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STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Marion County

Honorable William H. Seals, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MARVIN WILLIAMS, JR.,

APPELLANT

APPELLATE CASE NO 2016-000545

RECORD ON APPEAL

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State of South Carolina	)	Court of General Sessions
	)	Twelfth Judicial Circuit
County of Marion	)	Case No. 2015-GS-33-00097

State of South Carolina,

Plaintiff,

-vs-

Marvin Williams Jr.,

Defendant.

Transcript of Record

February 17-18, 2016
Marion, South Carolina

B E F O R E:

The Honorable William H, Seals, Jr., Judge; and a jury

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

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Attorney for the Plaintiff

Marcus Woodson, Esquire
Attorney for the Defendant

Krystal J. Smith
Court Reporter

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1 restroom, and I'm not stopping, just kind of wave your finger
2 to me and I'll make sure you get a break and that you're taken
3 care of.

4 All right. Right now, just relax and I'll call on the
5 State for your opening statement.

6 MS. HUMMEL: Thank you, Your Honor. May it please the
7 Court.

8 THE COURT: Sure.

9 OPENING STATEMENT ON BEHALF OF THE STATE

10 MS. HUMMEL: Mr. Woodson. Ladies and gentlemen of the
11 jury, as y'all already know, as Judge Seals told you earlier
12 when we were picking the jury, this case is about criminal
13 domestic violence. This case is about Ms. Tanita Pleasant,
14 sitting right here.

15 The evidence in this case will show that the defendant in
16 this case, Mr. Marvin Williams, this man right over here -- he
17 pushed Ms. Tanita Pleasant out of his house. He hit her in
18 the face. When he pushed her, she fell to the ground.

19 Now, as the State, we have the burden of proof. We have
20 to prove the charges beyond a reasonable doubt. Judge Seals
21 already told you about that. Let me tell you a little bit
22 about what the charges are.

23 Criminal domestic violence. What does that mean? Well,
24 we have to prove that the defendant caused, number one,
25 physical harm or injury to a member of his own household or

1 that he offered or attempted to cause physical harm or injury
2 to his own household member with the present ability which
3 would create reasonable fear of safety of a person.

4 Now, a household member. What does that mean? It
5 basically means a spouse, a former spouse, persons who have a
6 child in common or people who live together or have lived
7 together in the past. The statute uses the word cohabitate.
8 And the judge is going to give you all of this law in this
9 case.

10 But the evidence is going to show that Ms. Tanita
11 Pleasant -- she did live, in fact, with the defendant and that
12 at that time he hit her in the face and pushed her out of his
13 house.

14 Now, in order to meet this burden and to prove all of
15 these things to you, as the State, we're going to call
16 witnesses. We'll call Ms. Tanita Pleasant. You'll hear from
17 her. We're also going to call the officers who were involved
18 in this case. You're going to hear from them. You're going
19 to hear about what she will tell you about how they lived
20 together. You'll hear about the officers, what they observed
21 when they got there, some things that the defendant was saying
22 when they got there.

23 And at the end of this trial, I'm going to ask you to
24 return a verdict of guilty and I think after hearing all of
25 the evidence in this case, I don't think you'll have any doubt

1 that that's the verdict you should return. Thank you.

2 THE COURT: Thank you. Mr. Woodson?

3 MR. WOODSON: May it please the Court.

4 THE COURT: Sure.

5 OPENING STATEMENT ON BEHALF OF THE DEFENDANT

6 MR. WOODSON: Ms. Hummel. Good afternoon, ladies and
7 gentlemen of the jury. I introduced myself to you earlier.
8 I'm Marcus Woodson. I practice law here in Marion County and
9 today I'm representing Mr. Marvin Williams. Mr. Williams is a
10 resident of Mullins, South Carolina. He's lived there for
11 years.

12 This is an incident that happened allegedly in 2014 and,
13 first of all, I want to thank you because this is a very
14 important day for my client. He's waited almost two years to
15 get to this point and I know it could be inconvenient for many
16 of you. Many of you stood up and said you work or had other
17 obligations. So I always like to thank a jury for their
18 participation because it's not always convenient, but it's
19 very important. You help the court system run and we couldn't
20 do this without you, without a jury.

21 As the solicitor said, she does have the burden of proof.
22 She has to prove that my client is guilty beyond a reasonable
23 doubt of criminal domestic violence. The criminal domestic
24 violence is a very specific area of the law and it applies, as
25 she said, to household members, and she accurately defined

1 what a household member was.

2 Part of our defense in this case is that the alleged
3 victim was not a household member. She did not live with my
4 client. She has not lived with my client. She's always had a
5 separate residence. They don't have any children in common.
6 They aren't married now and they never have been married.

7 So in order to fall under this criminal domestic violence
8 law -- section of the law, you have to -- you have to fall
9 into one of those categories. Our position is she doesn't
10 fall into one of those categories. This particular law
11 doesn't even apply to this situation.

12 I ask that you give careful attention to the evidence and
13 at the end we're both going to stand up and give closing
14 arguments, which will be our summary of what the testimony was
15 from this stand. I believe after you hear that evidence
16 you'll return a verdict of not guilty. Thank you.

17 THE COURT: Thank you. You can call your first witness.

18 MS. HUMMEL: Thank you, Your Honor. The State would call
19 Tanita Pleasant to the stand.

20 THE CLERK: Please come around and let me swear you in,
21 please, ma'am. Come over here. Do you solemnly swear or
22 affirm the testimony you shall give in the trial of this case
23 shall be the truth, the whole truth, and nothing but the
24 truth, so help you God?

25 THE WITNESS: I do.

TANITA PLEASANT - DIRECT BY MS. HUMMEL

1 THE CLERK: Thank you. Take the witness stand.

2 THE COURT: If you would, state your name and spell your
3 last name.

4 THE WITNESS: My name is Sheree Tanita Pleasant.
5 Pleasant, P-l-e-a-s-a-n-t.

6 THE COURT: Thank you. Yes, ma'am?

7 MS. HUMMEL: Thank you, Your Honor.

8 TANITA PLEASANT, being first
9 duly sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MS. HUMMEL:

12 Q: Ms. Pleasant, where do you live right now?

13 A: Now I'm living at , t , in
14 Mullins.

15 Q: In Mullins? You live in Mullins? Okay. Ms. Pleasant,
16 before we get started into the facts of this case and what
17 happened, I want to ask you some questions. Did you have a
18 conviction for shoplifting in 2008?

19 A: I did.

20 Q: Okay. Now, did you have a conviction for obtaining
21 property by false pretenses in 2009?

22 A: Obtaining what?

23 Q: Obtaining property or a signature by false pretenses?

24 A: No. I don't recall.

25 Q: You don't recall that?

TANITA PLEASANT - DIRECT BY MS. HUMMEL

- 1 A: I don't remember.
- 2 Q: Okay. Do you recall having a conviction for obtaining
3 your signature or property by false pretenses in 2010?
- 4 A: Yes, I remember now. Yes, I did.
- 5 Q: Okay.
- 6 A: Yes, I did.
- 7 Q: Ms. Pleasant, do you know the defendant in this case, Mr.
8 Marvin Williams?
- 9 A: Yes, I do.
- 10 Q: Okay. And is that him sitting over there by the defense
11 attorney, Mr. Woodson?
- 12 A: Yes, that is.
- 13 Q: All right. Now, how do you know Mr. Williams?
- 14 A: I met Mr. Williams when I moved here from DC back in 2000
15 -- 1998 -- '99. I met him about -- maybe a year or two
16 afterwards. I was working with him. One day he didn't show
17 up for work; so I took my boss and had him to go get him to
18 come to work because I said I wasn't going to do his job.
19 That's how we met initially.
- 20 Q: Okay.
- 21 A: I used to live around the corner from him then.
- 22 Q: Okay. So you were working together and you lived around
23 the corner from him?
- 24 A: Yes.
- 25 Q: Okay. That was about 1998?

TANITA PLEASANT - DIRECT BY MS. HUMMEL

1 A: That was about 2001 or '02, something like that. Yes.

2 Q: Okay. Did y'all have a relationship outside of work
3 after that?

4 A: Yes, we did.

5 Q: Okay.

6 A: We -- we --

7 Q: When did that begin?

8 A: We were friends at first, getting to know one another,
9 you know. Since I was a new person in South Carolina, you
10 know, I mean we got introduced. We were talking. He would
11 come to my home. We would sit down and talk, maybe drink a
12 beer or two sometimes, you know, and that's how we got to met
13 each other. And later on we got into a relationship.

14 Q: Okay. Do you remember what year that was?

15 A: I'm not really sure. Maybe '03 or '04, something like
16 that. I guess.

17 Q: Okay. And what type of relationship was it?

18 A: I don't understand. What do you mean?

19 Q: Was it more than friends?

20 A: We were more than friends, yes.

21 Q: Okay. Did you live together?

22 A: Yes, we did.

23 Q: Okay.

24 A: He used to stay at my house all the time. I mean he had
25 another place, but he always stayed in my home.

TANITA PLEASANT - DIRECT BY MS. HUMMEL

1 Q: All right. Where was your home that he stayed at?

2 A: At that time, I was living at .

3 Q: Okay. And he would come stay there?

4 A: Yes, he would.

5 Q: Okay. How often would he stay there? Was it, like, a

6 few nights? Off-and-on? Or was it --

7 A: Weeks at a time.

8 Q: Weeks at a time?

9 A: Yes.

10 Q: Okay. Did you ever stay at his house?

11 A: I sure did.

12 Q: Okay. When did you stay at his house?

13 A: There was several times I stayed at his home.

14 Q: Okay.

15 A: But the last recent one was when I was just at his home

16 before I got ill and I couldn't work anymore and he allowed me

17 to come stay with him. He helped me moved into his home and

18 everything.

19 Q: All right. And where was that home? Do you remember the

20 address?

21 A: Where I used to stay?

22 Q: Yeah. When he moved you in after you became ill?

23 A: The address I moved into was

24 Q: Okay. Now, before that, had y'all lived together more

25 than just weeks at a time?

TANITA PLEASANT - DIRECT BY MS. HUMMEL

- 1 A: Yes, we have.
- 2 Q: Okay.
- 3 A: Uh-huh.
- 4 Q: Can you estimate approximately how long y'all have lived
5 together?
- 6 A: We'd go through -- we would -- we would -- we would go
7 through spats a lot. So we would live together. As we'd go
8 through a spat, he'd get up and leave. He'd go for a couple
9 of days or two, maybe a week. He's back again.
- 10 Q: Okay. So it's kind of off-and-on?
- 11 A: It was an off-and-on thing. Yes, it was.
- 12 Q: Okay. But it was more than just a few days at a time?
- 13 A: Yes.
- 14 Q: Okay. When you had moved in with him at the
15 address, do you remember how long you had started living with
16 him?
- 17 A: It wasn't -- let me see how long was it. I can't
18 remember exactly how long. It had been over a month or more,
19 maybe more --
- 20 Q: Okay.
- 21 A: -- at the time when I started staying with him, yes.
- 22 Q: Okay. Now, do you remember the date of July the 4th,
23 2014?
- 24 A: I remember now.
- 25 Q: And how -- do you remember what you were doing that day?

TANITA PLEASANT - DIRECT BY MS. HUMMEL

1 Or at that evening?

2 A: Well, I was there. I think I was doing laundry earlier
3 that day. He was --

4 Q: What do you mean by there? At the

5 A: Yes. At , I was doing laundry at the time
6 while he was out. I think he was doing -- no, I believe it
7 was somebody he knew -- a best friend of his he knew had
8 passed; so he was out doing a bypass over at their house that
9 evening. First, he was doing some work and then later on he
10 went to a bypass. I was at the house. I was doing some
11 laundry, cleaning, cooking and whatnot.

12 Later on, I heard him coming around the corner because
13 there was an incident that happened with him at a friend house
14 where someone told -- told -- told his best friend --

15 MR. WOODSON: Objection, Your Honor.

16 THE WITNESS: Okay.

17 THE COURT: Sustained.

18 MS. HUMMEL: Okay.

19 THE WITNESS: Okay.

20 BY MS. HUMMEL:

21 Q: Don't tell me about --

22 A: Okay.

23 Q: -- about what other people said.

24 A: Okay, okay, okay.

25 Q: Just to tell me about when he got home.

TANITA PLEASANT - DIRECT BY MS. HUMMEL

1 A: Okay. Well, when he got home, he was already outraged.
2 He was already angry. He came in. We sat down. We talked
3 about the incident that happened earlier. He got angry with
4 me because something that I said -- that I said this -- well,
5 he said -- anyway, he got angry with something I said.

6 Q: Okay.

7 A: So he told me I want you to get the F on out of here. So
8 I'm like that. I told him not right now. I'm not leaving to
9 go nowhere. He continued to keep arguing and arguing. I
10 said, okay, I'll leave. As I walked towards the door, he was
11 behind me. As soon as I opened the door, I was pushed out.

12 Q: Okay. Did he ever hit you or put his hands on you?

13 A: Many of times.

14 Q: On this time, did he --

15 A: Yes, he did.

16 Q: -- slap you on the face?

17 A: I'm sorry.

18 THE COURT: What's that?

19 MR. WOODSON: Your Honor, can we approach?

20 THE COURT: Sure.

21 MR. WOODSON: Your Honor, can we do this outside their
22 presence?

23 THE COURT: I'll tell you what. Come on around here.

24 (WHEREUPON, a bench conference was held in the presence
25 of the jury but out of the hearing of the jury off the

TANITA PLEASANT - DIRECT BY MS. HUMMEL

1 record.)

2 BY MS. HUMMEL:

3 Q: Ms. Pleasant, going back to what we were talking about,
4 you said he pushed you out of the house?

5 A: Yes.

6 Q: Before he pushed you out of the house, did he hit you or
7 touch you in any way?

8 A: Yes, he did.

9 Q: Okay. What did he do before he pushed you?

10 A: He had hit me before I had -- before -- when he had asked
11 me to leave- -

12 Q: Okay.

13 A: -- I didn't leave. That's when he -- he hit me. He
14 slapped me or punched me in my face.

15 Q: Okay. And then is that when you went to leave?

16 A: That's when I went to go leave.

17 Q: Okay.

18 A: I went to the door to open it. He was right behind me as
19 he pushed me out the door.

20 Q: All right. What happened when he pushed you out the
21 door?

22 A: He pushed me out. I fell from -- from the top first step
23 and I lost balance and fell down the rest of the steps because
24 I told you I was ill than and I fell down the rest of the
25 steps. I hit myself in my hand. He looked at me. He saw me

TANITA PLEASANT - DIRECT BY MS. HUMMEL

1 down there on the ground and he slammed the door and he told
2 me he didn't care what happened to me at the time. That's
3 when I picked up my phone and dialed 9-1-1.

4 Q: Okay. Now, at that time, did you have anywhere else to
5 live?

6 A: Not at that -- no. No, I didn't.

7 Q: Okay. So you were living with him at that time?

8 A: I was staying with him at that time.

9 Q: Okay. After you called 9-1-1, did the officers arrive?

10 A: Yes, they did.

11 Q: All right. And when they arrived, do you remember where
12 you were? Were you still on the ground?

13 A: I was still laying on that ground.

14 Q: Okay. And what happened after the officers got there?

15 A: The officers came. They came to check me and make sure I
16 was okay. He asked me where was the -- Mr. Williams. I told
17 him --

18 Q: Who asked you?

19 A: The officer did.

20 Q: Okay. Do you remember which officer it was?

21 A: I don't remember which one.

22 Q: Okay.

23 A: I'm not sure, but I know one of the -- I remember them
24 saying -- because they asked me what happened. First of all,
25 they asked me what happened. I told them what had happened.

TANITA PLEASANT - DIRECT BY MS. HUMMEL

1 I told them that he was in the house. They went to try
2 knocking on the door. They couldn't get in. I told them I
3 know how to access because Marvin Williams showed me how I
4 could get in through the side door. I said to the officer
5 that you stick right here because this has happened so many
6 times I'm not going to let him get away with it again. So I
7 went to the side door.

8 MR. WOODSON: Objection, Your Honor.

9 THE COURT: Hold on one second.

10 MR. WOODSON: Can we be heard outside the presence of the
11 jury, Your Honor?

12 THE COURT: Sure. Members of the jury, if you would,
13 step into the jury room. Do not discuss the case.

14 (WHEREUPON, the jury exited the courtroom at 2:47 p.m.)

15 THE COURT: All right.

16 MR. WOODSON: Your Honor, this is the second time I
17 objected. The first time I was just going to let this go and
18 go on because that was I guess open to interpretation. This
19 time, she has specifically said he put his hands on me before
20 and he wasn't going to get away with it this time. Your
21 Honor, I think she's trying to bring up prior incidents.
22 That's inadmissible and I'd ask for a mistrial at this point.

23 THE COURT: All right. Yes, ma'am?

24 MS. HUMMEL: Judge, I think -- I think her testimony was
25 this has happened many times. I don't know exactly what she's

TANITA PLEASANT - DIRECT BY MS. HUMMEL

1 referring to. I know she can't talk about the prior, you
2 know, incidents where he's abused her before and that's
3 happened before. She can't talk about that. We know that.
4 But she never clarified as to whether that was her getting
5 locked out of the house or whether there was arguing, if they
6 had had arguments before and he locked her out. She never had
7 said that he physically abused her in the past.

8 MR. WOODSON: Yes, she did.

9 THE COURT: Why don't we hear from the court reporter?
10 Can you just look it up and tell me what she said?

11 THE COURT REPORTER: I can play it back.

12 THE COURT: You can play it back.

13 THE COURT REPORTER: I need a few minutes to upload it.

14 (WHEREUPON, there was a pause in the proceedings to
15 prepare the playback.)

16 (WHEREUPON, several minutes of the victim's testimony
17 were replayed for the Court and counsel.)

18 THE COURT: All right. That's good. I think that's good
19 enough. She just said this happened so many times. It could
20 be that she'd been locked out of the house so many times. She
21 doesn't say anything about being hit or bruised or slapped or
22 anything. She said they knocked on the door and they couldn't
23 get in. She said I'll show you how to get in. This has
24 happened so many times.

25 And that's all she said. But I do want to make clear

TANITA PLEASANT - DIRECT BY MS. HUMMEL

1 let's don't talk about anything from the past.

2 THE WITNESS: Yes, sir.

3 THE COURT: We're talking about this night, July 4th,
4 only.

5 THE WITNESS: Yes, sir.

6 THE COURT: Do you understand that?

7 THE WITNESS: Yes, sir.

8 THE COURT: All right. I'm going to overrule the
9 objection. Go ahead and bring them back out. Stick to that.

10 THE WITNESS: I will.

11 THE COURT: Okay.

12 (WHEREUPON, the jury entered the courtroom at 3:02 p.m.)

13 THE COURT: All right. Continue.

14 MS. HUMMEL: Thank you, Your Honor.

15 BY MS. HUMMEL:

16 Q: Ms. Pleasant, I think you were telling us about how you
17 got into the house.

18 A: Yes.

19 Q: Where did you go?

20 A: I went through the side door.

21 Q: Okay. And what did you do?

22 A: I -- there's a shovel or something that he normally have
23 to knock it -- knock off that stick that holds up under the
24 knob. He showed me how to knock that stick open, knock it
25 down, and you just push the door open.

TANITA PLEASANT - DIRECT BY MS. HUMMEL

1 Q: Okay. And he showed you how to do that?

2 A: Yes, he did.

3 Q: And was that in case you ever got locked out of the
4 residence?

5 A: Well, whenever he didn't leave me with the key, he would
6 -- that's the way I knew how to enter the house.

7 Q: Okay. Once you moved the stick -- you said it was a
8 stick. Was it a board or a stick?

9 A: It's a two-by-four I guess what you call it. I guess a
10 two-by-four. It's a big old long stick that he shoves up to
11 hold the knob on the door.

12 Q: Okay.

13 A: Uh-huh.

14 Q: And he showed you how to move that out of the way?

15 A: Yes, he did. Yes.

16 Q: And did you do that on this day?

17 A: Yes, I did.

18 Q: All right. Were you able to get inside the house?

19 A: Yes, I was.

20 Q: What happened when you got inside the house?

21 A: When I got in and walked -- walked through from the
22 garage to go to the top floor, which is into the kitchen, he
23 was sitting on the couch in the dark.

24 Q: All right. Now, where is the side door? Is it on the
25 right side of the house or the left side if you're on the

TANITA PLEASANT - DIRECT BY MS. HUMMEL

1 street facing the house?

2 A: I'm thinking it would be on your right side I believe.

3 Q: Okay. So -- so I'm on the street. I'm facing you.

4 You're at the house. It would be over to my right?

5 A: Over to the right side, yes.

6 Q: All right. Now, when you came in, where -- did you say

7 he was sitting on the couch?

8 A: He was sitting on the couch.

9 Q: Okay. And where is the couch in relation to the front

10 door?

11 A: Right beside it. Right -- almost -- it faces the front

12 door.

13 Q: Okay.

14 A: It faces the front door because when I came in through

15 the kitchen, I went straight to the front door just to open it

16 and I saw him sitting on the couch.

17 Q: Okay. Where is the kitchen? Is it right by the side

18 door?

19 A: Yes. It's right -- yes. It's right by -- as you come

20 through the -- well, they had the garage built in. So as you

21 come through the -- what you call the garage down in the

22 basement, you go up a couple of steps and you enter right into

23 the kitchen. From the kitchen, there's the front door.

24 Q: Okay. So does the -- does the side door go in through

25 the garage?

TANITA PLEASANT - DIRECT BY MS. HUMMEL

1 A: Yes. It's like -- yeah, like a built-in garage. Yes.
2 Uh-huh.
3 Q: Okay. And so you go up the steps?
4 A: Yeah.
5 Q: And that's where the kitchen is?
6 A: Yes.
7 Q: Okay. And then past the kitchen would be -- is that a
8 living room or a seating area?
9 A: A living room.
10 Q: Okay. And that's where you --
11 A: Dining room, living room. The kitchen and dining room
12 is, like, together. Then there's the living room.
13 Q: All right. And that was directly in front of the front
14 door?
15 A: And the couch is -- is -- I mean not directly in front of
16 it. It's some feet apart because there's an end table and
17 another chair and the door and everything, the TV and
18 everything.
19 Q: All right. When you came into the kitchen and then you
20 saw him sitting on the couch, what did you do next?
21 A: I opened the front door for the officer to come in.
22 Q: Okay. And what happened next?
23 A: The officer asked me to go back outside. So I don't know
24 from there. They were talking. I think -- I don't know if
25 another cop -- they were outdoors talking with me or -- and I

TANITA PLEASANT - DIRECT BY MS. HUMMEL

1 do remember the other cops were knocking on the door. I mean
2 they went through the door. I didn't see them enter. I heard
3 them just addressing themselves, letting them know who he was
4 -- who they were.

