

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Orangeburg County

Honorable Maite Murphy, Circuit Court Judge  
\_\_\_\_\_

RECEIVED

AUG 04 2017

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

DANIEL CALEB BRAXTON,

APPELLANT

APPELLATE CASE NO 2016-002341  
\_\_\_\_\_

RECORD ON APPEAL  
\_\_\_\_\_

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STATE OF SOUTH CAROLINA COURT OF GENERAL SESSIONS  
COUNTY OF ORANGEBURG 2016-GS-38-0862

STATE OF SOUTH )  
CAROLINA, )  
 )  
PLAINTIFF, )  
 )  
vs. )  
 )  
NOVEMBER 15, 2016  
ORANGEBURG, SC  
DANIEL CALEB BRAXTON, )  
 )  
DEFENDANT. )

B E F O R E:

HONORABLE MATIE MURPHY, JUDGE, AND A JURY.

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Ninth Judicial Circuit

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1                   (The following proceedings were held  
2 November 15, 2016, Orangeburg County, South  
3 Carolina, @ 10:22 a.m.)

4                   THE COURT: Good morning, ladies and  
5 gentlemen of the jury panel. My name is Maite  
6 Murphy and I'm a circuit court judge from  
7 Dorchester County. It is a pleasure to be here  
8 with you this week here in Orangeburg County for a  
9 term of general sessions court. Your service this  
10 week ends on Friday and hopefully maybe a little  
11 bit before then. You already have one day behind  
12 you, so you are a little bit ahead of the game.

13                  Ladies and gentlemen, you have met some  
14 of the people here in the courtroom already. And  
15 the purpose of this morning's questioning is to  
16 determine your general eligibility to serve as  
17 jurors in this court.

18                  Ladies and gentlemen, I have certain  
19 questions to ask you to determine that eligibility  
20 to serve in this court and these questions, quite  
21 frankly, can be a little bit personal. If there's  
22 a certain question that applies to you and you  
23 don't feel comfortable standing up and disclosing  
24 it in front of the entire jury panel that is fine  
25 because I will give you an opportunity at the end

1 of the questioning process to come forward and  
2 speak with me privately. However, it is essential  
3 and very important that we do have complete and  
4 accurate information. So if a question does apply  
5 to you, please make a mental note to come forward  
6 at the appropriate time.

7 Ladies and gentlemen, here are the  
8 questions regarding your qualifications to serve as  
9 jurors.

10 Is there any member of the jury panel  
11 who is not a citizen and resident of the United  
12 States? If so, please stand.

13 (No response from venire.)

14 I find there's no one standing. Is  
15 there any member of the jury panel who is not a  
16 citizen and resident of Orangeburg County? If so,  
17 please stand.

18 (No response from venire.)

19 No one is standing. Is there any  
20 member of the jury panel who is unable to read,  
21 write, speak or understand the English language?  
22 If so, please stand.

23 (No response from venire.)

24 I find there is one standing. Does any  
25 member of the jury panel have less than a sixth

1 grade education or equivalent? If so, please  
2 stand.

3 (No response from venire.)

4 I find there is no one standing.

5 Is there any member of the jury panel  
6 unable because of mental or physical infirmities to  
7 render efficient jury service? For example, does  
8 any member of the jury panel have a medical  
9 condition which would prevent you from serving on a  
10 jury this week? If so, please stand.

11 Yes, ma'am. Would you like to come  
12 forward?

13 (Bench conference held.)

14 THE COURT: Good morning. Come up so  
15 our court reporter can hear what you are saying.

16 JUROR NO. 179: I am 179. I have had  
17 three surgeries in the last year. I am on drugs.  
18 I can't sit up for long periods of time. My doctor  
19 couldn't sign me for anything because he's in a  
20 lawsuit for malpractice. I go to the wound center  
21 every week twice a week.

22 THE COURT: Do you think you will be  
23 healed up in six months or so?

24 JUROR NO. 179: I have open wounds and  
25 stitches. I can show you a picture.

1 THE COURT: I am saying as far as --

2 JUROR NO. 179: No, ma'am. Could be up  
3 to another two years for the stitches to come out.  
4 They are talking about having another surgery. The  
5 wall is unattached.

6 THE COURT: Causes you problems  
7 sitting?

8 JUROR NO. 179: Sitting. I can't even  
9 get out of my bed. I have to get assistance to get  
10 out of bed.

11 THE COURT: Let's hope for the best and  
12 hope that you heal up. Let's transfer your service  
13 to about eight months from now. Hopefully you are  
14 healed.

15 JUROR NO. 179: Yes, ma'am.

16 THE COURT: So we will transfer her.  
17 You will get a new notice in about eight months.

18 (End of bench conference.)

19 THE COURT: Has any member of the jury  
20 panel been convicted by guilty plea or trial in a  
21 state or federal court of record of a crime  
22 punishable by imprisonment for more than one year  
23 and your civil rights have not been restored by  
24 pardon or amnesty? Punishable by more than one  
25 year means that you could have received a sentence

1 of more than one year regardless of what sentence  
2 you may have actually received. If this applies to  
3 you, please stand. Yes, sir. Would you come  
4 forward.

5 (Bench conference held.)

6 JUROR NO. 15: 15.

7 THE COURT: Mr. Bramblett.

8 JUROR NO. 15: Two counts of  
9 contributing to the delinquency of a minor.

10 THE COURT: Sir, I appreciate you  
11 coming forward. That would actually disqualify  
12 you. You are free to go.

13 JUROR NO. 15: All right. Thank you.

14 (End of bench conference.)

15 THE COURT: Is there any member of the  
16 jury panel a clerk or deputy clerk of court,  
17 constable, sheriff or other commissioned law  
18 enforcement officer, probate judge, counsel,  
19 commissioner, magistrate or other county officer  
20 employed within the walls of any courthouse? If  
21 so, please stand.

22 (No response from venire.)

23 I find there is no one standing. Is  
24 there any member of the jury panel who has  
25 previously served on jury duty in circuit court,

1 not in federal court, municipal court or magistrate  
2 court, during this calendar year? If so, please  
3 stand.

4 (No response from venire.)

5 I find there is no one standing. Has  
6 any member of the jury panel served as a member of  
7 the Orangeburg County grand jury during the past  
8 several years? If so, please stand.

9 (No response from venire.)

10 I find there is no one standing.  
11 Ladies and gentlemen, we move to jury exemptions.  
12 State law provides for several exemptions for jury  
13 service. An exemption does not mean that you are  
14 not qualified to serve. It simply means that you  
15 have a right to say I choose not to serve. For  
16 those of you who are over the age of 65 you  
17 certainly present a tremendous pool of talent and  
18 we would encourage you to stay with us if you are  
19 so inclined. However, if you are over the age of  
20 65 and you wish to be exempt on this basis, please  
21 stand.

22 (No response from venire.)

23 I find there is no one standing.  
24 Another exemption concerns prior jury service. No  
25 one is required to serve as a juror more often than

1 once every three calendar years. Therefore, if any  
2 member of the jury panel has served on jury duty  
3 during the last two calendar years you may be  
4 exempt from jury service this week if you choose to  
5 be exempted. Please note this exemption does not  
6 apply if your jury service was in federal court,  
7 magistrate court or municipal court. If this  
8 applies to you, and you wish to be exempted, please  
9 stand.

10 (No response from venire.)

11 I find there is no one standing.  
12 Persons who have served as grand jurors in the last  
13 five calendar years may also be exempt from jury  
14 service. If any member of the jury panel has  
15 served on a grand jury during the last five  
16 calendar years you may be exempt from service this  
17 week if you choose to be exempted. If this  
18 exemption applies to you and you wish to exercise  
19 it, please stand.

20 (No response from venire.)

21 I find that there is no one standing.  
22 The next exemption deals with those of you who have  
23 small children. Please listen very carefully to  
24 this exemption. It has several parts, all of which  
25 must apply for you to be exempt on the basis. You

1 may be exempt from jury service if you have a small  
2 child or small children under the age of seven  
3 years, you have legal custody of your child or  
4 children, you have the principal care, custody and  
5 control of your child or children and you're unable  
6 to make adequate arrangements for the adequate care  
7 of your child or children while performing jury  
8 duty. If all of these requirements apply to you  
9 and if you wish to be exempted on this basis,  
10 please stand. Yes, ma'am.

11 (Bench conference held.)

12 JUROR NO. 128: 128.

13 THE COURT: Yes, ma'am. How old are  
14 the children?

15 JUROR NO. 128: 6 and 17.

16 THE COURT: So as far as --

17 JUROR NO. 128: My six-year old is  
18 disabled and I'm the only one that picks him up  
19 from school and I have to be there.

20 THE COURT: When you say pick him up  
21 for school, he has got care during the day. As far  
22 as after school, there's no after school care that  
23 is available?

24 JUROR NO. 128: No, ma'am.

25 THE COURT: All right. I will excuse

1           you on that basis.

2                   JUROR NO. 128: Thank you.

3                   THE COURT: You are free to go. 128 is  
4           excused. Number, please.

5                   JUROR NO. 150: 150.

6                   THE COURT: Ms. Robinson. Yes, ma'am?

7                   JUROR NO. 150: My daughter has asthma  
8           real bad so I have to be there. There is nobody  
9           else. I'm the only person.

10                  THE COURT: Well, is she under the age  
11           of seven?

12                  JUROR NO. 150: She just turned seven.

13                  THE COURT: Okay. The law is the law.  
14           What we can do is if there is an emergency we  
15           choose an alternate juror. If an emergency comes  
16           up and the school needs to notify you and we need  
17           to get you to your child we can do that. I'm going  
18           to ask you to stay.

19                   (End of bench conference.)

20                  THE COURT: The next exemption involves  
21           those of you who may be attending school at this  
22           time or working in some capacity with a school. If  
23           this exemption applies to you and you wish to be  
24           exempted we will transfer your service to another  
25           term of court which will not conflict with your

1 school responsibilities. Is there any member of  
2 the jury panel who is a full-time student, school  
3 teacher, school crossing guard, school bus driver  
4 or who has served in any other school related  
5 function who is unable to serve on jury duty this  
6 week as a result of that school involvement? If  
7 so, please stand.

8 (Bench conference held.)

9 JUROR NO. 80: I just have a problem.

10 THE COURT: First your number?

11 THE JUROR: 80.

12 THE COURT: Ms. Hoffman.

13 JUROR NO. 80: The only problem I have  
14 is on Thursday. I have something that I have got  
15 to do with work on Thursday. Other than that I'm  
16 free.

17 THE COURT: All right. I will protect  
18 you on Thursday.

19 JUROR NO. 80: Thank you.

20 THE COURT: Your number first?

21 JUROR NO. 46: 46. I am a school  
22 teacher. And we have testing going on this week I  
23 didn't want to miss. I didn't know if I can get it  
24 transferred to another time.

25 THE COURT: I can transfer you. Do you

1 want summertime, spring break? What works best for  
2 you? Do you know what week?

3 JUROR NO. 46: Anything after January  
4 is fine.

5 THE COURT: How about February?

6 JUROR NO. 46: That will be fine.

7 THE COURT: February. Thank you, sir.

8 (End of sidebar conference.)

9 THE COURT: Is there any member of the  
10 jury panel who is employed with the Department of  
11 Corrections or a penitentiary? If so and you would  
12 like to be exempted, please stand.

13 (No response from venire.)

14 I find there is no one standing. Is  
15 there any juror who performs services for a  
16 business, commercial or agricultural enterprise  
17 which you are so essential to the operation of the  
18 enterprise that if you were required to perform  
19 jury duty the enterprise would have to close or  
20 stop functioning? If so, please stand. Yes,  
21 ma'am. Would you come forward, please.

22 (Bench conference held.)

23 JUROR NO. 41: I'm a periodontist. I'm  
24 self-employed and if I am not working nobody works.

25 THE COURT: Okay.

1 JUROR NO. 41: So nobody gets paid.

2 THE COURT: Well, obviously a lot of  
3 professionals are in the same type of boat so what  
4 I can do is I will let you know we have one trial  
5 this week. Should be pretty short this week. Or  
6 if you want me to transfer you to another week  
7 where you can plan ahead.

8 JUROR NO. 41: No, I have already  
9 planned. They are bringing somebody in from out of  
10 town. I had to make arrangements not to be there  
11 this week.

12 THE COURT: Well, if you have already  
13 made arrangements --

14 JUROR NO. 41: But for the rest of the  
15 office no, we do it together.

16 THE COURT: So I will give you a  
17 choice.

18 JUROR NO. 41: Don't work any other  
19 time either.

20 THE COURT: Okay. You will stay with  
21 us here today?

22 JUROR NO. 41: Okay.

23 (End of bench conference.)

24 THE COURT: Is there any juror who is  
25 the primary caretaker of a severely disabled person

1 who is unable to care for himself or herself and  
2 cannot be left unattended? If so, please stand.

3 Is there any juror who is the primary  
4 caretaker of a severely disabled person who is  
5 unable to care for himself or herself and cannot be  
6 left unattended? If you wish to be exempted on  
7 this basis, please stand. Come on up.

8 (Bench conference held.)

9 THE COURT: Number, please?

10 JUROR NO. 155: 155.

11 THE COURT: Yes, ma'am.

12 JUROR NO. 155: Right now I'm living  
13 with my 70 year-old mother and I don't think she  
14 remembers stuff too well. That's why I want to be  
15 there.

16 THE COURT: Okay. That technically  
17 doesn't really fit.

18 JUROR NO. 155: See, the thing is  
19 sometimes I wake up and the door is open.

20 THE COURT: Okay. Do you have any  
21 siblings that can help you?

22 JUROR NO. 155: My sister work.

23 THE COURT: What I can do is I can  
24 transfer you. We have a pretty short week. You  
25 can stay in for service or if you want to transfer

1 to another term so you can plan ahead I can  
2 transfer you to another term of court.

3 JUROR NO. 155: I have to serve?

4 THE COURT: At some point.

5 JUROR NO. 155: Well, I will stay.

6 THE COURT: Mr. White.

7 JUROR NO. 184: My wife is having  
8 surgery tomorrow so I don't know.

9 THE COURT: You want to be there  
10 tomorrow. Do you want me to transfer you to  
11 another term? We should finish the trial that we  
12 have today. Do you want to stay with us? Let's do  
13 this. Do you want to come back another week? I  
14 hate for this to go, I don't think it will go  
15 tomorrow, but I hate for you not to be there for  
16 your wife tomorrow. I will transfer you to another  
17 week. So is there a week that's good for you?

18 JUROR NO. 184: She got complications.

19 THE COURT: Right. Do you want to stay  
20 today?

21 JUROR NO. 184: I got her covered  
22 today.

23 THE COURT: Okay. Stay with us, then  
24 if something happens -- what time is her surgery  
25 tomorrow?

1 JUROR NO. 184: It's I think one.

2 THE COURT: You should be okay.

3 (End of bench conference.)

4 THE COURT: Finally, is there any juror  
5 who is the primary caretaker of a person age 65 or  
6 over? If so and if you wish to be exempted on this  
7 basis, please stand.

8 (No response from venire.)

9 THE COURT: There is no one standing.

10 Ladies and gentlemen, that concludes  
11 the statutory list of qualifications and exemptions  
12 for jury service. It may be that you are qualified  
13 and no exemption applies to you, but jury service  
14 this week would constitute an extreme hardship on  
15 you for a particular reason. I cannot permanently  
16 excuse a qualified juror from jury service, but  
17 under extremely compelling circumstances I could  
18 transfer a juror from this term of court to another  
19 term of court, particularly those jurors who have  
20 not been previously transferred. Please understand  
21 that general inconvenience is not a sufficient  
22 reason to transfer your service to another term of  
23 court. To justify a transfer to another term of  
24 court service this week must constitute an extreme  
25 hardship for you.

1 Ladies and gentlemen, this is now the  
2 chance for those who did not respond earlier to any  
3 questions that I have asked or those of you who  
4 have a compelling reason to request a transfer to  
5 another term of court or if you have a question as  
6 to whether you are disqualified or exempt for any  
7 reason to please come forward at this time.

8 (Bench conference held.)

9 THE COURT: Your number, sir.

10 JUROR NO. 152: 152.

11 THE COURT: All right, sir.

12 JUROR NO. 152: My request is I am  
13 disabled, but I did serve 15 years in law  
14 enforcement, Harris County, Houston, Texas.  
15 Five-year special investigations as well. I don't  
16 feel like I would be an unbiased juror. I have  
17 been responsible for charging from misdemeanor to  
18 capital cases.

19 THE COURT: I will transfer you to a  
20 civil term of court. What is good for you?

21 JUROR NO. 152: I have also been  
22 responsible for charging several law enforcement  
23 agencies in medical malpractices.

24 THE COURT: Wow. We will transfer you  
25 to a civil term. Thank you. Number, sir?

1 JUROR NO. 6: Six.

2 THE COURT: Mr. Argo.

3 JUROR NO. 6: Yes, ma'am.

4 THE COURT: Yes, sir.

5 JUROR NO. 6: I was injured at work and  
6 have been out on workman's comp for two and-a-half  
7 months. Taken me two weeks fighting to get back on  
8 the schedule. And that's on the 17th. I'm  
9 scheduled to start work again and it's going to --  
10 I don't know if that counts as a hardship.

11 THE COURT: You are scheduled to start  
12 on the 17th which is Friday?

13 JUROR NO. 6: Thursday.

14 THE COURT: You will be fine.

15 JUROR NO. 6: Okay.

16 THE COURT: Good morning.

17 JUROR NO. 156: 156.

18 THE COURT: Yes, ma'am.

19 JUROR NO. 156: My cousin committed  
20 suicide over the weekend and his funeral is  
21 tomorrow at 11:00.

22 THE COURT: All right. I will transfer  
23 your service. Is there a better week for you?

24 JUROR NO. 156: Any time after this.

25 THE COURT: We will transfer you.

1 Your number?

2 JUROR NO. 200: Patricia Young. I was  
3 over there at the other courthouse. Your Honor, I  
4 served as a juror over there, I think magistrate  
5 court. I don't want to get myself in trouble over  
6 here. That's why I came up.

7 THE COURT: Wasn't here in this court?

8 JUROR NO. 200: No, it was over in the  
9 complex.

10 THE COURT: You probably had a  
11 magistrate court case.

12 JUROR NO. 200: I guess that's what it  
13 was.

14 THE COURT: Okay. Thank you.

15 Would Juror No. 48 please come forward.  
16 Sir, how are you? It looks like back in 1977 you  
17 had a failure to stop; is that right? You got a  
18 fine, but it was a failure to stop for a police  
19 vehicle?

20 JUROR NO. 48: I guess so.

21 THE COURT: I know it was a long time  
22 ago so I'm going to have to excuse you on this  
23 case.

24 JUROR NO. 48: Okay.

25 THE COURT: Thank you. Have a good

1 day.

2 Juror No. 110, if you would please come  
3 forward. Are you Ms. Mack?

4 JUROR NO. 110: Yes, ma'am.

5 THE COURT: Ms. Mack, I have got here  
6 that back in 1980 you did have a forgery case.  
7 It's been a long time ago.

8 JUROR NO. 110: Um-hmm.

9 THE COURT: Was that you?

10 JUROR NO. 110: Yes.

11 THE COURT: Okay. So I'm going to have  
12 to excuse you. Thank you for being here.

13 Juror No. 123. Good morning. How are  
14 you today?

15 JUROR NO. 123: Good. How about you?

16 THE COURT: Ms. Murphy, check with you.  
17 Did you have this back in '05?

18 JUROR NO. 123: Yes, ma'am.

19 THE COURT: That would actually  
20 disqualify you so you are free to go.

21 JUROR NO. 123: Okay. Even though I  
22 was pardoned?

23 THE COURT: You were?

24 JUROR NO. 123: Um-hmm.

25 THE COURT: Okay. You know what? I'm

1 going to -- just until we get the paperwork just to  
2 be on the safe side I will let you go, then  
3 transfer you. If you would like to serve they can  
4 transfer you.

5 JUROR NO. 123: All right.

6 THE COURT: Thank you, ma'am. Juror  
7 No. 149. Mr. Robinson. Robert Robinson. Good  
8 morning, Mr. Robinson. How are you today?

9 JUROR NO. 149: All right.

10 THE COURT: Mr. Robinson, I have got  
11 here back in 1999 was that you? Did you have a  
12 charge?

13 JUROR NO. 149: Yeah.

14 THE COURT: So that would actually  
15 disqualify you so I am going to let you go. Thank  
16 you, sir.

17 JUROR NO. 149: Okay.

18 (End of bench conference.)

19 THE COURT: Thank you, ladies and  
20 gentlemen. The jury panel is now qualified.  
21 Ladies and gentlemen, we are going to take just a  
22 brief recess before we begin the jury selection  
23 process for our first trial this week. If you will  
24 please leave the courtroom and be back here in the  
25 courtroom in ten minutes we will begin that

1 process.

2 (Thereupon, the jurors exited the  
3 courtroom 11:54 a.m.)

4 (Brief recess taken.)

5 (Whereupon the jurors entered the  
6 courtroom at 12:00 p.m.)

7 THE COURT: Solicitor, you may call  
8 your first case.

9 MR. SCOTT: Thank you, Your Honor. May  
10 it please the Court, Your Honor, at this time the  
11 State calls the case of Daniel Braxton, indictment  
12 number 2016-GS-38-862 for failure to stop for a  
13 blue light. Also indictment No. 2016-GS-38-863  
14 indictment for resisting arrest.

15 THE COURT: Ladies and gentlemen of the  
16 jury panel, we are about to begin the trial of the  
17 State versus Daniel Caleb Braxton. Solicitor,  
18 could I see copies of those indictments.

19 MR. SCOTT: Yes, Your Honor.

20 THE COURT: It will be the State versus  
21 Daniel Caleb Braxton, and Mr. Braxton, I'm going to  
22 read to you the indictments in this case just to  
23 see if you have any previous knowledge about this  
24 case so that we can discuss that further.

