

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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APPEAL FROM ORANGEBURG COUNTY
Court of Common Pleas

SC Court of Appeals

Maite Murphy, Circuit Court Judge

Appellate Case No. 2017-000911

State of South Carolina.....Respondent,

v.

Jeanette Yvonne Glover.....Appellant.

RECORD ON APPEAL

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ORANGEBURG MUNICIPAL COURT
1320 MIDDLETON STREET, PO BOX 1425
ORANGEBURG, SC 29116-1425

DISPOSITION SHEET

Date Printed: 04/13/2017

Case Type: Traffic Ticket 66501HC

Case #: 15-00013

Name: JEANETTE YVONNE GLOVER
740 FIVE CHOP RD
ORANGEBURG, SC 29118

Violation: NT 16-25-0020(A) / 2671
CDV 1ST

Trial Date: 06/09/2015 **Offense Date:** 01/02/2015

Disposition: 3 GUILTY JURY TRIAL

Total Fine: 2130.00 **Total Paid:**

Sentence: 30 days or \$2130.00 cash suspended upon completion of CASA; def to come to the MC on 6-24-15 to sign up for CASA

ATTEST: A TRUE COPY
Joni W. Hise
CLERK MUNICIPAL COURT
City of Orangeburg, South Carolina

ORANGEBURG MUNICIPAL COURT

1320 MIDDLETON STREET, PO BOX 1425

ORANGEBURG, SC 29116-1425

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ATTEST: A TRUE COPY


CLERK MUNICIPAL COURT
City of Orangeburg, South Carolina

STATE OF SOUTH CAROLINA)
)
 COUNTY OF ORANGEBURG)
)
)
)
 State of South Carolina,)
 Plaintiff,)
 Vs.)
)
 Jeanette Yvonne Glover,)
 Defendant.)

IN THE COURT OF COMMON PLEAS
 CITATION NUMBER: 66501HC
 CASE NUMBER: 2015-CP-38-690

ATTEST: ^{RETURN} TRUE COPY
Winnyja B. Clark
 CLERK OF COURT
 ORANGEBURG COUNTY, SOUTH CAROLINA

2015 JUN 29 P 3:30
 FILED BY WINNYJA B. CLARK
 CLERK OF COURT
 ORANGEBURG, SC

This case was called for a jury trial June 9, 2015. The state was represented by Everett McMillan pro bono attorney for the AG's office. The defendant was represented by Minh Wyman of the Orangeburg County PD's office. A jury was selected and the case tried. The Defendant was charged with CDV. The testimony is reported herein:

Officer Gill testified he responded to 740 Five Chop Rd in reference to a verbal dispute. Upon arrival he observed the victim Leroy Glover sitting outside the house. Mr. Glover told him when he returned home from work he placed his car keys on the kitchen table and his wife began yelling at him about the keys and called him several obscenities. While yelling at him she grabbed him by the face and neck area with both hands-- he pushed her away. He then felt blood on his nose. He attempted to leave but his keys were missing so he went outside and called 911.

Officer Daff testified he arrived as backup and after the parties were separated he spoke with the defendant Mrs. Glover. She said they were arguing about the car keys and Mr. Glover struck her on the left side of her face with a closed fist.

Officer Gill testified he observed blood coming from Mr. Glover's nose which was confirmed by the photos offered without objection. Gill did not observe any marks or injuries on the defendant also confirmed by the photos. Officer Gill then determined Mrs. Glover was the

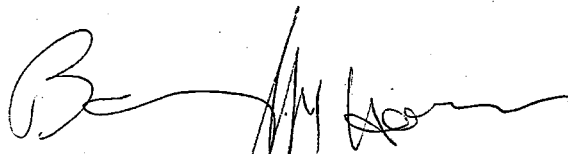
primary aggressor and arrested her for CDV. Mr. Glover told Gill he did not want his wife arrested. He just wanted his keys back.

Mr. Glover testified he did not want to be in court. He said they were arguing about the keys and she scratched him because he hit her first. He called 911.

The State rested and the Defense rested their case.

I charged the Jury with the CDV statute. I declined to charge self-defense because there was no testimony from the defense. Attorney Wyman argued self-defense in closing. After about an hour and a half the jury indicated they could not reach a verdict. With the consent of both attorneys I gave the Allen charge from Judge Ralph King Anderson's charge book. The jury returned a verdict 10 minutes later.

The Jury found the defendant guilty of CDV.