5 Q: Okay. Did -- did Mr. Williams have a dog of any sort?

6 A: Yes, he does. Yes, he did.

7 Q: Okay. And did you -- were you familiar with that dog?

8 A: Yes, I was.

9 Q: What kind of dog was a?

10 A: A pit bull.

11 Q: Okay. Was it -- was it chained up or in a fenced-in
12 area?

13 A: He was just in a fenced area.

14 Q: Okay. And do you have to go through the fence to get --

15 A: Yes.

16 Q: -- to the side door?

17 A: Yes.

18 Q: Okay. And did he try to attack you at all?

19 A: No.

20 Q: When you went to the side door?

21 A: No, he didn't.

22 Q: Is that because he knew you and he was familiar with you?

23 A: Yeah. We got very familiar with one another because I
24 was scared at one point because he was a big pit, but as I
25 stayed there, I got used to the dog and that way I would learn

TANITA PLEASANT - DIRECT BY MS. HUMMEL

1 how to go out to do laundry and hang the clothes up and
2 everything. Yes.

3 Q: Okay. So the dog didn't give anybody any trouble when
4 you went there to open the gate?

5 A: No.

6 Q: Okay.

7 A: Huh-uh.

8 Q: You said that he slapped you in the face. Do you
9 remember what side of the face it was?

10 A: Was it my right or my left? It was my left.

11 Q: Your left side?

12 A: I think it was my left side.

13 Q: Okay.

14 A: If I can remember. I can't -- I'm not sure if it was
15 right or left. I'm not really actually sure.

16 Q: Okay. But it was definitely on your face?

17 A: But I'm thinking it was my left side.

18 Q: Okay.

19 A: Uh-huh.

20 Q: Did it feel swollen or a little bit bruised there after
21 -- after he hit you?

22 A: Yes.

23 Q: Okay. Now, when he pushed you out of the house and you
24 said you fell, did you have any injuries or did you just kind
25 of fall on the ground?

TANITA PLEASANT - DIRECT BY MS. HUMMEL

1 A: I just fell on the ground.

2 Q: Okay.

3 A: I had -- I was going through some severe nerve damages on
4 my right side, which he knew about. Yes. So when I fell, I
5 fell on my right side.

6 MS. HUMMEL: Okay. I'm showing what's already been
7 marked as State's Exhibit 1 to Mr. Woodson. Your Honor, may I
8 approach the witness?

9 THE COURT: Sure.

10 BY MS. HUMMEL:

11 Q: Ms. Pleasant, I'm handing you what's been marked as
12 State's Exhibit 1. If you would take that and take a look at
13 it? Do you recognize it?

14 A: Yes, I do.

15 Q: Okay. Is that a picture of you?

16 A: That is me.

17 Q: Okay. Does that represent how you looked on the day that
18 this happened when he slapped you and pushed you on the
19 ground?

20 A: Yes.

21 Q: All right. Has it - does it look like it's been altered
22 in any way?

23 A: No, it doesn't.

24 Q: All right.

25 MS. HUMMEL: Your Honor, at this time, the State would

TANITA PLEASANT - DIRECT BY MS. HUMMEL

1 move State's Exhibit 1 into evidence?

2 THE COURT: Any objections?

3 MR. WOODSON: Your Honor, I think we need to have an
4 officer testify when those were taken. So at this point,
5 yeah, I do have an objection.

6 THE COURT: All right. Why don't we just wait and do it
7 --

8 MS. HUMMEL: Certainly.

9 THE COURT: -- at the appropriate time?

10 BY MS. HUMMEL:

11 Q: Thank you, Ms. Pleasant. Ms. Pleasant, did he -- do you
12 remember which officer took -- was it an officer that took
13 that picture of you?

14 A: Yes.

15 Q: Do you remember which one it was?

16 A: I don't know.

17 Q: You can't remember which one it was?

18 A: I don't remember which one.

19 Q: You just know it was an officer?

20 A: I do know it was an officer that took a picture, yes.

21 Q: Okay. And did they -- do you know when they took it?

22 The officer?

23 A: After they raised me.

24 Q: Was it that same day?

25 A: When I got up from the ground. When they got me up from

TANITA PLEASANT - DIRECT BY MS. HUMMEL

1 the ground, they was talking because I was letting them know
2 what happened as far as my face. That's when they would --
3 that's when they just -- one of them took a picture.

4 Q: Okay. So was that at the time when they first got to the
5 scene?

6 A: Right. That's after they got to the scene and got me up
7 from off the ground.

8 Q: Okay. Do you remember where you were when they took it?

9 A: On the -- on his porch. I was right there at the porch.

10 Q: Okay.

11 A: Because that's where I fell from off the porch.

12 Q: Right outside the house?

13 A: Yeah, right outside the house.

14 MS. HUMMEL: I beg the Court's indulgence one moment,
15 Your Honor.

16 BY MS. HUMMEL:

17 Q: Ms. Pleasant, did you have any clothes in the house or
18 any personal belongings? I think you said he had moved you
19 in.

20 A: At that time, yes, I did.

21 Q: Okay. Now, before you got into an argument, had y'all
22 been drinking any?

23 A: I was drinking a beer, yes. Yes. Yes.

24 Q: And was he drinking? Do you remember?

25 A: Yes.

TANITA PLEASANT - DIRECT BY MS. HUMMEL

1 Q: Okay. You said that you heard the officers announcing
2 themselves. Did you hear Mr. Williams say anything?

3 A: All I could hear him hollering.

4 Q: You could -- you just heard him hollering?

5 A: I just could hear him hollering, yes.

6 Q: Okay.

7 MS. HUMMEL: I beg the Court's indulgence for a minute.
8 No further questions at this time, Your Honor.

9 THE COURT: All right. Mr. Woodson?

10 MR. WOODSON: Thank you, Your Honor.

11 CROSS-EXAMINATION

12 BY MR. WOODSON:

13 Q: Ms. Pleasant, you just told the solicitor that you had
14 been drinking that night; is that correct?

15 A: Yes, I did.

16 Q: In fact, you had been drinking a lot?

17 A: I'm sorry?

18 Q: In fact, you had been drinking a lot?

19 A: I wouldn't -- no, I didn't say I was drinking a lot, no.

20 Q: Is it your testimony you had one beer or did you have
21 more?

22 A: I didn't say one beer, but I didn't say I had a lot of
23 beers.

24 Q: How many beers did you have?

25 A: About three maybe.

TANITA PLEASANT - CROSS BY MR. WOODSON

- 1 Q: Okay. And you also used some drugs?
- 2 A: Did I use some drugs that day?
- 3 Q: Yes.
- 4 A: I don't remember using any drugs, no.
- 5 Q: Okay.
- 6 A: I know I was drinking.
- 7 Q: Okay. All right. Let's back up. I want to start off by
- 8 asking you a couple of questions about where you had been
- 9 living. You at one point were renting some property from Ms.
- 10 Mattie Ward over in Mullins; is that correct?
- 11 A: I was renting from -- yes, I was.
- 12 Q: And how long did you rent from her?
- 13 A: I stayed there for a little over a year, maybe two.
- 14 Q: Okay. And at some point, you were also living with your
- 15 daughter, Regina; is that correct?
- 16 A: No. I wasn't living with my daughter at that time. My
- 17 daughter had just moved into her place.
- 18 Q: Okay.
- 19 A: Before I left Mattie Ward, I was -- I moved in with Mr.
- 20 -- Mr. Williams.
- 21 Q: Okay. So you're saying you didn't --
- 22 A: So after I moved out of Ms. Ward's house, I moved in with
- 23 Mr. Williams.
- 24 Q: Okay. You never had a key to his house; is that correct?
- 25 A: I've had his keys.

TANITA PLEASANT - CROSS BY MR. WOODSON

1 Q: You've never had a key to his house; is that correct?

2 A: No, not actually made for me, no. He let me use his
3 keys.

4 Q: And you never received mail at his house; correct?

5 A: No.

6 Q: And you don't have a driver's license or an ID card with
7 his address as your address on it; correct?

8 A: I don't think so, no.

9 Q: Well, you would know that. I mean --

10 A: I mean I don't -- I have IDs, but I can't remember the
11 last address. But I don't think it was , no.

12 Q: Okay. So if you had mail, it would have gone to another
13 address?

14 A: It was going -- I never had my mail transferred when I
15 moved with him from Ms. Mattie Ward's house. So I was still
16 getting mail there.

17 Q: At the old address?

18 A: Yes, at the old address and she was taking the mail then,
19 yes. I never had my mail until after Mr. Williams put me out
20 of his home is when I exchanged my -- did the exchange of the
21 address.

22 Q: Okay. And on the particular night of this incident, you
23 didn't have a key to let the officers in the -- in the house;
24 is that correct?

25 A: I did not.

TANITA PLEASANT - CROSS BY MR. WOODSON

- 1 Q: Okay. And it's your testimony that you were somehow
2 shown how to get in the side door?
- 3 A: That's correct.
- 4 Q: Is that correct?
- 5 A: Yes.
- 6 Q: All right. And you weren't afraid to go in the house?
7 You said you have supposedly been assaulted and thrown down
8 steps and you at some point got up and went back into the
9 house to let the police in?
- 10 A: Yes, I did.
- 11 Q: And you weren't afraid to do that?
- 12 A: No. Because I knew the officers were outdoors.
- 13 Q: Okay. Did they direct you to do that?
- 14 A: No, they did not.
- 15 Q: Did you kick in the door?
- 16 A: No, I did not.
- 17 Q: So you used a shovel?
- 18 A: I used a shovel to knock the stick down.
- 19 Q: All right. Isn't it true that the doorbell doesn't work
20 on that particular house?
- 21 A: His house, no, it doesn't.
- 22 Q: Okay. All right. Now, when you were testifying, you
23 said that at some point Mr. Williams came home and y'all were
24 discussing some things that had happened earlier in that day;
25 is that correct?

TANITA PLEASANT - CROSS BY MR. WOODSON

- 1 A: That's correct.
- 2 Q: What time did he come home?
- 3 A: Wow. I have no idea. I have no idea.
- 4 Q: Was it -- was the sun still up?
- 5 A: No, it was dark.
- 6 Q: Okay. Was it before midnight or after midnight?
- 7 A: Like I said, I don't know exactly what time it was.
- 8 Q: You don't know if it was before midnight?
- 9 A: I don't know if it was before midnight or after midnight.
- 10 I surely don't know.
- 11 Q: And is it your testimony -- I'm sorry. Say that last
- 12 part again?
- 13 A: I said I don't know what time it was. I just know it was
- 14 dark.
- 15 Q: Okay. And it's your testimony that you were already in
- 16 the house when he got there?
- 17 A: I was already in the house.
- 18 Q: Okay. Are there two children that were staying in the
- 19 house at that time?
- 20 A: Yes, there was.
- 21 Q: And were they there on this particular night?
- 22 A: In bed.
- 23 Q: They were in bed?
- 24 A: Yes.
- 25 Q: Okay. They were in bed when he got home?

TANITA PLEASANT - CROSS BY MR. WOODSON

- 1 A: Yes.
- 2 Q: Okay. Did the drinking start after he got home or had
3 you been drinking before he got home?
- 4 A: After he got home.
- 5 Q: Okay. And between the time that he got home and the time
6 that the police were called, about how long would you say that
7 was?
- 8 A: By the time he got home and the time the police were
9 called, I know it's been, like, over an hour.
- 10 Q: Over an hour?
- 11 A: Yes.
- 12 Q: Okay. Now, when you were asked by the solicitor, I think
13 your initial testimony was that he told you to get out and you
14 got out and you said he pushed you, but then she asked you,
15 well, did he hit you and you went back and said you -- I --
16 you said he either slapped or punched you. Do you remember
17 saying that?
- 18 A: Yes, I remember saying that.
- 19 Q: Okay. So --
- 20 A: But he punched me.
- 21 Q: So you're saying he punched you?
- 22 A: Yes.
- 23 Q: With his fist?
- 24 A: Yes.
- 25 Q: And do you remember saying earlier in this trial that he

TANITA PLEASANT - CROSS BY MR. WOODSON

1 slapped you?

2 A: I remember saying slapped or punched is what I said. I
3 didn't say -- I know I said slapped or punched is what I said,
4 but he did punch me.

5 Q: Okay. So your testimony is he punched you?

6 A: Yes.

7 Q: Okay. And after that, you still were staying in the room
8 with him; is that correct?

9 A: I'm sorry?

10 Q: When -- when he allegedly punched you, as you say, is
11 that the point you decided to leave or you were going to stay
12 there even despite that?

13 A: No. I left after that.

14 Q: You left after that?

15 A: Yes.

16 Q: Okay. And you said -- your testimony was that he pushed
17 you and you fell down; is that correct?

18 A: That's correct.

19 Q: When you called 9-1-1, you were still on the ground?

20 A: That's correct.

21 Q: Okay. And when the officers got there, you were still on
22 the ground?

23 A: That's correct.

24 Q: And so if I told you it was about nine minutes before the
25 officers got there, does that sound about right?

TANITA PLEASANT - CROSS BY MR. WOODSON

- 1 A: About nine minutes?
- 2 Q: Before -- between the call and the time the officers
3 showed up on scene?
- 4 A: It didn't take long. It might've been about nine -- ten
5 minutes, something like that. Between nine -- about -- no
6 later than 15 minutes later, the police were there. I know
7 that.
- 8 Q: Okay. Were you on the ground because you were injured or
9 were you on the ground because you were intoxicated?
- 10 A: I'm on the ground because I was injured. I was hurt.
- 11 Q: Okay. And when they got there, you got up?
- 12 A: They helped me up.
- 13 Q: Okay. And you were able to walk; right?
- 14 A: Yes.
- 15 Q: And you went in the house?
- 16 A: Yes.
- 17 Q: All right. They asked you did you need medical attention
18 and you said no; is that correct?
- 19 A: That's correct.
- 20 Q: So you were injured to the point where you said you
21 couldn't walk initially or couldn't get up initially, but you
22 didn't get any medical attention?
- 23 A: I didn't get -- no, I didn't want to get any medical
24 attention.
- 25 Q: Okay. At any time did the children wake up during the

TANITA PLEASANT - CROSS BY MR. WOODSON

1 whole -- during -- during any of this?

2 A: Not during the time that all the -- everything that
3 happened. Not at that time, no.

4 Q: Okay. How --

5 A: Wait a minute. Wait a minute. Was it -- or did one wake
6 up? It might have been one child that might have woke up.
7 I'm not sure.

8 Q: At what point?

9 A: That's after I was pushed outdoors.

10 Q: Okay. But you didn't have any discussion with that
11 child?

12 A: No, I did not.

13 Q: All right. And do you recall the police talking to that
14 child?

15 A: I don't know who the police talked to when they entered
16 into the home.

17 Q: Okay. On the incident report, it lists your phone number
18 as . I could show it to you if you want to look
19 at it.

20 A: Yes. I need to look at that.

21 MR. WOODSON: Can I approach the witness, Your Honor?

22 THE COURT: Sure.

23 BY MR. WOODSON:

24 Q: This is the officer's report. It has your name here and
25 this is the phone number they list for you. And being -- I'm

TANITA PLEASANT - CROSS BY MR. WOODSON

- 1 from Mullins; so I know 464 would be a home number.
- 2 A: Yes. And I don't -- and I don't have a home phone.
- 3 Q: Okay. So --
- 4 A: So that wouldn't be my number.
- 5 Q: So you did not give the officer that number?
- 6 A: No, I did not.
- 7 Q: Do you know whose number that is?
- 8 A: I sure don't.
- 9 Q: Okay. As far as you know, is there a home number to my
- 10 client's property? Do you know if there's a home number
- 11 there?
- 12 A: No. There wasn't one when I was there.
- 13 Q: All right. Where did you go after you left the scene
- 14 that night?
- 15 A: I walked and went to the old residence where I -- where I
- 16 used to stay at and sat there on that porch until a friend
- 17 came by and picked me up and took me to my daughter's home.
- 18 Q: Okay. And you stayed with your daughter for how long?
- 19 A: And I stayed with my daughter from that point on.
- 20 Q: Okay. While you were there, you didn't retrieve anything
- 21 out of the house; correct?
- 22 A: I didn't take nothing, no.
- 23 Q: Okay.
- 24 MR. WOODSON: Court's indulgence.
- 25 THE COURT: Uh-huh.

TANITA PLEASANT - CROSS BY MR. WOODSON

1 BY MR. WOODSON:

2 Q: So is it your testimony that you were not renting
3 property from Mattie Ward at the time of July 4th, 2014?

4 A: Say that again?

5 Q: Were you renting property from Mattie Ward on July 14th --
6 I'm sorry -- July 4th of 2014?

7 A: No, I wasn't. That's where I was moving out.

8 Q: You were moving out?

9 A: Yes. That's where I was -- I was getting -- I was moving
10 out. That's why he allowed me to come stay with him.

11 Q: Okay.

12 A: Because I was -- I was -- since I had stopped working and
13 couldn't pay the rent anymore, I was -- she told me that I had
14 to leave. So that's why I moved in with him.

15 Q: And that was around the same time?

16 A: That was around that time, yes.

17 MR. WOODSON: I don't have any more questions, Your
18 Honor.

19 THE COURT: All right. Redirect?

20 MS. HUMMEL: No, Your Honor.

21 THE COURT: All right. You may step down.

22 THE WITNESS: Thank you.

23 THE COURT: Call your next witness.

24 MS. HUMMEL: Thank you, Your Honor. The State would call
25 Tony Hayes to the witness stand.

TONY HAYES - DIRECT BY MS. HUMMEL

1 THE CLERK: You need to come around this way, please,
2 sir. Place your left hand on the Bible and raise your right
3 hand. You can put down your stuff. Place your left hand on
4 the Bible and raise your right hand. Do you solemnly swear or
5 affirm to tell the truth, the whole truth, and nothing but the
6 truth, so help you God?

7 THE WITNESS: Yes, I do.

8 THE CLERK: Thank you. Have a seat.

9 THE COURT: If you would, state your full name and spell
10 your last name.

11 THE WITNESS: Tony Hayes, H-a-y-e-s.

12 THE COURT: Yes, ma'am?

13 MS. HUMMEL: Thank you, Your Honor.

14 TONY HAYES, being first duly
15 sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MS. HUMMEL:

18 Q: Officer Hayes, where do you work?

19 A: I'm employed with the City of Mullins.

20 Q: And what's your title there?

21 A: Patrol sergeant.

22 Q: Sergeant Hayes, how long have you worked for the City of
23 Mullins?

24 A: Four years, eleven -- eleven months. Basically, five
25 years.

TONY HAYES - DIRECT BY MS. HUMMEL

1 Q: Okay. How long -- on July the 4th, 2014, how long had it
2 been?

3 A: July 4th, 2014? Three years, eight months.

4 Q: And how many domestic violence calls had you responded
5 to? Do you know? Can you estimate?

6 A: I estimate fifteen.

7 Q: Okay. What's your primary -- do you have a specialty
8 area that you do or are you just over any type of case?

9 A: We just answer calls and deal with them as we get them.

10 Q: Okay. Now, were you involved in the case against Mr.
11 Marvin Williams?

12 A: Yes, I was.

13 Q: All right. Did you respond on July the 4th, 2014, to an
14 address, in Mullins?

15 A: Yes, ma'am. We was dispatched to that location.

16 Q: Is that in Marion County?

17 A: It's in Marion County within the city limits of Mullins.

18 Q: Now, when you responded to that address, what did you
19 first observe when you got on scene?

20 A: Well, it came out as an assault and when we was
21 approaching on the scene, we saw a figure laying in the yard
22 in front of the address that we was dispatched to. So
23 immediately we focused on that. Myself and Officer Turner --
24 we stay around together. We got out of the vehicle and found
25 her, later identified to be the complainant, and we addressed

TONY HAYES - DIRECT BY MS. HUMMEL

1 her, like, were you okay, what happened. The first question I
2 think I asked her was the offender still outside with us
3 because while we're tending to her we have to worry about our
4 safety too.

5 Q: Now, is that Ms. Tanita Pleasant sitting right here?

6 A: Ms. Tanita Pleasant was the lady we found on the ground.

7 Q: Okay. Now, did you check around to make sure -- I think
8 you said you were checking for her safety to see if she was
9 all right?

10 A: Yes. First of all, see if she's conscious and she's
11 breathing, what happened. We eventually got that and I think
12 -- you know, judging from my recollection, I asked her did she
13 need EMS and I think she said just -- just help me up. I
14 think me and Turner actually rolled her to her side because
15 she said one side was hurting and then we helped her on up.

16 Q: You said Officer Turner was also with you?

17 A: Yes, ma'am.

18 Q: Who else responded, if anybody?

19 A: Lieutenant Gore.

20 Q: Lieutenant Gore? Okay. And were those the only officers
21 that were there? Just yourself, Officer Turner, and
22 Lieutenant Gore?

23 A: Yes.

24 Q: Okay. And you said you asked her about where the
25 defendant was. Did she tell you where he was?

TONY HAYES - DIRECT BY MS. HUMMEL

1 A: Once we got her up, she was able to tell us what
2 happened. We said, well, where's Mr. Williams so we could
3 speak with him. She said he was in the house. Then we
4 started trying to make contact with him.

5 Q: Okay. What did you do?

6 A: We knocked on the door, the windows, yelled that we was
7 the police and we needed to speak with him. From my --
8 judging from my recollection, we knocked on every window that
9 was accessible to us. There was a side door that neither one
10 of us wanted to go around to because there was a dog around
11 there and I wasn't familiar with the dog and Lieutenant Gore
12 wasn't familiar with the dog. Officer Turner wasn't familiar
13 with the dog. So I wasn't about to go around with the dog.

14 Q: Do you remember what kind of dog it was?

15 A: I didn't even see the dog. I just know it was a big dog
16 and she told me it's a pit bull and I knew I wasn't going
17 around there.

18 Q: Okay. Now, once you tried to make contact with Mr.
19 Williams, did he ever come to the door?

20 A: No, ma'am.

21 Q: And did you knock on it several times?

22 A: We knocked on it for approximately 25 minutes, actually
23 waking up some neighbors in the neighborhood because we was
24 knocking and yelling for Mr. Williams to come to the door.

