5 MS. YOUNG: Your Honor, just with regard to the
6 simple possession of marijuana which paragraph were you
7 going to use? I think we were given two options ---

8 THE COURT: --- right. Here's -- okay, that would
9 be ---

10 MS. YOUNG: --- the State would prefer the first
11 one that we were given.

12 THE COURT: Here's where I was going to go on the
13 simple possession. If you find that the defendant [sic]
14 has failed to prove beyond a reasonable doubt the
15 defendant is guilty of possession with intent to
16 distribute marijuana you may consider whether the State
17 has proved beyond a reasonable doubt that the defendant
18 is guilty of simple possession. Simple possession does
19 not require an intent to distribute the marijuana.

20 The State must prove beyond a reasonable doubt that
21 the defendant knowingly or intentionally possessed
22 marijuana. Knowingly means with knowledge, consciously
23 not accidentally. Intentionally means willfully
24 intending the result, which actually occurs not
25 accidentally or involuntarily. Intent may be shown by

State v Julius Manigault
Charge Conference
January 9, 2015

1 acts and conduct of the defendant and of the
2 circumstances from which you may naturally and reasonably
3 infer intent.

4 MS. YOUNG: The State has no objection.

5 THE COURT: Any objection to that Ms. Frayer?

6 [Whereupon, Ms. Frayer confers with Mr. Malloy]

7 MR. MALLOY: Your Honor, this may be included in
8 the charge but we would request a charge of mere presence
9 due to the marijuana found within the vehicle.

10 THE COURT: That possession with intent is the mere
11 presence is included -- that language is included with
12 the P-W-I-D charge.

13 MR. MALLOY: I was just making sure of that.

14 THE COURT: Yes sir, it is. Finally I go over some
15 points about their deliberations and tell them they are
16 not partisans or advocates for one side or the other and
17 that they are judges of the facts. I define
18 deliberations and I tell them they've got to listen to
19 everybody's points and points of view and talk to and
20 thoroughly go through all the evidence.

21 And if they're doing something thoroughly they're
22 not to be in a big rush because this is a big day for
23 both sides; this is their only day in court. And they
24 are not to change their opinions simply to appease their
25 fellow jurors but don't be afraid to change your opinion

State v Julius Manigault
Charge Conference
January 9, 2015

1 if the conversation and deliberations prove that's the
2 right thing to do. Then I describe the verdict form.
3 Now on the verdict form the one we did Mr. Callahan
4 didn't -- we didn't have the right form. We can bring --
5 try to fix it but I have assault on a police officer
6 while resisting arrest. Then as to the lesser included
7 resisting arrest, which would be number two, number three
8 possession with intent to distribute marijuana.

9 The way my clerk did it is under simple possession
10 it just has as to the charge of simple possession not the
11 lesser included. I have a note here to make sure they
12 understand they can't do P-W-I-D and simple possession
13 but we can take time to change it if you'd rather me do
14 that. Whatever you want me to do. Do you have one Mr.
15 Callahan that has all four on the verdict form? The one
16 we had a bit ago apparently I gave you the wrong info.

17 [Whereupon, the court confers with the clerk]

18 MS. YOUNG: Your Honor, that was going to be my
19 only suggestion was possession with intent to distribute
20 or if you would add or just to clarify or if you were
21 going to instruct them on that.

22 THE COURT: I will definitely instruct them but I
23 put as to the lesser included and I'll make sure I
24 include it. And I'll give you a chance to...

25 [Whereupon, the court confers with the clerk]

State v Julius Manigault
Charge Conference
January 9, 2015

1 THE COURT: Do you want to argue first and then me
2 charge or do you want me to charge first and then you
3 argue?

4 MS. YOUNG: I think we would both prefer argue
5 first then charge.

6 MR. FRAYER: Yes, Your Honor.

7 THE COURT: Very well. Let me show you my form.
8 Do y'all don't mind stepping up here?

9 [Whereupon, an off the record bench conference is
10 held]

11 THE COURT: Anything further from the State before
12 we get started?

13 MS. YOUNG: No, Your Honor.

14 THE COURT: From the defense?

15 MR. FRAYER: May I just run to the restroom real
16 quick?

17 THE COURT: Absolutely. You want a couple of
18 minutes?

19 MR. FRAYER: Yes, sir.

20 THE COURT: Would you just send word back when
21 you're ready and I'll come back out.

22 MR. FRAYER: Yes, sir. Thank you.

23 MR. MALLOY: And Your Honor, we neglected to renew
24 all our motions and objections ---

25 THE COURT: --- you're right. Thank you, Mr.

State v Julius Manigault
Charge Conference
January 9, 2015

1 Malloy ---

2 MR. MALLOY: --- and directed verdict yesterday. I
3 don't know if this would cure that but at this time we
4 would like to renew all motions and objections.

5 THE COURT: Absolutely. I think you should be
6 protected on the record. And that's for your pretrial
7 motions?

8 MR. MALLOY: Correct, Your Honor.

9 THE COURT: And you did directed verdict yesterday
10 correct?

11 MR. FRAYER: Yes, sir.

12 THE COURT: Anything else?

13 MR. MALLOY: Not at this time, Your Honor.

14 THE COURT: Very good.

15 [Whereupon, court is in recess from 10:50 a.m. until
16 10:55 a.m.]

17 THE COURT: Is the State ready?

18 MS. YOUNG: Yes, Your Honor.

19 THE COURT: Is the defense ready?

20 MR. FRAYER: Yes, Your Honor.

21 THE COURT: Let me ask you this. Order of
22 argument; I don't recall that you -- did you present any
23 evidence?

24 MR. FRAYER: No, Your Honor.

25 THE COURT: So you get last argument?

State v Julius Manigault
Charge Conference
January 9, 2015

1 MR. FRAYER: Yes, sir.

2 THE COURT: Do you agree?

3 MS. YOUNG: Yes, Your Honor.

4 THE COURT: Very good. Would you bring the jury
5 in?

6 [Whereupon, the jury enters at 10:56 a.m.]

7 THE COURT: Good morning ladies and gentlemen of
8 the jury. How are you doing this morning?

9 THE JURY: Fine.

10 THE COURT: Very good. We have finished with the
11 presentation of the evidence phase of this trial. We'll
12 move in to closing arguments. After closing arguments I
13 will then charge you on the law. I will then have a
14 brief meeting with the attorneys then the documents will
15 be sent back to you along with the verdict form and you
16 will be given word to go ahead and begin your
17 deliberations just so you know where you are. Is the
18 State ready to proceed?

19 MS. YOUNG: Yes, Your Honor.

20 THE COURT: The defense ready to proceed?

21 MR. FRAYER: Yes, Your Honor.

22 THE COURT: All right.

23 MS. YOUNG: Thank you, Your Honor. May it please
24 the court?

25 THE COURT: Yes, ma'am.

State v Julius Manigault
Closing Argument by Ms. Young
January 9, 2015

CLOSING ARGUMENT

BY MS. YOUNG:

Ladies and gentlemen, I want to thank you for your time and consideration in this case. I know yesterday was a long day. It's been a cold couple of days and I know you probably aren't excited to be here this morning but everything we presented to you yesterday was important. We had to go through all of those steps in testimony and present all that evidence because it proved the defendant guilty of possession with intent to distribute marijuana and assault on a police officer while resisting arrest.

Now our legislature enacted these drug laws to prevent drug dealers from being out on the streets and disrupting our community and our schools because often times drugs go hand in hand with violence. This is a case in point. You have the defendant going to a high narcotics area known for an area where they sell drugs. You have later on violence following that. You have him assaulting a police officer trying to get away with it all.

And that's why our legislature also enacted laws to protect those that protect our community day in and day out. Officers like Officer Greenawalt put their lives on the line every single day. Every traffic stop that

State v Julius Manigault
Closing Argument by Ms. Young
January 9, 2015

1 they make puts them at risk of running into someone like
2 Julius Manigault; someone that is possessing drugs with
3 the intent to distribute them and wanting to get away
4 with it all at all costs; someone who is willing to
5 assault a police officer to try to get away from the
6 drugs.

7 Now throughout this trial we've proven to you the
8 defendant is guilty of possession with intent to
9 distribute the marijuana as well as assault on a police
10 officer. As the Judge explained he is going to go
11 through the law as soon as we're done with closing
12 arguments. And I want you to pay attention and take your
13 job seriously and the oath you've taken and listen to the
14 law as it is instructed to you.

15 Let me just go through briefly how we've proved the
16 defendant is guilty of possession with intent to
17 distribute marijuana as opposed to just simple
18 possession. First, we've got to prove possession and
19 what we've shown is that the defendant both had the power
20 and the intent to control the drugs.

21 The Judge is going to instruct you that there are
22 two different types of possession; actual possession
23 meaning the two baggies found on the defendant, that's an
24 example of that. Constructive possession means the
25 defendant had the dominion and control or the right to

State v Julius Manigault
Closing Argument by Ms. Young
January 9, 2015

1 exercise dominion and control over the actual drugs or
2 over property in which the drugs were found. His
3 knowledge and possession can be inferred when the
4 substance, the drugs, are found on the property that he
5 has control over. In this case he has the vehicle. He
6 was the sole operator of the vehicle that night. He was
7 the one controlling the operation and that's where the
8 other drugs were found that match the two baggies found
9 on him.

10 Finally, two or more persons can be in joint
11 possession of the drugs. So when you are deliberating
12 think about the passenger that ran; and think about that
13 two people can be in joint possession. Next with regards
14 to the with intent to distribute part of possession with
15 intent to distribute that's where you've got to look at
16 all the circumstances. You got to look at the actions of
17 the defendant that night; basically the totality of
18 everything that was going on.

19 Let's think about what we've heard. We've heard
20 that Officer Holley found two bags on the defendant
21 similarly packaged with those little twists in one gram
22 increments. Then you've got the seven baggies and the
23 scale hidden in the spare time of the trunk. Then you've
24 got the four baggies found in the Hershey kiss bag on the
25 center console. Do you think it's just a coincidence

State v Julius Manigault
Closing Argument by Ms. Young
January 9, 2015

1 those baggies were found seconds after the defendant is
2 manipulating something right when the officer says get
3 out of the car he is manipulating something because he's
4 got to get out; four baggies were found right there.
5 Those baggies looked exactly like the baggies found on
6 him; another example of his distancing himself from the
7 with intent to distribute part.

8 Now all 13 baggies are the same weight, same size,
9 same baggie. This is in evidence. You will see the
10 scale as well which was used to weigh all of these. He
11 knew what he was doing. You can see the twists -- now
12 they're all out like the evidence technician explained to
13 you when they had to test all the baggies and they had to
14 open every bag to make sure it was all marijuana. But
15 you can see if you look carefully there's all these
16 twists and they're all the same.

17 Other factors you've got to look at are where was he
18 coming from. He was driving through Club Bosses doing a
19 slow drive by before the club got busy, ready to make a
20 deal. Now Officer Greenawalt with over a hundred hours
21 of training in narcotics specifically, 12 years of law
22 enforcement experience, over 800 arrests in narcotics
23 alone explained to you that drug dealers often disburse
24 their stash; that way they leave it on themselves and all
25 over the vehicle. If they're caught, it's just

State v Julius Manigault
Closing Argument by Ms. Young
January 9, 2015

1 possession. You also heard that drug dealers use other
2 people's cars. They use rental cars or they borrow
3 someone else's to make their deals that night that way
4 they can come into court and claim possession to try to
5 fool the cops and to try to fool you. Don't let him
6 outsmart you.