Barney M. Houser
Municipal Court Judge

Dated this 26th day of June, 2015.

STATE OF SOUTH CAROLINA
 COUNTY OF ORANGEBURG
 IN THE COURT OF COMMON PLEAS

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2015- CP-38-0690

State of South Carolina

Jeannette Tvonne Thompson

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:	Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant
	or <input type="checkbox"/> Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON): Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
- ACTION STRICKEN (CHECK REASON): Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):
 Affirmed; Reversed; Remanded; Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court: The Court finds that all of the elements of self-defense were not presented at trial; therefore, a self-defense jury instruction was not required. This Appeal is hereby denied. This Order is replacing an Order previously issued by the Court which was inadvertently not filed by the Clerk's office.

ORDER INFORMATION

This order ends does not end the case.
 Additional Information for the Clerk :

FILED
 CLERK OF COURT
 ORANGEBURG COUNTY, SC
 2015
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INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		ATTEST: TRUE COPY
		Wennifer B. Clark
		CLERK OF COURT
		ORANGEBURG COUNTY, SC

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

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 Page 1

STATE OF SOUTH CAROLINA
 COUNTY OF ORANGEBURG
 IN THE COURT OF COMMON PLEAS

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2015 CP-38-0690

STATE OF SOUTH CAROLINA

JEANETTE TVONNE GLOVER

RESPONDENT
 PLAINTIFF(S)

APPELLANT
 DEFENDANT(S)

Submitted by:

Attorney for: Plaintiff Defendant
 or
 Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. See Page 2 for additional information.
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 Affirmed; Reversed; Remanded; Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court: Pursuant to this Court's authority under Rule 59 SCRC, the Appellant's Motion to Reconsider is dismissed without oral arguments and determined upon the briefs and other pleadings filed by parties. I find that all arguments properly raised to the Court have already been ruled upon and Court will not consider further arguments on the matter.

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk:

FILED FOR REC'D BY
 WENIFA B. CLARY
 2015 APR 10 P 12:11
 CLERK OF COURT
 ORANGEBURG, SC

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
	N/A	\$
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ATTEST: TRUE COPY
Winnia B. Clary
 CLERK OF COURT
 ORANGEBURG COUNTY, SC

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Shanti' Murphy
 Circuit Court Judge
 SCRPC Form 4C (03/2013)

2144
 Judge Code

3/30/15
 Date

Electronic Copy of Municipal Court Proceedings

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TRANSCRIBED AUDIO FILE

State of South Carolina v. Glover
Trial Audio Transcript w Everett.zip
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1 00:01

2 THE COURT: Mr. McMillian?

3 MR. MCMILLIAN: Your Honor, the
4 State moves for the admissibility of the
5 statements that the victim made to Officer Gill
6 during his investigation of the incident. The
7 victim made several statements regarding the
8 facts of the event to Officer Gill.

9 When Officer Gill arrived, there
10 was still a dispute going on, so the State's
11 position is that the statements made to Officer
12 Gill were made because the officer had an
13 ongoing emergency that he was trying to resolve.
14 This created -- this means that the statements
15 that the victim made were excited. They were
16 still under the stress of the situation.
17 Therefore, even though the statements would be
18 considered hearsay, if offered, for the truth of
19 the matter asserted, they meet the exception as
20 an excited utterance or a present sense
21 impression.

22 THE COURT: Was he the first
23 officer?

24 MR. MCMILLIAN: Yes, Your Honor,
25 Officer Gill was the first one on the scene.

1 THE COURT: Had any other
2 officers arrived?

3 MR. MCMILLIAN: Yes, Your Honor,
4 Officer Daff arrived. I believe the second on
5 the scene.

6 THE COURT: What kind of time
7 period are we talking about?

8 MR. MCMILLIAN: Your Honor, I may
9 have to refer to the officer for the exact
10 timing of the statements, but I believe it would
11 be accurate to say they were in the first five
12 minutes after he arrived.

13 THE COURT: I presume he's not
14 here?

15 MR. MCMILLIAN: The victim is
16 here. However, he appears to be seated with the
17 defendant in this case, and the State is unsure
18 of, you know, whether his testimony is going to
19 reflect what he said on that night.