25 Q: Was this late at night? You said you woke up some

TONY HAYES - DIRECT BY MS. HUMMEL

1 neighbors.

2 A: It was 1:30 in the morning.

3 Q: Okay. Now, what did you do when you couldn't get Mr.

4 Williams to come to the door? What happened next?

5 A: Well, we were sitting there trying the door for our
6 officers and I think the complainant said, well, I can open
7 the front door. And judging from my recollection, I said can
8 you do that without putting yourself in danger I mean because
9 we don't know where he's at and she said, yeah, I'll open the
10 front door. I said just open the front door then.

11 So she went around the corner to the side of the house
12 and I think Officer Turner was still on the porch. Me and
13 Lieutenant Gore was still standing, like, off the porch and
14 that's when she opened the front door.

15 Q: Okay. Do you know how long it was before -- from the
16 time she went around the corner to the time she came to the
17 door?

18 A: From recollection, I would say maybe a minute to a minute
19 and a half.

20 Q: Okay. When she opened the door, what happened next?

21 A: We motioned for her to come on out because at this point
22 we still don't know where he's at. The house was dark and as
23 we pushed the door open, we saw him sitting in, like, a sofa
24 chair right in front of the door.

25 Q: Do you know how far away the sofa was from the front

TONY HAYES - DIRECT BY MS. HUMMEL

1 door?

2 A: If I had to judge, just estimating from what I remember,
3 I would say less than ten feet. Maybe ten feet because we saw
4 him clearly, but like I said, it was dark. So the first thing
5 we're concerned with is what he's got in his hands and the
6 rest of the house. You know, was anybody else in there?

7 Q: Okay. So if I'm standing at the end of this table right
8 here and you're at the front door, you think that might be
9 approximately the distance?

10 A: Probably to the back of the table, probably a little bit
11 better.

12 Q: Back right here?

13 A: Yeah.

14 Q: Okay. So that was probably the distance?

15 A: Yes.

16 Q: Okay. Now, once you saw him sitting on the sofa, what
17 did you do next?

18 A: I think I went to say, hey, Mr. Williams, and immediately
19 he started in on us, cursing us, telling us to get the fuck
20 out of his house. I think at that time I said, sir, and by
21 the time I got the next sir out, basically fuck you, get out
22 my house. And at that point, we saw this wasn't going to be a
23 civil conversation.

24 Q: Okay. Well, when you -- when you said that, what did you
25 attempt to do? Did you attempt to tell him why you were

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1 there?

2 A: Oh, yes. I said sir again, and at that point we three
3 kind of looked at each other and said, okay, now we need to
4 walk in and talk to this guy because he's not going to come to
5 us. I said, well, sir, come talk to us. Fuck you, get out my
6 house. What the fuck you doing here? Constantly -- I said,
7 well, we're here trying to -- and it was just cursing. Every
8 half a word we got out, he was yelling back at us.

9 Q: At this point, where was the victim, Ms. Pleasant?

10 A: Either she was either standing on the porch or off on the
11 ground.

12 Q: Okay.

13 A: Because --

14 Q: She was kind of out of the way?

15 A: Yeah. Well, she's not a threat to us.

16 Q: Right.

17 A: So we're not focused on her.

18 Q: All right. When you went into the house, what happened
19 next?

20 A: We went and I think we made the decision -- well, I'm
21 sure we made the decision that we'll let one officer talk and
22 try to de-escalate. Lieutenant Gore was trying to talk to
23 him. He put his hands down and pushed up. Fuck you. And
24 that's an aggressive move towards us. At that point, we went
25 hands-on with him and placed him in handcuffs.

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1 Q: Okay. Before that happened, did anything -- did he make
2 any other statements to you --

3 A: As we --

4 Q: -- besides telling you to get out of the house?

5 A: Well, when we was walking in the house, he was, like,
6 fuck her. I threw her out. I threw her out the fucking
7 house. If she's hurt, fuck her. He was calling her a slut,
8 we all sorts of derogatory names, and he was just irate.

9 Q: Okay. Did he -- did he say anything else besides calling
10 all those names and telling you that he threw her out of the
11 house?

12 A: What I focused on was that he said he threw her out the
13 house and if she's hurt, fuck her, because if you throw -- if
14 you just tell somebody to get out, they shouldn't be hurt. So
15 that's what caught my attention when he said that.

16 Q: Now, at that point, had Ms. Pleasant already told you
17 some about what had happened?

18 A: She told me he threw her out the house and they had got
19 in an argument about something, a he said/she said rumor.
20 They had been drinking and he told her to get out, hit her in
21 the face, and basically pushed her down the steps or she lost
22 her balance and fell backwards because she was laying like
23 this when we got there and, you know --

24 Q: Now, when you --

25 A: -- that's basically what she said.

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1 Q: Now, when he made that statement to you, that he threw
2 her out of the house, did you at that time place him under
3 arrest?

4 A: No. Still at that time we didn't place him under arrest
5 because we still was trying to get what's going on. We got
6 her, what she's saying, and all he's been doing for the last
7 two minutes or so is cursing and yelling at us.

8 Q: Now, is it kind of your protocol to give both sides of
9 the story before you make a determination about what happened
10 at the scene?

11 A: Yes.

12 Q: To kind of basically assess --

13 A: Assess.

14 Q: -- the situation?

15 A: The primary aggressor.

16 Q: Okay. Can you tell us a little bit about that?

17 A: Well, if they are the primary aggressor and we could have
18 evidence that assault has occurred, then that's most of the
19 time the person that would be facing any charges, if they was
20 brought forward.

21 Q: Now, at that time, did you -- did you place him under
22 arrest after he made the threatening movement?

23 A: After he made a threatening moment towards us, yes, he
24 was placed in handcuffs.

25 Q: In handcuffs?

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1 A: By the time we even -- he just went into a louder state
2 of yelling, if you could imagine that, and we actually decided
3 to escort him out the house and try to get him in the car, and
4 that was a physical restraint all the way even with handcuffs.

5 Q: Okay. Did you eventually get him inside of the car? In
6 the police car?

7 A: We eventually did.

8 Q: Okay. Did you take any pictures of the victim in this
9 case?

10 A: I want to say -- and it's hard to judge from just
11 realizing everything was going so fast. I'm going to say that
12 I took the pictures before we had our iPhone cameras that we
13 have. I took them from a little photo camera I used to have
14 and attached them to the report. I want to say it was after
15 he was placed in the car and we was deciding to transport him
16 to the LEC. That's probably when we called out that we had
17 one in custody.

18 Q: Okay. So you remember some pictures being taken?

19 A: Well, we knew we took some. It's just hard to pin down
20 who took them.

21 Q: Okay. Would you recognize those pictures if I showed
22 them to you?

23 A: Yes. I'd recognize them because I attached them to the
24 incident report.

25 Q: Okay.

TONY HAYES - DIRECT BY MS. HUMMEL

1 MS. HUMMEL: I'm showing Mr. Woodson what's been marked
2 State's Exhibit 1. May I approach the witness, Your Honor?

3 THE COURT: Sure.

4 BY MS. HUMMEL:

5 Q: Sergeant Hayes, I'm showing you what's been marked as
6 State's Exhibit 1.

7 A: Uh-huh.

8 Q: Do you recognize what that is?

9 A: That's a picture of the complainant.

10 Q: Okay. And does that look -- does that accurately depict
11 what she looked like on that date?

12 A: Well, the picture does, but the left side of her face as
13 me and Lieutenant Gore was standing in front of her, like,
14 shining the light down on her, because if you could see this
15 light here? That's actually us holding a flashlight down on
16 her face so we could see if any bleeding she don't see
17 because, like I said, she was laying on the ground. See if
18 there's any other swelling, but the left side of her face was
19 red and swollen.

20 Q: Okay. And does it look altered in any way?

21 A: No. We didn't alter this in any way.

22 Q: Okay. And those were the pictures that were taken at the
23 scene?

24 A: Those are the pictures that was taken at the scene and
25 attached to the incident report.

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1 Q: Okay.

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

4 THE COURT: Any objections?

5 MR. WOODSON: Your Honor, my understanding is -- you took
6 the pictures? Is that your testimony?

7 THE WITNESS: That's my recollection.

8 MR. WOODSON: I'm not going to object, Your Honor.

9 THE COURT: All right. State's Number 1 into evidence
10 without objection.

11 (WHEREUPON, State's Exhibit Number 1, one sheet with two
12 photographs, was admitted into evidence.)

13 MS. HUMMEL: Thank you, Your Honor. May I publish
14 State's 1 to the jury?

15 THE COURT: You may.

16 (WHEREUPON, there was a pause in the proceedings to
17 publish the exhibit to the jury.)

18 MS. HUMMEL: Your Honor, can I retrieve --

19 THE COURT: Sure.

20 MS. HUMMEL: -- the exhibit? Thank you, Your Honor.

21 BY MS. HUMMEL:

22 Q: Now, Sergeant Hayes, you said that her -- the left side
23 of her face appeared red or swollen?

24 A: Correct.

25 Q: Could you see that better with your naked eye than you

TONY HAYES - DIRECT BY MS. HUMMEL

1 could with those pictures?

2 A: Yes.

3 Q: Okay.

4 MS. HUMMEL: I beg the Court's indulgence one moment,
5 Your Honor.

6 THE COURT: Uh-huh.

7 MS. HUMMEL: Your Honor, I don't have any further
8 questions at this time.

9 THE COURT: All right. Mr. Woodson?

10 MR. WOODSON: Thank you, Your Honor.

11 CROSS-EXAMINATION

12 BY MR. WOODSON:

13 Q: Sergeant Hayes, you said that you initially got this call
14 because of an assault?

15 A: Yes.

16 Q: All right. And you did the incident report in this
17 matter; is that correct?

18 A: I didn't hear you, sir. What did you say?

19 Q: You did the incident report in this matter?

20 A: Yes, I did.

21 Q: All right. Do you have a copy of it with you?

22 A: Yes, I do.

23 Q: All right. I'm going to be referring to it; so you might
24 want to pull it out while I question you. Now, my
25 understanding of your testimony from your report is that when

TONY HAYES - CROSS BY MR. WOODSON

1 you arrived on scene that she was on the ground; is that
2 correct?

3 A: That is correct.

4 Q: Do you have the 9-1-1 records with the timestamps that
5 they have?

6 A: The CAD call for 9-1-1 -- they were printed and put in
7 the case file.

8 Q: Okay.

9 A: It's probably in here if you want to give me a minute to
10 look for it.

11 Q: Sure.

12 A: All right.

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

14 BY MR. WOODSON:

15 Q: If you can't find it, I'll let you look at --

16 A: Okay.

17 Q: -- what I have.

18 A: Okay.

19 Q: You can't find it?

20 A: No.

21 MS. HUMMEL: I need to see that.

22 MR. WOODSON: Oh, I'm sorry.

23 BY MR. WOODSON:

24 Q: Oh, yeah, that's it.

25 A: That's it right there.

TONY HAYES - CROSS BY MR. WOODSON

1 Q: Okay. All right. It looks like where it says call
2 created, the call came into 9-1-1 at 1:32 in the morning; is
3 that correct? Do you see where I am? Do you see that?
4 A: Yeah. 1:32.
5 Q: Okay. You agree with that? You were dispatched at 1:34.
6 So two minutes later; is that correct?
7 A: Correct.
8 Q: And call arrival time -- is that the time that you
9 actually got there?
10 A: When we go 10-88?
11 Q: Where it says call arrival time, 1:45; is that correct?
12 A: Well, 10-88 is we're in the area on scene.
13 Q: So --
14 A: She logged on scene at 1:45.
15 Q: Okay.
16 A: We went 10-88, like, 1:39 though.
17 Q: Okay. So when -- so you're saying that you got there
18 within seven minutes or about -- about twelve?
19 A: I'm saying we got there and we went 10-88. I'm not
20 familiar with 9-1-1 and how they log stuff in.
21 Q: Okay. So you don't know what the call arrival time is?
22 You dispute that it was 1:45?
23 A: No. I didn't say I was disputing it. I said I'm not
24 sure how they log the time in.
25 Q: Well, let me ask you this way. Did you get there at 1:45

TONY HAYES - CROSS BY MR. WOODSON

1 in the morning?

2 A: Say that again?

3 Q: Did you arrive on scene at 1:45?

4 A: No, sir. I think we was closer to 1:39.

5 Q: Okay. And is it your understanding that Ms. Pleasant was
6 on the ground from the time of the call until the time you got
7 there?

8 A: That's what she testified.

9 Q: Okay.

10 A: I didn't see her before I got there.

11 Q: Okay. And when she -- when you got there, she was on the
12 ground?

13 A: Yes, sir.

14 Q: All right. And you have on your report on page 1 that --
15 it says victim using alcohol, yes, no or unknown, and you
16 checked the yes box; is that correct?

17 A: Yes.

18 Q: So you were able to determine that based on your
19 observations that she was -- had been drinking?

20 A: I think we asked her.

21 Q: Okay. And she told you she had been drinking?

22 A: Yes.

23 Q: Did she tell you how much that she had been drinking?

24 A: No. I don't think we inquired either.

25 Q: Okay. And as you move over on your report, it says

TONY HAYES - CROSS BY MR. WOODSON

1 drugs, yes, no or unknown, and you put unknown; is that
2 correct?

3 A: That is correct.

4 Q: So you asked her about the drugs, but you did not ask her
5 about -- I'm sorry. You asked her about alcohol, but --

6 A: I didn't ask her about drugs.

7 Q: -- you didn't ask her about drugs? Did she appear to be
8 under the influence of drugs?

9 A: Not to my understanding, no.

10 Q: Okay. Now, when you got there, the lights in the house
11 were off?

12 A: The house was pretty dark, yes.

13 Q: Okay. And how long were you outside of the house talking
14 to her and getting her side of the story?

15 A: Like I said, we found her on the ground. I'm going to
16 say about three and a half to four minutes of assessing her to
17 see if she okay and maybe another few minutes helping her get
18 up and making sure she's not bleeding or something. She don't
19 know what's going on. Then we started talking to her. Did I
20 keep track of the time? No. Estimated, I'm going to say we
21 started knocking on the door maybe a minute or two later after
22 assessing her and then we was out there for basically 20 to 25
23 minutes.

24 Q: Okay. And she told you she didn't need any medical
25 attention; is that correct?

TONY HAYES - CROSS BY MR. WOODSON

1 A: I think she declined medical attention.

2 Q: Okay. And before she went in the house, you had asked
3 her about what happened and she indicated that there had been
4 some sort of altercation?

5 A: Right.

6 Q: All right. Now, did she say she was punched or slapped
7 or what was her version before you started asking her?

8 A: Punched in the face.

9 Q: Okay. All right. And at some point she told you that
10 she could get in the house?

11 A: Correct.

12 Q: Okay. And did -- did she ever leave your line of sight
13 when she did that?

14 A: Yes.

15 Q: Okay. So you don't know how she got in the house?

16 A: No.

17 Q: Okay. Did you ever hear keys jingling?

18 A: No, sir.

19 Q: All right. Did you hear her kicking the door in?

20 A: No, sir.

21 Q: Did you hear any sound of that nature?

22 A: No, sir.

23 Q: Okay. And then she came in the house and opened the door
24 and let you in; is that correct?

25 A: Yes, sir.

TONY HAYES - CROSS BY MR. WOODSON

1 Q: Did you ask her why she didn't have a key to get in the
2 house?

3 A: No, sir.

4 Q: When you initially got the call, you were told it was an
5 assault. What made you change that to a criminal domestic
6 violence?

7 A: It either came out one of two ways -- an assault because
8 I think my next question was were both parties on scene. I'm
9 thinking judging from my recollection because that's usually
10 what we say and we responded to an assault.

11 Q: All right. Now, at some point you get in and you say
12 that -- you say that my client was using profanity; is that
13 correct?

14 A: That is correct.

15 Q: And he was using profanity in his home; is that correct?

16 A: That is correct.

17 Q: And you charged him with public disorderly conduct; is
18 that correct?

19 A: Would you like for me to answer that? Because that
20 actual case has already been disposed of.

21 Q: I asked the question. I want you to answer it.

22 A: Okay. He got the disorderly conduct on the way to the
23 vehicle. Once he was outside his house, he actually got
24 louder and he continued yelling, cursing.

25 Q: Did --

TONY HAYES - CROSS BY MR. WOODSON

1 A: Hold on. I'm still answering your question, sir.

2 Q: Okay.

3 A: Still cursing, calling her a slut and everything. At
4 that time, we are in a public setting. That's where the
5 disorderly charge came in, not inside his home.

6 Q: Did he use any fighting words?

7 A: Yes. Mr. Williams told me --

8 Q: Did you document that?

9 A: No, I did not.

10 Q: -- in your report? Okay. So you're saying things that
11 aren't in your report; correct?

12 A: No. I'm answering your question, sir.

13 Q: But is it in your report is what --

14 A: No, sir.

15 Q: -- my question is. All right. One of the things you
16 have in your report is that he told you that he threw her out
17 of the house; right?

18 A: That is correct.

19 Q: And you interpreted that -- your opinion of that is that
20 he pushed her out; right?

21 A: Okay. The whole statement was I threw -- I think he
22 called her slut, but he threw her out the house, fuck her if
23 she's hurt or whatever happened to her. When you say that
24 whole sentence, if you just throw somebody out of the house,
25 you shouldn't be -- if you didn't physically throw them out,

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- 1 they shouldn't be hurt.
- 2 Q: Well, the judge can throw you out of the court and not
- 3 lay hands on you; right?
- 4 A: That's correct.
- 5 Q: All right. So you can say I threw somebody out of the
- 6 house and that's not an admission that you touched the person;
- 7 correct?
- 8 A: That is correct.
- 9 Q: All right. So that's your interpretation of what he
- 10 said. He said he threw her out of the house and you
- 11 interpreted that to mean that he touched her?
- 12 A: After I took his whole statement into context.
- 13 Q: Okay. He never specifically told you he touched her at
- 14 all; correct?
- 15 A: That's correct.
- 16 Q: All right. When you went in his house, did you have any
- 17 form of search warrant?
- 18 A: No, sir.
- 19 Q: All right. Did you read him his rights?
- 20 A: No, sir.
- 21 Q: You could have at some point read him his rights?
- 22 A: That's your opinion, sir.
- 23 Q: Did you read him his rights when he got in the car?
- 24 A: No, sir.
- 25 Q: And you could have read him his rights in the car?

TONY HAYES - CROSS BY MR. WOODSON

1 A: No, sir.

2 Q: You never read him his rights?

3 A: Mr. Williams attempted to get his rights read to him once
4 we got to the LEC. At that time, Mr. Williams was so involved
5 in cursing and threatening me, I said, well, sir, I hope you
6 understand your rights. And we cleared the LEC, me and
7 Officer Turner. Mr. Williams' behavior that started in the
8 house continued all the way to the LEC.

9 Q: Right. But, you know, my initial question -- you would
10 admit with me it's not a crime to use profanity; correct?

11 A: No, sir.

12 Q: And in this state you have a law that you can even use
13 profanity against the -- it's not a crime in and of itself to
14 use profanity against the police; right?

15 A: Well, where you use that profanity at and which setting.

16 Q: Say what?

17 A: Which setting are you going to be in using profanity?

18 Q: Let's start in the house.

19 A: Okay.

20 Q: That's not illegal to curse in your house, is it?

21 A: No, sir.

22 Q: Okay. It's not even illegal to curse in a police car, is
23 it?

24 A: No, sir.

25 Q: And it's not -- you keep saying LEC. For the jury's

TONY HAYES - CROSS BY MR. WOODSON

- 1 understanding, that's the law enforcement center; right?
- 2 A: That's the jail.
- 3 Q: That's the jail?
- 4 A: The Marion County Detention Center.
- 5 Q: So it's not illegal to use profanity at the jail; right?
- 6 A: I don't work in the jail, sir.
- 7 Q: Okay. But it's not -- you know it's not illegal to do
- 8 that; right?
- 9 A: I don't think you could use profanity in the jail, sir.
- 10 Q: Okay. So you've made more of an issue out of it because
- 11 you were upset that he was cursing; correct?
- 12 A: No, sir.
- 13 Q: All right. Did he give any form of written statement?
- 14 A: No, sir.
- 15 Q: Did she -- did the alleged victim, Ms. Pleasant, give any
- 16 form of written statement?
- 17 A: Not to me directly, no, sir.
- 18 Q: Did she give a written statement to anybody else that
- 19 you're aware of since you were the main officer on this case?
- 20 A: No, sir.
- 21 Q: All right. Isn't that standard procedure to kind of get
- 22 a written statement from the -- from an alleged victim?
- 23 A: Yes, it is.
- 24 Q: And you chose not to get a written statement?
- 25 A: No, sir.

TONY HAYES - CROSS BY MR. WOODSON

1 Q: Did she show you any proof that she lived there? Did she
2 show you a key? Did she show you any mail or anything of that
3 nature?

4 A: No, sir.

5 Q: Did you ask her for her ID?

6 A: No, sir.

7 Q: Did she show you anything showing that she lived in that
8 house?

9 A: No, sir. We didn't search the house or nothing like
10 that.

11 Q: Okay. Did you escort her back to the house that night to
12 get any of her belongings?

13 A: I didn't personally, but I think she did get an escort to
14 retrieve some things from the house at a later date.

15 Q: Is that in your report?

16 A: It's not in this particular report because I'm not
17 familiar with that.

18 Q: But you say you think?

19 A: I think.

20 Q: You think?

21 A: Because I think she was advised by us whatever she got to
22 get out of the house you need to get out at a later date in
23 case Mr. Williams contests that's his stuff.

24 Q: All right. And were you involved in that personally?

25 A: No, sir.

TONY HAYES - CROSS BY MR. WOODSON

1 Q: All right. So your basis of charging my client with
2 criminal domestic violence is based on her statements that she
3 lived there and her statements that she was supposedly punched
4 or slapped or something of that nature?

5 A: The basis of her statement and the elements of criminal
6 domestic violence that I understand as a police officer.

7 MR. WOODSON: Court's indulgence.

8 THE COURT: Uh-huh.

9 BY MR. WOODSON:

10 Q: When you arrived there, you said she was laying on the
11 ground; is that correct?

12 A: Yes, sir.

13 Q: Was she right at the bottom of the steps?

14 A: Maybe about two feet from the steps with her feet
15 pointing towards the door, as I could recollect.

16 Q: So her head would have been pointing away from the door
17 and her feet would have been closer to the door?

18 A: I think her head was pointing towards the road and her
19 feet towards the door.

20 Q: How was that? For example, Let's use the steps right
21 here. You can step down. How was she? Was she laying with
22 her feet towards the steps and her body this way?

