

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Florence County

Honorable G. Thomas Cooper, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DEMETRIK MAURICE CEASER,

APPELLANT

APPELLATE CASE NO. 2016-000176

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THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

STATE'S EXHIBIT NOS. 1-12 (COLOR PHOTOGRAPHS)

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State of South Carolina	)	Court of General Sessions
	)	Twelfth Judicial Circuit
County of Florence	)	Case No. 2014-GS-21-00934

State of South Carolina,	)	
	)	
Plaintiff,	)	
	)	
--vs--	)	Transcript of Record
	)	
	)	
Demetrik M. Ceaser,	)	
	)	
Defendant.	)	
	)	

January 19-20, 2016
 Florence, South Carolina

B E F O R E:

The Honorable G. Thomas Cooper, Judge

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

Catherine Wyse, Esquire
 Lauren Hummel, Esquire
 Attorneys for the Plaintiff

Daniel Jordan, Esquire
 Attorney for the Defendant

Krystal J. Smith
 Court Reporter

1 course of the trial, please notify one of the bailiffs. If
2 you do need to contact me, it may be necessary for you to put
3 that -- any question you may have in writing so we can have a
4 record of it, and I'll respond to you as quickly as I can to
5 the extent the law permits me to do so.

6 All right. Ladies and gentlemen, I want to thank you for
7 your kind attention. I trust you will give the same kind and
8 undivided attention to the attorneys and parties in the case
9 and we'll now begin with the opening statements. Those of --
10 go ahead. Those of you who would like pads and pencils,
11 please raise your hand.

12 Thank you. Thank you very much, ma'am.

13 THE BAILIFF: You're welcome.

14 THE COURT: All right. Solicitor, you may begin with
15 your opening remarks.

16 MS. HUMMEL: Thank you, Your Honor. May it please the
17 Court. Mr. Jordan.

18 OPENING STATEMENT ON BEHALF OF THE STATE

19 MS. HUMMEL: Ladies and gentlemen of the jury, this case
20 -- the incident that is involved with this case occurred on
21 March 29th, 2014. Ms. Kerile Gerald and her mother, Carol
22 Gerald, were on their way to take the baby, G. ,
23 to see her father, the defendant in this case, Mr. Ceaser.
24 They arrived at his home, but then they were informed by Mr.
25 Ceaser that he didn't have any food for the baby.

1 So he gave them his debit card and they went to KFC to go
2 and pick up some food and a drink for the baby. They did that
3 and then they came back. When they came back, Ms. Kerile
4 Gerald and the defendant got into an argument. The defendant,
5 Mr. Ceaser -- he ended up throwing the tea -- the cup of tea
6 that they had just gotten from KFC, on Ms. Kerile, and then he
7 took his fist and he punched her in the face with such great
8 force that he caused her to black out and fall to the ground.

9 So she's on the ground, completely out, just laying
10 there. Ms. Carol Gerald -- at that time, she's in the
11 driver's seat of the car. Of course, she gets out. She wants
12 to check on her daughter to see if she's okay. She comes
13 over.

14 The defendant, who was holding the one-year-old child
15 G. at the time he hit Ms. Kerile, is still holding the
16 child in his arms. Ms. Carol comes. She grabs her shoe and
17 attempts to throw it at him to get him to stop, to try to
18 distract him. It misses him. She throws it on the side where
19 the baby isn't being held and it misses him.

20 She grabs a hold of his collar and then he starts to
21 punch her repeatedly, numerous times in her face. At some
22 point, she falls down and loses her footing and she's on the
23 ground, and then he starts to kick her numerous times while
24 she's on the ground. At some point in this process, the
25 defendant has dropped little G. , the baby girl, and she

1 falls on the ground.

2 Ms. Kerile -- she miraculously comes to and she crawls,
3 trying to find the baby, trying to make sure that the baby is
4 okay, little baby G. . At this time, the defendant is
5 still kicking Ms. Carol Gerald numerous times.

6 Finally, Ms. Carol just says it's finished. It's
7 finished. And it's at that point that the defendant stops,
8 and Ms. Kerile and Ms. Carol Gerald take little G. and
9 they're able to make it away from the scene, away from his
10 house, and it's at that point after they've already left the
11 scene they call 9-1-1.

12 They come back to the house later after they've been told
13 that law enforcement has arrived. Protection is there. They
14 speak with law enforcement. Law enforcement investigates the
15 case.

16 Ms. Carol and Ms. Kerile have visible injuries to their
17 faces and so they are sent to the emergency room where they
18 are told that they both have suffered fractures to their face.
19 Not simply bruises, not simply lacerations, but fractures to
20 the face.

21 Now, fortunately, little baby G. -- she didn't
22 have any physical injuries, but after that night or after that
23 day, after that incident occurred, she began to cry and fight
24 in her sleep, had nightmares. She wasn't physically injured,
25 but she suffered something mental as a result of what happened

1 that day.

2 The defendant in this case -- as Judge Cooper has told
3 you, he's charged with three charges: criminal domestic
4 violence of a high and aggravated nature, assault and battery
5 second degree, and unlawful conduct toward a child. Now, as
6 Judge Cooper told you, he is going to explain to you the law
7 that applies to those charges. I just want to give you a
8 brief overview of what the elements are so that you know what
9 to look for throughout this trial.

10 As far as criminal domestic violence of a high and
11 aggravated nature goes, we as the State have to establish that
12 the defendant, Mr. Ceaser, committed an assault and battery
13 which resulted in serious bodily injury to Ms. Kerile Gerald
14 or that he committed an assault which a reasonable person
15 would fear serious bodily injury could occur.

16 We also have to establish that Ms. Kerile Gerald was a
17 household member of Mr. Ceaser. We have to show that she was
18 either a spouse, former spouse, they had a child in common or
19 that they lived together in the past or they were currently
20 living together.

21 Let's move on to assault and battery second degree. In
22 order to prove that charge, the State has to establish that
23 Mr. Ceaser unlawfully injured Ms. Carol Gerald, the mother of
24 Kerile, and that moderate bodily injury resulted or could have
25 resulted.

1 Lastly, unlawful conduct towards a child involving little
2 baby G. . We have to establish that the defendant was
3 either the parent, the guardian or responsible for the care of
4 little baby G. and that, at the time he was in charge
5 for custody or was her parent, he caused her to be placed in
6 an unreasonable risk of harm that affected her life, her
7 physical or mental health or her safety or that he caused some
8 type of bodily harm to be done to her.

9 Now, as Judge Cooper told you, the State has the burden
10 of proof in this case. We have to prove these charges to you
11 beyond a reasonable doubt. And he referred to the legal
12 yardstick you're going to use: beyond a reasonable doubt. In
13 order to prove these charges to you, to meet that burden, the
14 State is going to call witnesses.

15 You're going to hear from Ms. Kerile Gerald. She'll tell
16 you about what happened that day. You'll hear from Ms. Carol
17 Gerald. She'll also tell you about what happened that day.

18 You'll hear from the officers who were involved in the
19 case, who investigated, and who made the arrest. You'll also
20 hear from the doctor that was involved in treating the
21 injuries.

22 And I think that after you view all this evidence that
23 you'll see and hear all the testimony, I don't think that you
24 all will have any doubt in your mind or any question that you
25 should return a verdict of anything other than guilty of

1 criminal domestic violence of a high and aggravated nature,
2 assault and battery second degree, and unlawful conduct toward
3 a child. Thank you.

4 THE COURT: Counsel, you may proceed.

5 OPENING STATEMENT ON BEHALF OF THE DEFENDANT

6 MR. JORDAN: Thank you, Your Honor. Folks, there are two
7 sides to every story.

8 When I was twelve years old, I got in trouble for hitting
9 my brother in the face with a basketball. We were at a
10 neighbor's house. Our neighborhood had tons of kids. We all
11 had basketball goals. None of us knew how to play basketball,
12 but, you know, that's what we did. We went to play.

13 We had been playing for about 15 -- 20 minutes and a bee
14 started flying around my brother. I saw it. I had the ball.
15 I threw it at my brother and hit him in the face. The
16 neighbor snatched me up, took me home, and told my dad what
17 happened and I was getting hollered at.

18 Nobody asked me why I threw the ball. Nobody asked me
19 anything about the back story. I threw the ball because of
20 the bee. The bee was important because my brother is allergic
21 to bee stings. Had he been stung by a bee, I didn't have his
22 EpiPen. We'd have been there calling an ambulance and
23 hopefully get to the hospital in time to save his life.
24 Nobody asked me anything about that until my brother got home
25 and he told my dad, hey, there was a bee.

1 Now, my brother kind of looked like an idiot. I mean he
2 had a bloody nose and his face was a little bruised up, but I
3 did what I had to do to protect him, to keep him safe.

4 Ms. Hummel for the State has just laid out what their
5 side of the story is going to be. What I want you to keep in
6 mind as we go through the trial is they've got to prove
7 everything she just told you. Okay?

8 And there's another side. She didn't tell you the back
9 story. She didn't tell you the other side of the story. She
10 didn't tell you about the numerous times Mr. Ceaser was
11 assaulted by one of the victims. She didn't tell you about
12 all the good things that he did for one of the victims. She
13 didn't tell you about the loving father he is.

14 Folks, when you hear a judge read off this man has been
15 charged with criminal domestic violence of a high and
16 aggravated nature, assault and battery second, that somebody
17 -- you know, that there were fractures to the face, it sounds
18 terrible. I get that. But there's another side to the story.

19 This was a man who was holding his baby. This was a man
20 who was protecting himself from an attack. Folks, I want you
21 to keep an open mind. I understand it sounds bad, but I want
22 you to keep an open mind, listen to all the testimony, and at
23 the end of the day you will be able to decide what the true
24 facts in this case are. You'll be able to decide whether or
25 not someone maliciously attacked the victims in this case or

KERILE THOMAS - DIRECT BY MS. WYSE

1 whether or not there's another side of the story, a whole
2 other reason for what happened, a whole other reason for the
3 injuries that they sustained.

4 Well, there is another reason, folks, and I believe at
5 the end of the day you'll find that Mr. Ceaser is not guilty
6 of criminal domestic violence of a high and aggravated nature,
7 assault and battery in the second degree, or unlawful conduct
8 towards a child. Thank you.

9 THE COURT: All right. Solicitor, call your first
10 witness.

11 MS. WYSE: Thank you, Your Honor. The State would call
12 Ms. Kerile Gerald to the stand.

13 THE CLERK: If you will, ma'am, place your left hand on
14 the Bible and raise your right hand. Do you swear to tell the
15 truth, the whole truth, and nothing but the truth, so help you
16 God?

17 THE WITNESS: Yes.

18 THE CLERK: Please be seated in the witness chair and
19 state your full name for the record.

20 THE WITNESS: Kerile Deanna Thomas.

21 KERILE THOMAS, being first duly
22 sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MS. WYSE:

25 Q: Good afternoon, Ms. Thomas. Ms. Thomas, will you pull

KERILE THOMAS - DIRECT BY MS. WYSE

1 that microphone real close to you and speak very loudly into
2 it?

3 A: Okay.

4 Q: Can you try for me?

5 A: Yes. Is that clear enough? No?

6 Q: I don't think you can be heard.

7 MS. WYSE: Can you make sure it's on? I'm sorry.

8 THE COURT: Why don't you check it?

9 THE WITNESS: Is that loud enough? No? Okay.

10 THE COURT: There's a button on top of it.

11 THE WITNESS: I think it's on.

12 THE BAILIFF: Is it on? No, it's not.

13 THE COURT: It's the one on -- it's that one.

14 THE BAILIFF: Is it on over there? There's a button down
15 there I think somewhere that cuts it on.

16 THE COURT: Well, just speak up, ma'am. See -- see that
17 lady on the back row there and the gentleman with a blue shirt
18 on? He's got to hear you.

19 THE WITNESS: Okay.

20 MS. WYSE: All right.

21 BY MS. WYSE:

22 Q: Ms. Thomas, were you formerly known as Ms. Kerile Gerald?

23 A: Yes.

24 Q: And when did you get married?

25 A: December 1st, 2014.

KERILE THOMAS - DIRECT BY MS. WYSE

- 1 Q: Okay. So please -- please forgive me if I call you by
2 the wrong last name.
- 3 A: It's fine.
- 4 Q: Ms. Thomas, do you know Mr. Demetrik Ceaser?
- 5 A: Yes.
- 6 Q: How do you know him?
- 7 A: We have a child together.
- 8 Q: And what -- did the two of you live together at any point
9 in time?
- 10 A: Previously, yes.
- 11 Q: When?
- 12 A: From February the 18th, 2013, until February the 8th --
13 no. February -- I'll say , , when the
14 child was born until February the 18th, 2014, a day after her
15 birthday.
- 16 Q: Okay. And Ms. Gerald, what were you doing on March 29th
17 of 2014?
- 18 A: I was taking our daughter to see him.
- 19 Q: And when you say him, who do you mean?
- 20 A: Mr. Ceaser.
- 21 Q: Okay. And you were taking your daughter to his house; is
22 that correct?
- 23 A: Yes.
- 24 Q: Where did he live?
- 25 A: I can't remember the address. I just know it was off of

KERILE THOMAS - DIRECT BY MS. WYSE

1

2 Q: Okay. And where is that close to in Florence?

3 A: Across -- it's on the street across the street from
4 Cookout where the south Walmart is over there.5 Q: Okay. So that's -- that's the general area of where you
6 were. Now, Ms. Thomas, were you able to call Mr. Ceaser prior
7 to taking your daughter there?

8 A: No.

9 Q: Why?

10 A: His phone was off.

11 Q: Okay. Did you have any communication with him about
12 taking your daughter to see him prior to March 29th, 2014?

13 A: Yes.

14 Q: Can you tell us what the basis of those conversations
15 were?16 A: Well, we had an agreement that I was going to take our
17 daughter to see him on that Saturday and he was going to spend
18 time with her that weekend. We talked about it at work
19 because we worked at the same place. And his phone was off;
20 so we couldn't communicate when he went home.21 But we had a disagreement because I didn't feel like she
22 needed to spend the night with them. I felt like I could take
23 him that Saturday -- I could take her that Saturday. I could
24 pick her right back up. I could take her back that Sunday.
25 She could go to church with him. That was fine, but I didn't

KERILE THOMAS - DIRECT BY MS. WYSE

1 feel like she needed to spend the night with him because what
2 did he need her when she was asleep. I didn't see the need in
3 that.

4 Q: Okay.

5 A: I just didn't see the need in that.

6 Q: Well, how did y'all communicate with one another at work?

7 A: Through instant messenger or through email, but then
8 again we also talked in person because he sat two rows behind
9 me.

10 Q: Okay.

11 A: So it was very easy for us to communicate at work.

12 Q: All right. Well, let me back up. Where did y'all work?

13 A: Blue Cross Blue Shield, PGBA.

14 Q: Okay. All right. Did you have some email conversations
15 with him about --

16 A: Yes.

17 Q: All right. I'm going to show you something that's
18 previously been marked as State's Exhibit Number 29. I want
19 you to identify what this is to the Court, please.

20 A: This is an email between Mr. Ceaser and I from Friday,
21 March 28th, 2014. Do I need to read it?

22 Q: No. Don't read it. What -- how was the tone of your
23 email? What was the tone between the two of you at that point
24 in time?

25 A: Baby mama/baby daddy. It was very child --

KERILE THOMAS - DIRECT BY MS. WYSE

1 MR. JORDAN: Objection, Your Honor.

2 THE COURT: What's the objection?

3 MR. JORDAN: Your Honor, looking at this email --

4 THE COURT: No. Just the objection to her answer.

5 MR. JORDAN: Well, I was objecting to I guess her talking
6 about the email. She hasn't really verified --

7 THE COURT: She hasn't really said anything about the
8 contents of a yet. She identified --

9 MR. JORDAN: She just asked her about the contents of it.

10 THE COURT: Huh?

11 MR. JORDAN: She just asked her about the contents of it.

12 THE COURT: Overruled.

13 MR. JORDAN: Yes, sir.

14 MS. WYSE: Okay.

15 BY MS. WYSE:

16 Q: Could you please tell us about the tone of the email?

17 A: It was -- we both were agitated.

18 Q: Okay.

19 A: With each other.

20 Q: All right. And did it have anything to do with your
21 daughter?

22 A: Yes. It had everything to do with her.

23 Q: Okay.

24 MR. JORDAN: Objection.

25 THE COURT: Overruled.

KERILE THOMAS - DIRECT BY MS. WYSE

1 BY MS. WYSE:

2 Q: Why were you arguing about your daughter?

3 A: Well, there are some pieces that aren't here because they
4 were instant messaging and then I logged out of instant
5 messenger and then we started emailing. But basically the
6 reason why I did not want G. to spend the night with
7 him was because I had known that some things had took place in
8 his life previously and I felt like statistically children
9 that have been molested or something has happened to them,
10 they molest other people.

11 So with that being said, I just did not feel comfortable
12 with her spending the night, and he basically was, like, I was
13 playing a dangerous game because I was trying to come between
14 him and his relationship with his child, when in reality I was
15 going to bring her. I just didn't want her -- I didn't feel
16 comfortable with her spending the night. I didn't see why she
17 had to spend the night. Why you just can't spend time
18 together? And then I come -- you can still be a dad, but she
19 can just stay with me.

20 Q: Okay. All right. Now, this -- this email -- this
21 argument took place about one month and maybe a week after you
22 moved out of the house; right?

23 A: Right.

24 Q: Okay. So had he seen her in the interim?

25 A: Yes. Originally when I moved out of the house -- because

KERILE THOMAS - DIRECT BY MS. WYSE

1 he did not have transportation, originally I was giving him
2 rides. So what I would do was -- because I didn't have a
3 license, what I would do was I would drive to his house and he
4 would ride -- he would drive -- I would drive over there.
5 Even though we weren't living together, I would drive over
6 there because we worked together and I didn't care for him
7 like that, but I didn't want him to lose his job. So I would
8 go over there and he would drive. We would ride together and
9 he'd drive her -- and we'd drive together and take her to
10 daycare.

11 And I offered several times -- while we would be at work
12 I would be like, well, would you watch G. while I go to
13 the gym or would you watch G. while I go on a date or
14 would you watch her for me and he just would not. He always
15 was too busy, but I always would try. Because he didn't have
16 transportation, I always tried to let them see each other.

17 Q: Okay. So the whole purpose of you going to the house on
18 March 29th was to take your daughter to see Mr. Ceaser?

19 A: Yes.

20 Q: Okay. Who was with you in the car?

21 A: My mother.

22 Q: Okay. Was she the only person in the car?

23 A: And G.

24 Q: Okay. All right. And based upon what the information
25 you've already given me about her birthday, she was a little

KERILE THOMAS - DIRECT BY MS. WYSE

1 over a year old?

2 A: Like, 13 months.

3 Q: Okay. All right. Now, on the 29th when you arrived on
4 , can you tell me what happened after you got out
5 of the car?

6 A: Okay. When I got out of the car, I went and knocked on
7 the door and he opened the door and he closed the door behind
8 him. I wasn't really concerned about that at the time, but we
9 had already -- even though we had the argument at work, I
10 still felt like we had an agreement that he was supposed to
11 see her; so I took her over there. So we started arguing back
12 and forth because I showed up unannounced, but I can't
13 announce myself if you don't have anything for me to announce
14 myself with.

15 Q: So because he didn't have a phone, you couldn't announce
16 yourself?

17 A: And his Wi-Fi was off. So at one time, we were
18 communicating through, you know, i-messaging, but we couldn't
19 anymore because the Internet was off.

20 Q: Okay. So you showed up unannounced on March 29th?

21 A: Uh-huh.

22 Q: When you first got out of the car, did you have G.
23 with you?

24 A: Yes.

25 Q: Okay. So you walked up to the house. Tell us about the

KERILE THOMAS - DIRECT BY MS. WYSE

1 conversation that you had at that time. .

2 A: Well, I had G. with me. So I asked him -- he had
3 an attitude, of course, because I showed up unannounced.
4 That's explainable, but I asked him was it okay if she stayed
5 and he was like sure. You know, he acted like it was okay,
6 but then I asked him did he have food or anything to drink
7 because he didn't have a vehicle and it was cold; so I didn't
8 want it to be where they had to walk to get something. So he
9 said no, there was nothing in the house.

10 So because of the fact that he had previously told me
11 that he was not supplying anything for G. for my house,
12 I felt like I didn't need to supply anything for his house.

13 Q: Did you take a baby bag with you? I mean did you have
14 some toys and stuff with you at least?

15 A: No. She had toys already over there, like a little bit,

16 Q: Okay.

17 A: But I did have a baby bag.

18 Q: Okay. All right. So you asked him if he had food?

19 A: Uh-huh.

20 Q: He told you no?

21 A: Uh-huh.

22 Q: What happened next?

23 A: He gave -- I told him that, you know, I'd go get the food
24 if he gave me the money because of the agreement -- well, not
25 really the agreement, but whatever we had going on where you

KERILE THOMAS - DIRECT BY MS. WYSE

1 pay for your stuff and I pay for mine.

2 Q: Okay. And did he give you his debit card?

3 A: Yes. Yes, he did.

4 Q: All right. And did you take G. with you?

5 A: No.

6 Q: You left G. with him?

7 A: Yes.

8 Q: Okay. So who -- who left the house with you?

9 A: My mother.

10 Q: Okay. It was just you and your mother? Were you driving

11 or was she driving?

12 A: She was driving.

13 Q: All right. Where did you go to get food?

14 A: I went to KFC on Irby Street.

15 Q: What did you get?

16 A: I got a square deal with a medium-sized Hi-C. It's not

17 -- it wasn't an iced tea. It was a -- it was a fruit punch.

18 Q: Okay.

19 A: With no ice. I'm sorry.

20 Q: All right. And why didn't you get any ice in it?

21 A: Because I had already figured out that if you don't put

22 ice, a medium-sized drink -- with a sippy cup you can get two

23 cups full with a medium-sized drink if you don't have ice in

24 it. So my -- what I was going to do was I was going to drop

25 her off for maybe like four to five hours with her father. Me

KERILE THOMAS - DIRECT BY MS. WYSE

1 and my mom -- we were going to clean up and she would have two
2 cups. She didn't drink that much; so two cups would have been
3 enough. And a square deal -- it comes with -- if I'm not
4 mistaken, it comes with a breast and a drumstick or something
5 like that. So even if she didn't eat all of it right then,
6 she would have had something for a little bit later.

7 Q: Okay. Did it come with anything else?

8 A: Mashed potatoes.

9 Q: All right. Okay. So you and your mother drove back to
10 Mr. Ceaser's house?

11 A: Yes.

12 Q: All right. What did you do then?

13 A: When I pulled -- well, when my mother pulled up -- when
14 we pulled up and I was getting out of the car, I remember
15 putting the drink -- because I was thinking that I was going
16 to have to open the door; so I put the drink on top because
17 I'm on the passenger seat -- passenger side. I put the drink
18 on top of the car.

19 Q: Now, let me stop you for just a minute. You thought you
20 were going to have to open the door to the house?

21 A: Yes. Because --

22 Q: Okay. Just one second. Did you park -- did your mother
23 park the car close to the house?

24 A: Yes.

25 Q: Okay.

KERILE THOMAS - DIRECT BY MS. WYSE

- 1 A: Like, in the driveway.
- 2 Q: Okay. All right. How many -- how far away would you
- 3 estimate the front door of the house was to where your car
- 4 was? Can you -- like, if this is the -- was it this close to
- 5 the lectern? Was it near --
- 6 A: Maybe about that close. It wasn't that far.
- 7 Q: Here?
- 8 A: Like, that and the podium. It really wasn't that far.
- 9 It really wasn't that far.
- 10 Q: This is how far away the car was from the front door?
- 11 A: Yeah. It wasn't that far at all.
- 12 Q: Okay. All right. That was just for my clarification.
- 13 You said you put the drink on top of the passenger side of the
- 14 car. All right. Then what happened?
- 15 A: Well, I put it on top of the passenger side of the car
- 16 because I thought I was going to have to open the door and,
- 17 you know, take the food inside, but instead Mr. Ceaser came
- 18 out the house and, well, the drink was still on top of the
- 19 car. Instead, he came outside of the house and, like, slammed
- 20 the door back, like, behind him.
- 21 Q: And did he have your daughter with him at that time?
- 22 A: Yes.
- 23 Q: And was he carrying her or was she walking?
- 24 A: Carrying her.
- 25 Q: Okay. Please continue. I'm sorry.

KERILE THOMAS - DIRECT BY MS. WYSE

1 A: Well, we had already previously talked and I was dating
2 someone and he didn't really want G. around the person
3 I was dating. So out of respect, I felt like if he was dating
4 someone -- he could -- you know, I don't care if you've got a
5 girlfriend. I don't want you, but I felt like he should tell
6 me because I was upfront about what I was doing. We should be
7 honest with each other.

8 So the way that he was coming out the door, it made me
9 feel like someone was in the house. So my thing was I was,
10 like, is something going on, is someone there, like, are you
11 busy, like, is something going on, and he was, like, it's none
12 of your business. We just started arguing. It was real --

13 Q: It was petty?

14 A: It was petty, extremely. So it escalated from me saying
15 stuff like, well, I pay the rent here and this and that and
16 the third and if I want to come in this house, I can come in.
17 It was just stupid. It was just really stupid.

18 So finally he asked me for his receipt. I told him I
19 could give him his receipt. It was just in the car. But the
20 thing was Mr. Ceaser wouldn't let me -- he said it was his
21 house, even though I paid the rent. It was his house; so he
22 wouldn't let me step foot in the house. So because he
23 wouldn't let me step foot in the house, I felt like I should
24 go get the receipt out the car. Don't touch my car. It
25 really is my car. I really pay for it. He didn't give me any

KERILE THOMAS - DIRECT BY MS. WYSE

1 money for it. So it really was mine.

2 So that was what the argument was about. And the next --
3 the last thing I remember, he opened the car door. I remember
4 my mom saying, like, what's going on, because she's sitting in
5 the car the entire time. Even the first time we got there,
6 she was in the car. She never was in the argument. She was
7 just sitting there just like -- like a --

8 Q: Okay. Don't -- don't tell me what your mother said. If
9 you want to tell me what you said, if you want to tell me what
10 Mr. Ceaser said, that's fine. Don't say anything about what
11 your mom said.

12 A: Okay.

13 Q: Okay?

14 A: Okay.

15 Q: All right. Just keep going.

16 A: So the next thing I remember -- I remember him getting --
17 I remember me saying don't touch my beep car. I remember
18 saying that. And I remember him saying, oops, sorry. I
19 remember a bunch -- a lot of fruit punch in my hair. And the
20 thing was I had just shampooed my hair. So I don't remember
21 what happened after that. I know that when the cup -- when
22 the cup started -- I did like this.

23 (Gesturing) Like -- kind of like to knock the cup out of
24 my face.

25 Q: Uh-huh.

KERILE THOMAS - DIRECT BY MS. WYSE

1 A: The next thing I remember is pretty much, like, it was
2 dark and I remember, like, hearing G. crying -- G.
3 crying.

4 Q: Where were you when you -- you said the next thing you
5 remember it was dark. Where were you?

6 A: I was still outside.

7 Q: No. Where were you in proximity to the car?

8 A: On the ground.

9 Q: You were on the ground? Okay. Did anything hurt?

10 A: My head hurt.

11 Q: Okay.

12 A: Badly.

13 Q: And you could hear G. crying? What did you do next?

14 A: I crawled towards the cry. I couldn't really see much,
15 but I crawled towards the cry.

16 Q: You could hear G. so you crawled towards her?

17 A: Because in the beginning when I was coming back to, I
18 could only hear. Like, I couldn't really see much. It was
19 like it was getting lighter and lighter and lighter, like, so
20 I could see.

21 Q: Uh-huh.

22 A: But all I could hear in the beginning was the cry. So I
23 just maneuvered my body towards the cry.

24 Q: Okay. Were you able to put -- you know, get your hands
25 on G. ?

KERILE THOMAS - DIRECT BY MS. WYSE

1 A: Yes.

2 Q: All right. And what did you do next?

3 A: I put her in the car. I honestly don't remember doing
4 that. I don't remember putting her in the car, but I know
5 without a shadow of a doubt from the evidence I put her in the
6 car. I guess that was the mom thing because I don't even know
7 how I was able to do all of that.

8 Q: All right. And then after you put her in the car, what
9 did you do?

10 A: I remember looking at my mom. I couldn't really see her
11 injuries that -- I couldn't see it, not that much. All I know
12 is I saw blood. I saw the blood. I saw a lot of blood. But
13 because it was still -- like, my eyesight was a little dark.
14 I couldn't make all of it out yet.

15 So then, like, when I saw my mom, I just started
16 flipping. Like, I was just like, you know, you just touched
17 my mom. Like, you just draw the line. It was like I just
18 forgot that I had got hit. It didn't even matter anymore. It
19 was just more like -- like, why would you do this? Nothing
20 makes this okay. Like, so I just started -- I was like you'll
21 -- you'll never see her again. Like, why would you do
22 something like this? Like, why would you do something like
23 this? And we drove off.

24 Q: Okay. You -- did you drive or did your mom drive?

25 A: Yes. I did drive. How I did that, I have no idea. I

KERILE THOMAS - DIRECT BY MS. WYSE

1 have no idea.

2 Q: Where did you drive?

3 A: I went to Walmart. I went to Walmart where I -- I had
4 actually just left Walmart before I even went to the house.

5 So I went back to Walmart.

6 Q: Okay. And did you call 9-1-1 or did your mom call 9-1-1?

7 A: My mother called 9-1-1.

8 Q: All right. And don't tell me anything your mom said to
9 9-1-1. What did you do after your mom called 9-1-1?

10 A: We went back to -- well, we went to the bowling alley and
11 we watched. We kind of, like, watched until we saw the
12 police. Well, no, I'm sorry. We went to the bowling alley.
13 My mom -- she got word that the police was there and then we
14 went back to the house.

15 Q: Okay.

16 A: But we wouldn't -- we weren't going to go back --

17 Q: Okay.

18 A: -- to the house.

19 Q: So you drove to Walmart and then you went to Southgate
20 bowling alley and waited until you saw emergency personnel?

21 A: Well, we did go back to the house. I apologize. I
22 forgot a part. We went back to the -- my mom -- when she
23 threw her shoe, she didn't get her shoe back. So we went and
24 got the shoe and we waited for the police.

25 Q: Okay.

KERILE THOMAS - DIRECT BY MS. WYSE

1 A: But we didn't bother anybody.

2 Q: Okay. I want -- well, back to the shoe. Do you have any
3 recognition of your mother throwing the shoe?

4 A: I was unconscious.

5 Q: Okay. So you didn't see your mom throw a shoe?

6 A: No.

7 Q: All you know is that your mom was missing a shoe?

8 A: Yes. Because she told me.

9 Q: Okay. All right. So that's good enough. But anything
10 else you don't know because somebody else had to tell you?
11 All right. I want you to identify some pictures for me.
12 Okay? Just look at them. This is what's marked as State's
13 Exhibit Number 2 through Exhibit Number 24. I want you to
14 look at these pictures and just tell me what you see in them.
15 Okay?

16 A: Okay.

17 Q: Just go through each picture and say Number 2 --

18 THE COURT: Excuse me.

19 MR. JORDAN: Yes, sir. Your Honor, I've seen the
20 pictures.

21 THE COURT: Any objections?

22 MS. WYSE: I'm just asking her to identify them.

23 MR. JORDAN: Right. She's just asking --

24 THE COURT: Well, she can't tell what they show because
25 that's putting them in evidence.

KERILE THOMAS - DIRECT BY MS. WYSE

1 MS. WYSE: Okay. Well, then --

2 BY MS. WYSE:

3 Q: Will you please look at the pictures and then I'll ask
4 you --

5 THE COURT: If she can identify them.

6 MR. JORDAN: Your Honor, there are several pictures in
7 there and I had already informed Ms. Wyse that I do object to
8 as being more prejudicial than probative.

9 THE COURT: Well, let's -- let's look at them.

10 MS. WYSE: Okay.

11 THE COURT: Give them to him. Let's see what we're
12 talking about.

13 (WHEREUPON, a bench conference was held in the presence
14 of the jury but out of the hearing of the jury as
15 follows.)

16 MR. JORDAN: Your Honor, do you want me to just show you
17 which ones or do you want to look at them?

18 THE COURT: Are they numbered? Don't do it out loud.
19 Just tell me.

20 MR. JORDAN: Well, actually they are not numbered.

21 THE COURT: Oh, they're not?

22 MS. WYSE: They're not?

23 MR. JORDAN: No, sir.

24 MS. WYSE: I thought they were.

25 MR. JORDAN: The pictures are. Exhibit 2 and the picture

KERILE THOMAS - DIRECT BY MS. WYSE

1 on the right on Exhibit 3.

2 THE COURT: That's all?

3 MR. JORDAN: That's all, Your Honor.

4 THE COURT: Anything else?

5 MR. JORDAN: Yes, sir. That's not the child's blood on
6 her face.

7 THE COURT: What?

8 MR. JORDAN: That's not the child's blood on her face or
9 anything.

10 THE COURT: Okay.

11 (WHEREUPON, the bench conference ended.)

12 THE COURT: All right. Solicitor, I'll overrule the
13 objection as to Number 2 and Number 3.

14 MS. WYSE: Thank you, Your Honor.

15 THE COURT: Go ahead. Proceed as you were.

16 MS. WYSE: All right. Thank you, Your Honor.

17 BY MS. WYSE:

18 Q: Ms. Thomas, will you please look at Numbers 20 -- I mean
19 2 through 24? Just look at them and don't comment on them,
20 please.

21 (WHEREUPON, there was a pause in the proceedings.)

22 BY MS. WYSE:

23 Q: Have you had a chance to look at the pictures?

24 A: Yes.

25 Q: All right. Ms. Thomas, do you recognize those pictures?

KERILE THOMAS - DIRECT BY MS. WYSE

1 A: Yes.

2 Q: Are they pictures of you, your mother, your child, and
3 Mr. Ceaser?

4 A: Yes.

5 Q: Were they pictures that were taken surrounding the date
6 of March 29th or immediately thereafter?

7 A: Yes.

8 Q: Have those pictures been altered or changed or forged in
9 any way?

10 MR. JORDAN: Objection, Your Honor. I don't believe that
11 the proper foundation has been laid to get these pictures in
12 or solicit this testimony. Nothing has been said about who
13 took the pictures, where they came from. They are not date
14 and time stamped.

15 THE COURT: All right. Lay a foundation. I'll admit
16 them for identification purposes only at this time.

17 MR. JORDAN: Yes, sir.

18 BY MS. WYSE:

19 Q: Please answer the question. Do you know if they were
20 altered in any way?

21 A: No, they weren't.

22 Q: All right. And, Ms. Thomas, did anybody take your
23 picture on March 29th? Do you remember?

24 A: I don't remember.

25 Q: Okay. Do you remember if anybody took pictures of your

KERILE THOMAS - DIRECT BY MS. WYSE

1 mother that day?

2 A: I can't remember anything from after it happened.

3 Q: Do you remember if anybody took pictures of your child
4 that day?

5 A: I don't remember.

6 Q: Do you remember if anybody took pictures the next day?

7 A: Yes.

8 Q: Okay. And you do remember that some pictures were taken
9 the next day?

10 A: Yes.

11 Q: All right. Are the pictures that you remember being
12 taken the next day -- are they in that -- are they in the
13 photographs that I just showed you?

14 A: No.

15 Q: None of the pictures that were taken of you the next day
16 are in those photographs?

17 A: No.

18 Q: Okay. All right. Well, are those pictures -- are there
19 pictures of you in those photographs?

20 A: Yes.

21 Q: Okay. And do those -- those photographs -- do they
22 represent any of your injuries?

23 A: Yes.

24 Q: Okay. All right.

25 MS. WYSE: At this time, Your Honor, I only want to enter

KERILE THOMAS - DIRECT BY MS. WYSE

1 them for --

2 THE COURT: Identification purposes.

3 MS. WYSE: Yes, sir. Just for identification purposes.

4 I'll get --

5 THE COURT: Are they numbered 2 through what?

6 MS. WYSE: Yes. 2 through 24 I think.

7 THE COURT: All right. Admitted for identification
8 purposes only.

9 (WHEREUPON, State's Exhibits Number 2 through 24,
10 photographs, were admitted for identification purposes
11 only.)

12 MS. WYSE: Thank you, Judge.

13 BY MS. WYSE:

14 Q: Now, Ms. Gerald, did you at any point in time go to
15 McLeod?

16 A: Yes.

17 Q: Do you remember what day you went?

18 A: The 29th.

19 Q: All right. Were you taken by EMS or did you drive
20 yourself?

21 A: EMS.

22 Q: Okay. And do you remember meeting with any doctors?

23 A: Not really, no.

24 Q: Okay. All right. Do you remember talking to any
25 deputies that were on the scene or that may have showed up

KERILE THOMAS - DIRECT BY MS. WYSE

- 1 later?
- 2 A: Yes, vaguely.
- 3 Q: All right. Do any of the deputies here in the courtroom
- 4 -- do they look familiar?
- 5 A: Yes.
- 6 Q: All right. Do you remember Deputy Owens standing right
- 7 behind me or sitting right behind me?
- 8 A: I vaguely remember her from the scene.
- 9 Q: All right. Do you remember Investigator Cooper?
- 10 A: I remember him.
- 11 Q: Okay. Did you talk to Investigator Cooper?
- 12 A: Yes.
- 13 Q: All right. Now, you say that you can't really remember
- 14 much about what happened at McLeod. Ms. Thomas, did you
- 15 sustain any injuries on March 29th of 2014?
- 16 A: Yes.
- 17 Q: Do you know what they were?
- 18 A: A fractured jaw bone.
- 19 Q: A fractured jaw bone?
- 20 A: Yes.
- 21 Q: Okay. And do you know when you got that injury?
- 22 A: On March 29th.
- 23 Q: And do you remember about what time you got it?
- 24 A: Maybe four-ish.
- 25 Q: It was afternoon?

KERILE THOMAS - DIRECT BY MS. WYSE

1 A: Yes.

2 Q: Okay. And what -- what kind of treatment did you have to
3 get for it?

4 A: They gave me a lot of pain medicine. I was going to,
5 like, a specialist for it because I had to have --

6 Q: I need you to speak up.

7 A: I had to have stitches and they had to take those out. I
8 was actually supposed to get surgery, but I didn't.

9 Q: Okay. But is there a reason why you didn't get the
10 surgery?

11 A: Because I couldn't afford it.

12 Q: Okay. Do you still need that surgery?

13 A: Yes.

14 Q: All right. Ms. Thomas, what, if anything, was hindered
15 by your fractured jaw? Did you have trouble with anything?

16 A: Well, I grin a lot, like a whole lot, so now my mouth
17 hurts. And I have, like, really, really, really bad headaches
18 and they say because all of this is connected and the injury
19 actually happened where he punched my temple and shattered all
20 of this.

21 Q: Okay.

22 A: So, like, now, I have, like, really, really, really bad
23 headaches and my mouth hurts. Like when it's cold, my mouth
24 hurts really bad.

25 Q: Okay. All right. Now, Ms. Gerald -- I'm sorry. Ms.

KERILE THOMAS - DIRECT BY MS. WYSE

1 Thomas. I was doing so good. I'm sorry. Were you afraid of
2 Mr. Ceaser?

3 A: Yes.

4 Q: Are you afraid of him now?

5 A: Well, I wasn't previously, but now I -- yeah.

6 Q: You weren't afraid of him prior to March 29th?

7 A: No.

8 Q: Okay. So -- but you are now? Okay. And did you by
9 chance see him attack your mother?

10 A: No.

11 Q: Okay. So you don't know anything about that?

12 A: No.

13 Q: All right.

14 MS. WYSE: I beg the Court's indulgence for just one
15 minute.

16 BY MS. WYSE:

17 Q: All right. Ms. Thomas, I just have a couple of more
18 questions. Do you remember whether or not you wrote a
19 statement for law enforcement?