20 THE COURT: Ms. Lee?

21 MS. LEE-WYMAN: Your Honor, I
22 would object to the State's motion. It is a
23 violation of his confrontation clause.
24 Additionally, it's impermissible --

25 THE COURT: You've got him here.

1 He can testify.

2 MS. LEE-WYMAN: Yes, sir, and so
3 I think that (INDISTINCT) --

4 THE COURT: And you can cross-
5 examine the witness.

6 MS. LEE-WYMAN: Yes, sir.

7 THE COURT: So how -- that
8 doesn't apply.

9 MS. LEE-WYMAN: In the Supreme
10 Court case Mattox versus U.S., they held that
11 the primary object of the clause was to prevent
12 ex parte affidavits being used in lieu of a
13 personal examination, and --

14 THE COURT: We don't have an ex
15 parte situation here. He's here.

16 MS. LEE-WYMAN: Your Honor, I
17 mean, if the cop were to be the one to testify,
18 then that is, in our opinion, ex parte
19 affidavits, and it's unnecessary.

20 THE COURT: How? He's here. Ex
21 parte means without the other party. He's here.
22 You can put him up. They can put him up.

23 MS. LEE-WYMAN: Your Honor,
24 additionally, as far as his argument about it
25 being an exception to hearsay, we do have the

1 dispatch call history in the discovery. The
2 first call was made at 9:38, and then the cops
3 arrived at 10:44. Your Honor, that's an hour
4 and six minutes later. We would argue that any
5 kind of excited utterances or what have you
6 would completely not be relevant in this case
7 considering the time lapse between the first
8 call, which arguably also isn't really an
9 emergency. He wasn't calling about that. He
10 was calling about a verbal dispute. So, Your
11 Honor, we do object on constitutional grounds
12 and evidence law grounds.

13 THE COURT: Well, the
14 (INDISTINCT) -- ex parte, that is -- we don't
15 have that here. He's here. He can testify.
16 Until I hear the testimony -- you know, we may
17 get to a point that it goes beyond an excited
18 utterance. You know, there's no black-and-white
19 rule as to when that is. It's going to kind of
20 -- it depends on the situation. But, again,
21 you've got the witness here. He can testify.
22 He can get up and say, Nope, that's not how it
23 -- what I told the police officer.

24 MS. LEE-WYMAN: Yes, Your Honor.

25 THE COURT: So, at this point,

1 I'd overrule your -- at this point, I'd grant
2 your motion.

3 MR. MCMILLIAN: Thank you, Your
4 Honor.

5 THE COURT: Okay? Anything else?

6 MR. MCMILLIAN: Your Honor, can
7 we have one moment?

8 THE COURT: Sure.

9 MR. MCMILLIAN: No further
10 motions, Your Honor.

11 THE COURT: Anything from the
12 State?

13 MS. LEE-WYMAN: No motions.

14 THE COURT: Okay.

15 04:35

16 (END OF TRACK 01)

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25

1 00:01

2 THE COURT: All right, ladies and
3 gentlemen, raise your right hand, please. Do
4 each of you solemnly swear and affirm that you
5 will well and truly try the issues between the
6 State of South Carolina and the defendant in the
7 case at bar and give a true verdict according to
8 law and evidence presented, so help you God?

9 (JURORS AFFIRM)

10 THE COURT: All right, again,
11 ladies and gentlemen, in this case, Ms. Glover
12 is charged with criminal domestic violence. Mr.
13 McMillian, opening?

14 OPENING STATEMENTS

15 MR. MCMILLIAN: May it please the
16 Court?

17 THE COURT: Yes, sir.

18 MR. MCMILLIAN: Ladies and
19 gentlemen, the case you're going to hear this
20 morning has some nontraditional facts but is
21 still a very easy case to decide at the end of
22 the day. On January 2nd of this year, Ms.
23 Glover was arrested and charged with the crime
24 of domestic violence because Officer Gill
25 responded to a 911 call, investigated the

1 incident, and determined there was probable
2 cause that, due to an argument, during an
3 argument, she grabbed her husband's face in a
4 way that caused him to have a bloody nose and a
5 scratch on his chin.

6 Now, you're going to hear several
7 different types of evidence today that I'll
8 present. As the judge said earlier, I'm here to
9 prosecute the case on behalf of the city of
10 Orangeburg, and I have the burden of proving to
11 you that certain events happened. I'm going to
12 do that by putting up about three or four
13 witnesses.