23 A: As I recollect, her feet was pointing towards the door of
24 the house and her head towards the road as we came in.

25 Q: So basically this -- is that what you're saying? Her

TONY HAYES - CROSS BY MR. WOODSON

1 feet would have been closer to the steps? These would be the
2 steps.

3 A: These are the steps to the house.

4 Q: Right.

5 A: Okay. No.

6 Q: So how --

7 A: Like this. Her head pointing -- your head pointing that
8 way.

9 Q: This way?

10 A: Yeah.

11 Q: Okay. And was she laying straight?

12 A: Basically, she was on her back.

13 Q: She was on her back?

14 A: Yeah. Laying down on her back.

15 Q: And is that how she said that she was the whole time when
16 she called before you got there?

17 A: I didn't ask her.

18 Q: Okay. Is it your understanding that she was pushed from
19 behind? Is that -- is that what your understanding of what
20 she said?

21 A: I have no understanding of how she was pushed.

22 Q: You just -- she just said she was pushed?

23 A: That's right.

24 Q: Okay. Did you see a shovel when you went in the house?

25 According to her testimony, she used a shovel to get in the

TONY HAYES - CROSS BY MR. WOODSON

1 house. Did you see a shovel?

2 A: No, I didn't see a shovel.

3 Q: Did you hear a shovel?

4 A: I didn't hear a shovel.

5 Q: Prior to today, had you heard anything about a shovel?

6 A: No. I don't even think -- from my recollection, I didn't
7 ask her how she got in the house. I think she said a side
8 door was unlocked and the only sounds we could actually hear
9 is the dog barking.

10 Q: Okay.

11 MR. WOODSON: No further questions..

12 THE COURT: Redirect?

13 MS. HUMMEL: Yes, Your Honor. Thank you.

14 REDIRECT EXAMINATION

15 BY MS. HUMMEL:

16 Q: Sergeant Hayes, are you very familiar with Miranda and
17 when you're supposed to give that?

18 A: Yes.

19 Q: And when are you supposed to give that? Is it when
20 you're questioning someone?

21 A: When you question someone, about to interrogate someone.

22 Q: And were you questioning Mr. Williams when you first made
23 contact with him?

24 A: When we first made contact with Mr. Williams, we was
25 trying to establish we was police officers there trying to

TONY HAYES - REDIRECT BY MS. HUMMEL

1 find out what happened. We didn't ask him anything.

2 Q: And immediately when you did that, is that when he
3 started cursing?

4 A: That's when Mr. Williams' behavior really got
5 belligerent.

6 Q: So at that point, was there any need to read him his
7 rights?

8 A: We couldn't ask him any questions; so there was no need
9 to Mirandize him.

10 Q: Now, I think Mr. Woodson asked you about getting a
11 written statement from the victim. Can you give a statement
12 verbally, as well as written?

13 A: Yes, we can.

14 Q: Did you usually indicate that verbal statement in your
15 report?

16 A: Yes, I do.

17 Q: Okay. Now, do you remember if the victim told you that
18 she lived there with Mr. Williams?

19 A: Yes, she did.

20 Q: And did she verbally tell you that?

21 A: Yes, she did.

22 Q: Okay. Now, Mr. Woodson asked you about the position of
23 Ms. Pleasant. If -- if you were standing close to the steps
24 of, like, the front porch or something and someone pushed you
25 towards the ground, how do you think that they would fall?

TONY HAYES - REDIRECT BY MS. HUMMEL

1 MR. WOODSON: Objection. Calls for speculation, Your
2 Honor.

3 THE COURT: Sustained.

4 BY MS. HUMMEL:

5 Q: Sergeant Hayes, based on Ms. Pleasant's positioning when
6 you first saw her on the ground, was that consistent with what
7 she told you what happened?

8 A: Based on what she said, correct.

9 Q: And he also asked you about did you hear a shovel at the
10 side door. Did you ever go around to the side door?

11 A: No, ma'am.

12 Q: Was the dog barking very loudly?

13 A: Yes. The dog was barking very loudly.

14 Q: Was that pretty much all you could hear?

15 A: That's all you could hear until she opened the front
16 door.

17 Q: And when you charged Mr. Williams with domestic violence,
18 did you consider his statement as well as Ms. Pleasant's
19 statement?

20 A: Yes.

21 Q: Is that why you put him under arrest?

22 A: Right. Correct.

23 MS. HUMMEL: No further questions, Your Honor.

24 THE COURT: Anything further?

25 MR. WOODSON: No, Your Honor.

JAMIE TURNER - DIRECT BY MS. HUMMEL

1 THE COURT: All right. You may step down.

2 THE WITNESS: Thank you.

3 THE COURT: Call your next witness.

4 MS. HUMMEL: Thank you, Your Honor. At this time, the
5 State would call Officer Jamie Turner to the stand.

6 THE CLERK: Do you solemnly swear or affirm the testimony
7 you give in the trial of this case shall be the truth, the
8 whole truth, and nothing but the truth, so help you God?

9 THE WITNESS: I do.

10 THE CLERK: Thank you.

11 THE COURT: All right. State your name and spell your
12 last name.

13 THE WITNESS: James Turner, T-u-r-n-e-r.

14 JAMIE TURNER, being first duly
15 sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MS. HUMMEL:

18 Q: Officer Turner, do you go by Jamie or do you go by James?

19 A: I go by Jamie.

20 Q: Okay. Where do you work?

21 A: The City of Mullins Police Department.

22 Q: And how long have you worked there?

23 A: Two years, three months, and a few days, give or take.

24 Q: And what's your position there?

25 A: Patrolman first class.

JAMIE TURNER - DIRECT BY MS. HUMMEL

- 1 Q: Okay. What kind of duties do you have for that position?
- 2 A: We check property. We initiate traffic stops when
- 3 they're needed. We answer calls as they come in.
- 4 Q: And were you answering a call to on July
- 5 4th of 2014?
- 6 A: Yes, ma'am.
- 7 Q: Were you responding with Sergeant Hayes?
- 8 A: I was. Yes, ma'am. I was still in field training.
- 9 Q: Were there any other officers that responded with you?
- 10 A: Lieutenant Gore.
- 11 Q: Okay. And when you first got to the address, what did
- 12 you observe?
- 13 A: When we first arrived on scene, I noticed a female laying
- 14 in the front yard of the residence.
- 15 Q: Do you remember her positioning?
- 16 A: She was -- as far as I can recall, she was kind of at an
- 17 angle, her shoulder and back to the ground.
- 18 Q: Okay. Do you remember --
- 19 A: On her right side.
- 20 Q: Do you remember which way her head was facing?
- 21 A: It was facing the roadway.
- 22 Q: And where were her feet?
- 23 A: They were facing the steps.
- 24 Q: Okay. And do you remember approximately -- if the steps
- 25 are here and that's the front door, do you remember

JAMIE TURNER - DIRECT BY MS. HUMMEL

1 approximately how far away she was from the steps?

2 A: From the steps, it couldn't have been any more than three
3 to four feet.

4 Q: Okay. So just a few feet?

5 A: Yes, ma'am.

6 Q: Okay. And when you first got there and you saw her
7 laying on the ground, what did -- what did y'all do next?

8 A: We approached her, asked her if she was okay, if she was
9 hurt, did she need medical attention by EMS, and she'd asked
10 us just to get her off the ground. We got her off the ground
11 and then we went into asking her what had occurred.

12 Q: Okay. And did she tell y'all what happened -- what had
13 happened?

14 A: Yes, ma'am. She told us what occurred. She stated that
15 she had been in an argument with her boyfriend, who she
16 identified as Mr. Williams, and she stated that he initially
17 hit her when they were arguing inside the residence over some
18 -- some hearsay that he had heard of at a party or at a
19 visitation, a funeral or something, and he basically wanted
20 her to get out of the residence and she refused to leave
21 because she had been staying there is what she said. And he
22 -- she stated also that he pushed her out of the residence and
23 that's how she ended up on the ground.

24 Q: Okay. Did you notice any injuries on her face or any
25 redness?

JAMIE TURNER - DIRECT BY MS. HUMMEL

1 A: There was distinct swelling --

2 Q: Okay. Do you remember --

3 A: -- on her -- it was in this area.

4 Q: The left side?

5 A: The left side of her face. Yes, ma'am.

6 Q: Once you all checked her out to make sure she was okay,

7 what did you do next?

8 A: After that, we tried to make contact with Mr. Williams

9 inside the residence. It was approximately -- it took

10 approximately 25 minutes of knocking, giving loud orders that

11 we were police, to come to the door, knocking on windows. We

12 did it approximately the front and right side of the residence

13 because the left side of the residence was secured by a chain-

14 link fence that was locked and the backside of the residence

15 also had a fenced-in area.

16 Q: Okay. Did Mr. Williams ever come to the door?

17 A: No, ma'am, he did not.

18 Q: When he never came to the door, what did you do?

19 A: When he never came to the door, during the whole time I

20 went to my patrol car, which is customary. We check for

21 active warrants on individuals. So I was checking on that,

22 warrants on Mr. Williams and on Ms. Pleasant, and we had -- we

23 didn't have any active warrants on either individual. Ms.

24 Pleasant's address in the LawTrack system, which we use to do

25 our incident reports, was , as was Mr.

JAMIE TURNER - DIRECT BY MS. HUMMEL

1 Williams' address in our LawTrack system was

2 Q: Now, once you did that, what did you do next?

3 A: After we did that, we -- Ms. Pleasant informed us that
4 there were two children inside the residence and that they
5 were his nieces, if I recall, and that she knew that her --
6 his next door neighbor was a relative of his. So we went next
7 door, attempted to make contact with the neighbor to see if
8 she could get Mr. Williams to come outside and talk with us.
9 The neighbor came next door, tried to get him to talk with us,
10 and he still did not come to the door. At that time, Ms.
11 Pleasant said that she knew how to get inside the residence
12 and she could get the door open so we could talk to him.

13 Q: Okay. Did you see her go try to get the door open?

14 A: I saw her go around to the left side of the house, make
15 entry into the fence, but after that I walked back up on the
16 porch and began knocking again to try and get Mr. Williams to
17 come to the door.

18 Q: And what happened after she disappeared around the side
19 of the house?

20 A: After she went around the side of the house, I was up on
21 the porch. After I saw her, you know, go in the fence, I went
22 back up on the porch and began knocking again. After about 30
23 seconds to a minute later, the front door opened and Ms. --
24 after about 30 seconds to a minute, the front door opened and
25 she opened the door for us and I told her to step on back

JAMIE TURNER - DIRECT BY MS. HUMMEL

1 outside so that she would be out of harm's way. And at that
2 time, Sergeant Hayes and Lieutenant Gore came up on the steps
3 with me and we tried to make contact with Mr. Williams.

4 Q: Did you see Mr. Williams when she opened the front door?

5 A: Yes, ma'am. He was sitting on the sofa facing the front
6 door.

7 Q: Okay. Now, before she came and opened the front door for
8 y'all, did you hear a dog barking?

9 A: I did. We heard a dog barking.

10 Q: Okay. And do you know where the dog was? Did you see
11 the dog?

12 A: I knew he was in the fence somewhere, but I was not sure
13 as to where in the fence he was at.

14 Q: Okay. Now, once -- once you saw Mr. Williams, what did
15 -- what did y'all do? Did someone try to identify who y'all
16 were?

17 A: Yes, ma'am. Sergeant Hayes told Mr. Williams that we
18 were Mullins police officers. We attempted to tell Mr. Hayes
19 [sic.] we were Mullins police officers and what we were there
20 for, and he just became loud and belligerent, telling us to
21 get the F out of his house and we had no right to be there.
22 That it was his house.

23 Q: Was there anything else that he said?

24 A: We -- at that point, the three of us decided to make
25 entry into the residence. When we got into the residence, he

JAMIE TURNER - DIRECT BY MS. HUMMEL

1 continued to curse at us. He made the exclamation that I
2 threw her out of the house. If she's hurt, then F her. As we
3 approached Mr. Williams, still we were trying to let him know
4 that we were police officers and what we were doing there. He
5 lunged up off the couch towards us. At that point, we grabbed
6 his arms and had to place him into handcuffs into detention.

7 Q: Okay. Now, at that point, were y'all questioning him or
8 were you just trying to --

9 A: We were still trying to --

10 Q: -- announce yourselves?

11 A: -- announce ourselves. We never got to the point of
12 questioning him.

13 Q: Okay. And you couldn't do that because he was being very
14 belligerent?

15 A: Yes, ma'am.

16 Q: And yelling all these cuss words? Okay.

17 A: Yes, ma'am.

18 Q: Now, once you put him in handcuffs -- you said you put
19 him in handcuffs?

20 A: Yes, ma'am.

21 Q: Once you put him in handcuffs, what did you do next?

22 A: After we put him in handcuffs, we led him outside trying,
23 you know, to talk to him outside and get him to calm down. He
24 had a strong odor of what appeared to me as an alcoholic
25 beverage coming from him -- his person. We led him outside to

JAMIE TURNER - DIRECT BY MS. HUMMEL

1 talk to him and he tried snatching away from us and Ms.

2 Pritchett [sic.] was there and he looked at her and bowed up
3 at her and started calling her a slut, whore, and just more,
4 you know, belligerent terms or derogatory terms -- excuse me
5 -- towards her.

6 Q: Is that the victim you're talking about?

7 A: Yes, ma'am.

8 Q: Okay.

9 A: And we got him to the patrol car. It took a few minutes.
10 We got him inside the patrol car and transported him to the
11 detention center.

12 Q: Okay.

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

15 THE COURT: All right. Mr. Woodson?

16 MR. WOODSON: Thank you.

17 CROSS-EXAMINATION

18 BY MR. WOODSON:

19 Q: Officer Turner, did -- did Ms. Pleasant smell like
20 alcohol as well?

21 A: Yes, sir. She had an odor of alcohol coming from her as
22 well.

23 Q: Was it a strong odor?

24 A: I wouldn't say a strong odor, but you could definitely
25 tell it was there.

JAMIE TURNER - CROSS BY MR. WOODSON

- 1 Q: When you were able to get her on her feet, did she have
2 any difficulty walking?
- 3 A: No. She didn't have any difficulty walking. She was
4 walking normal.
- 5 Q: Okay. Now, I want to -- I want to be clear for the
6 jury's mind because when we say somebody fell down some steps,
7 I don't want the impression it was, like, ten or twelve steps.
8 This was about three steps; right?
- 9 A: Three or four. Yes, sir.
- 10 Q: Okay. So it wasn't a very high set of steps?
- 11 A: No. It was about -- I'm trying to give you an estimate.
12 About as tall as the table.
- 13 Q: Okay. So from the table down to the ground?
- 14 A: Yes, sir.
- 15 Q: All right. And when you found -- when you came to the
16 scene, she was a couple -- her feet weren't still touching the
17 steps?
- 18 A: No, they were not touching the steps.
- 19 Q: She was --
- 20 A: She was a few feet away from it.
- 21 Q: -- a few feet from the steps?
- 22 A: Yes, sir.
- 23 Q: All right. And she said that she was pushed down the
24 steps; is that correct?
- 25 A: Correct.

JAMIE TURNER - CROSS BY MR. WOODSON

1 Q: All right. And -- and I'm going to ask you the same
2 question I asked the previous officer. He said that he threw
3 her out of the house; is that correct?

4 A: Yes, sir.

5 Q: All right. Those were his words?

6 A: Right.

7 Q: All right. And you would agree with me that you can
8 throw somebody out of the house without touching them;
9 correct?

10 A: That's your interpretation.

11 Q: So if somebody says they threw them out of the house, law
12 enforcement automatically assumes they were touched?

13 A: Me as a law enforcement officer, if somebody tells me
14 that they were thrown out of a house and I arrive and see them
15 on the ground, that means that they were thrown out of the
16 house physically in my opinion.

17 Q: Okay.

18 A: You can't just -- if you ask somebody to leave, there's
19 no way they're going to be hurt if you asked them to leave.

20 Q: Even if they had consumed drugs or alcohol, that would
21 not have anything to do with the fall?

22 A: Not as far as she fell. She -- as far as she was from
23 the steps, it appeared that she had been thrown out of the
24 residence.

25 Q: And was she on her back or was she on her side?

JAMIE TURNER - CROSS BY MR. WOODSON

1 A: I explained it. It was kind of -- kind of like a -- like
2 an angle, like her shoulder was on the ground.

3 Q: She refused medical treatment; is that correct?

4 A: Yes.

5 Q: All right. There's a phone number on the incident report
6 of . Where would you get that phone number from?

7 Would that be a number that she --

8 A: That was a number that we already had in our LawTrack
9 system.

10 Q: For her?

11 A: Yes, sir.

12 Q: Okay. I mean you're sure that number doesn't match any
13 of my client's numbers?

14 A: I didn't hear you, sir. Say it one more time?

15 Q: Are you aware that that number, that home phone number,
16 does not match my client's home phone number? Is that
17 correct?

18 A: No, sir. I was not aware.

19 Q: Okay.

20 MR. WOODSON: I don't have any other questions, Your
21 Honor.

22 THE COURT: All right. Any redirect?

23 MS. HUMMEL: Briefly, Your Honor.

24 REDIRECT EXAMINATION

25 BY MS. HUMMEL:

JAMIE TURNER - REDIRECT BY MS. HUMMEL

1 Q: Officer Turner, Mr. Woodson asked you about him saying
2 that -- about the defendant saying that he threw her out of
3 the house. He didn't tell you that he had asked her to leave,
4 did he?

5 A: No. He didn't tell us that he'd asked her to leave.

6 Q: His exact words were that he threw her out of the house
7 and if she was hurt --

8 A: F her.

9 Q: -- F her?

10 A: Yes, ma'am.

11 MS. HUMMEL: No further questions, Your Honor.

12 THE COURT: All right. You may step down. Call your
13 next witness.

14 MS. HUMMEL: Thank you, Your Honor. The State would call
15 Brandon Gore to the stand.

16 THE CLERK: Do you solemnly swear or affirm the testimony
17 you will give in the trial of this case shall be the truth,
18 the whole truth, and nothing but the truth, so help you God?

19 THE WITNESS: Yes, I do.

20 THE CLERK: Thank you.

21 MS. HUMMEL: Thank you, Your Honor.

22 THE COURT: State your name and spell your last name for
23 the record.

24 THE WITNESS: Brandon Gore, G-o-r-e.

25 BRANDON GORE, being first duly

BRANDON GORE - DIRECT BY MS. HUMMEL

1 sworn, testified as follows:

2 DIRECT EXAMINATION

3 BY MS. HUMMEL:

4 Q: Officer Gore, where do you work?

5 A: City of Mullins Police Department.

6 Q: What's your title there?

7 A: Lieutenant of patrol.

8 Q: Okay. And what -- what are some of your duties as part
9 of that position?

10 A: I supervise the everyday operations of the patrol staff,
11 the shift sergeants and the other officers on the shift. I
12 oversee the traffic, the incident reports, day-to-day
13 operations of the patrol.

14 Q: Now, how long have you worked for the City of Mullins
15 Police Department?

16 A: Ten years and seven months.

17 Q: Okay. And have you been a lieutenant that entire time or
18 --

19 A: No, ma'am. I've been a lieutenant for about six -- well,
20 about six years.

21 Q: Okay. Before you were a lieutenant, what -- what was
22 your position or your title?

23 A: Well, I worked my way up through the ranks. I started as
24 a patrol officer and worked up through corporal, sergeant, and
25 then into lieutenant. So I have supervised the shift, worked

BRANDON GORE - DIRECT BY MS. HUMMEL

1 on a shift under other supervisors, and then worked my way up
2 to the position I'm at now.

3 Q: Okay. Now, how -- can you estimate how many -- have you
4 ever responded to domestic violence calls before?

5 A: Yes, ma'am. Quite a few.

6 Q: Can you estimate how many or too many to estimate?

7 A: I couldn't give you a solid number because I don't know,
8 but I know it's been very many.

9 Q: Many? Okay. And were you involved in responding to the
10 case regarding Mr. Williams at ?

11 A: Yes, ma'am.

12 Q: Okay. Did you respond along with Sergeant Hayes and
13 Officer Turner on July 4th, 2014?

14 A: Yes, ma'am.

15 Q: And you responded to in Mullins?

16 A: That's correct.

17 Q: And is that in the county of Marion?

18 A: County of Marion, city of Mullins.

19 Q: Okay. And when you first arrived on scene, do you
20 remember what you saw?

21 A: When I first arrived on scene, I remember seeing Ms.

22 Pleasant laying on the ground at the base of the steps.

23 That's the first thing I remember seeing when -- when I
24 arrived on scene.

25 Q: Do you remember kind of what her position was in terms of

BRANDON GORE - DIRECT BY MS. HUMMEL

1 were her feet closer to the door or further away?

2 A: Best I remember, they were towards the door at the base
3 -- facing the steps and --

4 Q: Okay.

5 A: -- the door at the base of the steps.

6 Q: And what -- was her head facing the road?

7 A: Yes, ma'am.

8 Q: Okay. Do you remember about approximately the distance
9 between her feet and the end of the steps, the very last step?

10 A: I could only estimate about probably two to three feet.

11 Q: Okay. Just a few feet?

12 A: Uh-huh.

13 Q: Now, when you first saw her laying there, did y'all
14 attempt to see if she needed any help or medical attention?

15 A: Yes, ma'am. That's the first thing we do. We made
16 contact with her and asked her if she needed any medical
17 attention, which she declined.

18 Q: Okay.

19 A: Then, you know, we started asking her about what
20 happened.

21 Q: All right. And did she tell you about what happened?

22 A: Yes, she did. She told us that she was pushed out of the
23 residence. She said that she was pushed off of the porch. I
24 remember her saying that Mr. Williams had hit her.

25 Q: Okay. Did you observe any physical injuries on her face

BRANDON GORE - DIRECT BY MS. HUMMEL

1 or anywhere on her body?

2 A: Yes. Her left eye was swollen pretty good, what I call a
3 goose egg on the side of her eye.

4 Q: Okay. Now, once she had told you what happened and you
5 made sure that she was okay, what did y'all do next?

6 A: The next thing after she told us that Mr. Williams was
7 the person that hit her, we tried to make contact with Mr.
8 Williams. We went up on the porch and knocked on the door.
9 We couldn't get anybody to the door. We knocked on the door
10 for quite a while and couldn't get anybody to come to the
11 door.