25 Ladies and gentlemen, the first

1 indictment is indictment number 2016-GS-38-0862.  
2 This is failure to stop for a blue light and it  
3 states that in Orangeburg County, South Carolina,  
4 on or about May 3rd, 2016 the Defendant, Daniel  
5 Caleb Braxton, while driving a motor vehicle on a  
6 road, street or highway of the state did unlawfully  
7 fail to stop for a law enforcement vehicle after  
8 being signaled by a flashing light and/or a siren.  
9 This offense is in violation of the South Carolina  
10 code of laws as amended.

11 The next indictment is 2016-GS-38-0863.  
12 And that indictment is for resisting arrest and it  
13 states that in Orangeburg County, South Carolina,  
14 on or about May 3rd, 2016, the Defendant, Daniel  
15 Caleb Braxton, did knowingly and willfully oppose  
16 or resist the efforts of Carl Quinlin, a law  
17 enforcement officer of this state, to make a lawful  
18 arrest of said Defendant and the Defendant knew or  
19 reasonably should have known that Carl Quinlin was  
20 a law enforcement officer of this state. This  
21 offense is in violation of the South Carolina code  
22 of laws as amended.

23 Ladies and gentlemen, I read to you  
24 those indictments solely for the purpose to know if  
25 you have any information about the allegations in

1       this case. What I will first do is ask the  
2       solicitor to stand up and introduce himself and the  
3       members of his office, please.

4               MR. SCOTT: Thank you, Your Honor. My  
5       name is Tommy Scott. I'm the deputy solicitor here  
6       in Orangeburg. Seated with me today is Mr. Phil  
7       Guise; he is one of the assistant solicitors. Also  
8       in the courtroom is our victim advocate Tammy  
9       Craven sitting on the front row and closer to the  
10      back is Mr. Josh Edwards. He's one of our  
11      assistant solicitors as well.

12             THE COURT: Thank you, Mr. Scott.  
13      Ladies and gentlemen of the jury panel, anyone  
14      related by blood or marriage or have a close  
15      personal or social relationship with any member of  
16      the solicitor's office or has ever been represented  
17      by any of the attorneys in that office in any  
18      capacity? If so, please stand.

19                   (No response from venire.)

20               I find there is no one standing.

21               Counsel for the defense, if you will do  
22      the same.

23               MS. WYMAN: Thank you, Your Honor. My  
24      name is Minh Wyman. This is Douglas Mellard. We  
25      are with the Orangeburg County Public Defender's

1 Office. The other attorneys in our office are  
2 Peggy Hines, Breen Stevens, Jim Adams and Mark  
3 Wise. Our staff are Debra Martin, Glen Walters and  
4 Laura Kaiser. And the head public defender is Mark  
5 Leiendecker.

6 THE COURT: Thank you, ma'am. Ladies  
7 and gentlemen, same question applies. Anyone  
8 related by blood or marriage or has a close  
9 personal or social relationship with any members of  
10 the public defender's office or has ever been  
11 represented by any of the attorneys in any  
12 capacity? If so, please stand.

13 (No response from venire.)

14 I find there is no one standing.  
15 Ladies and gentlemen, I will ask you if anyone is  
16 related by blood or marriage or a close personal  
17 friend of Daniel Caleb Braxton, and this is Mr.  
18 Braxton right here in the blue shirt. Anyone  
19 related by blood or marriage or close personal  
20 friend of Mr. Braxton? If, so please stand.

21 (No response from venire.)

22 I find that there is no one standing.  
23 Ladies and gentlemen of the jury panel, I'm going  
24 to read to you a list of potential witnesses in  
25 this case and then I'll ask you the same question,

1 if you are related by blood or marriage or have a  
2 close personal or social relationship with any of  
3 the following people. If you are in the courtroom  
4 if you will please stand so we can see you.  
5 Officer Carl Quinlin. Officer Randall Culler.  
6 Trooper FD Rice. Rueben Rodriquez with EMS, Lori  
7 Jackson with EMS? Anyone related by blood or  
8 marriage or have a close personal or social  
9 relationship with any of the potential witnesses in  
10 this case? If so, please stand. Yes, ma'am. If  
11 you will come forward.

12 (A sidebar conference was held outside  
13 the hearing of the jurors.)

14 THE COURT: Your number again?

15 JUROR NO. 41: 41. Rodriquez is a  
16 patient of mine.

17 THE COURT: Anything with his being a  
18 patient -- can you set that aside and listen to the  
19 evidence in this case as it comes from the witness  
20 stand?

21 JUROR NO. 41: I guess so.

22 THE COURT: Will you be fair and  
23 impartial to both the State and to the defense?

24 JUROR NO. 41: I would, yeah.

25 THE COURT: Okay.

1 (End of sidebar conference.)

2 THE COURT: Has any member of the jury  
3 panel heard or read anything about this case either  
4 today or before today? If so, please stand.

5 (No response from venire.)

6 I find there is no one standing. Is  
7 there any member of the jury panel formed or  
8 expressed any opinion about any issue or matter  
9 involved in this case? If so, please stand.

10 (No response from venire.)

11 I find that there is no one standing.  
12 Is there any member of the jury panel that was a  
13 member of the grand jury which issued the  
14 indictments in this case? If so, please stand.

15 (No response from venire.)

16 I find that there is no one standing.  
17 Is there any member of the jury panel who is a  
18 member of or contributor to any group which has as  
19 its primary concern the promotion of law  
20 enforcement or victims rights? These groups would  
21 include but are certainly not limited to MADD, SADD  
22 or Citizens Against Violent Crime. If so, please  
23 stand.

24 (No response from venire.)

25 I find that there is no one standing.

1 Is there any member of the jury panel or immediate  
2 family member whose employed by any type of law  
3 enforcement or agency? If so, please stand. Yes,  
4 ma'am, if you would come forward.

5 (A sidebar conference was held outside  
6 the hearing of the jurors.)

7 THE COURT: Your number, please.

8 JUROR NO. 132: I think it's 132. Last  
9 name is Myers-borman.

10 THE COURT: 124.

11 JUROR NO. 124: I work at Orangeburg  
12 public safety as a director's assistant.

13 THE COURT: Okay.. And working at  
14 public safety have you heard anything about this  
15 case?

16 JUROR NO. 124: No.

17 THE COURT: So you have no knowledge  
18 about the case?

19 JUROR NO. 124: No.

20 THE COURT: Because you work there can  
21 you that set aside in this case and listen to the  
22 evidence as it comes from the witness stand?

23 JUROR NO. 124: Absolutely.

24 THE COURT: You would be fair and  
25 impartial to both the State and to the defense and

1 follow the law?

2 JUROR NO. 124: Yes.

3 THE COURT: Thank you.

4 JUROR NO. 124: Thank you.

5 THE COURT: Good morning.

6 JUROR NO. 133: Juror 133. My mother  
7 is retired. She worked for the chief of the police  
8 department for INTERPOL. My brother is an  
9 assistant district attorney and my sister-in-law is  
10 a defense attorney.

11 THE COURT: So you got all sides  
12 covered.

13 JUROR NO. 133: Yes.

14 THE COURT: Okay. Anything about those  
15 relationships, can you set that aside in this case  
16 and listen to the evidence as it comes from the  
17 witness stand?

18 JUROR NO. 133: Yeah.

19 THE COURT: Will you be fair and  
20 impartial to both the State and to the defense?

21 JUROR NO. 133: Yeah.

22 THE COURT: And follow the law as I  
23 give it to you?

24 JUROR NO. 133: Yes.

25 THE COURT: All right. Thank you.

1 Your number?

2 JUROR NO. 165: 165.

3 THE COURT: Yes, ma'am.

4 JUROR NO. 165: My brother-in-law is a  
5 lieutenant with the police.

6 THE COURT: Having that relationship in  
7 the family can you set that aside in this case and  
8 listen to the evidence as it comes from the witness  
9 stand?

10 JUROR NO. 165: For failure to stop for  
11 a blue light? Probably.

12 THE COURT: If you can't I will  
13 transfer you to a civil term. Let's do that.

14 JUROR NO. 165: Okay.

15 THE COURT: So we are transferring you  
16 to a civil term. Thank you.

17 No. 148.

18 JUROR NO. 148: I do work for DTH as  
19 armed security. I wasn't sure what you are  
20 considering as law enforcement because a lot of  
21 times it does affect that.

22 THE COURT: Sure. I appreciate you  
23 coming forward. Having that experience can you set  
24 that aside in this case and listen to the evidence  
25 as it comes from the witness stand?

1 JUROR NO. 148: I also worked as a  
2 sheriff's deputy several years ago.

3 THE COURT: Same question.

4 JUROR NO. 148: Yeah. It's difficult,  
5 but --

6 THE COURT: Well, obviously the State  
7 would have the burden of proof in this case.

8 JUROR NO. 148: Right.

9 THE COURT: And it would be your duty  
10 to sit and fairly and impartially to determine the  
11 facts in this case. Do you think based on your  
12 experience you can set that aside and listen to the  
13 facts as they come from the witness stand?

14 JUROR NO. 148: Yes.

15 THE COURT: Are you sure?

16 JUROR NO. 148: Yes.

17 THE COURT: Okay. Will you be fair and  
18 impartial to both sides?

19 JUROR NO. 148: Yes.

20 THE COURT: And follow the law as I  
21 give it to you?

22 JUROR NO. 148: Yes.

23 THE COURT: All right, sir. Thank  
24 you.

25 (Following proceedings were held in

1 open court.)

2 THE COURT: Does any member of the jury  
3 panel know of any reason whatsoever why he or she  
4 should not serve as a juror in this case with a  
5 particular emphasis on their ability to be fair and  
6 impartial to both the State and to the defense? If  
7 so, please stand.

8 (No response from venire.)

9 I find that there is no one standing.  
10 Ladies and gentlemen, that will conclude the list  
11 of questions before we begin the selection of this  
12 jury. Madam clerk, did you need a few minutes?

13 THE CLERK: Yes.

14 THE COURT: Okay. It will take us just  
15 a few minutes to put the names in what we call the  
16 so called hopper before we begin the jury  
17 selection. So if you need to take a brief recess  
18 for about five minutes, if you can come back in the  
19 jury room, then we will begin the jury selection.  
20 We will be at ease for a few minutes.

21 (Brief pause.)

22 THE COURT: Please have a seat. We  
23 will now begin with the jury selection. Madam  
24 clerk.

25 THE CLERK: As I call your name will

1       you please come up front, bring all your  
2       belongings, come up, turn around and face the  
3       audience, okay? Juror No. 188, Cleopatra Williams.  
4       Face the audience. What says the State?

5               MR. SCOTT: Please present Ms.  
6       Williams.

7               THE CLERK: What says the defense?

8               MS. WYMAN: Please seat Ms. Williams.

9               THE CLERK: You may have a seat in the  
10       jury box, ma'am. Juror No. 65, William Green.  
11       What says the State?

12               MR. SCOTT: Please excuse Mr. Green  
13       from service.

14               THE CLERK: You may return to your  
15       seat. Juror No. 124, Randi Myers-borman. What  
16       says the State?

17               MR. SCOTT: Please present Ms.  
18       Myers-borman.

19               THE CLERK: What says the defense?

20               MS. WYMAN: Please excuse Ms.  
21       Myers-borman.

22               THE CLERK: You may return to your  
23       seat, ma'am. Juror No. 20, James Burk. What says  
24       the State?

25               MR. SCOTT: Please present Mr. Burk.

1 THE CLERK: What says the defense?

2 MS. WYMAN: Please seat Mr. Burk.

3 THE CLERK: You may have a seat in the  
4 jury box. Juror No. 185, Dominick White. What  
5 says the State?

6 MR. SCOTT: Please excuse Mr. White.

7 THE CLERK: You may return to your  
8 seat. Juror No. 40, Andrew Elliot. What says the  
9 State?

10 MR. SCOTT: Please present Mr. Elliot.

11 THE CLERK: What says the defense?

12 MS. WYMAN: Please seat Mr. Elliot.

13 THE CLERK: You may have a seat in the  
14 jury box. Juror No. 171, Hailee Thorpe. What says  
15 the State?

16 MR. SCOTT: Please present Ms. Thorpe.

17 THE CLERK: What says the defense?

18 MS. WYMAN: Please seat Ms. Thorpe.

19 THE CLERK: If you would. Juror  
20 No. 35, Torrance Davis. What says the State?

21 MR. SCOTT: Please present Mr. Davis.

22 THE CLERK: What says the defense?

23 MS. WYMAN: Please seat Mr. Davis.

24 THE CLERK: Juror No. 138, James  
25 Pinckney. What says the State?

1 MR. SCOTT: Please present Mr.  
2 Pinckney.

3 THE CLERK: What says the defense?

4 MS. WYMAN: Please seat Mr. Pinckney.

5 THE CLERK: Juror No. 49, Tony Fields.  
6 What says the State?

7 MR. SCOTT: Please present Mr. Fields.

8 THE CLERK: What says the defense?

9 MS. WYMAN: Please seat Mr. Fields.

10 THE CLERK: You may have a seat in the  
11 jury box. Juror No. 25, Jonathan Chaffin. What  
12 says the State?

13 MR. SCOTT: Please present Mr. Chaffin.

14 THE CLERK: What says the defense?

15 MS. WYMAN: Please excuse Mr. Chaffin.

16 THE CLERK: You may return to your  
17 seat. Juror No. 80, Connie Hoffman. What says the  
18 State?

19 MR. SCOTT: Please present this juror.

20 THE CLERK: What says the defense?

21 MS. WYMAN: Please seat Ms. Hoffman.

22 THE CLERK: Juror No. 10, Mildred  
23 Bishop. What says the State?

24 MR. SCOTT: Please present Ms. Bishop.

25 THE CLERK: What says the defense?

1 MS. WYMAN: Please seat Ms. Bishop.

2 THE CLERK: Juror No. 126, Page Oliver.

3 What says the State?

4 MR. SCOTT: Please present Ms. Oliver.

5 THE CLERK: What says the defense?

6 MS. WYMAN: Please seat Ms. Oliver.

7 THE CLERK: Juror No. 67, Rhonda

8 Griffith. What says the State?

9 MR. SCOTT: Please present Ms.

10 Griffith.

11 THE CLERK: What says the defense?

12 MS. WYMAN: Please seat Ms. Griffith.

13 THE CLERK: Juror No. 72, Lakia Hart.

14 What says the State?

15 MR. SCOTT: Please present Ms. Hart.

16 THE CLERK: What says the defense?

17 MS. WYMAN: Please seat Ms. Hart.

18 Juror No. 143, Nathaniel Rhodes. What says the

19 State?

20 MR. SCOTT: Please present Mr. Rhodes.

21 THE CLERK: What says the defense?

22 MS. WYMAN: Please seat Mr. Rhodes.

23 THE COURT: Any exceptions or

24 objections for the selection of this jury from

25 either the State or the defense?

1 MR. SCOTT: No, Your Honor.

2 MS. WYMAN: No, Your Honor.

3 THE COURT: Would counsel please  
4 approach.

5 (Off-the-record conference.)

6 THE COURT: Ladies and gentlemen of the  
7 jury panel that were not selected for the trial of  
8 this case, it is your lucky day. You are free to  
9 go.

10 (Remaining venire excused at  
11 11:48 a.m.)

12 THE COURT: Ladies and gentlemen of the  
13 jury panel, it's almost 12:00 so that's a good time  
14 for us to take our lunch break. We have a couple  
15 of other things that we need to take care of before  
16 we actually start the trial of this case. I am  
17 going to ask you to be back in the jury room at  
18 1:30. This nice lady right here is going to show  
19 you where you are to report and if you need any  
20 suggestions on where to go to lunch I'm sure she  
21 will be happy to provide that information for you  
22 as well.

23 Please remember my instruction not to  
24 talk to anyone about this case or allow anyone to  
25 discuss this case with you. That includes talking

1 among yourselves about this case because you must  
2 make your determination after all of the evidence  
3 is presented and you are instructed on the law in  
4 this case. So that means if you see any of the  
5 parties in the case come in and out of the  
6 courtroom and they don't speak to you, they are not  
7 being rude. They are just following the Court's  
8 instructions as you are not to be influenced by  
9 anything outside of what you hear in court. So  
10 again if you will be back in the jury room at 1:30.  
11 Have a nice lunch and we will see you then.

12 (Thereupon, the jury exited the  
13 courtroom at 11:51 a.m.)

14 THE COURT: Counsel, I understand we  
15 have a couple pretrial matters. I am happy to  
16 handle them now or if you want to come back at  
17 1:00. Either way is fine with me. Any preference?

18 MR. SCOTT: I would rather do it now,  
19 Your Honor.

20 THE COURT: Fine. What do we have?

21 MS. WYMAN: Our first motion, Your  
22 Honor, is motion requesting a continuance. Your  
23 Honor, while I was on maternity leave I had my  
24 co-counsel serve a supplemental motion for  
25 discovery on September 21st requesting video and

1 audio recordings and photographs. We did not  
2 receive a response until November 4th. The  
3 solicitor's response contained another copy of the  
4 incident report, use of force report, vehicle  
5 pursuit report, EMS report and highway patrol  
6 report. Based on the solicitor's response we sent  
7 out a subpoena to the sheriff's office and highway  
8 patrol on November 10th requesting photographs,  
9 video recording, audio recordings, radar dispatch  
10 records and a copy of the personnel file.

11 Our position, Your Honor, is that all  
12 the information is discoverable and extremely  
13 relevant and that a continuance is appropriate  
14 under these circumstances until we can get a  
15 response from our subpoenas.

16 Your Honor, the discovery that has been  
17 produced by the State on November 4th is the first  
18 we are hearing of any indication that photographs  
19 were taken of both Mr. Braxton and the officer.

20 THE COURT: Slow down a little bit, Ms.  
21 Wyman.

22 MS. WYMAN: Sorry. The November 4th  
23 discovery that we got is the first time we are  
24 hearing that there were photographs taken of both  
25 Mr. Braxton and Officer Quinlin. It's also the

1 first time that we are hearing about highway patrol  
2 came to the scene.

3 Your Honor, the case first appeared on  
4 the trial docket last month and I was informed of  
5 this case being called for trial November 9th. We  
6 sent out the subpoenas immediately on  
7 November 10th. November 11th was a holiday. We  
8 are respectfully requesting a continuance to be  
9 able to review what other information may be  
10 produced in response to our supplemental requests  
11 from September and from our subpoenas from last  
12 week.

13 THE COURT: Solicitor.

14 MR. SCOTT: Thank you, Your Honor.  
15 Your Honor, this case -- I did receive Ms. Wyman's  
16 supplemental motion for discovery for copies of  
17 audiotapes and video recordings and pictures. I'm  
18 not aware of any of those things existing, even the  
19 pictures. I am not exactly sure what part of the  
20 incident report she is referring to, but I have  
21 checked with not only my arresting officer, I have  
22 spoken with his supervisors as late as last week  
23 and up until this week, are there any pictures. I  
24 need them if there are. And I have not received  
25 any. It's my understanding there are no pictures.

1 I know there are no videotapes.

2 The information that I gave to her last  
3 week, I didn't get that to her because she sent me  
4 a supplemental request. I gave that to her based  
5 on my ongoing duty to continue to provide  
6 information as I received it. I didn't realize  
7 highway patrol went to the scene either until I was  
8 prepping my witness last week and I asked my  
9 arresting officer Deputy Quinlan if I can look  
10 through his file. And that's when I saw an  
11 accident report showing highway patrol did respond  
12 after the fact and filled out an accident report I  
13 guess for insurance purposes.

14 I'm not aware of any photos. I am not  
15 aware of any videotapes. I have asked not only  
16 Deputy Quinlan, I have asked Sergeant Thompson,  
17 Sergeant I think Steven Thompson and Randy Culler  
18 with the sheriff's office as well. I'm not  
19 positive of the ranks. This case was on the trial  
20 docket in October. It carried over to this month.  
21 It's clearly the type of case that you call as a  
22 back-up trial. It is not a date certain case.

23 THE COURT: Thank you, solicitor.  
24 Anything further, Ms. Wyman?

25 MS. WYMAN: Yes, Your Honor. The use

1 of force report states that next to the injury  
2 photograph, the box yes is marked as well as the  
3 deputy involved injury photograph yes. And then  
4 the vehicle pursuit report photographed, he wrote  
5 in yes.

6 THE COURT: Counsel, when were you  
7 appointed to this case?

8 MS. WYMAN: I was appointed on May  
9 the 5th.

10 THE COURT: Certainly since May and  
11 since discovery has been ongoing, even though the  
12 supplemental discovery response has been recent, it  
13 certainly has been in your office with a sufficient  
14 period of time to adequately prepare. Your motion  
15 is respectfully denied.

16 MS. WYMAN: Thank you, Your Honor.

17 THE COURT: Next motion.

18 MS. WYMAN: We are asking confirmation  
19 by the State that they have indeed fully complied  
20 with turning over all the discoverable materials in  
21 their possession and to suppress any undisclosed  
22 discoverable evidence.

23 MR. SCOTT: I have nothing additional,  
24 Your Honor.

25 MS. WYMAN: Next we move to sequester

1 witnesses in this case pursuant to Rule 615 so they  
2 can't hear each other's testimonies.

3 THE COURT: Other than the case officer  
4 involved any objection to that?

5 MR. SCOTT: No, Your Honor.

6 MS. WYMAN: Our next motion, Your  
7 Honor, is to redact parts of indictment  
8 2016-GS-38-862 where it says that failure to stop  
9 for blue light is a second offense. Our position  
10 is that it would be prejudicial for the jury to  
11 know that Mr. Braxton has prior failure to stop for  
12 blue light convictions. And having to show a first  
13 offense is not an element of the charge of a second  
14 offense. So, therefore, the fact that this charge  
15 is a second offense is a sentencing matter, not a  
16 matter for trial. So we ask that the indictment be  
17 redacted accordingly.

18 THE COURT: Any objection?

19 MR. SCOTT: No objection. It's  
20 actually a third offense. I will put that on the  
21 record. But typically we just send back a verdict  
22 form anyway, not the indictments.