14 The first witness you'll hear
15 from will be Officer Gill. Officer Gill was the
16 first officer to respond on the scene, and he's
17 going to testify that he observed physical
18 injuries on the victim, Mr. Glover. He's going
19 to testify about photographs that he took of
20 these physical injuries. He's going to testify
21 about what he observed with regard to the
22 defendant in the case and her lack of physical
23 injuries. And he's going to testify about his
24 training and how he applied that training to
25 determine who the primary aggressor was in this

1 case.

2 The second witness, not
3 necessarily in this order, but the second -- a
4 second witness you will hear from is Officer
5 Daff. Officer Daff was the second law
6 enforcement officer to arrive on the scene and
7 responded to the same call, and he'll testify
8 much -- about many of the same facts that
9 Officer Gill will. He'll tell you that he
10 observed the same injuries. He'll tell you
11 about the training that the officers receive on
12 how to determine who the primary aggressor is.
13 He'll testify as to how that training applies to
14 this case.

15 You'll most likely also hear from
16 the victim in this case. The victim in this
17 case will testify about what happened that
18 night, about his phone call to 911, and he'll
19 testify about the injuries in the photographs
20 that you'll see. Now, (INDISTINCT) the victim
21 may try to minimize what happened. The victim
22 may say that he doesn't want his wife to be
23 prosecuted. Ladies and gentlemen, that's where
24 your job comes in as jurors.

25 The law in the state of South

1 Carolina that's relevant to this case is right
2 here: criminal domestic violence, South
3 Carolina. We're only concerned with prong one
4 today. We don't have to worry about prong two.
5 And the law says it's unlawful to cause physical
6 harm or injury to a person's own household
7 member, harm or injury. That's what I have to
8 prove, and I have to prove that the two are
9 household members.

10 A household member, under South
11 Carolina law, is defined four ways. The judge
12 will instruct you again on this at the end of
13 the trial, and he'll tell you one of the ways
14 that you are someone's household member is to be
15 married to them. Now, regardless of whether the
16 victim wants this to be prosecuted or not, your
17 job is to determine if the facts that I present
18 and prove today violate that law.

19 Just to wrap it up, this is going
20 to be a quick trial. I think it's going to last
21 less than two hours. There are not complex
22 facts. It's a pretty straightforward situation.
23 Your job is to consider the evidence that I
24 present today, the photographs and the
25 testimonies of these officers and the testimony

1 of Mr. Glover and any other evidence that is
2 presented, and to determine if those facts
3 violate that law, that first part of the law.
4 If they do, then (INDISTINCT) find the defendant
5 guilty (INDISTINCT). Thank you.

6 THE COURT: Ms. Wyman?

7 MS. LEE-WYMAN: Thank you, Your
8 Honor. May it please the Court?

9 THE COURT: Yes, ma'am.

10 MS. LEE-WYMAN: Couples fight.
11 (INDISTINCT) Not every negative interaction
12 between husband and wife is a CDV. Sometimes
13 things happen. Someone gets mad. Someone
14 yells. Someone touches someone in some way.
15 That doesn't make it CDV. That doesn't make it
16 a crime.

17 I submit to you that cops have to
18 arrest someone just to be extra cautious. But
19 that doesn't mean that someone needs to be
20 convicted. That doesn't mean that someone needs
21 to go to jail. At the end of this trial, you
22 will see that Mrs. Glover and Mr. Glover want to
23 put this behind them. You will find that Ms.
24 Glover did not commit criminal domestic violence
25 on January 2nd, and you will find that Mrs.

1 Glover is not guilty.

2 THE COURT: Mr. McMillian, call
3 your first witness.

4 MR. MCMILLIAN: Your Honor, the
5 State calls Officer Robert Gill.

6 THE COURT: Do you solemnly swear
7 and affirm the testimony you're about to give is
8 the truth, the whole truth, and nothing but the
9 truth, so help you God?

10 THE WITNESS: Yes, sir.

11 THE COURT: All right, sir, be
12 seated.

13 DIRECT EXAMINATION

14 BY MR. MCMILLIAN:

15 Q. Good morning, Officer Gill. Please
16 state your name for record.

17 A. I'm PSO Robert Gill.

18 Q. And, Officer Gill, how long have you
19 been an officer with the Orangeburg police --
20 Department of Public Safety?

21 A. Approximately four years.

22 Q. Did you have to go through a formal
23 training program to become an officer?

24 A. Yes, that's correct.

25 Q. Would you please tell the jury about

1 that training program?

2 A. It's a 12-week training at the South
3 Carolina Criminal Justice Academy in which we
4 are taught and we have to test for criminal
5 domestic violence.