20 A: Yes.

21 Q: Okay.

22 A: Kind of.

23 Q: Kind of?

24 A: I know I did. I saw it, but I don't remember writing it.

25 Q: Okay. That's fine. But you -- you have seen the

KERILE THOMAS - DIRECT BY MS. WYSE

1 statement?

2 A: It's my handwriting.

3 Q: Okay. All right. That's good enough. All right. Ms.
4 Thomas, did your child, G. -- did she suffer any ill
5 effects after this occurred?

6 A: Yes.

7 Q: Can you tell us about those?

8 A: G. -- she's emotionally, like, distraught even
9 now. When it first happened, we couldn't stop her from
10 punching me in the face. Like, when it first happened, we had
11 problems with her just -- she wouldn't hit nobody else. Like,
12 it would just be me. Like, she would just hit me in the face
13 all the time. She finally stopped doing that, but she doesn't
14 -- she doesn't really sleep. Like, it's to the point now,
15 like, she's actually dependent on melatonin because she can't
16 sleep. Like, when she doesn't take it, she has night terrors
17 and she screams and she fights in her sleep.

18 Q: When you say that she screams and she fights in her
19 sleep, can you try to describe that to the jury?

20 A: It's like she's asleep, her eyes are closed, but it looks
21 like she's being attacked. Like, she's -- she's fighting.
22 Like, she punches and kicks, like, and she doesn't -- she has
23 a bed, but she doesn't sleep in her own bed.

24 So like whoever is in the bed with her will just get it.
25 Like, she's literally, like, acting out what she saw and she

KERILE THOMAS - DIRECT BY MS. WYSE

1 can't -- she can't sleep, but she'll stay up all night if you
2 don't -- if she don't have melatonin. Like, she just can't
3 sleep. And if she does fall asleep and she doesn't have the
4 medicine, she doesn't rest. She doesn't rest.

5 Q: Did she have any of these problems prior to March 29th?

6 A: No.

7 Q: Up until that point, was Mr. Ceaser a good father? I
8 mean did he actively participate in her life?

9 A: I mean we lived together.

10 Q: Right.

11 A: So I guess.

12 Q: Yes?

13 A: Yeah. Okay.

14 Q: He participated in her life?

15 A: Yes.

16 Q: All right. But as you stated, she didn't have any
17 trouble prior to this incident?

18 A: Huh-uh.

19 Q: Did you notice it immediately or when did it start
20 happening?

21 A: It happened, like, immediately. Like, immediately.

22 Like, we even talked to people about trying to get her some
23 counseling, but they kept saying that they don't start until
24 she turns three, which she turns three next month. So we'll
25 get her into something, but Dr. Keith -- there was nothing

KERILE THOMAS - DIRECT BY MS. WYSE

1 they could do. Like, the only thing they could do was pretty
2 much tell us to medicate her so she can sleep.

3 Q: You took her to your pediatrician?

4 A: Several times. Like, several times.

5 Q: All right. And for -- and because of this; right?

6 A: Yes.

7 Q: Because of the night terrors and the lack of sleep?

8 A: Yes. It was horrible.

9 Q: Okay. All right. Did the two -- did you and Mr. Ceaser
10 go to a Family Court order hearing?

11 A: Yes.

12 Q: All right. And was that shortly after this incident
13 occurred?

14 A: Yes.

15 Q: All right. And can you tell me whether or not an order
16 of protection was issued by the judge?

17 A: Yes, it was.

18 Q: Okay.

19 MS. WYSE: I have no further questions for this witness.

20 THE COURT: Cross-examination.

21 MR. JORDAN: Thank you, Your Honor.

22 CROSS-EXAMINATION

23 BY MR. JORDAN:

24 Q: Ms. Gerald, let's kind of back up if we can. Tell me how
25 long have you known Mr. Ceaser?

KERILE THOMAS - CROSS BY MR. JORDAN

- 1 A: Maybe since 2012 possibly.
- 2 Q: You met at work?
- 3 A: Yes.
- 4 Q: And you started dating from there?
- 5 A: Yes.
- 6 Q: Okay. You moved in together in 2013?
- 7 A: Well, we'd stay together previously. It was -- like, we
- 8 -- it was off and on. He would spend the night type things,
- 9 like. But we stayed -- like, we actually cohabitated in 2013,
- 10 but the whole relationship thing -- he'd stay over and stuff
- 11 like that off and on, like, all the time.
- 12 Q: Okay. From 2012 until March 29th of 2014, did you ever
- 13 see Mr. Ceaser be violent?
- 14 A: Yes.
- 15 Q: All right. How so?
- 16 A: I mean he used to -- he used to hustle all the time.
- 17 Like, we would argue and, when we would argue, he would push
- 18 on me and stuff. Like, it wasn't -- but I didn't -- I didn't
- 19 think -- I guess since he was so small, I didn't really think
- 20 he was much of a problem per se. And he was aggressive.
- 21 Like, he was aggressive in bed. Like, if I didn't want to do
- 22 it, he'd take it.
- 23 Q: Uh-huh.
- 24 A: But other than that --
- 25 Q: Were you ever abusive to Mr. Ceaser?

KERILE THOMAS - CROSS BY MR. JORDAN

1 A: Yes.

2 Q: All right. On how many occasions were you abusive to Mr.
3 Ceaser?

4 A: I don't -- I can't say.

5 Q: Through the course of your relationship, I assume you
6 were always in contact with your mother? You all are close?

7 A: Yes.

8 Q: Okay. Did she like Mr. Ceaser?

9 A: No.

10 Q: Okay. Did she talk with you about leaving Mr. Ceaser?

11 A: Several times.

12 Q: Okay. So she never liked him?

13 A: She did originally.

14 Q: All right.

15 A: Originally, she did.

16 Q: But she came to not like him?

17 A: Yes.

18 Q: Okay. And so what caused you to leave Mr. Ceaser's house
19 on February 18th of 2014?

20 A: Okay. On my daughter's birthday, which was the , I
21 don't really remember a lot that happened that night. I just
22 know that he said I got physical. I just -- I don't remember
23 a lot that happened and, because I don't remember what
24 happened, I left. But he actually was going to leave in my
25 car. So I'm like I might not -- I might not have no license,

KERILE THOMAS - CROSS BY MR. JORDAN

- 1 but if anybody's going to leave the house, I'll leave myself.
2 So I just left and I just went back to my mom's house.
- 3 Q: Okay. How long have you been having blackouts?
- 4 A: I don't know.
- 5 Q: But how long have you been having trouble recalling what
6 went on in your life?
- 7 A: Not -- not that -- I don't know. I'll say not until I
8 started talking to Mr. Ceaser.
- 9 Q: So you remember I guess your entire life perfectly and
10 then you and Mr. Ceaser got together and you started having
11 blackouts?
- 12 A: I mean no one remembers everything, but I would say for
13 the most part, yeah.
- 14 Q: Okay. How often during the course of your relationship
15 would you say you had blackouts?
- 16 A: I don't know.
- 17 Q: Did -- when you left in February of 2014, after you left
18 did you suffer any blackouts?
- 19 A: No. Other than when, you know, he knocked me
20 unconscious, but that wasn't a blackout.
- 21 Q: You don't know that happened, do you?
- 22 A: No. I --
- 23 Q: No, you don't know that happened, do you? You don't know
24 what happened that day, do you?
- 25 A: I guess not.

KERILE THOMAS - CROSS BY MR. JORDAN

1 Q: Okay. You don't know whether or not you hit Mr. Ceaser,
2 do you?

3 A: I didn't hit him.

4 Q: Are you sure?

5 A: I told you everything that led up to me hitting the
6 ground. I did not hit him. I remember that much.

7 Q: You're sure?

8 A: Yes.

9 MR. JORDAN: I beg the Court's indulgence one moment.
10 One moment, Your Honor.

11 BY MR. JORDAN:

12 Q: Backing up a little bit, Ms. -- Thompson? Is that your
13 last name?

14 A: It's Thomas.

15 Q: Thomas? I'm sorry. You said that in February of 2014
16 Mr. Ceaser accused you of being violent with him; correct?

17 A: Yes.

18 Q: All right. And you don't remember that? You had a
19 blackout?

20 A: No.

21 Q: All right. You don't remember much about that evening at
22 all?

23 A: I remember the -- I remember the argument that led up to
24 it.

25 Q: Okay. But you don't know whether or not you were violent

KERILE THOMAS - CROSS BY MR. JORDAN

1 with him?

2 A: No.

3 Q: Okay.

4 A: But he said I was.

5 Q: After you hit the ground here, you don't remember much of

6 anything until you get in the car and start driving; is that

7 correct?

8 A: Yes.

9 Q: Okay. So you were blacked out and you go from blacked

10 out to you getting in the car and you start driving?

11 A: What I said was I was blacked out and I started coming to

12 and it started getting lighter.

13 Q: Okay.

14 A: I had mentioned that.

15 Q: You don't remember any pictures being taken of you, do

16 you?

17 A: No.

18 Q: Okay. And yet you very clearly remember getting in the

19 car, driving, waiting, driving to a bowling alley and waiting?

20 A: I actually told you --

21 Q: And then going back to his house to pick up your mom's

22 shoe?

23 A: What I actually -- if I -- if I -- if I think I'm telling

24 right, what I actually said was I don't know how I did it, but

25 I did it.

KERILE THOMAS - CROSS BY MR. JORDAN

1 Q: All right.

2 A: And the evidence said I did it.

3 Q: You have no idea what you did. You have no idea what you
4 were doing that day, do you?

5 A: I know what happened up until I hit the ground.

6 Q: I don't believe you do, Ms. Thomas.

7 THE COURT: Ask her a question.

8 BY MR. JORDAN:

9 Q: You say that G. was on the ground when you
10 miraculously came to?

11 A: Yes.

12 Q: Okay. How did she get in the car?

13 A: I put her in the car.

14 Q: All right. You don't know how she got on the ground
15 though, do you?

16 A: I was unconscious.

17 Q: All right.

18 A: No.

19 Q: So you don't know how she got on the ground?

20 A: No.

21 Q: Okay. You don't know what she may have witnessed, do
22 you?

23 A: No.

24 Q: All right. You don't know whether or not any behavior
25 that she is exhibiting through these night terrors is actually

KERILE THOMAS - CROSS BY MR. JORDAN

- 1 what she witnessed your mother do, do you?
- 2 A: No. Because I was unconscious.
- 3 Q: You don't know whether Mr. Ceaser inflicted any injuries
- 4 at all on your mother, do you?
- 5 A: No. Because I was unconscious.
- 6 Q: You don't know that Mr. Ceaser inflicted any injuries on
- 7 yourself, do you?
- 8 A: No. Because I was unconscious.
- 9 Q: Okay. And you don't know how you came to be unconscious,
- 10 do you?
- 11 A: He hit me and then I became unconscious.
- 12 Q: But you just said no because you were unconscious?
- 13 A: I was unconscious. Like, everything after I hit the
- 14 ground, I don't know what happened after that. That's it.
- 15 Q: Okay. You don't remember hitting him at all?
- 16 A: No.
- 17 Q: You don't remember pushing him?
- 18 A: No. I didn't push him.
- 19 Q: You don't remember arguing with him?
- 20 A: I told you I argued with him. I said that.
- 21 Q: Okay. You never put your hands on him?
- 22 A: I did like this. (Gesturing) That's all I did.
- 23 Q: So you did hit him, didn't you?
- 24 A: I was swinging the cup away. He threw a cup at me.
- 25 Q: Was he holding your child when you were swinging at him?

KERILE THOMAS - CROSS BY MR. JORDAN

1 A: Yes. Just like when he punched me in the face, he was
2 holding her.

3 Q: Okay. But you were swinging at him while he was holding
4 your child, weren't you?

5 MS. WYSE: Objection. Asked and answered. She's already
6 answered this question numerous times.

7 THE COURT: Overruled. Go ahead. Answer the question if
8 you can, ma'am.

9 BY MR. JORDAN:

10 A: Yes.

11 Q: Did you just recall that?

12 A: I swung at a cup, but you want me to say yes.

13 Q: I just asked you did you swing at Mr. Ceaser while he was
14 holding your child?

15 A: I was swinging the cup away. I wasn't swinging at Mr.
16 Ceaser.

17 Q: Did you swing at --

18 A: I was swinging a cup away.

19 Q: Was Mr. Ceaser holding a cup?

20 A: Yes.

21 Q: Did you swing --

22 A: He threw the cup at me. He wasn't holding the cup. He
23 threw it at me.

24 Q: Okay.

25 A: He threw it at me.

KERILE THOMAS - CROSS BY MR. JORDAN

- 1 Q: So you took a swing --
- 2 A: I was swinging the cup away.
- 3 Q: You were arguing with Mr. Ceaser; correct? You took a
- 4 swing at Mr. Ceaser while he was holding your child?
- 5 A: I just said I took a swing at the cup. I did not take a
- 6 swing at Mr. Ceaser.
- 7 Q: That he was holding?
- 8 A: He threw it. He wasn't holding it anymore.
- 9 Q: And the next thing --
- 10 A: The cup hit the ground.
- 11 Q: The next thing you remember --
- 12 A: The next thing I remember --
- 13 Q: -- was hitting the ground?
- 14 A: Yes. It was dark.
- 15 Q: And you miraculously arose and somehow drove off?
- 16 A: Yes. Like a mother --
- 17 Q: Without having any idea --
- 18 A: Like a mother --
- 19 Q: -- what happened --
- 20 A: Like a mother would, yes.
- 21 Q: Okay.
- 22 THE COURT: Don't. The court reporter has a hard enough
- 23 time. You can't take things down if both of you are talking
- 24 at the same time.
- 25 MR. JORDAN: Yes, sir.

KERILE THOMAS - CROSS BY MR. JORDAN

1 BY MR. JORDAN:

2 Q: And then instead of going to seek treatment for anybody,
3 you go to Walmart?

4 A: Yes.

5 Q: And you sit and wait?

6 A: Yes.

7 Q: All right. And then you go to a bowling alley and you
8 sit and wait?

9 A: The bowling alley was right across the street from the
10 house.

11 Q: Okay. But you go to a bowling alley and you sit and
12 wait?

13 A: Would you go back?

14 Q: I would have gone to the hospital, but that's not the
15 question. Did you go to a bowling alley and sit and wait?

16 A: Yes.

17 Q: All right. You saw law enforcement go by; correct?

18 A: Yes.

19 Q: Okay. And you sat and you waited and then you went back
20 to the house?

21 A: Yes.

22 Q: You went back to the house after you and your mother
23 concocted a story about what went on, didn't you?

24 A: No.

25 Q: You don't know, do you?

KERILE THOMAS - CROSS BY MR. JORDAN

1 MS. WYSE: Objection, Your Honor. That's a
2 mischaracterization of what she said.

3 THE COURT: Overruled.

4 BY MR. JORDAN:

5 Q: You don't know what you did, do you?

6 A: I told you what happened to what I remember.

7 Q: To what you remember?

8 A: Yes.

9 Q: Now, what did your mother tell you you remembered?

10 A: My mother didn't tell me anything that I remember.

11 Q: Y'all didn't talk at all?

12 A: Everything that I just said, I remember on my own.

13 Q: All right. But you and your mother didn't talk this
14 entire time when you're sitting there waiting on law
15 enforcement to come to his house?

16 A: No.

17 Q: You sat in silence?

18 A: No.

19 Q: Was the baby screaming?

20 A: Yes.

21 Q: All right. Did you try to comfort the baby?

22 A: Yes.

23 Q: Okay. But you and your mom never talked?

24 A: We were back and forth on our phones.

25 Q: Okay. Who were you talking to?

KERILE THOMAS - CROSS BY MR. JORDAN

1 A: Family.

2 Q: All right. Were you trying to get your story straight?

3 A: No. The family we were talking to are sitting over
4 there. That's who we were talking to.

5 Q: Trying to get your story straight?

6 A: No.

7 Q: Okay. Why did you go back to the house?

8 A: The police told us to come back.

9 Q: All right. Did you talk to the police?

10 A: My mother talked to the police.

11 Q: All right. And they didn't tell you if you've suffered
12 injuries to go to the hospital?

13 A: No.

14 Q: All right. How long between when you called and -- 9-1-1
15 in the Walmart parking lot and you being in the bowling alley
16 parking lot did it take for law enforcement to respond?

17 A: I'm not sure. I didn't call the police.

18 Q: Okay. So you don't know how long you sat and waited?

19 A: No.

20 MR. JORDAN: One moment, Your Honor.

21 (WHEREUPON, there was a pause in the proceedings.)

22 THE COURT: Is there a problem, Solicitor?

23 MR. JORDAN: Your Honor, I --

24 MS. WYSE: Yes, Your Honor. May we approach?

25 THE COURT: Sure.

KERILE THOMAS - CROSS BY MR. JORDAN

1 (WHEREUPON, a bench conference was held in the presence
2 of the jury but out of the hearing of the jury as
3 follows.)

4 MS. WYSE: Your Honor, defense counsel just handed me
5 something that I have not seen previously and it looks like --

6 MR. JORDAN: I was provided -- I was provided with this
7 on Friday and instructed my office to send it to Ms. Wyse's
8 office. I assumed that had been done, Your Honor. These are
9 alleged to be text messages between the two of them.

10 MS. WYSE: And, Your Honor, I'm going to object to them
11 because I mean there's no way that we can prove, first of all,
12 that this hasn't been tampered with. We don't have records
13 from --

14 THE COURT: Well --

15 MS. WYSE: -- Verizon or Sprint or --

16 MR. JORDAN: That's the same objection that I made to the
17 email.

18 MS. WYSE: Yeah. But I didn't put them in evidence.

19 MR. JORDAN: I'm not saying I'm going to put these into
20 evidence.

21 THE COURT: Well, let's take it up out of the presence of
22 the jury.

23 MS. WYSE: Okay.

24 (WHEREUPON, the bench conference ended.)

25 THE COURT: Ladies and gentlemen, from time to time

KERILE THOMAS - CROSS BY MR. JORDAN

1 questions come up with the lawyers in terms of procedure and I
2 need to talk to -- let them put it on the record what their
3 concerns are. Because I need to put it on the record and it
4 may or may not be evidence in this case, I'm going to ask you
5 to go to the jury room for a few minutes. Just relax. I'll
6 call you when we're ready. Now would be a good time for a
7 break anyway.

8 (WHEREUPON, the jury exited the courtroom at 3:32 p.m.)

9 THE COURT: All right, counsel. Mr. Jordan, what's the
10 problem?

11 MR. JORDAN: Your Honor, what I've got here --

12 THE COURT: What do you -- what do you plan to do with
13 it?

14 MR. JORDAN: Well, that's a fine question, Your Honor. I
15 was trying to figure that out myself, but, Your Honor, these
16 things in my opinion go to show a --

17 THE COURT: What are they, just for the record?

18 MR. JORDAN: For the record, these are alleged to be text
19 messages sent between the victim and the defendant that in
20 some ways mirror or elaborate on the email that was asked
21 about earlier in terms of the way they interact with each
22 other. They are acknowledgments of prior acts of domestic
23 violence perpetrated by the victim against Mr. Ceaser and
24 things like that.

25 So I was going to ask about these things, Your Honor. I

KERILE THOMAS - CROSS BY MR. JORDAN

1 wasn't necessarily going to have them placed into evidence,
2 but I was going to ask about it and obviously I wanted to show
3 them to the solicitor. I know she was out Friday and Monday.
4 My office got them on Friday, sent them to her office, but she
5 was out. And so I wanted to have her --

6 THE COURT: You mean they've never -- the State has never
7 seen them?

8 MR. JORDAN: I --

9 THE COURT: As far as you know?

10 MR. JORDAN: As far as I know, they haven't, Your Honor.

11 THE COURT: This is not part of Rule 5?

12 MR. JORDAN: Right. This would have been reciprocal Rule
13 5 that I got Friday. I sent it to her office, but she was out
14 Friday.

15 THE COURT: All right.

16 MR. JORDAN: It's my understanding this was provided to
17 his other attorney as well and I don't know whether or not it
18 was provided there or not.

19 THE COURT: And you're not offering it at this time?

20 MR. JORDAN: I'm not offering it as evidence, Your Honor,
21 at this particular time.

22 MR. JORDAN: You want to use it for impeachment or what?

23 MR. JORDAN: That's what I was going to use it for was
24 impeachment, Your Honor.

25 THE COURT: What's the State's position?

KERILE THOMAS - CROSS BY MR. JORDAN

1 MS. WYSE: I have a couple of objections, Your Honor.
2 First of all, being that I wasn't here on Friday, I didn't get
3 those from the prior attorney. The first time I saw them was
4 just a few minutes ago.

5 THE COURT: Are you saying the State is surprised?

6 MS. WYSE: Yes, sir. The State is surprised. Second of
7 all, I haven't had a chance to review them. I don't know if
8 they're inculpatory or exculpatory.

9 Your Honor, I also -- I think that the defense is opening
10 a very dangerous door by talking about prior acts of violence.
11 They've already been -- they've already been mentioned on the
12 record. You know, he's asking the victim whether or not she
13 was violent towards him. I didn't ask the victim about prior
14 acts of violence because I know that there were prior acts of
15 violence perpetrated on both sides.

16 If we're going to open that door, then I think it's only
17 fair to the State that the victim gets to testify about all
18 those times the defendant was -- perpetrated violence on her
19 in the past. I think we're walking down a real slippery slope
20 right there.

21 My other objection to this, Your Honor, is, of course,
22 that I can't validate any of that. I mean I don't know if
23 it's the entire record. It looks like it's --

24 THE COURT: It would have to be authenticated. We're not
25 even talking about it if it's not authentic.

KERILE THOMAS - CROSS BY MR. JORDAN

1 MS. WYSE: Right. Your Honor, I mean I can't
2 authenticate it. I don't know how. I don't know how the
3 defense intends to authenticate it at all. I also have, you
4 know, concerns that --

5 THE COURT: All right. Let's do this. Go ahead and
6 proffer your questions out of the presence of the jury and
7 maybe it'll bring some things into clearer focus.

8 MR. JORDAN: Your Honor, upon further reflection, I am
9 not going to question the witness regarding these.

10 THE COURT: All right. That's fine. Are you ready to
11 continue --

12 MR. JORDAN: Yes, sir.

13 THE COURT: -- with your cross-examination?

14 MR. JORDAN: Yes, sir.

15 THE COURT: All right. We'll do that after a five-minute
16 break.

17 MS. WYSE: Thank you, Judge.

18 THE COURT: The court reporter needs a break. Ma'am, you
19 can come down, but I'm going to ask you not to -- your lawyer
20 will tell you, you can't talk to anybody during the break, not
21 even your mother.

22 THE WITNESS: I'll just sit here.

23 THE COURT: What?

24 THE WITNESS: Can I just sit here?

25 THE COURT: Sure. You can just sit here. We're going to

KERILE THOMAS - REDIRECT BY MS. WYSE

1 be but five minutes. I just thought if you need a bathroom
2 break or something like that. We're not going to be long.
3 Okay?

4 THE WITNESS: Uh-huh.

5 THE COURT: We'll stand at ease.

6 (WHEREUPON, there was a break in the proceedings from
7 3:37 p.m. until 3:44 p.m.)

8 THE COURT: Is the State ready to proceed?

9 MS. WYSE: Yes, Your Honor.

10 THE COURT: Is the defense ready to proceed?

11 MR. JORDAN: Yes, Your Honor.

12 THE COURT: Bring the jury, please.

13 THE BAILIFF: Yes, sir.

14 (WHEREUPON, the jury entered the courtroom at 3:46 p.m.)

15 THE COURT: All right. Mr. Jordan, you may proceed.

16 MR. JORDAN: Thank you, Your Honor. Your Honor, I don't
17 have any further questions for this witness.

18 THE COURT: All right. Any redirect?

19 MS. WYSE: Just briefly, Your Honor.

20 REDIRECT EXAMINATION

21 BY MS. WYSE:

22 Q: You were asked, Ms. Thomas, if you were ever abusive
23 towards Mr. Ceaser; is that correct?

24 A: Yes.

25 Q: Please speak up. Has Mr. Ceaser ever been abusive -- has

CAROL THOMAS - DIRECT BY MS. HUMMEL

1 Mr. Ceaser been abusive to you in the past?

2 MR. JORDAN: Objection, Your Honor. Asked and answered.

3 THE COURT: I'll sustain that.

4 MS. WYSE: No further questions, Your Honor.

5 THE COURT: All right, ma'am. You may come down. Thank
6 you very much.

7 THE WITNESS: Do I leave this up here?

8 THE COURT: Yeah. Just leave it all there. Thank you.
9 Next witness.

10 MS. HUMMEL: Thank you, Your Honor. The State would call
11 Carol Gerald to the stand.

12 THE CLERK: If you will, ma'am, place your left hand on
13 the Bible and raise your right hand. Do you swear to tell the
14 truth, the whole truth, and nothing but the truth, so help you
15 God?

16 THE WITNESS: I do.

17 THE CLERK: Please be seated and state your full name for
18 the record.

19 THE WITNESS: Carol Denise Gerald.

20 CAROL GERALD, being first duly sworn,
21 testified as follows:

22 DIRECT EXAMINATION

23 BY MS. HUMMEL:

24 Q: Ms. Gerald, how are you related to Kerile Gerald or her
25 name now is Thomas?

CAROL THOMAS - DIRECT BY MS. HUMMEL

1 A: That's my daughter.

2 Q: And does she have a baby girl named G. ?

3 A: Yes.

4 Q: Is that your granddaughter?

5 A: Yes.

6 Q: Now, do you recall some incidents on the date of March
7 the 29th of 2014?

8 A: Yes.

9 Q: All right. And do you remember what you were doing on
10 that day?

11 A: Yes.

12 Q: All right. And what were you doing?

13 A: You want me to start at the beginning?

14 Q: Well, let's start with -- were you taking -- were you and
15 Kerile taking baby G. to see the defendant --

16 A: Yes.

17 Q: -- In this case, Mr. Ceaser? Okay. And where does he
18 live? Or where did he live at that time?

19 A: Off . It's over there next to the bowling alley and
20 Walmart on Irby Street.

21 Q: Okay. Do you recall about what time you headed over
22 there?

23 A: It was around four or after four.

24 Q: All right. And were you driving or was Ms. Kerile
25 driving?

CAROL THOMAS - DIRECT BY MS. HUMMEL

- 1 A: I was driving.
- 2 Q: All right. When you got there, what first happened?
- 3 A: They were exchanging words. When we first got there, she
- 4 went to the door and he came out. When he came out, he came
- 5 straight to the car and he got the baby out the -- out the car
- 6 seat. And so they were -- they were having words.
- 7 Q: Okay. At that point, where were you? Were you still in
- 8 the car?
- 9 A: I was still in the car.
- 10 Q: Okay. After they had words, what happened next?
- 11 A: She asked him about the food. We went to get the food
- 12 and we took it back to the house.
- 13 Q: Okay. And where did you go to get the food?
- 14 A: KFC.
- 15 Q: All right. And do you know who paid for the food?
- 16 A: He did. He gave her his debit card.
- 17 Q: Okay. And then y'all drove back?
- 18 A: Uh-huh.
- 19 Q: And what happened? Who was driving on the way back?
- 20 A: I was.
- 21 Q: Okay. When you got back, what happened first?
- 22 A: I remember her getting out to take the food and I was
- 23 just sitting in the car. I had the radio on; so I didn't know
- 24 what was going on outside of the car until he came and pulled
- 25 the car door open. And I was like, what's going on, but then

CAROL THOMAS - DIRECT BY MS. HUMMEL

1 when he pulled the car door open, he bent down and picked up
2 the receipt and I was like, oh. So, you know, that was that
3 at that point.

4 Q: And where was Ms. Kerile, your daughter, at that point?

5 A: She was at the passenger side of the car.

6 Q: And was she inside the car or outside the car?

7 A: No. She was on the outside of the car because I remember
8 -- well, I don't know if I'm supposed to repeat it, but I
9 remember her saying, you know, get your hands off of my car.
10 You don't want me going into the house. Get your hands off of
11 my car.

12 Q: Okay. And without telling really, you know, too much
13 into what she said, was she just standing outside the open
14 door or was the door closed?

15 A: No. The door was open.

16 Q: Okay. All right. Would it be helpful for you to have a
17 drawing of the car so you can point to where you were and
18 where she was when all this happened?

19 A: I mean it's fine. I can tell -- I can point it out
20 because I remember everything that happened.

21 MS. HUMMEL: Judge? Your Honor, permission to allow the
22 witness to step down to use a demonstrative?

23 THE COURT: Go ahead.

24 MS. HUMMEL: Thank you, Your Honor.

25 MR. JORDAN: Your Honor, do you mind if I --

CAROL THOMAS - DIRECT BY MS. HUMMEL

1 THE COURT: Go ahead.

2 MS. HUMMEL: All right.

3 BY MS. HUMMEL:

4 Q: Ms. Gerald, you said that you were sitting in the
5 driver's side?

6 A: Right. I was in the driver's side. I still had on my
7 seatbelt. The passenger door was open and so she was, like,
8 behind because the door was open. So she was, like, you know,
9 right there at the door --

10 Q: Okay.

11 A: -- when everything was going on. And so do you want me
12 to explain everything that happened at this point?

13 Q: Where was -- let me ask you this. Where was the baby,
14 little baby G. ? Where was she at the time?

15 A: Mr. Ceaser was holding her.

16 Q: Okay. And where was Mr. Ceaser standing?

17 A: Not far from where Kerile was standing.

18 Q: Okay. So he was standing kind of beside her --

19 A: Right.

20 Q: -- by that door on the passenger side?

21 A: Right.

22 Q: Okay. Now, you said he reached in and grabbed the
23 receipt?

24 A: Uh-huh. Because it was like he flung the door open and
25 she was like get your so-and-so hands off my door. Get it off

CAROL THOMAS - DIRECT BY MS. HUMMEL

1 my car. But when -- because when the door came flying open, I
2 said what's going on. And at that time, I didn't know that
3 the receipt was on the floor in the car. I didn't know it.

4 And so when he flung the door open, he automatically bent
5 down to pick up the receipt. So -- okay. So the next thing I
6 heard was oops, sorry, and as I heard oops, sorry, the cup --
7 he took the cup that he had and he threw it in her face and
8 her hand went back like this.

9 Q: Where was the cup before he had taken it?

10 A: On the top of the car.

11 Q: Okay.

12 A: And so I heard -- I mean it was clear. It was like oops,
13 sorry, and as soon as oops, sorry came out, the cup went and
14 she did this, but no sooner than she did this, he punched her.
15 And when he punched her, she fell back. So she fell back this
16 way.

17 Q: Okay.

18 A: And she bounced on the ground. And I'm like, okay. So I
19 got out at that point.

20 Q: Okay. So you were in the driver's seat and you get out
21 and you walk --

22 A: Around.

23 Q: -- around the car. And what do you do next?

24 A: At that point when I walked around the car, he was like,
25 oh, so you want some too? He said it ain't going to be like

CAROL THOMAS - DIRECT BY MS. HUMMEL

1 it was the last time.

2 Q: And then what happened next?

3 A: Then I remember taking off my shoe because I had on
4 little slides. I had on slides. But I -- and I threw the
5 shoe, but I threw it on the side where he didn't -- where the
6 baby wasn't.

7 Q: Okay.

8 A: But it didn't hit him.

9 Q: Do you remember what side he was holding the baby on?

10 A: The baby was on this side.

11 Q: On his left side? Okay. And you threw it at his right
12 side? Okay. And you said -- did it -- did it miss him or did
13 it hit him?

14 A: It missed him.

15 Q: It missed him? Okay. After that, what happened next?

16 A: At that point, I -- at that point, I remember grabbing
17 his shirt and as I had the shirt he was, like, punching me in
18 my face, but I wouldn't let the shirt go. And it was -- like,
19 because it was a shirt and as I -- as he punched me in my
20 face, I stumbled. But as I was stumbling, the shirt --
21 because I could hear the shirt ripping, but I wouldn't let the
22 shirt go.

23 But as he was punching me, you know, I felt the licks and
24 then I heard G. crying and as I heard G. crying, it was,
25 like, I still didn't let the shirt go. And so then I didn't

CAROL THOMAS - DIRECT BY MS. HUMMEL

1 hear her crying no more. And when I didn't hear her crying
2 anymore, that's when I caught him by his wrist and I stood up.
3 Q: So when -- when did you fall down? At some point when he
4 was punching you?
5 A: When he was punching me, I fell. I slipped and I fell.
6 It was -- like, because as he was punching me, you know, I was
7 backing up, but then I slipped. And when I slipped, that's
8 when -- because as I slipped, I heard the shirt ripping.
9 Q: Okay.
10 A: But I didn't let the shirt go. When I let the shirt go,
11 it was, like, I didn't hear G. crying anymore.
12 Q: Okay. After you fell down onto the ground, did he start
13 doing anything else to you?
14 A: He kicked me. He was, like, kicking me, kicking my
15 thighs. I had a bruise right up in here.
16 Q: Okay.
17 A: So it was more than just punching me in my face at that
18 point.
19 Q: Do you remember -- do you remember how many times he
20 punched you in the face?
21 A: No.
22 Q: Was it multiple times?
23 A: Multiple.
24 Q: Do you remember how many times he kicked you?
25 A: No.

CAROL THOMAS - DIRECT BY MS. HUMMEL

- 1 Q: Once you fell? Okay. But it was multiple times --
- 2 A: Multiple times.
- 3 Q: -- that he kicked you? Okay. Do you know where -- do
- 4 you know what happened to Kerile at this point? Is she still
- 5 on the ground?
- 6 A: I don't know.
- 7 Q: Okay.
- 8 A: I didn't know anything until I got up and then when I got
- 9 up off the ground, that's when I realized that she was up and
- 10 she had G.
- 11 Q: Okay. Do you remember the defendant dropping the baby at
- 12 any point or was he still holding her?
- 13 A: He wasn't holding her the whole time.
- 14 Q: Okay.
- 15 A: He wasn't holding her because -- I don't know exactly
- 16 during what part, but he wasn't holding her the whole time he
- 17 was hitting me.
- 18 Q: Okay. Did she eventually fall onto the ground?
- 19 A: Yeah. She hit the ground.
- 20 Q: Okay. And did -- were you able to make your way to her
- 21 or was Kerile able to?
- 22 A: Kerile had already got her.
- 23 Q: Okay. All right. After he was kicking you on the
- 24 ground, you said you grabbed his wrist --
- 25 A: When I grabbed his wrist, it was to --

CAROL THOMAS - DIRECT BY MS. HUMMEL

1 Q: -- and you stood up?

2 A: It was to stand up.

3 Q: Okay. And what did you do at that point?

4 A: I said it was finished and it was just -- it was
5 finished.

6 Q: At that point, did he -- did he stop doing what he was
7 doing?

8 A: He stopped. He just stopped and he backed up, like,
9 because it was finished. That's what I said. I said it's
10 finished.

11 Q: When he -- when he punched you the very first time, did
12 you feel anything in your face go out of place or hurt?

13 A: This is the side and it was like that first punch,
14 there's something right here and it just came out instantly.
15 It swelled. It came out instantly.

16 Q: Did you have a lot to blood flowing from that area --

17 A: It was a lot.

18 Q: -- too?

19 A: It was a lot. I had stitches in the bottom and the top
20 and stitches on both -- because both -- both -- both eyes was
21 messed up. So I had glue -- glue here, stitches here, and
22 this -- this cut was so close to my eyelash that they were
23 scared to do anything with that one. So it healed on its own.
24 So right -- right up in here is where I had stitches and the
25 glue was right here.

CAROL THOMAS - DIRECT BY MS. HUMMEL

1 Q: Okay. So is that everything that happened at the car?

2 Did y'all then get in the car and leave?

3 A: We got in the car and we left and we went to Walmart.

4 Q: Okay.

5 A: But I wasn't driving because when she realized that I was

6 hurt -- because when I stood up -- when I stood up -- when I

7 stood up and held my face up, it was like blood just poured.

8 Blood just poured from my face and that's when she realized.

9 She was like, you hurt my mama. And so at that point she was

10 like get in the car and I was like I need my shoe and she said

11 don't worry about your shoe. Get in the car. And at that

12 point, we left. And when we first left, she was calling her

13 dad.

14 Q: Okay. Do you remember ever swinging at the defendant?

15 A: No. I remember pulling his shirt.

16 Q: Okay. Did you ever hit him at any point during this?

17 A: During this, no.

18 Q: Okay. Now, you said y'all went to Walmart. I think

19 we're done with this. You can sit back down. Thank you.

20 All right. Ms. Gerald, when y'all got to Walmart, did

21 you eventually call law enforcement or call 9-1-1?

22 A: I did. I called my brother first.

23 Q: Okay.

24 A: And I told him what had happened and then I called the

25 police and they said that they had already received a call and

CAROL THOMAS - DIRECT BY MS. HUMMEL

1 I needed to go back to the scene.

2 Q: Okay.

3 A: And I told them that I didn't want to go back to the
4 scene and they was like, well, we need you. I said can't
5 y'all meet us in Walmart parking lot and they was like, no. I
6 said, well, can you meet me at the bowling alley and they was
7 like, no, we need you to go back to the scene. And I said I
8 don't want to go back to the scene. And then I told them -- I
9 said okay.

10 And so we -- when I went back to the scene, I was driving
11 and the first thing I did -- I got my shoes because I always
12 felt that it was against the law to drive without shoes. So
13 the first thing I did, I got my shoes and the baby's pacifier.
14 They were on the porch.

15 But then I left and, when I left, I actually was going to
16 Doctor's Care, which is on that same street. It's, like, a
17 block over from Walmart. But when I pulled up in Doctor's
18 Care parking lot, they were already closed.

19 So when I left there, I was going down Irby Street to
20 make a turn on because I was getting ready to go to
21 the Urgent Care on Timmons ville -- the Timmons ville road, 76,
22 because that was the one that I always used. So I was getting
23 ready to go there, but as I was getting ready to turn onto
24 , my brother called me and he was like, where are
25 you? I said I'm next to DSS. He said we need you to come

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1 back. I said --- he said where -- I said I was getting ready
2 to go to get some -- try to get some help because I can't stop
3 bleeding. I said I'm bleeding really bad and he said so come
4 back and I told him -- I said okay. I said, well, we can stop
5 right at the bowling alley. He was like, no. He said I'm
6 here. It's going to be all right. You can come back.

7 And so that's when I turned around and I went back to the
8 house. And when I got to the house, my brother -- I got out
9 and went straight to my brother and that's when the officer
10 came up and she was like, who did this to you and I said he
11 did. And she said the person that's in the house? And I said
12 yes.

13 And so that's -- at that point, I told her -- I can't
14 remember what I said, but she said you can't drive. I said
15 yes, ma'am, I can drive. She said no. With the injuries that
16 you have, we cannot allow you to drive anywhere, not to the
17 hospital or anywhere. We have to call EMS.

18 Q: So did you go -- did you go to the emergency room?

19 A: Yes.

20 Q: Okay. Did you ride in the ambulance?

21 A: We went by EMS.

22 Q: Okay. Now, when you all had left the scene and come
23 back, was G. in the car with you?

24 A: Yes.

25 Q: Okay. And did y'all three ride to EMS together in the

CAROL THOMAS - DIRECT BY MS. HUMMEL

1 ambulance?

2 A: No. My sister brought G. , and Kerile and myself -- we
3 were in the ambulance.

4 Q: Okay. Now, did you talk with -- now, the person you
5 talked with on scene, do you see her in the courtroom today,
6 the officer?