7 Now let's go over the assault on a police officer
8 while resisting arrest. The Judge will explain the
9 defendant will have to have knowingly and willfully
10 assaulted, beat or wounded an officer when the defendant
11 was resisting arrest that was being made by a person that
12 the defendant should have known, should have reasonably
13 known or knew it was a police officer or law enforcement
14 officer.

15 Pretty simple and clearly present in this case;
16 first, no doubt Officer Greenawalt was an officer who
17 identified himself as such to the defendant when he
18 approached the car. He had the lights flashing, the
19 uniform, and him saying he was an officer; we've got
20 that.

21 Second, there is no doubt that Officer Greenawalt
22 was attempting to place this defendant under arrest. The
23 defendant tells him I don't have a license. Next step
24 get out of the vehicle. He clearly is in the process of
25 placing him under arrest. Now before I go to the

State v Julius Manigault
Closing Argument by Ms. Young
January 9, 2015

1 assault part of the assault on a police officer I want to
2 touch on a point the defense counsel has brought up
3 throughout opening statements and throughout this trial
4 with regards to how Officer Greenawalt removed him from
5 the vehicle.

6 Now they touched on him being maybe overzealous when
7 he removed him. And to someone that is not a police
8 officer or who is not trained in police policies and
9 procedures it may have looked a little harsh but not when
10 you look at it through the viewpoint of a police officer.
11 Look what was going on.. He was monitoring Club Bosses, a
12 high narcotics area, and a bouncer had just alerted him
13 to that vehicle. That to him on his experience means
14 guns or drugs.

15 He had no backup that night. This is 10:30 at night
16 that we're talking about. As he approaches the vehicle
17 he's got that going on in this mind. And then he smells
18 marijuana. That confirms drugs; okay violence follows
19 usually. I need to be aware. Then you've got the
20 defendant saying I don't have a license, not complying
21 with the officer and manipulating his entire body lifting
22 himself I think he said three to four feet out of the
23 seat. So you can't even see what he's doing at that
24 point. What if he reached for a gun? We'd be looking at
25 a murder case. That is why there are protocols like that

State v Julius Manigault
Closing Argument by Ms. Young
January 9, 2015

1 to prevent something like that from happening. It
2 doesn't seem so harsh now. Don't lose focus on where the
3 assault part occurs in this crime. The assault occurs
4 when he's out of the vehicle and is on the ground. You
5 heard from the officer he was pretty compliant at that
6 point. He was trying to handcuff him. He had to stop
7 that process and told him to quit resisting; resisting
8 arrest for driving without a license.

9 As soon as Officer Greenawalt radios over that the
10 passenger is running, you can see on the video, that's
11 when the defendant decides what he's going to do. That's
12 when he decides he's going to assault this officer and
13 try to get away too. This is when you look at the
14 elements of the assault part. He stands up; he violently
15 pushes the officer so hard he slams him into his own
16 vehicle.

17 He slaps him, pushes him several times and when that
18 doesn't work he does this spin wheel motion of jerking
19 the officer's arm back so hard that he almost
20 hyperextends it. The handcuffs get caught on the
21 officer. At that point is when the K-9 was released;
22 that way he could let go and be safe. That's when his
23 finger was sliced by that [indicates] man's action;
24 nobody else but him. This wasn't a tug of war or just a
25 scared man trying to get away. This was a deliberate

State v Julius Manigault
Closing Argument by Ms. Young
January 9, 2015

1 willful act by this defendant. The cut, the pushing, the
2 slamming against the vehicle, all of that alone is
3 enough; all of that combined is why the K-9 was released.
4 Now before I finish I want to talk to you a little bit
5 about what the defense has hinted on in this trial and
6 some of the issues that have come up.

7 This was not a passive resisting arrest. This was
8 not a man that was scared or thought the dog was on him.
9 He thought a police officer handcuffing him was a dog?
10 Someone telling him to resist arrest; I don't think dogs
11 can speak. Look at the video. A good example of passive
12 resisting arrest would be not getting out of the car. It
13 doesn't end there.

14 He makes up his mind when he realizes he is the only
15 one left and those 11 baggies match the two baggies on
16 him, the baggies he was going to sell at the club, and he
17 decides to assault Officer Greenawalt. Ladies and
18 gentlemen don't lose sight of the forest through the
19 trees. What I mean by that is this is not a case about
20 was the policeman nice to the drug dealer. This was a
21 case about keeping our community safe from drug dealers.

22 Another point touched on by the defense is that this
23 is possession versus possession with intent to distribute
24 marijuana. This isn't a case about someone just smoking
25 a joint with his buddy driving down the road. You heard

State v Julius Manigault
Closing Argument by Ms. Young
January 9, 2015

1 the officer testify, multiple officers testify no drug
2 paraphernalia whatsoever found in that vehicle or found
3 on him. It wasn't found on him because he wasn't
4 intending to smoke it. He was going to that club that
5 night ready to make some cash. He had 13 baggies in one
6 gram increments about 20 bucks each I think is what we
7 heard from the officer ready to make some money. That is
8 until the bouncer flashed his light and spooked him.

9 It's your job as jurors to go back there when
10 looking at all the facts and using your common sense.
11 Thirteen baggies all packaged identically, the same
12 weight; you've got the scale in the back. You've got
13 Club Bosses; that's where he's driving through, a high
14 narcotics area until he gets spooked. You have the
15 defendant in control of that vehicle that night.

16 Don't let him fool you. He was the one in charge of
17 that operation that night. And we've already heard again
18 drug dealers disburse their stash throughout the entire
19 vehicle. That's a common occurrence to try to claim
20 possession. It's a smart move but don't let it fool you.

21 Now after listening to all the testimony and
22 reviewing all the evidence you can see it all matches up.
23 It's your job as jurors to uphold the oath you've taken
24 and to hold him accountable for his actions. As you saw
25 on the video the defendant did a pretty good job of

State v Julius Manigault
Closing Argument by Ms. Young
January 9, 2015

1 assaulting a police officer and almost getting away with
2 everything. Don't let him get away with it today. We're
3 asking you to hold him accountable for his actions that
4 night and to deliver a verdict that justice demands and
5 that is a verdict of guilty for assault on a police
6 officer while resisting arrest and for possession with
7 the intent to distribute marijuana. Thank you very much.

8 THE COURT: Ms. Frayer?

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

State v Julius Manigault
Closing Argument by Ms. Frayer
January 9, 2015

CLOSING ARGUMENT

BY MS FRAYER:

Ladies and gentlemen the State wants you to believe that they've got all the pieces of the puzzle put together, that they put each piece in place as beyond a reasonable doubt. And that's what beyond a reasonable doubt looks like here is a puzzle with all the pieces put together. But I'm here to tell you that's not what we have here in this case.

See, some things are missing. In its opening the State told you that unlike the rest of us Officer Greenawalt has to be extra concerned for his safety when he goes to work. Well, Officer Greenawalt carries an extra protection of safety. He's got a remote lock and he can pop that lock and let K-9 Felon out as his second partner.

You heard him in the video tell Mr. Manigault you fighting a K-9 was a dumb move. The truth is the video never shows them in a fight. It does show Officer Greenawalt get behind the car as it travels on McMillan Avenue. It shows him blue light Mr. Manigault as he's turning into the gas station. The video shows Officer Greenawalt approach the vehicle calmly at first from behind. The moment that he feels that Mr. Manigault is taking too long to get out the car you see things

State v Julius Manigault
Closing Argument by Ms. Frayer
January 9, 2015

1 escalate. And Mr. Manigault is untrained. He's a
2 regular person. As the situation escalated he gets
3 thrown to the back of the car and you see Officer
4 Greenawalt taking him to the ground. And you see the
5 video shows him being sat on for a period of time on the
6 ground; for several minutes.

7 The video also shows a passenger get out of the car
8 and leave the scene. The video shows Officer Greenawalt
9 several times shine his light into that car; several
10 times. He could be also heard threatening to deploy his
11 dog a couple of times while he is sitting on Mr.
12 Manigault. So the dog -- the fear of the dog being
13 deployed is in Mr. Manigault's mind.

14 The video, the video, the video; the State is
15 telling you watch the video. Watch the video and listen
16 to the video ladies and gentlemen. The video does show
17 Mr. Manigault free himself. We can see Officer
18 Greenawalt and Mr. Manigault both full of adrenaline
19 going back and forth pulling, pushing, pulling, pushing,
20 pulling, pushing, pulling. Mr. Manigault hits the ground
21 and Officer Greenawalt flies into the car.

22 There is no willful intentional assault on Officer
23 Greenawalt by Mr. Manigault. Ladies and gentlemen we
24 never hear Officer Greenawalt tell Mr. Manigault that he
25 is under arrest when he's asking him to exit the car. We

State v Julius Manigault
Closing Argument by Ms. Frayer
January 9, 2015

1 never hear him say he's under arrest when he's sitting on
2 him on the ground trying to place the cuffs on him. But
3 we do hear Mr. Manigault tell the officer he's hurting
4 his arm. We can see Mr. Manigault lying still for
5 several minutes while on the ground and we hear Officer
6 Greenawalt tell Mr. Manigault that he will deploy the
7 dog. We do hear that on the video.

8 I asked Officer Greenawalt on the stand if there are
9 times when cuffs are placed on people when they are not
10 under arrest just to detain them. Officer Greenawalt
11 said yes, there are times when he just places the cuffs
12 on people to detain them. How do you know you are under
13 arrest if you're not told?

14 Officer Greenawalt wrote an incident report about
15 this incident. The State told you during their opening
16 and they told you during their closing that Officer
17 Greenawalt observed Mr. Manigault in the parking lot of a
18 night club driving slowly through like he was a drug
19 dealer trying to engage in a drug buy and that he got
20 some signal from the bouncers at the club.

21 He didn't put that in his report. They didn't bring
22 the bouncers here to testify that they gave him a signal
23 from the club to be on the alert of the vehicle. They
24 could have done that. Officer Greenawalt is not a
25 narcotics officer. He testified that his job is to

State v Julius Manigault
Closing Argument by Ms. Frayer
January 9, 2015

1 backup and patrol. He has some advanced training. He
2 never testified that it was 800 arrests that he made that
3 those were narcotics arrest. He didn't testify about
4 that on the stand that he had 800 arrests that he talked
5 about that much that he made.

6 But he was an expert on narcotics and the drug
7 dealers and the changes in the T-H-C levels of marijuana
8 from ten years ago it's more potent now and all that.
9 The T-H-C expert that they brought in yesterday didn't
10 testify to that but Officer Greenawalt is the expert on
11 marijuana. Drug dealers hide their stash. Drug dealers
12 also have money on them. You didn't hear the State say
13 anything about any money Mr. Manigault had on him.

14 Officer Greenawalt and the State made light of the
15 fact that I asked him if he had ever been reprimanded by
16 the chief and complaints from citizens and they made
17 light about that and said yes, people don't like to get
18 tickets. Yes, people don't like to get tickets but most
19 people who get tickets don't complain. And most of those
20 complaints don't end up with a reprimand.

21 You get reprimanded when you do something wrong.
22 He's human. He can make a mistake on his job. He can do
23 something wrong and get reprimanded. Fighting a K-9
24 officer is dumb. No fight in the video. Officer
25 Whitfield came in here and testified I did the tow sheet;

State v Julius Manigault
Closing Argument by Ms. Frayer
January 9, 2015

1 I searched the car. On his tow sheet he said it was
2 seven baggies found. I said well -- on the tow sheet is
3 says seven baggies. The State and Officer Greenawalt
4 said 13 baggies found. The tow sheet they did all the
5 inventory of the car because that's important to know
6 what was in there; seven baggies listed. Officer
7 Greenawalt -- Officer Whitfield; excuse me, said he found
8 four baggies of marijuana in a Hershey kiss bag. You
9 ever saw a Hershey kiss bag in here?