6 Q. And you said that you were trained in
7 the area of domestic violence. Can you please
8 tell us specifically what does that training
9 involve?

10 A. It involves determining the primary
11 aggressor.

12 Q. What are the factors that you consider
13 to decide who the primary aggressor is in a
14 domestic violence incident?

15 A. It's a physical manifestation of
16 injury, the history with the family involved,
17 and everything -- all the accounts adding up.

18 Q. During the training that you received,
19 did you have to pass a test at the end of that
20 training?

21 A. Yes, that's correct.

22 Q. Did you pass the test?

23 A. Yes.

24 Q. Do you also receive any additional
25 training on domestic violence?

1 A. Yes

2 Q. A course?

3 A. Yes, we have yearly training with the
4 CDV updates. That's online through the Criminal
5 Justice --

6 Q. And --

7 A. -- Academy.

8 Q. Excuse me.

9 A. Yes.

10 Q. Sorry to interrupt.

11 A. Okay.

12 Q. Do your duties as an officer with the
13 Department of Public Safety include responding
14 to domestic violence calls?

15 A. That's correct.

16 Q. Any idea how many of those calls you
17 responded to in your four years?

18 A. I'd say about 15, 20.

19 Q. And you performed investigations at
20 each of those calls that you've arrived at?

21 A. That's correct.

22 Q. And at many of those calls, are you
23 called to determine who the primary aggressor
24 was?

25 A. That's correct.

1 Q. Let's talk about the incident that
2 happened on January 2nd. You were dispatched to
3 740 Five Chop Road on January 2nd at around 9:35
4 p.m., is that right?

5 A. That's correct.

6 Q. Is that address within the city of
7 Orangeburg?

8 A. Yes.

9 Q. What's the nature of the call that you
10 were dispatched to on January 2nd?

11 A. It was in reference to a verbal
12 dispute between two parties.

13 Q. And could you please tell us what you
14 saw when you arrived at the scene of the
15 incident?

16 A. When I arrived, the victim, Glover, he
17 was standing outside. And I spoke to him. He
18 was very and visibly upset, and he explained to
19 me that they were in a verbal dispute.

20 Q. Was the defendant also outside when
21 you arrived?

22 A. No, she was inside the house.

23 Q. When you first encountered the victim,
24 Mr. Glover, what did he look like? Did he look
25 upset?

1 A. Yes, he looked upset.

2 Q. Did you observe any physical injuries
3 on Mr. Glover?

4 A. Given the lighting, I couldn't see him
5 at the current time. But as I shined my light
6 on his face, I could see it.

7 Q. What types of injuries did you
8 observe?

9 A. I observed a mark under his nose and a
10 mark by his chin.

11 Q. Would you agree those are minor
12 injuries?

13 A. Yes.

14 Q. But they're still injuries, right?

15 A. That's correct.

16 Q. Were the injuries that you observed
17 consistent with the story that the defendant
18 told you?

19 A. Yes.

20 Q. As a part of your investigation, did
21 you determine what the relationship between the
22 parties was?

23 A. Yes, they were married.

24 Q. Did the victim, Mr. Glover, tell you
25 what happened?

1 A. Yes, he did.

2 Q. What did he tell you?

3 A. He stated that he came home from work
4 and he put his keys on the table, and from
5 there, she was upset with him about something,
6 and she started to yell and argue with him.

7 Q. Did you also speak to the defendant?

8 A. Yes.

9 Q. Did she tell you what happened?

10 A. She stated that she got in an argument
11 with him over some car keys.

12 Q. Was there some dispute over who hit
13 who first?

14 A. I'm not understanding the question.

15 Q. Sorry, I'll try and ask it more
16 clearly. Do you know for sure who hit who first
17 in the argument?

18 A. Just based off the injuries and the
19 accounts of the stories that they told me.

20 Q. What's your opinion -- excuse me, let
21 me rephrase that. Based on your investigation,
22 did you reach a conclusion as to who the primary
23 aggressor in this case was?

24 A. Yes.

25 Q. And who did you determine the primary

1 aggressor was?

2 A. The suspect, Glover, Ms. Gloverette
3 (sic).

4 Q. Ms. Glover?

5 A. Yes, Ms. Glover.

6 Q. Let's talk about the injuries that you
7 observed on Mr. Glover.

8 MR. MCMILLIAN: (INDISTINCT)

9 three (INDISTINCT) -- Okay. (INDISTINCT)

10 BY MR. MCMILLIAN:

11 Q. Officer, did you also take photographs
12 of the defendant?

13 A. Yes, that's correct.

14 Q. Why did you photograph the defendant?

15 A. Just for my evidence for court and to
16 show how and why the manifestation of injuries
17 and the accounts and how the photos added up
18 together.