23 THE COURT: Sometimes I do, but under  
24 these circumstances I will just send back the  
25 verdict form so the jury will not see the

1 indictment where it says second offense.

2 MS. WYMAN: Our next motion, Your  
3 Honor, is we are moving to suppress the mention of  
4 his failure to stop for blue lights prior  
5 conviction. Again, it is prejudicial for the jury  
6 to know of his prior offenses.

7 THE COURT: Solicitor, any objection?

8 MR. SCOTT: Obviously we would not  
9 mention that in our case in chief. I guess if he  
10 chooses to testify what his prior -- which of his  
11 prior convictions can be used for impeachment, I  
12 guess we can take that up at a later time. But we  
13 would not offer the fact that he has a prior  
14 failure to stop for a blue light in our case in  
15 chief.

16 THE COURT: So unless the door is  
17 opened, Ms. Wyman, the State does not intend on  
18 using that type of testimony in their case in  
19 chief. If your client does intend on testifying of  
20 course we will have a hearing prior to that to  
21 determine any 609 analysis that needs to be made.

22 MS. WYMAN: Thank you, Your Honor.  
23 Next we are moving to suppress Mr. Braxton's  
24 alleged statement I'm done, I'm done mentioned in  
25 the incident report. Your Honor, it's our position

1       that it is not relevant to any issue in this case.  
2       Furthermore, it's speculative for the State to  
3       interpret the meaning of those words.

4               THE COURT:  Solicitor?

5               MR. SCOTT:  It would be the State's  
6       position these are words the Defendant uttered as  
7       soon as he finished resisting arrest.  So we think  
8       they are very probative, Your Honor.  He was not in  
9       custody -- I mean he was not in the process of  
10      being interrogated at the time so I don't think  
11      Miranda is applicable.  I think his statements were  
12      clearly freely and voluntarily.

13              THE COURT:  The Court finds that the  
14      probative value outweighs the prejudicial effect  
15      and the statement will come in.

16              MS. WYMAN:  Nothing further, Your  
17      Honor.

18              THE COURT:  Anything else?

19              MR. SCOTT:  No, Your Honor.

20              THE COURT:  We will get started at  
21      1:30.

22              (A luncheon recess transpired.)

23              (STATE'S EX. 1-5 were marked for  
24      identification.)

25              THE COURT:  Anything before we bring

1 the jury out?

2 MR. SCOTT: Nothing from the State.

3 MS. WYMAN: Nothing from the defense,  
4 Your Honor.

5 THE COURT: All right.

6 (Whereupon the jury entered the  
7 courtroom at 1:38 p.m.)

8 THE COURT: Welcome back, ladies and  
9 gentlemen of the jury. I hope that you had a nice  
10 lunch. Madam clerk, if you will please swear our  
11 jury in.

12 (Thereupon, the jury was sworn.)

13 THE COURT: Ladies and gentlemen of the  
14 jury, thank you for accepting the important  
15 responsibility of jury service and for your  
16 contribution today to our system of justice. What  
17 I will now say to you is intended to serve as an  
18 introduction to the trial of this case. These  
19 remarks are not a charge on the law in this case.  
20 I will instruct you on the law applicable to this  
21 case at the very end of the trial before you retire  
22 to consider your verdict.

23 This is merely an explanation of the  
24 procedure that we will follow so you will have a  
25 better understanding what is going on during the

1 trial of this case.

2 You are not allowed to take notes  
3 during the trial of this case. Ladies and  
4 gentlemen, the Defendant is charged with two  
5 indictments filed in this court, one with the crime  
6 of failure to stop for a blue light and the other  
7 for the crime of resisting arrest.

8 The elements of each of these charges  
9 will be explained to you later. The indictments  
10 are simply the charge by which the case is brought  
11 into this court and it is not in any sense evidence  
12 of any of the allegations that they contain. The  
13 Defendant has pled not guilty to these indictments  
14 and the State therefore has the burden of proving  
15 each of the elements of each indictment beyond a  
16 reasonable doubt.

17 It will be your duty, ladies and  
18 gentlemen, to decide whether the State has met that  
19 burden. Your purpose as jurors is to determine and  
20 find the facts of this case. You are the sole  
21 judges of the facts in this case. If at any time I  
22 make any comment regarding the facts you must  
23 disregard that. You are to determine the facts in  
24 the case from the testimony that you hear and any  
25 other evidence that is properly introduced in

1 court. It is up to you to determine the inferences  
2 which you feel may be properly drawn from the  
3 evidence.

4 It is especially important that you  
5 perform your duty of determining the facts  
6 diligently and conscientiously because ordinarily  
7 there is no way to correct an erroneous  
8 determination of the facts by a jury.

9 With equal emphasis is the law that  
10 makes you the judge of the facts makes me the judge  
11 of the law. The law as given by the Court is the  
12 only law that you may consider. You must accept it  
13 and follow it even though you may disagree with it.  
14 I cannot tell you what the facts are. You cannot  
15 disagree with me about what the law is or what the  
16 law should be. Your job is to take the law as I  
17 give it to you and apply it to the facts as you  
18 find them from the testimony of the witnesses and  
19 any other evidence that is introduced. After that  
20 you will render your verdict, a true and just  
21 verdict under the solemn oath that you just took.

22 Until I advise you to begin  
23 deliberations you must not discuss this case with  
24 anyone including your fellow jurors, your friends,  
25 your family or anyone involved in this case. This

1 includes any face-to-face discussions or those by  
2 telephone, e-mail, text or blogs or any other  
3 method of communication. You may not use a  
4 computer, cell phone or any other electronic device  
5 with communication capabilities at any time while  
6 you are in the courtroom or during your  
7 deliberations. During your breaks for meals or  
8 overnight if necessary you may use these devices;  
9 however, you may not at any time use these devices  
10 to get or send any information about the case.  
11 This would include any information about the  
12 parties, a witness, an attorney, any court officer,  
13 any news accounts about the case or any research on  
14 any topics that may be raised that you may think  
15 may be helpful in deciding this case or any  
16 testimony that may be presented by any witness.

17           During the trial do not read, listen to  
18 or watch any news reports about this case. This  
19 includes anything that may be in the news or on the  
20 internet, radio or TV. You must not consider  
21 anything that you may have heard or read about this  
22 case outside of the courtroom, whether it is before  
23 or during the trial of this case. After the case  
24 is submitted to you you must discuss it only in  
25 your jury room with your fellow jurors. The

1 attorneys and the parties in this case have been  
2 instructed not to speak with you so again if they  
3 see you outside of this courtroom and they don't  
4 say hello they are not being rude. They are just  
5 following the Court's instructions.

6 It is important that you keep an open  
7 mind and not decide any issue in the case until all  
8 of the evidence has been presented, the parties  
9 have made their closing arguments and you have been  
10 instructed on the law in this case. It is your  
11 solemn responsibility to determine the guilt or  
12 innocence of the Defendant and your verdict must be  
13 based solely on the evidence as it is presented in  
14 this courtroom and on the law as I instruct you at  
15 the close of the trial.

16 In just a moment the solicitor will  
17 make what is called an opening statement in which  
18 the solicitor will explain to you what the issues  
19 in the case are or at least what the solicitor  
20 thinks the issues in the case are. The attorney  
21 for the defense may also make an opening statement,  
22 although he or she is not required to do so. What  
23 the attorneys tell you during their opening  
24 statements is not evidence in this case. It is  
25 only their contention as to what the issues are.

1                   The evidence in this case will be  
2                   presented to you by the testimony of the sworn  
3                   witnesses from the witness stand and any exhibits  
4                   that are properly introduced into the trial of this  
5                   case. From time to time during the trial you may  
6                   hear one of the attorneys say something like Your  
7                   Honor, I have a point of law or question of law,  
8                   may we approach the bench. Or sometimes I myself  
9                   might find it necessary to excuse you from the  
10                  courtroom for a short while so the attorneys and I  
11                  can discuss the matter of law.

12                 The reason for this is that you are the  
13                 judges of the facts in this case and sometimes when  
14                 discussing matters of law and whether a particular  
15                 law applies to a fact it may be necessary for me to  
16                 make some comment on the facts and therefore I will  
17                 excuse you to the jury room so that in no way will  
18                 I influence anything that I say or do with your  
19                 determination of the facts in this case.

20                 In determining what the true facts are  
21                 in this case you must decide whether the testimony  
22                 of witnesses is believable. It will be my  
23                 responsibility to rule as a matter of law whether  
24                 certain testimony is admissible or not, but once it  
25                 is admitted it's entirely up to you whether or not

1 you believe it. In deciding whether to believe a  
2 witness you have the right to consider the interest  
3 of any witness, the bias of any witness, the  
4 prejudice of any witness, the opportunity for the  
5 witness to have seen the matters and things about  
6 what the witness may testify, and the way that the  
7 witness acts on the witness stand.

8           You have a right to consider anything  
9 that is in the record that will help you evaluate  
10 the testimony of the witnesses. That means that is  
11 it your duty to pay close attention to these  
12 witnesses, to observe the witnesses, to listen to  
13 the witnesses and pay close attention to the  
14 attorneys and to the Court. Please don't let your  
15 thoughts wander, but give strict attention to the  
16 testimony in this case so at the close of the case  
17 after you have heard the evidence and the arguments  
18 of counsel and then instructions on the law you  
19 will then be in a position to render a true and  
20 just verdict under the solemn oath that you just  
21 took.

22           Mr. Foreman, it will be your added duty  
23 at the end of the trial and Mr. Foreman is Mr.  
24 Burk, and you are in the correct seat. Mr. Burk,  
25 it will be your added duty at the end of the trial

1 to write the verdict on the verdict form and you  
2 will receive further instructions on that matter.  
3 Solicitor?

4 MR. SCOTT: May it please the Court.

5 THE COURT: Any objections to the  
6 opening remarks from either the State or the  
7 defense?

8 MR. SCOTT: No, Your Honor.

9 MS. WYMAN: No objection.

10 THE COURT: Solicitor, you may proceed.

11 MR. SCOTT: May it please the Court.

12 THE COURT: Yes, sir.

13 MR. SCOTT: Ms. Wyman. On May the 3rd  
14 2016, the Defendant, Daniel Braxton, chose to put  
15 the people of Orangeburg County in harm's way when  
16 he drove down Hickory Hill Road at 90 miles an  
17 hour. He continued to put people in harm's way  
18 when Deputy Quinlan attempted to stop Mr. Braxton.  
19 You'll hear how Mr. Braxton led Deputy Quinlan on  
20 an eight or nine mile chase down streets, in  
21 between Orangeburg and Norway, in that area,  
22 western part of the county. You will hear how he  
23 made Deputy Quinlan chase him for eight or nine  
24 miles and stopped when the vehicle was being bogged  
25 down. Even then he got out of the vehicle and

1 resisted the efforts of Deputy Quinlan to take him  
2 into custody. What the State of South Carolina is  
3 asking you to do today is hold him accountable and  
4 responsible for his actions on May the 3rd, 2016.

5 Now, before we hear more about the  
6 facts in this case, I want to briefly talk about a  
7 couple of points. I promise to be brief one,  
8 because the law in this case is pretty simple; and  
9 two, because at the end of the trial Judge Murphy  
10 as she already told you, she is going to instruct  
11 you on what the law is. And it goes without  
12 anything that if anything I say is different from  
13 what she tells you, you take the law according to  
14 Judge Murphy. Just as you are the sole finders of  
15 fact in this case, Judge Murphy determines the law.

16 The first point of law I want to talk  
17 about is failure to stop for a blue light. The law  
18 says absent mitigating circumstances such as taking  
19 someone to the hospital it is unlawful for a motor  
20 vehicle driver while driving on the roads, streets  
21 or highways of this state to fail to stop for a  
22 blue light or siren. That's it.

23 Resisting arrest just as simple. It is  
24 unlawful for a person to knowingly and willfully  
25 oppose the efforts of a law enforcement officer or

1 a person he reasonably should know is a law  
2 enforcement officer when that person is trying to  
3 effectuate an arrest. Those are the two charges  
4 that the Defendant has been charged with. That's  
5 what he is on trial for today.

6 The last point of law I want to talk  
7 about is the burden of proof in this case. The  
8 State has, as in all criminal cases, has the burden  
9 of proof. The State's responsibility is to prove  
10 the Defendant guilty. We must convince you, the  
11 jury, of this guilt by proof beyond a reasonable  
12 doubt.

13 What does that mean? Simply means that  
14 after hearing all the evidence if you are firmly  
15 convinced of the Defendant's guilt that is it your  
16 responsibility to find him guilty. Let's briefly  
17 talk about some of the facts in this case. You  
18 will hear from Deputy Quinlin he was on routine  
19 patrol on Hickory Hill Road heading east when he  
20 encounters a vehicle that he observed traveling at  
21 a high rate of speed and he confirmed with his  
22 radar that it was traveling at a high rate of  
23 speed. Approximately 90 miles an hour.

24 Deputy Quinlan who is also a K9 handler  
25 drives a Chevy Tahoe marked unit for the sheriff's

1 office. He made a u-turn, caught up to the  
2 vehicle. The vehicle actually initially stopped.  
3 Deputy Quinlan exited his vehicle, started to walk  
4 toward the vehicle, and the vehicle took off again.

5           Went through the stop sign at Shillings  
6 Bridge Road, continued on Hickory Hill Road after  
7 crossing the Shillings Bridge and after that made  
8 several evasive turns, left turns, right turns,  
9 eventually ended up on Bonnette Road and went  
10 several miles down Bonnette Road. Then the  
11 Defendant as you will hear turned left into a  
12 field, a farmer's field. Didn't have any crops,  
13 but into a field.

14           Deputy Quinlan gave chase into the  
15 field. The Defendant's car went down in a gully or  
16 embankment. Came to a stop. Deputy Quinlan exited  
17 his vehicle. Shortly after that the Defendant  
18 exited his vehicle. Deputy Quinlan approached the  
19 Defendant and grabbed him by his arm. The  
20 Defendant resisted. They both went to the ground  
21 in a tussle. And then eventually you will hear how  
22 Deputy Quinlan's K9 that was in the Tahoe  
23 self-deployed out of the vehicle, began nipping at  
24 the Defendant. At that point the Defendant said  
25 I'm done, I'm done. He was taken into custody. No

1 other occupants in the Defendant's vehicle. He was  
2 the sole person in the car. He was caught at the  
3 scene.

4 All we ask that you do is listen to the  
5 evidence as you hear it from the witness stand,  
6 listen to the law as Judge Murphy gives it to you  
7 and when it is time for you to deliberate use your  
8 common sense and render a verdict that speaks the  
9 truth. I submit that if you do those things you'll  
10 find the Defendant is guilty of failure to stop for  
11 a blue light and resisting arrest. Thank you.

12 THE COURT: Ms. Wyman.

13 MS. WYMAN: Thank you, Your Honor. May  
14 it please the Court. This is not a case about what  
15 happened. It's about why it happened. Why did  
16 Daniel Braxton run? Keep in mind the words  
17 mitigating circumstances. You can fail to stop, it  
18 is justified under mitigating circumstances. So  
19 why did he run? Because that cop, he knew that cop  
20 was going to hurt him. Sure enough that is exactly  
21 what happened. He beat Mr. Braxton so bad that EMS  
22 had to be called and Daniel had to be put in the  
23 hospital. Mr. Braxton is not perfect. That  
24 shouldn't make him a target. That's what he was to  
25 that cop. He was a target. I feel like it is

1 every week I turn on the news and I hear another  
2 story about a cop involved in violence. And so it  
3 is interesting to me that in this day and age with  
4 videos and smart phones and laws that make police  
5 officers wear body cameras that no video exists in  
6 this case.

7 So it is the word of a cop versus the  
8 word of a citizen. During this trial I ask you to  
9 question the credibility of that officer and you  
10 will see that he was in the wrong and you will see  
11 that the State's version of events is not what  
12 happened that day. And you will see that under the  
13 circumstances Daniel Braxton should be found not  
14 guilty. Thank you.

15 THE COURT: You may call your first  
16 witness.

17 MR. SCOTT: State calls Deputy Quinlan.

18 CARL QUINLIN

19 having been duly sworn, testifies as follows:

20 THE CLERK: Please state your name  
21 again for the record.

22 THE WITNESS: My name is Carl J.  
23 Quinlin.

24 THE COURT: Your witness.

25 DIRECT EXAMINATION

1 BY MR. SCOTT:

2 Q. Good afternoon.

3 A. Good afternoon.

4 Q. Tell the jury where you're employed?

5 A. I'm currently employed for the  
6 Orangeburg County Sheriff's Office as a deputy K9  
7 handler on Bravo shift.

8 Q. How long have you worked for the  
9 sheriff's office?

10 A. I have been currently employed now  
11 right about two years.

12 Q. How long have you worked in law  
13 enforcement?

14 A. My law enforcement career spans  
15 13 years.

16 Q. Where did you work before the  
17 Orangeburg County Sheriff's Office?

18 A. I was hired by the sheriff after  
19 leaving the Bowman Police Department as their  
20 lieutenant of patrol and then prior to that the  
21 State of Illinois.

22 Q. And tell the jury what your duties are  
23 as a deputy?

24 A. My daily duties and responsibilities  
25 include field services; we go out into the county

1 and we assist citizens with whatever needs that  
2 they may have at the time. Criminal apprehension  
3 in case of a nonviolent or violent crime. My  
4 additional duty obviously is a K9 handler so I  
5 provide narcotics support, apprehension through  
6 tracking and/or patrol services with my K9 partner.

7 Q. Do you have special training in the  
8 area of traffic enforcement?

9 A. Yes, I do. I was certified dual state  
10 for the operation of radar and visual observation  
11 of speed as well as enforcement of the traffic  
12 codes of the State of South Carolina.

13 Q. What do you mean by visual observation  
14 of speed?

15 A. Part of the certification process by  
16 the State of South Carolina is an officer has to be  
17 able to determine within three miles visually alone  
18 of what the estimated speed of that vehicle is in  
19 comparison with the actual speed. So in some form  
20 of a sense they say you got a calibrated eyeball.  
21 According to the State of South Carolina we do. We  
22 have to pass that process numerous times, numerous  
23 speed zones in order to be certified to operate a  
24 radar device within the state.

25 Q. And you also mentioned to the jury that

1       you have expert or are certified with K9s; is that  
2       correct?

3             A.    Yes, I am. I am a state certified and  
4       nationally recognized K9 handler, multidiscipline,  
5       both narcotics, tracking and criminal apprehension.

6             Q.    Do you have a K9 assigned to you  
7       currently?

8             A.    Yes. My K9 partner is Samson, is a  
9       Dutch Shepard, is four years old. He has been in  
10      service for over two and-a-half years.

11            Q.    Let me turn your attention to Tuesday,  
12      May 3rd of 2016. Were you working that day?

13            A.    Yes, I was.

14            Q.    And what shift were you working?

15            A.    I was -- at that time I was assigned to  
16      Lieutenant Randy Culler's Charlie shift.

17            Q.    For those who don't know, what would  
18      Charlie shift be?

19            A.    Charlie shift is the second half of the  
20      field services. We have four shifts. Alpha,  
21      Bravo, Charlie and Delta. Charlie shift at that  
22      time was working the 6:00 p.m. to 6:00 a.m.  
23      rotation at that time.

24            Q.    And what area of Orangeburg County were  
25      you assigned to on May 3rd, 2016?

1           A.    As a K9 handler I am generally assigned  
2 as the north ridge K9 handler. But obviously for  
3 patrol reasons and call volume I'm obviously  
4 dispatched to other places as needed. My primary  
5 patrol zone is Orangeburg proper.

6           Q.    What type of vehicle were you in on  
7 May 3rd of 2016?

8           A.    Police patrol vehicle made by  
9 Chevrolet, Chevrolet Tahoe, equipped with a K9  
10 kennel and collateral equipment.

11          Q.    Is it equipped with blue lights?

12          A.    Yes, it is.

13          Q.    Where are the blue lights mounted?

14          A.    I have 360 degree blue lighting  
15 throughout the interior of the vehicle. I also  
16 have exterior front, rear and side mounted blue  
17 lights with additional strobe and flashing.

18          Q.    Show you what's been marked as State's  
19 Exhibit 1, 2, and 3. Do you recognize those?

20          A.    Yes, I do. That's my patrol vehicle.

21          Q.    And do those pictures fairly and  
22 accurately depict your patrol vehicle the way it  
23 looked back in May of 2016?

24          A.    Yes, it does.

25               MR. SCOTT: Your Honor, at this time we

1 would ask that State's Exhibits 1, 2 and 3 be  
2 admitted into evidence.

3 THE COURT: Any objection?

4 MS. WYMAN: No objection.

5 THE COURT: They're in. (

6 (STATE'S EXH. 1-3 in evidence.)

7 BY MR. SCOTT:

8 Q. Was Samson working with you on May the  
9 3rd, 2016?

10 A. Yes, he was.

11 Q. Tell the jury what happened -- you said  
12 your shift was 6:00 p.m. to 6:00 a.m.?

13 A. 6:00 p.m. to 6:00 p.m., yes.

14 Q. Tell the jury what happened after you  
15 came on to shift at 6:00 p.m. on May the 3rd, 2016?

16 A. On that evening I signed on the radio  
17 like I normally do. I just happened to be in the  
18 Shillings Bridge/Hickory Hill area at the beginning  
19 of my shift. At which time I radioed that I was  
20 coming on duty. And I was traveling generally it  
21 would have been southeast on Hickory Hill at that  
22 time when I first encountered the Defendant, Mr.  
23 Braxton, driving a black GMC Sonoma.

24 Q. You said Mr. Braxton. Did you know Mr.  
25 Braxton before May the 3rd of 2016?

1 A. No, I did not.

2 Q. So you are driving on Hickory Hill Road  
3 and what did you observe?

4 A. I observed his vehicle being driven at  
5 a high rate of speed. My visual estimation was 90  
6 miles an hour. Confirmation with my radar device  
7 both visually, audibly and the electronic readout  
8 on the actual digital display within the vehicle  
9 indicated a speed of 92 miles an hour.