10 Keep in mind that at one point Officer Greenawalt
11 left a passenger in the car. Was that his Hershey kiss
12 bag? We don't know. Could he have left that there?
13 Could that bag have been tested? Could they have found
14 the identity of the guy that got away? It was a mistake;
15 that's what Officer Whitfield said about the tow sheet.
16 Is that okay that you make a mistake and somebody is
17 arrested?

18 Clearly the cops knew whose car it belonged to.
19 They did a tow sheet, they found out who it belonged to,
20 they contacted that person to get the car after it was
21 towed. Did they ever talk to that person about who she
22 loaned the car to that night? Did she loan it to Mr.
23 Manigault? Did she loan it to the one that got away? We
24 don't know. Whose job is it to investigate? The
25 police's job. It's their job. Ladies and gentlemen Mr.

State v Julius Manigault
Closing Argument by Ms. Frayer
January 9, 2015

1 Manigault is not guilty of intentionally willfully
2 assaulting Officer Greenawalt. He was trying to get
3 away. He's not guilty of possessing a drug with intent
4 to distribute. No doubt I'm not standing up here saying
5 he didn't do anything wrong that night. He had two bags
6 of drugs in his socks. Possession of marijuana is wrong
7 in South Carolina. It's against the law.

8 And he should have let Officer Greenawalt detain
9 him. He did something wrong. Is he responsible for the
10 drugs in the trunk of a car that belonged to -- didn't
11 belong to him? You borrow a car would you -- would I
12 look into the trunk of a car that I borrowed? Is he
13 responsible for the center console and the Hershey kiss
14 bag when a passenger flees? He's responsible for the
15 drugs in his sock.

16 Ladies and gentlemen when you look at the State's
17 case there are pieces that are missing; and that's
18 reasonable doubt. We ask that you return a verdict of
19 not guilty to the charge of assault on a police officer
20 while resisting arrest and not guilty on the charge of
21 possession with intent to distribute marijuana.

22 Mr. Manigault is no drug dealer. He was headed to
23 that gas station. He was turning into that gas station
24 when the blue lights got turned on. You'll see that in
25 the video. Thank you for your time and your patience.

State v Julius Manigault
Closing Argument by Ms. Frayer
January 9, 2015

1 THE COURT: All right Madame Forelady and ladies
2 and gentlemen I anticipate my charge will be in the
3 neighborhood of around 25 to 30 minutes more or less. We
4 can proceed now or I can give you a quick break; whatever
5 your jury would like to do. Would you check and see with
6 your jury please Madame Forelady?

7 [Whereupon, Madame Forelady confers with the other
8 jurors]

9 MADAME FORELADY: Keep going.

10 THE COURT: Very good.
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

State v Julius Manigault
Jury Charge
January 9, 2015

JURY CHARGE

BY THE COURT:

Ladies and gentlemen as I told you at the beginning of the case the law places the burden on the trial judge to be the instructor of the law. So now that you've heard all the evidence, you've heard the arguments of the attorneys it becomes my duty to instruct you on the law that will be applicable to this case.

My instructions will be in three parts. The first aspect of my charge will be the general rules that define and control your duties as jurors. The second aspect will be the rules that the State must apply or the substantive law that the State must prove in order to prove its case against the defendant. The third will be some rules for your considerations about your deliberations.

If at any time you don't understand me, you can't hear me or you do need a break just indicate it and we'll stop and I will repeat it or either let you have a break. It shouldn't be too long. I will apologize to you in advance that I am not articulate enough or intelligent enough to be able to not read some of this to you. I will try my best to minimize as much as possible reading anything to you. But as I told you at the beginning of this case it's your duty to find what the facts are in

State v Julius Manigault
Jury Charge
January 9, 2015

1 this case and you do so from the evidence that has been
2 presented here in this courtroom. To the facts as you
3 find them you must apply the law as I give it to you now.
4 You must apply the law as I give it to you and you must
5 not and shall not be concerned with what you think it
6 should be or what you would like it to be but what it is.

7 Also, you should not be influenced by any personal
8 likes or dislikes that you have or opinions or prejudice
9 or undue sympathy that you may have for one side of this
10 case or another. You have no friends to reward and no
11 enemies to punish. In other words that means you decide
12 this case solely based on the testimony and the evidence
13 that is presented here in the courtroom and according to
14 the law as I give it to you now. And in fact when you
15 took your oath at the beginning of this case you agreed
16 to do just that.

17 Now in following my instructions now it is important
18 that you follow all of my instructions and not single out
19 certain aspects that you agree with but ignore other
20 aspects that you may not agree with. They are all
21 equally important. Again, I'll remind you that trial
22 judges are not allowed to have an opinion or make
23 comments about the facts of this case. So therefore if I
24 have said anything or done anything throughout the trial
25 of this matter that seems to indicate to you how you are

State v Julius Manigault
Jury Charge
January 9, 2015

1 to find facts i.e. the verdict you ought to reach I'm
2 going to ask you and I'm also going to instruct you to
3 disregard that. I can assure you that I have no feeling
4 one way or the other. I consider my job in two phases.
5 One as being somewhat like a referee to make sure that
6 the process is followed and second, like an instructor to
7 make sure that the law is followed and given to you.

8 You and you alone are the judges of the facts of
9 this case and you will decide what those facts are by
10 evaluating and weighing the evidence that you heard
11 during this trial. Now ladies and gentlemen, there is no
12 way that you can weigh the evidence in the literal sense.
13 It is a mental process and you are to use your common
14 sense and your sound judgment in your deliberations and
15 ultimately reaching what facts and verdict you intend to
16 reach in this matter.

17 Now what is evidence? The only thing that you may
18 consider truly as evidence is the following items.
19 Number one is the sworn testimony of witnesses whether it
20 be on direct examination or cross-examination. Number
21 two is the exhibits that have been entered into evidence
22 and that I've allowed into evidence. And that is the
23 only true evidence in this case you may consider. So
24 that leads me to what is not evidence. As I alluded to
25 at the beginning of this case are the arguments and

State v Julius Manigault
Jury Charge
January 9, 2015

1 statements by these attorneys is helpful for you but they
2 have not been sworn. They have not been put on the
3 witness stand and subjected to cross-examination. And so
4 what they have said in their opening statements, what
5 they've said in their closing statements or at any other
6 time during this case is not evidence. So at the end of
7 the day if your collective memory differs from what
8 you're told by any or both of these attorneys then your
9 memory will control.

10 Also ladies and gentlemen questions and objections
11 by attorneys is not evidence. Now as I've told you
12 attorneys are required by their oath to raise objections
13 any time they feel like something is occurring in the
14 courtroom that is improper. The fact that there may have
15 been an objection during this trial and to the extent
16 that you stayed in here and saw my ruling on it is not to
17 be considered by you.

18 And Madame Forelady it will be your job to make sure
19 the deliberations don't include any conversation about
20 objections or rulings on objections okay. Now other than
21 that anything that you may have heard while court is not
22 in session is not evidence. Simply put the only evidence
23 that you may consider as evidence is what you heard from
24 the witness stand and exhibits that were admitting into
25 the record. Now there are two types of evidence in South

State v Julius Manigault
Jury Charge
January 9, 2015

1 Carolina that we recognize. The first is called direct
2 evidence. The second is called circumstantial evidence.
3 Let me give you a definition of each and I'll give you an
4 example. Direct evidence is evidence that directly
5 proves the existence of a fact and does not require
6 deduction.

7 For example, if the issue is in a case is whether or
8 not I ran a stop sign and Judge Sprouse is the witness
9 and he says Judge McIntosh ran the stop sign. That is
10 direct evidence. It immediately establishes the fact or
11 the issue of running the stop sign without having to
12 deduct or make an inference that you lead to. That is
13 direct evidence.

14 Circumstantial evidence is a little bit different
15 and it's a little more difficult. This is it.
16 Circumstantial evidence is proof of a chain of facts and
17 circumstances indicating the existence of a fact. Now
18 with that being said let me give you an example.

19 If all of you were to go to bed at night and have a
20 clean sheet of snow in your front yard, if you were to
21 wake up in the morning and see tracks through that snow
22 you may reasonably infer that someone or something walked
23 through your yard during the night although you did not
24 actually see that person or thing that walked through
25 your yard. The only limitation on that is if any

State v Julius Manigault
Jury Charge
January 9, 2015

1 inference or deduction you make can't be surmise or
2 speculation. Now crimes in South Carolina ladies and
3 gentlemen may be proven by circumstantial evidence. In
4 South Carolina we don't recognize a difference. The law
5 makes no distinction between the weight or the value to
6 be given either direct evidence or circumstantial
7 evidence.

8 However, to the extent that the State relies on
9 circumstantial evidence all of the circumstances must be
10 consistent with one another and when taken together point
11 conclusively to the guilt of the accused beyond a
12 reasonable doubt.

13 Now if these circumstances merely portrayed the
14 defendant's behavior as suspicious then the proof has
15 failed. The State has the burden of proving the
16 defendant guilty beyond a reasonable doubt and the burden
17 rests on the State regardless of whether the State relies
18 on direct evidence, circumstantial evidence, or a
19 combination of the two.

20 Now ladies and gentlemen in deciding what the facts
21 are you must decide which testimony that you wish to
22 believe and also which testimony you wish not to believe.
23 You have a right to disbelieve all or part of any
24 witness's testimony that came before you. You have a
25 right to believe all of the witness's testimony. In

State v Julius Manigault
Jury Charge
January 9, 2015

1 making this determination of the creditability of the
2 witnesses in this case I'm going to enumerate for you
3 some factors for your consideration. You may or may not
4 choose to apply these factors. And I apologize that I
5 have a little cold today; I apologize.

6 But some of the factors you may consider number one,
7 was the witness able to hear or see or know the things
8 about which that witness testified. How well was the
9 witness able to recall the things and describe the things
10 about which they've testified? What was the witness's
11 manner while testifying? In other words what was their
12 demeanor while they were up on the witness stand?

13 You may ask yourself is there a reason the witness
14 would want to help or hurt one side of the other. Did
15 they have an interest or a bias in the outcome of the
16 case or for or against any party in this case? Also you
17 can ask yourself how reasonable that witness's testimony
18 was in light of all the other evidence in this case and
19 whether that witness's testimony was contradicted by what
20 that witness said at another time or by another witness
21 or by other evidence in this case.

22 Now ladies and gentlemen those are some of the
23 factors that you may consider when going through this
24 process of judging the creditability of the witnesses.
25 Now as a juror you do not check your common sense at the

State v Julius Manigault

Jury Charge

January 9, 2015

1 door once you're sworn in. You should use those things
2 in your day to day lives that you find indicative of
3 truthfulness and indicative of lack of truthfulness when
4 you go through this exercise of judging creditability.

5 But one thing you do not do and you may not do is
6 add up the number of witnesses who may have appeared on
7 behalf of one side or the other in making this
8 determination of creditability because it doesn't matter
9 for you where the truth comes from. But your sole
10 objective is to try to find the truth from the
11 presentation of the evidence that you have before you.

12 In this case ladies and gentlemen you've also heard
13 testimony from person's who have been described as
14 experts. As I've told you earlier usually people are
15 limited in their testimony as to what they saw, they
16 heard, they felt, and they smelt and what they directly
17 observed.