19 Q. Did you observe any injuries on the
20 defendant?

21 A. No, I did not.

22 Q. I'm handing you three photographs.
23 Could you please identify those photographs for
24 the Court?

25 A. This photograph right here is --

1 Q. I'm sorry. Without explaining what's
2 in them, did you take those photographs?

3 A. Yes. Yes, I did. Yes, I did.

4 Q. Could you tell me what those
5 photographs represent? Are those photographs of
6 the victim of or the defendant?

7 A. The victim.

8 Q. Thank you, sir. And do you always
9 take photographs as part of your investigation?

10 A. Yes, sir.

11 Q. Now, I'm giving you what's been marked
12 as State's Exhibits One through Three. Are
13 these the -- are these photographs that you took
14 of the victim on the night of the incident?

15 A. Yes, that's correct.

16 Q. And are those photographs a fair and
17 accurate representation of the injuries that you
18 saw on the victim?

19 A. Yes.

20 MR. MCMILLIAN: Your Honor, at
21 this time, the State moves for the State's
22 Exhibits One through Three to be entered into
23 evidence.

24 THE COURT: Okay. (INDISTINCT)

25 MS. LEE-WYMAN: No objection.

1 THE COURT: All right, without
2 objection.

3 MR. MCMILLIAN: And, Your Honor,
4 permission to publish the photographs for the
5 jury?

6 THE COURT: Yes, sir.

7 BY MR. MCMILLIAN:

8 Q. Before I hand those to the jury,
9 Officer, would you please hold the photographs
10 up one at a time and explain to us why you took
11 each photograph?

12 A. The victim, Glover, stated that he was
13 grabbed in the face. Like upon me taking the
14 photos, I shined the light in his face, and I
15 could see under his nose where he was -- some
16 type of assault of some sort occurred.

17 Q. I'm sorry, I don't mean to interrupt,
18 but if I could, could you hold them a little bit
19 higher?

20 A. Okay, all right.

21 Q. I think the bar may block jury. Thank
22 you. Please continue.

23 A. This right here is the injury to his
24 nose area. This right here is the injury to his
25 chin. As you can see, it's a reddish mark right

1 there. And this is the victim, Glover, right
2 here.

3 Q. And did the victim tell you that,
4 while the dispute was ongoing, that he felt
5 blood dripping from his nose?

6 A. Yes.

7 Q. Do you believe that the victim had
8 time to clean up his injuries before you arrived
9 and took these photographs?

10 A. I'm not sure, but it was pretty fresh.

11 Q. Okay. Officer (INDISTINCT) -- I'm
12 handing you three other photographs. If you
13 would, please take a look at those photographs
14 and tell us if you took those on the night of
15 the injury as well.

16 A. Yes, I did.

17 Q. And could you please tell us what --
18 who is the subject of those photographs?

19 A. This is subject Glover -- the suspect,
20 Ms. Glover.

21 Q. And if you would, please hold those up
22 one at a time and please tell us why you took
23 each picture.

24 A. Ms. Glover stated that she was struck
25 in the face, and for that, I took photos to show

1 that there were no visible injuries to Ms.
2 Glover. This right here is the left side of her
3 face right here. And this is the right side of
4 her face.

5 Q. At some point during your
6 investigation, did Ms. Glover tell you that the
7 victim hit her first?

8 A. Yes.

9 Q. (INDISTINCT)

10 A. Yes.

11 Q. Did those photographs support her side
12 of the story?

13 A. No, it did not.

14 Q. Did all the photographs you took
15 support the story that the victim told you, Mr.
16 Glover?

17 A. That's correct.

18 Q. During the opening, did you hear the
19 defense counsel say that you're required to make
20 arrests on all domestic dispute calls?