10 Q. And what's the speed limit on Hickory  
11 Hill Road?

12 A. Speed limit there it's currently posted  
13 as far as being a rural road at 55 miles an hour.

14 Q. What did you -- you might have said  
15 this -- the vehicle was traveling in which  
16 direction compared to you?

17 A. It was coming at me. At the initial  
18 visual observation period he was coming at me. He  
19 was actually left of center, his speed as curvy as  
20 that road is, his vehicle was not able to carry  
21 that kind of speed so obviously he was in the  
22 oncoming lane.

23 Q. What kind of vehicle was it?

24 A. Black GMC Sonoma.

25 Q. What did you do next?

1           A.    I actually hit my brakes rather hard  
2 because it surprised me to be honest with you. I  
3 checked to see if there was any other oncoming  
4 traffic that might be in danger at that time. I  
5 made the decision that I needed to pursue the  
6 vehicle to see if there an issue, what was going  
7 on. Obviously eventually try to effect a traffic  
8 stop to ask him why he was travelling in an unsafe  
9 fashion that he was at the time.

10           Q.    What did you do?

11           A.    I went ahead and made a u-turn,  
12 activated my blue lights and siren and initiated  
13 pursuit of the vehicle, notified my dispatch and  
14 any additional units my direction of travel, my  
15 speed and the road conditions.

16           Q.    And you mentioned the road conditions.  
17 How many lanes is Hickory Hill Road?

18           A.    It is strictly a two lane rural  
19 highway.

20           Q.    What happened after you made your  
21 u-turn?

22           A.    I kept the vehicle in sight. I pursued  
23 the vehicle. I was able to close the distance. I  
24 could get the vehicle description. I couldn't get  
25 close enough at that time to call out the license

1 plate information. I could make out it was a South  
2 Carolina license plate just from visual recognition  
3 of it. Once we passed I believe it was Snapover  
4 Road I started gaining on the vehicle; however, his  
5 vehicle speed because it's a pretty good long  
6 straightaway with a nice downward slope to it, he  
7 was able to accelerate up to in excess of a hundred  
8 miles on that straightaway. When he came to the  
9 next what I consider to dangerous point in the road  
10 he started to decelerate and I thought okay, he's  
11 going to actually stop for me. At which time he  
12 eventually did pull over on Hickory Hill just short  
13 of Slab Landing. As you previously heard, that's  
14 when I tried to make my initial contact with the  
15 driver of the vehicle.

16 Q. So tell us how you tried to make  
17 contact with the driver of the vehicle?

18 A. I rapidly exited my patrol vehicle just  
19 due to the circumstances. We had already traveled  
20 almost a mile which is not usual. Especially at  
21 that kind of a speed plus with the acceleration  
22 there's a threat point there we are trained to  
23 identify. Not knowing the driver's intent, the  
24 windows on the vehicle were very dark. It was  
25 tinted windows. I could make out slight movements

1 in the vehicle but not enough to be able to  
2 describe to you what details like what color shirt,  
3 was it a black male or white male or black female  
4 or a white female or if he had a gun, a cell phone,  
5 a soda pop in his hand. I couldn't make out those  
6 kind of details. So for my safety I went and drew  
7 my service weapon and commanded the driver to show  
8 his hands out the window. I started to slowly  
9 approach the vehicle.

10 And at that time I could see more  
11 movement in the vehicle. I believe at some point I  
12 called out over the radio to let them know my exact  
13 location, give me other units. And then I could  
14 see that the vehicle was being put into drive just  
15 by the motion of the vehicle, the transmission was  
16 put back into a drive motion. I could see the  
17 brake lights so I immediately knew he was taking  
18 off. So I came back to my patrol vehicle, called  
19 out that we were 100 which was code for high speed  
20 pursuit and the chase was on.

21 Q. What were you wearing that day?

22 A. My standard issue ballistic vest, tan  
23 color black shirt under this one underneath with a  
24 pair of tan khaki patrol pants. Identified sheriff  
25 across the chest, across the back and a silver

1 four-inch patrol badge.

2 Q. How close did you get to the vehicle  
3 before he drove off?

4 A. I remember at the time starting to  
5 reach for the door handle so probably within about  
6 two or three feet.

7 Q. And so you made contact with the  
8 vehicle. You're close enough to observe all the  
9 characteristics of the vehicle. Did you recognize  
10 the vehicle?

11 A. Me personally had never seen that  
12 vehicle before.

13 Q. So after the vehicle took off and you  
14 got back into your unit what happened next?

15 A. Once we got back into -- I got back in  
16 my patrol vehicle. I indicated we were 100  
17 approaching Slab Landing. We started to pick up  
18 excessive speed again. At the time the Defendant's  
19 vehicle went clean through the intersection and  
20 Slab Landing is a through road where Hickory Hill  
21 has a stop both directions. The Defendant's  
22 vehicle sped completely through without due regard  
23 to the safety of the other motorists. There was a  
24 black Dodge Charger that almost contacted Mr.  
25 Braxton's vehicle. There was another vehicle

1 coming from the opposite direction that he yielded  
2 prior to him entering the intersection due to his  
3 high rate of speed approaching the intersection.  
4 With me visually observing this we're required by  
5 state law to give due regard so I almost came to  
6 almost a stop before I cleared that intersection  
7 even though I was under blue lights and siren at  
8 the time.

9 Once I was sure that the driver of the  
10 Charger was good to go I went ahead and continued  
11 to give pursuit. That's where the road shortly  
12 thereafter turns into a dirt road.

13 Q. I want to show you what's been marked  
14 as State's Exhibit 4. Do you recognize that?

15 A. Yes. That's the geographical region in  
16 which our pursuit was contained within.

17 Q. Okay. Does it fairly and accurately  
18 depict that region?

19 A. It's accurate of the road, yes. Some  
20 of the terrain is obviously different because of  
21 the time lapse.

22 Q. Right. Your Honor, we would ask that  
23 State's Exhibit 4 be admitted into evidence.

24 THE COURT: Any objection?

25 MS. WYMAN: No objection.

1 THE COURT: It's in.

2 (STATE'S EXH. 4 in evidence.)

3 BY MR. SCOTT:

4 Q. I'm going to have you step down. If  
5 you could, actually before I begin, also show you  
6 what's been marked as State's Exhibit 5. Do you  
7 recognize this?

8 A. Yes.

9 Q. What is this?

10 A. This is same geographical area, pretty  
11 much the end point of the pursuit.

12 Q. We would ask Exhibit 5 be admitted into  
13 evidence, Your Honor.

14 THE COURT: Any objection?

15 MS. WYMAN: No objection.

16 THE COURT: It's in.

17 (STATE'S EXH. 5 in evidence.)

18 BY MR. SCOTT:

19 Q. I know it's hard for everybody to see,  
20 but if you would, will you point out I think you  
21 mentioned Hickory Hill Road and Snapover?

22 A. Hickory Hill Road is this road right  
23 here. Snapover is this curvy road right here, all  
24 residential primarily. Hickory Hill is the road  
25 that will connect you from Bamberg Highway and then

1 bring you onto Shillings Bridge. So basically it's  
2 the go between between Shillings Bridge and Bamberg  
3 Highway 301 getting back into Orangeburg, pretty  
4 much main thoroughfare.

5 Q. The place that you first encountered  
6 the vehicle visually and saw it speeding, is that  
7 on this map?

8 A. No, it is not. It's approximately  
9 right about in here. You are talking maybe a mile,  
10 1.2 miles maybe.

11 Q. Can you point out for the jury on the  
12 map approximately where the vehicle would have  
13 initially stopped?

14 A. Once we passed Snapover this was the  
15 reference I gave to you, the long straightaway with  
16 the dip. These two ponds right here are exactly  
17 center point of where this road dips down.  
18 Vehicles have been known to get in excess of  
19 120 miles an hour on that stretch of roadway. At  
20 this point the Defendant's GMC entered the oncoming  
21 lane almost to the point of dropping his driver  
22 side tires off the roadway. It was undetermined at  
23 the time if anything was discarded from the  
24 vehicle. We made no determination. We checked the  
25 area after the pursuit, gleaned no results for

1 anything foreign or stuff that shouldn't have been  
2 there. Once we came up towards this residential  
3 area right here you'll see how the road goes and  
4 connects to two fields. There is a trailer  
5 situated right here. My back was to that trailer  
6 when I exited my patrol vehicle and first commanded  
7 the Defendant to show his hands and exit the  
8 vehicle.

9 Q. What happened -- where was Shillings  
10 Bridge Road?

11 A. Shillings Bridge Road is this road  
12 right here. It's the one that connects you to  
13 Bonnette or you can take Shillings Bridge all the  
14 way to North Road just past Wal-Mart.

15 Q. You testified the Defendant disregarded  
16 the stop sign at Shillings Bridge Road. Tell the  
17 jury where he went next.

18 A. His general direction of travel was  
19 northwest. He cleared this intersection where he  
20 almost collided with the Dodge Charger. Once we  
21 cleared that intersection you will notice a  
22 different terrain change through here. This road  
23 turns into dirt where it connects to Bates. You  
24 can make a turn, go up Hickory Hill, continue on  
25 Hickory Hill or you can continue on a dirt road

1 which is formerly known as Bates Road.

2 Q. Where did he go next?

3 A. Once we cleared the intersection of  
4 Hickory Hill at Bates there was a vehicle, small  
5 vehicle pulling a trailer which we almost both  
6 collided with due to the fact that the terrain  
7 there is real sandy, real soft, can't control your  
8 vehicle that well. Once we cleared that vehicle at  
9 the intersection at some point in this field we  
10 made a hard left-hand turn into the field. The  
11 first time the Defendant went off road with his  
12 vehicle in an attempt to elude me.

13 Q. Where did he come out?

14 A. He came out generally in the vicinity  
15 of Yorkshire and Jamison Farm Road in which we came  
16 back on to a dirt portion and we continued down  
17 Jamison Farm Road generally headed towards  
18 Bonnette.

19 Q. Can you show the jury where Bonnette  
20 is?

21 A. Once you come down Jamison Farm you  
22 connect to Bonnette here. It also backtracks and  
23 connects to Yorkshire.

24 Q. What happened after you got to Bonnette  
25 Road?

1           A.     Once we got to the vicinity of Jamison  
2 Farm and Yorkshire, the suspect vehicle failed to  
3 yield for the posted stop sign there. We continued  
4 down Bonnette Road and then we continued down  
5 Bonnette Road at which point we passed the  
6 intersection of Bonnette and Slab Landing. The  
7 vehicle once again failed to stop for a stop sign  
8 there and continued on down Bonnette Road. The  
9 vast majority of the pursuit was on hard ball road  
10 of Bonnette.

11           Q.     When you say hard ball, you mean paved?

12           A.     Paved road.

13           Q.     And what kind of speed was the  
14 Defendant traveling on Bonnette Road?

15           A.     Bonnette Road allowed our vehicles to  
16 get in excess of 100 miles an hour down to 75 to 85  
17 miles an hour at points. The speeds would vary  
18 just due to the terrain and then, of course, my  
19 visual observation. I controlled my vehicle speed  
20 due to passing residential areas not knowing if  
21 there was animals, kids, vehicles pulling out of  
22 driveways. My speed fluctuated much more than the  
23 Defendant's.

24           Q.     Where did the Defendant go next?

25           A.     The Defendant continued generally down

1 Bonnette Road until we basically came all the way  
2 to the other side of this map. Once you pass Till  
3 Road we come on passed Windover. Switch sides for  
4 you guys. I don't want to block anybody's view.  
5 Generally until we got down here near Carmichael,  
6 one of my last radio transmissions to dispatch  
7 because I'm not real familiar with this area what  
8 the side roads were to be able to give an  
9 indication where I was at because Bonnette is such  
10 a lengthy road. I remember one of my last radio  
11 transmissions along with the deputy that was  
12 rapidly approaching to back me up was the  
13 Carmichael intersection at which point the  
14 Defendant decided this would be a good place to  
15 take me off road again and we ended up in basically  
16 a dust bowl at the bottom of a very, very large  
17 field.

18 Q. Is that field on this map?

19 A. That field, only a portion of it is on  
20 that map.

21 Q. Let's switch to State's Exhibit 5.

22 A. Generally orientated in the same  
23 direction. Bonnette Road once again is where I was  
24 referring to. Generally right here is where we  
25 left off on the last map. At some point he made a

1 hard left-hand turn and we ended up coming  
2 generally this direction down to where you see this  
3 terrain mark and basically what you have got is you  
4 got a large depression down there. My vehicle  
5 almost stalled out a couple of times because the  
6 terrain varied depending on the irrigation, how  
7 moist or how hard the soil was and that's when my  
8 vehicle sustained damage. It was coming through  
9 here. We were hitting so hard hitting the bumps  
10 and the ditches and the ravines. Of course there  
11 is an irrigation system that runs through the  
12 entire property as well.

13 At some point his vehicle ends up  
14 basically in a semi ditch, more like a V swell for  
15 irrigation run-off and that's when I noticed that  
16 his vehicle had stalled because I had offset my  
17 vehicle due to the amount of dust.

18 Q. When you say offset your vehicle what  
19 do you mean?

20 A. Basically what I did was because the  
21 dust volume was so high then it appeared to me at  
22 the time that there were some sort of a crash, like  
23 there was some sort of an instantaneous stoppage.  
24 I didn't know if the Defendant had hit one of the  
25 irrigation wheels, one of the irrigation towers or

1        rolled his vehicle. I wasn't sure so to keep from  
2        hurting him or sustaining injury to his vehicle or  
3        him personally I just came way out to the side to  
4        clear the dust bowl. That's when I seen the  
5        vehicle semi nose down in that V.

6                Q.     Return to your seat.

7                A.     (Witness complies with request.)

8                Q.     Tell the jury what happened after both  
9        vehicles came to a stop.

10              A.     Once we came to a stop -- I tried to  
11       use my radio during the rough terrain portion. At  
12       some point I had killed my own internal radio and  
13       pulled the wires clean out of the radio so I had no  
14       radio other than my portable so I tried to get my  
15       portable to work. I tried to call out because  
16       where we are at I really couldn't get  
17       communications that effective. At some point I had  
18       asked for assistance. I remember exiting my patrol  
19       vehicle and at which point there was nobody around  
20       the Defendant's vehicle so I assumed he was still  
21       inside. As the dust settled I made the decision to  
22       approach the vehicle. I didn't even know where I  
23       was at other than my last point I turned into the  
24       field so I couldn't really give a reference to  
25       backup officers. So it was one of those decisions

1 I had to make, either do it or don't. So I  
2 basically had to jump a ditch, a little trench  
3 where the irrigation tires run in. And about the  
4 time I was hitting the ground on the other side of  
5 that ditch I seen the door come open and the  
6 Defendant rapidly start to exit the vehicle.

7 Q. What happened next?

8 A. He basically checked to see my position  
9 to see where I was at, what I was going to do. I  
10 made the conscious decision in that close proximity  
11 not knowing what he had on him not to draw my  
12 firearm because of the footing and if we went to  
13 fighting I got a loose gun. I kept my weapon in my  
14 holster. I basically made a beeline towards him  
15 yelling get down, get down, get down. Didn't  
16 appear as though he was going to comply. He turned  
17 his back to me. As he turned I reached out in an  
18 attempt to grab his wrist. As I grabbed his wrist  
19 he went down to the ground.

20 I basically used all my weight to push  
21 down on him just for the simple fact that it was me  
22 and him. I don't know his skill level. I don't  
23 know his training. I don't know what his intent  
24 is. I obviously know what his temperament is at  
25 this point which is to flee, disregard my safety,

1 his safety and anybody else.

2 So at that point I had to make the  
3 decision as a law enforcement officer to use force.

4 Q. Did you recognize him at this point?  
5 Did you know him?

6 A. I have never seen Mr. Braxton ever.

7 Q. What happened after you grabbed his  
8 wrist? What happened after you grabbed his wrist?

9 A. He started to pull away as if let go of  
10 me kind of thing. I don't know what his intent  
11 was. I can't -- I'm not inside his head. All I  
12 know is that somebody pulls away from you, you kind  
13 of expect ill intentions, especially at that point.  
14 Being a little bit bigger than the suspect as far  
15 as weight but not height I decided I needed to take  
16 him to ground. That was my safest spot for me as a  
17 police officer to control the situation. That  
18 allowed me to get to my radio and get to another  
19 less lethal weapon if I needed it. But  
20 unfortunately when I went down I drove this thumb  
21 back into this wrist and this hand became  
22 incapacitated.

23 Q. What happened next?

24 A. At that point -- at some point during  
25 that I obviously felt the pain. I knew now I

1 wouldn't be able to draw my gun. I wouldn't be  
2 able to draw my taser. Basically my only options  
3 were me. So I decided that at that point as he  
4 spun and turned toward me I felt an arm come upside  
5 of this side of my head. And I immediately threw  
6 an elbow strike across his neck and his cheek  
7 region. That was my intentional point of aim and  
8 attempted to either stun or knock him out. That  
9 way I could protect myself. After that I remember  
10 delivering a total of three strikes total. The  
11 rest of them were in my left hand because I  
12 couldn't use my right for fear of injuring even  
13 worse or being ineffective so I basically gave  
14 everything I had as fast as I could to dominate the  
15 situation and maintain control of a suspect who was  
16 resisting my authority and my arrest.

17 Q. You said he was resisting your  
18 authority. What was he doing?

19 A. He was failing to comply with commands.  
20 He was failing to comply with techniques and  
21 basically wasn't giving up.

22 Q. You say he wasn't giving up. Was he  
23 doing anything with his hands?

24 A. Like I previously mentioned, I felt the  
25 strike to side of my head. I can't determine what

1 part of his body contacted mine. I did notice that  
2 two points where his hands were moving towards my  
3 face. Obviously I'm going to block and strike and  
4 return and not get overwhelmed by a suspect.

5 Q. What happened next?

6 A. At that point I looked out of the  
7 peripheral of my vision. I remember reaching up  
8 for my radio as I had him pinned down. I tried to  
9 key up my radio. I think at that point I heard the  
10 audible tones which is a tone out of your radio  
11 that says you ain't getting out. Ain't nobody  
12 hearing you. That's when I looked over at my  
13 peripheral and I realized my K9 partner Samson had  
14 seen the altercation because that's what he was  
15 trained to do. If my dog sees me in a  
16 confrontation, whether it's verbal or physical,  
17 especially if we go to the ground, my dog is going  
18 to do whatever he can to get out of that patrol  
19 vehicle.

20 At that time my vehicle was not  
21 equipped properly with the door poppers. I did not  
22 have a popper fob on me which I can press and it  
23 automatically shoots my door open which routinely  
24 deploys your dog. Because of my vehicle  
25 malfunction I always left my kennel door a little

1 bit open right between my seats because that's what  
2 he enjoys. He will put his paw on me while we are  
3 driving around, lets you know daddy is safe. So he  
4 has been trained to do it since he was a puppy. He  
5 pushed over that divider and he comes to protect  
6 his handler. So Samson saw me in a tussle and  
7 decided that I needed some help so he came out of  
8 the vehicle, came to my aid. Due to the  
9 positioning of the Defendant at the time he did not  
10 engage in a full mouth bite. He simply grabbed  
11 ahold of the back of his shirt and pants region and  
12 basically pulled him flat for me, gave me the  
13 advantage to allow me to put him in handcuffs.

14 Q. Did the Defendant say anything?

15 A. Right when -- I distinctively remember  
16 when Samson first latched onto him on to his shirt  
17 region and started to pull, that's when the  
18 Defendant exclaimed I'm done, I'm done, I'm done.

19 MS. WYMAN: Objection, Your Honor.  
20 Renewing our previous motion.

21 THE COURT: Same ruling. You may  
22 proceed.

23 BY MR. SCOTT:

24 Q. Thank you, Your Honor. If there was no  
25 confrontation would your K9 have deployed?

1 A. Negative, not at all.

2 Q. When the Defendant exited the vehicle  
3 did he put his hands up?

4 A. No, he did not.

5 Q. Did you order him to put his hands up?

6 A. I ordered him to get down.

7 Q. Did he get down?

8 A. No.

9 Q. I believe you testified after the  
10 Defendant exited the vehicle he turned his back to  
11 you?

12 A. Yes.

13 Q. And what does your training teach you  
14 or tell you when somebody turns their back to you?

15 A. You got to initiate some type of  
16 offensive action. You don't know what their intent  
17 is. You don't know if they are reaching for a  
18 weapon. So in that scenario as I have already  
19 described to you what was going on in my head for  
20 my safety I decided to close the gap and chose not  
21 to use any of the lethal or less lethal options I  
22 had. I decided to go hands on with him was the  
23 safest bet for me and the Defendant at that time.

24 Q. After he said I'm done, I'm done, I'm  
25 done were you able to put handcuffs on the

1 Defendant?

2 A. Yes, I was able to get the handcuffs  
3 on. And basically at that point he kept trying to  
4 sit up, stand up. I kept telling him to stay down,  
5 stay down. And I recall definitively more than  
6 once having to place him back down on the ground  
7 and hold him there until other units got there.  
8 Once the other deputies showed up it was a whole  
9 different program. Now I'm going to comply. Now  
10 I'm going to get along.

11 Q. The person that failed to stop for you  
12 that day that engaged you in the tussle, is he in  
13 the courtroom today?

14 A. Yes, he is.

15 Q. Can you identify him for the jury?

16 A. I sure can. It's the gentleman sitting  
17 there in that blue shirt with the beard and short  
18 haircut.

19 Q. Thank you. Did other deputies arrive?

20 A. Yes. The calvary showed up shortly  
21 thereafter, probably four or five deputies and then  
22 numerous supervisors.

23 Q. How about EMS? Did they show up?

24 A. EMS was called to the scene to tend to  
25 the Defendant's wound above his eye and to evaluate

1 my hand.