18 In some cases a person is qualified because of their
19 education or their experience or a combination of those.
20 They are allowed to give their opinion in the area of
21 their expertise. Expert opinions should be judged by
22 you, the jury, just like any other testimony in this
23 case. You have the right to accept it, you have the
24 right to reject it or give it as much weight as you deem
25 is appropriate based on the testimony and other evidence

State v Julius Manigault
Jury Charge
January 9, 2015

1 in this case and the stated reasons for the expert's
2 opinion. As I told you from the beginning of this case
3 the fact that this defendant has been arrested, charged
4 and indicted is not evidence of his guilt. It does not
5 raise an inference of his guilt nor a presumption of
6 guilt.

7 The indictments are simply the charging mechanism by
8 which defendants such as this one are brought before a
9 jury such as yourselves for a trial and a determination
10 of guilt or innocence. Also there are two indictments
11 that you will have to consider and there will be lesser
12 included charges and Madame Forelady I'll describe that
13 for you in just a minute.

14 Each charge must be considered independently okay,
15 and I'll go over that further. But you make your
16 decision on one charge unaffected by the other charge
17 with the exception of the lesser included charges which
18 you will consider in conjunction with the related charge
19 and I'll tell you about that.

20 Now in this case the defendant has pled not guilty
21 to both the indictments in this matter and therefore the
22 burden is placed on the State of South Carolina to prove
23 him guilty. A person charged with committing a crime in
24 South Carolina is never required to prove himself
25 innocent. And I'll charge you that it is an important

State v Julius Manigault
Jury Charge
January 9, 2015

1 rule of law that a defendant in a criminal matter no
2 matter how serious the crime may be will always be
3 presumed innocent of the crime for which he has been
4 indicted unless and until guilt has been presented
5 proving to you that he is guilty beyond a reasonable
6 doubt.

7 Now this presumption of innocence does not end when
8 you begin your deliberations but it accompanies this
9 defendant until you reach a verdict of guilt based on
10 evidence satisfying you that he is guilty beyond a
11 reasonable doubt.

12 It has been said that the presumption of innocence
13 is like a robe of righteousness that has been placed upon
14 the shoulders of the defendant where it remains until it
15 has been stripped off by the State's case with proof
16 beyond a reasonable doubt.

17 Now the presumption of innocence is not merely a
18 legal theory. It is not just a legal phrase. It is a
19 substantive right which every defendant is entitled to
20 unless you, the jury, are satisfied from the evidence of
21 their guilt beyond a reasonable doubt.

22 Now that leads us to what is a reasonable doubt. I
23 gave you a version earlier. This is a definition of a
24 reasonable doubt. A reasonable doubt is the kind of
25 doubt that would cause a reasonable, sincere, honest and

State v Julius Manigault
Jury Charge
January 9, 2015

1 conscientious person to hesitate to act in an important
2 matter in their own affairs. Proof beyond a reasonable
3 doubt is proof that leaves you firmly convinced of the
4 defendant's guilt..

5 Now ladies and gentlemen there are very few things
6 in this world that we know with absolute certainty. And
7 in criminal cases the law does not require proof that
8 overcomes every possible doubt. If based on your
9 consideration of the evidence you are firmly convinced
10 that the defendant is guilty of the crime or crimes for
11 which he has been charged you must find the defendant
12 guilty.

13 On the other hand if you think there is a real
14 possibility that the defendant is not guilty you must
15 give the defendant the benefit of the doubt and find him
16 not guilty. A reasonable doubt may arise from the
17 evidence or from the lack of the evidence. And I further
18 instruct you that a defendant in any criminal case is
19 entitled to every doubt that may arise in the case.

20 So what that simply means is this that if upon any
21 issue essential to a conviction and a verdict of guilt
22 for the offense for which they have been charged if you
23 have a reasonable doubt as to how that issue should be
24 resolved it is your duty to resolve that issue or that
25 doubt in favor of the defendant.

State v Julius Manigault
Jury Charge
January 9, 2015

1 Now ladies and gentlemen in order to establish
2 criminal liability criminal intent is required. For
3 example the mental state required to be proven by the
4 State for a particular crime may be purpose, intent,
5 knowledge, recklessness, or criminal negligence.
6 Criminal intent must be proven by the State beyond a
7 reasonable doubt. Criminal intent is always a matter
8 that must be determined by you, the jury, from the
9 circumstances surrounding the situation.

10 Now there is no way to prove intent to a
11 mathematical certainty and there is no way for medical
12 science to dissect a person's brain to determine what
13 they had in mind. So the law says that criminal intent
14 may be inferred from the circumstances shown to have
15 existed. And that ladies and gentlemen is how you make a
16 determination of whether or not the element required
17 intent was present. It is not necessary to establish
18 intent by direct and positive evidence but intent may be
19 established by inference in the same way as any other
20 fact by taking into consideration the acts of the parties
21 and all the facts and circumstances in the case.

22 Criminal intent is a mental state. It's a conscious
23 wrongdoing. It is up to you to determine what the
24 intended -- what the defendant intended to do based on
25 the circumstances shown to have existed. Criminal intent

State v Julius Manigault
Jury Charge
January 9, 2015

1 may arise from action or a failure to act. It may arise
2 from negligence, recklessness, or indifference to duty or
3 to the consequences that are considered by law to be the
4 equivalent of criminal intent.

5 And finally ladies and gentlemen as to the first
6 part of my charge I will instruct you this; that the fact
7 that the defendant did not testify shall not be any
8 consideration of yours or a factor in your deliberations
9 whatsoever. That is his absolute right under the Fifth
10 Amendment.

11 And Madame Forelady, the burden rests on the State
12 to prove his guilt by proving each and every element
13 beyond a reasonable doubt of the crimes that he is
14 charged with. If any jurors wish to discuss the failure
15 to testify it will be your job to stop that, okay.

16 Now that is the general rules that define and
17 control your duties as jurors. I'm going to give you the
18 substantive law number one on assaulting an officer while
19 resisting arrest. I'll give you the law on the lesser
20 included charge of simple resisting of arrest without an
21 assault. I'll give you the law on possession with intent
22 to distribute marijuana and then I'll give you the lesser
23 included charge of simple possession of marijuana. And
24 I'll go over that on the verdict form in just a minute
25 again, okay. With that being said in this case the

State v Julius Manigault
Jury Charge
January 9, 2015

1 defendant is charged with assaulting a law enforcement
2 officer while resisting lawful arrest. The State must
3 prove beyond a reasonable doubt that the defendant
4 knowingly and willfully assaulted, beat, or wounded a law
5 enforcement officer who was serving, executing, or
6 attempting to serve or execute a legal writ or process or
7 that the defendant assaulted, beat or wounded an officer
8 when the defendant was resisting an arrest being made by
9 a person the defendant knew or reasonably should have
10 known was a law enforcement officer.

11 Knowingly means with knowledge, conscientiously
12 done. Willfully means done intentionally and not done by
13 accident. An assault occurs when a person violently or
14 forcefully attempts to hurt or injure another person and
15 has the present ability to complete the attempted injury.
16 An assault is the intentional creation of fear of
17 immediate bodily harm. It is not necessary that the
18 attempted injury or harm actually take place. For
19 example if I walk up to you and when we're within an
20 arm's reach I draw back to hit you that is an assault.

21 Next we have battery. Battery is the unlawful
22 touching of another person who has committed the assault.
23 An unlawful touching can be caused by a part of the
24 accused or by any object the accused puts in motion. A
25 battery is the completion of the assault by using or

State v Julius Manigault
Jury Charge
January 9, 2015

1 applying force to another person however slight in a
2 rude, angry, or resentful manner without legal
3 justification for doing so. So if you use my earlier
4 example if I carry through the assault by striking you
5 that is the battery.

6 Now a law enforcement officer means any duly
7 appointed or commissioned law enforcement officer of the
8 state, county, or municipality. Now ladies and gentlemen
9 if you find that the State has failed to prove beyond a
10 reasonable doubt that the defendant assaulted an officer
11 while resisting arrest you may consider whether the State
12 has proven the lesser included charge of simply resisting
13 arrest.

14 Resisting arrest does not include any assault on an
15 officer. The State must prove beyond a reasonable doubt
16 that the defendant resisted a lawful arrest being made by
17 a person the defendant knew or reasonably knew --
18 reasonably should have known was a law enforcement
19 officer.

20 Resist means to oppose, strive against, or obstruct.
21 Obstruct means to impede, hinder, or interfere with.
22 Even peaceful, nonviolent, indirect obstruction of an
23 arrest or the service or the execution of process is
24 considered resisting arrest. If the means used are
25 sufficient to prevent the officer from making an arrest

State v Julius Manigault
Jury Charge
January 9, 2015

1 the defendant is guilty of resisting arrest. That is the
2 law of resisting with assault and the lesser included of
3 a simple resisting.

4 The next will be possession with intent to
5 distribute marijuana. The defendant is charged with
6 possession with intent to distribute marijuana. The
7 state must prove beyond a reasonable doubt that the
8 defendant possessed marijuana with the intent to
9 distribute it. To prove possession the State must prove
10 beyond a reasonable doubt that the defendant had both the
11 power and the intent to control the disposition or use of
12 the marijuana.

13 Possession may be either actual or constructive.
14 Actual possessions means that the marijuana was in the
15 actual physical custody of the defendant. Constructive
16 possession means that the defendant had dominion and
17 control or the right to exercise dominion or control over
18 either the marijuana itself or the property on which the
19 marijuana was found.

20 However, mere presence at the scene where the drugs
21 were found is not enough to prove possession. The
22 defendant's knowledge and possession may be inferred when
23 the substance is found on the property under the
24 defendant's control. However this inference is simply an
25 evidentiary fact to be taken into consideration by you

State v Julius Manigault
Jury Charge
January 9, 2015

1 along with the other evidence in the case and to be given
2 the weight you decide it should have. I will charge that
3 two or more persons may have joint possession of a drug.
4 The State must also prove beyond a reasonable doubt that
5 the defendant intended to distribute the marijuana.
6 Distribute means to deliver other than by administering
7 or dispensing a drug. Intent may be shown by acts and
8 conduct of the defendant and other circumstances from
9 which you may naturally and reasonably infer intent.

10 In determining whether the defendant had the intent
11 to distribute the marijuana you may consider the
12 circumstances surrounding the defendant's alleged
13 possession. You may consider the amount of the substance
14 alleged to have been possessed, the manner in which it
15 was allegedly possessed, the place where it was allegedly
16 possessed and other factors which you consider to be
17 important. You must find that the defendant did not
18 intend to have the marijuana solely for his own use.

19 Now ladies and gentlemen if you find that the State
20 has failed to prove beyond a reasonable doubt that the
21 defendant is guilty of possession with intent to
22 distribute marijuana you may consider the lesser included
23 charge of whether or not the State has proven beyond a
24 reasonable doubt simple possession of marijuana. Simple
25 possession does not require an intent to distribute the

State v Julius Manigault
Jury Charge
January 9, 2015

1 marijuana. The State must prove beyond a reasonable
2 doubt that the defendant knowingly or intentionally
3 possessed marijuana. Knowing means with knowledge,
4 conscientiously not accidentally.

5 Intentionally means willfully intending the result
6 which actually occurs not accidentally or involuntarily.
7 Intent may be shown by acts and conduct of the defendant
8 and other circumstances from which you may naturally and
9 reasonably infer intent.

10 Now ladies and gentlemen, I know I have a cold and I
11 apologize. If you need me to go over that substantive
12 law with you any time and as many times as you would like
13 I'll be glad to, okay. With that being said that leads
14 me to the last part of the charge to you and that is some
15 considerations for your deliberations.