21 A. Yes, if there's a physical
22 manifestation of injury.

23 Q. So is it correct that you're not
24 required to make arrests on all domestic dispute
25 calls, right?

1 A. Yes, that's correct.

2 Q. You only are required to make an
3 arrest if there is a physical manifestation of
4 injury --

5 A. Yes.

6 Q. -- correct?

7 A. Yes.

8 Q. Was there a physical manifestation of
9 injury on the victim in this case?

10 A. Yes.

11 Q. Was there any manifestation of injury
12 on the defendant in this case?

13 A. No.

14 Q. Could you please tell us why you
15 arrested Ms. Glover instead of Mr. Glover?

16 A. Just based on the statements that were
17 told to me and just the history and, on top of
18 that, the physical manifestation of injury, I
19 made that determination.

20 MR. MCMILLIAN: Please answer any
21 questions the defense attorney may have for you
22 at this time. Thank you, Officer (INDISTINCT).

23 CROSS EXAMINATION

24 BY MS. LEE-WYMAN:

25 Q. Officer Gill, you said you've been

1 with Public Safety for four years?

2 A. Yeah, approximately.

3 Q. Have you had any other law enforcement
4 training?

5 A. No, ma'am.

6 Q. Part of your training involves how to
7 write incident reports, right?

8 A. Yes.

9 Q. And in the four years, you've probably
10 written, what, a hundred or so reports?

11 A. That's correct.

12 Q. And with hundreds of cases, it's not
13 possible to remember every detail of every case,
14 is it?

15 A. That's correct.

16 Q. And because it's not possible to
17 remember everything, it's important that your
18 reports be accurate.

19 A. Yes.

20 Q. And important that it be complete.

21 A. Yes.

22 Q. And important that it be truthful.

23 A. Yes.

24 Q. And an approving officer has to review
25 your report as well.

1 A. That's correct.

2 Q. And these reports are filed for later
3 use, right?

4 A. Yes.

5 Q. Whether it be from you or from someone
6 else in law enforcement.

7 A. Yes.

8 Q. And so, again, it's important that you
9 be accurate, complete, and truthful when writing
10 these reports.

11 A. Yes.

12 Q. So you responded to this incident, and
13 subsequently, you were the one to file the
14 report.

15 A. Yes.

16 Q. And you said the call was regarding a
17 verbal dispute.

18 A. Yes.

19 Q. Mr. Glover just wanted his car keys,
20 and he thought his wife took them. That was
21 your understanding, right?

22 A. Yes.

23 Q. And when you got to the scene, you
24 spoke to both of them, and you testified that
25 Ms. Glover told you that he hit her first.

1 A. Repeat it again.

2 Q. You just testified moments ago that
3 Ms. Glover told you that he hit her first.

4 A. Yes.

5 Q. In the face.

6 A. Yes.

7 Q. And you also testified that there are
8 factors that you look at, and you said you base
9 it off of injuries and you base it off of
10 history.

11 A. That's correct.

12 Q. History of CDV.

13 A. Yes.

14 Q. Through your investigation, didn't you
15 also discover that there was a history of
16 domestic violence where Ms. Glover was the
17 victim?

18 A. Yes.

19 Q. At the hands of Mr. Glover.

20 A. Yes.

21 Q. And so when you are finding a primary
22 aggressor -- well, let's break that down,
23 primary aggressor; in other words, who started
24 it, the first person to start the aggression.

25 A. Yes.

1 Q. Correct?

2 A. Yes.

3 Q. And you would agree that whoever hit
4 someone first, that would be the first person?

5 MR. MCMILLIAN: Objection, Your
6 Honor. I believe that mischaracterizes his
7 testimony.

8 THE COURT: Sustained. Rephrase
9 your question.

10 BY MS. LEE-WYMAN:

11 Q. Your definition of a primary aggressor
12 is the first person to start an altercation.

13 A. Yes.

14 Q. Is that correct?

15 A. Yes.

16 Q. All right. And in speaking with both
17 Mr. and Mrs. Glover, you were informed that he
18 hit her first, isn't that correct?

19 A. Speaking with Ms. Glover, yes.

20 Q. And the factors that you look at
21 include the history of criminal domestic
22 violence as well.

23 A. Yes.

24 Q. You just focus on the injuries you
25 happen to see, correct?

1 A. Yeah.

2 Q. Were there -- do you know of any
3 history of criminal domestic violence where Mrs.
4 Glover was the defendant?

5 A. I don't know of any. I just --

6 Q. In your investigation, (INDISTINCT) --

7 A. Yeah, in my investigation.

8 Q. -- you only know of when he was the
9 defendant.

10 A. Throughout speaking to both of them,
11 both of them confirmed --

12 Q. Both of them confirmed that Mr. Glover
13 has been charged in the past with criminal
14 domestic violence.

15 A. Yes.

16 Q. With Mrs. Glover as the victim.

17 A. Yes.

18 MS. LEE-WYMAN: No more
19 questions. Thank you, Your Honor.

20 THE COURT: Yes, sir.

21 REDIRECT

22 BY MR. MCMILLIAN:

23 Q. This prior domestic violence incident
24 that we're talking about -- feel free to review
25 your report if you need to -- do you remember

1 how long ago that occurred?