7 A: Yes..

8 Q: Is it Ms. Owens that's sitting right here behind me?

9 A: Yes.

10 Q: Okay. Now, when you got to the emergency room, did you
11 speak -- did you see a doctor?

12 A: Yes.

13 Q: Okay. Were you treated for your injuries?

14 A: Yes.

15 Q: Okay. And what -- what type of injuries did you have?

16 A: I had a fracture to my -- to my eye socket.

17 Q: Okay. And was that on your left side or your right side?

18 A: It's on my left side.

19 Q: Your left side? Okay. Did you have any other injuries?

20 I know you mentioned you had a bruise on your shoulder?

21 A: Just bruises.

22 Q: Okay. Did you have stitches on any other part of your
23 face?

24 A: Just right here in my eyebrow.

25 Q: Up there above your eyebrow on the left side?

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- 1 A: The left side. I had stitches here and they didn't want
2 to put a stitch here; so they glued that instead of stitching
3 it.
- 4 Q: Okay. The part where the fracture had occurred?
- 5 A: The fracture occurred right up in here.
- 6 Q: Okay. So the part where there was a cut?
- 7 A: There was another cut.
- 8 Q: In the fractured area? Okay. Did you speak with an
9 investigator at the hospital? Do you remember?
- 10 A: I did.
- 11 Q: Okay. And was it Mr. Jamie Cooper who is sitting right
12 here?
- 13 A: It was.
- 14 Q: Okay. And did you tell him about what happened?
- 15 A: I did.
- 16 Q: All right. Did you give -- did you at some point give
17 him a statement about what happened, a written statement?
- 18 A: I gave him a statement. I didn't write the statement. I
19 think my best friend was there and she wrote the statement for
20 me because I couldn't write.
- 21 Q: Okay. You couldn't see to write?
- 22 A: Right.
- 23 Q: Okay.
- 24 A: So I think I signed it, but I had her write it for me.
- 25 Q: Okay. You told her what to write?

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1 A: Uh-huh.

2 Q: And you signed it? Okay. Do you remember what officer
3 you gave that to?

4 A: I gave it to Officer Owens.

5 Q: Officer Owens? Okay. And was that after you had already
6 gone to the hospital?

7 A: We gave a statement before we left --

8 Q: Okay.

9 A: -- the scene.

10 Q: While you were at the scene before you went to the
11 hospital?

12 A: Uh-huh.

13 Q: Okay. All right. Now, do you remember any pictures
14 being taken of yourself and Kerile on that day?

15 A: Yes.

16 Q: Okay. Do you remember -- do you remember who took those
17 pictures?

18 A: Yes.

19 Q: Okay. And who was that?

20 A: Officer Owens.

21 Q: Officer Owens? All right. And did she take all the
22 pictures of you that day?

23 A: Yes.

24 Q: Okay.

25 MS. HUMMEL: Your Honor, may I approach to retrieve --

CAROL THOMAS - DIRECT BY MS. HUMMEL

1 THE COURT: Sure.

2 MS. HUMMEL: -- exhibits that have been --

3 THE COURT: Yes, ma'am.

4 MS. HUMMEL: -- previously marked? Thank you, Your
5 Honor. All right.

6 BY MS. HUMMEL:

7 Q: Now, Ms. Gerald, I'm going to hand you what's been
8 previously marked as State's Exhibits 2 through -- I believe
9 it's 24. I want you to take a look at those and see if you
10 recognize them. Let me know when you're -- when you're done
11 reviewing them.

12 (WHEREUPON, there was a pause in the proceedings.)

13 BY MS. HUMMEL:

14 Q: Are you finished reviewing them, Ms. Gerald?

15 A: Yes.

16 Q: Okay. Do you recognize those photos?

17 A: Yes.

18 Q: All right. And are those -- are some of those photos
19 photos that were taken of yourself --

20 A: Yes.

21 Q: -- on the day of the incident? All right. And some of
22 them -- are they photos taken of Ms. Kerile?

23 A: Yes.

24 Q: And were those taken on the day of the incident?

25 A: Some were taken -- some were taken on the day of the

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1 incident and some were taken the Monday after.

2 Q: Okay. The Monday after the incident happened?

3 A: Uh-huh.

4 MS. HUMMEL: Judge, may I approach to retrieve the
5 exhibits?

6 THE COURT: Sure.

7 MS. HUMMEL: Thank you, Your Honor.

8 BY MS. HUMMEL:

9 Q: Do you recall exactly which ones were taken the day
10 after?

11 A: Yes.

12 Q: All right. Are they Exhibits -- State's Exhibits 13
13 through --

14 MR. JORDAN: Your Honor, I'm going to object to this line
15 of questioning. I believe what she's attempting to do is lay
16 the foundation to introduce these into evidence.

17 THE COURT: I understand.

18 MR. JORDAN: And she --

19 THE COURT: I understand. Approach the bench, both of
20 you.

21 (WHEREUPON, a bench conference was held in the presence
22 of the jury but out of the hearing of the jury as
23 follows.)

24 THE COURT: Did the officer take the photographs?

25 MS. HUMMEL: She took -- she took the ones on scene, but

CAROL THOMAS - DIRECT BY MS. HUMMEL

1 she didn't take the ones after -- the day after.

2 THE COURT: Do you know who did?

3 MS. HUMMEL: I can ask Ms. Gerald who took them, but I
4 believe it was --

5 THE COURT: What?

6 MS. HUMMEL: I believe it was the Pee Dee Coalition.

7 THE COURT: The what?

8 MS. HUMMEL: The Pee Dee Coalition, the domestic violence
9 shelter center.

10 THE COURT: Oh.

11 MS. HUMMEL: I'm going to ask her, but --

12 THE COURT: Well, just get your officer to put in the
13 ones she took.

14 MS. HUMMEL: Right.

15 THE COURT: We'll worry about the other ones later.

16 MS. HUMMEL: Okay. I was just asking her to identify
17 which ones were taken --

18 THE COURT: She can't get them in. You're going to have
19 to use the officer.

20 MS. HUMMEL: Yes, sir.

21 THE COURT: You can identify them, but you --

22 MS. HUMMEL: Yes, sir.

23 THE COURT: So she can't.

24 MR. JORDAN: The pictures of the defendant --

25 THE COURT: The pictures of the defendant -- she doesn't

CAROL THOMAS - DIRECT BY MS. HUMMEL

1 know -- she doesn't know how those came about.

2 MS. HUMMEL: Right. I was just trying to get in the
3 pictures that were taken the day after.

4 THE COURT: You can do it with the officer, slam dunk.

5 MS. HUMMEL: But she didn't take those.

6 MR. JORDAN: No. My objection is she can't lay the
7 foundation to get any of these pictures in evidence.

8 THE COURT: Yes, she can. Say did they take your picture
9 and she says yes.

10 MR. JORDAN: But she doesn't know who took it. She
11 doesn't know. That's the problem.

12 THE COURT: She says this officer took them. What more
13 do you want?

14 MR. JORDAN: I think the officer can say she took them,
15 but I don't see --

16 THE COURT: She can identify them.

17 MR. JORDAN: Yes, sir. And I don't have a problem with
18 the others. I'm talking -- she's talking about the ones that
19 --

20 THE COURT: Let's move on.

21 (WHEREUPON, the bench conference ended.)

22 BY MS. HUMMEL:

23 Q: Ms. Gerald, did the -- after you went to the hospital,
24 did you later on go -- did you and Ms. Kerile go to a Family
25 Court order of protection hearing?

CAROL THOMAS - DIRECT BY MS. HUMMEL

1 A: Yes.

2 Q: Okay. And do you remember what date that was?

3 A: No.

4 Q: Okay. But it was after this incident occurred?

5 A: Yes.

6 Q: Okay. And were you present -- were you present at the
7 hearing?

8 A: Yes.

9 Q: Okay. Now, how long -- going back to the incident, how
10 long were you all at the house from the time that you returned
11 from getting the food until the time that you left? How long
12 do you think you were there?

13 A: I don't think we were there 20 minutes.

14 Q: Okay. Roughly 20 minutes, but not more maybe?

15 A: No.

16 Q: Okay. All right. Now, after -- after the incident had
17 occurred and everything had happened, did -- did G.
18 have any issues?

19 A: Yes.

20 Q: What kind of issues did she have?

21 A: She -- she had rough nights. We had real rough nights.
22 She cried in her sleep. She'd fight in her sleep. And she
23 always -- she sleeps with me most of the time.

24 So it was always -- like, she would just wake up in the
25 middle of the night crying every night and this was, like,

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1 going on for months. And so we took her to the doctor and the
2 doctor was like, there was nothing they could do because she
3 was so young. So I think we made at least three trips to her
4 pediatrician asking him to do something and help us with
5 something that would just get her some rest.

6 And finally, Dr. Birdie recommended melatonin and he was
7 like, just give her -- you could get it at that time -- she
8 could take it in the little drops and it was just like you
9 give her a drop full and it would help her go to sleep and she
10 would sleep through the night.

11 Q: Did she ever have any of these types of problems before
12 that date of March 29th?

13 A: No.

14 Q: Okay.

15 MS. HUMMEL: I beg the Court's indulgence one moment
16 please. Nothing further at this time, Your Honor.

17 THE COURT: Cross-examination.

18 MR. JORDAN: Thank you, Your Honor.

19 CROSS-EXAMINATION

20 BY MR. JORDAN:

21 Q: Ms. Gerald, just to kind of refresh my memory, who was
22 driving when you all initially pulled up to the house?

23 A: I was.

24 Q: Okay. And you drove to get Kerile some food?

25 A: I drove to get G. some food.

CAROL THOMAS - CROSS BY MR. JORDAN

- 1 Q: I'm sorry. Get G. some food?
- 2 A: Uh-huh.
- 3 Q: And when you got back to the house, Kerile got out of the
- 4 car and was taking the food up to the door?
- 5 A: Yes.
- 6 Q: All right. And you remained in the car?
- 7 A: Yes.
- 8 Q: All right. Seat belted in and had the radio going?
- 9 A: Yes.
- 10 Q: Okay. What kind of car did you drive?
- 11 A: I was driving her car, which is a Honda.
- 12 Q: All right. A big car? Small car?
- 13 A: It's a small car.
- 14 Q: Okay. Were you watching anything that was going on
- 15 between --
- 16 A: I knew that they were having words, but I didn't know
- 17 why.
- 18 Q: Okay. And who was holding G. at that time?
- 19 A: Mr. Ceaser.
- 20 Q: Okay. And they were walking toward the car?
- 21 A: They came back to the car. He came back to the car.
- 22 Q: And he opened the door and got the receipt?
- 23 A: Yes.
- 24 Q: Okay. And you stayed strapped into the car?
- 25 A: I stayed strapped into the car.

CAROL THOMAS - CROSS BY MR. JORDAN

1 Q: Okay. Did you say anything to him or holler anything
2 out?

3 A: No.

4 Q: You weren't curious about what was going on or anything?

5 A: I asked what was wrong, but it was -- I didn't holler
6 anything out. I said that, you know, if this is a bad time,
7 we could bring the baby back another day.

8 Q: Okay. But you were still strapped into the car?

9 A: Yes.

10 Q: Okay. A Honda Accord is a small car; right?

11 A: Uh-huh.

12 Q: Okay. And you said Kerile was by the back door? Back
13 passenger side door?

14 A: She was in-between the -- the side passenger and the
15 back. So it was right there because the door was open --

16 Q: Okay.

17 A: -- when he pulled the door open.

18 Q: All right. And he was in sort of the door opening; is
19 that right?

20 A: He got the receipt and then he moved.

21 Q: All right. How far did he move?

22 A: I can't really tell you that.

23 Q: Okay. But was he still close to the car?

24 A: Yes.

25 Q: Okay. But can you estimate how close he was to the car?

CAROL THOMAS - CROSS BY MR. JORDAN

- 1 A: No.
- 2 Q: Okay. How much of his body could you see?
- 3 A: I'm not sure.
- 4 Q: Okay. The way you saw him was through looking through
5 the open door; correct?
- 6 A: Yes.
- 7 Q: Okay. So he was standing close enough to the car for you
8 to be able to see part of but not all of his body; is that
9 correct?
- 10 A: I'm not sure.
- 11 Q: Okay. Could you see all of Kerile's body?
- 12 A: No.
- 13 Q: Could you see the cup of fruit juice?
- 14 A: I couldn't see the cup. I didn't see the cup until it
15 was in his hand.
- 16 Q: Okay. But you couldn't see what happened to it after it
17 got into his hand, could you?
- 18 A: No. I saw him throw it.
- 19 Q: All right. So you could see him throw it, but you're not
20 sure how much of his body you can see?
- 21 A: Yes.
- 22 Q: Through the door?
- 23 A: Uh-huh.
- 24 Q: You're not sure how much of her body you could see
25 through the door?

CAROL THOMAS - CROSS BY MR. JORDAN

- 1 A: That's correct.
- 2 Q: Okay. If I'm standing here, how much of my body can you
3 see?
- 4 A: Not all of it.
- 5 Q: Okay. Could you see this part of his body?
- 6 A: I'm not sure.
- 7 Q: Okay. You're not sure because you couldn't, aren't you?
8 You're not sure because you couldn't see the upper part of Mr.
9 Ceaser's body, could you?
- 10 A: I can't say I couldn't see the upper part of the body. I
11 can't say how much. I saw he had G. , but I don't know
12 how much of his body I saw.
- 13 Q: You couldn't see the upper part of your daughter's body
14 either, could you?
- 15 A: I could see her face.
- 16 Q: Okay. So she's standing midway back in the car, you're
17 strapped in with the radio going, and you can see her? I mean
18 presumably there's the door, your blind spot right there,
19 which is where you said she was. You just said you couldn't
20 remember how much of her body you could see, but now you could
21 see her head?
- 22 A: I could see her face. I saw the cup. I saw him -- oops,
23 sorry, and he threw the cup in her face.
- 24 Q: All while you were strapped into the car?
- 25 A: Sure.

CAROL THOMAS - CROSS BY MR. JORDAN

- 1 Q: Little tiny car? Small field of vision? You saw all
2 that?
- 3 A: Yes.
- 4 Q: You saw her swipe at him, didn't you?
- 5 A: Yes.
- 6 Q: All right. And he was holding the baby, wasn't he?
- 7 A: Yes.
- 8 Q: And you know that there have been prior issues between
9 the two of them, don't you?
- 10 A: Yes.
- 11 Q: All right. Would you want your grandchild to be around a
12 situation like that?
- 13 A: A situation like what?
- 14 Q: Between two people who have had prior issues where one
15 person is swinging at another?
- 16 A: Yes. And the reason I said yes is because she swung at
17 him because --
- 18 Q: I --
- 19 A: -- he threw the cup in her face.
- 20 Q: So it's okay for someone to take a swing at a person
21 holding a baby?
- 22 A: She wasn't taking a swing at him. She swiped the cup out
23 of her face.
- 24 Q: You just said she swung at him?
- 25 A: She did this. (Gesturing.)

CAROL THOMAS - CROSS BY MR. JORDAN

- 1 Q: Okay. At him? You don't know how she hit the ground, do
2 you?
- 3 A: Yes, I do.
- 4 Q: Do you know why she hit the ground?
- 5 A: I know why, yes.
- 6 Q: All right. Did you see it?
- 7 A: Yes.
- 8 Q: Really?
- 9 A: Yes.
- 10 Q: All right. How did you see it?
- 11 A: What do you mean how did I see it?
- 12 Q: Tell me about that. What did you see?
- 13 A: I saw him punch her.
- 14 Q: How far back did Mr. Ceaser's hand go?
- 15 A: I'm not sure how far back his hand went.
- 16 Q: All right. Because when you're holding a baby, your
17 range of motion is not going to be very far, is it?
- 18 A: The baby --
- 19 Q: So how far back did his hand go?
- 20 A: I'm not sure.
- 21 Q: Did he rear back?
- 22 A: No.
- 23 Q: Okay. You didn't see anything, did you?
- 24 A: I saw him punch her.
- 25 Q: You know she has blackouts?

CAROL THOMAS - CROSS BY MR. JORDAN

- 1 A: Yes.
- 2 Q: All right. Could she have had a blackout and fallen
3 down?
- 4 A: No.
- 5 Q: Why not?
- 6 A: Because she didn't fall until he hit her.
- 7 Q: You didn't see him hit her, did you?
- 8 A: Yes, I did.
- 9 Q: All right. You saw him hit her, but you can't tell me
10 how hard he hit her?
- 11 A: No, I can't.
- 12 Q: You can't tell me how far back he went?
- 13 A: No.
- 14 Q: You can't tell me whether or not he reared back and
15 popped her?
- 16 A: No.
- 17 Q: All right. But he hit her?
- 18 A: Yes.
- 19 Q: All right. And you saw it?
- 20 A: Yes.
- 21 Q: Are you sure you saw it?
- 22 A: I'm positive.
- 23 Q: I don't think you are.
- 24 A: Yes.
- 25 Q: All right. Now, from there, you then finagle with your

CAROL THOMAS - CROSS BY MR. JORDAN

- 1 seatbelt and you run around to check on your daughter; is that
2 right?
- 3 A: Yes.
- 4 Q: Okay. And where is Mr. Ceaser?
- 5 A: Standing right there.
- 6 Q: All right. He's standing there holding your
7 granddaughter, isn't he?
- 8 A: Uh-huh.
- 9 Q: And you take off your shoe and you throw it at him?
- 10 A: Yes.
- 11 Q: And then you run at him?
- 12 A: No.
- 13 Q: All right. How did you get to him?
- 14 A: He was right there.
- 15 Q: Okay. So you grabbed him by the shirt?
- 16 A: Yes.
- 17 Q: All right. And you pulled on him? With all your
18 strength, with all your weight, you were pulling on him?
- 19 A: No. He --
- 20 Q: While he's holding your granddaughter?
- 21 A: No.
- 22 Q: How did you get to him?
- 23 A: I walked to him.
- 24 Q: And then what did you do?
- 25 A: As I walked to him and he -- whatever happened, I grabbed

CAROL THOMAS - CROSS BY MR. JORDAN

1 hold to his T-shirt.

2 Q: All right. And then what did you do?

3 A: Nothing.

4 Q: You just --

5 A: I just kept holding --

6 Q: -- stood there --

7 A: I just --

8 Q: -- and grabbed hold to his T-shirt?

9 A: I kept hold to his T-shirt. As I held onto his shirt, he

10 was punching me in my face.

11 Q: You calmly exited the vehicle? This is what you want me

12 to believe? You calmly exited the vehicle, walked around, saw

13 your daughter laying on the ground; right?

14 A: Uh-huh.

15 Q: And then you calmly bent down, took off your shoe, and

16 threw it at Mr. Ceaser?

17 A: I threw it at him.

18 Q: All right. Then you calmly walk over and just grab his

19 shirt?

20 A: I didn't hit him.

21 Q: You calmly walked over and grabbed his shirt?

22 A: I grabbed -- I grabbed him by his shirt. Now, you can

23 believe what you want.

24 Q: As a parent, I find it hard to believe, but how long did

25 it take you to get from your seat to grabbing his shirt?

CAROL THOMAS - CROSS BY MR. JORDAN

- 1 A: What are you saying? How many minutes?
- 2 Q: Yeah.
- 3 A: I don't know.
- 4 Q: Let's move on then. All right? The incident between you
- 5 and Mr. Ceaser -- you claim you only grabbed his shirt;
- 6 correct?
- 7 A: Correct.
- 8 Q: That he had your granddaughter?
- 9 A: Right.
- 10 Q: Right? He didn't say anything threatening?
- 11 A: Yes. He was like, you want some? It's not going to
- 12 happen the way it happened the last time.
- 13 Q: That's what you said?
- 14 A: That's what he said to me.
- 15 Q: What did you say?
- 16 A: I don't remember saying anything to him.
- 17 Q: When did he say that?
- 18 A: When I got out the car.
- 19 Q: Okay. And you walked over to him and grabbed his shirt?
- 20 A: Uh-huh.
- 21 Q: All right. Was that not a menacing act?
- 22 A: No.
- 23 Q: Why did you walk over and grab his shirt, Ms. Gerald?
- 24 A: He just knocked my daughter out.
- 25 Q: Why did you walk over and grab his shirt?

CAROL THOMAS - CROSS BY MR. JORDAN

- 1 A: He just -- he just knocked her out.
- 2 Q: What were you planning to do, Ms. Gerald?
- 3 A: Nothing.
- 4 Q: What were you doing, Ms. Gerald?
- 5 A: What do you mean?
- 6 Q: Somebody hit somebody you're with and you're sitting in
- 7 the car, I would think you would want to go and make sure that
- 8 person is okay, wouldn't you? You want to tend to that
- 9 person? You certainly wouldn't want to go and mouth off and
- 10 attack the person holding your grandchild.
- 11 THE COURT: Is that a question?
- 12 BY MR. JORDAN:
- 13 Q: Would you?
- 14 A: Oh, no.
- 15 Q: All right. But that's what you did, isn't it? You
- 16 walked right past your daughter, up to Mr. Ceaser, grabbed his
- 17 shirt, and started hitting him and scratching him, didn't you?
- 18 A: No. I did not hit and scratch him.
- 19 Q: All right. Then what were you doing in his face, Ms.
- 20 Gerald?
- 21 A: I felt that I had a right to be in his face. He just
- 22 knocked my daughter out.
- 23 Q: Okay. And he's holding your granddaughter?
- 24 A: Yes.
- 25 Q: All right. And he continues to hold your granddaughter

CAROL THOMAS - CROSS BY MR. JORDAN

1 the entire time you're in his face, doesn't he?

2 A: As he was punching me in my face, yes.

3 Q: Because you won't let him go, will you? You won't get
4 off him. You won't stop hitting him while he's holding your
5 granddaughter, Ms. Gerald.

6 A: No, sir.

7 Q: That's --

8 A: I never hit him.

9 Q: I believe you did, Ms. Gerald.

10 A: That's your belief.

11 Q: And I believe that's what your granddaughter is
12 exhibiting in her night terrors, isn't it?

13 A: No.

14 Q: He's trying -- she is mimicking what she saw her father
15 do in self-defense kicking you to get you away from them,
16 isn't she?

17 A: No.

18 Q: That's exactly what she's doing, isn't it?

19 THE COURT: Is that a question?

20 BY MR. JORDAN:

21 Q: Isn't it? Instead of immediately calling 9-1-1, you run
22 over and grab his shirt and get in his face. You don't want
23 there to be 9-1-1, do you, Ms. Gerald? You want to take care
24 of it yourself, don't you? Why didn't you go to the hospital
25 immediately, Ms. Gerald?

CAROL THOMAS - CROSS BY MR. JORDAN

- 1 A: I was going to Doctor Care -- Doctor's Care.
- 2 Q: How far is it to Carolinas Hospital from where he lives?
- 3 A: I was closest to -- I was closer to Doctor's Care.
- 4 Q: All right. I'll agree you were. But when Doctor's Care
- 5 was closed, why didn't you turn and go immediately to
- 6 Carolinas Hospital emergency room?
- 7 A: Because I was going to Urgent Care.
- 8 Q: All right. You're bleeding profusely from the face you
- 9 say and yet you don't immediately go to a hospital?
- 10 A: No. Because --
- 11 Q: No. You go to Walmart, don't you?
- 12 A: Yes.
- 13 Q: And you sit in the parking lot and you wait and then you
- 14 go to Southgate Bowling Center and you sit in the parking lot
- 15 and you wait. Isn't that what you did?
- 16 A: No. I said that we went to Walmart. When I went to
- 17 Walmart, I called 9-1-1 and then I went to Doctor's Care. I
- 18 didn't say that I went to Southgate.
- 19 Q: All right. So you never went to Southgate Bowling
- 20 Center?
- 21 A: No.
- 22 Q: Never?
- 23 A: No.
- 24 Q: All right. So when you left I guess the Walmart parking
- 25 lot, who was driving?

CAROL THOMAS - CROSS BY MR. JORDAN

1 A: I was.

2 Q: All right. How did you -- I mean you switched; is that
3 right?

4 A: Yes. We switched at Walmart.

5 Q: Why didn't you go to the hospital?

6 A: Because my co-pay is higher at the hospital. It's
7 cheaper to go to Doctor's Care.

8 Q: But you claim that she was laying on the ground, you were
9 bleeding profusely from the head, but you couldn't seek help
10 immediately?

11 A: I was going to Doctor's Care.

12 Q: Who did you call right after the incident, Ms. Gerald?

13 A: My brother.

14 Q: All right. Why didn't you call 9-1-1?

15 A: I didn't call 9-1-1 initially because I work for Blue
16 Cross Blue Shield with a federal contract.

17 Q: What did you want your brother to do, Ms. Gerald?

18 A: I just called my brother to tell him what had just
19 happened.

20 Q: All right. Why would he take it upon himself to go to
21 Mr. Ceaser's house?

22 A: Why would he take it upon himself?

23 MS. HUMMEL: Objection, Your Honor. That calls for
24 speculation.

25 THE COURT: Sustained.

CAROL THOMAS - CROSS BY MR. JORDAN

- 1 BY MR. JORDAN:
- 2 Q: Did you tell him to go to Mr. Ceaser's house?
- 3 A: No. My brother didn't know where Mr. Ceaser lived.
- 4 Q: But you testified he was there when you got back to Mr.
- 5 Ceaser's house?
- 6 A: Right. But he didn't know initially --
- 7 Q: So he didn't know where he lived?
- 8 A: Additionally, he did not know where he lived.
- 9 Q: All right. How did he find out?
- 10 A: We told him that we had to go back to the house.
- 11 Q: When you called, did you tell him to go --
- 12 A: Not initially.
- 13 Q: -- to Mr. Ceaser's house to beat him up?
- 14 A: No.
- 15 Q: And he got there and he found law enforcement there,
- 16 didn't he?
- 17 A: Yes.
- 18 Q: And he called you and let you know law enforcement was
- 19 there?
- 20 A: Yes.
- 21 Q: All right. You were hoping he gets there before law
- 22 enforcement though, weren't you?
- 23 A: No.
- 24 Q: Why would you send him?
- 25 A: I called my brother to tell him what had just happened.

CAROL THOMAS - CROSS BY MR. JORDAN

1 Q: Why would you give him Mr. Ceaser's address? Why would
2 you tell him to go over there?

3 A: I told him we had to meet the police back there. And I
4 didn't want to go back to the house.

5 Q: Ms. Gerald, I'm going to ask you a few more questions.
6 Okay?

7 A: Okay.

8 Q: Why didn't you call 9-1-1 when you got out of the car and
9 you saw your child on the ground?

10 A: I didn't think to call 9-1-1.

11 Q: All right. Did she appear hurt?

12 A: He knocked her out. Yes.

13 Q: Did she appear hurt?

14 A: Yes.

15 Q: Okay... What did you think? If not to call 9-1-1, if not
16 to get her in the car, what did you think?

17 A: I don't know because I wasn't -- I didn't think. I
18 wasn't thinking. I didn't -- all of this -- I don't know.

19 Q: All right. You thought I'll attack him?

20 A: No.

21 Q: That's what you did, isn't it?

22 A: No.

23 Q: You walked over and grabbed his shirt. You didn't call
24 9-1-1. You didn't care about what happened to your daughter.
25 You didn't care what happened to your granddaughter. You said

CAROL THOMAS - CROSS BY MR. JORDAN

1 I'll attack him and I'll take care of it?

2 A: No.

3 Q: Then why -- why wasn't your first thought to get my
4 daughter in the car and get out of here and call 9-1-1?

5 A: I'm not sure.

6 Q: Why didn't you immediately go to the hospital, Ms.
7 Gerald?

8 A: I went to Doctor's Care. And I --

9 Q: Why was your first call when leaving to your brother, Ms.
10 Gerald?

11 A: To tell him what happened.

12 Q: Why wasn't it 9-1-1, Ms. Gerald?

13 MS. WYSE: Objection, Your Honor. I believe this has
14 been asked and answered several times.

15 THE COURT: Several times. Sustained.

16 MR. JORDAN: I beg the Court's indulgence. No further
17 questions, Your Honor.

18 THE COURT: All right. Redirect.

19 MS. HUMMEL: No, Your Honor. No redirect.

20 THE COURT: All right. You may come down, ma'am. Thank
21 you very much.

22 THE WITNESS: Thank you.

23 MS. WYSE: Your Honor, I would ask if these two
24 witnesses, Ms. Kerile Gerald and Ms. Carol Gerald, can be
25 excused at this time? They need to go pick up her daughter.

BRITTANY OWENS - DIRECT BY MS. HUMMEL

1 THE COURT: Oh, that would be fine.

2 MS. WYSE: Thank you, Judge.

3 THE COURT: I assume they'll be back.

4 MS. WYSE: Yes, sir.

5 THE COURT: Tomorrow?

6 THE WITNESS: Tomorrow. Okay.

7 THE COURT: All right. Next witness?

8 MS. HUMMEL: Your Honor, the State would call Brittany
9 Owens to the stand.

10 THE CLERK: If you will, ma'am, place your left hand on
11 the Bible and raise your right hand. Do you swear to tell the
12 truth, the whole truth, and nothing but the truth, so help you
13 God?

14 THE WITNESS: Yes, ma'am.

15 THE CLERK: Please be seated and state your full name for
16 the record.

17 THE WITNESS: Brittany Owens.

18 BRITTANY OWENS, being first duly
19 sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MS. HUMMEL:

22 Q: Officer Owens, not that it's not already obvious, where
23 do you work?

24 A: Florence County Sheriff's Office.

25 Q: Okay. And how long have you been working there?

BRITTANY OWENS - DIRECT BY MS. HUMMEL

1 A: Going on three years.

2 Q: All right. What is your title or position there?

3 A: Now I'm the SRO at Florence School District 2.

4 Q: And what were you before that?

5 A: Patrol deputy.

6 Q: Okay. Did you respond to a call regarding a domestic
7 violence incident on March the 29th of 2014?

8 A: Yes, ma'am.

9 Q: All right. And where did you respond?

10 A: I responded to , in ,
11 which is located in Florence County.

12 Q: When you first arrived on scene, what did you first see
13 or what did you first do?

14 A: When I first arrived on scene, nobody was on scene but
15 Mr. Ceaser. And when I walked in, I seen he had scratches on
16 his neck and his face, and he began telling me what happened,
17 about how him and his -- Ms. Kerile and Ms. Carol got into an
18 altercation.

19 Q: All right. Did he tell you his version of what had
20 happened?

21 A: Yes, ma'am.

22 Q: All right. And what did he tell you?

23 A: He told me -- he said that they came over, Ms. Kerile and
24 Ms. Carol and the baby. They came over to his residence on
25 that date to drop the baby off for visits. He stated that he

BRITTANY OWENS - DIRECT BY MS. HUMMEL

1 didn't have any food for the baby in the house; so he gave Ms.
2 Kerile his debit card for her to go buy food for the baby.

3 They left and went to KFC, got food. They come back. He
4 asked where his receipt was. So they started arguing over a
5 receipt according to him. They said this took place outside
6 by the car. He said they got into a verbal altercation which
7 soon turned physical. He said he did get mad and throw a
8 drink on Ms. Kerile and the car. He said -- can I look at my
9 report, please?

10 Q: Yes.

11 A: My incident report? He stated that he did get upset and
12 threw the drink on Ms. Gerald and her car. He said that Ms.
13 Gerald began to hit him while he was holding their child and
14 while she was hitting them -- that's when Mr. Ceaser stated
15 she was scratching and hitting him in the face and that's when
16 Ms. Carol got out of the vehicle and that's when they all got
17 into a physical altercation. Mr. Ceaser said that he put the
18 child down and that's when he admitted to me that he did, in
19 fact, hit Ms. Carol Gerald.

20 Q: Is that the substance of what he told you what happened?

21 A: Yes, ma'am. He said --

22 Q: Did he also -- I'm sorry. Go ahead.

23 A: Yes, ma'am. He said that they did both get into an
24 altercation -- a physical altercation and it quickly ended and
25 they left. And then he went back inside and called 9-1-1.

BRITTANY OWENS - DIRECT BY MS. HUMMEL

1 Q: All right. Now, did he also give a written statement for
2 you?

3 A: He did. Yes, ma'am.

4 Q: Okay.

5 MS. HUMMEL: May I approach the witness, Your Honor?

6 THE COURT: Yes, ma'am.

7 MS. HUMMEL: Thank you, Your Honor.

8 BY MS. HUMMEL:

9 Q: Officer Owens, I'm handing you what's previously been
10 marked as State's Exhibit 26. Do you recognize that?

11 A: Yes, ma'am.

12 Q: All right.

13 A: This --

14 Q: And what do you recognize that to be?

15 A: This is the voluntary statement given by Mr. Demetrik
16 Ceaser. I asked him while we were inside -- I asked him if he
17 would or if he wanted to and it was completely on his own,
18 voluntarily give me a statement of the events that happened
19 that day, and he said absolutely and he sat down on his couch
20 and he wrote this statement for me.

21 Q: And is that the statement that he wrote that day?

22 A: Yes, ma'am.

23 Q: And hasn't been altered in any way or changed?

24 A: No, ma'am.

25 Q: All right.

BRITTANY OWENS - DIRECT BY MS. HUMMEL

1 MS. HUMMEL: Your Honor, at this time, the State would
2 move State's Exhibit 26 into evidence.

3 THE COURT: Any objection?

4 MR. JORDAN: No objection.

5 THE COURT: Without objection.

6 (WHEREUPON, State's Exhibit Number 26, statement of
7 Demetrik Ceaser, was admitted into evidence.)

8 BY MS. HUMMEL:

9 Q: Now, Ms. -- Officer Owens, did you see the two women on
10 scene when you first responded?

11 A: No, ma'am. No one was on scene when I first got there
12 but Mr. Ceaser.

13 Q: At what point did they arrive?

14 A: While I was inside speaking with Mr. Ceaser.

15 Q: Okay. When they arrived, what happened? What did you
16 do?

17 A: Well, when they arrived, I went outside and he said to me
18 -- he said that -- he said, officer, he said, that's them. So
19 I went outside and I said, well, just hang tight in here. And
20 my partner at that time that he was there -- he sat inside and
21 I went outside to speak with them. And that's when I noticed
22 the injuries on Ms. Kerile and Ms. Carol.

23 Q: What type of injuries did you notice?

24 A: Ms. Carol -- she had a few lacerations on her face. She
25 was bleeding. Her left jaw right here around her eye socket

BRITTANY OWENS - DIRECT BY MS. HUMMEL

1 was very swollen. Ms. Kerile -- she was bleeding from the
2 face also. She had a -- she was bleeding from the left side
3 of her face as well in this area.

4 Q: Now, did you -- did you photograph any -- any of those
5 injuries?

6 A: Yes, ma'am, I did. And also the child had blood on her
7 too -- on her face as well. But --

8 Q: Did -- I'm sorry. Go ahead.

9 A: I'm not EMS and I sent -- with the extent of their
10 injuries, I went ahead and notified EMS because I didn't want
11 to take the chance of something happening to them on the way
12 because of their head injuries. I was looking out for the
13 safety of other people driving on the road because they could
14 possibly black out from a concussion. Because Ms. Kerile had
15 stated that she had blacked out already or she was knocked out
16 and I didn't want to put the safety of other people driving at
17 risk, as well as them; so I called EMS.

18 Q: And did you take photos of the baby, G. ?

19 A: I did.

20 Q: The baby girl?

21 A: Yes, ma'am.

22 Q: Did you also take photos of the defendant?

23 A: Yes, ma'am.

24 Q: Mr. Ceaser?

25 A: Yes, ma'am.

BRITTANY OWENS - DIRECT BY MS. HUMMEL

1 Q: All right. And was that the extent of the photos that
2 you took?

3 A: Yes, ma'am. I took Mr. Ceaser's first.

4 MS. HUMMEL: Your Honor, may I approach the witness?

5 THE COURT: Yes, ma'am.

6 MS. HUMMEL: All right.

7 BY MS. HUMMEL:

8 Q: I'm handing you, Officer Owens, what's been previously
9 marked as State's Exhibits -- I believe it's 2 -- 2 through 12
10 and 19 through 22. Can you tell me if you recognize those?

11 A: Yes, ma'am.

12 (WHEREUPON, there was a pause in the proceedings.)

13 A: Yes, ma'am. Those are the pictures I took on scene.

14 Q: Those are the pictures you took on that day?

15 A: Yes, ma'am.

16 Q: Okay. And do they appear to have been altered in any
17 way?

18 A: No, ma'am.

19 Q: They're an accurate reflection of the pictures you took?

20 A: Yes, ma'am.

21 MS. HUMMEL: Your Honor, at this time, the State would
22 move -- I believe it's State's Exhibits 2 through 12 and 19
23 through 22. May I approach the witness and double check?

24 THE COURT: Certainly. Any objection?

25 MR. JORDAN: No objection.

BRITTANY OWENS - DIRECT BY MS. HUMMEL

1 THE COURT: Without objection.

2 (WHEREUPON, State's Exhibits Number 2 through 12 and 19
3 through 22, photographs, were admitted into evidence.)

4 MS. HUMMEL: Your Honor, permission to publish these
5 photos to the jury?

6 THE COURT: All right. Go ahead.

7 MS. HUMMEL: Thank you, Your Honor.

8 (WHEREUPON, there was a pause in the proceedings for
9 publishing the exhibits to the jury.)

10 BY MS. HUMMEL:

11 Q: Officer Owens, you mentioned that you had a partner on
12 scene with you?

13 A: Yes, ma'am.

14 Q: What was -- what was that person's name?

15 A: It was Deputy Lawrence David. And my lieutenant, Jolly
16 Hicks -- he showed up once I called on the radio and stated --
17 well, stated that they arrived back on scene. But he --

18 Q: All right. Did they --

19 A: -- didn't stay there long.

20 Q: Okay. Did they assist you in any way on scene?

21 A: Deputy David -- he transported -- he placed Mr. Ceaser in
22 cuffs after we got word from an investigator -- lieutenant --
23 he actually called the investigator while I was taking
24 pictures in-between getting statements and keeping everybody
25 separated. We didn't have a problem with anyone. Mr. Ceaser

BRITTANY OWENS - DIRECT BY MS. HUMMEL

1 stayed in his house. He didn't cause any problems with us.

2 And Ms. Carol and Ms. Kerile -- they all stayed outside.
3 The brother was on scene. He showed up with them. We didn't
4 have any problems with him. He stayed there with his sisters
5 and they had a family friend, once they were transported, to
6 get the car. Once they went with EMS, they had a family
7 friend that was there I think with the brother that trans --
8 that took the car.

9 Q: All right. And did you take any statements from Ms.
10 Kerile and Ms. Carol?

11 A: Yes, ma'am.

12 Q: All right. Did you take a statement from each of them?

13 A: I did.

14 Q: All right. Now, how long had you been working at the
15 Sheriff's Office when you responded to this call? I know you
16 said you've been there for three years.

17 A: Yes, ma'am. I got hired that April, the end of April. I
18 went to the academy, graduated the academy in October, done
19 eight weeks of training; so this may have been my first or
20 second serious CDV that I actually handled by myself.

21 Q: So you were -- you had worked there for about a year --

22 A: If that. Yes, ma'am.

23 Q: -- with all your training and before you had done this
24 call?

25 A: Yes, ma'am.

BRITTANY OWENS - DIRECT BY MS. HUMMEL

1 Q: Okay. And did you -- I think you mentioned that someone
2 had called an investigator?

3 A: Yes, ma'am.

4 Q: At the scene?

5 A: Lieutenant Jolly Hicks. He did.

6 Q: And who did he call? Do you know?

7 A: Investigator Jamie Cooper.

8 Q: Okay.

9 A: Sitting right behind you.

10 Q: Standing right behind -- or sitting right behind me?
11 Okay.

12 MS. HUMMEL: I beg the Court's indulgence for one moment,
13 Your Honor. No further questions at this time, Your Honor.

14 THE COURT: Cross-examination.

15 MR. JORDAN: Thank you, Your Honor.

16 CROSS-EXAMINATION

17 BY MR. JORDAN:

18 Q: Ms. Owens, can you tell me -- or -- I'm sorry. Deputy
19 Owens, can you tell me about what time you received the
20 notification to go to Mr. Ceaser's house?