12 That's when she told us that, you know, she could -- she
13 could get in the house and let us in. And then at that point
14 she -- Ms. Pleasant walked around the side of the house out of
15 my line of view and then just a couple minutes later she did
16 open the door.

17 Q: Okay. And do you remember -- do you remember a dog being
18 there?

19 A: Yes. I do remember hearing a dog barking.

20 Q: Okay. Did you ever see the dog or did you just hear it?

21 A: I don't remember seeing the dog. I remember hearing it.
22 You could hear it barking very loudly around the house.

23 Q: Okay. Now, once she got -- went around the side of the
24 house and she came and opened the front door, what did -- did
25 you see Mr. Williams?

BRANDON GORE - DIRECT BY MS. HUMMEL

1 A: I did. He was sitting in a chair in the -- in the front
2 room of the house. That's where he was located.

3 Q: Okay. At that point, where were you all standing?

4 A: We were -- we were standing on the porch when she first
5 opened the door and we tried to get him to come out to us and
6 he wouldn't. He wouldn't budge. He wouldn't get up.

7 Q: And once you -- once she opened the door and you saw Mr.
8 Williams, what did y'all do next?

9 A: We -- we -- well, like I said, we tried to get him to
10 come out. He wouldn't come out to us. At that point, we
11 walked in the house and tried to speak with him about what
12 happened, but he was cursing and yelling very loudly. We
13 couldn't -- couldn't get anywhere with him. At that point, he
14 got up in a belligerent manner. He got up like he was trying
15 to charge at us. So at that point, he was placed in
16 investigative detention.

17 Q: Okay. Now, before you placed him in detention and placed
18 him in handcuffs, did he say anything to you?

19 A: Yes. He did yell. He said that he pushed her out of the
20 house.

21 Q: Okay. And did he -- was he constantly talking and
22 cursing?

23 A: Yes.

24 Q: Okay.

25 A: Very loudly. He was very belligerent, constantly cursing

BRANDON GORE - DIRECT BY MS. HUMMEL

1 and yelling.

2 Q: Did he say -- did he say anything else besides, you know,
3 cursing at you and telling you that he pushed her out of the
4 house?

5 A: That's all I remember.

6 Q: Okay. Once y'all were --

7 A: I don't remember him saying anything else.

8 Q: I'm sorry?

9 A: I don't remember him saying anything else.

10 Q: Okay. When -- when you put him in investigative
11 detention, what did you do next?

12 A: After that, we -- you know, we tried to -- we tried to
13 get his side of the story. We repeatedly tried to talk to him
14 and he wasn't having any part of it. I mean he was just very
15 belligerent and, you know, we couldn't calm him down at all.
16 So at that point, you know, we got him out of the house and he
17 was placed in the patrol vehicle.

18 Q: All right.

19 MS. HUMMEL: I beg the Court's indulgence for one moment,
20 Your Honor.

21 THE COURT: Uh-huh.

22 MS. HUMMEL: No further questions at this time, Your
23 Honor.

24 THE COURT: All right. Mr. Woodson?

25 CROSS-EXAMINATION

BRANDON GORE - CROSS BY MR. WOODSON

1 BY MR. WOODSON:

2 Q: Officer Gore, have you reviewed the incident report in
3 this case?

4 A: Yes, sir, I have.

5 Q: Two previous officers from your department have testified
6 that he said he threw her out, but you're testifying a little
7 different. You're saying that -- well, a lot different.

8 You're saying that he said he pushed her out. Is that your --

9 A: That's what I remember hearing him say. Yes, sir.

10 Q: All right. Did you do any sort of incident report,
11 either a supplemental report or attach a report?

12 A: No, sir.

13 Q: Do you have any handwritten notes related to this?

14 A: No, sir. I don't.

15 Q: All right. And you've reviewed the report of the two
16 officers that have testified that said he said he threw her
17 out; correct?

18 A: That's true.

19 Q: If you felt that was wrong, you could have asked them to
20 change that, couldn't you?

21 A: That is true.

22 Q: And you didn't ask them to change that?

23 A: You're correct. I didn't.

24 Q: And this incident report was prepared the same day of the
25 incident and it says he said he threw her out, but you dispute

BRANDON GORE - CROSS BY MR. WOODSON

1 that?

2 A: I'm just telling you what I -- what I remember hearing
3 when I was on scene.

4 Q: Okay. And you remember that from July 4th of 2014?

5 A: Yes, sir.

6 Q: And you've done several domestic calls; correct?

7 A: Yes, sir.

8 Q: And what -- and you specifically remember that?

9 A: Yes, sir.

10 Q: All right. There were three officers in my client's
11 house that particular night?

12 A: That's correct.

13 Q: All right. Between the time she -- when she opened the
14 door -- when Ms. Pleasant opened the door, you immediately
15 went in?

16 A: No. We tried to call Mr. Williams out.

17 Q: All right.

18 A: We tried to get him to come out of the house to talk to
19 us, but he wouldn't. He wouldn't budge out of the chair.

20 Q: So within a couple of seconds, y'all were inside his
21 house; correct?

22 A: In -- I don't remember the exact timeframe.

23 Q: Okay. And did you ever talk to any of the children in
24 the house or see them at all?

25 A: No, sir, I didn't.

BRANDON GORE - CROSS BY MR. WOODSON

1 Q: Okay. Do you recall whether your colleagues did?

2 A: I don't remember that. I do not.

3 Q: All right.

4 MR. WOODSON: No further questions.

5 THE COURT: All right. Anything further?

6 MS. HUMMEL: No, Your Honor.

7 THE COURT: All right. You may step down. Call your
8 next witness.

9 MS. HUMMEL: At this time, Your Honor, the State would
10 rest.

11 THE COURT: All right. Why don't y'all come on up and
12 let's talk about scheduling and see what you want to do?

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

16 THE COURT: All right. Members of the jury, we're going
17 to break for the day. I need you back at 9:30 in the morning
18 and we'll finish the case. Do not discuss the case with
19 anybody and do not research the case with anybody, but you are
20 excused. Everybody else remain seated.

21 All right. You're excused.

22 (WHEREUPON, the jury exited the courtroom at 4:17 p.m.)

23 THE COURT: All right. Any motions?

24 MR. WOODSON: Your Honor, I would make a motion for a
25 directed verdict based on the fact that she's testified --

1 MR. WOODSON: All right.

2 THE COURT: All right. Anything else?

3 MS. HUMMEL: None from the State, Your Honor.

4 THE COURT: All right. We'll see y'all about 9:15?

5 MS. HUMMEL: Yes, sir.

6 THE COURT: Sounds good. Thanks.

7 (WHEREUPON, the proceedings adjourned for the day at 4:22
8 p.m.)

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10 (WHEREUPON, the proceedings resumed at 9:35 a.m.)

11 THE COURT: All right. Has your client decided whether
12 or not he wants to testify?

13 MR. WOODSON: Yes, Your Honor. He does.

14 THE COURT: He does want to testify?

15 MR. WOODSON: Yes, sir.

16 THE COURT: All right. Is that correct?

17 THE DEFENDANT: Yes, sir, Your Honor.

18 THE COURT: All right. Then I make a finding that he
19 made that decision freely and voluntarily and with the advice
20 of competent counsel. All right. Everybody ready to go?

21 MS. HUMMEL: Judge, if we could address one thing?

22 THE COURT: Okay.

23 MS. HUMMEL: We had kind of discussed the forgery
24 conviction that was on his record. I've handed Mr. Woodson a
25 case from the Supreme Court. I have a copy for Your Honor, if

1 you'd like it.

2 THE COURT: Sure.

3 MS. HUMMEL: May I approach?

4 THE COURT: You may. Thank you. I appreciate that.

5 MS. HUMMEL: Judge, this case talks about the standard
6 when convictions which are specifically noted are outside of
7 the ten years' time length provided in Rule 609 of the South
8 Carolina Rules of Evidence.

9 THE COURT: Uh-huh.

10 MS. HUMMEL: And on page 4, it lists the factors that the
11 Court considers. The standard is whether probative value of
12 the prior conviction substantially outweighs its prejudicial
13 effect.

14 And the factors -- the five factors the Court lists are,
15 one, the impeachment value of the prior crime; two, the point
16 in time of the conviction and the witness' subsequent history;
17 three is similarity between the past crime and the charged
18 crime; four, the importance of the defendant's testimony at
19 trial; and five, the credibility issue.

20 Judge, going through those factors, I think that this
21 conviction meets those factors.

22 Under number one, the impeachment value of the prior
23 crime. This impeachment value is highly credibility. It's
24 forgery. It goes to an act of deceit.

25 In this case, the Court talks about crimes of dishonesty

1 or untruthfulness are the ones that directly impact the
2 witness' character or veracity for truthfulness. They talk
3 about deceit, fraud, cheat or stealing. Those are all really
4 regarded as crimes of dishonesty. I think forgery would be
5 considered a crime of dishonesty in that category as well.

6 Under number two, the point in time of the conviction and
7 the subsequent history, Judge, this conviction, while it is
8 outside of ten years from today's date, it is only a few
9 months outside of this date. The date of the conviction was
10 December 13th, 2005. It's only a few months. Had he received
11 time for that conviction, it would have been within ten years.
12 I see where he got three years and that was suspended to two
13 years' probation. So the timeframe in terms of it being far
14 away from today's date is not there. It is very close.

15 Under number three, the similarity between past crime and
16 the charged crime, Judge, I don't think there's any danger in
17 the jury using this to judge his credibility. This is not
18 similar to the charge of today. It really goes only to the
19 impeachment.

20 THE COURT: Right.

21 MS. HUMMEL: And under number four, the importance of the
22 defense testimony, Judge, I think that the importance of the
23 defendant's testimony is that it's basically a he said/she
24 said, with the exception of, you know, the officers who have
25 already testified. But it's basically what he's going to say

1 and what she has said on the stand.

2 I think that's very important to this case and thus I
3 think that number five is also met. The credibility of the
4 defendant is very essential to this case. It's going to rest
5 on really who the jury believes, the victim or the defendant.
6 And, Judge, I believe that this conviction would meet all of
7 those criteria under this standard and I would ask that you
8 allow the State to use that.

9 THE COURT: Yeah. I sort of agree with you. However,
10 this morning at breakfast I pulled up my iPad and I just typed
11 in Rule 609 and if you look at the very last sentence of
12 609(b), it says, however, evidence of a conviction more than
13 ten years old as calculated herein is not admissible unless
14 the proponent gives the adverse party sufficient advance
15 written notice of intent to use such evidence to provide the
16 adverse party with a fair opportunity to contest the use of
17 such evidence. Did y'all give him written notice?

18 MS. HUMMEL: We did not give written notice.

19 THE COURT: That's what I thought.

20 MS. HUMMEL: We did tell him we were going to use it.
21 Yes, Your Honor.

22 THE COURT: All right. Any response to that?

23 MR. WOODSON: Well, they told me yesterday, Your Honor.

24 THE COURT: That was the only caveat I had and I -- he'd
25 be crazy not to object. I agree with everything else you

1 said, but I think taking that into account I'm not going to
2 allow it.

3 MS. HUMMEL: Yes, Your Honor.

4 THE COURT: All right. You did a good job. All right.
5 Anything from you, Mr. Woodson?

6 MR. WOODSON: Your Honor, yesterday during the testimony
7 of Officer -- the second officer, Jamie, he testified that
8 there was some evidence in the computer. I think his
9 testimony was that he looked in the computer and saw Ms.
10 Pleasant's address was the same as my client's address.

11 I have two issues with that. First of all, that is
12 nothing that was given to me in discovery.

13 Second of all, it's hearsay. I would ask for some sort
14 of curative instruction. That is not required evidence in
15 this case, Your Honor. I don't know where that came from. It
16 wasn't responsive to the question. I asked him what she said
17 about her injury and he said, well, when I got back to the
18 office and pulled it up on the computer. That was not even
19 responsive to my question. I would ask for a curative
20 instruction or that you would declare a mistrial.

21 THE COURT: All right. Any response to that?

22 MS. HUMMEL: Yes, Your Honor. I believe that the officer
23 testified on direct examination when I asked him about what he
24 was doing during the course of their investigation that he
25 left the victim with Lieutenant Gore and Sergeant Hayes and

1 went to his patrol car, his patrol vehicle, to determine if
2 there were any outstanding warrants. And that's where he
3 discovered that the victim's address was in the computer
4 system. Judge, no objection was made at that time and I don't
5 think a curative instruction is really needed.

6 THE COURT: All right.

7 MR. WOODSON: My recollection is he said that he got back
8 to the police department to use their computer system and
9 that's where he made the determination, and we have the same
10 objection.

11 THE COURT: All right. Well, let me think on it. We've
12 got time. If I do a curative instruction, I can do it at the
13 closing charge anyway.

14 All right. Go ahead and bring out the jury.

15 (WHEREUPON, the jury entered the courtroom at 9:42 a.m.)

16 THE COURT: All right. If you'll call your first
17 witness.

18 MR. WOODSON: Your Honor, the defense would call Mr.
19 Marvin Williams to the stand.

20 THE COURT: Is anybody here to swear you in? All right.
21 Do you swear to tell the whole truth and nothing but the
22 truth, so help you God?

23 THE DEFENDANT: I do.

24 THE COURT: All right. If you'd come around here and
25 state your full name and spell your last name.

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1 THE DEFENDANT: My name is Marvin Williams Jr., W-i-l-l-
2 i-a-m-s.

3 THE COURT: All right.

4 MARVIN WILLIAMS JR., being first
5 duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MR. WOODSON:

8 Q: Mr. Williams, over here.

9 A: Oh.

10 Q: You live in Marion County; correct?

11 A: Yes, sir.

12 Q: And you were living in Marion County when this alleged
13 incident happened back on July 4th of 2014; correct?

14 A: Yes, sir.

15 Q: All right. And do you currently still reside at that
16 same house?

17 A: Yes, sir.

18 Q: Are you renting that house or are you purchasing it?

19 A: It's a family home.

20 Q: Okay.

21 A: Yeah.

22 Q: And tell them a little bit about your background. What
23 did you do after school?

24 A: Well, I graduated from Mullins High. I did a tour in the
25 military.

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1 Q: Which branch of the military were you in?

2 A: Army.

3 Q: Okay. And were you honorably discharged?

4 A: Yes, I was.

5 Q: All right. After that, you moved back to Marion County?

6 A: Yes, sir.

7 Q: All right. And you've lived in that family home off and
8 on for years? Is that fair to say?

9 A: Correct.

10 Q: All right. Do you know Ms. Pleasant?

11 A: Yes, sir.

12 Q: How do you know her?

13 A: I encountered Ms. Pleasant back here when we was working
14 at the job at Marlboro Lighting, a temporary job.

15 Q: Okay.

16 A: And we became acquainted. We was friends. And, you
17 know, as time goes on, I liked her because she was pleasant.
18 We fell into a symbiotic relationship somewhat, you know.

19 Q: Did it ever get to a boyfriend/girlfriend kind of
20 relationship?

21 A: Initially, it did, but then we found out that that didn't
22 work with us and we talked about it and I explained to her
23 let's just be friends. But somehow or another she kept
24 perpetuating the idea that we was still boyfriend and
25 girlfriend, like I was -- like we were joined at the hip and I

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1 kept telling her you need to stop telling people that we are
2 joined. You know, we're not boyfriend and girlfriend. We're
3 just friends.

4 Q: All right. At any point, did you move in with her or did
5 she move in with you?

6 A: Negative. No, sir.

7 Q: So is it fair to say that you had separate residences?

8 A: Correct.

9 Q: Objection, Your Honor. Leading.

10 THE COURT: Sustained.

11 BY MR. WOODSON:

12 Q: Did you --

13 MR. WOODSON: I'll rephrase it and word it differently.

14 Q: Did you have separate residences?

15 A: We did.

16 Q: All right. Where -- tell them about where she lived.

17 Where was she living throughout the time you've known her?

18 A: Ms. Pleasant stayed two streets over. I believe the name
19 of the street was Addison Street. I'm not sure exactly
20 because they changed the name to it.

21 Q: All right. Is that a home she was purchasing or was she
22 renting?

23 A: From my understanding, she was a Section 8.

24 Q: All right. And how long was she there?

25 A: Five -- six years, I guess.

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1 Q: And who was she living with?

2 A: She was there with her -- her and her daughter.

3 Q: Okay. All right. She has testified that you -- at one
4 point, you lived with her for over a month. Is that true?

5 A: Negative.

6 Q: All right. And at any point, did she live with you or
7 declare that her residence?

8 A: No. She never declared it her residence. What -- what
9 happened was that she -- the owners of the home that she was
10 living in with Section 8 -- they left her sort of hanging in
11 the wind, so to speak, where I asked my mom could she hang out
12 here until she could find her a place to dwell. That's where
13 she got this idea. You know, that's where she was. My mom
14 said it was okay and it was fine with me too. It was helping
15 her out as a friend. You know what I mean?

16 Q: Right.

17 A: Right.

18 Q: And the -- did she ever use your address as her current
19 address?

20 A: No, she did not.

21 Q: Did she ever get any mail where you live?

22 A: No, sir.

23 Q: Did she ever use your address on any ID that she had?

24 A: Negative. No, sir.

25 Q: All right. And did you ever give her a key to the place?

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1 A: No, sir.

2 MS. HUMMEL: Objection, Your Honor. Leading.

3 THE COURT: Sustained. Go ahead.

4 BY MR. WOODSON:

5 Q: Was she ever -- was she ever given a key?

6 A: No, sir.

7 Q: Okay. All right. Now, let's go to the night of July 4th
8 of 2014. Tell me about that night.

9 A: Well, that day -- well, that week I get my kids. I get
10 my nieces once a week and they was -- it was time for them to
11 come down and it was the Fourth of July week. And so that
12 night I went -- that evening they was doing Bible school,
13 vacation Bible school, and Ms. Pleasant was around. So she
14 would catch them for me if I was out.

15 And at that time, I was out over at another party's house
16 because I was a handy -- my job is a handyman. I fix things
17 and do things and stuff like that. So I was networking. A
18 man came to get some fireworks for the kids and I got in maybe
19 about 4:30 or five o'clock that afternoon and Ms. Pleasant was
20 there, you know, and everything was fine.

21 I normally keep me an 18-pack of beer at my house and,
22 you know, I occasionally drink because I was reforming myself
23 from my old lifestyle. And, you know, everything was fine. I
24 went and got the kids some movies so they can have something
25 to do and everything.

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1 And then later on that evening, Ms. Pleasant started
2 using -- there was an incident where one of my partners had
3 died, but his cousin had misconstrued something and, you know,
4 started a firestorm, but we was talking about it. But it
5 wasn't nothing, but she just kept dwelling at that thing. You
6 know what I'm saying? It wasn't that much, but she kept
7 making a molehill out of nothing and then, you know, I looked
8 at my friend. She done sucked up all my beer and then she was
9 sitting here going on and on and I was, like, look, you know,
10 come on.

11 I'm sitting here watching this movie. I just got it and
12 I'm watching it. I'm not really paying her any attention.
13 You know what I'm saying? It's just a fruitless argument
14 about nothing. So we're watching the movie and then she just
15 kept going on and on and on and on and on.

16 And then as time, you know, I went to get me a beer and
17 then she's, like, you going to buy some more beer? No, I'm
18 not buying no more beer. I had an 18-pack. An 18-pack will
19 last me two weeks.

20 So, you know, I just didn't follow that up, but then she
21 kept going on and on, and then she started calling me --
22 calling me the motherfucker, you need a dick. Well, look
23 here. I got my nieces in this house. I don't want to hear
24 that shit. You can get the hell up out of here. I meant
25 that. And she just kept going on and on. I said, Sheree,

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1 will you please leave my house? She reared up at me like some
2 monster talking about I ain't going no damn where. I said if
3 you don't leave out of here, like that.

4 So I went and opened the door and she sat back down.
5 Then she ranted and raved on for another 20 minutes saying
6 some asinine things, which I -- you know, I didn't want to
7 hear it anyway. Anyway, she came back like she did a click or
8 something and she said, well, you want me to leave? I said,
9 yes, please leave. So she got up and walked out the door.
10 When she got up and walked out that door, I secured my house,
11 locked my house up, and I got dressed and I went and laid on
12 the end of the bed with my nieces.

13 Q: Was there any physical contact between you and Ms.
14 Pleasant?

15 A: Negative. That's a no-no with that there. That's a no-
16 no.

17 Q: So you deny the allegation? You understand the
18 allegation she's saying that she was hit?

19 A: Yeah. No, sir.

20 Q: All right. And when you -- when she left, did you
21 actually physically put her out or did she leave out on our
22 own?

23 A: She left on our own --

24 MS. HUMMEL: Your Honor, objection.

25 A: -- under her own power.

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1 THE COURT: Sustained.

2 MR. WOODSON: Let me rephrase the question.

3 BY MR. WOODSON:

4 Q: How did she leave the house?

5 A: She got up and she walked out.

6 Q: Okay. Any physical contact?

7 A: None.

8 Q: Okay. After you locked the door, did you hear anything
9 else?

10 A: No, sir. I was done with her.

11 Q: All right. At some point, did you -- did she try to come
12 back in the house or did you hear anything outside?

13 A: I believe she turned around and was knocking, but I was
14 done with the matter. It was outside and I was done with
15 that.

16 Q: Okay. There was some testimony about the steps and I
17 think that one of the officers testified that the steps to
18 your house are about as high as this table; is that correct?

19 A: Negative.

20 Q: How many steps are there?

21 A: Three.

22 Q: All right. And about how high is it?

23 A: According to that table there, you drop it down a little
24 bit below, about a quarter way down.

25 Q: Okay. So it's --

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- 1 A: Yeah. It's not that high.
- 2 Q: -- sort of like this?
- 3 A: Yes, sir.
- 4 Q: All right. Now, describe this -- your porch. Is there a
- 5 porch?
- 6 A: Yes, sir, there is.
- 7 Q: Okay. So when you open the door, she would have -- when
- 8 the door would have been opened, you're not immediately on the
- 9 steps; is that fair to say?
- 10 A: Say that again?
- 11 Q: When the -- are the steps right at the door?
- 12 A: No, sir.
- 13 Q: Right here?
- 14 A: No, sir.
- 15 Q: How big is the porch?
- 16 A: I want to say it's about three -- three and a half, maybe
- 17 four feet wide.
- 18 Q: So if I were walking, how many steps would I have to take
- 19 between your door and the first step?
- 20 A: You could do it in three steps.
- 21 Q: Three steps?
- 22 A: Yes, sir.
- 23 Q: Okay. So the door, three steps, and then down three
- 24 steps?
- 25 A: Yes, sir.

