

Defendant Statement

In the case of State vs. Kevin Maurice Ward, there are issues which are to be considered. There are statements by Officer Chindar Bryant given in her testimony that should be viewed closely.

RECEIVED
DEC 27 2017
SC Court of Appeals

Officer Bryant stated while being questioned that on July 6th of 2016, she turned onto Crescent Avenue from John B. White and observed Mr. Ward driving a burgundy Chevy Tahoe. (R. 44, 11.10-15). Officer Bryant then said that both her and the Tahoe were maybe going about fifteen to twenty miles per hour when they approached each other and she recognized the vehicle and driver immediately. (R. 44, 11.15-19). The officer went on to say in examination as she passed Mr. Ward, he looked at her, she looked at him, and they kind of locked eyes for a moment. (R. 45, 11.11-12).

Ms. Jordan, the direct examiner, asked was Crescent Avenue a two lane road or does it have more than two lanes, the officer answered that it's a two lane road. (R. 46, 11.6-8).

Officer Chindar Bryant was asked were you able to stop the defendant that night, she replied, "I could not," and then went on to state when I saw Mr. Ward, I attempted to turn my vehicle -- well, I did turn my patrol vehicle around to get behind to attempt a traffic stop but by the time I got behind him he had already turned off on to another street. (R. 46, 11.18-23). The Officer, upon being questioned, did you activate your blue lights in attempt to chase the

Defendant, said no, ma'am. He had turned down Crestview. And by the time I had got up to Crestview, he was out of sight. So I did not activate my blue lights. (R. 46, 11. 25-R. 47, 11. 1-4). Ms. Jordan proceeded to question Officer Bryant asking, and it's my understanding when you came upon him you were not able to see him, once again, made the turn off of Crescent Avenue? The officer said no. I could not see him. (R. 47, 11. 10-15).

Officer Bryant said that Mr. Ward turned down Crestview Avenue off of Crescent Avenue, and when she was asked the question later it was stated by the officer that she could not see the Defendant when he supposedly made the turn off of Crescent Avenue.

In further examination, the officer answered when he was passing me I was able to see his tag number in my mirror. And again, when I turned around I was able to see his tag number as well, but I just couldn't get up to the car quick enough by the time he had turned off. (R. 47, 11. 18-22). The next question which was directed to Officer Bryant by Ms. Jordan, were you -- and you were still going at a slow rate of speed when you passed by him and were able to look in your rearview?

The officer replied, yes ma'am. (R. 47, 11. 23-R. 48, 11. 1).

In cross examination given by Mr. Poole, it was asked of the officer, and you did not activate your blue lights at any point in time, right? Officer Chindar Bryant replied with no sir, I did not. The following question, and there was no high speed chase, was there? Again her answer was, no sir. (R. 50, 11. 6-10).

Officer Ryant told Mr. Poole that it was maybe twenty or twenty-five seconds from the moment it took her to see the Defendant approaching until they actually passed each other. Mr. Poole asked was the driver committing a crime? The officer responded by saying, I recognized him to be a habitual traffic offender, which is a crime. (R. 51, 11.6-9). The Defense Attorney questioned, but there was no speeding violation? She said no, sir. The next question, no traffic violation? Again, the answer by Officer Ryant was no, sir. After the given answer, the following question by Mr. Poole was, no probable cause for you to stop the vehicle other than your testimony? (R. 51, 11.11-16). The officer answered, Right. (R. 51, 11.17).

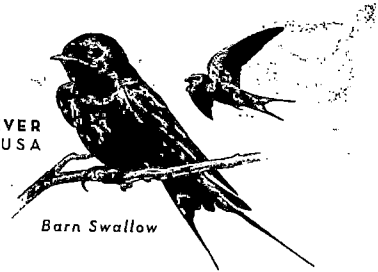
There was not a cause to stop the vehicle in question as Officer Chindar Ryant reply to the questions asked by the Defense Attorney confirmed. There were not any legitimate reason, a distraction, or hinderance which prevented the officer from making a traffic stop and arresting the accused at the time Officer Ryant allegedly saw the Defendant driving on July 6, 2017. In actuality, The officer obtained a warrant to arrest Mr. Ward solely based on assumption. Her description of Mr. Ward is given by the fact that Officer Ryant, for a amount of time, lived in the same apartment complex as the Defendant. And also, has had an encounter with him before. There are parts of the officer's testimony that are inconstant which should be thoroughly analyzed.

Conclusion

Based on the statements in question, Appellant's conviction should be reversed, and the case be remanded for the entry of a directed verdict

Kevin Maurice Ward, 3/19/84
MacDougall Correctional Institution
516 Old Gilliard Road
Ridgeville, SC 29472

FOREVER
USA



RECEIVED

DEC 27 2017

SC Court of Appeals

South Carolina Court of Appeals
Jenny Abbott Kitchings, Clerk
Post Office Box 11629
Columbia, SC 29211

SCDC
Christmas
Packet

2921181629 BO12