21 A: It was that afternoon sometime. I don't know the exact
22 time.

23 Q: Okay. And to the best of your knowledge, Mr. Ceaser had
24 made the 9-1-1 call asking you all to come; is that correct?

25 A: Yes, sir. At -- at the initial time, yes, sir. We had

BRITTANY OWENS - CROSS BY MR. JORDAN

1 multiple 9-1-1 calls.

2 Q: Tell me -- you got there and you interviewed him for how
3 long before he said, oh, there they are?

4 A: I don't know. I wasn't keeping up with time, sir.

5 Q: So it could be five minutes? Ten minutes?

6 A: It was probably anywhere from five to ten minutes, but I
7 don't know exact.

8 Q: How long would it take to get from Southgate bowling
9 alley to his house?

10 A: It depends on the traffic.

11 Q: Okay. How far is it?

12 A: A mile or two, if that. Well, I really don't know.

13 Q: Okay.

14 A: It's not far.

15 MS. HUMMEL: I object.

16 A: It's not far.

17 MS. HUMMEL: This calls for speculation.

18 THE COURT: Overruled. Go ahead.

19 BY MR. JORDAN:

20 Q: It's not far. So if someone was sitting there in the
21 parking lot and saw a deputy go by --

22 A: I guess.

23 Q: -- it wouldn't take very long for them to get to the
24 house, would it?

25 A: I wouldn't think so.

BRITTANY OWENS - CROSS BY MR. JORDAN

1 MR. JORDAN: One moment, Your Honor.

2 BY MR. JORDAN:

3 Q: Do you have any training in 9-1-1 procedures in terms of
4 answering calls or anything?

5 A: Yes, sir.

6 Q: Okay. When someone calls 9-1-1 and says I'm a victim of
7 a domestic violence altercation, the perpetrator is so and so,
8 they live at such and such, this is where they are, do you
9 advise that victim to go back to the home -- go back to that
10 place?

11 A: We don't take calls. Dispatch takes calls.

12 Q: Well, that's what I'm asking. Would you know whether
13 dispatch would advise them to go back?

14 A: I don't know because I'm not a dispatcher.

15 Q: All right. Okay. So in your training on that --

16 A: In my training in patrol, I was not trained on how to
17 answer a dispatcher's response.

18 Q: Okay. In your training on patrol, what would your
19 response be?

20 A: To go to the call that we got the initial call from and
21 investigate it to the best of our abilities. And if an
22 investigator needs to be called, they would be called.

23 Q: I'm sorry. Not what you should have done.

24 A: You just --

25 Q: I said in your training as a patrol officer, would you

BRITTANY OWENS - CROSS BY MR. JORDAN

1 advise a victim to go back to the place the incident happened?

2 A: I don't advise anybody to do anything, sir.

3 Q: Okay.

4 A: We just promote state laws.

5 Q: Okay.

6 MR. JORDAN: One moment, Your Honor. No further

7 questions.

8 THE COURT: Any redirect?

9 MS. HUMMEL: No, Your Honor.

10 THE COURT: All right. You may come down, ma'am. Thank

11 you. Approach the bench, counsel, please.

12 (WHEREUPON, a bench conference was held in the presence

13 of the jury but out of the hearing of the jury off the

14 record.)

15 THE COURT: All right. Ladies and gentlemen, it's about

16 five o'clock. I'm going to dismiss you now for the day and

17 ask you to be back in the jury room tomorrow morning at 9:30,

18 at which time we will continue with the trial.

19 Again, I'm going to ask you not to discuss the case with

20 your fellow jurors when you return to the jury room in the

21 morning or with anyone else over the evening hours. Just have

22 a pleasant evening and we'll see you at 9:30 and we will

23 continue at that time. Thank you very much.

24 (WHEREUPON, the jury exited the courtroom at 4:55 p.m.)

25 THE COURT: Y'all know the protocol, don't you?

1 MR. JORDAN: Yes, sir.

2 THE COURT: About getting involved with the jury? We'll
3 stand at ease until 9:30.

4 (WHEREUPON, the proceedings recessed for the day at 4:57
5 p.m.)

6 JANUARY 20, 2016

7 (WHEREUPON, the proceedings resumed at 9:44 a.m.)

8 THE COURT: Is the State ready to proceed?

9 MS. WYSE: Yes, Your Honor, we are.

10 THE COURT: Is the defense ready to proceed?

11 MR. JORDAN: Yes, Your Honor.

12 THE COURT: All right. Bring the jury, please.

13 (WHEREUPON, the jury entered the courtroom at 9:45 a.m.)

14 THE COURT: Good morning, ladies and gentlemen.

15 THE JURY: Good morning.

16 THE COURT: We're now ready to continue with the trial.

17 Solicitor, call your next witness.

18 MS. WYSE: Thank you, Your Honor. The State would call
19 Mavis Turner.

20 THE CLERK: If you will, ma'am, place your left hand on
21 the Bible and raise your right hand. Do you swear to tell the
22 truth, the whole truth, and nothing but the truth, so help you
23 God?

24 THE WITNESS: I do.

25 THE CLERK: Please be seated in the witness chair and

MAVIS TURNER - DIRECT BY MS. WYSE

1 state your full name for the record.

2 THE WITNESS: Mavis Norville Turner.

3 MAVIS TURNER, being first duly
4 sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MS. WYSE:

7 Q: Good morning, Ms. Turner.

8 A: Good morning.

9 Q: Where do you work?

10 A: McLeod Regional Medical Center.

11 Q: Can -- can you speak very loudly? I don't know if that
12 microphone is working, but will you speak very loudly so that
13 everybody can hear you?

14 A: Yes. I work at McLeod Regional Medical Center.

15 Q: And how long have you worked there?

16 A: Forty-one years.

17 Q: And what -- how are you employed? What capacity do you
18 work?

19 A: I'm the associate vice president for McLeod Health.

20 Q: Okay. And as a part of your duties as the associate vice
21 president for McLeod Health, what do you do?

22 A: We manage the medical records for the system.

23 Q: And how long have you been managing those medical
24 records?

25 A: Forty-one years.

MAVIS TURNER - DIRECT BY MS. WYSE

1 Q: Okay. And now, McLeod is a hospital; correct?

2 A: That's correct.

3 Q: And they take a lot of records?

4 A: Yes.

5 Q: All right. And, Ms. Turner, were you subpoenaed to be

6 here?

7 A: Yes.

8 Q: And what were you asked to bring with you?

9 A: Two medical records on two patients.

10 Q: All right. And have you testified in court before?

11 A: Yes.

12 Q: And what are the names of the two patients' medical

13 records that you were asked to bring?

14 A: Carol Gerald and Kerile Gerald. I don't know if I

15 pronounced Kerile right.

16 Q: That's okay. That's okay. And do you have those medical

17 records with you?

18 A: I do.

19 Q: All right. And did you pull them from the medical

20 records? Did you get the medical records yourself?

21 A: My associate vice -- my associate director pulled them

22 for me and gave them to me.

23 Q: Okay. And have you had a chance to look at them and make

24 sure that they are there in their entirety?

25 A: I did review the fact that they were all there.

MAVIS TURNER - DIRECT BY MS. WYSE

1 Q: And have they been altered or changed in any way?

2 A: No.

3 Q: Okay.

4 MS. WYSE: At this time, Your Honor, I would like to move
5 those two separate medical records into evidence.

6 THE COURT: Any objection?

7 MR. JORDAN: No objection.

8 THE COURT: Without objection.

9 (WHEREUPON, State's Exhibit Number 30, medical records of
10 Kerile Gerald, and State's Exhibit Number 31, medical
11 records of Carol Gerald, were admitted into evidence.)

12 MS. WYSE: Your Honor, I would ask that the court
13 reporter please mark them and, Your Honor, I have no further
14 questions of Ms. Turner.

15 THE COURT: Any questions?

16 MR. JORDAN: No questions, Your Honor.

17 THE COURT: All right. You may come down.

18 THE WITNESS: Thank you.

19 THE COURT: May this witness be excused?

20 MS. WYSE: Please, Your Honor.

21 THE COURT: You're free to go, ma'am. Thank you.

22 THE WITNESS: Thank you.

23 THE COURT: Next witness.

24 MS. HUMMEL: Thank you, Your Honor. The State would call
25 Dr. John Bingham to the stand.

DR. JOHN BINGHAM - DIRECT BY MS. HUMMEL

1 MR. JORDAN: Your Honor, at this time, I would object to
2 Dr. Bingham's testimony as bolstering. The medical records
3 are in. The other witnesses have already testified as to what
4 their injuries are, and all his testimony would do is bolster
5 the evidence that's already been presented to the jury, Your
6 Honor.

7 THE COURT: I don't know that it's bolstering. It may
8 be, but I'm going to admit it.

9 MR. JORDAN: Yes, sir.

10 THE COURT: Overruled.

11 THE CLERK: If you will, sir, place your left hand on the
12 Bible and raise your right hand. Do you swear to tell the
13 truth, the whole truth, and nothing but the truth, so help you
14 God?

15 THE WITNESS: I do.

16 THE CLERK: Please be seated and state your full name for
17 the record.

18 THE WITNESS: John William Bingham.

19 DR. JOHN BINGHAM, being first duly
20 sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MS. HUMMEL:

23 Q: Good morning, Dr. Bingham.

24 A: Good morning.

25 Q: If you would, try to speak up to make sure everybody can

DR. JOHN BINGHAM - DIRECT BY MS. HUMMEL

1 hear you.

2 A: Okay.

3 Q: What do you do for a living?

4 A: I'm a family medicine physician and I work at McLeod in
5 in the ER on the weekends and Hope Health on the weekdays in
6 an outpatient practice.

7 Q: Okay. Do you have any other specializations besides the
8 family medicine and working in the ER?

9 A: No.

10 Q: Okay. Let's talk about how you came to be a doctor.
11 Where did you go to school first?

12 A: Medical University of South Carolina, and then I have
13 been in Florence for five years. The first three years I was
14 in a family medicine residency at McLeod. Since then, I've
15 been doing fully-licensed work for about two-and-a-half years.
16 I have about 10,000 hours plus medical experience and about
17 2,500 of that is ER related.

18 Q: All right. So how many -- can you estimate how many
19 patients you've actually treated?

20 A: Several thousand. I'm not sure.

21 Q: All right. And you said you have been medically licensed
22 for about two-and-a-half years now?

23 A: Fully licensed.

24 Q: Okay. And you did those entire years at the McLeod ER
25 and doing family medicine; is that correct?

DR. JOHN BINGHAM - DIRECT BY MS. HUMMEL

1 A: Well, family medicine was for three years with a limited
2 license and then after that fully licensed for two-and-a-half
3 years. ER -- I work most every weekend.

4 Q: Okay.

5 MS. HUMMEL: Your Honor, at this time, the State would
6 like to tender Dr. Bingham as an expert in ER and family
7 medicine.

8 THE COURT: Voir dire?

9 MR. JORDAN: No objection.

10 THE COURT: Okay. He's admitted.

11 MS. HUMMEL: Thank you, Your Honor.

12 BY MS. HUMMEL:

13 Q: Dr. Bingham, did you examine a Ms. Carol Gerald?

14 A: Yes, I did.

15 Q: And when did you examine her, if you remember?

16 A: It was that day she came to the ER on I think March 29th,
17 2014.

18 Q: All right. And what were her injuries when you examined
19 her?

20 A: She had some contusions to her face here. She had a
21 laceration on her eyebrow here and below her -- her left cheek
22 also had a more superficial abrasion here on her lower right
23 eyelid. Imaging revealed that she had an orbital blowout
24 fracture here at the right socket.

25 And if I could explain a little bit about what that is,

DR. JOHN BINGHAM - DIRECT BY MS. HUMMEL

1 basically it's your eye is designed so that if you were to get
2 an impact, you wouldn't take the brunt of all the force. The
3 socket at the back is a thin bone and if it was suddenly hit,
4 the back wall of the eye socket actually fractures instead of
5 your eyeball exploding. And so in her case, she had a medial
6 wall fracture, which is about a moderate force impact from a
7 blunt force trauma of unknown, you know, kind, but some sort
8 of blunt force trauma.

9 Q: Okay. And does that -- is that something that typically
10 only arises from blunt force trauma or can it arise from
11 something else?

12 A: As far as I'm aware, just blunt force trauma.

13 Q: Okay. Without saying who she said caused her injuries,
14 did she tell you how her injuries came about?

15 A: Yes.

16 Q: All right. And again without saying who she said was the
17 cause, how did she say she received them?

18 A: She says that she was struck in the face, that someone
19 punched her in the face and continued to punch her multiple
20 times.

21 Q: All right. And were your findings consistent with what
22 she told you about how she received her injuries?

23 A: Yes.

24 Q: Okay. Did you also examine a Ms. Kerile Gerald? Or I
25 think she's now Ms. Kerile Thomas.

DR. JOHN BINGHAM - DIRECT BY MS. HUMMEL

1 A: I did not. Someone else in the ER did.

2 Q: Okay. And do you know who did?

3 A: Yes. Dr. Orville.

4 Q: All right. And does he also work at the McLeod --

5 A: Yes.

6 Q: -- emergency room?

7 A: Yes. He is an ER physician.

8 Q: Okay. What -- and do you know what his status is at

9 McLeod?

10 A: He's a locums tenens doctor, so he travels around. And

11 so they use him when they are low on physicians that are

12 available for duty, and so he was there that day to cover.

13 Q: Okay. So he kind of travels around a lot? He's not

14 there often?

15 A: Not often.

16 Q: Okay. Did you have a chance to -- even though you didn't

17 examine Ms. Kerile, did you have a chance to review her

18 medical records?

19 A: I did.

20 Q: All right. And what were her injuries?

21 A: She also suffered a laceration. Hers was smaller.

22 Backing up, Ms. Carol Gerald -- hers was about two

23 centimeters, both of them. And the -- Ms. Kerile -- she had a

24 three millimeter laceration requiring one suture. She did

25 have a fracture of her zygomatic arch here. This is the

DR. JOHN BINGHAM - DIRECT BY MS. HUMMEL

1 cheekbone on this side where that laceration was located, by
2 the record.

3 Q: All right. And were -- did the records indicate the
4 cause of her injuries as well?

5 A: Yes.

6 Q: And what was the cause of those?

7 A: She reported that she was punched. That's how that
8 injury occurred.

9 Q: All right. And were your findings consistent with what
10 she said her injuries were or what the records indicated --

11 A: Yes.

12 Q: -- those injuries were?

13 A: Yes.

14 MS. HUMMEL: Your Honor, may I approach to retrieve the
15 --

16 THE COURT: Yes, ma'am.

17 MS. HUMMEL: -- medical records? Thank you. May I
18 approach the witness, Your Honor?

19 THE COURT: Yes, ma'am.

20 MS. HUMMEL: Thank you.

21 BY MS. HUMMEL:

22 Q: Dr. Bingham, I'm going to hand you what's been marked and
23 admitted into evidence as State's Exhibits 30 and 31. If you
24 could, look at those and tell me if those are the medical
25 records that you reviewed in this case.

DR. JOHN BINGHAM - DIRECT BY MS. HUMMEL

1 A: Yes. These are the medical records I reviewed.

2 Q: All right. And do they appear to be in the same format
3 that you reviewed them?

4 A: Yes.

5 Q: Do they appear accurate?

6 A: Yes.

7 Q: All right.

8 MS. HUMMEL: I beg the Court's indulgence one moment,
9 Your Honor. Nothing further from this witness at this time,
10 Your Honor.

11 THE COURT: Cross-examination.

12 MR. JORDAN: No questions, Your Honor.

13 THE COURT: All right. You may come down. Thank you
14 very much.

15 THE WITNESS: Thank you.

16 THE COURT: May this witness be excused?

17 MS. WYSE: Please, Your Honor.

18 THE COURT: Without -- without objection. Leave those
19 here. Thank you. Next witness.

20 MS. WYSE: Thank you, Your Honor. The State would call
21 Investigator Jamie Cooper to the stand.

22 THE CLERK: If you will, sir, place your left hand on the
23 Bible and raise your right hand. Do you swear to tell the
24 truth, the whole truth, and nothing but the truth, so help you
25 God?

JAMIE COOPER - DIRECT BY MS. WYSE

1 THE WITNESS: I do, ma'am.

2 THE CLERK: Please be seated and state your full name for
3 the record.

4 THE WITNESS: Jamie Neil Cooper.

5 JAMIE COOPER, being first duly
6 sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY MS. WYSE:

9 Q: Good morning, Investigator.

10 A: Good morning.

11 Q: Where do you work?

12 A: The Florence County Sheriff's Office.

13 Q: And how long have you been working at the Florence County
14 Sheriff's Office?

15 A: Approximately a little over 18 years..

16 Q: All right. In what capacity are you employed at the
17 Sheriff's Office?

18 A: I'm assigned to investigations and I'm a domestic
19 violence investigator.

20 Q: And prior to you being a domestic violence investigator
21 -- let me back up. Did you work in law enforcement prior to
22 the Sheriff's Office?

23 A: Yes, ma'am, I did.

24 Q: And what did -- where were you employed?

25 A: I started off with the Pamlico Police Department and

JAMIE COOPER - DIRECT BY MS. WYSE

1 then later on I got a job opportunity with the Lake City
2 Police Department and then later on I got another job
3 opportunity at the Coward Police Department and then finally I
4 came to the Sheriff's Office. So I have a total of
5 approximately 24 years in law enforcement.

6 Q: Okay. Thank you for answering that. And so you said now
7 you are an investigator for domestic violence?

8 A: That's correct.

9 Q: And how long have you been an investigator for domestic
10 violence?

11 A: Approximately eight years.

12 Q: And that's with the Sheriff's Office?

13 A: Yes, ma'am.

14 Q: Can you estimate how many times you've gotten a domestic
15 violence call?

16 A: Over 24 years, probably a couple thousand.

17 Q: All right. Thank you.

18 A: Counting my time on patrol.

19 Q: Okay. All right. Now, were you working on March 29th of
20 2014?

21 A: It was a Saturday. I was not working, but I was on call.

22 Q: Okay.

23 A: For domestic violence calls.

24 Q: And will you explain the on-call procedure?

25 A: We have several investigators at the Sheriff's Office.

JAMIE COOPER - DIRECT BY MS. WYSE

1 Some do property crimes, but some of us specialize. I have a
2 partner that we only do -- I'd say 95 percent of the time we
3 only do girlfriend/boyfriend, husband/wife domestic stuff
4 related.

5 We have two other investigators, for example, that do
6 child cases where children are abused or elderly --elderly
7 adults are abused. Our call works a little bit different than
8 a regular investigator. Since there's only two of us, we're
9 on call for two weeks and then we're off for two weeks -- off
10 call, where a regular investigator might be on call for a week
11 and might be off for twelve weeks.

12 Q: Oh, wow. Okay. So basically what happens is you work a
13 full day -- you work full days, but then you're also on call
14 to answer any later --

15 A: Yes.

16 Q: When you go off duty or weekends?

17 A: That's correct.

18 Q: Okay.

19 A: That's correct.

20 Q: All right. Did you get a call regarding Mr. Demetrik
21 Ceaser on March 29th?

22 A: I did.

23 Q: And from whom did you get the call?

24 A: Lieutenant Hicks, Jolly Hicks. He's a lieutenant on one
25 of our patrol divisions.

JAMIE COOPER - DIRECT BY MS. WYSE

1 Q: And what was the nature of the call?

2 A: Basically, while discussing it with Lieutenant Hicks,
3 usually the way that works is when the deputy calls, they'll
4 tell me basically what they've got at the scene. If they have
5 any questions, we'll discuss things and make a decision. If I
6 need to go out, I will go out. Sometimes things can be
7 handled on the phone. But in this case, I determined that I
8 needed to go out due to the severity of the call.

9 Q: Okay. Did you respond to ?

10 A: I did not.

11 Q: Okay. Did you go anywhere that day?

12 A: Yes, I did.

13 Q: Where did you go?

14 A: I went to McLeod Hospital. After talking with Lieutenant
15 Hicks, the information he gave me and after some discussion, I
16 decided to inform him to go ahead and -- based on the
17 information I was given at that time, to arrest Mr. Ceaser and
18 then I would follow up with the victims at the hospital. So I
19 got dressed and went to the hospital.

20 Q: Okay. And with whom did you meet there?

21 A: I met Lieutenant Hicks, I met Deputy Owens, and I met
22 both of the victims, Ms. Carol Gerald and Ms. Kerile Gerald,
23 and also G. , the minor child.

24 Q: Okay. And did you see them?

25 A: I did.

JAMIE COOPER - DIRECT BY MS. WYSE

1 Q: Okay.

2 MS. WYSE: May I approach the witness, Your Honor?

3 THE COURT: Yes, ma'am.

4 MS. WYSE: Thank you, Judge.

5 BY MS. WYSE:

6 Q: Investigator Cooper, I'm going to hand you some photos
7 that have been marked into evidence and I want you to take a
8 look at them, particularly the pictures of the Geraldts. Is
9 that -- are those pictures representative of what you saw them
10 look like at the ER?

11 A: May I have a moment?

12 A: Yes, sir. Sure. Sorry.

13 (WHEREUPON, there was a pause in the proceedings.)

14 MR. JORDAN: Your Honor, while the investigator is
15 looking, I'm going to go ahead and object to this line of
16 questioning and this line of testimony. Obviously, the prior
17 witnesses have already identified these pictures. They've
18 testified about these pictures. They said what they are and I
19 believe that any further testimony in this line of questioning
20 is merely bolstering their prior testimony.

21 THE COURT: All right. Well, let's see if he can
22 identify them to start with.

23 MR. JORDAN: Yes, sir.

24 THE COURT: I don't know if he's ever even seen them.

25 BY MS. WYSE:

JAMIE COOPER - DIRECT BY MS. WYSE

1 A: Yes, ma'am. I've seen these pictures before.

2 Q: And can you tell us whether or not that's what they
3 looked like when you got to the hospital?

4 A: Yes, ma'am. I believe some of these pictures were taken
5 a couple days later though.

6 Q: Actually, Deputy Owens testified that she took all those.

7 A: Okay.

8 Q: And they're in evidence.

9 A: All right. Well, that's -- then that's fine. Yes.

10 THE COURT: Overruled. I'll overrule the objection.

11 MR. JORDAN: Yes, sir.

12 THE COURT: Go ahead.

13 MS. WYSE: Thank you, Your Honor.

14 BY MS. WYSE:

15 Q: Now, Investigator Cooper, you said the people that you
16 spoke with were the two deputies and the Geraldts and you saw

17 G. . Of course, you didn't talk to her?

18 A: That's correct.

19 Q: Did you talk to anybody else at the hospital?

20 A: I talked with -- well, first of all, I talked with the
21 aunt I believe of the child to find out -- I know the child
22 had some blood on her, but it was determined that it was not
23 the child's blood. It was somebody else's blood and there
24 were no injuries to the child.

25 Q: Okay.

JAMIE COOPER - DIRECT BY MS. WYSE

1 A: And I think I talked with -- and I don't remember the
2 names right offhand, but I did talk with a couple of the
3 medical staff there.

4 Q: And did they inform you of the severity of the injuries?

5 A: Basically, we talked and --

6 MR. JORDAN: Your Honor, I'm going to object to that.

7 THE COURT: Yeah. Sustained.

8 MS. WYSE: Okay.

9 BY MS. WYSE:

10 Q: Investigator Cooper, what did you do -- or did you talk
11 to anybody else at the hospital?

12 A: Nobody else.

13 Q: Okay. And then what did you do once you were done
14 talking to everybody?

15 A: I got all my information together. I think I got the
16 statements from Deputy Owens and I went home and the next
17 morning I met with the defendant at the Sheriff's Office.

18 Q: Okay. And did you talk to the defendant?

19 A: I did.

20 Q: All right. Now, when you talked to the defendant, did
21 you read him his rights?

22 A: I did.

23 Q: And did he talk to you willingly?

24 A: Yes, he did.

25 Q: All right. And are all of your interviews recorded at

JAMIE COOPER - DIRECT BY MS. WYSE

1 the Sheriff's Office?

2 A: Yes, they are.

3 Q: And do you know whether or not this interview was
4 recorded?

5 A: Yes, it was.

6 Q: All right.

7 MS. WYSE: May I approach the witness, please, Your
8 Honor?

9 THE COURT: Yes, ma'am.

10 MS. WYSE: Thank you.

11 BY MS. WYSE:

12 Q: Investigator Cooper, are you familiar with what's
13 previously been marked as State's exhibit number 27?

14 A: Yes, I am.

15 Q: And can you -- is that a recording of the conversation
16 you had with Mr. Ceaser?

17 A: Yes, it is.

18 Q: In fact, you've seen that; right?

19 A: Yes. It has my handwriting on it.

20 Q: Okay.

21 MS. WYSE: Your Honor, this time, I'd like to move that
22 statement into evidence and publish it for the jury?

23 THE COURT: Any objection?

24 MR. JORDAN: No objection, Your Honor.

25 MS. WYSE: Your Honor, if I -- if I may please get our IT

JAMIE COOPER - DIRECT BY MS. WYSE

1 person? I saw him right around --

2 MR. JORDAN: He's right here.

3 MS. WYSE: Oh.

4 (WHEREUPON, State's Exhibit Number 27, recorded interview
5 with Demetrik Ceaser, was admitted into evidence and
6 played in open court for the jury. NOT TRANSCRIBED
7 HEREIN.)

8 MS. WYSE: I beg the Court's indulgence for just one
9 moment, Your Honor.

10 BY MS. WYSE:

11 Q: Investigator Cooper, I have just a couple of more
12 questions for you, please. Were you aware that Mr. Ceaser
13 also provided Deputy Owens with a statement?

14 A: Yes, I was.

15 Q: Okay. And did you have that statement in your
16 possession?

17 A: It's in my file. Yes, ma'am.

18 Q: Well, at that time?

19 A: Yes.

20 Q: Okay. All right. And, Investigator Cooper, you talked
21 briefly to Mr. Ceaser about any injuries he had. Can you --
22 can you tell us the injuries that Mr. Ceaser had?

23 A: To the best of my remembrance, he had a couple of
24 scratches on his face and some on his neck.

25 Q: And that was it?

JAMIE COOPER - DIRECT BY MS. WYSE

1 A: Yes.

2 Q: Do you know whether or not --

3 A: To my knowledge.

4 Q: Okay. Do you know whether or not he was treated by EMS?

5 A: To my knowledge, he was not treated by EMS. He was -- I
6 think he was given the chance to, but he declined at the
7 scene.

8 Q: Okay. Now, Investigator Cooper, I think you talked a
9 little bit about this and I think that Deputy Owens and
10 Lieutenant Jolly asked you about primary aggressor?

11 A: That's correct.

12 Q: Can you please explain to us what primary aggressor is?

13 A: When you're dealing with a domestic violence charge,
14 sometimes you have two people that are combatant with each
15 other. It's law enforcement's job to try to determine who the
16 primary aggressor is.

17 There are several different things you can use to try to
18 determine the primary aggressor, but there's not one specific
19 thing that you can say, all right, if I've got this, then they
20 are the primary aggressor. You have to use things like height
21 and weight of the individuals, body strength of individuals,
22 things like 9-1-1 calls.

23 You can look back and determine if we've been to the
24 residence before for domestic problems. You can determine if
25 there's been any reports filed in the past of domestic

JAMIE COOPER - DIRECT BY MS. WYSE

1 problems and who the primary aggressor was or who the suspect
2 was on those reports.

3 You can determine things like injuries on each person.
4 You know, who -- who has the worst injury. For example, a lot
5 of people might say, well, you know, I got a scratch here, but
6 I got -- you know, the other person might have, for example, a
7 broken bone. It doesn't necessarily mean, like, the first
8 person that hits is not always determined the primary
9 aggressor.

10 Q: And why is that?

11 A: Because sometimes situations can be taken too far. You
12 can take things too far, whether it be out of adrenaline or
13 whether it be out of anger or whatever. There's numerous
14 things you can do. You have a right to defend yourself.
15 However, you can take it too far, just like the example that
16 you heard me give on my interview.

17 Q: All right. And, Investigator Cooper, out of the hundreds
18 -- I think you said thousands of calls that you've responded
19 to, have you ever arrested the woman?

20 A: Yes, I have.

21 Q: Okay. And did you consider all the information that you
22 had?

23 A: Yes, I did.

24 Q: Before you made --

25 A: Yes, I did.

JAMIE COOPER - DIRECT BY MS. WYSE

1 Q: Okay. And now, Investigator Cooper, when did you make
2 the determination that Mr. Ceaser was the one that you were
3 going to press charges against?

4 A: Based on the information that I received from Lieutenant
5 Hicks, he described the injuries that they saw on scene and
6 the stories that were given to him on scene by the Geraldts and
7 by Mr. Ceaser, I determined that he was going to be charged at
8 that time, but depending on further investigation there have
9 been cases to where both parties have been charged with
10 domestic violence.

11 Q: In fact, Investigator Cooper, has there ever been a time
12 when one person was charged with domestic violence and, when
13 you looked into it, you decided to let them go and arrest the
14 other party?

15 A: Yes, there has been.

16 Q: And did you decide to do that in this case?

17 A: I decided in the beginning that Mr. Ceaser was the
18 primary aggressor at the time. Then after I met with the
19 victims -- because I was still undecided because, you know,
20 you have to gather all the facts and sometimes what appears to
21 be if you look into it is not what actually happened, but
22 after talking with the victims and actually personally seeing
23 them and finding out their injuries, yes, I determined that he
24 was the primary aggressor.

25 MS. WYSE: I beg the Court's indulgence for one moment,

JAMIE COOPER - CROSS BY MR. JORDAN

1 Your Honor. I have no further questions of this witness.

2 THE COURT: Cross-examination.

3 MR. JORDAN: Thank you, Your Honor.

4 CROSS-EXAMINATION

5 BY MR. JORDAN:

6 Q: Investigator Cooper, you've been doing this -- this job
7 in particular eight years?

8 A: Yes, sir.

9 Q: Okay. Did you go to any special training or anything
10 prior to becoming an investigator in this area?

11 A: Yes, sir. I've been to the South Carolina Criminal
12 Justice Academy up in Columbia.

13 Q: Okay. And then you have gone on doing this for eight
14 years and plan to keep going; right?

15 A: Yes, sir.

16 Q: All right. And you said that the only information you
17 had available to you when you told them to arrest Mr. Ceaser
18 was statements made on the scene; is that correct?

19 A: Statements made and description by the lieutenant that I
20 talked with on the phone, which is procedure.

21 Q: Okay. What statements were available to you? I mean
22 what were the statements?

23 A: When I got to the hospital, they were actually given to
24 me, but the deputy, like I said, on the phone told me about
25 the statements that were given at the scene.

JAMIE COOPER - CROSS BY MR. JORDAN

1 Q: Okay.

2 A: So based on what -- the information that I was given over
3 the phone, that's what determination -- along with the
4 deputies at the scene, that's how we determined that we were
5 going to go ahead and take Mr. Ceaser into custody at that
6 time.

7 Q: Through the course of an investigation -- I mean Ms. Wise
8 was asking you about primary aggressor and you made several
9 statements about taking it too far. Through your training,
10 tell me when someone is attacking you, what is the appropriate
11 response in your opinion?

12 A: You have a right to defend yourself. It's the -- you
13 have to do what's necessary to defend yourself. For example,
14 if I -- once again, if I slap you, it doesn't give you a right
15 to pull out a gun and shoot me.

16 Q: But would you say it does give me the right to slap you
17 back or hit you back?

18 A: I'd have to say that's to everybody's opinion. I mean
19 you have a right to defend yourself. Each situation is
20 different. There's no set rule that says if this happens,
21 then this is the appropriate action. You have to take all the
22 evidence together and determine if the action was appropriate
23 for that incident.

24 Q: You also have the right, Deputy Cooper, to defend a --
25 your child; correct?

JAMIE COOPER - CROSS BY MR. JORDAN

1 A: That's correct.

2 Q: Okay. In this situation, Mr. Cooper -- I mean Mr. Ceaser
3 was holding a child?

4 A: For most of the time, yes.

5 Q: All right. And so if his version that he told you with
6 these folks attacking him, he would have the right not only to
7 defend himself, but his child; correct?

8 A: If his version were correct, he's got a right to defend
9 himself and his child. That's correct.

10 Q: And use whatever means available to prevent -- within
11 reason, to prevent any serious injury to himself or the child?

12 A: Within reason; yes.

13 Q: And it's up to a jury to decide what's within reason;
14 correct?

15 A: That's correct.

16 Q: You brought this case based on the extent of the injuries
17 and the statements given; correct?

18 A: That's correct.

19 Q: All right. And it's up to this jury to decide whether or
20 not Mr. Ceaser used reasonable force to defend himself and the
21 child; correct?

22 A: That's correct.

23 Q: Nothing -- you know, your statements -- you're saying
24 that -- what you felt. That's just your opinion. It's up for
25 the jury's decision?

JAMIE COOPER - REDIRECT BY MS. WYSE

1 A: That's correct.

2 Q: Okay.

3 MR. JORDAN: I beg the Court's indulgence. I have no
4 further questions at this time.

5 THE COURT: Redirect?

6 MS. WYSE: Just briefly, Your Honor.

7 REDIRECT EXAMINATION

8 BY MS. WYSE:

9 Q: Investigator Cooper, did Carol or Kerile or Mr. Ceaser
10 ever tell you that these two victims attacked G. ?

11 A: No.

12 Q: Is there anything that you have learned since March 29th
13 of 2014 that would change how you handled this case?

14 A: No.

15 MS. WYSE: I have no further questions.

16 THE COURT: Recross?

17 MR. JORDAN: Nothing, Your Honor.

18 THE COURT: All right. You may come down, sir. Thank
19 you very much.

20 THE WITNESS: Thank you, Judge.

21 THE COURT: Next witness?

22 MS. WYSE: At this time, Your Honor, the State would
23 rest.

24 THE COURT: All right. Any motions?

25 MR. JORDAN: Your Honor, at this point, I would move for

1 about why we've got so many people in here observing what's
2 going on. It's a sixth-grade class I believe and I hope
3 they're getting a little education about the judicial system.

4 But I'm going to -- at this point in time, let's take a
5 short break. I'm going to consider the arguments of both the
6 attorneys and I'll let them know and let you know after the
7 break. All right?

8 Just go to your jury room. Relax for a few minutes. Do
9 not discuss the case amongst yourselves while you're in the
10 jury room. We'll call you when we're ready. Thank you very
11 much.

12 (WHEREUPON, the jury exited the courtroom at 10:40 a.m.)

13 THE COURT: All right. Let's stand at ease for about ten
14 minutes.

15 (WHEREUPON, there was a break in the proceedings from
16 10:41 a.m. until 10:55 a.m.)

17 THE COURT: All right, counsel. Back on the record.
18 I've considered the defense motion for a directed verdict and
19 I respectfully deny your motion as to Counts I and Counts II,
20 Mr. Jordan.

21 However, on Count III, I'm going to grant your motion. I
22 do not feel that the mere fact that there is a -- call it a
23 fight or call it a scuffle between a father and the mother and
24 the mother-in-law or the grandmother is a situation that the
25 statute was designed to protect against.

1 There certainly is a risk of harm any time there's that
2 type of activity, but I don't believe in this case that the
3 child was placed in an unreasonable risk of harm affecting the
4 child's life, physical or mental health or safety. I think
5 the testimony about the mental health of the child is somewhat
6 speculative. It's not backed up by any scientific or expert
7 testimony as to the causation of the child's unrest during the
8 evenings.

9 And I think that anytime -- if the State were in a
10 position to prosecute every defendant, whether it be male or
11 female, where two parties, usually husband and wife or
12 boyfriend and girlfriend, get in a fight in front of a child,
13 we would be prosecuting -- or the State would be prosecuting
14 an unreasonable -- taking an unreasonable position and there
15 would just be no end to it. Children are present during
16 arguments, fights, whatever you want to call them, and we
17 don't bring criminal charges in all of those cases.

18 There are certainly cases where the child is subjected to
19 an unreasonable risk of harm. I don't feel like this is one
20 of those cases and I respectfully grant your motion, Mr.
21 Jordan --

22 MR. JORDAN: Thank you, Your Honor.

23 THE COURT: -- as to the third -- Count III. I'll
24 explain it to the jury. Are we ready for the jury? Is the
25 State ready?

DEMETRIK CEASER - DIRECT BY MR. JORDAN

1 MS. WYSE: Anyway, Judge, I don't have a position.

2 THE COURT: I respectfully deny your motion.

3 MR. JORDAN: Yes, sir.

4 THE COURT: Bring the jury, please.

5 THE BAILIFF: Yes, sir.

6 THE COURT: And we can cure it in final instructions.

7 MR. JORDAN: Yes, sir.

8 (WHEREUPON, the jury entered the courtroom at 11:08 a.m.)

9 THE COURT: All right. Mr. Jordan, you may proceed.

10 MR. JORDAN: Thank you, Your Honor.

11 DEMETRIK CEASER, being first
12 duly sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY MR. JORDAN:

15 Q: Mr. Ceaser, how old are you?

16 A: I'm 29 years old.

17 Q: All right. Did you grow up here in Florence?

18 A: No, sir. I grew up in Marion.

19 Q: All right. When did you move to Florence?

20 A: I moved to Florence -- I moved to Florence several times,
21 but in this particular case it was -- it was February 2013
22 around that time my daughter was -- you know, around the time
23 my daughter was born.

24 Q: All right. And around that time, were you working
25 anywhere?

DEMETRIK CEASER - DIRECT BY MR. JORDAN

1 A: Yes, sir. I had just began a job at Blue Cross Blue
2 Shield.

3 Q: All right. Prior to that, were you working anywhere?

4 A: Yes, sir. I was working at -- it was then called
5 RockTenn, previously known as Smurfit Stone. Yes, sir.

6 Q: Tell me when did you meet Ms. Kerile Gerald?

7 A: I met Ms. Gerald -- I met her -- let's see. It was at
8 Blue Cross. This was -- it was the time when I was working at
9 Blue Cross before this incident, but it was at Blue Cross. I
10 do believe it was in 2011, around October 2011, something like
11 that.

12 Q: And the two of you began a romantic relationship?

13 A: That's correct.

14 Q: All right. And through that relationship, you have a
15 child?

16 A: That's correct.

17 Q: All right. During the course of your relationship from
18 2012 until February 2014, did the two of you reside together?

19 A: Yes, sir.

20 Q: Okay. Did you reside together completely? Were there
21 periods where you resided together, then apart, together, then
22 apart?

23 A: Yes, sir. There were periods where we were in different
24 locations, yes.

25 Q: Okay. During the course of your relationship, did you

DEMETRIK CEASER - DIRECT BY MR. JORDAN

1 have a chance to meet Kerile's mother, Carol?

2 A: I did.

3 Q: All right. How was your relationship with Carol?

4 A: It started off okay. I'm not sure when it went south.
5 It didn't end up well.

6 Q: Okay.

7 A: I guess.

8 Q: During your relationship with Kerile, were there ever
9 instances where the two of you had arguments?

10 A: Yes, sir.

11 Q: All right. Were there ever instances where she --

12 MS. WYSE: Objection, Your Honor, to his leading
13 questions. We just ask for more --

14 THE COURT: All right.

15 MS. WYSE: -- open questions.

16 THE COURT: Don't lead your witness.

17 BY MR. JORDAN:

18 Q: What sort of arguments did you have with Kerile?

19 A: Well, we had -- it was, you know, a variety of different
20 arguments. Of course, there are the average, you know,
21 arguments that I believe couples have, you know, about petty
22 things, of course. Some arguments -- they were more heated
23 than others.