2 Q. Did EMS transport the Defendant to the  
3 hospital?

4 A. No, they did not.

5 Q. Was the Defendant later transported to  
6 the hospital?

7 A. He was taken to the hospital by the  
8 patrol supervisor. Due to policy before they can  
9 be cleared as long as there's no serious injuries  
10 they can be cleared from the ER doctor and then  
11 taken to the jail.

12 Q. What do you mean by cleared?

13 A. They have to undergo a medical  
14 evaluation prior to intake into the jail. Anybody  
15 with a wound, anybody that's been involved in any  
16 type of vehicle accident of any sort the jail will  
17 refuse entry until a medical doctor says there's  
18 nothing severely wrong with you. Band aid type  
19 wounds are acceptable. Aspirin type fixes are  
20 acceptable. Anything other than that they are  
21 required to stay at the hospital for full medical  
22 treatment before they can be taken into the jail.

23 Q. Did you eventually go to the hospital  
24 yourself for your thumb?

25 A. I did. At the initial scene just

1 because of the chaotic nature how far EMS was from  
2 me in relation to where they had taken the  
3 Defendant, I went ahead and declined attention on  
4 scene. Just due to our workman's comp state policy  
5 I was required to be evaluated because I wasn't  
6 going to be able to be at work the next day. So my  
7 swat commander took me to the ER to be evaluated  
8 and at that time they determined due to the ground  
9 fall I had injured my thumb.

10 Q. How did that affect your work after  
11 that?

12 A. I was out of work almost three months.

13 Q. What, if anything, did they do to your  
14 thumb?

15 A. The only thing they were able to do  
16 because of the nature -- basically was a jam slash  
17 hyperextension, I was in a solid, stiff brace for  
18 almost three and-a-half months.

19 Q. When the Defendant exited the vehicle  
20 after it became disabled in the field what, if  
21 anything, did you notice about the Defendant's  
22 appearance?

23 A. As soon as he exited the vehicle as  
24 previously noticed, he immediately looked, checked  
25 my position to see where I was at. When he checked

1 my position I could see right there he had a big  
2 goose egg right here and he was drawing a little  
3 bit of blood down the side of his face initially.  
4 I was further informed if you will that that was  
5 due to the vehicle rough terrain. I had even  
6 banged myself a couple of times and I had some  
7 minor bruises and stuff like that.

8 Q. Lastly, all these roads that you talked  
9 about, Hickory Hill, Jamison Farm, Bonnette,  
10 Carmichael, are all these roads in Orangeburg  
11 County?

12 A. Yes, they are. They are all in my  
13 patrol zone.

14 Q. Thank you, Deputy Quinlan. Please  
15 answer any questions Ms. Wyman has for you.

16 THE COURT: Cross-examination.

17 CROSS-EXAMINATION

18 BY MS. WYMAN:

19 Q. Officer Quinlin, you wrote the incident  
20 report about this case, right?

21 A. I did not physically type it. It was  
22 dictated. Because of my hand I couldn't type.

23 Q. Okay. You have received training on  
24 how to write reports?

25 A. Sure.

1 Q. And you have 13 years of law  
2 enforcement?

3 A. Um-hmm.

4 Q. You must have handled, what, hundreds  
5 of cases?

6 A. Relatively.

7 Q. So I imagine you can't possibly  
8 remember every detail of every case?

9 A. No, I cannot.

10 Q. So that's why it is important when you  
11 write reports that they be accurate and they be  
12 complete?

13 A. Relevant to the facts of the case, yes,  
14 ma'am.

15 Q. And they be truthful?

16 A. Of course.

17 Q. And a supervising officer has to see  
18 and review your report as well, right?

19 A. Of course they do.

20 Q. And these reports are filed for later  
21 use?

22 A. Sure.

23 Q. For you or another officer to refer  
24 back to?

25 A. Sure.

1 Q. And so again that's why it's important  
2 that you be accurate?

3 A. Sure.

4 Q. And you be complete?

5 A. Sure.

6 Q. And you be truthful?

7 A. Yes.

8 Q. In your report?

9 A. Yes, ma'am.

10 Q. So let's talk about your incident  
11 report. This happened on May 3rd at 6:38 p.m.?

12 A. Yes, ma'am.

13 Q. You wrote the report or had it dictated  
14 May 4th at 12:43 p.m., correct?

15 A. The cleared report would have been  
16 5-24-2016 at 2:15 in the morning.

17 Q. So the next day when it was fresh in  
18 your mind?

19 A. Essentially. I know some of it was  
20 written that night. There was two drafts of the  
21 report done. Due to my situation I was --  
22 obviously I couldn't stay up for 36, 48 hours  
23 straight and do all the paperwork because there was  
24 a mountain of paperwork obviously. So, yes,  
25 paperwork was done over a two-day period.

1 Q. So when was the draft completed?

2 A. I can't give you an exact date without  
3 comparing the two reports to one another. Do you  
4 mean complete as in just my part or it being  
5 reviewed by a supervisor and sent back to me, going  
6 to records, send back to me, a final approved  
7 cleared.

8 Q. How does that work? So you write a  
9 report and then you send it to a supervising  
10 officer?

11 A. Correct.

12 Q. And they -- what does the supervising  
13 officer do?

14 A. Supervisor, what they will do, their  
15 job is to basically go over the report, find out if  
16 there was any factual information that was omitted  
17 that was relevant to the facts of the case, the  
18 severity of the case, and any details that may come  
19 in question. They will review that information and  
20 then basically approve your final draft or not.

21 Q. How do they know what was omitted?

22 A. Because they are the ones that are  
23 supervising the incident. They do that either  
24 through interview, contact with the Defendant,  
25 contact with officers on scene, information they

1 gleaned over the radio, information that was  
2 requested to them as a supervisor, case law  
3 guidance, criminal law, traffic law guidelines, any  
4 of those sort of things.

5 Q. So it's your testimony that you write  
6 the report, then you send it to a supervising  
7 officer, in this case it would be Stephen Thompson?

8 A. Sure.

9 Q. And Mr. Thompson advises you add in  
10 extra things that he gathered from his --

11 A. No, I'm not suggesting that in any way,  
12 shape or form.

13 Q. Maybe I am not following.

14 A. A supervisor is supposed to make sure  
15 that your report is adequate. A good resemblance  
16 would be this. You're my supervisor for a  
17 construction company and I frame up a door. And I  
18 miss a couple nails. You remind me that Deputy  
19 Quinlan, you might want to put a couple more nails  
20 and screws in that because that's improper and it  
21 is not going to pass code.

22 So if there was a violation or  
23 something we omitted that's legal in nature that's  
24 the only thing they can advise on. They can't tell  
25 us what to write in a report. That's unethical.

1                   Q.    They advise you what to include in a  
2                   report?

3                   A.    Right.  According to our policy and  
4                   procedures.

5                   Q.    Even though they weren't there they  
6                   advise you what to put in a report?

7                   A.    I'm not going to let you put words in  
8                   my mouth.

9                   Q.    Maybe I am hearing wrong, I'm sorry.  
10                  That's what I thought you just said.

11                  A.    What I am telling you is the supervisor  
12                  is required to look at your report and advise you  
13                  on anything that you have omitted of a legal nature  
14                  or facts that are relevant to the case.  So in  
15                  other words, if he knows that I omitted that it was  
16                  a GMC Sonoma and I wrote that it was a GMC yellow  
17                  duck, he would say Deputy Quinlan, it wasn't a  
18                  yellow duck, you said on the radio that is a GMC  
19                  Sonoma or is it not a GMC Sonoma.  You are right,  
20                  that was a typo.  Spelling errors, street names  
21                  mispronounced, street names omitted.  Basically  
22                  they are the teacher in the room.  They are the  
23                  ones that get you to go back and take your time and  
24                  fix things, not rush through reports, be very  
25                  detailed in fashion.

1 Q. How does the supervisor know what you  
2 omitted though if they weren't there?

3 A. Because they are right there with us.  
4 That's why they are a supervisor.

5 Q. With you while you are writing it?

6 A. He was right behind me in a patrol  
7 vehicle.

8 Q. Officer Thompson was behind you in a  
9 patrol vehicle?

10 A. As I previously testified, Sergeant  
11 Thompson was the closest deputy sheriff to my  
12 patrol vehicle at any given time. He was the  
13 vehicle basically trying to catch up with the  
14 pursuit. So he is following what roads we are  
15 turning on, vehicle description, description of the  
16 occupants, the fact that we were 100, what stop  
17 signs were blown. You can't remember all by your  
18 memory alone.

19 Q. Of course. So at the bottom of  
20 incident reports when you sign and date it what  
21 does that date and time represent? Is that when  
22 you are done and this is the completed report?

23 A. That I can't answer because that's a  
24 clerical thing. All I know is at the end of our  
25 reports there is a signature page, all electronic,

1 not like we physically sign them. Basically the  
2 only thing you can get out of that report to go  
3 into whatever your next work may be doing a warrant  
4 affidavit or doing a booking sheet or whatever. I  
5 don't know how the computer system date time stamps  
6 these. I just know that at the end of the report  
7 how that name gets in that box is we have to put in  
8 our county code and say signed report to get  
9 approved by a supervisor. But if the report is  
10 missing any elements that the supervisor or  
11 records, because we have to answer to SLED, if  
12 there's any elements within the report that are  
13 omitted and SLED won't approve or accept the  
14 report, they will send it back to the agency. I  
15 have got reports back that were weeks old.

16 Q. And the things that were omitted and  
17 that are added in later, is that usually filed in a  
18 supplemental report?

19 A. If you have not closed the report out,  
20 you can go back in and reopen the report or you can  
21 do a supplemental if it's typically -- let me back  
22 up. Supplementals are typically only done if it is  
23 facts after the incident. Like a stolen vehicle,  
24 we found out whose vehicle was. We would do a  
25 supplemental. But over a two-day span where I'm

1           there for a few hours, go home, get some rest, come  
2           back, reopen my report and do it some more, that's  
3           why you see multiple drafts.

4           Q.     And so you are mentioning there are  
5           multiple drafts. The two drafts, the second one,  
6           when was that one completed?

7           A.     Other than what's on the time stamp I  
8           couldn't recall that.

9           Q.     First draft, when was that one  
10          completed?

11          A.     Same thing. Without looking at it I  
12          couldn't tell you. I have my final.

13          Q.     Well, I have a copy of the first one.

14          A.     Okay.

15          Q.     That's the first draft you are  
16          referring to.

17          A.     Okay.

18          Q.     That's your name at the bottom, right?

19          A.     Yep.

20          Q.     And it's indicated that it's been  
21          signed?

22          A.     Yes. Only been signed off by the  
23          supervisor. This isn't even an official report.

24          Q.     I am sorry. I got that from the  
25          discovery. That's what your office sent us.

1 A. This isn't the official report.

2 Q. That's not what?

3 A. Not an official report. It is not a  
4 three tier signature line. This is the only one  
5 that's official.

6 Q. What does that mean?

7 A. In other words, if you will notice on  
8 the exhibit you gave me, verifying officer isn't  
9 signed so that report is essentially what it is.

10 Q. Even though it is marked status signed,  
11 date, what is the date, May 4th at 12:43?

12 A. Right.

13 Q. Also supervising officer, his name is  
14 on there as well?

15 A. Yes.

16 Q. In that first report you didn't mention  
17 anywhere in there that there was an initial stop,  
18 did you?

19 A. No. That's what was omitted.

20 Q. You also didn't mention that Mr.  
21 Braxton was already bleeding from his head, right?

22 A. No. I don't know that that would be  
23 the truth.

24 Q. You can read over it.

25 A. I would have to look over it. Seems

1 not to be in this initial draft. That's why the  
2 second one was done. Just to go back to your  
3 previous question, they are both daytime stamped  
4 the same exact same date.

5 Q. You're aware that I received that first  
6 one in May and your second draft last week?

7 A. I am unaware when you got anything.  
8 That's not my realm.

9 Q. Okay. You took pictures of Mr.  
10 Braxton's injuries, didn't you?

11 A. No, I did not.

12 Q. You filed a use of force report, didn't  
13 you?

14 A. Sure did.

15 Q. Do you have a copy of it?

16 A. Yep.

17 Q. In the box marked injury photographed,  
18 is that a checkmark next to yes?

19 A. That's a box in the yes column.

20 Q. Deputy involved, injury photographed,  
21 yes?

22 A. That's what it says.

23 Q. Let's look at the vehicle pursuit  
24 report that you filled out.

25 A. Yes, ma'am.

1 Q. In your own handwriting?

2 A. That's not my handwriting.

3 Q. Who wrote that?

4 A. One of the office staff.

5 Q. Did you tell them what to write?

6 A. Yes, I should have.

7 Q. You should have, okay. Halfway down  
8 photograph, yes?

9 A. Says yes, but there was no -- I never  
10 took any photographs.

11 Q. You don't know so you're saying  
12 photographs were not taken of Mr. Braxton's injury?

13 A. I am telling you I don't know if  
14 photographs were taken of Mr. Braxton. I can only  
15 testify to what I did.

16 Q. What you did was you filled out the use  
17 of force report, didn't you?

18 A. I did not fill it out.

19 Q. Who filled out the use of force report?

20 A. An office staff member.

21 Q. Which staff member would that be?

22 A. I don't know. I don't remember.

23 Q. The staff member would be doing it  
24 based off of what you tell them?

25 A. Generally, yes, for most of the

1 information. Some of the block information -- I'm  
2 not going to sit up here and perjure myself. Some  
3 of the blocks information is standard protocol.  
4 That may or may not be filed. It could have been a  
5 simple assumption as to generally there is  
6 photographs taken, but as I already described due  
7 to the chaotic nature of the scene it was obviously  
8 omitted and/or overlooked. I would simply submit  
9 to you that's a clerical error. I personally can  
10 only testify though I did not take any pictures of  
11 Mr. Braxton, nor myself.

12 Q. I want to clarify something. You said  
13 that someone in your staff fills out the use of  
14 force report based off what you tell them?

15 A. In this particular incident. Because I  
16 was unable to write and/or type.

17 Q. Yes, sir. And when it says and the box  
18 marked yes next to photographs on your use of  
19 force --

20 A. Yes, ma'am.

21 Q. -- report. Then the vehicle pursuit  
22 report you also had your staff write that in for  
23 you?

24 A. Yes, ma'am.

25 Q. And on the report it asked if there

1 were photographs, you said yes?

2 A. Yes, ma'am.

3 Q. What other officer came to the scene?

4 A. I can recall Sergeant Thompson being  
5 there. I can recall Lieutenant Culler showing up.  
6 Highway patrolman showed up. Lieutenant Thomas  
7 showed up. Danny Thomas at some point. These were  
8 all after the incident. So as far as the first  
9 officer to come to my aid was Sergeant Thompson  
10 because he was the closest unit obviously.

11 Q. You testified that Mr. Braxton was  
12 taken by a patrol supervisor to TRC?

13 A. Yes, as I recall.

14 Q. That would be Officer Culler?

15 A. That would be Lieutenant Culler, yes.

16 Q. Court's indulgence.

17 THE COURT: Yes, ma'am.

18 MS. WYMAN: No further questions, Your  
19 Honor.

20 THE COURT: Redirect?

21 MR. SCOTT: Beg the Court's indulgence.  
22 No questions, Your Honor.

23 THE COURT: You may step down, sir.

24 Thank you. You may call your next witness.

25 MR. SCOTT: State calls Rueben

1 Rodriquez.

2 RUEBEN RODRIQUEZ

3 having been duly sworn, testifies as follows:

4 THE CLERK: Please state your name  
5 again for the record.

6 THE WITNESS: Rueben Rodriquez.

7 DIRECT EXAMINATION

8 BY MR. SCOTT:

9 Q. May it please the Court, good  
10 afternoon.

11 A. Good afternoon.

12 Q. Tell the jury where you're employed.

13 A. I work with the Orangeburg County EMS.

14 Q. And how long have you worked with  
15 Orangeburg County EMS?

16 A. Since -- this time since 2010.

17 Q. Do you have any special training in the  
18 area of emergency medical training?

19 A. I'm a paramedic, certified paramedic by  
20 DHEC.

21 Q. And tell the jury what your duties and  
22 responsibilities are as a paramedic?

23 A. Assess patients, take care of them, try  
24 to help them as much as I can and keep them alive  
25 until they get to the ER.

1 Q. Okay. Were you working on May the 3rd  
2 of 2016?

3 A. Yes, sir.

4 Q. Okay. And did you have the opportunity  
5 to treat a Daniel Braxton?

6 A. Yes, sir.

7 Q. Can you tell us what time you made  
8 contact with Mr. Braxton?

9 A. Okay.

10 Q. I see you are referring to some notes.  
11 Do those help refresh your memory?

12 A. Yes, sir. 1936, that should be 5:00,  
13 something like that.

14 Q. 1936, that's military time?

15 A. Yes, sir.

16 Q. And where did you make contact with Mr.  
17 Braxton?

18 A. In the corner of Carmichael and Brand.

19 Q. And Brand?

20 A. In Norway.

21 Q. Okay. Is that in Orangeburg County?

22 A. Yes, sir.

23 Q. And let me ask you when you got around  
24 the area of Carmichael and Brand where was Mr.  
25 Braxton?

1 A. Where was he by that time?

2 Q. Could you see him?

3 A. No, sir. I have no clue. They were  
4 back there in the field. They didn't allow us to  
5 go down there because our truck could not go down  
6 there.

7 Q. So when you made -- how did you make  
8 contact with Mr. Braxton?

9 A. He was brought in by the sheriff's  
10 department.

11 Q. Were you near this field?

12 A. Yes, I was on the side of the road in a  
13 dirt road.

14 Q. When you are parked on the dirt road  
15 near this field could you even see the police  
16 vehicle and Mr. Braxton's vehicle?

17 A. No, sir.

18 Q. Why not?

19 A. It was kind of weird, up and down,  
20 probably a mile down the road or the field.

21 Q. So they brought Mr. Braxton to you and  
22 you are in an ambulance I presume?

23 A. Yes, sir.

24 Q. And when you made contact with Mr.

25 Braxton tell the jury what kind of injuries you saw

1 on Mr. Braxton.

2 A. He had some injuries on the face or on  
3 the eye area and the nose.

4 Q. And the nose, okay. How did you treat  
5 Mr. Braxton?

6 A. Well, I -- we took his blood pressure,  
7 I assess his injury, touching, and any hurt. The  
8 only other thing I couldn't assess if there was a  
9 fracture or anything because I don't have x-rays in  
10 the truck. And I checked the quality of his  
11 breathing through his nose because he had a little  
12 bit of blood coming out through it.

13 Q. And at what point did you rush him to  
14 the hospital?

15 A. I didn't take him to the hospital. He  
16 was transported by the sheriff's department because  
17 normally when it is not a life-threatening  
18 situation, it is we consider minor injuries, the  
19 sheriff's department will transport them because he  
20 was in custody if I am not mistaken.

21 Q. So that's the procedure you follow when  
22 you have minor injuries?

23 A. Yes, sir.

24 MR. SCOTT: No further questions.

25 THE COURT: Cross-examination?

CROSS-EXAMINATION

BY MS. WYMAN:

Q. Thank you, Your Honor. Hello, Mr. Rodriquez.

A. Hi.

Q. You weren't there to see what happened between Mr. Braxton and Officer Quinlin?

A. No, ma'am. They were like I told you.

Q. You said that Mr. Braxton was transported to the hospital by the sheriff's office?

A. Yes, ma'am.

MS. WYMAN: No further questions, Your Honor.

THE COURT: Redirect?

MR. SCOTT: No.

THE COURT: You may step down. You may call your next witness.

MR. SCOTT: Your Honor, at this time the State rests.

THE COURT: Ladies and gentlemen of the jury, the State has rested their case. It is time for us to take a very brief recess. If you will please go to your jury room, please remember my instructions, do not discuss the case quite yet.

1 Thank you.

2 (Thereupon, the jury exited the  
3 courtroom at 2:46 p.m.)

4 (The following proceedings were held  
5 outside the hearing of the jurors.)

6 THE COURT: Any motions?

7 MS. WYMAN: Yes, Your Honor. May it  
8 please the Court, I would like to move for a  
9 directed verdict in favor of the defense in that  
10 the evidence when viewed in the light most  
11 favorable to the State fails to create an issue for  
12 the jury.

13 The evidence presented, Your Honor, is  
14 not substantial enough to reasonably prove his  
15 guilt on these charges. For failure to stop for  
16 blue light the State did not disprove the absence  
17 of mitigating circumstances. The statute provides  
18 that in the absence of mitigating circumstances it  
19 is unlawful to fail to stop for blue lights.

20 For the resisting arrest, Your Honor,  
21 according to the officer's testimony he attempted a  
22 takedown first before Mr. Braxton even allegedly  
23 pulled away or resisted. And it appears the cop  
24 didn't try to peacefully handcuff him or even  
25 verbally tell him he was under arrest. It's our

1 position, Your Honor, that Mr. Braxton can't resist  
2 an arrest if no attempt at an actual arrest took  
3 place. And because there's no evidence of a proper  
4 arrest that leaves no issue for the jury to decide  
5 and we therefore respectfully move for a directed  
6 verdict in our favor.

7 THE COURT: Solicitor?

8 MR. SCOTT: Your Honor, I don't believe  
9 that was the testimony. I believe the testimony  
10 from Deputy Quinlan was that when he exited his  
11 patrol car he told the Defendant to get down, get  
12 down. The Defendant did not comply. Deputy  
13 Quinlan grabbed his arm. At that point the  
14 Defendant resisted, pulled away and it was at that  
15 point that Deputy Quinlan felt the safest procedure  
16 for him to follow was for them both to go to the  
17 ground.

18 So I do think that in taking the  
19 evidence in the light most favorable to the State,  
20 I do think that is sufficient to show resisting  
21 arrest. We would ask that you deny the Defendant's  
22 motion.

23 THE COURT: At this juncture as you  
24 know the Court is concerned whether there is  
25 existence or nonexistence of evidence. There is

1 competent evidence tending to establish the guilt  
2 of the Defendant creating a question of fact for  
3 the jury and the motion is respectfully denied at  
4 this point. Anything else at this time?