16 Number one, when you're selected as jurors you're
17 not selected to be partisans or advocates for one side or
18 the other. You were chosen by both sides because each
19 side believed you could be fair and impartial and make
20 your decision based on the testimony and evidence
21 presented to you and according to the law as I give to
22 you today. That means that when you go back and you
23 engage in your deliberations you should call upon your
24 experiences in life, your good common sense and your
25 sense of logic and reason in coming to the facts with a

State v Julius Manigault
Jury Charge
January 9, 2015

1 verdict that you intend to reach. Once you have done
2 that no one no matter what your verdict may be will have
3 cause to complain. Now deliberation is defined as this.
4 It's careful consideration weighing up with a view to a
5 decision.

6 Now regardless of what any of you may think about
7 our jury system I would submit to you that it allows 12
8 men and women like yourselves who come from different
9 walks of life, who have different experiences and
10 prospectives to listen to the evidence and the testimony,
11 to listen to the law, to go back and engage in meaningful
12 deliberations and ultimately and hopefully to reach a
13 unanimous verdict.

14 We call it deliberation for a reason. You should
15 not be in a hurry. This is the State's and the
16 defendant's only day in court. They do not get a second
17 bite at the apple therefore I'm going to ask you to go
18 back and thoroughly and conscientiously and courteously
19 go through all the evidence, discuss it with your fellow
20 jurors, listen to each other's prospective and their
21 points of view, go through and walk through the evidence.

22 Remember you are not advocates or partisans but you
23 are judges of the facts. Listen to everyone's points of
24 view but do not be afraid to change your opinion as to
25 the weight of the evidence if your deliberation consider

State v Julius Manigault
Jury Charge
January 9, 2015

1 you or makes you realize that's the thing to do. On the
2 other hand do not come to a decision merely to appease
3 your fellow jurors. You must make your own decision as
4 to the weight of the evidence before you can reach a
5 decision.

6 With that being said in order for your verdict to
7 stand it will need to be unanimous meaning all 12 of you
8 must agree on the verdict. But you can only do so after
9 you've thoroughly and calmly and courteously gone through
10 all the evidence, discussed it, and listened to
11 everybody's points of view.

12 Madame Forelady, if at any time you have any
13 questions if you would simply write what your question
14 is, sign it and knock on the door I will receive it back
15 here in the courtroom with the attorneys and we will
16 respond accordingly. If you need to review any of the
17 evidence in this case for example the video -- do we have
18 it set up so we can play it in the jury room or does it
19 have to be played out here do you know?

20 CLERK OF COURT: I'm not sure if the correct
21 program is on there. They can try it.

22 THE COURT: It may be. This is the second trial.
23 we've done this week. Earlier we had to bring the jury
24 back out to watch the video. We will check to see if we
25 can get it playable back there for you to play it at your

State v Julius Manigault
Jury Charge
January 9, 2015

1 own leisure. If not we'll just have to bring you back
2 out here to have it done in the courtroom. But again
3 once you make your decision, once your jury has reached a
4 unanimous verdict I'm going to ask that you sign the
5 verdict form, fold it, and return it to me.

6 But your options are as follows Madame Forelady.
7 The first two, one and two, are related, three and four
8 are related. The first is assault on a police officer
9 while resisting arrest. And the order in which these
10 appear is of no consequence. They have to be in some
11 order. Your options are number one as to the charge of
12 assault on a police officer we, the jury, unanimously
13 find the defendant not guilty. If that is your decision
14 you will simply check that area right next to that
15 option.

16 The other option as to the charge of assault on a
17 police officer while resisting arrest we, the jury,
18 unanimously find the defendant guilty. Again, if that is
19 your decision you will simply check that option. If you
20 find that the defendant is guilty of assault on a police
21 officer while resisting arrest you will not consider the
22 charge of resisting arrest.

23 Resisting arrest is what we call in the law a lesser
24 included charge. If and only if you do not find the
25 defendant guilty of assault on a police officer while

State v Julius Manigault
Jury Charge
January 9, 2015

1 resisting arrest then you will consider simply resisting
2 arrest. In that option your options are as to the lesser
3 included charge of resisting arrest we, the jury,
4 unanimously find the defendant not guilty or we, the
5 jury, unanimously find the defendant guilty. You check
6 the applicable box if and only if you find the defendant
7 not guilty of resisting arrest while committing an
8 assault.

9 Then you go to the next related charges. That is
10 possession with intent to distribute marijuana and the
11 lesser included charge is simple possession. Under
12 possession with intent your option would be to find him
13 not guilty or the second option would be we find him
14 guilty.

15 If you find him not guilty and only if you find him
16 not guilty with possession with intent to distribute then
17 you will consider simple possession. Then you will have
18 the same options. If you get confused send me a question
19 and I'll be glad to go back over it with you. I don't
20 think you will.

21 With that being said I'm going to send you back to
22 your jury room. I might ask that somebody check in just
23 a minute to see if we can -- before you go for the video.
24 And in just a minute our alternate, will you raise your
25 hand?

State v Julius Manigault
Jury Charge
January 9, 2015

1 [Whereupon, the alternate juror complies]

2 THE COURT: When I bring you back I'm going to ask
3 you to stay in the courtroom with us okay. If you will
4 just go back with your bailiff now and they're going to
5 check that computer.

6 [Whereupon, the jury exits at 10:55 a.m.]

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

State v Julius Manigault
Proceedings
January 9, 2015

1 THE COURT: Any additions or exceptions from the
2 State?

3 MS. YOUNG: None from the State, Your Honor.

4 THE COURT: From the defense?

5 MR. FRAYER: No, Your Honor.

6 THE COURT: Let me thank the attorneys for their
7 presentations in this case. There is going to be a
8 verdict one way or the other as a general rule. And I
9 want to tell you now before the verdict comes in both of
10 you or all of you were prepared and very professional and
11 you did a fine job so thank you very much. And I mainly
12 say that for you, okay.

13 MR. MANIGAULT: Yes, sir.

14 THE COURT: All right.

15 MS. YOUNG: Thank you, Your Honor.

16 MR. FRAYER: Thank you, Your Honor.

17 MS. NEWMAN: Thank you, Your Honor.

18 MR. MALLOY: Thank you, Your Honor.

19 THE COURT: Once we get him to check that computer
20 then we'll send back the exhibits and the verdict form
21 and you can tell them to begin their deliberations. I
22 think Mr. Callahan is checking that out.

23 MS. YOUNG: Your Honor, as far as the disk if that
24 helps when you go back when it pops up there are a lot of
25 things to click on and they need to click on the one that

State v Julius Manigault
Proceedings
January 9, 2015

1 says auto play and it will pull up the program.

2 THE COURT: Tell you what let's bring the jury back
3 in here. I'm going to let the attorneys go back there
4 and you set it up.

5 MS. YOUNG: Okay.

6 THE COURT: Then you tell me how to do that and
7 I'll tell them how to do it.

8 MS. YOUNG: Perfect.

9 [Whereupon, the jury enters at 10:59 a.m.]

10 THE COURT: All right. I'm going to ask the
11 attorneys and Mr. Callahan to go back and check that
12 video. What we're doing is we're going to go back and
13 put the video on the computer, I didn't want the
14 attorneys back there with you guys, to make sure that
15 it's operational and that you can use it at your leisure
16 back there, okay. We'll just be at ease.

17 [Whereupon, the attorneys and the clerk go to the
18 jury room to set up the video]

19 [Off the record momentarily]

20 CLERK OF COURT: Its working, Judge.

21 THE COURT: It is? All right, thank you. Madame
22 Forelady, they've moved you to another jury room. They
23 do have it operational so you're able to work it in the
24 jury room without having to come back. I'm going to ask
25 the Solicitor to stand up and tell us how to operate it.

State v Julius Manigault
Proceedings
January 9, 2015

1 Do you mind Ms. Frayer if she does that?

2 MR. FRAYER: I do not, Your Honor.

3 THE COURT: Very good. Go ahead, please ma'am.

4 MS. YOUNG: Thank you, Your Honor. It's already
5 open to the program. We already have it on there. You
6 just have to hit play. You can hit rewind any time you
7 want and start it over. If you want to view it full
8 screen instead of where you can the different in car
9 audio then you'll just do view full screen. If you want
10 to stop it you have to escape button and then press stop.

11 THE COURT: And Madame Forelady, if you have a
12 problem write us a note and we'll send somebody back
13 there with you present to show you how to do that okay.
14 Now our alternate I'm going to ask you to stay here with
15 us. Otherwise I'm going to get the jury to go back to
16 the jury room. Do not begin your deliberations yet until
17 we send you back the exhibits and the verdict form, okay.
18 Thank you very much.

19 [Whereupon, the jury exits at 11:05 a.m.]

20 THE COURT: If the attorneys will get the exhibits
21 and we'll get the bailiff to take them back and begin
22 their deliberations.

23 [Whereupon, all attorneys review the exhibits]

24 [Whereupon, evidence out to the jury at 11:07 a.m.]

25 [Whereupon, court is in recess]

State v Julius Manigault
Proceedings
January 9, 2015

1 THE COURT: We've got a question from the jury.
2 And it says may we have the tow sheet and police report.
3 Now I was talking to Judge Sprouse and it seems like Ms.
4 Frayer questioned about the tow sheet, marked it but
5 never introduced it is that correct?

6 MR. FRAYER: Right. Those items were not entered.

7 THE COURT: Okay. I'm just going to say all the
8 exhibits and evidence that is going to be admitted has
9 been and you have to make a decision based on what you've
10 got. Any objection to that?

11 MS. YOUNG: No, Your Honor.

12 THE COURT: Any objection from you Ms. Frayer?

13 MR. FRAYER: None.

14 THE COURT: Thank you. Would you bring the jury
15 in please?

16 [Whereupon, court's exhibit number 2 is marked by
17 the court reporter]

18 [Whereupon, the jury enters at 12:38 p.m.]

19 THE COURT: Madame Forelady and ladies and
20 gentlemen my understanding is the jury is requesting a
21 copy of the tow sheet and the police report is that
22 correct?

23 MADAME FORELADY: Yes, sir.

24 THE COURT: Let me explain to you under our rules
25 the only evidence you may consider is what you already

State v Julius Manigault
Proceedings
January 9, 2015

1 have. We're not allowed to supplement the record. If
2 it's not in there then we can't add it at this late date.
3 So you'll have to make your decision based on the
4 evidence in the jury room and what you have before you
5 okay. Now with that being said has everybody ordered
6 their lunch and gotten that taken care of?

7 [Whereupon, the jury indicates affirmatively]

8 THE COURT: Are you receiving what you need back
9 there?

10 MADAME FORELADY: Yes.

11 THE COURT: Other than the police report and tow
12 sheet?

13 MADAME FORELADY: Yes, sir.

14 THE COURT: Very good. Thank you, ma'am. If
15 you'll go back to your jury room and give us one second
16 to make sure I didn't say something incorrectly then
17 we'll send word for you to resume your deliberations
18 okay. Thank you.

19 [Whereupon, the jury exits at 12:40 p.m.]

20 THE COURT: Any additions or exceptions from the
21 State?

22 MS. YOUNG: No, Your Honor.

23 THE COURT: From the defense?

24 MR. FRAYER: No, Your Honor.

25 THE COURT: Very good. We'll be in recess. Be

State v Julius Manigault
Proceedings
January 9, 2015

1 somewhere close by where we can get in touch with you.
2 You know how juries are; they will generally ask another
3 question or two. Thank you.