24 Q: Okay. Was there ever any time where those arguments got
25 violent?

DEMETRIK CEASER - DIRECT BY MR. JORDAN

1 MS. WYSE: Objection to leading, Your Honor.

2 THE COURT: I'm going to allow a little bit of leeway
3 here. Go ahead.

4 BY MR. JORDAN:

5 A: Yes, sir. There were.

6 Q: All right. In the arguments that got violent, who struck
7 whom?

8 A: It was her that struck --

9 MS. WYSE: Objection to relevance, Your Honor. This
10 doesn't have to do with the incident that occurred on March
11 29th. It doesn't have anything to do with anything that
12 occurred during March of 2014.

13 THE COURT: All right. Overruled. Go ahead. But we're
14 here for one incident. So --

15 MR. JORDAN: Yes, sir.

16 THE COURT: -- try to --

17 BY MR. JORDAN:

18 A: Okay. Yes, sir. There were -- I'm sorry. Could you
19 repeat the question just so I make sure?

20 Q: In the arguments that got violent between you and Kerile,
21 who perpetrated the violence?

22 A: It was Ms. Kerile that actually assaulted me.

23 Q: Have you ever had any sort of altercation with Ms. Carol
24 Gerald?

25 A: Yes, sir. I did have one previous altercation with Ms.

DEMETRIK CEASER - DIRECT BY MR. JORDAN

1 Carol.

2 Q: All right. And during that altercation, was it verbal or
3 physical?

4 A: It was verbal and physical.

5 Q: Okay. On whose part was it physical?

6 A: On her part.

7 Q: All right. You and Kerile stopped living together and I
8 assume stopped dating in February 2014?

9 A: We stopped dating prior to -- to the incident. Well, to
10 her moving out of the house.

11 Q: Okay.

12 A: It was about a month or so before.

13 Q: When did you stop dating?

14 A: Around New Year's.

15 Q: Okay. But was she still living in the house?

16 A: She was.

17 Q: All right. And you all were co-parenting; is that
18 correct?

19 A: Correct.

20 Q: And why did she move out of the house?

21 A: She moved out of the house because on the night of our
22 daughter's birthday it got violent.

23 Q: Okay.

24 A: It got really violent.

25 Q: How so?

DEMETRIK CEASER - DIRECT BY MR. JORDAN

- 1 A: Well, she -- she began to just hit me just, like, over
2 and over and over based on some text messages that she saw
3 that were taken out of context. And it was -- it got to the
4 point where I even started praying. You know, I had to start
5 praying because I was about to hit her back, you know, but I
6 didn't. And, you know, it was -- it was just -- it was -- it
7 was -- it was a very bad night.
- 8 Q: Okay.
- 9 A: A very bad night.
- 10 Q: And she moved out the following day?
- 11 A: Correct. I had said that one of us had to go and she
12 chose to actually leave.
- 13 Q: Now, where was your child during that argument?
- 14 A: She was on the bed --
- 15 Q: Okay.
- 16 A: -- at the time.
- 17 Q: So she wasn't -- you weren't holding her? She wasn't in
18 --
- 19 A: No, sir.
- 20 Q: -- the middle of things?
- 21 A: No, sir.
- 22 Q: Okay. Did you and Kerile have any formal custody
23 arrangement in regard to G. ?
- 24 A: No, sir.
- 25 Q: All right. It was just texts, emails, calls trying to

DEMETRIK CEASER - DIRECT BY MR. JORDAN

1 figure it out?

2 A: Correct.

3 Q: All right. On that date of this incident, did you have
4 any idea that they were coming over?

5 A: No, sir. I did not.

6 Q: All right. What happened when they came over?

7 A: Well, when they came over -- well, previously the day
8 before, we did discuss that, you know, she was going to come
9 over. However, by the end of the conversation, she stated
10 that it would be a while before I saw her again. So I wasn't
11 expecting her to come. Okay?

12 So when they did actually arrive, we -- I was in the
13 house. She knocked at the door. I came outside and, of
14 course, you know, she came for the child. So I went to the
15 car to pick up the child and, of course, I didn't have any
16 food in the house and she was, you know, going off about me
17 not having any food. And so I gave her my debit card to go
18 get some food for the child.

19 Q: Now, was she going off about anything else?

20 A: No. I think she was -- she was -- she -- she wasn't
21 going off. She was only going off about me not allowing her
22 to come into the house.

23 Q: Okay. Did she accuse you of having another woman in the
24 house?

25 A: No. I mean I think she may have --

DEMETRIK CEASER - DIRECT BY MR. JORDAN

1 MS. WYSE: Objection to hearsay, Your Honor.

2 THE COURT: Overruled.

3 BY MR. JORDAN:

4 A: She -- I think she thought there was someone else in
5 there, you know, which is why I think she wanted to come in,
6 which is why I think she was offended because I would not let
7 her in there because I think it -- it made her assume that
8 someone was in there. Yes.

9 Q: So she and -- Kerile and Carol went to get the food?

10 A: Correct.

11 Q: They came back and then what happened?

12 A: When they came back, she brought the food to me and it
13 was -- it was so petty. At that time, I no longer, you know,
14 had an emotional connection with her. So, of course, I didn't
15 trust her. So I asked her to get me the receipt.

16 Q: Okay. Did she give you the receipt or tell you where it
17 was?

18 A: She told me the receipt was in the car and she said that
19 she -- she would not -- since I would not allow her to come in
20 my house, you know, I would have to come outside in order to
21 get the receipt.

22 Q: Okay. Were you holding G. at the time?

23 A: Yes, sir.

24 Q: All right. And what did you do?

25 A: What did I do?

DEMETRIK CEASER - DIRECT BY MR. JORDAN

1 Q: She told you you had to come outside to get the receipt?

2 A: Right. Okay.

3 Q: So what did you do?

4 A: Yes, sir. So I took G. outside. I had her in one
5 arm and the food in the other. More specifically, I had her
6 in my left arm and the food in my right. So I went around the
7 car. Kerile was fussing about something.

8 I remember her, you know, demanding that I speak to her
9 mother while we were walking to the car; so I did. I did
10 speak to Ms. Carol. I walked around the car and when I got to
11 the other side of the car, she still -- she's still fussing
12 and she pointed to the receipt inside -- inside the car. So I
13 put the food on top of the car and I bent into the car to pick
14 up the food -- pick up the receipt. Excuse me.

15 Q: During that time while you were walking to the car and
16 picking up the receipt, was it just talking or was there any
17 pushing and shoving or anything like that?

18 A: It started getting physical when I -- when I bent into
19 the car to pick up the receipt.

20 Q: All right. And when you say it started getting physical,
21 how so?

22 A: Well, she started -- first of all, she started hitting me
23 with her hip. I think it was -- I think I -- I don't know.
24 Maybe my cooperation annoyed her, you know.

25 Q: All right.

DEMETRIK CEASER - DIRECT BY MR. JORDAN

- 1 A: So she started hitting me with her hip and when I went up
2 to get the receipt, when I came back up, she pushed me in the
3 chest.
- 4 Q: All right. And at that point, you spilled the drink?
- 5 A: At that point, what I did -- I squeezed the drink on top
6 of the car and what was left in the cup I threw on her.
- 7 Q: All right. Then what happened?
- 8 A: And then she struck me.
- 9 Q: All right. What happened after she struck you?
- 10 A: And then I struck her.
- 11 Q: All right. You were holding your child?
- 12 A: That's correct.
- 13 Q: All right. She struck you?
- 14 A: That's correct.
- 15 Q: You struck her one time?
- 16 A: That's correct.
- 17 Q: At that point, where was Ms. Carol Gerald?
- 18 A: Ms. Carol -- she was -- before -- before I hit Kerile,
19 Ms. Gerald was still in the car.
- 20 Q: All right. After that, where was Ms. Gerald?
- 21 A: Ms. Gerald -- she then got out of the car and, of course,
22 she came after me.
- 23 Q: All right. How long did it take Ms. Gerald to get out of
24 the car and throw her shoe at you?
- 25 A: It didn't take her long at all.

DEMETRIK CEASER - DIRECT BY MR. JORDAN

- 1 Q: All right. How long did it take Ms. Gerald from the time
2 she threw her shoe at you to grabbing you on your shirt?
- 3 A: It had to be a matter of seconds.
- 4 Q: All right.
- 5 A: Because as she -- it wasn't like she was walking. I mean
6 who would walk, you know, when they are -- when they are upset
7 with someone?
- 8 Q: Did she stop and check on her daughter?
- 9 A: No, she didn't.
- 10 Q: All right. Did she run straight at you?
- 11 A: She ran straight at me. Yes, sir.
- 12 Q: All right. How much do you weigh, Mr. Ceaser?
- 13 A: Approximately 150 -- 155.
- 14 Q: How much would you estimate Carol Gerald weighs?
- 15 A: 225 -- 230, something like that.
- 16 Q: And she ran straight at you while you were holding your
17 daughter?
- 18 A: That's correct.
- 19 Q: All right. And did she say anything?
- 20 A: She said that I'm going to -- she said I am going to come
21 -- I'm coming to get you.
- 22 MS. WYSE: Objection to hearsay, Your Honor.
- 23 THE COURT: Sustained.
- 24 BY MR. JORDAN:
- 25 Q: She ran at you. Did she hit you?

DEMETRIK CEASER - DIRECT BY MR. JORDAN

1 A: Yes, she did.

2 Q: All right. You were still holding your daughter?

3 A: That's correct.

4 Q: All right. Did you hit her?

5 A: I did.

6 Q: And why?

7 A: Because she was attacking me while I was holding my

8 daughter. Like -- I'm sorry.

9 Q: No. Tell me when did the -- when did her attack stop and

10 when did your hitting stop?

11 A: It stopped when she asked me to stop. When she said that

12 it was over.

13 Q: All right. Did she ask you or did she say it's finished?

14 A: She asked me to stop. Well, she said -- she said no

15 more. I'm done.

16 Q: Okay.

17 A: And I stopped.

18 Q: So she was done; so you stopped?

19 A: That's correct.

20 Q: All right. And from that, what can you assume she was

21 through doing?

22 MS. WYSE: Objection that he would assume anything.

23 That's speculative.

24 THE COURT: Overruled. Go ahead.

25 BY MR. JORDAN:

DEMETRIK CEASER - DIRECT BY MR. JORDAN

1 A: I think she was through. I think her energy had been
2 drained, you know, and she was no longer able to continue to
3 fight.

4 Q: So you didn't want to fight her?

5 A: No, sir, not at all.

6 Q: All right. You didn't taunt her in any way, did you?

7 A: No, sir.

8 Q: All right. Based on your prior interactions with her
9 where things had been verbally and physically tense, did you
10 fear when she was running at you?

11 MS. WYSE: Objection to leading, Your Honor.

12 THE COURT: Yes, sir. Sustained.

13 MR. JORDAN: All right.

14 BY MR. JORDAN:

15 Q: Were you fearful of Ms. Carol?

16 A: I was more fearful for my daughter because if -- there's
17 no telling how -- how -- if I hadn't stopped her, what would
18 have happened, you know?

19 Q: And she came at you quickly; correct?

20 A: Correct.

21 Q: You didn't have any way to avoid her?

22 A: No, sir. I could have -- I mean I could have ran down
23 the street, but that I felt would have opened up another box.

24 Q: But she was coming quickly?

25 A: That's correct.

DEMETRIK CEASER - DIRECT BY MR. JORDAN

- 1 Q: All right. You couldn't have gotten very far, could you?
- 2 A: That's correct.
- 3 Q: She wasn't stopping?
- 4 A: That's correct.
- 5 Q: All right. Do you feel that in both of these instances
- 6 you did what you had to do to protect yourself?
- 7 A: That's correct.
- 8 Q: To protect your daughter?
- 9 A: That's correct.
- 10 Q: You didn't intend to hurt anyone when you went to the car
- 11 to get the receipt, did you?
- 12 A: No, sir. Not at all. Not at all.
- 13 Q: You have given statements to law enforcement?
- 14 A: Yes, sir.
- 15 Q: All right. Were you fearful of law enforcement?
- 16 A: I wasn't fearful. I just wanted to be as cooperative as
- 17 possible. I wanted the truth to be known.
- 18 Q: So you didn't --
- 19 MR. JORDAN: I beg the Court's indulgence for one minute,
- 20 Your Honor. No further questions at this time, Your Honor.
- 21 THE COURT: Cross-examination.
- 22 MS. WYSE: Thank you, Your Honor.
- 23 CROSS-EXAMINATION
- 24 BY MS. WYSE:
- 25 Q: Good morning, Mr. Ceaser.

DEMETRIK CEASER - CROSS BY MS. WYSE

- 1 A: Good morning.
- 2 Q: I just have a couple of questions that I want to ask you.
- 3 A: Okay.
- 4 Q: This incident occurred back in March of 2014; right?
- 5 A: That's correct.
- 6 Q: Do you know approximately how long ago that was?
- 7 A: About -- it is January; so I would say about 22 months.
- 8 Q: Very good. I was going to say it was almost two years.
- 9 So -- and you gave Deputy Owens a statement; right?
- 10 A: Correct.
- 11 Q: You wrote it for her?
- 12 A: Correct.
- 13 Q: There wasn't anybody in the house; right? Just you and
- 14 her?
- 15 A: That's correct.
- 16 Q: And the other lieutenant? Was that other lieutenant
- 17 there?
- 18 A: Not at the time when I originally gave the statement.
- 19 Q: Okay. Okay. So it was just you and Deputy Owens?
- 20 A: Correct.
- 21 Q: All right. You had all the time in the world to write
- 22 that statement, as much time as you needed?
- 23 A: Correct.
- 24 Q: Okay. And you wrote that statement immediately after it
- 25 happened; right?

DEMETRIK CEASER - CROSS BY MS. WYSE

- 1 A: That's correct.
- 2 Q: Okay. And then, you know, law enforcement came, EMS
- 3 came, stuff happened, and you went to Effingham; right?
- 4 A: That's correct.
- 5 Q: Okay. And the next morning you talked to Jamie Cooper;
- 6 right?
- 7 A: That's correct.
- 8 Q: I think -- I think he said it was seven in the morning;
- 9 right?
- 10 A: Correct.
- 11 Q: Okay. I was just making sure. Now --
- 12 MS. WYSE: May I approach the witness, Your Honor?
- 13 THE COURT: Yes.
- 14 BY MS. WYSE:
- 15 Q: I'm going to hand you something that has previously been
- 16 marked into evidence and this is -- this is State's Exhibit
- 17 Number 26. Can you take a look at that for me, please?
- 18 A: Sure.
- 19 Q: Do you recognize it?
- 20 A: Yes, ma'am, I do.
- 21 Q: Is that the statement that you gave to Deputy Owens?
- 22 A: That is.
- 23 Q: Okay. Have you had a chance to look at it?
- 24 A: Correct.
- 25 Q: Okay. I want to call your attention to a couple of

DEMETRIK CEASER - CROSS BY MS. WYSE

1 things on this, if you don't mind.

2 A: Okay.

3 Q: You know, basically it starts with you telling exactly
4 what you told the Court today. You got into a verbal dispute;
5 right?

6 A: Correct.

7 Q: You gave her your debit card?

8 A: Correct.

9 Q: She came back with the food?

10 A: Correct.

11 Q: All right. You asked her for the receipt; is that right?

12 A: That's correct.

13 Q: And that's what you wrote in your statement?

14 A: That's correct.

15 Q: Okay. Now, you go down a couple of lines and you say you
16 picked up the baby and went outside to get the receipt; is
17 that correct?

18 A: That is correct.

19 Q: So were you inside the house or were you outside the
20 house?

21 A: When?

22 Q: When you went to get the receipt?

23 A: When I --

24 Q: Were you inside the house when she -- when she brought
25 the food back?

DEMETRIK CEASER - CROSS BY MS. WYSE

- 1 A: No. When she arrived -- when she arrived, I was already
2 outside the house.
- 3 Q: Okay.
- 4 A: Well, I opened the door and I saw them coming; so I went
5 outside.
- 6 Q: Okay. All right.
- 7 A: Yeah.
- 8 Q: I just wanted to clear that up. It says on here that as
9 you were reaching for the receipt she started screaming and
10 she started pushing you?
- 11 A: Correct.
- 12 Q: Is that right?
- 13 A: That's correct.
- 14 Q: Is that what you wrote in your statement?
- 15 A: Yes, ma'am.
- 16 Q: And so she started pushing me and I poured the drink on
17 top of her car and splashed it on her; is that right?
- 18 A: That's correct.
- 19 Q: Is that what you wrote in your statement?
- 20 A: Yes, ma'am.
- 21 Q: Okay. And then it says she started hitting me?
- 22 A: Correct.
- 23 Q: Is that what you wrote?
- 24 A: Yes, ma'am.
- 25 Q: And I then hit her back; is that right?

DEMETRIK CEASER - CROSS BY MS. WYSE

- 1 A: That's correct.
- 2 Q: Is that what you wrote?
- 3 A: Yes, ma'am.
- 4 Q: Okay. And this was right after the incident occurred?
- 5 A: That's correct.
- 6 Q: Correct? Okay. In your interview with Jamie Cooper the
- 7 next morning, you know, still everything is kind of fresh in
- 8 your mind. You told Jamie Cooper that you all were fussing
- 9 about baby mama drama?
- 10 A: Correct.
- 11 Q: Is that right?
- 12 A: That's correct.
- 13 Q: Okay. You told him that you poured the drink on the car
- 14 and then on her?
- 15 A: Correct.
- 16 Q: But you didn't say that she pushed you or shoved you
- 17 prior to that?
- 18 A: Are you saying that --
- 19 Q: Do you remember that?
- 20 A: Are you saying because I didn't say that that --
- 21 Q: I'm just asking you. Is that what you said in your
- 22 interview --
- 23 A: That I --
- 24 Q: -- that we watched?
- 25 A: That I didn't push her?

DEMETRIK CEASER - CROSS BY MS. WYSE

- 1 Q: You said that you were fussing about baby mama drama?
- 2 A: Right.
- 3 Q: And it says that you poured the drink on the car and then
- 4 on her?
- 5 A: Correct.
- 6 Q: Okay. And then you say that she slapped you?
- 7 A: Correct.
- 8 Q: So did she slap you or did she hit you or did she push
- 9 you with your hip -- her hip?
- 10 A: She pushed me and she hit me.
- 11 Q: Okay. So she -- okay. So right after this event
- 12 occurred, you told the deputies that she was screaming at you?
- 13 A: Uh-huh.
- 14 Q: And she started pushing you?
- 15 A: Uh-huh.
- 16 Q: And you poured the drink on top of her?
- 17 A: Right.
- 18 Q: And then she started hitting you?
- 19 A: That's correct.
- 20 Q: In the interview with Jamie Cooper the next morning, you
- 21 told him that she was fussing about baby mama drama and you
- 22 poured the drink on the car and then her and then she slapped
- 23 you. So which is it?
- 24 A: Are you saying the difference between a hit and a slap?
- 25 Q: No. I mean how did it happen?

DEMETRIK CEASER - CROSS BY MS. WYSE

1 A: The way that I said that it happened. She started
2 pushing me while I was reaching inside the car and, as I got
3 up, she pushed me again. So the entire time before I poured
4 the drink on her, she was pushing me.

5 Q: Okay.

6 A: And after I poured the drink on her, that's when she
7 struck me.

8 Q: Because you testified a few minutes ago that Kerile
9 pushed and hit you before you poured the drink on her?

10 A: That's correct.

11 Q: But that's not what you told the deputies and it's not
12 what you told Investigator Cooper the next day?

13 MR. JORDAN: Your Honor?

14 A: That is what I said.

15 MR. JORDAN: I'm going to object. One, it's been asked
16 and answered. Two, it's argumentative.

17 THE COURT: Overruled.

18 MR. JORDAN: She's asked the same --

19 THE COURT: It's cross-examination. I'm going to allow
20 it. Go ahead.

21 MS. WYSE: Thank you, Judge.

22 BY MS. WYSE:

23 Q: Now, Mr. Ceaser, it was 22 months ago; right?

24 A: Correct.

25 Q: So don't you think that your memory would have been

DEMETRIK CEASER - CROSS BY MS. WYSE

- 1 better immediately after the event occurred?
- 2 A: Anyone's would I guess.
- 3 Q: I think that's a fair statement.
- 4 A: Yeah.
- 5 Q: Don't you think that your memory would have been better
- 6 the next morning when you were talking to Investigator Cooper?
- 7 A: As opposed to right now?
- 8 Q: Right.
- 9 A: I guess.
- 10 Q: Okay. Now, you said you wrote this statement and you
- 11 testified -- well, no, you didn't testify. You told
- 12 Investigator Cooper in the interview that you had that there
- 13 was an altercation with Ms. Carol Gerald; right?
- 14 A: That's correct.
- 15 Q: Okay. Now, let's look back at your statement. Your
- 16 statement right after you said that you hit her back, I think
- 17 you were talking about Kerile there; is that right?
- 18 A: That's correct.
- 19 Q: Okay. I just wanted to make sure. You said her mom then
- 20 got out of the car and came charging at me; is that right?
- 21 A: That's correct.
- 22 Q: It says she -- you were holding the baby at the time;
- 23 right?
- 24 A: Correct.
- 25 Q: And you started swinging back?

DEMETRIK CEASER - CROSS BY MS. WYSE

- 1 A: Correct.
- 2 Q: Is that correct?
- 3 A: Correct.
- 4 Q: And then it says in your statement that you put the child
- 5 on the ground?
- 6 A: Correct.
- 7 Q: Okay. Now, you told Investigator Cooper in your
- 8 interview that you kicked Ms. Gerald?
- 9 A: Correct.
- 10 Q: You said you kicked her one time?
- 11 A: Yes, sir. Yes, ma'am. Excuse me.
- 12 Q: That's okay.
- 13 A: I'm sorry.
- 14 Q: Now, there has been some testimony elicited, you know, on
- 15 the stand that there's some previous violence between the two
- 16 of you; right?
- 17 A: Two of us?
- 18 Q: Yes. And I mean you and Ms. Kerile.
- 19 A: Correct.
- 20 Q: Is that what you're testifying to today?
- 21 A: Correct.
- 22 Q: Did you call the police?
- 23 A: I did not.
- 24 Q: Okay. Now, G. is your child; right?
- 25 A: That's correct.

DEMETRIK CEASER - CROSS BY MS. WYSE

- 1 Q: She used to live with you; right?
- 2 A: That's correct.
- 3 Q: She doesn't anymore?
- 4 A: No, ma'am, she doesn't.
- 5 Q: Okay. You -- you testified earlier that Kerile was very
- 6 violent with you?
- 7 A: That's correct.
- 8 Q: Did you petition Family Court for custody of -- of
- 9 G. after?
- 10 A: After?
- 11 Q: After she moved -- after they moved out?
- 12 A: Immediately after they moved out?
- 13 Q: Yes.
- 14 A: Well, I didn't petition for custody. We were attempting
- 15 to co-parent.
- 16 Q: Okay. All right. So you never asked for custody --
- 17 A: Correct.
- 18 Q: -- in Family Court?
- 19 A: Correct.
- 20 Q: All right. Did you seek a restraining order against
- 21 Kerile?
- 22 A: I did not.
- 23 Q: Did you seek a restraining order against Carol?
- 24 A: I did not. I was -- at that time, I was under an order
- 25 of protection so I assumed that it protected me as well.

DEMETRIK CEASER - CROSS BY MS. WYSE

1 Q: Okay. So you remember going to the Family Court hearing?

2 A: I do.

3 Q: Okay. Now, you testified on the stand that you've had

4 problems with Ms. Carol Gerald in the past?

5 A: That's correct.

6 Q: But isn't it true that the problems that you've had with

7 Ms. Carol Gerald in the past were because you were pushing

8 Kerile Gerald down and Ms. Carol Gerald saw you and was

9 defending her daughter?

10 A: That is not true.

11 Q: That's what was said in the Family Court?

12 A: That was what -- that was what they said, but that

13 doesn't make it true.

14 Q: But you didn't say that it was any different?

15 A: At the time, it wasn't to determine if I was guilty of

16 anything. It was to determine the custody of the child.

17 MR. JORDAN: Your Honor, I'm going to object. May we

18 approach?

19 THE COURT: Certainly.

20 (WHEREUPON, a bench conference was held in the presence

21 of the jury but out of the hearing of the jury as

22 follows.)

23 MR. JORDAN: Your Honor, I understand she wants to use

24 this to impeach the witness. However, I didn't open the door

25 to this. His testimony --

DEMETRIK CEASER - CROSS BY MS. WYSE

1 MS. WYSE: The reason I'm doing this --

2 MR. JORDAN: She asked a lot of questioning opening the
3 door herself.

4 MS. WYSE: I asked about it because, Judge, he testified
5 on the stand that the two of them had had problems.

6 THE COURT: What?

7 MS. WYSE: He testified on the stand that the two of them
8 have had problems in the past. I mean he opened the door to
9 talking about it and now I get to ask him about it based upon
10 what was said prior.

11 MR. JORDAN: I never asked what the problems were.

12 THE COURT: I'm going to allow it.

13 MR. JORDAN: All right.

14 MS. WYSE: Thank you, Judge.

15 (WHEREUPON, the bench conference ended.)

16 BY MS. WYSE:

17 Q: In fact, isn't it true, Mr. Ceaser, that one time you
18 beat up Kerile Gerald and then dropped her off in the
19 Southgate bowling alley parking lot?

20 A: No.

21 Q: So her uncle didn't have to come pick --

22 A: Oh, my God.

23 Q: -- her up when you left her there?

24 A: No.

25 Q: Isn't it true that while she was pregnant with your child

DEMETRIK CEASER - CROSS BY MS. WYSE

1 that there was no food in the house and that her family had to
2 buy food for her to have?

3 MR. JORDAN: Objection, Your Honor, as to relevance of
4 this to this case.

5 THE COURT: Well, the history of this relationship has
6 been brought out in front of the jury and I don't think it's
7 necessary to recount the entire history between these two
8 people, but it's certainly been created by the defense as an
9 issue and I'm going to allow it to a certain degree.

10 MR. JORDAN: Yes, sir.

11 THE COURT: Go ahead.

12 MS. WYSE: Thank you, Judge.

13 BY MS. WYSE:

14 Q: Mr. Ceaser, isn't it true that you and Kerile are no
15 longer seeing each other?

16 A: That's correct.

17 Q: She moved out of your house; right?

18 A: She moved out of our house, yes.

19 Q: So she left. Y'all were having problems, the
20 relationship was toxic, so she left; isn't that right?

21 A: That's correct.

22 Q: In fact, that's what -- that's what a normal person would
23 do; right? If the relationship got so bad, they'd leave?

24 A: That's correct.

25 Q: You testified on the stand and I think you told

DEMETRIK CEASER - CROSS BY MS. WYSE

1 Investigator Cooper that the reason that you punched Kerile
2 Gerald or Kerile Thomas was because you were -- you were in
3 fear for your daughter's safety?

4 A: That and because of the history that we had together.

5 Q: Okay. And so you also testified that the reason that you
6 hit Ms. Carol Gerald was because you were worried about the
7 safety of the child?

8 A: Because she was a large woman coming at me, yes.

9 Q: Now, Mr. Ceaser, how close was the car to the house?

10 A: It was -- I'd say -- I'm trying to get a frame of
11 reference. Let's say -- let's say the stand is the -- is the
12 steps to the house.

13 Q: Okay.

14 A: It would be about halfway between where I am and where
15 the stand is.

16 Q: Okay. So the car was real close to the house?

17 A: Real close, yes.

18 Q: Okay. Was your driveway -- is your driveway close to
19 your house?

20 A: There were two places of parking for the duplex. So most
21 of the time what we just did -- we just drove up straight to
22 the front door.

23 Q: Okay. So you were close to your house; right?

24 A: Correct.

25 Q: During this entire altercation?

DEMETRIK CEASER - CROSS BY MS. WYSE

- 1 A: Well, I was between the car -- well, the car -- but the
2 car was between us and the house.
- 3 Q: Okay.
- 4 A: Yes.
- 5 Q: And you were on the passenger side?
- 6 A: That's correct.
- 7 Q: All right. Now, you testified that Carol Gerald was
8 still strapped into the car up until the time that you punched
9 Ms. Kerile; right?
- 10 A: That's correct.
- 11 Q: Okay. And you never thought, hey, I'll just run into the
12 house? I'll retreat? Let me just get out of this bad
13 situation? You never considered it?
- 14 A: Well, at that time, it just -- I was under a lot of
15 duress. Okay? Just to be honest with you, I had been -- I
16 had been tired of just -- just being beaten by her to be
17 honest with you and, you know, domestic violence --
- 18 Q: Will you please just answer the question? Did you or did
19 you not think about going into the house?
- 20 A: When I got hit, that wasn't my first instinct to run into
21 the house.
- 22 Q: Okay. All right. Now, did Ms. Kerile have a gun?
- 23 A: She did not.
- 24 Q: Did Ms. Carol have a gun?
- 25 A: She did not either.

DEMETRIK CEASER - CROSS BY MS. WYSE

1 Q: Did she have a baseball bat?

2 A: No, ma'am.

3 Q: Did you feel -- is it your testimony today that you felt
4 it was necessary to protect your daughter's life to kick Ms.
5 Carol Gerald when she was on the ground?

6 A: I only kicked Carol Gerald to get her off of me. When
7 she was on the ground, like she said, she was holding onto my
8 jacket or my shirt rather. And if I had fallen down with her,
9 what was going to happen to the child? So I didn't kick her
10 to -- while she was on the ground maliciously trying to, you
11 know, hurt her. I was kicking her to get her off of me
12 because at the same time she was attempting to reach up to
13 grab my testicles.

14 Q: How many times did you punch her in the face?

15 A: Three times.

16 Q: And how many -- how many times are you saying that Ms.
17 Carol Gerald punched you?

18 A: Ms. Gerald -- I can't say that Ms. Gerald -- how many
19 times did she punch me? I'm not entirely sure how many times
20 she did.

21 MS. WYSE: May I approach the witness, Your Honor?

22 THE COURT: Yes, ma'am.

23 BY MS. WYSE:

24 Q: Mr. Ceaser, I'm going to hand you what's been marked as
25 State's Exhibit 19, 22, 21, and 20.

DEMETRIK CEASER - CROSS BY MS. WYSE

1 A: Okay.

2 Q: Will you please look at those? Are those pictures of
3 you?

4 A: Yes, ma'am, it is.

5 Q: Were they taken after this incident occurred?

6 A: Yes, they were.

7 Q: Okay. Mr. Ceaser, one last question.

8 A: Sure.

9 Q: You testified earlier that you didn't want to get into a
10 fight, that you didn't want to punch or kick these people?

11 A: Correct. I only kicked Carol.

12 Q: Okay.

13 A: Yes.

14 MS. WYSE: I have no further questions.

15 THE COURT: Redirect?

16 MR. JORDAN: Thank you, Your Honor. I'll be brief.

17 REDIRECT EXAMINATION

18 BY MR. JORDAN:

19 Q: Mr. Ceaser, when this incident took place, your house was
20 here?

21 A: Correct.

22 Q: The car was here?

23 A: The car was about halfway from --

24 Q: Your house is here?

25 A: Yes.

DEMETRIK CEASER - REDIRECT BY MR. JORDAN

1 Q: The car here?

2 A: The car there. Yeah.

3 Q: All right.

4 A: Correct.

5 Q: And you all are here?

6 A: Correct.

7 Q: Okay. So the driver's side of the car would be where I

8 am?

9 A: That's correct.

10 Q: All right. And Ms. Carol Gerald was in the driver's

11 seat?

12 A: That's correct.

13 Q: Okay. So to get from where you and G. were --

14 A: Uh-huh.

15 Q: -- back into the home --

16 A: Uh-huh.

17 Q: -- you'd have to go past Carol Gerald?

18 A: That's correct.

19 Q: That's Carol Gerald right there?

20 A: That's correct.

21 Q: Okay. And she was out of the car?

22 A: After I hit her daughter, yes.

23 Q: All right. There wasn't any way for you to somehow pole

24 vault over the car to get back into the house, was there?

25 A: No, sir. No, sir. I would have to have gone past her.

1 class exited the courtroom.)

2 THE COURT: All right. Counsel, we'll reconvene at 1:30,
3 but depending on whether you bring this other witness or not,
4 I think we ought to go ahead and discuss jury charges at this
5 time.

6 MR. JORDAN: Yes, sir.

7 THE COURT: Any request for charge from the State? Other
8 than the statute, shall I say.

9 MS. WYSE: I can't think of anything else off the top of
10 my head, Your Honor. I don't think so. I don't have any
11 specific requests.

12 THE COURT: All right. Well, Mr. Jordan?

13 MR. JORDAN: Your Honor, I would ask that -- I ask that
14 you charge self-defense and defense of others.

15 THE COURT: How about lesser includeds?

16 MS. WYSE: I think, if my understanding of South Carolina
17 law is correct, you have to -- we have to do the charges for
18 lesser includeds because there is evidence that they could
19 have -- they could have occurred.

20 THE COURT: Right.

21 MS. WYSE: I think that's the case law.

22 MR. JORDAN: Right.

23 THE COURT: That's fine. That's why I'm putting it out
24 in front of you. Are there any lesser included offenses of
25 criminal domestic violence of a high and aggravated nature?

1 MS. WYSE: Well, there's CDV first, Your Honor, under the
2 old statute, 16-25-20.

3 THE COURT: I know we're under the old statute.

4 MS. WYSE: 16-25-20?

5 THE COURT: Yes.

6 MS. WYSE: And I think -- I guess assault and battery
7 third would be the lesser included --

8 MR. JORDAN: Right.

9 MS. WYSE: -- offense of assault and battery second.

10 MR. JORDAN: Yes.

11 THE COURT: I think that's right. No question about
12 third.

13 (WHEREUPON, there was a pause in the proceedings as the
14 court and law clerk conferred.)

15 THE COURT: Counsel, during the break I'm going to ask
16 you to look at the case of *State v. Golston*. It's a 2012 case
17 out of the Court of Appeals talking about a lesser included
18 offense under CDVHAN and let's discuss that when we reconvene.

19 MS. WYSE: Can you give me the spelling of that?

20 THE COURT: I'm sorry.

21 MR. JORDAN: Yes.

22 THE COURT: It's 399 S.C. 393, 732 S.E.2d 175. I'm not
23 sure based on the facts of this case that CDV would be a
24 lesser since there is clearly bodily injury.

25 What's the State's position on self-defense?

1 MS. WYSE: Well, the State's position is that he wasn't
2 entitled to it.

3 THE COURT: Huh?

4 MS. WYSE: The State's position is that he wasn't
5 entitled to it given the facts and the scenario, but I mean he
6 has asserted that throughout the trial as his argument. Your
7 Honor, I mean are we talking about a Castle doctrine defense?
8 I mean what exactly is the defendant raising?

9 THE COURT: Let's please don't raise that.

10 MS. WYSE: I know.

11 MR. JORDAN: I'm raising -- I'm raising self-defense.

12 MS. WYSE: Okay.

13 MR. JORDAN: That the defendant was attacked and he
14 feared --

15 THE COURT: He didn't bring out about the --

16 MR. JORDAN: Right. He didn't bring about it.

17 THE COURT: No, I'm not saying that as a fact of the
18 case.

19 MR. JORDAN: I understand.

20 THE COURT: That's part of the argument.

21 MS. WYSE: I mean I would just like to review it prior to
22 being -- to the jury being charged with it, but we'll --

23 THE COURT: I see. Well, let's --

24 MR. JORDAN: Your Honor, it just -- you know, I made
25 sure. That's why I had my pad. The testimony was elicited to

1 back up my request for it.

2 THE COURT: So you went -- you went through the elements?

3 MR. JORDAN: Yes, sir.

4 THE COURT: That's what a good defense attorney is
5 supposed to do.

6 MR. JORDAN: If you'd like to see the elements, I asked
7 him those questions.

8 THE COURT: All right. Let's -- let's reconvene about
9 1:15 and we'll continue this discussion after you have a
10 chance to look at the *Golston* case and we'll -- I think based
11 on the evidence I'll give self-defense. I don't see how I
12 could not give it based on the testimony so far.

13 MS. WYSE: Okay.

14 THE COURT: Thank you very much.

15 MS. WYSE: Thank you, Judge.

16 MR. JORDAN: Thank you, Your Honor.

17 (WHEREUPON, there was a break in the proceedings from
18 11:52 a.m. until 1:30 p.m.)

19 THE COURT: All right. Counsel, we're trying to cobble
20 together a set of instructions for you to review.

21 At the break, I suggested that we consider the *Golston*
22 case and basically what my understanding of it is, is that,
23 you know, if you have criminal domestic violence of a high and
24 aggravated nature that criminal domestic violence would not be
25 a lesser included charge if the evidence was clear that the --

1 there was injury, depending on how serious you call the
2 injury, that would obviate the necessity for doing a CDV
3 charge as a lesser included.

4 I think there's evidence in this case which would take
5 this case to the high and aggravated level and, therefore, I
6 don't think I'll be -- I'll listen to your arguments that it's
7 not just a simple criminal domestic violence.

8 Any thoughts on that one way or the other?

9 MS. WYSE: None, Your Honor. The only thing I think
10 would be helpful is if the legislature would define what
11 they're talking about there. They haven't done it --

12 THE COURT: Well, they did it in 2015.

13 MS. WYSE: Well, they did, yes.

14 THE COURT: Much better than they --

15 MS. WYSE: But it doesn't apply in this case.

16 THE COURT: It's too bad.

17 MS. WYSE: Right.

18 THE COURT: We just can't go back.

19 MS. WYSE: Right.

20 MR. JORDAN: Your Honor, my only argument is that Dr. --

21 MS. WYSE: Bingham.

22 THE COURT: The doctor.

23 MR. JORDAN: Dr. Bingham, the doctor, said --

24 THE COURT: By the way, is he a Pamplico Bingham?

25 MS. WYSE: I don't think so. He said he has lived here

1 for five years. I think he's moved here from Florida. That's
2 what he told me.

3 THE COURT: He's not kin to Smiley?

4 MS. WYSE: I didn't ask him, Judge. I'm sorry. Do you
5 want me to call him? I've got his cell phone number.

6 THE COURT: Just don't run into many Bingham's.

7 MS. WYSE: That's true.

8 THE COURT: Not in Florence County that are not part of
9 the old crowd.

10 MR. JORDAN: His testimony was that a moderate blunt
11 force would have caused the injuries, and my reading of the
12 *Golston* case was obviously that it was a very serious trauma
13 that was affected on the victim there, whereas here his
14 testimony was it was a moderate force.

15 In regard to that particular charge, we're talking about
16 one hit, whereas in *Golston* we're talking about multiple hits,
17 multiple traumas affected on that particular victim. And so
18 that was -- that was the difference that I saw there. The
19 doctor's expert testimony was that it was a moderate --

20 THE COURT: Well, it had pretty severe consequences
21 regardless of the -- of the degree of the blow.

22 MR. JORDAN: Right. I mean I would -- I would say that
23 was -- you know, based on his expert testimony, moderate, but
24 I think it would be for the jury to decide whether or not it's
25 severe.

1 THE COURT: Okay. What's the State's position?

2 MS. WYSE: Well, Judge, the doctor did testify that the
3 blow was moderate, but the statute requires serious bodily
4 injury. So it doesn't say anything about moderate bodily
5 injury or a moderate blow causing serious bodily injury. It
6 just -- it just leaves it open as serious bodily injury, and
7 I'm certainly going to argue to the jury that a fracture is
8 serious bodily injury. I mean anything that knocks a person
9 all the way to the ground is serious bodily injury. But --

10 THE COURT: Okay. I'm not going to give that as a -- I'm
11 not going to give criminal domestic violence as a lesser
12 included offense. And I agree that third is a lesser included
13 of second. There's no debate about that, is there? All
14 right.

15 MS. WYSE: Judge, after reading the *Golston* opinion, I
16 was wondering if, in fact, we might take this ruling that the
17 Court of Appeals made on, you know, the fact that they didn't
18 charge the jury with a lesser included offense and perhaps
19 that understanding also -- that law should also go for the --
20 for the assault and battery third. I mean I think -- I think
21 we've proved what was necessary for us to prove in the statute
22 for moderate bodily injury and I don't -- I don't know that
23 there are facts in evidence that suggest and support a
24 conviction of assault and battery third.