5 MS. WYMAN: No, Your Honor.

6 THE COURT: Have you discussed with  
7 your client whether or not he wishes to testify?

8 MS. WYMAN: If we could have a couple  
9 more minutes.

10 THE COURT: Sure. Let me know when you  
11 are ready.

12 (Brief pause.)

13 THE COURT: Solicitor, I understand  
14 that should the Defendant decide to testify you  
15 have some prior convictions you intend on using; is  
16 that correct?

17 MR. SCOTT: Yes, Your Honor. He has  
18 from -- 2013 he has a conviction for possession  
19 with intent to distribute marijuana, from 2014 he  
20 has a conviction for possession with intent to  
21 distribute marijuana as well as assault and battery  
22 in the first degree. We definitely think the State  
23 shall be allowed to impeach him with those  
24 convictions. He also has two prior convictions for  
25 failure to stop for blue light, one from 2013 and

1 one from 2014. We understand that Your Honor  
2 probably would be inclined not to allow those as  
3 those would be overly prejudicial.

4 THE COURT: Yes, sir. And Ms. Wyman?

5 MS. WYMAN: Your Honor, we object to  
6 the inclusion of those charges on a relevant --  
7 from a relevant standpoint. Rule 401, just it is  
8 not relevant to this case. And it's more  
9 prejudicial than it is probative, Your Honor.

10 THE COURT: Considering the  
11 circumstances it does attack the credibility of the  
12 Defendant in this case. The Court finds that it is  
13 admissible. The probative value is outweighed by  
14 the prejudicial effect. The convictions, of  
15 course, for failure to stop for blue light, those  
16 would not be admitted, but the other three are --  
17 can be admissible.

18 MR. SCOTT: Your Honor, I believe  
19 they're actually -- I'm not sure how to pronounce  
20 it, Colf factors. I think that the Supreme Court  
21 has recognized it is the impeachment value of the  
22 prior crime, the point in time of the conviction  
23 and the witness's subsequent history, the  
24 similarity of the past crime and the charged crime,  
25 the importance of the Defendant's testimony and the

1 centrality of credibility issues. Based on those  
2 factors I think the Court is obligated to weigh in  
3 those factors and I think Your Honor has done so,  
4 but I did want to put that on the record.

5 THE COURT: Yes, sir, and I appreciate  
6 that. Certainly credibility is central to this  
7 issue obviously. It's the testimony of the officer  
8 versus the Defendant in this case and so certainly  
9 the credibility is a central issue. The time  
10 limitation obviously is within the ten years as  
11 contemplated within Rule 609. The Court finds that  
12 it is probative in nature so there again for those  
13 various reasons it will come in.

14 MR. SCOTT: Thank you, Your Honor.

15 THE COURT: Mr. Braxton, have you had  
16 an opportunity to discuss with your attorney  
17 whether or not you wish to testify?

18 THE DEFENDANT: What did you say?

19 THE COURT: Have you discussed with  
20 your attorney whether or not you wish to testify?

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: I am going to have our  
23 clerk place you oath.

24 DANIEL BRAXTON

25 having been duly sworn, testifies as follows:

1                   THE COURT: Mr. Braxton, at this time  
2 I'm going to explain to you certain of your rights.  
3 If you do not understand anything that I say please  
4 let me know. If you want me to explain anything in  
5 more detail also please let me know.

6                   We have reached the stage of the trial  
7 where you may present your defense. You have the  
8 right to claim the protections given to you by the  
9 Fifth Amendment of the Constitution of the United  
10 States. This amendment states in part that no  
11 person shall be compelled in any criminal case to  
12 be a witness against himself. This means that you  
13 cannot be required to testify in this case. You  
14 have the right to testify on your own behalf;  
15 however, no one can make you testify. This is a  
16 personal right and no one can claim this right  
17 except for you.

18                  If you decide to testify you will be  
19 subject to the same rules that govern other  
20 witnesses and you may be examined and  
21 cross-examined on any relevant issue in this case.  
22 In addition, if you have any convictions involving  
23 dishonesty or false statement or for a crime  
24 punishable by imprisonment for more than one year  
25 and this Court determines that the probative value

1 of admitting the evidence outweighs the prejudicial  
2 effect to you, the solicitor will be able to  
3 introduce your record and attack your credibility.

4 As you have just heard we have gone  
5 through your criminal record. I have ruled that  
6 certain convictions are going to be admissible  
7 should you testify. If you decide to testify this  
8 decision on your part must be freely, voluntarily  
9 and intelligently made with the knowledge of the  
10 protections given to you by the Fifth Amendment and  
11 the consequences of your decision to testify.

12 If you decide not to testify I will  
13 instruct the jurors that they cannot give the fact  
14 that you did not testify any consideration  
15 whatsoever and there is to be absolutely no  
16 prejudice to you because you did not testify. You  
17 may talk with your attorney, family, your friends,  
18 but the ultimate decision as to whether or not you  
19 testify is entirely left up to you. Do you  
20 understand what I have explained to you?

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: Do you have any questions  
23 about what I have explained to you?

24 THE DEFENDANT: No, ma'am.

25 THE COURT: Do you need more time to

1 talk to your attorney about whether or not you wish  
2 to testify?

3 MS. WYMAN: Could we have two minutes  
4 to make sure?

5 THE COURT: Sure. Take your time.

6 (Brief pause.)

7 THE COURT: Have you had sufficient  
8 time to talk to your attorney as to whether or not  
9 you wish to testify?

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: And do you wish to testify?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: All right, sir. You may  
14 have a seat. Before we bring the jury out one of  
15 the bailiffs informed me that Juror No. 67, Ms.  
16 Rhonda Griffith, informed her that apparently she  
17 knows the Defendant's father who is sitting in the  
18 audience. She did not come forward during jury  
19 selection, she didn't recognize the name or didn't  
20 have -- recognize him until we were actually in  
21 court when the trial had started. Apparently it's  
22 been a long time since she had contact. I want to  
23 bring her out and question her on that matter. Any  
24 objection to that procedure from either the State  
25 or from the defense?

1 MR. SCOTT: No.

2 ~~THE COURT:~~ MS. WYMAN: No objection.

3 THE COURT: Let's bring her out,  
4 please.

5 (Juror 67 brought to the courtroom at  
6 3:09 p.m.)

7 THE COURT: Good afternoon, ma'am, if  
8 you would come right over here in the witness  
9 stand. Don't be nervous. Please raise your right  
10 hand.

11 RHONDA GRIFFITH

12 having been duly sworn, testifies as follows:

13 THE COURT: Have a seat right there in  
14 the witness box. It's been brought to my  
15 attention, ma'am, that you apparently know the  
16 Defendant's father; is that correct?

17 JUROR NO. 67: Yes, from many years  
18 ago.

19 THE COURT: That happens in small  
20 towns. Nothing to be nervous about. I certainly  
21 appreciate your honesty in telling us, but can you  
22 tell me about how do you know him?

23 JUROR NO. 67: His sister was married  
24 to my first cousin.

25 THE COURT: So you are actually related

1 in some way?

2 JUROR NO. 67: They're divorced many  
3 years ago.

4 THE COURT: How long ago was that?

5 JUROR NO. 67: I don't know. Thirty  
6 years ago.

7 THE COURT: Does the family maintain  
8 any kind of contact?

9 JUROR NO. 67: No.

10 THE COURT: Whatsoever?

11 JUROR NO. 67: No.

12 THE COURT: And is there a particular  
13 reason you did not recognize the Defendant's name?

14 JUROR NO. 67: I heard the last name,  
15 but I didn't know the first name.

16 THE COURT: And you didn't happen to  
17 see the Defendant sitting in the courtroom or  
18 recognize him?

19 JUROR NO. 67: I didn't see his father.

20 THE COURT: Okay. You wouldn't have  
21 recognized the Defendant, but you would have  
22 recognized his father?

23 JUROR NO. 67: Right.

24 THE COURT: Does that in any way make  
25 you feel uncomfortable about being in this

1 situation?

2 JUROR NO. 67: Not at all. I just  
3 wanted to make sure that it was known.

4 THE COURT: I certainly appreciate  
5 that. Any further questions from either side?

6 MR. SCOTT: You asked her if it would  
7 make her feel uncomfortable. Can we ask her  
8 whether she can be fair and impartial?

9 THE COURT: Yes, sir. Ma'am?

10 JUROR NO. 67: I feel like I can.

11 THE COURT: You can or you think.

12 JUROR NO. 67: I'm certain I can.

13 THE COURT: Okay. You think you can  
14 set that previous relationship aside within your  
15 family and be fair and impartial to both the State  
16 and to the defense?

17 JUROR NO. 67: I do.

18 THE COURT: If you would return to the  
19 jury room. Do not discuss this matter with anyone.

20 JUROR NO. 67: Okay.

21 (Juror 67 left the courtroom.)

22 THE COURT: Anything from the State or  
23 from the defense position?

24 MR. SCOTT: Obviously I prefer to have  
25 the alternate. When you asked her some of these

1 questions I could see that she would look at Mr.  
2 Braxton. You were asking her about relationships  
3 and dates and ages. I guess I thought it was kind  
4 of strange that she would look at Mr. Braxton.

5 THE COURT: Ms. Wyman.

6 MS. WYMAN: Mr. Braxton is 23 years  
7 old. They haven't seen each other in 30 years.  
8 It's been a while. I don't mind her staying.

9 THE COURT: Out of an abundance of  
10 caution I am concerned actually more so for your  
11 client because of the fact that her relative was  
12 married to someone in his family. That divorce may  
13 not have ended amicably. So she may harbor some  
14 resentment. I don't know. She seemed a little  
15 hesitant when asked could she be fair and  
16 impartial. And actually out of an abundance of  
17 protection for both sides just to make sure I think  
18 I'm going to let her go and go on with our  
19 alternate.

20 MR. SCOTT: Thank you, Your Honor.

21 MS. WYMAN: Thank you, Your Honor.

22 (Juror 67 brought to the courtroom.)

23 THE COURT: Ms. Griffith, I certainly  
24 want to thank you for bringing to our attention  
25 regarding that previous relationship within your

1 family and just to be on the safe side I think I am  
2 going to excuse you from this case. But I  
3 certainly appreciate your time and your service and  
4 you are excused for the remainder of the week.

5 (Juror 67 was excused.)

6 THE COURT: Anything before we bring  
7 the jury out?

8 MR. SCOTT: Nothing from the State.

9 MS. WYMAN: No, Your Honor.

10 THE COURT: Ms. Wyman, how many  
11 witnesses do you anticipate having?

12 MS. WYMAN: I believe just Mr. Braxton.

13 THE COURT: Okay. We have got some  
14 proposed jury instructions already printed out. We  
15 will hand them to y'all so you can start reviewing  
16 them or co-counsel can review them while you are  
17 working here.

18 (Whereupon the jury entered the  
19 courtroom at 3:15 p.m.)

20 THE COURT: Ladies and gentlemen of the  
21 jury, thank you for your patience. We are now  
22 ready to proceed. Ms. Wyman.

23 MS. WYMAN: Thank you, Your Honor. The  
24 defense calls Daniel Braxton.

25 DANIEL BRAXTON

1           having been duly sworn, testifies as follows:

2                   THE CLERK: Please state your name  
3 again for the record.

4                   THE WITNESS: Daniel Braxton.

5                           DIRECT EXAMINATION

6 BY MS. WYMAN:

7                   Q. Mr. Braxton, tell the jury how old are  
8 you?

9                   A. I'm 23.

10                  Q. Where are you from?

11                  A. Orangeburg.

12                  Q. Are you married?

13                  A. No, ma'am, I'm not.

14                  Q. Do you have any kids?

15                  A. No, ma'am.

16                  Q. Let's just go ahead and talk about what  
17 happened on May 3rd, 2016. What were you doing  
18 that day?

19                  A. I was working. I was putting wood  
20 siding on a house.

21                  Q. What did you do after work?

22                  A. I went home, took a shower. And then I  
23 was on the way to my friend's house to use his  
24 internet for school work.

25                  Q. You were in school?

1 A. Yes, ma'am.

2 Q. What were you studying?

3 A. I was going to Midlands Tech for HVAC.

4 Q. Let's talk about what happened on your  
5 way to your friend's house. Did you notice any  
6 police on the road?

7 A. I had just turned on Hickory Hill Road  
8 and there were two cars in front of me and as I was  
9 traveling down Hickory Hill I just turned on it.  
10 These two cars, they was slowing down stopping  
11 turned on Bills Alley. I was right behind them.  
12 Slowed down and stopped. They were turning on  
13 Bills Alley and I seen the Tahoe, I seen Quinlin  
14 and his Tahoe. I seen him pass right by me.

15 Q. From the opposite direction?

16 A. The opposite direction. Came around  
17 that curve and passed right by me.

18 Q. Did you see the cop car again after  
19 that?

20 A. I was about a mile and-a-half, almost  
21 two miles down the road on Hickory Hill. I was  
22 going towards St. George and I seen him coming up  
23 behind me with the blue lights on.

24 Q. Did you stop for him?

25 A. When he came up from behind me with the

1 blue lights on I seen him coming from a distance  
2 and he came up on my tail. I immediately pulled  
3 over. First thing I thought is I was like dang, I  
4 wonder where he was going. I didn't -- I was  
5 actually getting pulled over. I pulled over so he  
6 could get around me and when I pulled over that's  
7 when he pulled up behind me.

8 Q. So now both of you are pulled over.  
9 What happened next?

10 A. As soon as I pulled over he got out of  
11 his car. The first thing I noticed is he grabbed  
12 his gun off his side. He immediately grabbed his  
13 gun off his side. That's when he held it up,  
14 pointed it toward me and started running toward my  
15 vehicle. And that's when I thought, I said okay,  
16 something here is not right and that's when I  
17 pulled off.

18 Q. So he got out of the car, drew his gun  
19 immediately and ran towards your vehicle?

20 A. Yes, ma'am.

21 Q. That's when you drove off?

22 A. Yes, ma'am.

23 Q. How were you feeling?

24 A. I don't really know how I was feeling.  
25 I was just thinking something here is not right. I

1 didn't want to get shot. So I just pulled off.

2 Q. Then you eventually stopped again?

3 A. I was thinking -- the more I thought  
4 about it in my head I was thinking okay, he's got  
5 cameras in his police car. I'm pulling back over.  
6 If anything happens it will all be on camera.

7 Q. So you thought it would be safe enough  
8 to --

9 A. That's what I thought, thinking it  
10 would be all right to stop the vehicle.

11 Q. So now you are both pulled over again.  
12 What did you do when your car came to a stop?

13 A. As soon as I pulled over I got out. I  
14 laid on the ground. I put my hands on my head. I  
15 noticed Officer Quinlin, he got out with his dog.  
16 He came up with the dog on a leash. The dog was in  
17 a leash. He came up. And I was looking at him.  
18 The dog sniffed me and it looked back at the  
19 officer. That's when he pushed the dog off. He  
20 grabbed me up by my shirt and started punching me  
21 immediately in my eye. My left eye right here,  
22 started punching my eye. And I said what's going  
23 on? He said you piece of shit. This is for  
24 Culler. And I said -- he kind of stopped because I  
25 was talking to him. I said listen, man, you don't

1 know half what happened. You weren't there. And  
2 he said you are a lying piece of shit. You  
3 assaulted my officer. He said me and Culler best  
4 friends, he went like this. (Indicating.) And he  
5 just continued beating me. I couldn't do nothing  
6 about it. He was just beating me and beating. He  
7 kicked me a couple of times. He punched me on my  
8 nose and my face and then I blacked out.

9 Q. So you're saying this was some kind of  
10 retaliation?

11 A. That's exactly what it was.

12 Q. To be clear, when you got out of your  
13 car you said you went immediately to the ground?

14 A. I immediately laid on the ground.

15 Q. At any point --

16 A. Put my hands on my head like this.

17 Q. At any point did he tell you you were  
18 under arrest?

19 A. He never said anything. He came right  
20 up to me with his dog and just started beating me.

21 Q. Did you hit him back?

22 A. I never tried to hit him back. I never  
23 hit him.

24 Q. Did you try to run?

25 A. I never tried to run.

1                   Q.     So he is hitting you and kicking you  
2     and you didn't try to get away?

3                   A.     I couldn't do nothing. He was just on  
4     top of me and he was beating me and I couldn't do  
5     nothing. It was nothing I can do. If I did get up  
6     and try to run there was a dog there. I just  
7     couldn't do nothing.

8                   Q.     Let talk about your injuries. You had  
9     to go to the hospital, right?

10                  A.     Yes, ma'am.

11                  Q.     What kind of injuries did you sustain?

12                  A.     I had a black eye, bloody nose. I had  
13     internal bleeding. My back from the handcuffs when  
14     they told me -- right before we went to the  
15     hospital they told me to stand up and they kicked  
16     my feet out from under me and handcuff dug into my  
17     back. They told me to stand up again. They did it  
18     again. And I was -- after I had been beat so much  
19     I didn't really remember so much. I know I was  
20     real shaken up what had happened and I was just so  
21     beat up.

22                  Q.     Yes, sir. Let me show you what's been  
23     marked as defense Exhibit A. Is this a photograph  
24     of you?

25                  A.     Yes, ma'am, it is.

1 Q. Is this what you looked like after your  
2 encounter with Officer Quinlin?

3 A. Yes, ma'am, it is.

4 Q. Your Honor, we move to enter this into  
5 evidence as defense Exhibit A.

6 THE COURT: Any objection?

7 MR. SCOTT: Can I see it?

8 MS. WYMAN: (Hanging.)

9 MR. SCOTT: No objection.

10 THE COURT: It's in. You may publish  
11 it to the jury.

12 (DFT. EXH. A in evidence.)

13 MS. WYMAN: No more questions, Your  
14 Honor.

15 THE COURT: Cross-examination.

16 CROSS-EXAMINATION

17 BY MR. SCOTT:

18 Q. You said that Deputy Quinlan beat you  
19 and said this is for Culler?

20 A. Yes, sir.

21 Q. Who was Culler?

22 A. Back in 2014 I was convicted of assault  
23 and battery on police officer Culler.

24 Q. Wasn't just assault and battery, right,  
25 it was assault and battery in the first degree?

1 A. Yes, sir, it was.

2 Q. You were convicted of an assault and  
3 battery on Lieutenant Culler?

4 A. Yes, sir.

5 Q. You have other convictions, too, right?

6 A. Yes, sir, I do.

7 Q. Possession with intent to distribute  
8 marijuana in 2013?

9 A. Yes, sir, I do.

10 Q. Possession with intent to distribute  
11 marijuana in 2014?

12 A. Yes.

13 Q. So let me get this straight. You  
14 testified that the second time you stopped you  
15 decided that deputy's vehicle must have cameras so  
16 you decided it was safe to stop?

17 A. At first it didn't dawn on me, then I  
18 thought okay, he's got a police camera in it. If  
19 anything happens it will all be on camera.

20 Q. So after ten miles you decided it might  
21 have cameras?

22 A. I didn't know how long it was. I mean  
23 I just know whenever I had initially pulled over  
24 and he pulled the gun on me, as soon as he got out  
25 of the vehicle he pulled his gun off his side and

1 started coming toward my truck I noticed -- I was  
2 just thinking now something is not right.

3 Q. Where did you stop the second time?

4 A. I had pulled over in the field.

5 Q. In a field. You didn't pull over in a  
6 field, right, you were in the bottom of a field,  
7 correct?

8 A. It wasn't really the bottom of the  
9 field. It was off the road.

10 Q. But EMT's sitting up on the roadside  
11 couldn't see you, correct?

12 A. I had actually seen the ambulance from  
13 the field.

14 Q. You heard his testimony that he  
15 couldn't even see you?

16 A. He might couldn't.

17 Q. So he might could not have seen you?

18 A. They didn't come from the road. They  
19 came actually from another road.

20 Q. So here's my point. The first time you  
21 pulled over you are on Hickory Hill Road, correct?

22 A. Yes, sir, I was.

23 Q. You stopped in front of some houses,  
24 correct?

25 A. I pulled -- as soon as he came up on me

1 I immediately pulled over. I thought he was going  
2 to go around me. I didn't even know I was getting  
3 pulled over.

4 Q. There is some houses right there,  
5 correct?

6 A. There was a trailer and there was a  
7 house. I actually pulled right in front of the  
8 house.

9 Q. So you didn't think it was safe to  
10 remain on the scene when you are in front of other  
11 houses, but the second time you stopped you're in  
12 the bottom of the gully where EMT's can't even see  
13 you and you thought that was a safe place to stop?

14 A. It was daylight. People were probably  
15 at work. I didn't see anybody outside. The only  
16 thing I know is him getting out of the car with the  
17 gun and running up on my truck. He come on up me  
18 and I noticed as soon as he got out of the vehicle  
19 that's when he pulled the gun off his side and  
20 started coming toward me and I was just thinking in  
21 my head something is not right.

22 Q. Isn't it true that you didn't  
23 voluntarily stop in the field, that your car became  
24 disabled?

25 A. No, sir. I had actually ran. I had

1 ran over. There was a ditch -- I did run over a  
2 ditch, but I was thinking it wasn't really no  
3 reason to run because when there's a camera in the  
4 car. That's whatever I was thinking, that's when I  
5 got out.

6 Q. So you decided a safer place to stop  
7 was in a gully where nobody could see you?

8 A. I mean I didn't really want to keep  
9 driving. If I would have kept driving it was a  
10 chance me wrecking my vehicle. I didn't want to  
11 wreck. I didn't --

12 Q. You didn't think you could have wrecked  
13 driving 92 miles an hour?

14 A. I don't know how fast I was going, but  
15 I really don't remember speeds of 92 miles an hour.

16 Q. You were speeding, right?

17 A. I don't really know how fast I was  
18 going. I don't know if I was speeding or not. I  
19 probably did pick up speed at some point. I did  
20 pick up some speed. I don't know when it was.

21 Q. You don't know Deputy Quinlan?

22 A. I have never seen him a day in my life.

23 Q. You testified that you saw the deputy  
24 pass you and you saw Deputy Quinlan, but you didn't  
25 know it was Deputy Quinlan, correct?