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1 Q: All right. After she left, how long was it before you
2 recall hearing anything or anything else happening?

3 A: It was a good while because I hadn't seen -- it had to be
4 about ten, 10:30, eleven o'clock when she finally got up and
5 got out my house with her madness and I knew I got dressed and
6 I went and laid down at the end of my bed, but I feel like I
7 slept for a while.

8 Then I heard somebody at my gate. I heard the chain on
9 my game being untied, you know, and then I hear somebody in
10 the backyard talking about, here, Leo, here, Leo. Leo is my
11 dog. I know this heifer ain't in my gate. She's supposed to
12 be gone. She ain't in my gate, you know.

13 So I gets up and I'm walking to the front of the house
14 and I see all these lights in the front of my house. And the
15 next thing I looks down to the basement door and I hear
16 somebody, boom, hitting the door. Boom, hitting the door.

17 And then all of a sudden they run in. The police run in
18 talking about it's Mullins PD. Mr. Williams, we're charging
19 you with disorderly conduct and CDV 2. What? Man, who
20 authorized you to kick my door in? Why? Who authorized you
21 to kick my door in, you know?

22 And he just -- all of a sudden, he just grabbed me and I
23 got a dislocated left shoulder. He wrung me up and dislocated
24 my shoulder. Man, what -- what are you people doing in my
25 house? Who authorized you to kick my door in to come in my

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1 house? Now, if I would have shot you, then I would say, you
2 know, I would have been in the wrong, but who are you
3 authorized to kick my door in? I keep asking them that.

4 And then as they're dragging me out of my house, I'm
5 looking back. She's coming out my back gate out my backyard,
6 securing my fence. Now, wait a minute. You know, I said some
7 mean things, but why are you in my fence? As far as I knew,
8 you're supposed to have been gone, you know. So that's when
9 they drug me over there and then, you know, they went over
10 there and did their thing and took -- you know, took me on
11 down to the county.

12 Q: Okay. Ms. Pleasant has testified that you had taught her
13 how to get in one of the side doors and to use a shovel. Is
14 that correct?

15 A: Yes, sir, that's what she testified, but it didn't make
16 no sense to me. Why would I show her how to break in my own
17 house?

18 Q: And do you recall her coming in your house with a shovel
19 or anything like that that night?

20 A: Negative. Because all my garden tools is locked in my
21 barn. There's no shovels outside. I didn't even own a shovel
22 at the time.

23 Q: Did you have any conversation with Ms. Pleasant as you
24 were being escorted out of the house?

25 A: No, not really. I just shouted at her why are you -- you

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1 know, I forget what I said. They said I said slut. I may
2 have. I may not have, but I'm asking why are you in my fence.
3 You and the police are breaking in my house, you know.
4 Q: All right. One of the officers testified that -- I think
5 it was Officer Hayes got on the stand and told the jury that
6 he took some pictures that night. Do you recall any pictures
7 being taken?

8 A: No, sir. I was being dragged to the car to be escorted.

9 Q: And you've reviewed the police reports; correct?

10 A: Yes, I have.

11 Q: Who does the police report say took the pictures?

12 A: Griggs.

13 MS. HUMMEL: Objection, Your Honor. Hearsay.

14 THE COURT: Sustained.

15 MR. WOODSON: All right. No further questions, Your
16 Honor.

17 THE COURT: All right. Cross?

18 MS. HUMMEL: Thank you, Your Honor.

19 THE COURT: Yes, ma'am.

20 CROSS-EXAMINATION

21 BY MS. HUMMEL:

22 Q: Mr. Williams, did Ms. Pleasant -- didn't she watch your
23 kids from time to time for you?

24 A: Yeah. She would -- she would catch them, yes, ma'am.

25 Q: And that was when you were gone out -- out of the house;

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1 right?

2 A: Yes, ma'am. Yeah.

3 Q: And she would -- she would actually stay there sometimes,
4 wouldn't she?

5 A: Well, it depends on what you mean stay.

6 Q: She would stay the night there sometimes, wouldn't she?

7 A: Well, yeah, because -- the reason why she would stay
8 there was because at her address at the only
9 thing she had there was lights. So I would let her to come in
10 and she would take a shower and she may stay over, but, yeah,
11 it was a trade-off because while I was out she would catch the
12 kids from Bible study.

13 Q: All right. So she was living -- she would live there
14 sometimes? Stay the night?

15 A: Not really. It depends on what you mean by living. I'm
16 helping a friend. She don't have no place to go. She
17 couldn't stay with her daughter. Her and her daughter were
18 raising hell, so I mean, you know, I didn't want her out in
19 the street.

20 Q: But y'all did have a relationship at some point that was
21 more than just friends, didn't you?

22 A: Yeah. It was earlier.

23 Q: Now, isn't it true that you -- you stayed at her house at
24 one point when you were in the relationship?

25 A: Yeah, yeah. That's what people do, you know.

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1 Q: Okay. Now, let me ask you about the night that you -- we
2 were talking about the night of July the 4th, 2014. You
3 remember that night, don't you?

4 A: Yes, I do.

5 Q: Okay. Now, you said that she was staying home with the
6 kids while you were taking care of something with one of your
7 partners; right?

8 A: Correct.

9 Q: Business related stuff? Okay. Now, when you came home,
10 she was still there with the kids; right?

11 A: Yes.

12 Q: Okay. You were -- you were kind of upset about the
13 cousin or the person who was misconstruing something, weren't
14 you?

15 A: No, I was not.

16 Q: And he -- that kind of made you a little upset, didn't
17 it?

18 A: No, it did not.

19 Q: You were mad, weren't you?

20 A: No, it did not.

21 Q: You were drinking that night, weren't you?

22 A: When I was talking to my -- my partner over there, he
23 wanted me to put a belt on his lawnmower. Yeah, we drank a
24 beer. We was talking about it and I was supposed to do it
25 that morning. Yeah, I was -- yeah, it was nothing but an

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- 1 occasional drink.
- 2 Q: Okay. Did you have some more beers when you got home?
- 3 A: I had an 18-pack and I drunk maybe one or two.
- 4 Q: So you were drinking after you got home?
- 5 A: Yeah.
- 6 Q: Okay.
- 7 A: Yeah.
- 8 Q: Now, you testified that Ms. Pleasant was using some curse
9 words that night?
- 10 A: Yeah.
- 11 Q: She called you a name?
- 12 A: Yes, sir. Yes, ma'am.
- 13 Q: Isn't it true that when the police arrived, you were
14 constantly yelling profanities at both the police and Ms.
15 Pleasant?
- 16 A: Yes, ma'am, I was.
- 17 Q: Now, when -- you testified that they came in your side
18 door, but isn't it true that they knocked on your door several
19 times trying to get your attention so that you would come to
20 open the door and they did that for about 25 minutes?
- 21 A: Unaware of that.
- 22 Q: So your testimony is that you could hear the fence being
23 opened, but you couldn't hear the police knocking on the door?
- 24 A: Correct.
- 25 Q: Okay. Where were you when you heard the fence being

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1 opened? Where were you in your house?

2 A: I was in -- I was in the room on the opposite side with
3 the fence.

4 Q: Okay. So I'm standing here, you're there. Let's say I'm
5 the front door.

6 A: Correct.

7 Q: Okay. Where are -- where are you? Where's the fence?

8 A: This is -- the fence is on this side.

9 Q: On this side?

10 A: Yeah.

11 Q: Okay. And where are you in relation to the fence?

12 A: The room is right here.

13 Q: Right here?

14 A: Yeah.

15 Q: Okay. So from where I'm standing and from where you're
16 sitting --

17 A: Yeah.

18 Q: Is that the correct distance between yourself and the
19 front door?

20 A: Well, I don't know if that's the correct distance, but --

21 Q: Is it approximately?

22 A: It's approximately, yeah.

23 Q: Okay. All right. So the fence is over here. Would you
24 say it's about right here where this first chair is?

25 A: See, the fence -- well, it's a built-in garage.

MARVIN WILLIAMS JR. - CROSS BY MS. HUMMEL

- 1 Q: Okay. So --
- 2 A: So you got --
- 3 Q: -- it's outside the garage?
- 4 A: Correct.
- 5 Q: Okay. So maybe the fence is farther? Maybe towards
- 6 closer to this wall over here?
- 7 A: I would say maybe it's six feet.
- 8 Q: Six feet?
- 9 A: Yeah.
- 10 Q: Okay. So somewhere between this first chair and that
- 11 wall right there?
- 12 A: Correct.
- 13 Q: Okay. And here's the front door where I'm standing right
- 14 now?
- 15 A: Right.
- 16 Q: Approximately?
- 17 A: Approximately.
- 18 Q: Okay. All right. Now, you said that they just came
- 19 rushing in and you heard something -- something being kicked
- 20 on the door and they came rushing in and telling you -- they
- 21 announced themselves, didn't they?
- 22 A: Yeah, as they was running up the steps. Yeah.
- 23 Q: Okay. And they announced that they were the police,
- 24 didn't they?
- 25 A: Correct.

MARVIN WILLIAMS JR. - CROSS BY MS. HUMMEL

1 Q: Okay. And isn't it true that you were sitting in a chair
2 of some sort, like a sofa maybe?

3 A: No, ma'am.

4 Q: Okay. Where -- what were you doing? Were you standing?

5 A: I was standing.

6 Q: Okay.

7 A: Yeah.

8 Q: Now, is there a window from -- how is the garage set up
9 from the inside of the house? Is it basically there's the
10 garage and then there's the fence outside the garage?

11 A: It's a built-in garage.

12 Q: Built-in garage? Okay.

13 A: With a fence that comes off the corner of the house.

14 Q: Okay.

15 A: And then runs down the property line.

16 Q: Okay.

17 A: And then there's a door.

18 Q: A door to the garage?

19 A: Right.

20 Q: Okay.

21 A: And then there's a door between the kitchen and the
22 garage, which you walk up a set of stairs to.

23 Q: Okay. So there's basically two doors that you have to go
24 through before you get to the fence from where you are in the
25 house?

MARVIN WILLIAMS JR. - CROSS BY MS. HUMMEL

1 A: Correct.

2 Q: Okay. All right. And you're saying you saw them coming
3 in?

4 A: No, ma'am.

5 Q: From the fence?

6 A: I didn't say I saw anything. I said I heard them.

7 Q: Okay. So you just heard them coming in through the
8 fence?

9 A: After I heard somebody kicking my door in, that's when
10 they started coming in. Because I was trying to figure out
11 who was banging on my door.

12 Q: Okay. So there's two doors that you have to get through.
13 Now, -- now, isn't it true that you -- when the officers came
14 in, you were yelling all these profanities. Isn't it true
15 that you also said that you threw Ms. Pleasant out of the
16 house?

17 A: Yeah. I did say that.

18 Q: And you also said that if she fell or if she's hurt, F
19 her?

20 A: Correct. I was upset.

21 Q: You are very upset that night, weren't you?

22 A: Yeah. I was very upset.

23 Q: You were very angry?

24 A: Yeah, I was because how can you ask for my help and then
25 at the same time you sit here, you know, putting my -- putting

MARVIN WILLIAMS JR. - CROSS BY MS. HUMMEL

1 my nieces in danger with all this vile talk, you know, and
2 then --

3 Q: But yet you were using profanities as well, numerous
4 actually; correct?

5 A: Correct. Because -- yeah. Well, how would you feel if
6 somebody's kicking in your door and rushing in at you? You
7 know, you don't feel violated?

8 Q: Mr. Williams, isn't it true that you said something about
9 Ms. Pleasant -- you helping Ms. Pleasant? Isn't it true that
10 she was helping you by watching your kids while you were gone?

11 A: I was paying her.

12 Q: You were paying her to watch your kids?

13 A: Yeah. Yeah. To catch them, I would give her a couple
14 dollars if I made a good lick that day as far as hustling. I
15 would throw her a couple bones for doing that.

16 Q: All right.

17 MS. HUMMEL: I beg the Court's indulgence one moment,
18 Your Honor.

19 THE COURT: Sure.

20 BY MS. HUMMEL:

21 Q: Mr. Williams, how old are your nieces? I think they're
22 your nieces; right?

23 A: They are my nieces.

24 Q: Okay. How -- how old are they?

25 A: One was six. I believe one was six and one was nine.

MARVIN WILLIAMS JR. - CROSS BY MS. HUMMEL

1 Q: Okay. Now, you said that you were so concerned about --
2 about Ms. Pleasant using some vile language, as you put it?

3 A: Yeah.

4 Q: But you were constantly using them yourself; correct?
5 When the police arrived, you were using many profanities, were
6 you not?

7 A: Yes, ma'am, I was.

8 Q: Okay.

9 A: Yes, ma'am.

10 Q: All right. Now -- and you -- isn't it true that you -- I
11 think you said on direct testimony you may have called her a
12 slut; isn't that true?

13 A: Correct.

14 Q: Okay. So y'all weren't in a relationship, but you were
15 calling her a slut?

16 A: What you mean by that? I'm trying to understand what you
17 mean, what you're asking me.

18 Q: You're saying that you weren't in a relationship at that
19 time; correct?

20 A: Right.

21 Q: But you were calling her a slut as the police were
22 dragging you out, weren't you?

23 A: Well, that goes to contest to the history that I'm aware
24 of that perhaps you're not.

25 Q: Sir, I'm not asking you about history. Were you calling

MARVIN WILLIAMS JR. - CROSS BY MS. HUMMEL

1 her a slut?

2 MR. WOODSON: Objection. Asked and answered, Your Honor.
3 He's already answered that question.

4 THE COURT: Overruled. You can go ahead and answer it.

5 BY MS. HUMMEL:

6 Q: Were you calling her a slut?

7 A: Probably out of heat of anger, yes.

8 Q: Okay. All right. Now -- but you said you were concerned
9 about your nieces hearing all of this language?

10 A: Correct.

11 Q: Okay. But you're still using language as the police are
12 dragging you out?

13 A: Correct.

14 Q: Okay. Now, you testified that there's two doors between
15 yourself and the fence. Did you ever see anyone doing
16 anything to the door or the fence, to the outside of the
17 garage?

18 A: No, ma'am, I did not. All I did was hear someone kicking
19 my door in because the way I had it secured, that's the only
20 way you could get in my house.

21 Q: Okay. But you didn't see or hear anyone at your front
22 door or knocking on any of your windows?

23 A: No, ma'am, I did not.

24 Q: Telling you they were police?

25 A: I did not. I was on the opposite side of the house.

MARVIN WILLIAMS JR. - CROSS BY MS. HUMMEL

1 Q: Okay. But there's just one door between yourself and the
2 front porch; correct?

3 A: Yes, ma'am.

4 Q: And you said, I think, it was about three to four feet
5 between the front door and the steps. So it's not a very --
6 it's not very wide in other words, is it? The porch?

7 A: It's a standard porch as far as I -- you know.

8 Q: Okay.

9 A: What I know about porches.

10 Q: All right. So you said that it was about three to four
11 feet. I think Mr. Woodson was trying to gauge how -- how far
12 that would be. So if you're sitting right at the front door
13 -- say you're sitting there. You're standing at the front
14 door. Where would it be? Am I probably to the end of the
15 porch? Is this where the steps start?

16 A: No, ma'am. That's too far.

17 Q: Too far? Okay.

18 MS. HUMMEL: Your Honor, may I approach?

19 THE COURT: You may.

20 MS. HUMMEL: Thank you, Your Honor.

21 BY MS. HUMMEL:

22 Q: How about this? Is this --

23 A: Come on up just a little bit more.

24 Q: A little bit more?

25 A: Yeah.

MARVIN WILLIAMS JR. - CROSS BY MS. HUMMEL

1 Q: How about here?

2 A: That's about right.

3 Q: Okay.

4 A: An estimation.

5 Q: All right. Okay. So the porch is not very -- not very
6 wide. So your testimony is that you never heard the officers
7 announcing themselves or knocking on the door, even though the
8 porch isn't very wide and there's only one door between
9 yourself and the front -- and the porch?

10 A: Correct.

11 Q: Okay.

12 MS. HUMMEL: I beg the Court's indulgence one moment,
13 Your Honor.

14 THE COURT: Uh-huh.

15 BY MS. HUMMEL:

16 Q: Mr. Williams, correct me if I'm wrong. Did you testify
17 on direct that you -- as the police were taking you out of the
18 house that you saw Ms. Pleasant closing up the fence?

19 A: Correct.

20 Q: Okay. Now, when -- at what point did you see her doing
21 that?

22 A: When I was on the platform when they had me -- when they
23 drug me out the house, I was coming -- they was dragging me
24 down the steps and I looked back. She was coming out my gate
25 and securing my fence.

MARVIN WILLIAMS JR. - CROSS BY MS. HUMMEL

- 1 Q: Okay. So when you're in the yard? Is that where you
2 were when you saw her?
- 3 A: I'm right at the bottom of the steps when I seen her.
- 4 Q: Okay. At the bottom of the steps?
- 5 A: Yeah.
- 6 Q: Now, the fence -- the opening to the fence -- is that not
7 -- I think you said around the corner of the house? The back
8 corner?
- 9 A: No. The front corner.
- 10 Q: The front corner?
- 11 A: Yes, ma'am.
- 12 Q: Okay. So it's somewhere over in this area if this is the
13 front door right here?
- 14 A: Right.
- 15 Q: Okay. And you said you were at the bottom of the steps
16 and you saw her closing up the fence?
- 17 A: Correct.
- 18 Q: All right. Now, wouldn't it be fair to say that you told
19 Ms. Pleasant how to get in if she ever got locked out since
20 she was helping you stay with the kids?
- 21 A: No, ma'am. That is not fair to say any of that.
- 22 Q: So if she ever got locked out and the kids were inside
23 and they didn't know to let her in, she would have no way to
24 get in and that's what you're saying?
- 25 A: No, ma'am. I'm saying that my responsibility for my

MARVIN WILLIAMS JR. - CROSS BY MS. HUMMEL

1 nieces are more factual did that. I would make other
2 arrangements for that.

3 Q: So you never gave her any way to get in or out of the
4 house, yet you were letting her watch her nieces; is that
5 true? Is that what you're saying?

6 A: No. She had access to the house because I left her in my
7 house.

8 Q: Okay.

9 A: To catch my nieces because it was raining that day.

10 Q: Okay. Now, if she had left the house for some reason,
11 your nieces -- you know, your nieces needed something and she
12 locked the house, how would she get back into the house?

13 A: Because I was doing random checks anyway.

14 Q: Well, what if you weren't there? What if you weren't at
15 the house? How would she get your nieces back into the house?

16 MR. WOODSON: Objection. This calls for speculation.

17 MS. HUMMEL: Judge, I think it just goes to whether he
18 gave her a way to get in.

19 THE WITNESS: Well, to get them back in the house --

20 THE COURT: You can ask and he can answer it. Go ahead
21 and answer it.

22 BY MS. HUMMEL:

23 A: Well, her auntie lives to the right of -- to the left of
24 me.

25 Q: Who's that?

MARVIN WILLIAMS JR. - CROSS BY MS. HUMMEL

- 1 A: Her aunt.
- 2 Q: Her aunt?
- 3 A: Yeah.
- 4 Q: Okay. And her aunt has a way to get in the house?
- 5 A: No. They have their own house.
- 6 Q: Okay. So she --
- 7 A: That's where they was staying.
- 8 Q: -- could take the nieces to her aunt's house instead of
- 9 your house where the nieces live?
- 10 A: Yeah. If she was to lock them out, yeah.
- 11 Q: Okay. So you never gave her a way to get back in with
- 12 the nieces in case she got locked out? Is that -- is that
- 13 true?
- 14 A: Yeah, that's true.
- 15 Q: Okay. All right.
- 16 MS. HUMMEL: I beg the Court's indulgence one moment,
- 17 please, Your Honor.
- 18 THE COURT: Uh-huh.
- 19 BY MS. HUMMEL:
- 20 Q: Mr. Williams, isn't it true that when the police came,
- 21 you were highly intoxicated? You were very drunk?
- 22 A: Negative, ma'am.
- 23 Q: So you're telling me that you weren't drunk, that you
- 24 were yelling profanities, even though you didn't want your
- 25 nieces to hear them, and you weren't drunk?

MARVIN WILLIAMS JR. - CROSS BY MS. HUMMEL

1 A: Yes, ma'am. I think that in regard to that what you're
2 saying, yeah, I drink, but I wasn't intoxicated because that's
3 -- that's not good for you. If you're watching kids, there's
4 no need to be intoxicated watching kids.

5 Q: And there's no reason to yell profanities either, is
6 there?

7 A: Yeah, it is reason to yell profanities, ma'am.

8 Q: When you're drunk; right?

9 A: No, ma'am. When you're -- when you're entering my house
10 and I didn't open the door to let you in. Yeah.

11 MS. HUMMEL: Nothing further, Your Honor.

12 THE COURT: Redirect?

13 MR. WOODSON: I just want to ask him about something.

14 REDIRECT EXAMINATION

15 BY MR. WOODSON:

16 Q: The solicitor asked you at one point during her cross
17 about you staying with her. Did you ever live with Ms.
18 Pleasant?

19 A: No, I did not.

20 Q: Okay. You maintained separate residences; right?

21 A: Yes, we did.

22 Q: All right. Throughout the relationship?

23 A: Yes, sir.

24 Q: All right. And she asked you a couple of hypotheticals
25 about what if she got locked out. Did anything like that ever

MARVIN WILLIAMS JR. - REDIRECT BY MR. WOODSON

1 happen?

2 A: No, sir.

3 Q: Okay. So basically if she ever came to your house, you

4 let her in?

5 A: Yes, sir.

6 Q: All right. Did you ever teach her how to get in your

7 house any other way?

8 A: No, sir.

9 Q: All right. On the night of this incident, you said you

10 didn't see who kicked the door in. Are you sure that you --

11 what did you hear? What did it sound like?

12 A: A loud banging, like somebody forcing theirselves inside of

13 my home.