25 THE COURT: But you agree it is a lesser included?

1 MS. WYSE: Yes, sir, I do.

2 THE COURT: How about that?

3 MR. JORDAN: Well, Your Honor, I mean I think the *Golston*
4 case was limited to criminal domestic violence and criminal
5 domestic violence alone. I mean I think that at the time that
6 ruling came out, I mean it was either CDV of a high and
7 aggravated nature or a much, much reduced charge.

8 THE COURT: All right.

9 MR. JORDAN: And so I would argue that it does apply.

10 THE COURT: I agree with her logic, but decline to --

11 MS. WYSE: It just struck me while I was reading it,
12 Judge.

13 THE COURT: It makes perfect sense.

14 (WHEREUPON, there was a pause in the proceedings.)

15 THE COURT: Mr. Jordan, let me let --

16 MR. JORDAN: Yes, sir?

17 THE COURT: The second set is coming out, but let me let
18 -- since you're going to be the one that's going to object to
19 it, I'll let you read it first.

20 MR. JORDAN: Yes, sir.

21 (WHEREUPON, there was a pause in the proceedings.)

22 THE COURT: That's two sets.

23 MS. WYSE: Thank you, Judge.

24 (WHEREUPON, there was a pause in the proceedings.)

25 THE COURT: Does the State have any --

1 MS. WYSE: No objections, Your Honor.

2 THE COURT: -- objections or corrections?

3 MR. JORDAN: Your Honor, I'm going to object to the CDV
4 first charge not being in here, but other than that I don't
5 have any other objection.

6 THE COURT: All right. Overruled. Thank you. All
7 right. Is the State ready to proceed?

8 MS. WYSE: Yes, Your Honor, we are.

9 THE COURT: And you'll split your argument or how do you
10 plan to do that?

11 MS. WYSE: I would prefer just to do it all at the end as
12 long as I can.

13 THE COURT: And waive your opening?

14 MS. WYSE: Yes, sir.

15 THE COURT: All right. I understand.

16 MR. JORDAN: I'm ready to go. We've got -- we already
17 had called one witness.

18 THE COURT: I beg your pardon. That's right. You said
19 you may call another witness.

20 MR. JORDAN: My final witness.

21 THE COURT: All right.

22 MR. JORDAN: It shouldn't take very long.

23 THE COURT: All right. We'll just move right in to --

24 MR. JORDAN: Yes, sir.

25 THE COURT: -- final arguments after that. All right.

VIVIAN FINKLEA - DIRECT BY MR. JORDAN

1 Bring the jury, please.

2 THE BAILIFF: Yes, sir.

3 (WHEREUPON, the jury entered the courtroom at 1:49 p.m.)

4 THE COURT: All right. Ladies and gentlemen, we're ready
5 to continue with the trial. Mr. Jordan, call your next
6 witness.

7 MR. JORDAN: Thank you, Your Honor. At this time, we
8 call Vivian Finklea to the stand.

9 THE CLERK: If you will, ma'am, place your left hand on
10 the Bible and raise your right hand. Do you swear to tell the
11 truth, the whole truth, and nothing but the truth, so help you
12 God?

13 THE WITNESS: Yes, ma'am.

14 THE CLERK: Please be seated and state your full name for
15 the record.

16 THE WITNESS: Vivian Priscilla Finklea.

17 VIVIAN FINKLEA, being first duly
18 sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MR. JORDAN:

21 Q: Ms. Finklea, where are you employed?

22 A: I'm the senior pastor at Word Prayer and Praise Church.

23 Q: All right. And how do you know Mr. Ceaser?

24 A: He's one of my members at the church.

25 Q: How long has he been a member of the church?

VIVIAN FINKLEA - DIRECT BY MR. JORDAN

1 A: Since 2008.

2 Q: Okay.

3 A: Prior to that, he had came a couple of years before that,
4 but he came back in 2008.

5 Q: Is he active in the church?

6 A: Oh, yes, sir. Much, very much so.

7 Q: Does he lead the music?

8 A: He -- he's director over the music department, praise and
9 worship. He's one of our diligent workers. We are in
10 partnership with Harvest Hope Food Bank where we feed 300
11 people a month, and he handles most of the time most of that.

12 Q: Okay. Does he work closely with you?

13 A: Yes, sir.

14 Q: All right.

15 A: Yes, sir.

16 Q: So you all have a relationship? You know him well;
17 correct?

18 A: Yes, sir. Just like a son. He's more like a son.

19 Q: Did you know -- I can't pronounce her name after all this
20 time. Kerile Gerald? I think she was Gerald at the time. I
21 think it's Thomas now.

22 A: Yes, sir. He brought her to the church with him as a
23 guest and she came a couple of times.

24 Q: How often did she go?

25 A: She came when they started dating steady. She came every

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1 Sunday along with him and other programs we had.

2 Q: Have you had a chance to provide counsel to both Mr.

3 Ceaser --

4 A: Yes, sir.

5 Q: -- and Ms. Thomas?

6 A: On numerous occasions.

7 Q: And through your counsel with Ms. Thomas, what was that
8 counsel involving?

9 MS. WYSE: Objection, Your Honor.

10 THE COURT: Sustained.

11 BY MR. JORDAN:

12 Q: Are you aware of incidents of domestic violence between
13 Ms. Thomas and Mr. Ceaser?

14 A: Yes, sir. When I received a call from her --

15 MS. WYSE: Objection to hearsay, Your Honor.

16 THE COURT: Sustained.

17 BY MR. JORDAN:

18 Q: You're aware that there are -- prior to this incident --

19 A: Uh-huh.

20 Q: -- incidents of domestic violence which were perpetrated
21 on Mr. Ceaser by --

22 MS. WYSE: Objection to leading.

23 THE COURT: Sustained.

24 BY MR. JORDAN:

25 Q: To the best of your knowledge, what's Mr. Ceaser's

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1 relationship to Ms. Thomas at this point?

2 A: That there's none.

3 Q: All right.

4 A: There's none.

5 Q: And to the best of your knowledge, why is there not a
6 relationship?

7 A: Because we as the Word Prayer and Praise Church, along
8 with my overseer Joseph Edge out of Jacksonville, Florida, we
9 had counsel with them and we told Mr. Demetrik if he's going
10 to partake in things of the church as our leading of -- of --
11 of God people, that you cannot shack or live together. He
12 have to make a decision if he's going to marry her or if he
13 was -- what he was going to do.

14 If he wanted to work in the church, he had to marry or
15 they had to separate, and his choice was, as we had counsel
16 with them and realized that neither one of them had anything
17 to bring to the table to have a successful marriage, that they
18 needed to separate from each other. And Brother -- Mr.
19 Demetrik at that time decided that he wanted to do it
20 according to the way that we teach and encourage our people to
21 do.

22 Q: Through that counsel, what impediments to marriage did
23 you all discover?

24 A: We told him for one you have to know how to cook. You
25 had to know how to iron -- iron his clothes because his mother

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1 provided that. You needed to know how to -- how to take care
2 of a house as a good wife is supposed to. These are the
3 things that we teach. These are the ways that we taught from
4 the book of Proverbs to be a -- a -- a -- a good wife.

5 Q: Were there any other impediments to marriage?

6 A: That they could not, you know, be with -- with arguments,
7 with fussing and fighting. You know, they had to sit down --
8 and because I had received a call from her before stating that
9 she had --

10 MS. WYSE: Objection to hearsay.

11 THE COURT: Ma'am, you can't say --

12 THE WITNESS: Okay.

13 THE COURT: -- what somebody else told you.

14 THE WITNESS: Okay.

15 THE COURT: Okay?

16 THE WITNESS: Okay. Okay.

17 MR. JORDAN: I beg the Court's indulgence. Your Honor,
18 at this time, I have no further questions.

19 THE COURT: Cross-examination.

20 CROSS-EXAMINATION

21 BY MS. WYSE:

22 Q: Good afternoon, Ms. Finklea.

23 A: Good afternoon.

24 Q: Were you present at Mr. Ceaser's house on March 29th of
25 2014?

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1 A: No, ma'am. I was in the Dominican Republic.

2 Q: Okay.

3 A: Uh-huh.

4 MS. WYSE: I have no further questions.

5 THE COURT: Thank you very much, ma'am. Anything
6 further?

7 MR. JORDAN: Nothing further.

8 THE COURT: You may come down.

9 THE WITNESS: Thank you.

10 THE COURT: Thank you very much, ma'am.

11 THE WITNESS: Uh-huh.

12 THE COURT: Next witness?

13 MR. JORDAN: The defense rests, Your Honor.

14 THE COURT: All right. All right, ladies and gentlemen,
15 of the jury, that's all the evidence you're going to hear.
16 That's all the evidence you're going to hear. Both sides have
17 had their opportunity to present evidence.

18 We will now commence the next portion of the trial, which
19 will consist of the final summations or arguments of counsel.
20 I hate to use that word arguments, but it's basically a
21 summation of what they believe their case has proved to you
22 and their position with regard to the legal elements of this
23 case.

24 Mr. Taylor -- I mean Mr. Jordan will proceed at this
25 time. Defense counsel?

CLOSING ARGUMENT ON BEHALF OF THE DEFENDANT

MR. JORDAN: Thank you, Your Honor. You guys are almost done. I know you're as excited as I am.

Folks, this case involved -- I guess, first, let me tell you in addition to being a public defender, I have a private office here in town and through that private office I deal with mostly Family Court cases. This case is a lot like most of my Family Court cases. It involved baby mama drama. That's all this case is about is baby mama drama.

It's up to you all, as it is to attorneys handling Family Court cases and criminal cases, to evaluate the facts, to evaluate the stories of the parties. Ultimately, you folks have the task of figuring out what you believe to be true.

In this case, we've heard -- and I'm not going to lie to you. We've heard that Mr. Ceaser hit Kerile Thomas. Testimony was presented that on that day Kerile and her mother came over to Mr. Ceaser's house unannounced. Kerile comes up to the door. She thinks there's a woman inside. She starts getting a little agitated, but she says, you know, I realize he's the father of my child. He should see my -- you know, he should see the child. She's agitated. She goes and gets food with his debit card. She comes back and he asks for a receipt.

If you've had difficulties with a spouse, a friend, a girlfriend, a boyfriend, whatever, and you give them your

1 debit card, I think it's perfectly reasonable to say, hey, can
2 I get a receipt. I'm going to make sure you didn't get a
3 twelve-piece bucket along with the food for the child.

4 She didn't like that. She still thinks there's another
5 woman inside. He won't let me inside. There's something
6 going on he doesn't want me to know about.

7 I think the testimony shows that they were arguing. She
8 was pushing on him, hitting him with her hip. He was holding
9 the child, and that's what makes this case and what happens
10 next different from the prior acts of domestic violence that
11 you heard about.

12 , , my son was born. I had no idea how
13 much my life would change when I held my son in my arms for
14 the first time. My favorite thing -- my absolute favorite
15 thing to do is smoke cigarettes. It's a terrible habit. I
16 understand that. My son was born about 1:15. I haven't
17 smoked a cigarette since August 2nd, 2013 [sic]. You do things
18 differently when you have a child. It changes absolutely
19 everything.

20 These other instances of domestic violence -- I don't
21 know whether he perpetrated them or whether she perpetrated
22 them. I think there has been ample testimony to show that she
23 was the aggressor. That her mother was an aggressor. He
24 didn't call the police. They've never called the police
25 before. He dealt with it.

1 But this was different because he had the child with him.
2 Here, he's holding his one-year-old daughter as he's being
3 pushed, as he's being slapped, and he makes a split-second
4 decision. He doesn't know whether or not Kerile is going to
5 black out, as she testified she had a tendency to do. She'll
6 black out. She doesn't remember assaulting him.

7 Conveniently, she does not remember assaulting him in the
8 past. He didn't know whether or not she was going to do that.
9 He doesn't know whether or not she's going to inadvertently
10 hit the child. All he knows is he's got this child and he's
11 got to stop the attack. So he makes a split-second decision
12 and he hit her.

13 From there, her mother, Ms. Gerald, gets out of the car.
14 And I'm not picking on Ms. Gerald. Please understand that.
15 I'm not picking on her at all, but she's a large woman. She
16 gets out of the car and he's -- understanding the testimony,
17 you know, this is the car. I'm where he is and Ms. Wyse would
18 be where the house is. So he's got a car in-between he and
19 the house and Ms. Gerald is on the other side of the car. He
20 doesn't have the ability to run back into his house.

21 But she doesn't give him time to do much of anything.
22 She gets out of the car. She claims to check on her daughter,
23 but that'll be for you all to decide whether or not she
24 checked on her daughter. She certainly took off her shoe and
25 whipped it at him, and she definitely went up to him and

1 grabbed him by his shirt. She held on to his shirt, as she
2 testified, until she said it's finished. And at that point in
3 time, he didn't hit her, he didn't kick her, he was finally
4 able to walk away.

5 But that entire attack, everything that you've heard
6 about that attack, happened while he was holding his child,
7 while he was attempting to protect his child. I think at some
8 point in time while Ms. Gerald was clutching on to his shirt,
9 he did have the ability to put the child down, but he's still
10 fending off a woman who has easily got a hundred pounds on
11 him.

12 You've seen the pictures. You've seen the marks. You've
13 seen their injuries. Folks, it's going to be up to you all to
14 determine whether or not Mr. Ceaser acted in self-defense and
15 defended his daughter or not. There's definitely testimony
16 and evidence that shows that he wasn't asking for this. He
17 didn't go outside looking for a fight. He went outside
18 looking for a receipt.

19 Based on everything that's happened up to this point
20 between he and Ms. Gerald and he and Ms. Thomas, it's
21 reasonable to assume that one or both of these ladies may
22 attack him. He's not a big man. He couldn't avoid what was
23 going on. He made a split-second decision when he hit Ms.
24 Thomas, and he certainly couldn't get out of the way of Ms.
25 Gerald. He had a car and a large woman running at him.

1 I don't -- you know, the question to you all is what
2 would a reasonable person do, and that's what you have to
3 decide. I personally know that if it was me and I was holding
4 my son, I'd do anything and everything I could to protect him.

5 I think that when you evaluate the evidence in this case,
6 you'll come to the same conclusion that I have, that he acted
7 reasonably. He defended himself as best he could and when the
8 threat of harm was gone, he went inside and called the police.

9 That's really the story, folks. I mean that's -- you
10 know, that's the incident. That's what happened. But it's
11 just like in my opening yesterday when I told you the story
12 about hitting my brother in the face with a basketball. The
13 back story is important and the story from the time of the
14 incident on forward is important.

15 Mr. Ceaser, who has no prior criminal record -- he goes
16 into his house and he calls the police. Ms. Gerald and Ms.
17 Thomas get in their car. They call a relative who doesn't
18 know where Mr. Ceaser lives. They tell that relative this is
19 where Mr. Ceaser lives. They don't go seek medical treatment.
20 They go sit in a parking lot or two parking lots. They can't
21 remember and couldn't get things straight. And they only
22 returned to the house when that random relative calls to say,
23 oh, the police are here. He called to say that because he
24 couldn't get the job done. He was sent over there to fix it.

25 Folks, it's in your hands. The judge will charge you on

1 the law here shortly. You have to decide whether or not the
2 State has proven their case beyond a reasonable doubt. If you
3 have any pause at all, if any of these facts gives you cause
4 to believe that Mr. Ceaser acted in self-defense, you have to
5 find him not guilty, folks. It's a reasonable doubt.

6 This is a tough case. Honestly, I mean it's tough. All
7 these cases are tough because you have to figure out whose
8 story and what story is the truth. Mr. Ceaser's story --
9 you've seen his confessions. You've heard his testimony. It
10 has been virtually the same from start to finish.

11 The prosecution tried to pick apart -- why didn't you
12 tell the investigator this particular small detail at seven
13 o'clock in the morning after you slept for virtually no time
14 at all overnight in jail? But ultimately when you get to
15 looking at it, his story is the same all the way through.

16 He did what he had to do to protect himself and his
17 child. He acted reasonably in self-defense. I believe that's
18 what you're going to see, folks. I believe that's what you're
19 going to find, and you're going to find that Mr. Ceaser is not
20 guilty of these charges. Thank you.

21 THE COURT: Solicitor?

22 CLOSING ARGUMENT ON BEHALF OF THE STATE

23 MS. WYSE: Thank you, Your Honor. May it please the
24 Court. Mr. Jordan.

25 Ladies and gentlemen of the jury, there are going to be

1 two parts to my closing. The first part is going to be on the
2 law, and I get to tell you what the law in South Carolina
3 states about criminal domestic violence of a high and
4 aggravated nature and assault and battery second. And then
5 later on, the judge is going to inform you of the law again.

6 I prepared a PowerPoint so that you can see the offense
7 as I talk about it because if you're anything like me, you
8 know, somebody keeps talking to you and eventually you -- you
9 know, at some point you quit listening and it's not your
10 fault. It's just -- you know, it's human nature.

11 It's easy to look at something and to hear it in order
12 for it to make sense because let's just be honest. The
13 legislature writes laws in South Carolina and they are a
14 little bit difficult to understand in some of the wording. So
15 Mr. Godbolt is going to roll this over and we can take a look
16 at the statute for CDV of a high and aggravated nature,
17 assault and battery second, and how the legislature defines
18 that.

19 And, ladies and gentlemen, Mr. Jordan is right. We are
20 almost done.

21 MR. JORDAN: Would you like me to turn the lights down?

22 MS. WYSE: That would be great. Thank you. Ladies and
23 gentlemen, I am -- I am not very good with technological
24 stuff. I married a man who is in IT and he actually does all
25 this stuff for a living. And when we got married, I made an

1 agreement with him that I would never ever buy a computer, buy
2 a phone, try to install any technology; so I appreciate Mr.
3 Godbolt and the fact that he can help us do this.

4 MR. GODBOLT: It's going to take a second.

5 MS. WYSE: Okay.

6 (WHEREUPON, there was a pause in the proceedings.)

7 MS. WYSE: All right. Ladies and gentlemen, Section 16-
8 25-65 of the South Carolina Code of Laws defines criminal
9 domestic violence as a person who violates this section is
10 guilty of the offense of criminal domestic violence of a high
11 and aggravated nature when they do one of the following.

12 The person commits an assault and battery which involves
13 the use of a deadly weapon or it results in serious bodily
14 injury to the victim or the person intentionally commits an
15 assault with or without an accompanying battery which would
16 reasonably cause a person to fear imminent serious bodily
17 injury or death.

18 Now, like I said, the legislature -- I feel like they
19 take great pleasure in writing stuff in such a way that it's
20 difficult to understand. Basically, the judge is going to
21 tell you that in the state of South Carolina we have a law
22 that says if you are in a domestic relationship -- and that's
23 defined as a spouse or your ex-spouse, somebody that you were
24 living with or you have lived with and you have a romantic
25 relationship with them or you had a romantic relationship with

1 them or you have a child in common. That's what's defined as
2 a household member in the state of South Carolina.

3 If you are household members, this is what qualifies as
4 domestic violence of a high and aggravated nature under South
5 Carolina law. It's committing an assault and battery which
6 involves the use of a deadly weapon or results in serious
7 bodily injury to the victim.

8 They say this. They put this part in there that they can
9 intentionally commit an assault and it doesn't have to have
10 the accompanying battery that would cause a reasonable person
11 to fear imminent serious bodily injury or death.

12 Assault and battery second was defined by the
13 legislature. There was a new -- there's a new definition for
14 this that qualifies in these charges.

15 A person commits the offense of assault and battery in
16 the second degree if that person unlawfully injures another
17 person or offers or attempts to injure another person with the
18 present ability to do so and moderate bodily injury to another
19 person results or moderate bodily injury to another person
20 could have resulted.

21 Now, the legislature also defined what moderate bodily
22 injury is, but they only defined moderate bodily injury as it
23 relates to assault and battery. The legislature did not
24 define what serious bodily injury was for purposes of the
25 domestic violence statute.

1 So moderate bodily injury means physical injury that
2 involves prolonged loss of consciousness or causes temporary
3 or moderate disfigurement or temporary loss of the function of
4 the bodily member or organ or an injury that requires medical
5 treatment when the treatment requires the use of regional or
6 general anesthesia or the injury results in a fracture or a
7 dislocation.

8 Like I said, that is the moderate bodily injury
9 definition that the South Carolina legislature passed into
10 effect for assault and battery second. And I just want to be
11 clear they did not put a definition for serious bodily injury
12 in the domestic violence statute.

13 And I don't know what the purpose of that was. I think
14 that the purpose of that is because the legislature wants you
15 to decide what you think serious bodily injury is as it
16 pertains to the domestic violence of a high and aggravated
17 nature statute.

18 Ladies and gentlemen, that's the law. Turn the light
19 back on. Thank you, Daniel. As it relates to the charges
20 that we're here about today. I want to talk to you a minute
21 about the witnesses that were called.

22 Kerile Thomas got up on the stand. She testified and she
23 told you in her own words what she remembered. She did the
24 best to her ability. She does say that she lost
25 consciousness, that she blacked out.

1 In fact, she testified that while she and Mr. Gerald were
2 together, she experienced blackouts. She said that they
3 didn't happen before they got together and then she said that
4 they didn't occur after they broke up, but she told you that
5 she did have some blackouts while they were together. So she
6 did her best to sit up here and tell you what she remembered.

7 She remembered going to his house. She remembered that
8 the day before they kind of had a little bit of an argument
9 about baby mama drama, baby daddy drama. They were having an
10 argument about drama.

11 Anyway, she went to his house the next day. She
12 testified that his cell phone didn't work; so she couldn't
13 call him. She couldn't text him and she also said that his
14 Wi-Fi wasn't working; so she couldn't send him an email.

15 So she showed up at his house and, ladies and gentlemen,
16 while -- while I'm telling you about what she testified to,
17 the defendant testified on the stand that she showed up
18 unannounced, that he had no idea that she was coming over
19 based upon the argument that they had had the day before.

20 Now, I want you to remember that the day after this
21 occurred he was interviewed by Jamie Cooper and you saw that
22 interview. And yeah, it did happen at seven o'clock in the
23 morning, but he was actually very specific and said that
24 Kerile was supposed to bring his child over that day and that
25 she wasn't on time and that he was angry. They had talked

1 about him -- according to what he said on that interview with
2 Jamie Cooper, he said that she was supposed to be there with
3 my child from -- what? From two to seven or one to seven or
4 something like that. I can't remember the exact time. But he
5 did say that to Investigator Cooper the day after this
6 incident occurred.

7 And yet he testified on the stand today that she showed
8 up unannounced. Ladies and gentlemen, I'm telling you that
9 they -- that Kerile showed up, that she brought the child
10 over, and she may have been late. She got there and she told
11 you in their own words that she was petty. Yes, they argued
12 about some really dumb things and she admitted that on the
13 stand. She said it was dumb.

14 She was upset because he didn't have any food in the
15 house and because he didn't have anything to drink in the
16 house. Now, ladies and gentlemen, I have a two-year-old. My
17 daughter was born roughly a month before Daniel's son was born
18 and he's right. Oh, my gosh. My life has changed. I did not
19 know how much I would love this child. And if I was taking my
20 daughter somewhere and they didn't have any food or anything
21 to drink, I'd be really upset. I would be.

22 Now, what I think is very interesting is that he trusted
23 Kerile enough to give him her debit card [sic]. Now, ladies
24 and gentlemen, he could've gotten in the car and gone with
25 her. There was no testimony about the fact that, you know, he

1 didn't. He could have. He could have gotten in that car and
2 ridden with Carol and Kerile and the baby to KFC, gotten some
3 food, gotten a drink, and then come back. He could have.
4 They could have gone somewhere else. They could have gone
5 somewhere closer. They probably could have just gone to
6 Walmart or, you know, I'm just saying that this is what could
7 have happened.

8 But he did not get in the car and go with her. Instead,
9 he kept the baby at his house. They didn't have any food.
10 They didn't have any drink, even though when he interviewed
11 with Jamie Cooper he said he expected them to be there and
12 that when she got there she was mad because there was no food
13 and he even said in the interview that if he -- that if she'd
14 have been there -- if he'd have known exactly what time she
15 was going to get there, he would have made sure that there was
16 food in the house. If she got there at four and he thought
17 she was coming at one o'clock, why wasn't there food in the
18 house?

19 Ladies and gentlemen, he -- he keeps the baby while she
20 goes to KFC. He gives her his debit card. She gets back to
21 the house. He wants his receipt. I understand completely.
22 She says that she don't want him touching her car. If she
23 can't go into his house, then he doesn't need to be going in
24 her car. It's crazy the things you fight about when you're --
25 when you're mad about little things and, yes, this is

1 absolutely a petty, silly argument.

2 He says in his statement to the police that Kerile pushed
3 him and hit him and then he threw the drink on her. That's
4 not what he said when he was interviewed by Jamie Cooper the
5 next morning. And it was a little bit different when he took
6 the stand and testified today.

7 Now, Mr. Jordan got up here and told you and badgered my
8 witnesses and said why couldn't you get your story straight or
9 you were going to get your story straight when you were
10 sitting at Walmart. Ladies and gentlemen, why isn't Mr.
11 Ceaser's story straight? You have a real good memory right
12 after something happens; you don't 22 months later. He had
13 his interview. He had his statement.

14 We heard from Carol Gerald and you heard Mr. Jordan tell
15 you that you do things differently when you have a child and
16 he's absolutely right. He is absolutely right, and Carol
17 Gerald watched her daughter get knocked out in one punch and
18 lose consciousness. She got up out of that car, she threw her
19 shoe at him, and she came around the car at him. And
20 according to the defendant, she charged him. If somebody did
21 that to my child, I think I'd do the exact same thing.

22 Ladies and gentlemen, let's just be real honest. He
23 testified about how close his house was to the car; right?
24 Somewhere in this general vicinity. A Honda is a small car.
25 Ms. Carol Gerald is a large woman. He had his daughter. He

1 poured his drink -- the drink on Kerile Gerald. She knocks it
2 out of the air or whatever. She's late. She doesn't get it.
3 It still gets on her. And he punches her and she falls to the
4 ground.

5 Carol Gerald is still buckled into her car into the --
6 into the driver's seat. She had to unbuckle the -- the -- the
7 safety belt, get out of the car, take off one of her shoes,
8 throw it at him, and then come around the car. He had time to
9 go around the other side of the car and go in the house. He
10 had time to go around the other side of the car and go
11 anywhere else.

12 Instead, he says that he -- that Ms. Carol Gerald charges
13 at him and that she tries to hit him and he punches her, not
14 only once, not only twice, but at least three times according
15 to his testimony today. He gives her two black eyes,
16 fractures her orbital bone. She falls on the ground and he
17 kicks her while she's on the ground. Never ever before did he
18 ever tell anybody that she went after his testicles. That's
19 the first time that has ever been told to deputies,
20 statements, Family Court. First time ever been heard today.

21 Actually, you know, I was kind of thinking after he said
22 it that that would be the logical place for a woman to hit a
23 man if she felt like she was going to either inflict injury or
24 if she was defending herself. You know, if I saw somebody hit
25 my daughter to the ground and then they were punching me in

1 the face repeatedly and when I fell to the ground they were
2 kicking me, absolutely I would be trying to stop him.

3 But he didn't stop until she said it was done? It's
4 done? You know, he said -- he testified that he was kicking
5 her. He testified today that he was kicking her. Now, he
6 says he only kicked her once, but kicking and kicked once are
7 a little different.

8 Now, ladies and gentlemen, when I got this case, I looked
9 at the entire thing. I read the statements. I looked at the
10 evidence. I saw those pictures. And I considered Mr.
11 Ceaser's story and I'm going to tell you the one fatal flaw
12 Mr. Ceaser has. He comes in this court, he tells the
13 deputies, he tells you, he tells this judge that he was
14 protecting his child. That's what he said. That's what he
15 testified to.

16 And yet, he lets the very people that just attacked him
17 leave with his child that he was protecting? That fatal flaw
18 to me disproves this entire defense of "I was protecting my
19 child" because if you were protecting your child, you would
20 not let them leave with her. That makes no sense at all. Not
21 at all.

22 Ladies and gentlemen, you also heard that there are other
23 incidents of domestic violence. You heard that from Kerile.
24 You heard it from Carol. You also heard it from Mr. Ceaser.
25 The thing is, is that Mr. Ceaser says that she attacked him

1 several times. He never ever called the police ever. He
2 never called 9-1-1. He says that she was so incredibly
3 violent in January right before she moved out and he said that
4 the baby was present. She was on the bed.

5 Now, he never called the police. He didn't take pictures
6 of himself. Nothing. He didn't go to Family Court. He
7 didn't say she's an unfit mother.

8 When Investigator Cooper got up here on the stand and
9 when Deputy Owens took the stand too, she told you that she
10 was investigating because she didn't hear -- she hadn't heard
11 both stories yet. She hadn't heard all sides. She knew that
12 he had some injuries and he knew that she -- he was telling
13 her that he had hit the other women. So she didn't know the
14 whole story yet; so she was still, you know, weighing all the
15 evidence trying to figure out who the primary aggressor was.

16 So you heard a little bit about primary aggressor. You
17 heard Investigator Cooper get up on that stand and talk to you
18 about how an officer determines primary aggressor. You know,
19 you have to look at the size. You have to look at, you know,
20 Kerile's size difference between Mr. Ceaser. You also have to
21 consider Carol's size when you think about that with Mr.
22 Ceaser.

23 And other things that you have to decide are prior
24 complaints of domestic violence or family incidents. There
25 were none. There were none. None from her and none from him.

1 And yet you heard him repeatedly say she was incredibly
2 violent towards him.

3 You also have to consider the relative severity of the
4 injuries. Now, ladies and gentlemen, there are pictures in
5 evidence. There are pictures of Mr. Ceaser.

6 MR. JORDAN: What exhibit is that?

7 MS. WYSE: 20. This is Mr. Ceaser's picture that was
8 taken by Deputy Owens. You can see right here -- I'm sorry.
9 You can see right there where he's got scratches. In my
10 opinion, that looks to me like fingernail scratches. I am not
11 an expert, but that's what it looks like to me. That looks
12 like scratches.

13 Now, can you show me picture Number 19?

14 This also to me looks like a scratch. That looks like a
15 scratch. It looks like a scratch I guess there -- like, right
16 there and on the side of his neck.

17 Will you please pull up picture Number 4?

18 This is Carol Gerald's face. You saw her in the court
19 room and you saw her testify. This is Carol Gerald's face
20 after Demetrik Ceaser got a hold of her.

21 You looked and you saw his injuries. He's got a scratch
22 on his neck and a scratch on his face, and this is what he did
23 to her in return.

24 Will you show picture Number 5, please?

25 This is the other side of her face. He's got two

1 scratches. Ms. Carol Gerald has two black eyes, as well as
2 she was punched at least one more time and she was kicked.
3 She had bruising all over her upper body.

4 Will you please pull up picture Number 26? No. That's
5 not it. It's picture Number 9.

6 When you get back in the jury room, please take a look at
7 the pictures. This is State's Evidence Number 9. This is
8 Kerile Gerald's face.

9 He says that she either hit him or she slapped him or she
10 knocked him with her hip. These are the injuries that Mr.
11 Ceaser sustained. He refused EMS treatment. He did not go to
12 a hospital. This is it.

13 The doctor told you that there were two fractures, two
14 fractures on two different women. Both of those women got up
15 there and told you how they got their hits and their blows.
16 Mr. Ceaser took the stand and he told you that he hit them.
17 He told you that he kicked Ms. Gerald. He told you that he
18 punched Kerile. The stories are consistent on that account.

19 The defendant's story is inconsistent on its details.
20 I'll point that out to you because it is important. It is
21 important.

22 He says that Kerile hit him and then he says another time
23 that she slapped him and then he says another time that she
24 bumped him with her hip, and he knocked her out. One hit. It
25 was like he Ray Rice'd her and she was out. She was down.

1 And, ladies and gentlemen, supposedly he did it to protect his
2 child.

3 The requirements for self-defense in the state of South
4 Carolina -- there are four of them. Four.

5 The defendant has to be without fault in bringing on the
6 difficulty. That's a pretty way of saying that basically he
7 shouldn't have started it. We all know that this argument
8 started very petty. It was just a verbal altercation. They
9 were just sharing words. They were passing words back and
10 forth. It escalated.

11 My belief is that it escalated when he poured the tea on
12 her. That is what the State believes. And that's what
13 escalated the argument. She tried to knock the tea or the Hi-
14 C or whatever it was out. You know what? That's reasonable.
15 If somebody throws this at me, I'm going to try to get it --
16 you know, make sure it doesn't hit me. The fact that she has
17 a cup tossed at her makes a hundred percent sense that she
18 would try and knock it out of her line of being hit.

19 That's what the State -- I think that that's when this
20 argument really went up. It escalated. That's when it --
21 when it got -- started getting real serious.

22 But if you don't believe that, if you don't think that,
23 then consider that he knocked her out. She blacked out in one
24 punch. She -- her -- her cheekbone was fractured. He brought
25 about that difficulty by doing it.

1 And as soon as Ms. Carol Gerald saw him attack her child
2 and her child was laying on the ground, she got out of the
3 car, she threw her shoe at him, and she came at him. Grabbed
4 his shirt. And, ladies and gentlemen, that is when I think
5 the defendant got his scratches because that makes sense. I
6 think that Ms. Carol Gerald reached out to grab his shirt and
7 when she did she scratched his neck. That is when I think he
8 got those scratches. That's when it happened.

9 And while she was holding on to him, which by the way
10 he's saying that he had the baby right here. She grabbed --
11 she grabbed onto his shirt and then he punched her over and
12 over with his arm.

13 He says that he didn't want to get -- he didn't want to
14 fall over. He thought that he might fall over during this
15 altercation with Carol; so he puts the baby on the ground
16 while she has a hold of his shirt? That doesn't make sense.
17 I don't think it happened like that.

18 I think that she grabbed him. He punched her repeatedly,
19 and then when she fell to the ground, he kicked her. Why?
20 She was on the ground. Why would you kick her? Why is that
21 necessary? It's not.

22 So I'm saying that he was at fault in bringing on the
23 difficulty. Every single step of the way, he egged it on. He
24 could have left. Instead, he escalated it higher.

25 The defendant had to have an actual imminent danger of

1 losing his life or sustaining serious bodily injury. He had
2 to believe that. He had to think that he was in actual
3 imminent danger of losing his life from two unarmed women or
4 sustaining serious bodily injury.

5 There is no serious bodily injury. It didn't happen. I
6 don't think it's reasonable that he thought that there would
7 be serious bodily injury. He testified that neither one of
8 them were armed.

9 He must have actually believed that he was in imminent
10 danger or sustaining a serious bodily injury and, if his
11 defense is based on his belief of imminent danger, the
12 defendant must show that a reasonably prudent person of
13 ordinary firmness and courage -- that's like lingo for a
14 reasonable person, a normal everyday person walking down the
15 street. A normal person would have entertained the same
16 belief of imminent bodily danger or losing your life.

17 And struck the fatal blow in order to save himself or
18 herself from serious bodily harm or the loss of life. That's
19 what he had to believe when this incident occurred.

20 Now, ladies and gentlemen, there's been all kinds of
21 allegations about prior abuse. So this prior abuse is what
22 made him think that he was in fear of losing his life and yet
23 in none of those instances did he ever call the police. I'm
24 telling you that I don't think what he's stating is
25 reasonable. I don't think it is.

1 And the last thing that the defendant has to show is that
2 he had no probable means of avoiding the danger. That while
3 this entire thing happened, he has to prove to you that there
4 was no other way of avoiding all of this.

5 He could have walked away. He could have gone into the
6 house. He could have run into the house. If he really felt
7 like Kerile could have done something, as soon as she was
8 knocked down to the ground, he could have run around the car
9 and gone inside. He could have run around the car and gone to
10 a neighbor's house. He could have run around the car and run
11 down the street. He testified that he lives in a duplex.
12 There were other people around.

13 Ladies and gentlemen, it's the State's case that Mr.
14 Ceaser did, in fact, commit CDV of a high and aggravated
15 nature because he caused serious bodily injury to Ms. Thomas.
16 He did that when he hit her one time with enough force to
17 fracture her face.

18 It's the State's belief and it's our argument that Mr.
19 Ceaser did, in fact, commit the crime of assault and battery
20 second degree when he hit Ms. Carol Gerald repeatedly and then
21 kicked her when she was down, causing both of her eyes to
22 swell, causing her to have a blowout fracture in her right
23 eye.

24 It is the State's case and it's my argument today that
25 the defendant did not meet his requirements for self-defense.

1 The defendant -- it's my belief that he wasn't without fault
2 in bringing on the difficulty. He admitted that he had some
3 arguments. He admitted that things escalated.

4 It's my argument that he was never in actual imminent
5 danger of losing his life or sustaining serious bodily injury.
6 That's my argument. He's failing. In my opinion, he fails on
7 the first two points.

8 The third part is that if his defense is based on the
9 belief of imminent danger, then a reasonable, ordinary, normal
10 person walking down the street would have had to have had the
11 exact same fear that Mr. Ceaser had that day. And the
12 defendant would have had to have no probable means of avoiding
13 the danger but for acting the way he did. I think he fails on
14 all four.

15 Ladies and gentlemen, when you go back there in the jury
16 room and you deliberate this case after the judge gives you
17 the law, I want you to think about the fact and think about it
18 a lot that Mr. Ceaser says that he did all of this to protect
19 himself and to protect his child and then he let his child go
20 home with these two people that he says basically were
21 threatening him and caused all of this.

22 It doesn't make sense. It didn't make sense on March 29th
23 of 2014 and it doesn't make sense today. It doesn't hold
24 water. It's not reasonable. I would have never -- if I felt
25 that I had to protect my daughter by the use of force, I would

1 have never allowed those people that attacked me to take her.
2 It doesn't make sense.

3 Thank you for your time. Thank you for your attention.
4 Thank you.

5 CHARGE ON THE LAW

6 THE COURT: All right, ladies and gentlemen. Mr. Foreman
7 and ladies and gentlemen of the jury, you've now heard all the
8 testimony in this case. You've heard the arguments of both
9 the State and the defendant and you will take with you to the
10 jury room all of the evidence in this case that's been
11 introduced, including the video if you wish to see it. But
12 now it's my responsibility to explain to you the law as it
13 applies to this case.

14 Now, I'll remind you that during this trial you and I
15 have certain duties to perform. As the trial judge, it's my
16 responsibility to preside over the trial of the case and I
17 have the duty also to rule on the admissibility of evidence
18 offered during the course of the trial. You are to consider
19 only the competent evidence that's been presented to you.

20 I have the additional duty to charge the law to you
21 applicable to this case. And as the presiding judge, I'm the
22 sole judge of that law and it's your duty as jurors to accept
23 and apply the law as I now explain to you -- it to you. If
24 you already have any ideas what the law is or what the law
25 ought to be and it does not agree with what I now tell you the

1 law is, you must abandon those ideas because you are sworn to
2 accept the law and apply the law exactly as I state it to you.

3 In every case tried in this court before a jury, the jury
4 becomes the sole and exclusive judge of the facts. A trial
5 judge cannot intimate, state or comment on or make any
6 statement to a trial jury about the facts in the case since
7 you, the jury, are the sole judges of the facts in the case.

8 You are not to infer from anything that I might have said
9 during the process of the trial in ruling on the admissibility
10 of evidence or otherwise or anything that I say now during the
11 course of these instructions to you that I have any opinion
12 about the facts of the case. The law does not allow me to
13 have an opinion about the facts. This is a matter solely for
14 you, the jury, to determine and as jurors it's your duty to
15 determine the effect, value, weight, and truth of the evidence
16 presented during this trial.