1           A.    I noticed it was the same Tahoe and I  
2 noticed it was a white officer. I didn't look in  
3 his face and actually initiate that it was him  
4 because I wasn't looking at him, but did notice as  
5 I was slowed down stopped waiting for cars to turn  
6 on the road that he did pass me. I was slowed down  
7 stopped. Cars were turning and that's when I seen  
8 him coming around the curve and pass me.

9           Q.    Who transported you to the hospital  
10 that night?

11          A.    I was so shaken up I really don't  
12 know. I am pretty sure it was the ambulance  
13 because I do remember getting in the ambulance.  
14 They took me out the field in a police car to the  
15 ambulance. I got in the ambulance and they were  
16 treating me. And I remember being at the hospital.  
17 I remember I was throwing up blood. They had to  
18 give me the shot to keep me from throwing up blood.

19          Q.    You don't remember how you got to the  
20 hospital?

21          A.    I'm pretty sure -- I don't really  
22 remember at all. I was so shaken up I don't  
23 really remember. I was blacking in and out.

24          Q.    Isn't it true that Lieutenant Randy  
25 Culler transported you to the hospital?

1           A. I don't think he did. I'm pretty sure  
2 it was an ambulance driver. I remember there was a  
3 girl. I didn't even know that the EMS that came  
4 here today, I didn't even know him because it was a  
5 girl that treated me for my wounds. I never seen  
6 that man. I don't even know where he came from.  
7 He might have taken me out the field. He might  
8 have taken -- I might have got in the car with  
9 whoever you said it was. I might have got in the  
10 car and he may have transported me out of the field  
11 to the EMS, but I'm pretty sure the EMS is the one  
12 that transported me to the hospital.

13           Q. Who else hit you that night?

14           A. Nobody hit me. He was the only person  
15 that hit me.

16           Q. So it is your testimony he hit you  
17 saying this is for Randy Culler?

18           A. That's exactly what happened.

19           Q. And Randy Culler was out there that  
20 night, but he didn't do anything to you?

21           A. He didn't do nothing to me.

22           Q. Okay. You were uncooperative at the  
23 hospital as well?

24           A. No, sir, I was not.

25           Q. So if a nurse marked you down as your

1 effect and behavior as being uncooperative --

2 MS. WYMAN: Objection.

3 THE WITNESS: I was never  
4 uncooperative.

5 MS. WYMAN: Objection to hearsay.

6 THE COURT: Sustained.

7 BY MR. SCOTT:

8 Q. What time did you get to the hospital?

9 A. I don't know what time it was. I  
10 didn't have my phone on me. I was trying to find  
11 my phone. When I pulled up I was trying to call  
12 somebody. I couldn't even find my phone. I didn't  
13 even know where my phone was.

14 Q. And you were discharged within two  
15 and-a-half hours, weren't you?

16 A. I don't know what time it was. I  
17 remember I did stay at the hospital for a good  
18 little minute because I laid in a bed and a nurse  
19 came over there. I remember being in the hospital  
20 for -- it was a good minute because while I was at  
21 the hospital I was throwing up. The nurse came  
22 back there and I was throwing up blood all over the  
23 place and that's when they had to give me a shot to  
24 keep me from throwing up blood.

25 Q. Two and-a-half hours. Then where did

1 they take you?

2 A. I was transported to the jail.

3 Q. You bonded out the next day?

4 A. Yes, sir.

5 Q. Not like you spent a whole lot of time  
6 in the hospital? You didn't miss bond court the  
7 next day, did you?

8 A. I think actually I did miss the next  
9 day. I think I had to wait until the following  
10 day. I don't really remember. I can't really  
11 remember. All I remember is being at the hospital.  
12 I was at the hospital a good little minute.

13 Q. Where were you living back on May the  
14 3rd of 2016?

15 A. I was staying on Cannon Bridge Road.

16 Q. Who were you living with?

17 A. I was living by myself.

18 Q. How come your bonds form says you lived  
19 at [REDACTED] Russell Street?

20 A. That's my mailing address. I did not  
21 have a mailbox out there and on my paperwork I  
22 always put that so if anything important mail comes  
23 it can go to that address.

24 Q. That's not where you actually stayed?

25 A. No, sir, it's not.

1           Q.    So if somebody was looking for you for  
2 court they wouldn't find you at [REDACTED] Russell  
3 Street, would they?

4           A.    I would immediately be notified because  
5 every mailing day it would be there, but nobody  
6 really goes looking for me for court, a lawyer or  
7 anything. They don't actually go to your home  
8 address. Normally they just give them the phone  
9 number and they call you and they notify you when  
10 you get something in the mail, like e-mail or  
11 something.

12           Q.    It's your testimony that when you  
13 finally stopped your car in this field -- what did  
14 you do when you stopped your car?

15           A.    I immediately got out. I laid on the  
16 ground and put my hands on my head.

17           Q.    How did Deputy Quinlan hurt his thumb?

18           A.    He kept hitting me and hitting me and  
19 hitting me.

20           Q.    I notice when you do that you say he  
21 kept hitting me. You got your thumb tucked inside?  
22 How did he hurt his thumb?

23           A.    He kept hitting me and while he was  
24 hitting me his hand I guess became injured.

25           Q.    How many houses do you think you passed

1 during this chase?

2 A. I didn't count. I mean --

3 Q. How many stop signs do you think you  
4 ran?

5 A. I don't know. Maybe two.

6 Q. In your mind this was all necessary,  
7 huh?

8 A. I mean I was so shaken up what  
9 happened I was thinking I didn't want to get shot.  
10 You see every day on the news people getting shot  
11 and here I didn't even know I was getting pulled  
12 over. I pulled over so he can go around me. He  
13 pulls up from behind me and the first thing he does  
14 when he gets out of his vehicle is he pulls his gun  
15 off the side and starts running toward my vehicle.

16 Q. Okay. Did you have a cell phone with  
17 you?

18 A. I did, but I could not find it. I was  
19 looking for it. I had no idea. It must have  
20 fallen in between my seat. I didn't want to look  
21 while I was driving. I looked in my pocket. I  
22 looked for it. I couldn't find it. I didn't have  
23 it when I went to jail. I don't know where it was.

24 Q. Where was that picture taken?

25 A. That was at the jail.

1 Q. When was it taken?

2 MS. WYMAN: Objection.

3 MR. SCOTT: May we approach?

4 THE COURT: Yes, sir.

5 (Following proceedings were held at the  
6 bench.)

7 MS. WYMAN: We asked for a booking  
8 photo and they didn't have it, but they had this  
9 photo a couple of days later so I don't know if he  
10 knows when this was taken.

11 THE COURT: He can testify if he knows  
12 when this picture was taken.

13 (End of bench conference.)

14 BY MR. SCOTT:

15 Q. When was the picture taken?

16 A. I don't know the date. I mean it  
17 doesn't have a date. I don't know when it was  
18 taken.

19 Q. Was it taken around the time of this  
20 incident?

21 A. It was exactly taken around the time of  
22 the incident I mean --

23 Q. You bonded out the next day, right?

24 A. I mean they had to book me before I  
25 bonded out so I mean --

1 Q. Exactly.

2 A. I mean I had to be booked into the jail  
3 before I bonded out.

4 MR. SCOTT: No further questions.

5 THE COURT: Redirect?

6 MS. WYMAN: No, Your Honor.

7 THE COURT: You may step down, sir.

8 Thank you.

9 THE WITNESS: Am I done?

10 THE COURT: Yes, sir. You may call  
11 your next witness.

12 MS. WYMAN: The defense rests, Your  
13 Honor.

14 THE COURT: Ladies and gentlemen of the  
15 jury, again we are going to take another brief  
16 recess. We will be right back with you. Although  
17 both sides have rested their case please do not  
18 discuss the case among yourselves. We still have  
19 closing arguments and the charge on the law. We  
20 will be right back with you.

21 (Thereupon, the jury exited the  
22 courtroom at 3:34 p.m.)

23 (The following proceedings were held  
24 outside the hearing of the jury.)

25 THE COURT: I know I just gave you

1       copies of the proposed jury instructions. I don't  
2       know if you have had time to review them. I will  
3       give you just a couple of minutes so you can review  
4       them and we can discuss or add or debate anything  
5       that y'all may want.

6               MS. WYMAN: Briefly may I renew my  
7       directed verdict?

8               THE COURT: Yes, ma'am. For the same  
9       reasons the motion is respectfully denied.

10              MR. SCOTT: The State has no  
11       objections.

12              THE COURT: Here is the proposed  
13       verdict form if you want to look at that, too.  
14       Pretty straightforward.

15              (Handing.)

16              MR. SCOTT: Thank you.

17              (Brief pause.)

18              THE COURT: Have you reviewed the  
19       proposed jury instructions, both of you?

20              MR. SCOTT: Yes, Your Honor.

21              MS. WYMAN: Yes, ma'am.

22              THE COURT: Any objections?

23              MS. WYMAN: No objection.

24              MR. SCOTT: No, Your Honor.

25              THE COURT: We are ready for the jury?

1 MR. SCOTT: Yes, Your Honor.

2 MS. WYMAN: Yes, ma'am.

3 THE COURT: Let's have our jury,  
4 please.

5 (Whereupon the jury entered the  
6 courtroom at 3:39 p.m.)

7 THE COURT: Welcome back, ladies and  
8 gentlemen of the jury. We are now ready to proceed  
9 with the closing arguments. Solicitor.

10 MR. SCOTT: May it please the Court.

11 THE COURT: Yes, sir.

12 MR. SCOTT: I want to begin thanking  
13 you all for your service here today. It's often  
14 said that jury duty is one of the most important  
15 duties you can do for your country. I would  
16 certainly concur with that. I don't want to thank  
17 you just for your service, but also for your  
18 attention that you have shown this case. I  
19 appreciate it. Ms. Wyman appreciates it. The  
20 truth is we all have important roles in this  
21 courtroom. The solicitor's responsibility is to be  
22 the administrator of justice and present the  
23 evidence. Ms. Wyman's responsibility is to be a  
24 zealous advocate for her client. Judge Murphy's  
25 responsibility is to administer the law. And it is

1 your responsibility to tell us what the facts are.

2 If you recall, the most important thing  
3 you have done up to right now is you took an oath  
4 that you put aside any bias or prejudice you have  
5 against the State or against the defense and render  
6 your verdict as to the evidence and the law.

7 What I want to do real briefly is take  
8 no more than three or four minutes of your time and  
9 talk about a few points of law and then Ms. Wyman  
10 is going to stand up here and she will present --  
11 she's going to argue the facts on behalf of her  
12 client and then I get one last opportunity to stand  
13 up here and talk about the facts in this case. So  
14 right now I want to briefly talk about a couple  
15 points of law.

16 The first point of law I want to talk  
17 about is the Defendant's charges. The first one is  
18 failure to stop for a blue light. The law says in  
19 the absence of mitigating circumstances it is  
20 unlawful for a motor vehicle driver while driving  
21 on a road, street or highway of the state to fail  
22 to stop when signaled by a law enforcement vehicle  
23 by means of siren or flashing light. Very  
24 straightforward.

25 The law also says an attempt to

1 increase speed of a vehicle or in any other manner  
2 avoid a pursuing law enforcement vehicle when  
3 signalled by a siren or flashing light is prima  
4 facie evidence of a violation of the section.

5 Like I said earlier, absent mitigating  
6 circumstances, that would be like taking someone to  
7 the hospital. Not because you think you are scared  
8 or something like that. You have a charge the  
9 Defendant has been indicted for, resisting arrest.  
10 Very simple. It is unlawful for a person knowingly  
11 and willfully to oppose or resist a law enforcement  
12 officer in serving, executing or attempting to  
13 serve or execute a legal writ or process or to  
14 resist an arrest being made by one who the person  
15 knows or reasonably should know is a law  
16 enforcement officer. Very simple.

17 The judge also will charge you that you  
18 and you alone assess the credibility of the  
19 witnesses. You can believe all, some or none of  
20 what a witness tells you. And there are certain  
21 factors you can use to help you determine, to help  
22 you assess the credibility of witnesses. What was  
23 the demeanor of the witness on the stand? Was the  
24 witness forthright or hesitant? Was the testimony  
25 of the witness consistent? Was the testimony of

1 the witness corroborated? Did the witness have any  
2 reason to be-bias or prejudice, and you can use  
3 someone's prior convictions to assess their  
4 credibility.

5 The last point of law is the burden of  
6 proof in this case. I told you in my opening the  
7 State as in all cases from Maine to California has  
8 the burden of proof. We must convince you, the  
9 jury, of the Defendant's guilt by proof beyond a  
10 reasonable doubt.

11 All I ask is that you keep an open  
12 mind. I will have one last opportunity to come  
13 back in front of you and argue the facts in this  
14 case. I'm sure you will give Ms. Wyman the same  
15 attention that you have given me. All I ask is  
16 that you keep an open mind. Thank you.

17 THE COURT: Ms. Wyman.

18 MS. WYMAN: Why were there two incident  
19 reports? Why is there no video? Why are there no  
20 photographs? All of these questions are concerning  
21 to me. Point blank I submit to you that that  
22 officer is hiding things. He is trying to cover up  
23 his misconduct. They don't want you to know what  
24 really happened that day. That's why there are  
25 reports that were conveniently edited. He had to

1 embellish. He had to make his behavior seem more  
2 justified. He took that stand and he told you that  
3 when he writes reports, which he has written  
4 hundreds, that he assured you he was going to be  
5 accurate and complete and truthful. If he was  
6 actually being accurate, complete and truthful he  
7 wouldn't have felt the need to go back and edit his  
8 report in a self-serving way adding in self-serving  
9 details and then try to pass it off as the  
10 original.

11 When did he edit it? I don't know. He  
12 didn't date it. We know that it was sometime  
13 between May 4th and now when he knew you were going  
14 to trial on this. They don't want you to know what  
15 really happened that day. That's why there's no  
16 video for you to see with your own two eyes what  
17 happened. They don't want you to know what really  
18 happened that day. That's why there are no  
19 photographs at the incident on the day of the  
20 incident.

21 We know that photographs were taken.  
22 There are two separate reports that indicated that  
23 pictures were taken. One where two yes boxes were  
24 checked, one saying that there were pictures done  
25 of Mr. Braxton, one taken of the officer. There's

1 another report where someone hand wrote in yes  
2 photographs were taken.

3 Mr. Braxton told you that his face was  
4 busted up. He had a black eye, blood everywhere,  
5 his eyes were swollen shut. And I submit to you  
6 that if there were photos which they did take, you  
7 would see the extent of his injuries. In which  
8 case you wouldn't believe the cop that oh, Mr.  
9 Braxton fell and hit himself on the ground or he  
10 was already bleeding when he got out of the car,  
11 what else did he say, they were defensive strikes.

12 Getting a gun pulled on you, getting  
13 beat by the police, those are mitigating  
14 circumstances. Mitigating circumstances that  
15 justify not stopping for blue lights. The  
16 solicitor is implying that oh, that's as simple as  
17 not stopping. It's not that simple.

18 Mr. Braxton acted very reasonably under  
19 the circumstances. You heard him tell his side of  
20 the story. Officer Quinlin recognized him, pulled  
21 a gun on him and then eventually put him in the  
22 hospital. And all of that was in retaliation for  
23 an incident with Officer Culler. Daniel Braxton  
24 was targeted. There were no guns in the car. No  
25 drugs in the car. No suspended license. There was

1 absolutely no reason for him to run away except for  
2 the initial threats by that officer. He didn't  
3 resist arrest. Look at their size differences  
4 alone. It would be ridiculous to say that he would  
5 resist an arrest from someone who has a hundred  
6 pounds on him.

7 Mr. Braxton has owned up to what  
8 happened with Officer Culler. He paid for that.  
9 He shouldn't have to pay for it again by getting  
10 beat up. He shouldn't have to pay for it again by  
11 getting these charges on him based off of his lies.  
12 That's not right. He targeted Mr. Braxton on a  
13 personal level. And then now he is hiding behind  
14 his badge being protected by the sheriff's office,  
15 being protected by the solicitor's office and he  
16 knows that there's no video to prove what really  
17 happened. There is no pictures for us to prove the  
18 extent of the injuries which won't match his story.  
19 But by the way, plug in the front of your mind it  
20 is not our job to prove anything. That is the  
21 State's job.

22 Police officers are not above the law.  
23 They cannot assault citizens and get away with it.  
24 Officer Quinlin knows what he did that day. And  
25 it's frightening to me that he thinks he can get

1 away with this. Frankly, we should all be  
2 concerned as citizens.

3 When you go back to deliberate use your  
4 sense of what is right and what is wrong. You will  
5 see that that cop was in the wrong and that Daniel  
6 Braxton should be found not guilty.

7 THE COURT: Solicitor.

8 MR. SCOTT: Thank you, Your Honor.  
9 May 3rd, 2016, Deputy Quinlan didn't even know  
10 Daniel Braxton. The Defendant said that, Deputy  
11 Quinlan said that. Deputy Quinlan saw a pickup  
12 truck driving over 90 miles an hour on Hickory Hill  
13 Road and he did what every citizen of Orangeburg  
14 County would expect him to do. He pursued that  
15 vehicle and stopped him. Mr. Braxton, he wants you  
16 to find a special set of rules for him just because  
17 he has had some run ins in the past which  
18 coincidentally he was charged with assault and  
19 battery of the first degree on Officer Culler.  
20 That was his testimony. But defense, they don't  
21 want you to base your verdict on the facts. They  
22 want you to base your verdict on assertions,  
23 speculation, sympathy, things like there is no  
24 video. You heard Deputy Quinlan. Car is not  
25 equipped with video. I can't make a video appear

1 that doesn't exist. Almost 90 percent of Ms.  
2 Wyman's cross-examination of Deputy Quinlin had to  
3 do with a rough draft he made of this incident  
4 report. When I was in school I had to do a rough  
5 draft. Teacher wouldn't even accept the first  
6 paper. She required you to do a rough draft. He  
7 did a rough draft. Big deal. You heard the  
8 Defendant's testimony. The address he listed on  
9 the bond form isn't where he was living. It is  
10 paperwork. That's not reasonable doubt. Even the  
11 Defendant admitted Deputy Quinlan did not know him.

12 He talked about his injuries. He had a  
13 black eye. Deputy Quinlan had his thumb in a  
14 splint for months because of his actions. His  
15 actions. Said he had a black eye. He made the  
16 bond court the next morning. He was home the next  
17 day. Two and-a-half hours in the ER? I don't  
18 think I have ever been in the ER and spent that  
19 little amount of time.

20 Ladies and gentlemen, just use your  
21 common sense. Deputy Quinlan had no prior --  
22 didn't know the Defendant. No prior run in with  
23 him. Guy is doing 92 miles an hour, put people  
24 lives in danger. He did what we expect him to do.  
25 It is not any more complicated than that. Even the

1 Defendant when you look at that, talk about  
2 credibility of witnesses, he doesn't even remember  
3 how he got to the hospital. You heard the  
4 testimony of the EMS. He said he checked him out  
5 on the scene, that was it. They left. Lieutenant  
6 Randy Culler, the one he wants to make this big  
7 whoop about, is the one who took him to the  
8 hospital.

9 Ladies and gentlemen, all I ask is that  
10 you use common sense. When you walk through the  
11 doors of the courthouse they don't ask you to put  
12 on a special hat. They don't ask you to think like  
13 jurors or anything. It is your collective  
14 differences that make a jury work. You all come  
15 from different background, different jobs, live in  
16 different parts of the county. Use your common  
17 sense. Render a verdict that speaks the truth.  
18 Let Mr. Braxton know that there's not a special set  
19 of rules just for him. Thank you.

20 THE COURT: Ladies and gentlemen of the  
21 jury, it is now time for me to charge you on the  
22 law in this case. I remind you that during this  
23 trial you and I have certain duties to perform. As  
24 a trial judge it is my responsibility to preside  
25 over the trial of this case and also I have the

1 duty to rule on the admissibility of evidence  
2 offered during this trial.

3 You're to consider only the competent  
4 evidence before you. If there is any testimony  
5 stricken from the record in this case during this  
6 trial you must disregard that testimony. You are  
7 to consider only the testimony which has been  
8 presented from the witness stand, any exhibits that  
9 have been made a part of the record in this case  
10 and any stipulations of counsel. I have the  
11 additional duty to charge you on the law applicable  
12 to this case. As the presiding judge it is my sole  
13 -- I am the sole judge of the law in this case and  
14 it is your duty as jurors to accept the law and  
15 apply the law as I now state it to you.

16 If you already have an idea as to what  
17 the law is or what the law ought to be and it does  
18 not agree with what I now tell you the law is, you  
19 must abandon that idea because you are sworn to  
20 accept the law and apply the law exactly as I state  
21 it to you. In every case tried in this court  
22 before a jury the jury becomes the sole and  
23 exclusive judges of the fact in this case. A trial  
24 judge cannot intimate, state, comment on or make  
25 any statement to a trial jury about the facts in

1 the case. Since you, the jury, are the sole judges  
2 of the facts in this case you are not to infer from  
3 what I have said during the progress of this trial  
4 and you are not to infer what I have said during  
5 the progress of this trial in ruling upon the  
6 admissibility of evidence or otherwise or anything  
7 that I say now during the course of my instruction  
8 to you that I have any opinion about the facts in  
9 this case. The law does not allow me to have an  
10 opinion about the facts in this case. This is a  
11 matter solely for you, the jury, to determine. As  
12 jurors it is your duty to determine the effect, the  
13 value, the weight and the truth of the evidence  
14 presented during this trial.

15 The indictments charge the Defendant  
16 with failing to stop for a blue light and with  
17 resisting arrest. I remind you that the fact that  
18 the Defendant was arrested, charged and indicted in  
19 this case is not evidence in this case and cannot  
20 be considered by you as evidence of guilt in this  
21 case, nor does it create any presumption or  
22 inference of guilt.