4 MS. YOUNG: Thank you.

5 [Whereupon, court is in recess]

6 THE COURT: We got a question from the jury.
7 Here's what the question is. It says can we get
8 clarification on the defendant's control of the car's
9 contents. I'm not exactly sure what they're asking. It
10 would be my thought to ask the Forelady to explain what
11 she means. If we need to send the jury out, I don't know
12 if she is asking me to give my charge on actual versus
13 constructive possession or whether or not she is asking
14 me to comment on the facts or play testimony; I'm just
15 not sure. Do you feel comfortable Mr. Malloy going
16 forward?

17 MR. MALLOY: I do. Were you just going to tell
18 them they've got the evidence and can't ---

19 THE COURT: --- what I would suggest was ask the
20 Forelady to explain what she means by her request then we
21 will respond accordingly depending on what she says. Is
22 that all right with you?

23 MR. MALLOY: That's fine.

24 THE COURT: Is that all right with the State?

25 MS. YOUNG: Yes, Your Honor.

State v Julius Manigault
Proceedings
January 9, 2015

1 THE COURT: Bring the jury in please.

2 [Whereupon, the jury enters at 1:25 p.m.]

3 THE COURT: Ladies and gentlemen, Ms. Frayer is
4 upstairs doing another court. She is on her way down
5 just to let you know. I wasn't really sure what you were
6 asking me Madame Forelady. Do you mind just giving us a
7 further explanation of what the jury is requesting?

8 MADAME FORELADY: I think we have a question
9 concerning who has control and their responsibility of
10 their surroundings on this issue; the car specifically in
11 relationship to the intent and the contents within.

12 THE COURT: So under the charge of possession with
13 intent to distribute you're looking at the issue of
14 actual possession versus constructive possession is that
15 correct?

16 MADAME FORELADY: Yes.

17 THE COURT: Are you asking me to recharge what I
18 gave already or give you further definition of something
19 you do not have?

20 MADAME FORELADY: To recharge, yes. To read to us
21 what you gave us before.

22 THE COURT: Let me do this. It's not a very long
23 charge so I'm just going to recharge you the law on
24 possession with intent to distribute and let you decide
25 whether or not that responds to what you're asking for.

State v Julius Manigault
Jury Recharge
January 9, 2015

JURY RECHARGE

Ladies and gentlemen, the defendant is charged with possession with intent to distribute marijuana. The State must prove beyond a reasonable doubt that the defendant possessed marijuana with the intent to distribute it. To prove possession the State must prove beyond a reasonable doubt that the defendant had both the power and the intent to control the disposition or use of the marijuana.

Possession may be either actual or constructive. Actual means that the marijuana was in the actual physical custody of the defendant. Constructive possession means that the defendant had dominion and control or the right to exercise dominion or control over either the marijuana itself or the property on which the marijuana was found.

Mere presence at the scene where the drugs were found is not enough to prove possession. The defendant's knowledge and possession may be inferred when a substance is found on the property under the defendant's control. However this inference is simply an evidentiary fact to be taken into consideration by you along with the other evidence in the case and to be given the weight you decide it should have. Two or more persons may have joint possession of a drug. The State must also prove

State v Julius Manigault
Jury Recharge
January 9, 2015

1 beyond a reasonable doubt that the defendant intended to
2 distribute the marijuana. Distribute means to deliver
3 other than by administering or dispensing a drug. Intent
4 may be shown by acts and conduct of the defendant and
5 other circumstances from which you may naturally and
6 reasonably infer intent.

7 In determining whether the defendant had the intent
8 to distribute the marijuana you may consider the
9 circumstances surrounding the defendant's alleged
10 possession. You may consider the amount of the substance
11 alleged to have been possessed, the manner in which it
12 was allegedly possessed, the place where it was allegedly
13 possessed and other factors which you consider to be
14 important. You must find that the defendant did not
15 intend to have the marijuana solely for his own use.

16 Now Madame Forelady, check with your jury to see if
17 that answers the question the jury has.

18 [Whereupon, the jury confers]

19 THE COURT: Why don't you do this so you don't have
20 to sit there with us breathing down your throats. Why
21 don't you write further clarification down for us and you
22 can go back to the jury room and you can be enjoying your
23 lunch and then we'll bring you back. I hate for you to
24 feel like we're all breathing down your back while you're
25 getting clarification. Would you prefer to do that?

State v Julius Manigault
Jury Recharge
January 9, 2015

1 UNIDENTIFIED JUROR: I think we were all saying what
2 if the person responsible for the car being the driver
3 and what is the relationship of his responsibility to the
4 contents within the car.

5 THE COURT: Let me send you back to your jury room
6 anyway. I'm going to go over with these lawyers how we
7 need to respond to that. I don't want to do it sua
8 sponte without having the chance to have their input
9 okay. So what is the relationship to the driver of a
10 vehicle to the contents of the vehicle essentially is
11 what you're asking.

12 MADAME FORELADY: Yes.

13 THE COURT: Okay. We'll look and see and we'll
14 bring you back in just a few moments, okay.

15 [Whereupon, the jury exits at 1:30 p.m.]
16
17
18
19
20
21
22
23
24
25

State v Julius Manigault
Proceedings
January 9, 2015

1 THE COURT: I'm not aware of any law that says the
2 driver is responsible for the contents. So the question
3 really is if they determine -- they have to determine
4 whether or not the defendant's use of that vehicle was
5 sufficient to establish dominion and control over the
6 vehicle under the facts and circumstances of this case
7 and it's up to them to decide. Do you agree or disagree?

8 MS. YOUNG: I agree that it's just a factual
9 question.

10 MR. FRAYER: Yes, it's a factual question.

11 THE COURT: So if I go -- I just want to make sure
12 I get it in my mind so ladies and gentlemen what you're
13 really asking is a factual question and it's up to you to
14 determine whether or not the defendant's use and
15 possession of the vehicle was sufficient to establish
16 dominion and control over the marijuana found within the
17 vehicle. Agree or disagree?

18 [Whereupon, all counsel confer]

19 THE COURT: And I'm open to any other suggestions.

20 MS. YOUNG: What was the exact question, Your
21 Honor? I'm sorry I did not write it down.

22 [Whereupon, the court provides the jury note to Ms.
23 Young]

24 THE COURT: Let Ms. Frayer see it too if you don't
25 mind?

State v Julius Manigault
Proceedings
January 9, 2015

1 [Whereupon, Ms. Young and Ms. Frayer review note]

2 MS. YOUNG: The only thing I would suggest is that
3 the defendant's control of the car's content is a
4 question of fact and that would be our request of how it
5 is answered.

6 THE COURT: So you're asking me to say whether or
7 not the defendant -- what's the difference in saying this
8 because the jury I can tell is struggling a little bit
9 about what they're doing and that's -- if I say ladies
10 and gentlemen, the question of whether or not the
11 defendant's use of this vehicle was sufficient to
12 establish dominion and control over the marijuana found
13 inside the vehicle is a question of fact for you to
14 determine. Is there any problem with that or is that...

15 [Whereupon, all counsel confer]

16 THE COURT: How about constructive possession is
17 what you're asking is a question of fact of whether or
18 not his use of this vehicle in the circumstances of this
19 case is sufficient to establish dominion and control over
20 the marijuana.

21 MS. YOUNG: Yes, I think that -- otherwise if
22 you're just saying -- I think otherwise it lends more
23 weight toward --

24 THE COURT: Ma'am?

25 MS. YOUNG: I like the second way you worded it.

State v Julius Manigault
Proceedings
January 9, 2015

1 MR. FRAYER: Can you repeat?

2 THE COURT: Let me try. So ladies and gentlemen
3 constructive possession is a question of fact. It is up
4 to you to determine whether the defendant's use of the
5 vehicle under the facts of this case was sufficient to
6 establish dominion and control over the marijuana found
7 in the vehicle.

8 I think what they're really asking is a matter of
9 law. If Lawton McIntosh is driving Scott Sprouse's
10 vehicle is he bound by what is found inside the vehicle.

11 MR. MALLOY: I would ask for something saying that
12 the use is not conclusive of the possession to make sure
13 that's not -- that they wouldn't think oh, it can be
14 considered his ---

15 THE COURT: --- I know you want me to comment on
16 the facts. There is no law that establishes any rule
17 other than...

18 MR. MALLOY: We could just give them a vague you
19 have the facts. This is a question of fact for you to
20 consider. I can tell they're struggling too.

21 THE COURT: So tell me again what you're asking me
22 to include? Your suggestion sounded like a comment on
23 the facts and I'm a little concerned about that.

24 MR. MALLOY: I just don't want them to think the
25 use means that they possess everything in the vehicle --

State v Julius Manigault
Proceedings
January 9, 2015

1 found in the vehicle. It is a fact to be considered. I
2 wouldn't want them to think that -- it seems like they
3 want to know if there is a rule saying if you're the
4 driver then you possess all the drugs in the car.

5 THE COURT: That's what they're really asking is
6 what I think.

7 MR. MALLOY: I would not want them to think -- I
8 think it's fair just saying that it is a fact for you to
9 consider the fact that he was the driver. I just
10 wouldn't want them to think oh, well that must be the
11 rule then.

12 MS. YOUNG: I think the surrounding circumstances
13 encompass other -- not just the use of the vehicle.

14 THE COURT: Speak to me so I can hear you please.

15 MS. YOUNG: I think the way you phrased it using
16 circumstances that encompasses all the factors which is
17 the charge that was given.

18 THE COURT: My concern is I don't mind trying to
19 clarify there is no black and white rule here.
20 Constructive possession is a question of fact. When you
21 put it that way there is no black and white rule here.
22 Is there any problem with that?

23 MR. MALLOY: I think that's exactly what they're
24 asking ---

25 THE COURT: --- sure ---

State v Julius Manigault
Proceedings
January 9, 2015

1 MR. MALLOY: --- and I think that would kind of ---

2 THE COURT: --- does anybody have ---

3 MR. MALLOY: --- answer the question ---

4 THE COURT: --- a problem with me adding there is
5 no black and white rule here. Constructive possession is
6 a question of fact and it's up to you etcetera, etcetera.
7 Is that okay?

8 MS. YOUNG: No objection.

9 THE COURT: Okay. Would you bring the jury in
10 please?

11 [Whereupon, court's exhibit number 3 is marked by
12 the court reporter]

13 [Whereupon, the jury enters at 1:42 p.m.]

14 THE COURT: All right ladies and gentlemen, to
15 respond to your last request from the jury let me just
16 point out to you that there is not a black and white rule
17 here, what you're looking at is constructive possession
18 and that is a question of fact. It is up to you in your
19 deliberations to determine whether or not the defendant's
20 use of the vehicle under the facts of this case was
21 sufficient to establish dominion and control over the
22 marijuana that was found inside the vehicle, okay.

23 There is not a black and white rule; it's a question
24 of fact. I'm going to send you back. Don't begin your
25 deliberations. I'm going to check with these attorneys

State v Julius Manigault
Proceedings
January 9, 2015

1 and then we'll send word back to you. Is that an answer
2 -- I know you wanted to have a more definitive answer but
3 is that answer what you're asking Madame Forelady?

4 MADAME FORELADY: I think so.

5 THE COURT: Okay. So if you would wait one word
6 from us then hold up your deliberations, have a little
7 bit of your lunch and we'll send word back real quick
8 okay. Thank you, ma'am.

9 [Whereupon, the jury exits at 1:45 p.m.]

10 THE COURT: Any additions or exceptions from the
11 State?

12 MS. YOUNG: The only thing I would add is that it
13 is also the other circumstances of the case to whether he
14 had dominion or control.