17 Now, I remind you again that the facts -- the fact that a
18 warrant was issued and that Mr. Ceaser was arrested, charged,
19 and indicted in this case is not evidence in this case and
20 cannot be considered by you as any evidence of guilt in this
21 case, nor does it create any presumption or inference of
22 guilt. These indictments are simply the formal written
23 instruments which contain the charges made against Mr. Ceaser.
24 They are the formal documents, as I explained to you earlier,
25 by which the case is brought into court.

1 Now, the indictments in this case allege several
2 different offenses against Mr. Ceaser. And the first is
3 criminal domestic violence and that applies to Kerile Gerald,
4 the younger of the Gerald women. I think you probably
5 understand that. And that assault and battery in the second
6 degree is the indictment that applies to her mother, Carol
7 Gerald.

8 Now, each indictment contains a separate and distinct
9 offense. You must decide each indictment separately on the
10 evidence and the law applicable to it uninfluenced by your
11 decision as to any other indictment. Mr. Ceaser may be
12 convicted or acquitted on any or all of the offenses charged.
13 You'll be asked to write a separate verdict of guilty or not
14 guilty for each indictment.

15 Now, Mr. Ceaser, as you know, has pled not guilty to
16 these indictments and that plea puts the burden on the State
17 to prove the defendant guilty. A person charged with
18 committing a criminal offense in South Carolina is never
19 required to prove himself or herself innocent. And I charge
20 you again this is an important rule of law that the defendant
21 in a criminal case, no matter what the seriousness of the
22 charge may be, will always be presumed innocent of the crime
23 for which the indictment was issued unless guilt has been
24 proven by evidence satisfying you of that guilt beyond a
25 reasonable doubt.

1 The presumption of innocence in other words does not even
2 end when you begin your deliberations, but it accompanies the
3 defendant throughout the trial until and unless you reach a
4 verdict of guilt based on evidence satisfying you of that
5 guilt beyond a reasonable doubt.

6 The presumption of innocence is -- it's been said is like
7 a robe of righteousness placed about the shoulders of a
8 defendant which will remain with the defendant until or unless
9 it has been stripped from the defendant by evidence satisfying
10 you of the defendant's guilt beyond a reasonable doubt.

11 The presumption of innocence is not a mere legal theory.
12 It's not a legal phrase. It is a substantial right to which
13 every defendant is entitled unless you, the jury, are
14 satisfied from the evidence of the defendant's guilt beyond a
15 reasonable doubt.

16 Well, what is a reasonable doubt in the law? A
17 reasonable doubt is the kind of doubt that would cause a
18 person to hesitate to do something. I'm going to repeat that.
19 Reasonable doubt is the kind of doubt that would cause a
20 reasonable person to hesitate to act.

21 The State has the burden of proving Mr. Ceaser guilty
22 beyond a reasonable doubt. Now, some of you may have served
23 as jurors in civil cases where you were told that it's only
24 necessary to prove that a fact was more likely true than not
25 true, such as by the greater weight of the evidence or the

1 preponderance of the evidence. But in criminal cases the
2 State's proof must be more powerful than that. It must be
3 beyond a reasonable doubt.

4 Proof beyond a reasonable doubt is proof that leaves you
5 firmly convinced of the defendant's guilt. Now, there are
6 very few things in this world that we know with absolute
7 certainty and in criminal cases the law does not require proof
8 that overcomes every possible doubt.

9 If, based on your consideration of the evidence, you're
10 firmly convinced that the defendant is guilty of the crime
11 charged, you must find the defendant guilty. On the other
12 hand, if you think there is a real possibility that the
13 defendant is not guilty, you must give the defendant the
14 benefit of the doubt and find him not guilty.

15 Now, generally during the course of a trial, there are
16 two types of evidence which are presented during the trial.
17 They're -- they're called direct evidence and circumstantial
18 evidence.

19 Direct evidence is the testimony of a person who claims
20 to have actual knowledge of a fact, such as an eyewitness.
21 And circumstantial evidence is proof of a series or a chain of
22 facts indicating the existence of some fact.

23 But the law makes absolutely no distinction between the
24 weight or value to be given either direct or circumstantial
25 evidence. Nor is a greater weight -- greater degree of

1 certainty required of circumstantial evidence than of direct
2 testimony. Your job is to weigh all the evidence in the case
3 and after doing that if you're not convinced of the
4 defendant's guilt beyond a reasonable doubt, you must find the
5 defendant not guilty.

6 Now, necessarily you must determine the credibility of
7 the witnesses who have testified in this case. Credibility
8 simply means believability. It becomes your duty as jurors to
9 analyze and evaluate the evidence and determine which evidence
10 convinces you of its truth.

11 In determining the believability of witnesses who have
12 testified in this case, you may believe one witness over
13 several witnesses or several over one. You may believe a part
14 of the testimony of a witness and reject the remaining
15 testimony of that same witness. You may believe the testimony
16 of a witness in its entirety or reject the testimony of a
17 witness in its entirety. And you may consider whether any
18 witnesses exhibited to you any interest or bias or prejudice
19 or other motive in this case. You also may consider the
20 appearance of the witness and the manner of the witness while
21 on the witness stand.

22 Now, a statement of Mr. Ceaser to the police has been
23 admitted into evidence. While I have determined that the --
24 that the statement was admissible to be presented in court, I
25 instruct you that you make the ultimate decision of whether or

1 not Mr. Ceaser made the statement and, if he did make the
2 statement, you must determine whether the statement was made
3 by him voluntarily and of his own free will. This means that
4 the statement was not caused by pressure or force or fear or
5 threats or coercion or by any promise of leniency or reward of
6 any kind.

7 In determining whether the statement was voluntary, you
8 should consider the characteristics of the defendant and the
9 details of that questioning. Some of the factors that you may
10 consider are the age of the defendant, the defendant's
11 education or lack of it, his mental ability or capacity, his
12 intelligence, and the defendant's background and environment,
13 the place and length of the detention, where the questioning
14 took place, the advice or lack thereof of his constitutional
15 rights, including but not limited to the right to remain
16 silent.

17 That any statement could have been used against him in a
18 court of law, and his right to have a lawyer present and if he
19 could not afford an attorney that he would -- that an attorney
20 would be appointed to represent him without any cost. Or that
21 he could stop making the statement at any time. You must
22 consider the surrounding circumstances before you give weight
23 to the alleged statement.

24 And the State does have the burden of proving beyond a
25 reasonable doubt that the statement was voluntary. If you

1 determine it was, you may give the statement as much
2 consideration as you deem proper. You must decide what
3 weight, if any, should be given to that alleged statement and
4 if you determine the statement was not the free and voluntary
5 statement of the defendant, you should not consider the
6 statement at all.

7 Now, in order to establish criminal liability in any
8 case, intent or criminal intent is required. For example, the
9 mental state required to be proven by the State for a
10 particular crime might be some stated purpose or recklessness
11 or criminal negligence.

12 Criminal intent must be proven by the State beyond a
13 reasonable doubt. Intent is always a matter that must be
14 determined by the jury from the circumstances surrounding the
15 situation.

16 Now, there's no way to prove intent to a mathematical
17 certainty. There's no way medical science can dissect a
18 person's brain and determine what the person had in mind. So
19 the law says that criminal intent may be inferred from the
20 circumstances shown to have existed at the time and place.
21 And this is how you make a determination of whether or not the
22 element requiring intent was present.

23 It's not necessary to establish intent by direct and
24 positive evidence, but intent may be established by inference
25 in the same way as any other fact by taking into consideration

1 the acts of the parties and all of the facts and circumstances
2 surrounding the case.

3 Criminal intent, in other words, is a mental state, a
4 conscious wrongdoing. It's up to you to determine what the
5 defendant intended to do based on the circumstances in this
6 case.

7 Now, Mr. Ceaser is charged with criminal -- criminal
8 domestic violence of a high and aggravated nature and, again,
9 it's as to Kerile Gerald. The State must prove beyond a
10 reasonable doubt that Mr. Ceaser caused physical harm or
11 injury to a member of his own household or that he offered or
12 attempted to cause physical harm or injury to a member of his
13 own household with the apparent present ability to cause harm
14 or injury under the circumstances reasonably creating a fear
15 of imminent danger.

16 A household member is defined under our statute as a
17 spouse, a former spouse, a person with whom the defendant has
18 a child in common or a person of the opposite sex with whom
19 the defendant is living or has lived in the past.

20 The State must -- excuse me. The State must also prove
21 one of the following: That the defendant committed an assault
22 and battery which involved the use of a deadly weapon or
23 resulted in serious bodily harm -- bodily injury or the
24 defendant committed an assault with or without an accompanying
25 battery -- that means without a blow -- which would reasonably

1 cause a person to fear imminent serious bodily injury or
2 death.

3 That's criminal domestic violence of a high and
4 aggravated nature as to Kerile Gerald.

5 Secondly, Mr. Ceaser is charged with the offense of
6 assault and battery in the second degree as to Carol Gerald.
7 The State must prove beyond a reasonable doubt that the person
8 unlawfully injured another person -- the defendant unlawfully
9 injured another person or offered or attempted to injure
10 another person with the present ability to do so and either
11 moderate bodily injury to another person results or moderate
12 bodily injury to another person could have resulted or the act
13 involves a nonconsensual touching of the private parts of an
14 adult, either above or below clothing. That's part of the
15 statute.

16 Moderate bodily injury means physical injury that
17 involves prolonged loss of consciousness or that caused
18 temporary or modest -- moderate disfigurement or temporary
19 loss of the function of a bodily member or organ or injury
20 that requires medical treatment when the treatment requires
21 regional or general anesthesia or injury that results in a
22 fracture or dislocation. Moderate bodily injury does not
23 include a one-time treatment and subsequent observation of
24 cuts and scratches and abrasions or bruises that would not
25 ordinarily require extensive medical care.

1 Now, with regard to this second-degree charge, in our law
2 we have, as most states do, something called a lesser included
3 offense. And I can best illustrate this by what you may have
4 seen on television. I know *Law and Order* does it.

5 They have a murder in the first degree, murder in the
6 second degree, murder in the third degree. Those are -- those
7 are what we would call lesser included offenses of murder.

8 As to assault and battery second degree and only as to
9 that charge, you could find -- and you will -- you will have
10 the opportunity to find assault and battery in the third
11 degree, which is not in the second. In other words, it's
12 separate from second degree, but it's basically a lesser
13 charge.

14 And assault and battery in the third degree -- the
15 definition of that is a person commits an assault -- offense
16 of assault and battery in the third degree if the person
17 unlawfully injures another person or offers or attempts to
18 injure another person with the present ability to do so. So
19 the difference is the moderate bodily injury part of the
20 second-degree charge.

21 Now, Mr. Ceaser has raised the defense of self-defense.
22 Self-defense is a complete defense as to either or both
23 charges and, if it is established, you must find Mr. Ceaser
24 not guilty if he establishes self-defense as to either of the
25 two charges.

1 The State has the burden of disproving self-defense by
2 disproving at least one element of self-defense beyond a
3 reasonable doubt. It's not necessary for the State to
4 disprove all the elements or more than one element.

5 If you have a reasonable doubt of the defendant's guilt
6 after considering all of the evidence including the evidence
7 of self-defense, then you find the defendant not guilty. On
8 the other hand, if you have no reasonable doubt of the
9 defendant's guilt after considering all of the evidence,
10 including the evidence of self-defense, then you must find the
11 defendant guilty.

12 Now, as stated earlier, there are four elements that are
13 required to establish self-defense by the defendant.

14 First, it is without -- without fault. First, Mr. Ceaser
15 must be without fault in bringing on the difficulty. If Mr.
16 Ceaser's conduct was -- which was the type which was
17 reasonably calculated to and did provoke an assault, he would
18 be at fault in bringing on the difficulty and would not be
19 entitled to an acquittal based on self-defense.

20 The second element is imminent danger. The second
21 element of self-defense is that Mr. Ceaser was actually in
22 imminent danger of death or serious bodily injury or that Mr.
23 Ceaser actually believed he was in imminent danger of death or
24 serious bodily injury.

25 If Mr. Ceaser was actually in imminent danger, it must be

1 shown that the circumstances would have warranted a person of
2 ordinary firmness and courage to strike the victims to prevent
3 death or serious bodily injury. If Mr. Ceaser believed he was
4 in imminent danger of death or serious bodily injury, it must
5 be shown that a reasonably prudent person of ordinary firmness
6 and courage would have had the same belief.

7 In deciding whether Mr. Ceaser actually was or believed
8 he was in imminent danger of death or serious bodily injury,
9 you should consider all the facts and circumstances
10 surrounding this incident -- this crime, including the
11 physical condition and characteristics of Mr. Ceaser and the
12 victims.

13 Now, Mr. Ceaser did not have to show that he was actually
14 in danger of death or serious bodily injury. It's enough if
15 Mr. Ceaser believed he was in imminent danger of death or
16 serious bodily injury and a reasonably prudent person would
17 have had the same belief.

18 Mr. Ceaser has the right to act on appearances, even
19 though his beliefs may have been mistaken. It's for you to
20 decide whether Mr. Ceaser's fear of imminent danger of death
21 or serious bodily injury was reasonable and, as I said, would
22 have been felt by a reasonably prudent person of ordinary
23 firmness and courage.

24 Now, evidence of prior difficulties between Mr. Ceaser
25 and the victims may be considered in deciding whether a threat

1 existed, whether Mr. Ceaser had reason to believe a threat
2 existed, and how serious that threat was. The relative sizes,
3 ages, and weights of Mr. Ceaser and the victims may be
4 considered in deciding the apparent or actual need for force
5 in self-defense and the amount of force needed.

6 Prior incidents of -- excuse me. Prior instances of
7 violence by the victims they be considered in deciding whether
8 Mr. Ceaser actually believed he was in imminent danger of
9 death or serious bodily injury or was actually in imminent
10 danger. And threats made by the victims may be considered in
11 determining whether Mr. Ceaser actually was or believed he was
12 in imminent danger.

13 And the final element of self-defense is that Mr. Ceaser
14 had no other probable way to avoid the danger of death or
15 serious bodily injury than to act as he did in this particular
16 instance.

17 Now, a person cannot be required to make an exact
18 calculation as to the degree or amount of force which may be
19 needed to avoid death or serious bodily harm. Therefore, in
20 self-defense the defendant has a right to use the force needed
21 to avoid death or serious bodily harm.

22 The force used in self-defense does not have to be
23 limited to the degree or amount of force used by the victims.
24 The defendant has the right to use so much force as appeared
25 to be necessary for complete self-protection and which a

1 person of ordinary reason and firmness would have believed to
2 be needed to prevent death or serious bodily harm.

3 All right. Ladies and gentlemen, that concludes my
4 instructions to you on the law.

5 Now, Mr. Foreman, I'm going to send to the jury room with
6 you a verdict form. It has basically three sections.

7 First, with respect to the charge of domestic violence of
8 a high and aggravated nature as to Kerile Gerald, we find the
9 defendant guilty or not guilty. And the same as to Carol
10 Gerald on the charge of second degree and on the charge of
11 assault and battery in the third degree, which you may find if
12 you find that's appropriate. Either not guilty or guilty as
13 to either one. Sign your name and date it and knock on the
14 jury room door and we will receive your verdict.

15 Now, there's no significance whatsoever to the order in
16 which I have stated the possible verdicts. It's simply that
17 one must be stated first.

18 Your verdict must not be based on sympathy or prejudice
19 or any other factor that's not in evidence in this case.

20 Now, ladies and gentlemen, all twelve of you must agree
21 on the verdict. In other words, your verdict must be
22 unanimous.

23 Mr. Foreman, as I said, when the jury agrees on a
24 verdict, write the verdict on the verdict form and sign your
25 name and knock on the jury room door and inform the bailiff

1 that you've reached a verdict. At that time, we will receive
2 you back into the courtroom.

3 Now, please retire to the jury room, but do not begin
4 your deliberations until you've received all the evidence in
5 this case and you've received the verdict form.

6 Now, with regard to the video of the statement given by
7 the defendant, you certainly -- if you want to see that, we'll
8 send at least the computer back. Maybe we can send the whole
9 screen back. I don't know. It might be a little tight. But
10 we can get it to you and you can review it if you wish to do
11 so.

12 Now, those of you who have taken notes during the course
13 of the trial, let me remind you that the notes are for your
14 benefit and your benefit only. They're not to be used to try
15 to tell your fellow jurors that you took down something or
16 remembered something that they didn't and try to convince them
17 of something that you'd written down in your notes. They are
18 only for your personal recollection of the trial testimony.

19 All right. If the jury will retire -- where do you want
20 to take the alternates?

21 THE BAILIFF: Usually, they just come out afterwards.

22 THE COURT: After what?

23 THE BAILIFF: Once all the jury is in there.

24 THE COURT: Okay. Then you take them somewhere?

25 THE CLERK: Do you keep them, judge? Do you want them to

1 stay?

2 THE COURT: Just a few minutes.

3 THE CLERK: We've got a room next door.

4 THE COURT: All right.

5 THE CLERK: Or I can put them back here, whichever works.

6 THE COURT: We're trying to figure out what to do with
7 y'all. But before you retire, let me just say this about
8 alternates. I can't tell you the number of times I've been in
9 trials where a juror gets sick, car doesn't work, grandma got
10 sick, any number of things where we need alternates.

11 We didn't need an alternate in this case, but I will tell
12 you that your service is just as important as the members of
13 the jury that sat through this trial and will make the
14 decision in this case. Obviously, you can't sit in the jury
15 room while the decision is being made, but I do want to thank
16 you for your service and I want to tell you that your function
17 here is just as important as everybody that's sitting on the
18 regular panel.

19 So the jury is dismissed at this time. Not dismissed.
20 Please return to your jury room and don't begin your
21 deliberations until you get the verdict form and all of the
22 evidence. Thank you very much.

23 (WHEREUPON, the jury exited the courtroom at 3:08 p.m.)

24 THE COURT: Any exceptions to the charge from the State?

25 MS. WYSE: Nothing in regards to the charge, Your Honor.

1 I would like to address something else after.

2 THE COURT: All right. How about from the defense?

3 MR. JORDAN: Your Honor, I would just renew my objection
4 in terms of not charging the CDV first for the same reason,
5 Your Honor.

6 THE COURT: All right. I respectfully deny your motion.
7 Yes, solicitor?

8 MS. WYSE: Your Honor, usually what we do when there is a
9 video, instead of sending back the computer if they want to
10 view it -- because there are other things on that computer and
11 the program to view, you know, you have to pull it in. If
12 they want to review it, they can ask and come out and watch it
13 again.

14 THE COURT: Okay.

15 MS. WYSE: If that's okay with you.

16 THE COURT: Oh, absolutely.

17 MS. WYSE: All right.

18 THE COURT: Just tell them that. And I believe you have
19 some of the evidence.

20 MS. WYSE: I think that the court reporter has it.

21 THE COURT REPORTER: You used it during closing.

22 MS. WYSE: Oh. Okay. You're right. I do. I was going
23 to say I don't know where it is.

24 Judge, the other thing is are you going to -- how do you
25 want to do questions? Do you want to tell them how you want

1 -- you know, do you want them to write it down?

2 THE COURT: I'll work that out.

3 MS. WYSE: Okay. And do you want me to send back the
4 disk?

5 THE COURT: Yeah. Just send the disk. That will remind
6 them it's out here.

7 THE CLERK: I'll go back there and tell them, Judge, if
8 they want to view it, they can.

9 THE COURT: Okay. They're going to have to come out.

10 THE CLERK: Ask to come out.

11 THE COURT: I don't want to start a questioning campaign.

12 MS. WYSE: Okay.

13 THE COURT: Do you need to check the evidence? Anybody
14 need to check to make sure you're satisfied?

15 MR. JORDAN: It's all there?

16 THE COURT REPORTER: It's all there.

17 MR. JORDAN: I trust her.

18 THE BAILIFF: And I've got a pad and a pen in case they
19 need it.

20 THE COURT: All right.

21 (WHEREUPON, the evidence was delivered to the jury and
22 deliberations began at 3:11 p.m.)

23 THE COURT: All right. Any objection to releasing the
24 alternates at this time?

25 MS. WYSE: No objection, Your Honor.

1 MR. JORDAN: No, sir.

2 THE COURT: All right. As soon as I get a bailiff, we'll
3 do it.

4 (WHEREUPON, there was a pause in the proceedings.)

5 THE COURT: All right. You can release the alternates.
6 I've already thanked them I believe. All right. Let's stand
7 at ease until we hear from the jury.

8 (WHEREUPON, there was a break in the proceedings from
9 3:12 p.m. until 3:53 p.m.).

10 THE COURT: Thank you. Be seated. Approach the bench,
11 counsel.

12 (WHEREUPON, a bench conference was held off the record,
13 after which the proceedings continued as follows.)

14 MS. WYSE: I don't mind, but that's his call and that's
15 your call. Judge, do you want to just read it again to them?

16 MR. JORDAN: I mean I don't mind if they see your
17 definition because you charged the law, but --

18 THE COURT: I can send it in.

19 MS. WYSE: That's fine with the State.

20 THE COURT: Yeah. I don't think -- I don't think you
21 said that in your argument to the jury.

22 THE LAW CLERK: Do you want me to print it off on a clean
23 piece of paper?

24 THE COURT: I don't know if that's necessary. I mean
25 it's just -- the only thing else that's on there is --

1 (WHEREUPON, there was a pause in the proceedings.)

2 MR. JORDAN: I mean I'm fine with sending it in.

3 THE COURT: All right.

4 MS. WYSE: I would prefer a clean copy.

5 MR. JORDAN: Yeah. I'd prefer it be just one page if at
6 all possible, since they didn't ask for any information on
7 assault and battery second.

8 THE COURT: You're just making me work harder.

9 MR. JORDAN: I'm sorry.

10 (WHEREUPON, there was a pause in the proceedings.)

11 MS. WYSE: Thank you, Judge. Are you going to just send
12 them back there? Okay.

13 MR. JORDAN: Okay.

14 (WHEREUPON, the jury note and the attached requested
15 charge was marked as Court's Exhibit Number 1 and was
16 sent back to the jury.)

17 (WHEREUPON, there was a break in the proceedings from
18 4:00 p.m. until 4:16 p.m.)

19 THE COURT: We got a note. A question.

20 (WHEREUPON, a bench conference was held off the record.)

21 (WHEREUPON, the jury note and attached printout was
22 marked as Court's Exhibit Number 2 and sent back to the
23 jury.)

24 (WHEREUPON, there was a break in the proceedings from
25 4:18 p.m. until 4:38 p.m.)

1 THE COURT: There's a question from the jury.
2 (WHEREUPON, a bench conference was held off the record.)
3 (WHEREUPON, the jury note and attached printout was
4 marked as Court's Exhibit Number 3 and sent back to the
5 jury.)
6 (WHEREUPON, there was a break in the proceedings from
7 4:39 p.m. until 5:53 p.m.)
8 THE COURT: All right. Counsel, the bailiff informs the
9 Court that the jury has reached a verdict. Are you ready to
10 receive the verdict?
11 MS. WYSE: Yes, Your Honor.
12 THE COURT: Is the defense ready?
13 MR. JORDAN: Yes, Your Honor.
14 THE COURT: All right. Bring the jury, please.
15 THE BAILIFF: Yes, sir.
16 MS. WYSE: Judge, just one thing.
17 THE COURT: Hold on.
18 MS. WYSE: Before they come out, can you please inform
19 the audience to --
20 THE COURT: Oh, yeah.
21 MS. WYSE: No disruptions.
22 THE COURT: Ladies and gentlemen, those of you who are in
23 the audience as spectators, let me just caution you that this
24 is a -- this is a courtroom. This is a -- this is a business-
25 like atmosphere and I do not expect any emotion or outbreaks

1 depending on the verdict one way or the other.

2 And I speak to both sides and say that if there are any
3 outbursts, I'm going to have to do something about it. I've
4 got law enforcement here and not that -- I should not have to
5 say that, but sometimes these things get emotional and I
6 understand that, but I'm going to ask you to control your
7 emotions, if you have any response one way or the other to the
8 jury verdict. I mean obviously they are going to -- they are
9 going to decide either guilt or innocence on both counts and
10 we'll deal with it. All right?

11 Bring the jury, please.

12 THE BAILIFF: Yes, sir.

13 (WHEREUPON, the jury entered the courtroom at 5:55 p.m.)

14 THE COURT: Mr. Foreman, the bailiff informs the Court
15 that the jury has reached a verdict. Has the jury reached a
16 verdict?

17 THE FOREMAN: Yes, sir, we have, Your Honor.

18 THE COURT: Will you hand it to the bailiff, please?
19 Madam Clark, publish the verdict, please.

20 VERDICT

21 THE CLERK: The State of South Carolina, County of
22 Florence, in the Court of General Sessions in the Twelfth
23 Judicial Circuit. State of South Carolina versus Demetrik M.
24 Ceaser, Docket Number 2014-GS-21-934.

25 With respect to the charge of domestic violence of a high

1 and aggravated nature as to Kerile Gerald, we, the jury,
2 unanimously find the defendant guilty.

3 With respect to the charge of assault and battery in the
4 second degree as to Carol Gerald, we, the jury, unanimously
5 find the defendant not guilty.

6 With respect to the charge of assault and battery in the
7 third degree as to Carol Gerald, we, the jury, unanimously
8 find the defendant not guilty.

9 Dated Jackie Godfrey, foreperson -- I'm sorry. Dated
10 January 20th, 2016, signed Jackie Godfrey, foreperson.

11 Members of the jury, if this is your verdict, please
12 raise your right hand.

13 (WHEREUPON, the jury complied.)

14 THE COURT: Any desire to poll the jury?

15 MS. WYSE: None from the State, Your Honor.

16 MR. JORDAN: No, sir, Your Honor.

17 THE COURT: All right. All right, ladies and gentlemen
18 of the jury, thank you very much.

19 Now, you know, this courtroom -- I wish we had stayed in
20 the big courtroom. This courtroom is dark, which is pretty
21 unusual, but anyway I want to thank you for your time and
22 effort on this case.

23 The remaining portion of this procedure will consist of
24 the sentencing of the defendant. It's not like television or
25 *Law and Order* where the jury is dismissed and you never know

1 what happens to the defendant. In South Carolina, we have so
2 many cases going on and on and on every week that it's
3 normally the custom to sentence the defendant immediately
4 after a jury verdict of guilt, which I plan to do at this
5 time.

6 Now, you don't have to stay for that. You are welcome to
7 stay for that and that procedure will take 15 minutes, 20
8 minutes, I don't know, but it's another final part of the
9 trial when there is a guilty verdict that the defendant is
10 sentenced.

11 I will tell you that the potential sentence for a
12 domestic violence -- criminal domestic violence of a high and
13 aggravated nature -- the potential penalty is up to ten years
14 in jail.

15 Now, I haven't heard anything other than what you've
16 heard in terms of the victim and I've heard something from the
17 defendant, but I don't know a lot about him personally. I
18 don't know what his prior record is, if he has any, and any
19 number of factors that the defense counsel may offer in
20 mitigation of the sentence.

21 So I'm going to -- I'm going to thank you now for your
22 service and tell you that you're free to go, but you're also
23 welcome to stay. It's going to take a few minutes to do the
24 paperwork and you may -- if you choose to stay in the jury
25 room, you can do that or you can just sit here, but I'm going

1 to leave that decision up to you at this time.

2 Now, Madam Clerk, what do they do about their work
3 excuses and things like that?

4 THE CLERK: The -- I think the other clerk has already
5 done their checks and their excuses are attached to their
6 checks.

7 THE COURT: And they are here?

8 THE CLERK: They have -- she probably will mail them
9 first thing in the morning. They are attached to their
10 checks.

11 THE COURT: The check is in the mail. Sorry. But you
12 weren't going to pay your house payment with the check anyway.

13 But you heard me tell the other jurors of the panel
14 before they left you're an important part of the judicial
15 system of this county and this state and this nation. These
16 cases cannot be solved accept with a jury of -- as we say, of
17 your peers. So I will tell you on behalf of the court system,
18 the people that work here, the attorneys and everybody else,
19 we thank you so much for your service.

20 You're now dismissed. If you have any questions, I'll be
21 glad to talk to you back in the jury room, but we're going to
22 take about a five-minute break to allow the lawyers to get the
23 paperwork ready. Are you ready, Solicitor?

24 MS. WYSE: I've got it, Your Honor.

25 THE COURT: All right. Anything that you and counsel

1 need to discuss before sentencing?

2 MS. WYSE: I don't think so, Judge.

3 MR. JORDAN: No, sir, Your Honor.

4 THE COURT: Are you prepared to go forward?

5 MR. JORDAN: Yes, sir.

6 THE COURT: All right. All right. Let me just tell the
7 jury that they are -- give you a few minutes to decide whether
8 you want to stay or -- Madam Bailiff, why don't you just check
9 with them and see if anybody wants to stay or anybody wants to
10 leave now. You're perfectly -- perfectly comfortable to
11 leave. Yes, sir, you can go.

12 I'm going to take about a five-minute break and y'all
13 decide whether you want to stay or go.

14 (WHEREUPON, there was a break in the proceedings from
15 6:01 p.m. until 6:06 p.m.)

16 THE COURT: All right, Solicitor. And, Mr. Jordan, bring
17 your client. All right, Solicitor.

18 MS. WYSE: Thank you, Your Honor. May it please the
19 Court.

20 You've heard the facts that were presented at trial from
21 the victim, Ms. Kerile Gerald. Your Honor, this event
22 occurred on March 29th of 2014, as you already know.

23 Ms. Kerile Gerald sustained a fractured cheekbone. When
24 I talked to her about her injuries, she said that she still
25 has residual pain. She had to meet with the oral surgeon one

1 time. The oral surgeon recommended surgery. She was not able
2 to afford it; so she hasn't had it.

3 She has informed me that collections on the medical bills
4 were sent to her house. They took her taxes -- her tax return
5 this year. It was taken by the -- by the State for medical
6 bills that she still --

7 THE COURT: Has she been informed about SOVA?

8 MS. WYSE: I have informed her about it. I think they're
9 running into a little bit of trouble because now that we're
10 over 14 months out, SOVA doesn't want to reimburse her, but I
11 will make a call to SOVA to try to get that straightened out.
12 Your Honor, I just wanted to put it in evidence and let you
13 know about it. She does not wish to address the Court.

14 THE COURT: All right. Mr. Jordan?

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

17 Your Honor, you've heard all the facts in this case.
18 Obviously, this was a situation -- a family situation that got
19 very out of hand.

20 Your Honor, Mr. Ceaser has no prior record. He's very
21 active in his church, as his minister is here with him today.
22 He handles the music at the church, as well as volunteers with
23 various other outreach organizations, Your Honor.

24 Your Honor, he grew up in Marion. He lives here in
25 Florence now. He spent two days in jail on this charge and so

1 I would ask that you give him credit for that.

2 Your Honor, I think the incident that happened here is
3 something that's very out of character for Mr. Ceaser. He has
4 always been a mild, soft-spoken young man and I believe you
5 heard the testimony of the officers. He was very respectful.
6 He was honest with them. He was straightforward and didn't
7 give them a hard time.

8 He's been gainfully employed through a series of jobs.
9 Most recently, he's been working for Harold's Insulation and
10 Repair for the past year.

11 Your Honor, I would ask that you be as lenient as
12 possible with Mr. Ceaser. I understand and he understands
13 that there is a mandatory minimum here of one year. I would
14 ask that you consider giving him that year along with a
15 probationary sentence, Your Honor, or some other sort of split
16 sentence. Like I said, I believe this is something that's
17 very out of character for him and I don't believe it would --
18 I don't believe we'd ever see him again, Your Honor.
19 Otherwise, I'd ask that you be as lenient as possible with
20 him.

21 THE COURT: All right. Mr. Ceaser, do you have anything
22 you want to say?

23 THE DEFENDANT: I just -- I'd like to apologize to the
24 victims.

25 THE COURT: Go ahead.

1 THE DEFENDANT: I'm sorry. I know it doesn't change what
2 happened. I know I can't take back the pain or the injuries,
3 the bruises, the emotional pain. I can't take any of that
4 back, you know. I'm sorry for any -- any -- anything I put
5 your family through, especially my daughter. Just tell her I
6 love her.

7 THE COURT: Is that it?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Anything further?

10 MR. JORDAN: That's all, Your Honor. Well --

11 MS. VIVIAN FINKLEA: Can I say something? Your Honor,
12 I'd ask if I have a chance I want to throw myself on the court
13 of mercy. I'm a person that I stand for right all the way and
14 I want to say about Demetrik if I had to put him between my
15 sons, my two sons, I pray to God every day because I say God
16 you said in your word that if you give a prophet a glass of
17 water, you receive a prophet's reward.

18 And because he has been there diligently and he's been
19 merciful and I'm telling you it's not his character. If you
20 was to search throughout Marion County, they would tell you
21 that he's not a person that fights, that he's not a person
22 that be quick to get angry.

23 And he served. He served diligently. He was a college
24 student. He was doing good. He was working on his job and
25 sometimes you get put in a situation that things find you like

1 this and this is not him.

2 If it was my sons, I promise you, Your Honor, just to be
3 honest with you, my sons always say he may have done it, but I
4 can't say that about Demetrik. And so I ask that you please,
5 sir, give him the opportunity to start life again. That he
6 can continue his college education because he's never been in
7 trouble before.

8 THE COURT: He's a young man, ma'am. He will have plenty
9 of opportunity to do what he can with his life, but, you know,
10 a jury has convicted him of hitting this lady and hitting her.
11 And my daddy told me never to hit a woman.

12 MS. VIVIAN FINKLEA: Yes, sir.

13 THE COURT: And your daddy probably told -- if you have a
14 brother, probably told him the same thing. Don't hit a woman,
15 whatever you do.

16 MS. VIVIAN FINKLEA: Yes, sir.

17 THE COURT: And it bothers me that we've got two women
18 here and there may have been some question about the grand --
19 I mean the mother, but the jury has found him guilty of
20 striking this mother of his child, which gives me great
21 concern. It may have been -- it may have not have been
22 planned, but he has to learn that violence is not the way to
23 solve his problems.

24 Anything further?

25 MS. WYSE: Nothing from the State, Your Honor.

SENTENCE

1
2 THE COURT: All right. Mr. Ceaser, the sentence of the
3 Court is you be committed to the State Department of
4 Corrections for a period of three years. Good luck to you,
5 sir. I give you credit for those two days that he served.

6 MR. JORDAN: Thank you, Your Honor.

7 MS. WYSE: Thank you, Judge.

8 THE COURT: Now, as far as the courtroom is concerned,
9 I'm going to go ahead and deal with Mr. Ceaser and I'm going
10 to ask that the jury be allowed to leave the courtroom first
11 and I'm going to ask law enforcement to escort the jury out.

12 And -- and the rest of the audience, I'm going to ask you
13 to stay seated. Everybody else that's here, stay seated while
14 the jury leaves -- until the jury leaves this 10th floor.

15 All right. Take a moment.

16 (WHEREUPON, the remaining jurors exited the courtroom.)

17 THE COURT: All right. Let's just -- we're going to sit
18 here for a minute while the jury gets on the elevator and gets
19 out of the building.

20 (WHEREUPON, there was a pause in the proceedings.)

21 THE COURT: All right. The deputies are with the jury
22 and I guess they are leaving safely. No member of the
23 audience please try to contact the jury until tomorrow, if
24 they wish.

25 All right. Anything else to come before the Court?

1 MS. WYSE: Nothing from the State, Your Honor.

2 MR. JORDAN: Nothing from the defense.

3 THE COURT: No motions?

4 MR. JORDAN: Well, Your Honor, I would move for a new
5 trial and renew the motions made during the trial as well,
6 Your Honor.

7 THE COURT: Well, I think -- I think you should and I
8 respectfully deny your motion.

9 MR. JORDAN: Yes, sir.

10 THE COURT: Thank you. Just for the record.

11 MR. JORDAN: Yes, sir.

12 THE COURT: All right. We'll stand adjourned.

13 (WHEREUPON, the proceedings ended at 6:16 p.m.)

14

15 --- END REQUESTED TRANSCRIPT ---

16

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WITNESSES

Jamie Cooper

Florence County Sheriff

DOCKET NO. 2014-GS-21-00934

The State of South Carolina

County of

FLORENCE

COURT OF GENERAL SESSIONS

JULY TERM 2014

THE STATE

vs.

DEMETRIK MAURICE CEASER

Catherine Anderson Wyse

ARREST WARRANT NUMBER

2014A2110200339

2014A2110200338

2014GS2100934A

ACTION OF GRAND JURY

TRUE BILL

Wendy Sanders

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

Indictment for

ASSAULT AND BATTERY
SECOND DEGREE,
CRIMINAL DOMESTIC VIOLENCE OF A
HIGH AND AGGRAVATED NATURE,
AND
UNLAWFUL CONDUCT TOWARDS A CHILD

CERTIFIED: A TRUE COPY
Jamae G. Galt, Clerk
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

FILED
2014 JUL 10 AM 11:37
CONNIE REEL-SHEARIN
CCJP & GS
FLORENCE COUNTY, SC

STATE OF SOUTH CAROLINA)
)
 COUNTY OF FLORENCE)

INDICTMENT FOR
 ASSAULT AND BATTERY SECOND DEGREE,
 CRIMINAL DOMESTIC VIOLENCE OF A HIGH AND
 AGGRAVATED NATURE, AND
 UNLAWFUL CONDUCT TOWARDS A CHILD

At a Court of General Sessions, convened on JULY 10, 2014 the Grand Jurors of FLORENCE County present upon their oath:

COUNT ONE- ASSAULT AND BATTERY SECOND DEGREE

CDR: 3413

16-03-0600

That DEMETRIK MAURICE CEASER did in Florence County on or about March 29, 2014, knowingly, willfully and unlawfully injure, or offer or attempt to injure with the present ability to do so another person, to wit: Carol Gerald, and/or the act involved the nonconsensual touching of the private parts of a person, either under or above clothing; and moderate bodily injury resulted or could have resulted, by punching and hitting her while she was on the ground causing a blowout fracture in her medial right orbit; in violation of Section 16-03-0600, S.C. Code of Laws, 1976, as amended.

**COUNT TWO- CRIMINAL DOMESTIC VIOLENCE OF A
 HIGH AND AGGRAVATED NATURE**

CDR: 2988

16-25-0065, 16-01-0060

That DEMETRIK MAURICE CEASER did in Florence County on or about March 29, 2014, commit the offense of criminal domestic violence of a high and aggravated nature upon a family or household member, to wit: Kerile Gerald, constituting an unlawful act of violent injury to the person of the said Kerile Gerald, accompanied by circumstances of aggravation, to wit: in that the said DEMETRIK MAURICE CEASER did throw a drink at her and punch her in the face, causing a fracture in her left cheekbone; in violation of Sections 16-25-0065 and 16-01-0060, S.C. Code of Laws, 1976, as amended.

ATTACHED TO AND BECOMING A PART OF THE ORIGINAL INDICTMENT FOR ASSAULT AND BATTERY SECOND DEGREE, CRIMINAL DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE, AND UNLAWFUL CONDUCT TOWARDS A CHILD, WITH THE AFORESAID NAME(S) OF DEMETRIK MAURICE CEASER SHOWN THEREON:

COUNT THREE - UNLAWFUL CONDUCT TOWARDS A CHILD

CDR: 2481

63-05-0070

That DEMETRIK MAURICE CEASER did in Florence County on or about March 29, 2014, unlawfully and maliciously do, or cause to be done, any bodily harm to G. (DOB), so that said child was placed at unreasonable risk of harm affecting the childrens' life, physical or mental health or safety, and/or did or caused to be done any bodily harm to the children so that the life or health of the children is endangered or likely to be endangered, and/or willfully abandoned the children, by attacking the child's mother and grandmother in front of her; while the said DEMETRIK MAURICE CEASER had charge or custody, or is the parent or guardian, or was responsible for the welfare of said children as defined in Section 63-07-0020; in violation of Section 63-05-0070, S.C Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



E.L. Clements, III
TWELFTH CIRCUIT SOLICITOR

CERTIFIED A TRUE COPY
Chris Y. [Signature]
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

VOLUNTARY STATEMENT
(NOT UNDER ARREST)

PAGE NO. 1 OF 1 PAGES

245

2014-03-0784

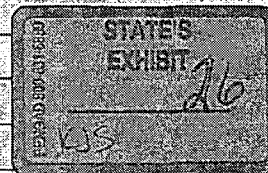
I, DEMETRIUS CASSER, am not under arrest for, nor am I being detained for any criminal offenses concerning the events I am about to make known to DEPUTY CHIEF.