14 Q: And how many times did you hear the banging?

15 A: Twice.

16 Q: All right. Prior to that, I think the solicitor was

17 asking you about the distance and why you didn't hear

18 knocking. How far were you from the front door initially when

19 you were -- I think you said you were laying down?

20 A: Well, from here to the door where the female coming in

21 and then the room that I was in is -- say, might be where that

22 corner is on the -- on the railing there.

23 Q: Okay.

24 A: I was in that room on that side of the house with the

25 door closed.

MARVIN WILLIAMS JR. - REDIRECT BY MR. WOODSON

1 Q: Okay.

2 A: Yeah.

3 Q: All right. And your testimony -- you didn't hear
4 anything prior to that?

5 A: Correct.

6 Q: Okay.

7 MR. WOODSON: I don't have anything further, Your Honor.

8 THE COURT: All right. Anything further?

9 MS. HUMMEL: Yes, Your Honor, I would.

10 RECROSS-EXAMINATION

11 BY MS. HUMMEL:

12 Q: Mr. Williams, you said that you were in a room on this
13 side initially, on this side of the courtroom, your left side?

14 A: Well, if I'm the front door, what you're saying is
15 correct.

16 Q: All right. I mean with me as the front door. I'm still
17 right here. I'm the front door.

18 A: Oh. Well, if you're the front door, the room is on this
19 side.

20 Q: Okay. But the fence is also on this side, isn't it?

21 A: Correct.

22 Q: Okay. All right. And you said the distance was
23 somewhere between myself or yourself and that door over there
24 to the courtroom; correct?

25 A: What do you mean?

MARVIN WILLIAMS JR. - RECROSS BY MS. HUMMEL

1 Q: The distance between yourself and the front door.

2 A: Yeah.

3 Q: Okay.

4 A: Yeah.

5 Q: All right. Now, you have windows on that side of your

6 house, don't you?

7 A: Correct. Yeah.

8 Q: Okay. You have windows probably all around your house,

9 don't you?

10 A: Yes, ma'am.

11 Q: Okay. Various places?

12 A: Yes, ma'am. It's a standard house. Yeah.

13 Q: Okay. All right. Now, how many doors is it? You said

14 you had the door closed from that room. How many doors is it

15 from that room to the front porch?

16 A: Just one.

17 Q: Just that one door?

18 A: Well, I've got a four-bedroom home.

19 Q: Okay. So you just open that door and you can walk

20 through to go to the front door?

21 A: It's a straight -- yeah, a straight open hallway.

22 Q: Okay. All right. Now -- and you're saying the fence is

23 on that side of the house where the room is that you were in?

24 A: Yeah, but that whole section down the property line is

25 boxed in.

MARVIN WILLIAMS JR. - RECROSS BY MS. HUMMEL

1 Q: Okay.

2 A: To the back of the house, yeah.

3 Q: All right. Now, at what point did you come to the center
4 of the house toward the front door? Because you testified you
5 were right there and the front door was here.

6 A: I came to the front of the house when I heard somebody in
7 my yard hollering, here, Leo, Leo, talking to my dog.

8 Q: Okay. But that was on the other side of the property;
9 right?

10 A: Negative, ma'am. It's on the right side.

11 Q: Where the room is that you were staying?

12 A: Correct.

13 Q: Okay.

14 A: Yeah. Because I heard the voice when it passed the
15 window.

16 Q: So when you came to the center of the house, you actually
17 went away from that and towards the front door; correct?

18 A: Correct.

19 Q: Okay.

20 A: When I exit the room, I make a right and I can see the
21 front door and seen all the lights, and I stopped right there
22 because I'm wondering what are all these lights out here in
23 front of my house. And then that's when I look to my -- to my
24 extreme right when I heard the boom, boom, and then that's
25 when they charged in and that's when I went off.

MARVIN WILLIAMS JR. - RECROSS BY MS. HUMMEL

1 Q: Now, isn't it true that the side door that can access the
2 garage -- that's secured by, like, a two-by-four board of some
3 sort?

4 A: Yeah. And a safety chain at the top.

5 Q: And a chain?

6 A: Yeah.

7 Q: Where's the chain located?

8 A: It's one of the wall chains -- door chains is what we
9 got. And then I had a two-by-four pressed up against -- up
10 under the doorknob. So for you to get in the house, you had
11 to push the door open.

12 Q: Okay.

13 A: And you really had to use force.

14 Q: Okay.

15 A: Ms. Pleasant is not built to do that.

16 Q: Okay. Not maybe by her own strength, but maybe by using
17 an object she might could do that; right?

18 A: I don't know. I don't know what Ms. Pleasant could do.

19 Q: All right.

20 A: Uh-huh.

21 Q: So you're saying you never -- even though you have
22 windows on that side of the house, you never heard anyone
23 knocking on the doors or the windows or yelling that they were
24 the police? Even though they did it for 25 minutes, you never
25 heard that?

MARVIN WILLIAMS JR. - RECROSS BY MS. HUMMEL

1 A: I never heard that. I was asleep. How could I hear it?

2 Q: But you heard the fence being opened?

3 A: I heard somebody in my backyard.

4 Q: Okay.

5 A: Yeah.

6 MS. HUMMEL: Nothing further, Your Honor.

7 THE COURT: All right. You may step down. Thank you.

8 Call your next witness.

9 MR. WOODSON: The defense rests, Your Honor.

10 THE COURT: All right. Members of the jury, if you
11 would, step into the jury room for just a moment while we take
12 up some matters before we conclude the case.

13 (WHEREUPON, the jury exited the courtroom at 10:19 a.m.)

14 THE COURT: All right. Any motions?

15 MR. WOODSON: Your Honor, I renew my motion for a
16 directed verdict and I would just renew all of my previous
17 motions.

18 THE COURT: What's that? The second part?

19 MR. WOODSON: And I would renew all my previous motions,
20 motion for a mistrial.

21 THE COURT: All right. I'm going to deny the directed
22 verdict. Anything you want to say?

23 MS. HUMMEL: No, Your Honor. I still think it's a
24 factual issue for the jury.

25 THE COURT: All right. Let me speak to my clerk one

1 (WHEREUPON, the jury entered the courtroom at 11:24 a.m.)

2 THE COURT: All right. Mr. Woodson, you're recognized
3 for your closing statement.

4 MR. WOODSON: May it please the Court.

5 THE COURT: Sure.

6 CLOSING ARGUMENT ON BEHALF OF THE DEFENDANT

7 MR. WOODSON: Ms. Hummel. Ladies and gentlemen, again I
8 want to thank you. You've been very attentive throughout this
9 trial. It's been a very short trial, but you've been very
10 attentive and my client appreciates that and I appreciate
11 that.

12 You've heard all the evidence from the stand and now I'm
13 going to do my closing argument. And the procedure is I do a
14 closing argument and the solicitor does a closing argument and
15 that's it. I'm not allowed to stand up. So when he does his
16 closing argument, of course, I'm going to disagree and I'm
17 going to want to stand up and come back before you, but the
18 rules don't allow me to come back before you. So this is my
19 last chance to speak with you.

20 What I want to do is kind of summarize some things that
21 were said from the stand. I kind of outlined at the beginning
22 of this trial what some of our objections were, some of the
23 things that we saw, and some problems with this case.

24 When -- when the victim -- the alleged victim took the
25 stand, one of the first things she told this jury is that she

1 was either slapped or punched, which is a big difference. She
2 came back when she was tried, -- when she was pinned down and
3 she said, well, I was punched.

4 Years ago -- and this may be hard to believe, but I've
5 been in a couple of schoolyard fights and you remember if you
6 were slapped or punched. There is -- there is -- that's not
7 something that you easily forget. And one of the things we're
8 going to look at is that we have to look at the person's
9 believability and their credibility. You also have to look at
10 the things that they said and whether those things are
11 plausible.

12 One of the things she said was that she was pushed out of
13 the door and she went down the steps. There are about three
14 steps according to the testimony of my client. They weren't
15 very high steps, not even as high as this table. She -- and
16 then there was a porch, which would've had to indicate some
17 force and some -- some bruising would have occurred. It's
18 very likely.

19 The pictures that were taken -- you can take these
20 pictures and you will have these pictures in the jury room
21 with you and I would submit to you that these pictures don't
22 show a very -- I mean she looks pretty much the same today
23 other than -- I mean she looks like she's washed down in
24 sweat, but there's no -- there's no visible cuts. There's no
25 bleeding. There's no black eye. She looks the same in these

1 pictures pretty much that she looks now. There's no grass in
2 her hair. There's no dirt in her hair. I think her testimony
3 was when the officers came up she was on her back. Her feet
4 -- one of the other officers said I think that she was kind of
5 on her side, but she was on the ground for a while.

6 The undisputed testimony in this case is that she had
7 been drinking and she had been drinking a lot. I asked her --
8 I said were you using drugs. She said she couldn't remember,
9 but she was definitely drinking.

10 Now, with reasonable doubt, if there's another plausible
11 explanation, then that's when you have doubt and you have to
12 find my client not guilty. She'd been drinking. My client's
13 testimony was that she left at eleven o'clock. The testimony
14 from the officers is they got there a little after one. So if
15 she left at eleven and she had been on the ground, at some
16 point she called 9-1-1 and they came. She could have been
17 down there because she was drinking.

18 The State has known for a long time that we were saying
19 that Ms. Pleasant did not live with my client. The judge is
20 going to read an instruction to you and he's going to say that
21 to be found guilty of criminal domestic violence you have to
22 be cohabitating. That's a fancy word, but cohabitating -- co,
23 like if you co-own something. If you co-own a business, you
24 own it together. If you're cohabitating, you're living
25 together. It's an intentional act.

1 My client says that at all times they maintained separate
2 residences. Her lights were on, but her water was off. She
3 could come over and she could take a shower. She has spent a
4 night, but that's not cohabitating. You can go spend the
5 night with your mom. That doesn't mean that you live with
6 your mom. You can go spend the night with your cousin.
7 Cohabitating is a legal word. It's an intentional act.

8 They were not cohabitating. She says she never had an ID
9 or a driver's license that's used that address. She says that
10 she never got any mail at that address. She never used this
11 address. This was not her place of residence. She never had
12 a key.

13 In fact, on the night that -- there's some -- my client
14 is not sure how she got in. He says the door was kicked in.
15 The officers said they didn't do it, but she says she went
16 around and used a shovel. But he said he heard some banging
17 and they came in her house -- they came in his house.

18 If she was living there, she would have a key. She would
19 have some evidence. She could've paraded 20 witnesses in here
20 saying, yeah, we know she lived there. The neighbors could
21 have come and said she lived there. She was always there.
22 She lived there day and night. But nobody in Marion County or
23 from anywhere else came in this court and told you that, which
24 would be something easy to prove.

25 I submit to you that on that night the police tried to

1 charge my client with the highest thing they could charge him
2 with because they were angry. They came in the door and
3 they're being cursed at. And I asked the officer -- and I
4 said, is it a crime for him to curse at you? No, it's not a
5 crime for him to curse at me. And he was cursing outside.

6 I don't advocate cursing at the police. I don't advocate
7 any of that or anything like that, but the Constitution allows
8 free speech and the officer acknowledged that. He said, yeah,
9 but when he came outside he was cursing. Well, he was cursing
10 in his yard. That still is not a crime, but they -- and I
11 usually don't bring up other things that a person is charged
12 with, but on that night they charged him with disorderly
13 conduct as well for cursing at the police, which is not a
14 crime.

15 And they tried to -- they tried to charge him with the
16 highest thing and even though they knew he didn't live there
17 -- Ms. Pleasant didn't live there, they charged him with
18 criminal domestic violence. They didn't come back and ask him
19 about anything. They were done. After that night, there's no
20 testimony they came back and tried to -- you know, after the
21 situation died down say where did she live. They never did
22 anything of that nature to verify that this lady lived there.
23 They just said she lived there.

24 The criminal domestic violence, as I stated in my
25 opening, is a very specific area of the law designed to

1 protect members of your household. The judge will tell you
2 that and then he's going to define members of the household.
3 She's not a member of his household. She did not live there.
4 So I would ask on that charge that you find him not guilty.

5 The officers' testimony seemed to be a little
6 contradictory as well. Two of the officers testified that my
7 client said that he threw her out. Now, the judge could throw
8 somebody out of this court. That doesn't mean the judge
9 touched them. You can throw somebody out of your house
10 without touching them.

11 My client got on the stand and say, yeah, I told them I
12 threw her out. I told her to get out of my house. I didn't
13 touch her. I told her to get out. When she left, I secured
14 the door and I went to bed.

15 The officers are interpreting that. They're using a
16 subjective -- their subjective opinion to say that we
17 interpreted that to mean that he touched her. He didn't say
18 that. And as a matter of fact, I asked Officer Hayes did he
19 specifically tell you that he touched her and Officer Hayes
20 said, no, he didn't. He just said he threw her out.

21 This case is not about what the officers subjectively
22 think. This case is about facts, and my client did not say he
23 touched her. My client denied it that night and he has denied
24 it ever since.

25 But they did put up another officer who didn't do a

1 report and who reviewed the two other officers' report and he
2 says, well, he said he pushed her. I said, well, how do you
3 remember that if you do so many CDV cases? You didn't take
4 any notes. You reviewed their report. You didn't ask them to
5 change it because it was wrong and he just says, well, that's
6 what I remember.

7 And you can look at the credibility of that. The report
8 was done that very same night by the officers and he didn't do
9 anything, but he remembers it differently because they really
10 want to convict him of this criminal domestic violence.

11 My understanding is that the solicitor is going to ask
12 for what they call a lesser-included charge. That means that
13 if you don't find him guilty of criminal domestic violence, if
14 you say he didn't live here, then the solicitor is going to
15 advocate that you find my client guilty of assault and
16 battery, that he hit her.

17 I'm going to ask as well that you find him not guilty of
18 assault and battery because he has denied hitting her and the
19 physical evidence in this case is -- there's no physical
20 evidence to show any injury to her. She declined any medical
21 treatment. There was no bruising. They said that she had
22 swelling to her face, which, unless they knew her really well,
23 how would they know her face was swollen?

24 And then Officer Hayes even tried to discount the
25 pictures. Well, there was light. We were holding up the

1 light and the pictures don't really show how it really was.

2 How does that make sense? The pictures -- they say a
3 picture is worth a thousand words. This is how she looked on
4 that night and she did not have any bruising or black eyes or
5 anything of that sort.

6 Based on the things that came from this stand, I would
7 ask that you find my client not guilty of both criminal
8 domestic violence and assault and battery third-degree. Thank
9 you.

10 THE COURT: All right. Thank you. The State is
11 recognized.

12 MS. HUMMEL: Thank you, Your Honor.

13 THE COURT: Sure.

14 MS. HUMMEL: May it please the Court.

15 THE COURT: Yes, ma'am.

16 CLOSING ARGUMENT ON BEHALF OF THE STATE

17 MS. HUMMEL: Mr. Woodson. Ladies and gentlemen of the
18 jury.

19 Yeah, I threw that slut out there and if she fell, F her.
20 Those are the words of a man who is guilty, that man sitting
21 right over there. He didn't care. That's why he said that.
22 He didn't care if she hurt -- if she was hurt when he pushed
23 her out of the house.

24 And the judge will explain to you about criminal domestic
25 violence. I kind of talked with you about it initially when I

1 made my opening statement. I talked to you about the elements
2 of the law and what the State has to prove in order to
3 establish those, and I'm going to use a PowerPoint because, if
4 you're like me, you learn visually. Some of you might be
5 auditory learners and you learn by hearing. I like to see
6 things and I think it's helpful to read it and then think
7 about all the testimony that we've heard as you're seeing the
8 law.

9 All right. So he's been charged with criminal domestic
10 violence. It's what I told you about in my opening statement.
11 The judge is going to explain to you what the law is and
12 here's what it is. I told you this before.

13 The defendant caused physical harm or injury to his own
14 household member or he offered or attempted to cause physical
15 harm or injury to his own household member.

16 I'm not sure what this is doing.

17 MR. WOODSON: Your Honor, can we approach right quick?

18 THE COURT: Sure.

19 (WHEREUPON, a bench conference was held in the presence
20 of the jury but out of the hearing of the jury off the
21 record.)

22 MS. HUMMEL: All right. The defendant caused physical
23 harm or injury to his own household member or he offered or
24 attempted to cause physical harm or injury to that household
25 member with the present ability under circumstances reasonably

1 to create fear under the law.

2 So basically what this means is the first part, that's
3 when actual harm or injury has occurred. Basically when
4 someone has touched another person and there's physical
5 contact. They tried to harm that person and they caused them
6 harm or injury.

7 This part is just for when they offered or attempted or
8 tried to cause physical harm or injury to someone and they
9 made that person in fear that they were going to be hurt. I
10 would argue that that's not what we're under here. We're
11 actually under this. He actually touched her. He actually
12 hit her and he actually pushed her out of the house and caused
13 her harm or injury.

14 You heard the victim testify that he hit her and he
15 pushed her onto the ground. You could hear the officers
16 testify that she had on her face -- on the left side, which is
17 where she told them that she was hit, she had what appeared to
18 be a goose egg. That's how they described it.

19 Now, Mr. Woodson wanted to talk about these pictures and
20 how he says they look basically the same. You heard the
21 officer testify that it was very dark that night. They
22 responded when it was dark, 1:30 in the morning. He said that
23 he could see much more clearly with his naked eye what she had
24 on her face as a goose egg rather than these pictures, which
25 are very dark, as you can see.

1 Now, he also said there were -- you can't see any bruises
2 on those photos. I'm sure all of you have had some time where
3 you bumped your knee on a table or something or maybe hit a
4 door when you were going through. A lot of kids have, you
5 know, when they play around and get bruises. We all know
6 that, just from your own common sense, bruises don't show up
7 that very second. They show up much later, sometimes even a
8 day or so later.

9 Now, if this incident happened right as she said it did,
10 which it did, the police came there only a few minutes after
11 it happened. She called 9-1-1. They got there within
12 minutes. She's not going to have a bruise. She's not going
13 to have a black eye. It just happened. There's going to be
14 some swelling probably and some redness, which is what it
15 shows in this photo. She does appear to have some redness on
16 her face, but not a bruise. Why not? Because it just
17 happened. She's not going to have a bruise for something that
18 just happened only minutes before.

19 Not only that, but she was still lying on the ground when
20 the officers arrived, exactly where she said he pushed her out
21 of the house. We talked about when she was on the stand how
22 she was positioned. I think the officers testified about
23 that. She was laying with her feet towards the steps and her
24 head towards the road.

25 Now, if someone pushes me from the steps, I'm going to

1 fall back like this, probably fall on my side. My feet are
2 going to be closer to the steps and my head is going to be
3 away from the door. That's exactly how they found her. All
4 that corroborates exactly what she said and exactly what they
5 told her -- I mean exactly what she told them about what
6 happened.

7 All right. Now, Mr. Woodson, of course, is making a big
8 deal about living there. You heard her testify that they did
9 live together. He stayed with her at the house that she was
10 renting and not only that, but he allowed her to move in with
11 him when she really didn't have any other place to go. He
12 mentioned helping her out. He was helping her out.

13 He was giving her a place to stay, but they were still in
14 a relationship. Why else would he call her a slut as he's
15 being dragged out of the house? Yelling profanities, calling
16 her a slut. Why would he call her that if they weren't in a
17 relationship?

18 Also, the officers -- when they went back to check their
19 LawTrack system, do you remember the officer testified he went
20 back to see if they had any active warrants on them.

21 MR. WOODSON: Objection, Your Honor.

22 THE COURT: Overruled. Go ahead.

23 MS. HUMMEL: Thank you, Your Honor. He said that he went
24 back to see if they had any active warrants on either person.
25 They didn't, but he did see in the system that her address was

1 the exact same address as the defendant's,
2 that same address where they had responded. Now, if she had
3 never lived there, why would they have her address in the
4 system? In their system --

5 MR. WOODSON: Objection.

6 THE COURT: Overruled.

7 MS. HUMMEL: Not only that, but she -- she knew exactly
8 how to get inside the house through the side door. Why?
9 Because he showed her how. That's what she told the officers.
10 I know how to get in. He showed me how in case I ever need
11 to, in case I ever get locked out.

12 He even admitted that he let her stay there. He admitted
13 to you on this stand when I asked him so she stayed with you,
14 didn't she, he said yes, she stayed the night with me before.
15 He actually said many times. I asked him if he'd stayed with
16 her sometimes. He said, yes, he would spend the night.

17 Not only that, but he allowed her to watch his nieces.
18 She was living there and helping him take care of his children
19 and he was also, you know, giving her a place to stay.

20 And that's why the dog didn't bite her. He knew her.
21 She had gone through that way many times. If she wasn't
22 allowed to go back there, he would've probably bit her. But
23 he knew her. She had gone through that way before.

24 That's why law enforcement didn't go around that way.
25 That's why they tried to get Mr. Williams to answer the door.

1 They weren't going anywhere near that pit bull, but Ms.
2 Pleasant -- she'd known -- she had known that pit bull. That
3 pit bull had been around her many times and that's why she was
4 able to go and unlock the door by moving that board.

5 And he testified that she -- she couldn't do that. Maybe
6 not by her own strength, but I asked him, well, if she had an
7 object to try to move it. He said, yeah, she might be able
8 to. And that's exactly what she did. She told you she used a
9 shovel and she moved that board just like he showed it to her
10 and was able to gain access to the house to let the officers
11 in.

12 Now, ladies and gentlemen, Mr. Woodson -- he wants to --
13 he wants to make you see all the things that aren't as
14 important as the evidence in this case. He wants to let -- he
15 wants to muddy the water.

16 Now, I'm going to use a little illustration and I'm going
17 to go over all of these points that he's trying to make. Now,
18 if I pour a glass of water in a clear glass, you can see
19 through that. It's fairly clear. You can see my hand through
20 it. It might be a little distorted, you know, because of the
21 texture of the glass, but you can still see through it. Now,
22 if I put some dirt in that water, it's going to make it harder
23 for you to see through that water.

24 Now, let's talk about the victim being thrown. She just
25 fell. That's what Mr. Woodson wants you to believe. Yeah,

1 she said she had been drinking, but, if you recall, the
2 officers also testified she was able to get up. She was able
3 to walk around the house, over the fence, go through the door,
4 and open the door for the officers.

5 Now, them having responded within minutes of it
6 occurring, if she had still been so drunk that she fell down
7 these steps, she would have never been able to walk perfectly
8 normally around the house and open that fence and actually
9 gain access by moving that board. She would've never been
10 able to do that.