15 THE COURT: I did say under the circumstances of
16 this case didn't I? Under the facts of this case.

17 MS. YOUNG: I'm sorry, Your Honor.

18 THE COURT: I said it's up to you to determine
19 whether the defendant's use of the vehicle under the
20 facts of this case ---

21 MS. YOUNG: --- I'm sorry, Your Honor, I missed
22 that. No objection then.

23 THE COURT: I sound like I'm as hoarse as a whale
24 so I'm sorry. Any objection from the defense?

25 MR. FRAYER: None, Your Honor.

State v Julius Manigault
Proceedings
January 9, 2015

1 THE COURT: Thank you guys. Y'all can be at ease
2 and we'll get in touch.

3 [Whereupon, court is in recess]

4 THE COURT: We have a verdict. Would you bring the
5 jury in please, ma'am?

6 [Whereupon, the jury enters at 2:16 p.m.]

7 THE COURT: Madame Forelady, my understanding is
8 the jury has reached a verdict is that correct?

9 MADAME FORELADY: We did, Your Honor.

10 THE COURT: And is it unanimous?

11 MADAME FORELADY: It is, Your Honor.

12 THE COURT: Would you pass it to the bailiff please
13 ma'am.

14 [Whereupon, Madame Forelady complies]
15
16
17
18
19
20
21
22
23
24
25

State v Julius Manigault
Verdict
January 9, 2015

1 VERDICT

2 CLERK OF COURT: The verdict in the matter of the
3 State of South Carolina versus Julius Quintez Manigault
4 as to the charge of assault on a police officer while
5 resisting arrest indictment number 2014-GS-10-1010 we,
6 the jury, unanimously find the defendant guilty.

7 As to the charge of possession with intent to
8 distribute marijuana indictment number 2014-GS-10-1009
9 we, the jury, unanimously find the defendant guilty.
10 Signed by the Foreperson of the jury on January the 9th,
11 2015.

12 Ladies and gentlemen of the jury if this was your
13 verdict please raise your right hand.

14 [Whereupon, all jurors raise their right hand]

15 CLERK OF COURT: Thank you. Please let the record
16 reflect that all 12 jurors raised their right hand.

17 THE COURT: Very good. Ladies and gentlemen, the
18 court is never concerned with what your verdict is but
19 that you paid attention and you did your job as jurors.
20 You certainly did that in this case.

21 I thank you for your service to Charleston and to
22 the State of South Carolina.. I know it's never easy to
23 sit in judgment of your fellow man or women but it is
24 something that is necessary in order to enforce the rule
25 of law. That being said the good thing is you can't be

State v Julius Manigault
Verdict
January 9, 2015

1 called back for three years to state court. Madame
2 Forelady, I'm going to ask that you sign the indictments
3 with our clerk before you leave. Other than that you are
4 excused for the remainder of the week but we do thank you
5 for your service. Thank you very much.

6 [Whereupon, the jury is excused and exits and 2:18
7 p.m.]

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

State v Julius Manigault
Sentencing
January 9, 2015

1 SENTENCING

2 THE COURT: Mr. Manigault, will you come around with
3 your attorney, please sir?

4 [Whereupon, the defendant comes forward with his
5 attorney]

6 MS. YOUNG: Your Honor, may we approach?

7 THE COURT: Yes, ma'am.

8 [Whereupon, an off the record bench conference is
9 held]

10 THE COURT: Let's go ahead and place this on the
11 record. Ms. Young, at the bench conference you told me
12 that the possession with intent to distribute marijuana
13 was actually his third offense?

14 MS. YOUNG: That's correct, Your Honor.

15 THE COURT: Okay. He previously had one
16 uncounseled offense where he had a fine?

17 MS. YOUNG: That's correct.

18 THE COURT: And then what was the next one please?

19 MS. YOUNG: The other one would be a 2010
20 possession with intent to distribute marijuana -- excuse
21 me, 2012.

22 THE COURT: 2012? So this is the third. And the
23 range is five to?

24 MS. YOUNG: Five to 20 years, Your Honor.

25 THE COURT: To 20 and the five is non-suspendable?

State v Julius Manigault
Sentencing
January 9, 2015

1 MS. YOUNG: Because he does have a prior P-W-I-D it
2 is not suspendable.

3 THE COURT: Okay. Do you agree or disagree with
4 that Ms. Frayer?

5 MR. FRAYER: I agree that this would be a third
6 under -- his third drug offense, Your Honor.

7 THE COURT: Okay. Do you agree or disagree that
8 the five would be non-suspendable?

9 MR. FRAYER: I am trying to find that right now.
10 [Whereupon, Ms. Frayer reviews documents]

11 THE COURT: Okay. Do you have that under your
12 black book you have over there, Ms. Young?

13 MS. YOUNG: Your Honor, I can grab that right now.

14 THE COURT: In addition while she is looking that
15 up do you agree with me Ms. Frayer that the assault on a
16 police officer carries zero to ten?

17 MR. FRAYER: Yes, sir.

18 [Whereupon, Ms. Frayer and Ms. Young confer]

19 MR. FRAYER: Your Honor, we're clear --

20 THE COURT: Ma'am?

21 MR. FRAYER: We're clear.

22 THE COURT: Okay. So you agree that the five is
23 non-suspendable?

24 MR. FRAYER: Yes, Your Honor, due to the prior
25 possession with intent to distribute.

State v Julius Manigault
Sentencing
January 9, 2015

1 THE COURT: Okay. Would you give me Mr.
2 Manigault's entire prior record please, ma'am?

3 MS. YOUNG: Yes, Your Honor. May it please the
4 court? 2010 possession of marijuana second offense,
5 2011 possession of marijuana second offense; three counts
6 of that, 2012 trespassing, possession with intent to
7 distribute marijuana, and possession of cocaine.

8 THE COURT: Ms. Frayer, has your client ever spent
9 any time in the penitentiary?

10 [Whereupon, Ms. Frayer confers with her client]

11 THE COURT: No?

12 MR. FRAYER: No, Your Honor.

13 THE COURT: Have you ever spent any time more than
14 30 days or so in the County Detention Center?

15 MR. FRAYER: Yes, Your Honor.

16 THE COURT: It's a shame he hasn't spent a little
17 more time; maybe he would have thought twice about doing
18 this. All right Ms. Frayer, I'll be glad to listen to
19 what you have to say. Do you have the sentencing sheet
20 to pass up?

21 MS. YOUNG: I do, Your Honor. I am signing it
22 right now.

23 THE COURT: Okay.

24 [Whereupon, Ms. Young provides documents to the
25 court]

State v Julius Manigault
Sentencing
January 9, 2015

1 MR. FRAYER: Thank you, Your Honor. May it please
2 the court?

3 THE COURT: Yes, ma'am.

4 MR. FRAYER: Mr. Manigault is born and raised in
5 Charleston. He completed up to the 11th grade, Your
6 Honor.

7 THE COURT: The 11th?

8 MR. FRAYER: Yes, sir.

9 THE COURT: Does he have a G-E-D?

10 MR. FRAYER: No, sir.

11 [Whereupon, Ms. Frayer confers with her client]

12 MR. FRAYER: He told me he just recently got his
13 G-E-D.; I'm sorry.

14 THE COURT: Okay.

15 MR. FRAYER: Your Honor, he is now 23 years old, a
16 lifetime resident of Charleston. He has formerly worked
17 and done work in restaurant work. He's also done work as
18 janitorial type work and landscaping, Your Honor. Mr. --
19 the most important thing that Mr. Manigault wants me to
20 let the court know today is that he is not a violent
21 person. That this is something -- listening to his past
22 record doesn't have any crimes of a violent nature as far
23 as assaults on that record. He agrees that he's worked
24 at Dial America and stuff like that in 2012. He is able
25 to be productive in society. This is an unfortunate

State v Julius Manigault
Sentencing
January 9, 2015

1 situation for Mr. Manigault that got out of hand; he
2 acknowledges that. He wants the court to know that he
3 did not -- he understands that the jury and he respects
4 their decision here today, however he wants the court to
5 know that he did not intend to injure Officer Greenawalt
6 at all. He did want the court to know that.

7 THE COURT: Mr. Manigault when is the last time --
8 you dropped out in the 11th grade so that would put you
9 about 17 is that about right?

10 MR. MANIGAULT: Seventeen or eighteen -- I didn't
11 drop out --

12 THE COURT: I need you to speak up a little bit.

13 MR. MANIGAULT: I never dropped out. I got in a
14 situation that had totally nothing to do with me and I
15 missed graduation. That was the 12th grade; I just
16 completed the 11th grade.

17 THE COURT: I got you. So you were around 18 years
18 old?

19 MR. MANIGAULT: Yes, sir.

20 THE COURT: And now you're 23 so the last five
21 years I've heard some of the stuff you've done but have
22 you worked at any type of job where they are reporting or
23 withholding taxes for like a year or more?

24 MR. MANIGAULT: Was I working there for a year or
25 more?

State v Julius Manigault
Sentencing
January 9, 2015

1 THE COURT: Yes, sir.

2 MR. MANIGAULT: I have but see when I was working
3 with like the janitorial it was kind of extended -- it
4 was under the table jobs. I never even got taxes. I
5 have a child -- then at Dial America did.

6 MR. FRAYER: At Dial America they would have
7 withheld taxes.

8 THE COURT: You said you have a child?

9 MR. MANIGAULT: I have a child, yes.

10 THE COURT: How many children do you have?

11 MR. MANIGAULT: Two.

12 THE COURT: Two?

13 MR. MANIGAULT: Yes, sir.

14 THE COURT: What are their ages?

15 MR. MANIGAULT: Seven and two.

16 THE COURT: Seven and two?

17 MR. MANIGAULT: Yes, sir.

18 THE COURT: Do they live in your household?

19 MR. MANIGAULT: Well...

20 THE COURT: Not really?

21 MR. MANIGAULT: I live there but it's not my house.
22 They are being taken care of.

23 THE COURT: But you stay at that place?

24 MR. MANIGAULT: Yes, sir.

25 THE COURT: Do you understand when we were saying

State v Julius Manigault
Sentencing
January 9, 2015

1 the non-suspendable the drug part -- I don't know if the
2 officer heard you or not but he was apologizing. He said
3 he didn't mean to hurt you. But the drug charge itself
4 makes the minimum non-suspendable. That's the minimum I
5 can sentence you. Do you understand that?

6 MR. MANIGAULT: Yes, sir.

7 THE COURT: Officer, you were the victim.
8 Technically you have a right to speak. Would you like to
9 say anything?

10 OFFICER GREENAWALT: Yes, Your Honor.

11 THE COURT: Okay.

12 OFFICER GREENAWALT: May it please the court? I
13 understand he is saying he's sorry and everything but
14 with the prior record and in dealing with Mr. Manigault
15 himself I have no ill will towards him. I signed up to
16 do this job. I'm out there protecting the community
17 doing what I do. I've done it for the last 12 years and
18 love doing it. I have no hard feelings towards Mr.
19 Manigault. He felt he needed to do what he needed to do
20 that night and I did the same.

21 So however, in saying that, I feel safer knowing
22 that my kids and the kids of the other people in this
23 community don't have to deal with people like that on the
24 street. He has a prior drug record and he doesn't seem
25 to want to stay away from that. Thank you.

State v Julius Manigault
Sentencing
January 9, 2015

1 THE COURT: Anything further from the defense?

2 MS. YOUNG: Your Honor, if I may comment.

3 THE COURT: I'm going to give you a chance Ms.
4 Young.

5 MS. YOUNG: Okay. Thank you.

6 MR. FRAYER: I think Mr. Manigault wanted to
7 address the court.

8 THE COURT: Okay. Would you speak louder so I can
9 hear you?

10 MR. MANIGAULT: Yes, sir. I just wanted y'all to
11 know -- I apologize for everything; any kind of problems
12 I caused. I was -- it was -- some of it out of fear you
13 know what I mean. I know drugs when I say you been doing
14 drugs ain't good you see what I'm saying. But I was just
15 in the wrong situation you know what I'm saying. Like
16 that wasn't even my car you know what I'm saying. I was
17 driving it for the next person. You know -- like I said
18 I don't understand. I just want y'all to know I
19 understand what I did is wrong and I know that I got to
20 own up to it and I apologize with all my heart.