I understand I am free to walk away without saying anything, and I volunteer the following information of my own free will, for whatever purposes it may serve.

I am years of age, and I live at .

I cannot read and write and completed the 12th grade in school. DOB: .

M. DAVENPORT WAS BORN BY HER MOTHER TO ME AT AROUND 4:00. WE GOT INTO A VERBAL DISPUTE AFTER WHICH I GAVE HER MY BABY CARIER TO GET SOME DAVENPORT CAME FOOD. SHE CAME BACK WITH THE FOOD. ON THAT EVENING THE FOOD AND THE BABY CARIER I ASKED HER FOR THE RECEIPT. SHE TOLD ME THAT I HAD TO COME OUT TO THE CARPORT AND GET IT. SO I PICKED UP THE BABY AND WENT OUTSIDE TO GET THE RECEIPT. I TOLD HER THAT IF SHE IS GOING TO COME IN, SHE SHOULD CALL OR TEXT. SHE THEN BEGAN TO SCISSOR AND SCREAM AS I WAS WALKING TO THE CAR WITH THE BABY. AS I WAS REACHING FOR THE RECEIPT SHE STARTED SCREAMING IF SHE COME IN THE HOUSE THEN SHE I CAN'T TALK HER AND SHE STARTED PUSHING ME AND I Poured THE DRINK ON TOP OF HER CAR AND SPLASHED IT ON HER. SHE THEN STARTED HITTING ME. I THEN HIT HER BACK HARD FROM THEN GOT OUT THE CAR AND CAME CHARGING AT ME. ALL OF THIS HAPPENED WHILE I WAS HOLDING THE BABY. SHE HIT ME A COUPLE TIMES WHILE I WAS HOLDING THE BABY. I STARTED JUMPING BACK. I PUT THE CHILD ON THE GROUND SO SHE WOULDN'T GET HIT. THE MOTHER SAID THAT THAT'S IS WHAT WE NEEDED. THIS IS EXACTLY WHAT WE NEEDED. SHE GOT IN THE CAR AND LEFT. I THEN CALLED THE POLICE. SHE THEN CAME BACK AND I CALLED THE POLICE AGAIN AND THEY PULLED OUT ON THE DRIVE WAY.



I have read each page of this statement consisting of 1 page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct.

Dated at 7:05 3/24/14, this 29 day of 3, 2014.

WITNESS: [Signature]

Signature of person giving voluntary statement

WITNESS: [Signature] (213)

LOQX THOMAS, KERILE DEANNA Enc #126158328 3/29/2014 - 3/29/2014 E D Medical Record 3/29/2014 1 ER0001
 McLeod Emergency Department
 555 East Cheves Street, PO Box 100551
 Florence, SC 29501-0551
 843-777-2000

Patient Name: KERILE GERALD
 Reg Date/Time: 3/29/14 18:24
 Account #: 126158328
 MRN: 000001061796

AGE:
 SEX: F
 Priority: 3 - Urgent
 DOB:
 ED #: 308244

ED Medical Chart

Demograph	Address:	Phone #	SS#:
Triage	Priority: 3 - Urgent		
	Chief Complaint: Assault		
	Stated Complaint: pt was hit in the side of her face, lost consciousness so she cannot tell me more. she is ambulatory on arrival from EMS, police already involved.		
	Arrival Date: 03/29/14 18:16	WC: N	
	Triage Date: 03/29/14 18:16		
	To Room: 03/29/14 18:38		
	Mode of Arrival: Ambulance	Language: English	
Bed	Z127	In: 03/29 18:38	03/29 18:38 KKJ
		Out: 03/29 20:52	03/29 20:53 ASG
Providers	RAY KELSEY RN	Start: 03/29 18:42	03/29 18:42 RK
		End: 03/29 19:15	03/29 19:15 ASG
	STEPHEN ORVILLE MD	Start: 03/29 18:43	03/29 18:43 SWO
		End:	
	JAVON DUBOSE SCRIB	Start: 03/29 18:52	03/29 18:52 JD
		End:	
	ANNIQUE GOWDY RN	Start: 03/29 19:15	03/29 19:15 ASG
		End:	
Allergies	Allergic To: exceedrin Hives		03/29 18:38 KKJ
Current Meds	None Freq:		03/29 18:38 KKJ
Past Med Hist	*None		03/29 18:38 KKJ
	Blood Transfusion in the past. -no		03/29 18:38 KKJ
Past Surgery Hist	T&A -age-7		03/29 18:38 KKJ
Past Social Hist	**Patient can read/write: YES		03/29 18:38 KKJ
	**Accompanied to Hospital by: Self		03/29 18:38 KKJ
	*No other significant history.		03/29 18:38 KKJ
	**Lives with family or significant other		03/29 18:38 KKJ
	**Needs transportation home: no		03/29 18:38 KKJ
	**Suspected or alleged abuse/neglect: no		03/29 18:38 KKJ
	**Valuables: Pt./ Family informed that hospital is not responsible for valuables		03/29 18:38 KKJ
	**Wears Contact Lenses		03/29 18:38 KKJ
Immunizations	*Immunizations current		03/29 18:38 KKJ

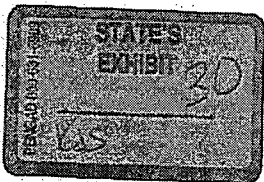
NURSING ASSESSMENT

03/29 19:47

DG: Secondary Short Assessment

03/29 20:07 ASG

History Source: patient. note: PT ARRIVED FROM HOME VIA EMS WITH COMPLAINT OF RIGHT FACE PAIN AND LOC. PT STATES THAT SHE WAS HIT IN THE FACE BY HER EXBOYFRIEND DURING AN ALTERCATION OVER HER DAUGHTER. PT STATES THAT SHE AND HER MOTHER



LOQX THOMAS, KERILE DEANNA Enc #126158328 3/29/2014 - 3/29/2014 E D Medical Record 3/29/2014 1 ER0001
 McLeod Emergency Department
 555 East Cheves Street, PO Box 100551
 Florence, SC 29501-0551
 843-777-2000

Patient Name: KERILE GERALD
 Reg Date/Time: 3/29/14 18:24
 Account #: 126158328
 MRN: 000001061796

AGE:
 SEX: F
 Priority: 3 - Urgent
 DOB:
 ED #: 308244

ED Medical Chart

WENT TO DROP OFF HER DAUGHTER TO HER EX AND HER EX TOLD HER THAT HE DIDN'T HAVE FOOD IN THE HOUSE FOR THE CHILD. PT STATES THAT SHE USED HER EX'S DEBIT CARD TO GET THE CHILD FOOD AND RETURNED TO DROP IT OFF TO THE CHILD. THE PT STATES THAT HER EX WANTED HIS RECEIPT SO SHE WENT TO HER CAR TO GET IT AND THE EX PUSHED HER, SHE STATES SHE THINKS SHE PUSHED HIM BACK AND NEXT THING SHE REMEMBERS IS LAYING ON THE GROUND. SHE STATES SHE COULD HEAR BUT WAS UNABLE TO SEE ANYTHING. SHE STATES SHE HEARD HER DAUGHTER AND ONCE SHE HELD HER DAUGHTER SHE WAS ABLE TO SEE AGAIN. PT STATES SHE THEN GOT INTO HER CAR AND REALIZED HER MOTHERS EYES WERE SWOLLEN SHUT. PT STATES THAT HER EX WAS TRYING TO GET INTO THE VEHICLE AND SHE SPED OFF.

Pain Presence: complains of pain: pain location: anterior head & neckpain location: anterior head & neck.

Pain Severity Scale 1-10: now: now: 7 Pain Scale Type Verbal Scale.

Pain Quality: aching throbbing.

Pain Duration: onset: onset: 1 hour(s) ago.

Timing: continuous.

Influential Factors: AGGRAVATING FACTOR(s): None ALLEVIATING FACTORS(s): None.

Learning/Communication Barriers: NONE.

Abuse/Neglect/Exploitation Observations: Observed Signs and Symptoms of abuse/neglect : no..

Latex Allergy Screen: reaction to use or handling of latex products such as rubber products : no.

Latex Allergy Band Applied? : no..

Triage Fall Assessment: Fall within last 3 months? : no. Appropriate armband applied? : no. Was falls prevention education provided to patient/family? : no..

Stroke Screening: Patient Over 18 years of age.

Sepsis/Infection Screening: Temp greater than 100.4 : no. Temp less than 96.8 : no. HR: greater than 90bpm : no. Resp Rate greater than 20 : no..

Pneumonia Screening: Fever : no. Cough : no. Chills : no. Shortness of breath/Tachypnea : no. SpO2 less than 94% : no..

Cough Screening: Persistent cough of at least 2 - 3 weeks. Continue evaluation if positive. : no.

Significant weight loss, more than 10 lbs : no. Compromised status (alcoholism, transplant, chemotherapy) : no. Sputum production/Hemoptysis : no. Foreign born : no..

Suicide Screening: Pt expresses feelings of Helpless : no. Hopeless : no. Plan for Suicide : no.

Initiate Suicide Precautions? : no..

Associated Sign(s)/Symptom(s): none..

Chronic Condition(s) . note: SEE TRIAGE HX

Neurologic Assessment: affect: appropriate behavior: calm level of consciousness: alert; awake oriented to time oriented to place oriented to person motor response: obeys command motor strength: moves all extremities pupillary reaction: PERRLA speech: clear.

Cardiovascular Assessment: calf tenderness: Normal capillary refill: Capillary refill less than 2 seconds cardiac rate: Cardiac rate within normal range cardiac rhythm: Cardiac rhythm normal cardiac sounds: Cardiac sounds normal, no gallop, murmur or rub noted edema: No edema noted pulses: Pulses palpable.

Respiratory Assessment: airway: Airway is patent breath sounds: Normal chest wall: Normal cough productivity: Normal respirations: Normal respiratory effort: Normal.

Gastrointestinal Assessment: appearance: Abdomen is soft, non-distended. bowel sounds: Bowel sounds present to all quadrants with normal frequency. guarding: No pain to palpation. Intake of liquids and solids: Tolerates solids and liquids without difficulty. palpation: Normal. tenderness: Abdomen is nontender. complaints: none.

Genitourinary Assessment: flow of last period: Normal pregnancy History: Normal urinary

characteristics: Denies complaints of burning, frequency, hematuria, urgency, nocturia and retention.

urine odor: Denies urine odor. urinary catheter: No urinary catheter. genital complaints: none urinary

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ED Medical Chart

complaints: none.

Musculoskeletal Assessment: abnormalities: No deformity, swelling, tenderness, muscle wasting or amputation noted **ROM:** Range of motion intact to affected area **gait:** steady **movement of extremities:** moves without difficulty.

Integumentary Assessment: fingernails and toenails: Fingernails and toenails normal skin **abnormalities:** (Required for Present on Admission) No skin abnormalities noted **skin color:** Skin color is within patient's normal skin **moisture:** Skin is dry **skin turgor:** Skin intact with normal turgor **skin temperature:** warm.

EENT Assessment: eyes: No drainage, discharge, or foreign body. **ears:** No drainage, discharge, or foreign body. **nose:** No drainage, discharge, or foreign body. **throat/mouth:** No pain or difficulty swallowing.

Treatments	3/29 19:04	**Nurse /General Procedures - Xray - complex(nurse transport pt.) or (CT/MRI/fluoro/nuclear med)	03/29 19:04 RK
	3/29 18:40	**Arrival IN / Decision-making, general time requirements - *Triage Level 3	03/29 19:05 RK
	3/29 19:30	**Nurse /General Procedures - Report given to/ Care assumed by: Annique RN	03/29 19:47 ASG
	3/29 19:46	**Nurse /General Procedures - *Wound cleansing: Wound cleaned/irrigated: normal saline used	03/29 19:47 ASG
	3/29 20:37	Comfort Rounds: - Family member/ visitor at bedside.	03/29 20:37 ASG
	3/29 20:52	**Low Acuity Patient - Discharge Instructions given and patient verbalizes understanding without questions.	03/29 20:52 ASG

VS-Routine	Time	B/P	Pulse	Resp	SaO2	Temp	
	03/29 18:36	144/65 **Sitting	102	12	99 **Room Air	98.80 F *Oral	03/29 18:38 KKJ

VS-Pain

VS-GCS	Time	Visual	Verbal	Motor	Total	
	03/29 18:36	4	5	6	15	03/29 18:38 KKJ

VS-HT/WT	03/29 18:36	HT: 63.0 in. Stated	WT: 167.0 lbs Stated	03/29 18:38 KKJ
----------	-------------	-----------------------	------------------------	-----------------

PHYSICIAN ASSESSMENT

ECFORM Minor Procedures

03/29 20:06

PATIENT INFORMATION:

Time of Physician's visit: 8:05PM
 MD Name: DUBOSE, JAVON
 Patient Name: GERALD, KERILE
 Chief Complaint: Assault
 Patient's Primary Care Physician is: -
 Supervising Physician is: Dr. S. Orville, M.D.

LOQX THOMAS, KERILE DEANNA Enc #126158328 3/29/2014 - 3/29/2014 E D Medical Record 3/29/2014 1 ER0001
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 MRN: 000001061796

AGE:
 SEX: F
 Priority: 3 - Urgent

DOB:
 ED #: 308244

ED Medical Chart

Medical Record Number:
 Date Of Birth:
 Patient is 167 lbs.
 Patient is a

PROCEDURES:

Soft Tissue Procedure - 1: Procedure: laceration repair. Location: 3 mm left cheek. No anesthesia was used during this procedure. Sutures: The wound was closed using 6.0 nylon sutures. Simple sutures were used. 1 sutures were used to close the wound. Wound complexity: a simple, or single layer, laceration. The procedure was completed without any complications. The patient tolerated the procedure well.

ECFORM Alleged Assault

03/29 18:59

PATIENT INFORMATION:

Time of Physician's visit: 6:46 PM
 MD Name: DUBOSE, JAVON
 Patient Name: GERALD, KERILE
 Chief Complaint: Assault
 Patient's Primary Care Physician Is: -
 Supervising Physician Is: Dr. S. Orville, M.D.
 Medical Record Number: 000001061796
 Date Of Birth:
 Patient is 167 lbs.
 Patient is a

Vital Signs From Triage: Temperature: 98.8F. Blood Pressure: 144/65. Heart rate: 102. Respiratory rate: 12. Weight: 167 lbs. Pulse Oximetry: 99% on room air. The vital signs from triage have been reviewed and noted

HISTORY OF PRESENT ILLNESS:

History: Provider at bedside @ 1845. EMS brought pt to ED due to an assault that occurred at 1745. Patient states she was struck in her face on the left side, near her ear, and lost her vision. The patient also reports she then lost consciousness and is uncertain of what occurred thereafter. Ms. Gerald reports she was ambulatory at the scene when EMS arrived. Associated symptoms include headache, but denies dizziness, neck pain, back pain, CP, or abdominal pain.

Historian: Information was gathered from: patient.

Onset: The injuries occurred 1 hour prior to arrival. The incident occurred at home. Assault 1745.

Context: The incident involved domestic violence. PT and her mother were both involved in the assault.

Mechanism of Injury: The patient was struck. PT was struck on the left side of her face once she can recall but then she lost her vision and LOC so she doesn't know if she was stuck after she fell to the floor.

Quality: The patient describes the pain as aching. The pain is present at rest

Severity: The patient says the pain is moderate. The pain is now a 10/10. PT has a HA.

Documentation of Injuries: 1. The patient has an abrasion to the head. Abrasion L temple area.

Associated Signs and Symptoms: The patient denies any other symptoms. The patient is distraught and tearful. The loss of consciousness lasted an unknown amount of time. PT was stuck once and then she LOC.

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Past Medical History: The patient denies any significant past medical history. **Blood Transfusion in the past. ** -no , *None.

Past Surgical History: T&A -age-7.

Family History: The patient's family history is non-contributory.

Social History: The patient denies any drug use, drinking alcohol and smoking. The patient lives with a family member. **Accompanied to Hospital by: Self , **Lives with family or significant other , **Needs transportation home: no , **Patient can read/write: YES , **Suspected or alleged abuse/neglect: no , **Valuables: Pt./ Family informed that hospital is not responsible for valuables , **Wears Contact Lenses , *No other significant history..

Allergies: excedrin-Hives.

Immunizations: *Immunizations current.

Medications: See nurse's notes. None-.

Nursing Assessment Reviewed: I have reviewed the nursing assessment and I agree with the findings that have been documented at this time.

REVIEW OF SYSTEMS:

Constitution: The patient is negative for fever and chills.

Eyes: The patient is negative for vision changes.

Respiratory: The patient is negative for dyspnea and wheezing.

Cardiovascular: The patient is positive for syncope. The patient is negative for chest pain.

Gastrointestinal: The patient is negative for nausea and vomiting.

Musculoskeletal: The patient is negative for neck pain and joint swelling.

Neurologic: The patient is positive for headache.

Hematology: The patient is negative for bruising.

PHYSICAL EXAMINATION:

Constitutional: Abnormal Findings: minimal distress.

Eyes: Normal Findings: Pupils are equal, round, reactive to light and accommodation, normal fundoscopic exam, normal visual acuity and extraocular movements are intact. The sclera are normal.

Head, Ears, Nose and Throat: Normal Findings: head inspection normal, external canal clear and tympanic membranes normal.

Neck: Normal Findings: supple neck and painless range of motion.

Respiratory: Normal Findings: bilateral breath sounds are normal, clear and equal.

Cardiac: Normal Findings: no murmurs, rubs or gallop. Abnormal Findings: tachycardic

Abdominal: Normal Findings: soft and non-tender abdomen and normoactive bowel sounds.

Musculoskeletal: Normal Findings: distal pulses intact. Back: non-tender. Ribs: non-tender and stable. Clavicles: non-tender and

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ED Medical Chart

stable. Pelvis: non-tender and stable. Hips: non-tender and stable. Right Upper Extremity: non-tender and stable. Right Lower Extremity: non-tender and stable. Left Upper Extremity: non-tender and stable. Left Lower Extremity: non-tender and stable.

Skin: Abnormal Findings: laceration 3 mm left cheek and abrasion Small, L temple area.

Neurology: The patient is alert and oriented to person, place, time and circumstance. Normal Findings: cranial nerves functioning as expected, normal sensation, normal motor skills and normal gait.

Psychiatric: Normal Findings: normal mood.

MEDICAL DECISION MAKING AND TREATMENT COURSE:

Tests Reviewed: The laboratory results have been reviewed and interpreted by me. CT Scan Results: Facial: Nondisplaced fracture left zygoma. These results have been reviewed by me and interpreted by the radiologist. Head CT: NEGATIVE HEAD CT.

Review: I have reviewed the patient's previous medical records and The documentation written by scribe Ja'Von DuBose for Dr. S. Orville, M.D..

Clinical Impression: Lzygoma fx LAC, CHEEK, EXTERNAL, UNCOMPLICATED ASSAULT BY OTHER Patient advised to call for appointment to Palmetto Oral- 667-6000-.

Disposition: The patient has been discharged home.

Condition: The patient's condition is stable.

Orders	Discharge Patient	03/29 19:52 SWO
	Protocol	
	Ordered: 03/29 19:52 By SORVILLE	
	EXTERN ORDER:CT Head-Facial Without Contrast	03/29 18:55
	Ordered: 03/29 18:55 By SORVILLE	
	Noted: 03/29 19:26 By USystem	
	Completed: 03/29 19:26 By USystem	
	Reviewed: 03/29 7:34PM By SORVILLE	
	clean, dress wound	03/29 18:52 SWO
	ORVILLE, S	
	Ordered: 03/29 18:52 By SORVILLE	
	Completed: 03/29 19:45 By AGOWDY	
	CT HEAD WO-	03/29 18:52 SWO
	ORVILLE, S	
	Ordered: 03/29 18:52 By SORVILLE	
	Cancelled: 03/29 18:55 By USystem	
	Reason:Order Cancelled Externally	3/29/14 18:55 US
	Rad Isolation Standard	03/29 18:51 SWO
	Rad reason for order ext-TRAUMA	03/29 18:51 SWO

LOQX THOMAS, KERILE DEANNA Enc #126158328 3/29/2014 - 3/29/2014 E D Medical Record 3/29/2014 1 ER0001
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Patient Name: KERILE GERALD
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 ED #: 308244

ED Medical Chart

~~CT FACIAL WO~~

03/29 18:52 SWO

ORVILLE, S

Ordered: 03/29 18:54 By SORVILLE
 Cancelled: 03/29 18:55 By USystem

Reason: Order Cancelled Externally

3/29/14 18:55 US

~~Rad Isolation Standard~~

03/29 18:54 SWO

~~Rad reason for order: skt TRAUMA~~

03/29 18:54 SWO

Results

EXTERN ORDER: CT Head-Facial Without Contrast

Completed: 3/29/14 19:26

ORDER DR: STEPHEN W. ORVILLE M.D.

ATTEND DR: STEPHEN W. ORVILLE M.D.

TRANSCRIBED D/T: Mar 29 2014 7:23PM

PROCEDURE: CT HEAD/FACIAL WO / ORD #: 90001 Accession#: 6005731

CPT: 70450 70486

ORDERED FOR: Mar 29 2014 6:53PM

COMPLETED: Mar 29 2014 7:04PM

INDICATIONS/COMMENTS: TRAUMA

Facial CT

HISTORY . Assaulted ; laceration

RESULT:

There is mild mucosal thickening in the right ethmoid sinus. No fluid levels. Mastoids and other sinuses are clear. There is a small amount of air in the soft tissues lateral to the left zygomatic arch.. There is a fracture of the left zygoma anteriorly. This is essentially nondisplaced. The nasal bone and mandible are intact.

CONCLUSION: Nondisplaced fracture left zygoma.

Head CT

FINDINGS: CT of the head was performed without intravenous contrast. The gray and white matter have a normal density. No mass effect, midline shift, or intracranial hemorrhage is present. No abnormal opacity is in the sinuses or mastoid air cells.

CONCLUSION: NEGATIVE HEAD CT.

\E\

READING DR: CHENEY M MEIERE JR M.D.

READING DATE: Mar 29 2014 7:26PM

LQX THOMAS, KERILE DEANNA Enc #126158328 3/29/2014 - 3/29/2014 E D Medical Record 3/29/2014 1 ER0001
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AGE:
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 Priority: 3 - Urgent
 DOB:
 ED #: 308244

ED Medical Chart

Final Result
 ELECTRONICALLY SIGNED BY:
 CHENEY M MEIERE JR M.D.
 On: Mar 29 2014 7:23PM

=====

Diagnosis	LAC, CHEEK, EXTERNAL, UNCOMPLICATED	873.41	03/29 19:45 SWO
	ASSAULT BY OTHER SPEC MEANS	E968.8	03/29 19:45 SWO
	L zygoma fx	0.0	03/29 19:45 SWO

Disposition	Time: 3/29/14 19:42	By: SORVILLE
	Depart Time: 3/29/14 20:52	
	Type : **Discharge	
	Condition: *Stable	
	Chart Complete: 3/29/2014 19:45	BY: SWORVILLE

Instructions	*Follow-up	03/29 19:45 SWO
	Follow up in: Palmetto Oral-667-6000- call for appt	
	Assault, General	03/29 19:45 SWO
	Facial Fracture	03/29 19:45 SWO
	Laceration Care	03/29 19:45 SWO

Prescriptions	LORTAB 5/325 ____ TABS	03/29 19:45 SWO
	Dosage:	Dispense: 12 / Tablet
	Refills:	Substitution: Y
	SIG:	

Charges-Nursing		
	Level 4(Intermediate) 86-125 points w/ Modifier (C)	QTY @ 1 03/29 20:53 ASG
	Auto Generated Acuity	
	12013 Face/Ears/Tongue 2.6cm-5.0cm	QTY @ 1 03/29 11:12 FKz

Acuity Level	Level 4(Intermediate) 86-125 points w/ Modifier
---------------------	---

Charges-Physician		
	99283 LEV 3 ED Visit (Charge)	QTY @ 1 03/29 18:23 SWO
	Auto Generated Care Level	

Level of Care	99283 LEV 3 ED Visit
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L0QX THOMAS, KERILE DEANNA Enc #126158328 3/29/2014 - 3/29/2014 E D Medical Record 3/29/2014 1 ER0001

McLeod Emergency Department
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Patient Name: KERILE GERALD
Reg Date/Time: 3/29/14 18:24
Account #: 126158328
MRN: 000001081798

AGE:
SEX: F
Priority: 3 - Urgent

DOB:
ED #: 308244

ED Medical Chart

Signature**Electronically Signed By:****Initials**

STEPHEN ORVILLE MD

SWO

FLORENCE zzMILLER FAC CODER

FKz

VIRGINIA BAZEN RN

VLB

ANNIQUE GOWDY RN

ASG

RAY KELSEY RN

RK

KIMBERLY JONAS RN

KKJ

JAVON DUBOSE SCRIB

JD



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MRN: 000001061796

AGE:
SEX: F

DOB:
ED #: 308244

Discharge Instructions

Signature Sheet

Signature Sheet For: KERILE GERALD

Discharge Date: 3/29/2014 7:42:32PM

Discharge Instructions Given:

Laceration Care
Assault, General
*Follow-up
Facial Fracture

My signature below indicates the patient or a responsible party has received and understands the medication reconciliation form, verbal and printed discharge instructions which include a list of tests and procedures ordered while a patient at the McLeod Emergency Department. The patient or responsible party acknowledges receipt of these instructions and will arrange follow up care as indicated.

This signed original will be kept in the patient's medical record.

Patient or Responsible Person:

Phone number where we can contact you if needed:

Relationship:

Physician/RN:

Date/Time:

3/29/14 2044

Thank you for using the Emergency Department.

126158328 01-06-17-96
GERALD, KERILE
03/29/74

CC/HPI:
1/5/7

DOB: ER, PHY UNASSIGNED

Pt Meds:

Allergies:

11/11/11

Past Medical Hx:

الحمد لله

100

100

ON-LINE MED ADMINISTRATION

Drug: _____ Dose: _____ Route: _____

Drug: _____ Dose: _____ Route: _____

Drug: _____ Dose: _____ Route: _____

Comments: _____

011

Ordering Physician: _____

Signature: _____

Print: _____

Dispatch TIMES

Dispatch: _____

Enroute: _____

On Scene: _____

Departed: _____;

[illegible]

Hospital McElderry St. Michael's

Tertiary/Driver

ON 10/10

File: 111 File: 203

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(revised version)

OPT

[illegible]

LOQX THOMAS, KERILE DEANNA Enc #126158328 3/29/2014 - 3/29/2014 OP Fin Record 3/29/2014 1 OFFIN

MCLEOD REGIONAL MEDICAL CENTER

03/29/14 20:59 Visit in Last 3 Days?

```

=====
GERALD ,KERILE          F      23      FFFFFFFF IIIIIIII NN      N
                        ACCT# 126158328 NPP: Y FFFFFFFF II      N      N      N
01-06-17-96            ADM DT/TM: 03/29/14 18:24 F      II      N      N      N
SERV: EMR MRSA: VRE:    BCS: N SPN:    F      II      N      NN
MD: ORVILLE, STEPHEN W MPMC          F      IIIIIIII N      NN
DX: ASSAULT
===NOTIFY PCP: N HOPE HEALTH          === ** FINANCIAL RECORD **
CLERK: SH2778 PT TYPE: E STS: EA EDREL *** Discharge Patient ***
***** TIENT INFO *****          *** GUARANTOR ***
STREET:

```

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CITY:          ST:
ZIP:          PHONE:
COUNTRY:
DATE OF BIRTH:          RACE: B
MARITAL STS: S SSN:
FIN CLASS: W NO OF INS PLANS: 1
ADM PRIO: X ADM SO: EO REF SO:
===== Insurance Information =====
===== PRIORITY 1 =====
CO NAME: BLUECHOICE HEALTHPLAN U30
CO STREET: PO BOX 6170
CITY: COLUMBIA ST: SC
ZIP: 29260 PHONE: 800 868-2528
PT RELATION TO INSURED: 01 SEX: F
SSN: DOB: 1
GROUP NUMBER:
INSURED'S ID:
===== PRIORITY =====
CO NAME:
CO STREET:
CITY: ST:
ZIP: PHONE:
PT RELATION TO INSURED: SEX:
SSN: DOB:
GROUP NUMBER:
INSURED'S ID:
===== PRIORITY =====
CO NAME:
CO STREET:
CITY: ST:
ZIP: PHONE:
PT RELATION TO INSURED: SEX:
SSN: DOB:
GROUP NUMBER:
INSURED'S ID:
===== PRIORITY =====
CO NAME:
CO STREET:
CITY: ST:
ZIP: PHONE:
PT RELATION TO INSURED: SEX:
SSN: DOB:
GROUP NUMBER:
INSURED'S ID:
===== PRIORITY =====
CO NAME:
CO STREET:
CITY: ST:
ZIP: PHONE:
PT RELATION TO INSURED: SEX:
SSN: DOB:
GROUP NUMBER:
INSURED'S ID:
=====

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===== OTHER INFORMATION =====
*PPOR: Y *          * LATEX ALLERGY: N *
=====
** GERALD ,KERILE          ** 01-06-17-96 ** P189609 ** P189609 **
20:59 03/29/14 FROM @01X,APADMFF4

```

LQX THOMAS, KERILE DEANNA Enc #126158328 3/29/2014 - 3/29/2014 Physician Orders Summary Report
(Soarian) 3/30/2014 1 P00007

Orders Report

Generated from 03/01/2014 00:00 to END

Pt Name:	GERALD, KERILE	MRN:	1061796
Pt ID:	101242856	Acct No :	126158328
DOB:		Age/Sex:	
Adm DTime:	03/29/2014	Attn Dr:	Orville, Stephen MD
Disch DTime:	03/29/2014		
Entity:	McLeod Regional Medical Center		
Dx:			

3/29/2014 6:55:00PM

Ord No	Start D/T	Order as Written	Electronically Signed-By	Electronically Co-Signed By
9559275	03/29/14 18:53	CT Head-Facial Without Contrast	at 3/29/2014 6:55:00PM	at
	Complete at	Reason: TRAUMA, STAT		
	03/29/14 19:28		By :Stephen W Orville, MD	
			Via :	

3/29/2014 6:52:00PM

Ord No	Start D/T	Order as Written	Electronically Signed-By	Electronically Co-Signed By
9559272	03/29/14 18:53	CT Head Without Contrast, STAT	Stephen W Orville, MD at	at
	Cancelled at		3/29/2014 6:52:00PM	
	03/29/14 18:55		By :Stephen W Orville, MD	
			Via :	
9559273	03/29/14 18:53	CT Facial Without Contrast, STAT	Stephen W Orville, MD at	at
	Cancelled at		3/29/2014 6:52:00PM	
	03/29/14 18:55		By :Stephen W Orville, MD	
			Via :	

Pt Name: GERALD, KERILE

Entity: McLeod Regional Medical Center

Adm Date: 03/29/2014

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MRN: 1061796

Page 1 of 1

Orders Report

ORE LQX 0149 DSCHv2 Report.rpt

Generated By: Workflow

Generated On: 30-Mar-14 20:59

Report Content Represents Data Available for the specified Visit as of the Generated On Date/Time

LOOX THOMAS, KERILE DEANNA Enc #126158328 3/29/2014 - 3/29/2014 Plans of Care (Soarian) 3/29/2014 1 PC0008

Plan Of Care Report

Generated from 03/01/2014 00:00 to END

Pt Name:	GERALD, KERILE	MRN:	1061796
Pt ID:	101242656	Acct No:	126158328
DOB:		Age/Sex:	
Adm Date:	03/29/2014 18:24	Attn Dr:	Orville, Stephen MD
Disch Date:	03/29/2014 20:44		
Entity:	McLeod Regional Medical Center		
Dx:			

Plan Of Care

No Plans Charted for Visit

Problems associated to Selected Visit

Problem Name	Rank	Date Assigned	Date Closed	Assigned By	Closed By	Status
Problem Details	Value	Problem Details	Value	Problem Details	Value	
Knowledge Deficit Related To Treatment Plan		03/29/2014 18:24		HSF_WFMS		Resolved/Suitable for Discharge
Comment:	Problems resolved by workflow upon discharge	Status:				
Readiness for Discharge		03/29/2014 18:24		HSF_WFMS		Resolved/Suitable for Discharge
Comment:	Problems resolved by workflow upon discharge	Status:				

Expected Outcomes

No Expected Outcomes Charted For Visit

Pt Name: GERALD, KERILE

MRN: 1061796

Plan Of Care Report

Entity: McLeod Regional Medical Center

Page 1 of 2

ORE_0145_DSCH.RPT; Version 1.00

Adm Date: 03/29/2014 18:24

Generated By:

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Generated On: 01-Apr-14 20:59

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Report Content Represents Data Available for the specified Visit as of the Generated On Date/Time

Plan Of Care Report

Generated from 03/01/2014 00:00 to END

Pt Name:	GERALD, KERILE	MRN:	1061796
Pt ID:	101242656	Acct No:	126158328
DOB:		Age/Sex:	/F
Adm Date:	03/29/2014 18:24	Attn Dr:	Orville, Stephen MD
Dsch Date:	03/29/2014 20:44		
Entity:	McLeod Regional Medical Center		
Dx:			

Problems History

Problem Name	Changed DTime	Changed By	Field Name	Old Value	New Value
Knowledge Deficit Related To T					
	03/29/2014 21:00	HSF_WFMS	Comment		Problems resolved by workflow upon discharge
	03/29/2014 21:00	HSF_WFMS	Status	Active	Resolved/Suitable for Discharge
Readiness for Discharge					
	03/29/2014 21:00	HSF_WFMS	Comment		Problems resolved by workflow upon discharge
	03/29/2014 21:00	HSF_WFMS	Status	Active	Resolved/Suitable for Discharge

Outcome History

Outcome Name	Changed DTime	Changed By	Field Name	Old Value	New Value
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Pt Name: GERALD, KERILE
Entity: McLeod Regional Medical Center
Adm Date: 03/29/2014 18:24

MRN: 1061796
Page 2 of 2

Plan Of Care Report
ORE_0146_DSCH.RPT; Version 1.00
Generated By:
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RADIOLOGY REPORT
MCLEOD REGIONAL MEDICAL CENTER
555 E. CHEVES STREET FLORENCE, SC 29506-2617
PHONE (843) 777-2087

PATIENT NAME: GERALD, KERILE DISCHARGE DATE:
PT ACCOUNT#: 000126158328 MR/RAD#: 1061796
ACCESSION#: 6005731 CID#: 1061796

DOB: AGE: SEX: F RACE: B
PHONE: PT CLASS: E FIN CLASS: W
ADDRESS: PT TYPE: E PT NS/ROOM: 2N01-212701
DATE OF SERVICE: Mar 29 2014

7:01PM
ORDER DR: STEPHEN W. ORVILLE M.D.
ATTEND DR: STEPHEN W. ORVILLE M.D.
COPY TO:
DIAGNOSIS:

ASSAULT

ORDER DR: STEPHEN W. ORVILLE M.D.
ATTEND DR: STEPHEN W. ORVILLE M.D.
TRANSCRIBED D/T: Mar 29 2014 7:15PM
PROCEDURE: CT HEAD/FACIAL WO / ORD #: 90001 Accession#: 6005731
CPT: 70450 70486
ORDERED FOR: Mar 29 2014 6:53PM COMPLETED: Mar 29 2014 7:04PM
INDICATIONS/COMMENTS: TRAUMA

Facial CT

HISTORY . Assaulted ; laceration
RESULT:

There is mild mucosal thickening in the right ethmoid sinus. No fluid levels. Mastoids and other sinuses are clear. There is a small amount of air in the soft tissues lateral to the left zygomatic arch.. There is a fracture of the left zygoma anteriorly. This is essentially nondisplaced. The nasal bone and mandible are intact.

CONCLUSION: Nondisplaced fracture left zygoma.

Head CT

FINDINGS: CT of the head was performed without intravenous contrast. The gray and white matter have a normal density. No mass effect, midline
Printed: March 29, 2014 (7:26PM) Page 1

FLORENCE RADIOLOGICAL ASSOCIATES

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RADIOLOGY REPORT
MCLEOD REGIONAL MEDICAL CENTER
555 E. CHEVES STREET FLORENCE, SC 29506-2617
PHONE (843) 777-2087

PATIENT NAME: GERALD, KERILE DISCHARGE DATE:
PT ACCOUNT#: 000126158328 MR/RAD#: 1061796
ACCESSION#: 6005731 CID#: 1061796
shift, or intracranial hemorrhage is present. No abnormal opacity is in
the sinuses or mastoid air cells.

CONCLUSION: NEGATIVE HEAD CT.

READING DR: CHENEY M MEIERE JR M.D.
READING DATE: Mar 29 2014 7:15PM

Final Result
ELECTRONICALLY SIGNED BY:
CHENEY M MEIERE JR M.D.
On: Mar 29 2014 7:23PM

Printed: March 29, 2014 (7:26PM)

Page 2

FLORENCE RADIOLOGICAL ASSOCIATES

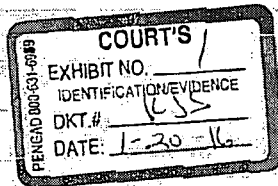
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- Can we see the definition
of CDV of a High and Aggravated
nature? It was on the video
screen.

SEE MY CHARGE TO YOU.

G. L. (on) 4:00 PM
1-20-16



DOMESTIC VIOLENCE – HIGH AND AGGRAVATED NATURE

MR. CEASER IS CHARGED WITH CRIMINAL DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE. THE STATE MUST PROVE BEYOND A REASONABLE DOUBT THAT MR. CEASER CAUSED PHYSICAL HARM OR INJURY TO A MEMBER OF HIS OWN HOUSEHOLD OR THAT HE OFFERED OR ATTEMPTED TO CAUSE PHYSICAL HARM OR INJURY TO A MEMBER OF HIS OWN HOUSEHOLD WITH THE APPARENT PRESENT ABILITY TO CAUSE HARM OR INJURY UNDER CIRCUMSTANCES REASONABLE CREATING A FEAR OR IMMINENT DANGER.

A HOUSEHOLD MEMBER IS A SPOUSE, A FORMER SPOUSE, A PERSON WITH WHOM THE DEFENDANT HAS A CHILD IN COMMON, OR A PERSON OF THE OPPOSITE SEX WITH WHOM THE DEFENDANT IS LIVING OR HAS LIVED WITH IN THE PAST.

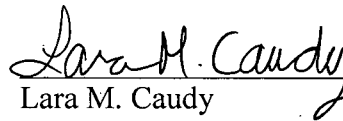
THE STATE MUST ALSO PROVE ONE OF THE FOLLOWING:

- (1) THE DEFENDANT COMMITTED AN ASSAULT AND BATTERY WHICH INVOLVED THE USE OF A DEADLY WEAPON OR RESULTED IN SERIOUS BODILY INJURY; OR
- (2) THE DEFENDANT COMMITTED AN ASSULT, WITH OR WITHOUT AN ACCOMPANYING BATTERY, WHICH WOULD REASONABLY CAUSE A PERSON TO FEAR IMMINENT SERIOUS BODILY INJURY OR DEATH.

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

A handwritten signature in cursive script, reading "Lara M. Caudy", is written over a horizontal line.

Lara M. Caudy
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 19th day of December, 2016.