11 You know what that is? That's some dirt in the water.
12 It's getting a little bit dirtier.

13 Let's talk about who really has a motive to lie in this
14 case. Mr. Woodson wants you to believe that all three of
15 these officers who testified are completely lying. They have
16 no credibility whatsoever, as well as the victim. Four
17 witnesses, all saying consistent stories for the most part.
18 There might be a few minor inconsistencies here and there.
19 They all gave the same story.

20 Mr. Williams, over here, sitting right back here -- he is
21 the one who is giving the inconsistent story. He's the one
22 who has every motive to lie. He's the one who's being
23 charged. He's the one who has to get himself out of this.

24 What Mr. Woodson never brought up was what bias do these
25 police officers have against Mr. Williams. They were simply

1 responding to a call.

2 MR. WOODSON: Objection.

3 THE COURT: Overruled.

4 MS. HUMMEL: All they were doing was responding to a
5 domestic violence call. It's their job. That's what they do.

6 They tried to diffuse the situation, asking -- asking Mr.
7 Williams to come out, knocking on the door many, many times.
8 He never answered. They were just doing their job and
9 everything they testified to was consistent with what the
10 victim said happened. They saw the goose egg on her eye -- on
11 her face. They saw her laying on the ground exactly where she
12 said he had pushed her out of the house.

13 Mr. Woodson doesn't want you to see that. He wants you
14 to think that the officers are lying. Ladies and gentlemen,
15 that's not reasonable. It's just more dirt in the water.
16 It's starting to get a little cloudy.

17 Now, Mr. Williams testified he was so upset about Ms.
18 Pleasant using profanity, yet he said he used multiple
19 profanities when the police came in, as they were taking him
20 to their patrol car. He was so concerned that his nieces were
21 going to hear Ms. Pleasant using a curse word, yet he is using
22 multiple profanities.

23 That's a double standard, ladies and gentlemen. He's
24 trying to cover up his true character, the true character that
25 the law enforcement officers saw that night. More -- more

1 dirt in the water. Ladies and gentlemen, it's getting more
2 cloudy. It's hard to see through now, isn't it?

3 Now, the biggest thing that doesn't add up about the
4 defense testimony is the fact that he said if she fell, F her.
5 Now, I think y'all remember when Sergeant Hayes was on this
6 stand, he made a very excellent point. If he had just asked
7 her to leave, why would he think about her falling? Why would
8 he say anything about her falling? Why would he think she
9 would've fallen? Because he pushed her. He hit her and then
10 he shoved her out of that residence because he was mad. He
11 was drunk and he was angry.

12 Ladies and gentlemen, all of these other points, it's
13 just mud in the water when you have consistent testimony from
14 the victim and the officers that she was hit and she was
15 pushed out of the house. And Mr. -- Mr. Williams was trying
16 to say that he never heard law enforcement knocking on his
17 door, on his windows. They testified they did it for 25
18 minutes. Even Ms. Pleasant testified that they were trying to
19 get in, trying to get him to come to the door, but he never
20 did.

21 And he wants you to believe that even though he was in
22 his room where there are windows, which he said was only one
23 door away from the front door, he never heard anyone knocking
24 or announcing themselves, yet he heard a little movement of
25 the fence and a little person saying, here, Leo, here, Leo.

1 But he couldn't hear this.

2 (Knocking on the table.) Police. It's not reasonable,
3 ladies and gentlemen.

4 The standard is beyond a reasonable doubt. None of these
5 things are reasonable doubts. Now, when you go back in that
6 jury room, I want you to use your common sense. Think about
7 what makes sense and what specifically doesn't make sense.

8 Now, if you're like me, maybe you have well water that
9 isn't clear, like this water right here. Maybe you have to
10 have a filter so you can get it back to its pure state. When
11 you filter out all of these things, all of these
12 inconsistencies that Mr. Williams wants to bring up that just
13 don't make sense and you filter all of that, you have the
14 evidence. Pure and simple, exactly what the officers
15 testified to and exactly what the victim testified to. He hit
16 her. He pushed her. That's domestic violence.

17 Ladies and gentlemen, I just ask you to go back there,
18 think about all of these things, and use your common sense.
19 And I know each and every one of you looks like a very
20 intelligent person and I know you'll go back in there and some
21 of you may be thinking, yes, he is guilty. That's the right
22 thing, but maybe some of you aren't thinking that.

23 Those of you who know he did what the State has charged
24 him with, you need to go back there and you need to stand up
25 for what you know is right. I'm now asking you to go back

1 there and find the defendant guilty of criminal domestic
2 violence.

3 And the judge is going to charge you on assault and
4 battery third. If for some reason you don't feel that he
5 lived with her, even though he admitted that he stayed with
6 her on the stand, you can find him guilty of assault and
7 battery third.

8 Thank you very much for your time. Thank you very much
9 for your attention.

10 CHARGE ON THE LAW

11 THE COURT: Members of the jury, it is now my duty to
12 instruct you on the law applicable to this case and it is your
13 duty as jurors to accept and apply the law as I now state it
14 to you.

15 Furthermore, it is your exclusive duty to decide all
16 issues of fact in this case and to determine the effect,
17 value, weight, and truth of the evidence presented. Both the
18 State and the defendant have the right to expect that you will
19 carefully consider and evaluate the evidence and apply the law
20 of this case to it so that in the end both the State of South
21 Carolina and this defendant will receive a fair and impartial
22 trial.

23 I want you to understand that when I use the word
24 defendant, I refer to Mr. Marvin Williams Jr. In this case,
25 the State of South Carolina charges the defendant with the

1 offense known as criminal domestic violence. To this charge,
2 the defendant has entered a plea of not guilty. This plea of
3 not guilty places the burden of proof on the State to prove
4 the guilt of the defendant to you beyond a reasonable doubt.

5 It is vital to understand that a defendant is presumed
6 under the law to be innocent of the charge. It is a
7 fundamental rule of our law that a defendant, regardless of
8 the seriousness of the charges against him, is always presumed
9 innocent of the crime for which he is charged unless and until
10 his guilt has been proved by evidence that satisfies you
11 beyond a reasonable doubt.

12 The presumption of innocence is not a mere legal theory
13 or legal phrase. The presumption of innocence is very
14 important and you need to understand that this presumption
15 accompanies the defendant from the time of his arrest and
16 appearance in this court and continues with the defendant even
17 after you retire to the jury room to deliberate. In other
18 words, the defendant receives the benefit of the presumption
19 of innocence until the very end of this trial when you, the
20 jury, will deliberate upon the evidence and decide whether the
21 State has proved his guilt beyond a reasonable doubt.

22 During this trial, you and I have separate duties to
23 perform. As the trial judge, it is my responsibility to
24 preside over this trial. Therefore, I have the duty to rule
25 upon the admissibility of the evidence offered during the

1 trial. In that regard, you are to consider only the evidence
2 before you. Thus, you are to consider only the testimony
3 which has been presented from this witness stand, together
4 with any exhibits admitted into the record of this case.

5 Furthermore, I have the additional duty to charge you on
6 the law applicable to this case and in that regard it is your
7 duty to accept and apply the law as I now state it to you. If
8 you have any preconceived ideas as to what you think the law
9 is or what the law ought to be and it does not agree with what
10 I tell you the law is, then you are obligated under your oath
11 to abandon these preconceptions and accept the law as I now
12 state it to you.

13 In this trial, you are the sole and exclusive judge of
14 the facts and I am the judge of the law. Do not infer that I
15 have any opinion about the facts in this case from anything I
16 have said during the course of this trial. In this regard,
17 the law simply does not permit me to have an opinion about the
18 facts.

19 As jurors, it is your duty alone to determine the effect,
20 value, weight, and truth of the evidence presented.
21 Furthermore, it is your job as jurors to determine the
22 credibility and believability of witnesses who have testified
23 in this case from this witness stand. You must evaluate the
24 evidence and determine which evidence convinces you of its
25 truth.

1 In determining the believability of witnesses who have
2 testified in this trial, you may believe one witness over many
3 or many over one. You may believe a part of the testimony of
4 a witness and reject the remaining part. You may believe the
5 testimony of a witness in its entirety or reject it in full.
6 You may consider whether the witness has an interest in the
7 result of the trial, whether the witness is prejudiced toward
8 either party, the opportunity for the witness to have seen the
9 matters and things about which the witness may testify, and
10 the way the witness acts on the witness stand.

11 Proof beyond a reasonable doubt is proof that leaves you
12 firmly convinced of the defendant's guilt. There are few
13 things in this world that we know with absolute certainty; so
14 even in criminal cases, the law does not require proof that
15 overcomes every possible doubt.

16 However, if based upon your consideration of the
17 evidence, you are firmly convinced that the defendant is
18 guilty of the crime charged, you must find him guilty. If, on
19 the other hand you think there's a real possibility that he is
20 not guilty, you must give him the benefit of the doubt and
21 find him not guilty.

22 Please understand that reasonable doubt may arise from
23 the evidence which has been presented in the case or from the
24 lack of evidence in the case. It is your responsibility to
25 determine whether or not reasonable doubt exists as to the

1 guilt of this defendant.

2 I charge you that the defendant is entitled to every
3 reasonable doubt arising in the whole case. If upon any
4 issues of fact essential to conviction and a verdict of guilty
5 you have a reasonable doubt as to how that issue should be
6 resolved, it would be your duty to resolve that reasonable
7 doubt in favor of the defendant.

8 Thus in summary, it is important to understand that the
9 defendant is not required to prove his innocence. Instead,
10 the State is required by law to prove every essential element
11 of the charges against the defendant by evidence which
12 satisfies you of his guilt beyond a reasonable doubt. Only
13 then can you convict the defendant and find him guilty.

14 The defendant may be found guilty of criminal domestic
15 violence if he caused physical harm or injury to a household
16 member or offers or attempts to cause physical harm or injury
17 to a household member with apparent present ability under the
18 circumstances reasonably creating fear of imminent peril.

19 A household member is a spouse, a former spouse, a person
20 with whom the defendant has a child in common, and/or a person
21 of the opposite sex with whom the defendant is cohabitating or
22 has cohabitated with in the past.

23 If you do not find that the defendant committed criminal
24 domestic violence, in the alternative you may find that the
25 defendant committed assault and battery third-degree. The

1 elements of assault and battery third-degree are as follows.

2 A person commits the offense of assault and battery in
3 the third-degree if the person unlawfully --unlawfully injures
4 another person or offers or attempts to injure another person
5 with the present ability to do so.

6 Ladies and gentlemen, I'm now drawing near the end of my
7 charge and I want you to clearly understand that you are not
8 partisans or advocates for the State or this defendant. You
9 do not serve as jurors to reward your friends or punish your
10 enemies.

11 In this regard, you have been selected by both the State
12 and this defendant to be fair and impartial jurors. It is
13 your duty by your joint deliberations to determine the truth
14 in this case, giving to this defendant the benefit of every
15 reasonable doubt on each and every issue. Then to the facts
16 which you determine to be true, you should take and apply the
17 law which has been given to you by this Court and thus arrive
18 at a verdict which speaks the truth in this case.

19 In fact, the word verdict, which has a Latin derivative,
20 means a true saying. Thus, when you have accomplished these
21 responsibilities, you will have satisfied your oath as jurors
22 and you will have discharged your duty to this Court.

23 Now, Mr. Bailiff, if you would, hand the forelady the
24 verdict form.

25 Now, Ms. Forelady, I have handed you the verdict form.

1 When you arrive at a verdict in this case, you will write your
2 verdict on the form.

3 For the charges, if the State has failed to prove the
4 guilt of this defendant beyond a reasonable doubt, your
5 verdict would be two words: not guilty. However, should the
6 State have proved their case against the defendant beyond a
7 reasonable doubt, then your verdict would be one word: guilty.

8 Ms. Forelady, once a decision has been made, just check
9 whichever choice is yours and knock on that door. Also,
10 please understand that the verdict that you render in this
11 case must be the verdict of each and every juror. It must be
12 your unanimous verdict. All twelve jurors must agree on the
13 verdict which you authorize the forelady to write for the
14 jury.

15 Ms. Forelady and members of the jury, I want you to
16 further understand that the order in which the choices of
17 verdict appear on the verdict form are not suggestive of any
18 verdict on the part of this Court. The verdict in this case
19 is to be determined by you and not the Court.

20 Furthermore, ladies and gentlemen, please understand that
21 even though I have given the verdict form to the forelady, it
22 is not her verdict alone and I emphasize again the verdict
23 must be unanimous.

24 Now, you may retire to the jury room. However, I would
25 ask that you do not begin your deliberations until I tell you

1 to. The law requires that I now consult with the attorneys
2 first. After I have done so, the bailiff will bring in the
3 items of evidence and instruct you to begin your
4 deliberations.

5 Also, should you have any questions during your
6 deliberations, you must put them in writing and send them to
7 me by way of the bailiff. The court bailiff will be placed
8 immediately outside of the jury room door to provide security
9 and assistance for you during your deliberations.

10 Once you have reached your verdict, please knock on the
11 jury room door and ask the bailiff to advise the Court that
12 you have reached a verdict and we will return you to the
13 courtroom as promptly as possible thereafter.

14 Thank you. You may retire to the jury room, but, again,
15 do not begin your deliberations until told to do so.

16 (WHEREUPON, the jury exited the courtroom at 12:05 p.m.)

17 THE COURT: All right. Any objections from the State?

18 MS. HUMMEL: None from the State, Your Honor.

19 THE COURT: Now about the defense?

20 MR. WOODSON: Your Honor, I have a couple that I want to
21 put on the record. I objected during closing arguments, but I
22 want to say why.

23 First of all, on her PowerPoint presentation, which I
24 didn't see until she was presenting it, she labeled what the
25 State's intentions were as facts. I would object to that

1 contradictory to what my client said and things of that
2 nature; so I would ask for that instruction as well.

3 I renew my request for a mistrial, Your Honor, and I
4 would renew all of my previous objections.

5 THE COURT: All right. Any response to that?

6 MS. HUMMEL: Thank you, Judge. As far as the PowerPoint
7 goes, it's simply facts that I was arguing, simply the
8 testimony that was brought out on the stand. And the jury
9 can, you know, believe that or disbelieve that as facts. It
10 was just simply closing argument.

11 As far as the LawTrack system, I believe Your Honor
12 already ruled on that that it was admissible. You didn't give
13 a curative instruction and you allowed that to be used.

14 Your Honor, as far as the burden shifting, I don't recall
15 my exact words, but I believe I was saying that he didn't
16 bring out any bias of the witnesses. No bias was shown.

17 As far as the number of witnesses, I believe I just said
18 that they told a consistent story and he's telling an
19 inconsistent story. That's -- it's closing argument, Your
20 Honor.

21 THE COURT: All right. I'm going to deny those motions.
22 I think my charge speaks to itself in regard to the burden of
23 proof and to the witnesses and so forth and so forth.
24 Anything else?

25 What is into evidence? It's State's Number 1?

1 MS. HUMMEL: Yes, Your Honor.

2 THE COURT: That's it?

3 MS. HUMMEL: That's all.

4 THE COURT: All right. You want to take a look at it and
5 make sure that is what is supposed to go back?

6 MR. WOODSON: That's it, Your Honor.

7 THE COURT: All right. If you'll send it on back, bring
8 out the alternate, and tell them to begin.

9 (WHEREUPON, Jury deliberations began at 12:09 p.m.)

10 (WHEREUPON, the alternate juror was released at 12:09
11 p.m.)

12 THE COURT: All right. We'll be at ease until something
13 happens.

14 MS. HUMMEL: Thank you, Your Honor.

15 (WHEREUPON, there was a break in the proceedings from
16 12:10 p.m. until 12:31 p.m.)

17 THE COURT: We've got a verdict?

18 THE BAILIFF: Yes, sir.

19 THE COURT: All right. Go ahead and bring them on out.

20 MS. HUMMEL: Judge, the victim just went to the bathroom.
21 We're waiting for her.

22 THE COURT: She picked a good time. All right. We'll
23 wait on her.

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

25 THE COURT: All right. Let's go ahead and bring out the

1 jury.

2 (WHEREUPON, the jury entered the courtroom at 12:32 p.m.)

3 THE COURT: Madam Forelady, has the jury reached a
4 verdict?

5 THE FORELADY: Yes, sir.

6 THE COURT: If you will, hand the verdict form to the
7 clerk.

8 (WHEREUPON, the forelady complied.)

9 THE COURT: All right. I find the verdict form in order.
10 If you will, go ahead and publish it.

11 VERDICT

12 THE CLERK: State of South Carolina, County of Marion, in
13 the Court of General Sessions for the Twelfth Judicial
14 Circuit, Indictment Number 2015-GS-33-00097, the State of
15 South Carolina versus Marvin Williams Jr.

16 As to the charge of criminal domestic violence, we, the
17 jury, unanimously find the defendant guilty.

18 Signed by Sharon W. Bullard on February 18th, 2016, in
19 Marion, South Carolina.

20 Is this your verdict, say you one, say you all?

21 THE JURY: Yes.

22 THE CLERK: Thank you.

23 THE COURT: All right. Need for further polling from the
24 defense?

25 MR. WOODSON: No, Your Honor.

1 THE COURT: All right. Members of the jury, you are
2 excused. I appreciate you being here. I appreciate you
3 during your job. You've earned a three-year exemption by
4 being here and you'll be paid a little bit of money for being
5 here.

6 You have a good afternoon and enjoy the rest of your
7 evening.

8 (WHEREUPON, the jury was released at 12:34 p.m.)

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

10 THE COURT: All right. Mr. Woodson, do you have any
11 motions at this time? Mr. Woodson, you got any motions you'd
12 like to put on the record at this time?

13 MR. WOODSON: Your Honor, I just renew all my previous
14 motions.

15 THE COURT: All right. Thank you. I'll deny those
16 motions. I'm ready when you are, solicitor.

17 MR. WOODSON: And I'd make a motion for a new trial.

18 THE COURT: All right. I'm going to deny that motion.
19 Any time you're ready.

20 MS. HUMMEL: Thank you, Your Honor. As you know, this is
21 a case against Marvin Williams, Indictment 2015-GS-33-97.

22 THE COURT: All right.

23 MS. HUMMEL: He's charged with criminal domestic
24 violence, second offense. The jury found him guilty of
25 criminal domestic violence. I do have a disposition sheet for

1 the prior domestic violence, Judge.

2 THE COURT: And this carries up to -- is it a minimum and
3 a maximum?

4 MS. HUMMEL: Thirty days to one year, Your Honor.

5 THE COURT: All right. What kind of record does he have?

6 MS. HUMMEL: He does have a prior record. He has a 1985
7 DUI first, 1986 DUI second, 1989 DUI more than first, 1996
8 hindering officers serving a warrant, 1999 driving without a
9 license, offering uninsured motor vehicle, 2002 driving under
10 suspension, speeding, the forgery, of course, from 2005, more
11 than \$1000 but less than \$5000, and then 2007 he has a CDV
12 first conviction and a public drunk conviction, but the CDV
13 first was with the same victim and it was also at the same
14 location.

15 THE COURT: All right. Would the victim like to say
16 anything?

17 THE VICTIM: No.

18 THE COURT: Okay. Yes, sir, Mr. Woodson?

19 MR. WOODSON: Your Honor, she mentioned something from
20 1996. I don't see that on what they've disclosed to me
21 through discovery. But I would say that other than the
22 forgery, most of his record is either driving offenses or very
23 small misdemeanors.

24 Your Honor, my client is 51 years old. He's lived in
25 Marion County pretty much all his life. He actually has a

1 stent in his heart and he was supposed to be at the VA on
2 February 22nd, next week, for that appointment.

3 He's been -- it's been 19½ months since this incident and
4 he's not had any problems with -- with Ms. Pleasant. As a
5 matter of fact, there's been times where he's helped out her
6 grandchildren and things of that nature. And so there's been
7 no contact since that time. They've both moved on.

8 And, Your Honor, I'd like for you to take that into
9 consideration. He served nine days when he was initially
10 arrested. I would ask that based on his age, based on the
11 fact that there hasn't been any contact for 19½ months, that
12 you sentence him on the lower end of the spectrum and, if
13 possible, you let him do it on the weekends, Your Honor. If
14 you would, consider that.

15 SENTENCE

16 THE COURT: All right. The sentence of the Court is one
17 year. I'm going to give him nine days' credit.

18 MS. HUMMEL: Thank you, Your Honor.

19 THE COURT: Thank you.

20 (WHEREUPON, the proceedings ended at 12:44 p.m.)

21

22 --- END REQUESTED TRANSCRIPT ---

23

24

25

WITNESSES

Tony Hayes Mullins Police Department

RECEIVED

MAR 14 2016

SC Court of Appeals

Catherine Anderson Wyse

ARREST WARRANT NUMBER

2014A3320200118

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2015-GS-33-00097

The State of South Carolina

County of

MARION

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2015

THE STATE

vs.

MARVIN WILLIAMS JR

Indictment for

CRIMINAL DOMESTIC VIOLENCE
SECOND OFFENSE

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CLERK OF COURT, MARION COUNTY
SOUTH CAROLINA

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MARION COUNTY SC
SHERRY R. RHODES
CLERK OF COURT

STATE OF SOUTH CAROLINA)

COUNTY OF MARION)

INDICTMENT FOR

CRIMINAL DOMESTIC VIOLENCE
SECOND OFFENSE

At a Court of General Sessions, convened on FEBRUARY 12, 2015 the Grand Jurors of MARION County present upon their oath:

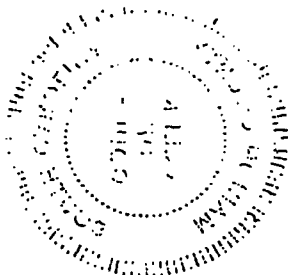
COUNT ONE- CRIMINAL DOMESTIC VIOLENCE SECOND OFFENSE

That MARVIN WILLIMAS JR did in Marion County on or about July 4, 2014, cause physical harm or injury, or did offer or attempt to cause physical harm or injury to the defendant's own household member, Tanita Pleasant by hitting her in the face and then physically pishing her out of the house onto the ground, such not being the first offense within a ten year period, in violation of Section 16-25-20, 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.



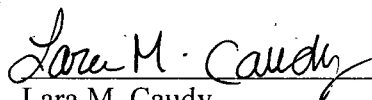
E.L. Clements, III
TWELFTH CIRCUIT SOLICITOR



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,



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 5th day of June, 2017.

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JUN 05 2017
SC Court of Appeals