21 THE COURT: Thank you, sir. All right Ms. Young?

22 MS. YOUNG: Thank you, Your Honor. May it please
23 the court? I didn't mention earlier the other pending
24 charges with our office right now are possession with
25 intent to distribute cocaine base second offense,

State v Julius Manigault
Sentencing
January 9, 2015

1 possession with intent to distribute marijuana third
2 offense, unlawful carrying of a firearm, and possession
3 with intent to distribute marijuana third offense.

4 Before this trial started we originally -- the
5 original offer for the court's record was a negotiated
6 eight year sentence. That was turned down. Now looking
7 at this case you see the facts of the case this defendant
8 is a drug dealer. It's evident from his record and from
9 his pending charges with our office.

10 With that said he's also violent. I think a message
11 needs to be sent to Mr. Manigault and I think somewhere
12 towards the maximum sentence. I don't think -- I think
13 anything lower than ten years would be inappropriate ---

14 THE COURT: --- that is my discretion. Thank you.

15 MS. YOUNG: Thank you.

16 THE COURT: Anything further?

17 MR. FRAYER: Nothing further, Your Honor.

18 [Whereupon, the court reviews documents]

19 THE COURT: This will be the decision of the court.
20 Under indictment 2014-1009 possession with intent to
21 distribute marijuana the sentence will be ten years
22 suspended on five years with five years probation. While
23 you are on probation you will get your G-E-D unless you
24 already have it. You'll go to Voc Rehab unless you are
25 employed at a full-time job where you have taxes reported

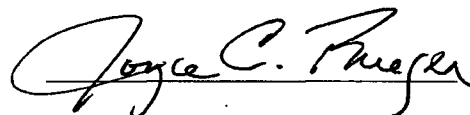
State v Julius Manigault
Certificate of the Court Reporter
January 9, 2015

C E R T I F I C A T E

I, the undersigned, Joyce C. Rueger, Official
Circuit Court Reporter for the Ninth Judicial Circuit of
the State of South Carolina, do hereby certify that the
foregoing is a true, accurate, and complete Transcript of
Record of the proceedings had and evidence introduced in
the trial of the captioned case, relative to appeal, in
the Court of General Sessions for Charleston County,
South Carolina on the 9th day of January, 2015.

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

March 7, 2015


Joyce C. Rueger, CVR-M
Court Reporter

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

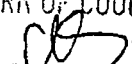
IN THE COURT OF GENERAL SESSIONS
FOR THE NINTH JUDICIAL CIRCUIT

Indictment No.: 2014-GS-10-1010DI

Charge.: Assault on Officer While Resisting
Arrest

2015 JAN 20 PM 4:12

STATE OF SOUTH CAROLINA

JULIUS MANIGAULT
CLERK OF COURT
Plaintiff,
BY 

MOTION FOR RECONSIDERATION
OF SENTENCE

vs.

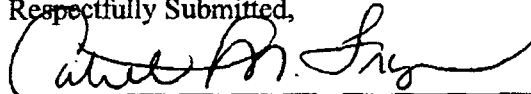
JULIUS MANIGAULT,

Defendant.

PLEASE TAKE NOTICE that the above-captioned defendant, by and through the undersigned attorney, moves this Honorable Court for a reconsideration of the sentence imposed upon the defendant January 9, 2015 by the Honorable R. Lawton McIntosh, pursuant to the above-mentioned charge.

The within motion will be made upon the grounds that the sentence imposed is unnecessarily severe under the circumstances. There was no evidence presented at trial that the officer was seriously injured; in fact, the officer testified that he received a cut on his finger that did not require any additional medical treatment. It is also made upon such other and further grounds as may be hereinafter presented.

Respectfully Submitted,



Cantrell M. Frayer
Assistant Public Defender
Attorney for Julius Manigault

Charleston, South Carolina

Dated: January 20, 2015

KFN20131007912

WITNESSES

North Charleston Police Department

AGENCY CASE NUMBER

2013036097

ARREST WARRANT NUMBER

DIRIND2069

DATE OF ARREST

February 3, 2014

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

JAN 15 2014

VERDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2014GS1001009

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

February Term 2014

THE STATE

vs.

JULIUS QUINTEZ MANIGAULT

DOB: [REDACTED]

B/M

Indictment for

Possession with the Intent to Distribute
Marijuana**FILED**

1/27/2014 1:52:13 PM

JULIE J. ARMSTRONG

CLERK OF COURT

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

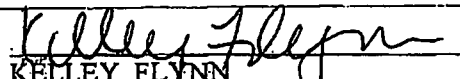
INDICTMENT

At a Court of General Sessions, convened on February 3, 2014 the Grand Jurors of Charleston County present upon their oath:

Possession with the Intent to Distribute Marijuana

That in Charleston County, South Carolina, on or about October 16, 2013, the Defendant, JULIUS QUINTEZ MANIGAULT, did manufacture, distribute, dispense, deliver, purchase; or did aid, abet, attempt, or conspire to manufacture, distribute, dispense, deliver, or purchase; or did possess with the intent to manufacture, distribute, dispense, deliver, or purchase a controlled substance or a controlled substance analogue, to wit: marijuana; in violation of 44-53-370 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


KELLEY FLYNN
ASSISTANT SOLICITOR

KFN20131007912

WITNESSES

North Charleston Police Department

AGENCY CASE NUMBER

2013036097

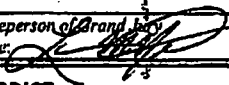
ARREST WARRANT NUMBER

DIRIND2070

DATE OF ARREST

February 3, 2014

ACTION OF GRAND JURY

TRUE BILLForeperson of Grand Jury
Date: 

JAN 15 2014

VERDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2014GS1001010

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

February Term 2014

THE STATE

vs.

JULIUS QUINTEZ MANIGAULT

DOB: 

B/M

Indictment for

Assault on Police While Resisting Arrest

FILED

1/27/2014 1:52:13 PM

JULIE J. ARMSTRONG

CLERK OF COURT

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

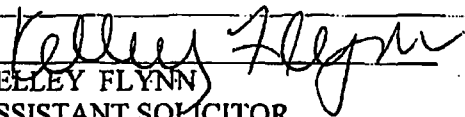
INDICTMENT

At a Court of General Sessions, convened on February 3, 2014 the Grand Jurors of Charleston County present upon their oath:

Assault on Police While Resisting Arrest

That in Charleston County, South Carolina, on or about October 16, 2013, the Defendant, JULIUS QUINTEZ MANIGAULT, knowingly and willfully did assault, beat, or wound Officer Greenawalt, a law enforcement officer of this State, while resisting the efforts of the officer to make a lawful arrest of the defendant, when he knew or reasonably should have known that Officer Greenawalt, was a law enforcement officer, in violation of Section 16-9-320(b), of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


KELLEY FLYNN
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

281

COUNTY OF Charleston
 STATE VS.
JULIUS QUINTEZ MANIGAULT

AKA: _____
 Race: BLACK Sex: M Age: 23
 DOB: [REDACTED] SS#: [REDACTED]
 Address: _____
 City, State, Zip: _____
 DL#: _____ SID#: _____

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was
 TO: PWID/Dist. of Marijuana or other Sch. I, II, III drug, 3rd Offense

INDICTMENT/CASE#: 2014GS1001009
 A/W#: DIRIND2069
 Date of Offense: 10/6/2013
 S.C. Code §: 44-53-0370(b)(2)
 CDR Code #: 0188

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 44-53-0370(b)(2) of the S.C. Code of Laws, bearing CDR Code # 0188
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
 w/minor 1st or Lewd Act)

The 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: Kelley Yorney 100083
Young, Kelley 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 _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of 5 days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*, the balance is suspended with probation for 5

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 ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine: _____ \$

§ 14-1-206 (Assessments 107.5%) _____ \$

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$

§ 56-5-2995 (DUI Assessment) \$12 \$

§ 56-1-286 (DUI Breath Test) \$25 \$

Proviso 47.9 (Public Def/Prob) \$500 \$ 500.00

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§ 14-1-213 (Drug Court Surcharge) \$150 \$ 150.00

§ 50-21-114(BUI Breath Test Fee) \$50 \$

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$

Proviso 90.5 (SCCA Surcharge) \$5 \$ 5.00

3% to County (if paid in installments) \$ 23.40

TOTAL \$ 803.40

Clerk of Court/ Deputy Clerk: [Signature]

Court Reporter: Soyce Rueger

SCCA/217 (03/2011)

PTUP _____

_____ days/hours Public Service Employment

Obtain GED ☒ Cummins has on his t.t. employed

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 \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: Defendant shall seek employment and

every week, shall monitor his record

of his search - name, number, parol. in

Sought. Probate is to check on job

Search efforts

☐ Appointed PD or appointed other counsel,

§ 47-12 requires \$300 be paid to Clerk

during probation.

Presiding Judge [Signature]

Judge Code: 2155

Sentence Date: 1-9-15

STATE OF SOUTH CAROLINA

COUNTY OF Charleston
 STATE VS.
JULIUS QUINTEZ MANIGAULT

AKA:

Race: BLACK Sex: M Age: 23DOB: SS#:

Address:

City, State, Zip:

DL#: SID#:*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was
 TO: Assaulting a Police Officer While Resisting Arrest

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2014GS1001010A/W#: DIRIND2070Date of Offense: 10/16/2013S.C. Code §: 16-09-0320(B)CDR Code #: 0256

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADSin violation of § 16-09-0320(B) of the S.C. Code of Laws, bearing CDR Code # 0256

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
 w/minor 1st or Lewd Act)

The 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:

Young, Kelley 100083 SC Bar# 100083 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 9 days/months/years or ☐ under the Youthful Offender Act not to exceed 9 years
 and/or to pay a fine of \$ 0; provided that upon the service of 0 days/months/years and/or payment
 of \$ 0; plus costs and assessments as applicable*; the balance is suspended with probation for 0 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 § 24-19-40 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 ☐ Ordered PTUPTotal: \$ 0 plus 20% fee: \$ 0

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:	\$
§ 14-1-206 (Assessments 107.5 %)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100
§ 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
§ 14-1-212 (Law Enforce. Funding)	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150
§ 50-21-114(BUI Breath Test Fee)	\$50
§ 56-5-2942(I) (Vehicle Assessment)	\$40/ea
Proviso 90.5 (SCCJA Surcharge)	\$5
3% to County (if paid in installments)	\$
TOTAL	\$ <u>133.90</u>

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

0 days/hours Public Service EmploymentObtain GED ☒ (includes 415 org)

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 \$ 0 beginning\$ 0 paid to Public Defender FundOther: 0

☐ Appointed PD or appointed other counsel,
 § 47.12 requires \$500 be paid to Clerk
 during probation.

Presiding Judge

Judge Code:

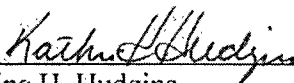
Sentence Date:

2153
1-9-15

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."

September 10th, 2015



Kathrine H. Hudgins
Appellate Defender

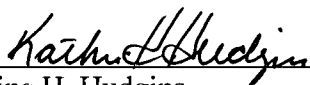
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

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."

September 10th, 2015



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