23 The documents of the indictments are  
24 simply the formal written instrument which contains  
25 the charges made against the Defendant as the

1 formal document by which the case is brought into  
2 this court. The indictments in this case again  
3 allege two different offenses against the  
4 Defendant, failure to stop for a blue light and  
5 resisting arrest. Each indictment charges a  
6 separate and distinct offense. You must decide  
7 each indictment separately on the evidence and the  
8 law applicable to it uninfluenced by your decision  
9 as to any other indictment. The Defendant may be  
10 convicted or acquitted on any or all the offenses  
11 charged. You will be asked to write a separate  
12 verdict of guilty or not guilty on the verdict form  
13 for each indictment.

14 The Defendant has pled not guilty to  
15 these indictments and that plea puts the burden on  
16 the State to prove the Defendant guilty. A person  
17 charged with committing a criminal offense in South  
18 Carolina is never required to prove himself  
19 innocent. I charge you that it is an important  
20 rule of the law that the Defendant in a criminal  
21 trial no matter what the seriousness of the charge  
22 may be will always be presumed innocent of the  
23 crime to which the indictment was issued unless  
24 guilt has been proven by evidence satisfying you of  
25 his guilt beyond a reasonable doubt. This

1 presumption of innocence does not end when you  
2 begin your deliberations, but it accompanies the  
3 Defendant throughout the trial until you reach a  
4 verdict of guilt based on the evidence satisfying  
5 you of that guilt beyond a reasonable doubt.

6 The presumption of innocence is like a  
7 robe of righteousness placed about the shoulders of  
8 the Defendant which remains with the Defendant  
9 until it has been stripped from the Defendant by  
10 evidence satisfying you of the Defendant's guilt  
11 beyond a reasonable doubt.

12 The presumption of innocence is not a  
13 mere legal theory. It is not just a legal phrase.  
14 It is a substantial right to which every Defendant  
15 is entitled to unless you, the jury, are satisfied  
16 from the evidence of the Defendant's guilt beyond a  
17 reasonable doubt.

18 What is a reasonable doubt in the law?  
19 A reasonable doubt is the kind of doubt that would  
20 cause a reasonable person to hesitate to act. The  
21 State has the burden of proving the Defendant  
22 guilty beyond a reasonable doubt. Some of you may  
23 have served as jurors in civil cases where you were  
24 told that it is only necessary to prove that a fact  
25 is more likely true than not true such as by the

1 greater weight or the preponderance of the  
2 evidence. In criminal cases the State's proof must  
3 be more powerful. It must be beyond a reasonable  
4 doubt.

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

18 Probable cause is a good faith belief  
19 that a person has committed a crime and that belief  
20 rests on grounds that would make an ordinarily  
21 prudent and cautious person under the circumstances  
22 to have the same belief. Probable cause for arrest  
23 in misdemeanor cases without a warrant is something  
24 more than mere suspicion that the person committed  
25 a crime. An arrest made on a hunch or mere belief

1 or guess unsupported by facts, circumstances or  
2 credible information showing that the person has  
3 committed a crime is not made on probable cause.  
4 Probable cause is somewhere between suspicion and  
5 sufficient evidence to convict. In deciding  
6 whether there was probable cause to arrest, the  
7 probability cannot be technical, but must be based  
8 on factual and practical considerations of everyday  
9 life on which reasonable, prudent and cautious  
10 people act.

11           There are two types of evidence which  
12 are generally presented during the trial, direct  
13 evidence and circumstantial evidence. Direct  
14 evidence is the testimony of a person who claims to  
15 have actual knowledge of a fact such as an  
16 eyewitness. Circumstantial evidence is proof of a  
17 chain of facts and circumstances indicating the  
18 existence of a fact. The law makes absolutely no  
19 distinction between the weight or the value to be  
20 given to either direct or circumstantial evidence,  
21 nor is a greater degree of certainty required of  
22 circumstantial evidence than of direct evidence.

23           You should weigh all of the evidence in  
24 the case. After weighing all of the evidence if  
25 you're not convinced of the guilt of the Defendant

1       beyond a reasonable doubt, you must find the  
2       Defendant not guilty.

3               Necessarily you must determine the  
4       credibility of the witnesses who testified in this  
5       case. Credibility simply means believability. It  
6       becomes your duty as jurors to analyze and to  
7       evaluate the evidence and determine which evidence  
8       convinces you of its truth. In determining the  
9       believability of witnesses who have testified in  
10      this case you may believe one witness over several  
11      witnesses or several witnesses over one witness.  
12      You may believe a part of the testimony of a  
13      witness and reject the remaining part of the  
14      testimony of that same witness. You may believe  
15      the testimony of the witness in its entirety or  
16      reject the testimony of the witness in its  
17      entirety. You may consider whether the witness has  
18      exhibited any interest, bias, prejudice or other  
19      motive in this case. You may also consider the  
20      appearance and the manner of a witness while on the  
21      witness stand.

22              In order to establish criminal  
23      liability criminal intent is required. For  
24      example, the mental state required to be proven by  
25      the State for a particular crime might be purpose,

1 intent, knowledge, recklessness or criminal  
2 negligence. Criminal intent must be proven by the  
3 State beyond a reasonable doubt. Criminal intent  
4 is always a matter that must be determined by the  
5 jury from the circumstances surrounding the  
6 situation. There's no way to prove intent to a  
7 mathematical certainty. There is no way medical  
8 science can dissect a person's brain and determine  
9 what the person had in mind so the law says a  
10 criminal intent may be inferred from the  
11 circumstances shown to have existed.

12 This is how you make a determination of  
13 whether or not the element requiring intent was  
14 present. It is not necessary to establish intent  
15 by direct and positive evidence, but intent may be  
16 established by inference in the same way as any  
17 other fact, by taking into consideration the act of  
18 the parties and all the facts and circumstances of  
19 the case. Criminal intent is a mental state, a  
20 consciousness of wrongdoing. It is up to you to  
21 determine what the Defendant intended to do based  
22 upon the circumstances shown to have existed.

23 Criminal intent can arise from action  
24 or failure to act, and may arise from negligence,  
25 recklessness or an indifference to duty or to

1 consequences that is considered by the law to be  
2 the equivalent of criminal intent.

3 The Defendant is charged with failing  
4 to stop for a blue light. In order to prove this  
5 crime the State must prove beyond a reasonable  
6 doubt that the Defendant was driving a motor  
7 vehicle, the Defendant was driving a motor vehicle  
8 on a road, street or highway of the state, the  
9 Defendant was signalled to stop by a law  
10 enforcement vehicle by means of a siren or flashing  
11 light, and that the Defendant did not stop.

12 In determining whether or not there was  
13 mitigating circumstances which would justify the  
14 Defendant's failure to stop for blue light, you may  
15 consider actual road conditions, actual roadside  
16 conditions, other conditions such as lighting and  
17 weather, officer, driver and/or passenger safety  
18 and any other circumstances you believe to  
19 reasonably mitigate the alleged violation.

20 An official signal requiring a motorist  
21 to stop may be a siren or flashing light, but both  
22 are not required. An attempt to increase speed of  
23 a vehicle or in some other manner avoid the  
24 pursuing law enforcement vehicle when signalled by  
25 a siren or flashing light may be considered as

1 evidence of failure to stop for a blue light.  
2 However, it is merely an evidentiary fact to be  
3 taken into consideration by you along with all the  
4 other evidence in the case and to be given the  
5 weight that you decide it should receive.

6 The Defendant is also charged with  
7 resisting arrest. The State must prove beyond a  
8 reasonable doubt that the Defendant resisted a  
9 lawful arrest being made by a person that the  
10 Defendant knew or reasonably should have shown was  
11 a law enforcement officer.

12 Knowingly means with knowledge,  
13 conscientiously done. Willfully means done  
14 intentionally and not done by accident. Resist  
15 means to oppose, strive against or obstruct.  
16 Obstruct means to impede, hinder or interfere with.  
17 Even peaceful, nonviolent indirect obstruction of  
18 the arrest or the service or execution of process  
19 is considered resisting arrest. If the means used  
20 are sufficient to prevent the officer from making  
21 an arrest, the Defendant is guilty of resisting  
22 arrest.

23 You have heard evidence that the  
24 Defendant was convicted of a crime other than the  
25 one for which the Defendant is now on trial. This

1 evidence may be considered by you if you conclude  
2 it's true only in deciding whether the Defendant's  
3 testimony is believable and for no other purpose.  
4 You must not consider the Defendant's prior record  
5 as any evidence of the Defendant's guilt of the  
6 charges we are trying here today.

7 Ladies and gentlemen of the jury, you  
8 will have this verdict form back in the jury room  
9 with you, and Mr. Foreman, it is pretty  
10 self-explanatory, but you will be charged with  
11 filling the jury verdict form out. It goes as to  
12 each charge. The first charge says as to the  
13 charge of failure stop for a blue light we the jury  
14 unanimously find the Defendant, and you circle the  
15 appropriate verdict that the jury comes to.

16 Same thing goes as to the resisting  
17 arrest which is the next charge under that.  
18 Remember, your verdict must be unanimous. When you  
19 reach a verdict if you will please knock on the  
20 door. There you will be received back in the  
21 courtroom to receive your verdict and for the last  
22 time I am going to send you back to your jury room.  
23 Please don't discuss the case quite yet until you  
24 get all the exhibits and the verdict form in the  
25 jury room just to make sure I didn't forget to

1 instruct you on one or any aspect of the law.

2 (Thereupon, the jury exited the  
3 courtroom at 4:05 p.m.)

4 (The following proceedings were held  
5 outside the hearing of the jurors.)

6 THE COURT: Any exceptions or  
7 objections to the charge and law from either the  
8 State of the defense?

9 MR. SCOTT: No, Your Honor.

10 MS. WYMAN: No, Your Honor.

11 THE COURT: If you will gather up the  
12 exhibits and we have the verdict form here.

13 (Thereupon, the jury began deliberating  
14 at 4:06 p.m.)

15 (Thereupon, the jury reached a verdict  
16 at 4:50 p.m.)

17 THE COURT: It's my understanding the  
18 jury has reached a verdict. Anything before I  
19 bring them out?

20 MR. SCOTT: No, Your Honor.

21 MS. WYMAN: No, Your Honor.

22 THE COURT: Let's have the jury,  
23 please.

24 (Whereupon the jury entered the  
25 courtroom at 4:52 p.m.)

1 THE COURT: Mr. Foreman, has the jury  
2 reached a verdict?

3 THE FOREMAN: Yes, it has.

4 THE COURT: Would you please hand it to  
5 the bailiff.

6 THE BAILIFF: Your Honor, may I  
7 approach?

8 THE COURT: Yes, ma'am.

9 THE BAILIFF: (Handing.)

10 THE COURT: Madam clerk.

11 THE CLERK: I bring the Court's  
12 attention to indictment number 2016-GS-38-862 and  
13 2016-GS-38-863. As to the charge of failure to  
14 stop for a blue light we the jury unanimously find  
15 the Defendant guilty. As to the charge of  
16 resisting arrest we the jury unanimously find the  
17 Defendant not guilty. It is signed November 15th,  
18 2016, by Mr. James Burk.

19 THE COURT: Madam clerk, if you will  
20 please poll the jury.

21 THE CLERK: Okay. As I call your name  
22 please stand. Cleopatra Williams, is this your  
23 verdict?

24 MS. WILLIAMS: Yes, it is.

25 THE CLERK: Is it still your verdict?

1 MS. WILLIAMS: Yes.

2 THE CLERK: Thank you. James Burk, is  
3 this your verdict?

4 MR. BURK: Yes, it is.

5 THE CLERK: Is it still your verdict?

6 MR. BURK: Yes, ma'am.

7 THE COURT: Thank you. Andrew Elliot,  
8 is this your verdict?

9 MR. ELLIOT: Yes.

10 THE COURT: Is it still your verdict?

11 MR. ELLIOT: Yes.

12 THE CLERK: Thank you. Hailee Thorpe,  
13 is this your verdict?

14 MS. THORPE: Yes, ma'am.

15 THE CLERK: Is it still your verdict?

16 MS. THORPE: Yes, ma'am.

17 THE CLERK: Torrance Davis, is this  
18 your verdict?

19 MR. DAVIS: Yes, ma'am.

20 THE CLERK: Is it still your verdict?

21 MR. DAVIS: Yes, it is.

22 THE CLERK: Thank you. James Pinckney,  
23 is this your verdict?

24 MR. PINCKNEY: Yes, ma'am.

25 THE CLERK: Is it still your verdict?

1 MR. PINCKNEY: Yes, ma'am.

2 THE CLERK: Thank you. Tony Fields, is  
3 this your verdict?

4 MR. FIELDS: Yes, ma'am.

5 THE CLERK: Is this still your verdict?

6 MR. FIELDS: Yes, ma'am.

7 THE CLERK: Thank you. Connie Hoffman,  
8 is this your verdict?

9 MS. HOFFMAN: Yes, ma'am.

10 THE CLERK: Is this still your verdict?

11 MS. HOFFMAN: Yes, ma'am.

12 THE CLERK: Mildred Bishop, is this  
13 your verdict?

14 MS. BISHOP: Yes, ma'am.

15 THE CLERK: Is this still your verdict?

16 MS. BISHOP: Yes, ma'am.

17 THE COURT: Thank you. Page Oliver, is  
18 this your verdict?

19 MS. OLIVER: Yes, ma'am.

20 THE CLERK: Is it still your verdict?

21 MS. OLIVER: Yes.

22 THE CLERK: Thank you. Lakia Hart, is  
23 this your verdict?

24 MS. HART: Yes, ma'am.

25 THE CLERK: Is this still your verdict?

1 MS. HART: Yes, ma'am.

2 THE CLERK: Thank you.

3 THE COURT: Thank you, madam clerk.

4 Ladies and gentlemen of the jury, if you will  
5 return to your jury room one last time I will be in  
6 there in just a moment to release you.

7 (Thereupon, the jury exited the  
8 courtroom at 4:54 p.m.)

9 (The following proceedings were held  
10 outside the hearing of the jurors.)

11 THE COURT: Anything further before I  
12 release the jury?

13 MR. SCOTT: No, Your Honor.

14 MS. WYMAN: No, Your Honor.

15 THE COURT: I will be right back.  
16 Bring the sentencing sheets.

17 (Brief pause.)

18 MS. WYMAN: Your Honor, I have a few  
19 quick things. First I want to renew all our  
20 previous motions, specifically our motion for a  
21 directed verdict on the failure to stop for blue  
22 light.

23 THE COURT: Yes, ma'am. And as was  
24 indicated earlier, the same reasoning applies.  
25 There was existence of evidence and your motion is

1 respectfully denied.

2 MS. WYMAN: Thank you, Your Honor. And  
3 then we also move for a new trial on the same basis  
4 that is our position that a new trial should be  
5 granted because of lack of evidence to support  
6 conviction of a failure to stop for blue light.

7 THE COURT: Again I think there was  
8 direct evidence of each of the elements of each  
9 crime charged creating a question of fact for the  
10 jury. Your motion is respectfully denied.

11 MS. WYMAN: Thank you.

12 THE COURT: Mr. Braxton, if you would  
13 please stand. Solicitor.

14 MR. SCOTT: As far as his prior record,  
15 Your Honor, he has had multiple, multiple run ins  
16 with the police. Some of it is minor, but I think  
17 it just shows his interaction with the police and  
18 his lack of respect for law enforcement. Some of  
19 this is on his rap sheet. Some of it I gleaned  
20 from public record. But in January of 2012 he has  
21 conviction for too fast for conditions. May of  
22 2012 malicious injury to personal property. June  
23 of 2012 speeding, simple possession of marijuana,  
24 DUI. October of 2012, trespassing. November of  
25 2012 DUI, PWID marijuana. December of 2012

1 reckless driving, unsafe tires, failure to stop for  
2 a blue light, unlawful carrying of a pistol,  
3 possession with intent to distribute marijuana. He  
4 was given three years suspended to 120 days and  
5 five years probation on that case. In August of  
6 2013 simple possession of marijuana, violation of  
7 town ordinance. August of 2013, no brakes lights.  
8 November of 2013 failure to stop for blue light,  
9 possession with intent to distribute marijuana  
10 second offense, assault and battery of the first  
11 degree. He received a ten-year sentence suspended  
12 on the service of three years and five years  
13 probation which I assume he is still on.

14 September of 2015 he got a seat belt  
15 ticket. At the time of this offense, Your Honor,  
16 he was also out on bond in Calhoun County for  
17 possession with intent to distribute marijuana. I  
18 believe that happened in March of 2016.

19 As far as time served, Your Honor, he  
20 bonded out the next day. He is currently in jail  
21 because Calhoun County -- his bond on Calhoun  
22 County charges was revoked so he is not in jail on  
23 these charges I would submit. I believe his credit  
24 for time served should be one day.

25 THE COURT: Anything else, solicitor?

1 MR. SCOTT: No, Your Honor.

2 THE COURT: Ms. Wyman?

3 MS. WYMAN: May it please the Court. A  
4 little bit about Mr. Braxton. He is 23. He is  
5 from Orangeburg. Not married. He does not have  
6 any kids. He is a high school graduate. He  
7 graduated from Edisto High School. He was  
8 currently enrolled at Midlands Tech to get his HVAC  
9 certificate. Your Honor, his parents are here. I  
10 believe they want to address the Court at the  
11 appropriate time.

12 THE COURT: Absolutely. Would you like  
13 to come forward. Will you state your name for the  
14 record?

15 MR. BRAXTON: My name is Steven  
16 Braxton. And I just want to just say something  
17 good about my son. And that is he was trying to  
18 move his life forward by going to college and  
19 working and the last six months he has been in jail  
20 I have been seeing him and talking to him every  
21 day. And he still wants to -- he is a hard worker.  
22 He wants to get his life on track, get in school,  
23 get a trade and be a productive citizen. And he  
24 has got a good heart. He's very giving and a very  
25 kind person. I just want to say that for the

1 record because, you know, if there is anybody that  
2 would deserve a thread of mercy I know my son would  
3 deserve it. If you knew him like I know him, I  
4 know he has had a troubled teenage years growing up  
5 here, but I believe that his best days are yet  
6 ahead of him. I really believe that. He has got a  
7 loving family, good support family and I want to  
8 say that we are going to be here with him and see  
9 him through these hard times. When this is all  
10 said and done I believe his better days are ahead  
11 of him, not what's behind him.

12 Thank you, sir. Anything further?

13 MS. WYMAN: No, Your Honor.

14 THE COURT: Well, Mr. Braxton, it  
15 appears certainly your -- I don't know what your  
16 juvenile record is if you have any, and certainly  
17 I'm assuming that you don't. But ever since you  
18 have been an adult you have been consistently in  
19 trouble with the law and have shown a complete  
20 disregard for the law. You were on probation when  
21 this happened, out on bond when this happened. And  
22 the facts of the case as the jury found that you  
23 were speeding, going fast and causing potential  
24 danger not only to yourself, but to other members  
25 of the community. Thank goodness there wasn't a

1 child that jumped out there in front of you that  
2 you could have potentially killed or hurt somebody  
3 else.

4 The Court has to take that seriously.  
5 You have been given chances before. You were on  
6 probation when this happened and I have to take  
7 that into consideration.

8 On indictment 2016-GS-38-0862 you are  
9 hereby committed to the state Department of  
10 Corrections for a period of five years. You do get  
11 credit for the one day that you served.

12 (These proceedings were concluded at  
13 5:03 p.m. on November 15, 2016, Orangeburg County,  
14 South Carolina.)  
15  
16  
17  
18  
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1  
2  
3 CERTIFICATE OF REPORTER

4 I, Ruth C. Weese, Registered Diplomate  
5 Reporter for the State of South Carolina at Large,  
6 do hereby certify that the foregoing transcript is  
7 a true, accurate, and complete record.

8 I further certify that I am neither related  
9 to nor counsel for any party to the cause pending  
10 or interested in the events thereof.

11 Witness my hand, I have hereunto affixed my  
12 official seal this 30th day of January, 2017 at  
13 Charleston, Charleston County, South Carolina.

14 *Ruth C. Weese*

15 \_\_\_\_\_  
16 Ruth C. Weese  
17 Registered Diplomate  
18 Reporter  
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WITNESSES

Carl Quinlan

Orangeburg County Sheriff

ARREST WARRANT NUMBER  
4102P0075989

Arrested: May 3, 2016

ACTION OF GRAND JURY  
TRUE BILL

*Edward A. Quinlan*

OCT 12 2016

Date

Foreperson of Grand Jury

Date: October 12, 2016

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2016GS38-0862

The State of South Carolina

County of ORANGEBURG

COURT OF GENERAL SESSIONS

October 17, 2016 TERM

THE STATE  
vs.

Daniel Caleb Braxton

Indictment for

FAILURE TO STOP FOR A BLUE LIGHT,  
2<sup>nd</sup> OR SUBSEQUENT OFFENSE

SC Code: 56-5-750(B)

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I  
hereby appear in my own proper person  
and plead guilty to the within indictment  
or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

FILED FOR RECORD  
WIMBFA B. CLARK  
2016 OCT 12 A 10:19  
CLERK OF COURT  
ORANGEBURG, SC

STATE OF SOUTH CAROLINA )  
COUNTY OF ORANGEBURG )

INDICTMENT  
2016GS38-0862

At a Court of General Sessions, convened on October 12, 2016 the Grand Jurors of Orangeburg County present upon their oath:

**FAILURE TO STOP FOR A BLUE LIGHT, 2<sup>nd</sup> OR SUBSEQUENT OFFENSE**

That in Orangeburg County, South Carolina, on or about May 3, 2016, the Defendant, Daniel Caleb Braxton, while driving a motor vehicle on a road, street, or highway of the State, did unlawfully fail to stop for a law enforcement vehicle after being signaled by a flashing light and/or a siren. This offense in violation of Section 56-5-750, of the South Carolina Code of Laws, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Th 3. Sc. III

Thomas B Scott, III, 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,

A handwritten signature in black ink, appearing to read "John H. Strom", is written over a horizontal line.

John H. Strom  
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 4<sup>th</sup> day of August, 2017.