2 A. It was approximately 20 years.

3 Q. Twenty years ago.

4 A. Yes.

5 Q. Did you consider that information when
6 determining who the primary aggressor was in
7 this event?

8 A. No, not in this particular event.

9 Q. If the domestic violence (INDISTINCT)
10 -- what -- under what circumstances would you
11 have given more weight to that prior report of
12 domestic violence?

13 A. If it was in the recent -- if it was
14 pretty recent.

15 Q. So if it was newer than two decades
16 ago, you would consider it more heavily, is that
17 right?

18 A. Yes, yes.

19 Q. Let's talk about the injuries that you
20 observed. You photographed those injuries.
21 Were the injuries that you saw consistent with
22 the victim's story?

23 A. Yes.

24 Q. Were the injuries of -- did Ms. Glover
25 have any injuries consistent with her story that

1 she got hit?

2 A. No, it wasn't consistent.

3 Q. Did Mr. Glover act like he was trying
4 to get his wife in trouble?

5 A. No, he stated to me that he didn't
6 want her to get in trouble. He just wanted his
7 car keys.

8 Q. So the determine to make it -- the
9 determination to make an arrest was based on
10 what you observed and your training, not on what
11 he wanted, correct?

12 A. That's correct.

13 MR. MCMILLIAN: Your Honor, at
14 this time, I have no further questions. Thank
15 you, Officer.

16 THE WITNESS: Yeah, yeah.

17 THE COURT: All right, sir, you
18 can step down. Call your next witness.

19 MR. MCMILLIAN: Your Honor, the
20 State calls William -- Leroy Glover to the
21 stand.

22 THE COURT: Place your left hand
23 on the Bible and raise your right hand, please.
24 Do you solemnly swear and affirm the testimony
25 you're about to give is the truth, the whole

1 truth, and nothing but the truth, so help you
2 God?

3 THE WITNESS: Yes, sir.

4 THE COURT: All right, sir, be
5 seated.

6 DIRECT EXAMINATION

7 BY MR. MCMILLIAN:

8 Q. Thank you, Mr. Glover. Could you
9 please state your name for the record?

10 A. Leroy Glover.

11 Q. Mr. Glover, do you know the defendant
12 in this case?

13 A. Yes, it's my wife.

14 Q. What's the status, the current status,
15 of your relationship with the defendant in this
16 case?

17 A. She's my wife.

18 Q. Are y'all still together?

19 A. Yes, we are.

20 Q. I'd like to ask you a few questions
21 about the incident that occurred on January 2nd.
22 Did you get into an argument with your wife that
23 night?

24 A. Yes, I did.

25 Q. Did Ms. Glover grab you in the face

1 with both her hands?

2 MS. LEE-WYMAN: Objection,
3 leading.

4 MR. MCMILLIAN: Your Honor --

5 THE COURT: Sustained.

6 MR. MCMILLIAN: Your Honor, may
7 we approach?

8 THE COURT: Yes, sir.

9 (OFF-THE-RECORD BENCH CONFERENCE)

10 BY MR. MCMILLIAN:

11 Q. Were you injured on the night of
12 January 2nd?

13 A. Yes, I was.

14 Q. Who caused the damage?

15 A. Well, my wife scratched me in the face
16 when I hit her first.

17 Q. Your wife scratched you in the face,
18 is that correct?

19 A. Yes, sir, but I hit her first, and
20 that's when she scratched me in the face.

21 Q. Did the police take photographs of
22 your injuries that night?

23 A. Yes, he did.

24 Q. Did you see the photographs that were
25 presented a minute ago?

1 A. Yes, I did.

2 Q. Were those photographs representative
3 of the injuries that you suffered on January
4 2nd?

5 A. Yes, sir.

6 Q. Did you call 911 on the night of
7 January 2nd?

8 A. Yes, I did.

9 Q. Did the police come to your house as a
10 result of that phone call?

11 A. Yes, they did.

12 Q. Did you speak with Officer Gill on the
13 night of January 2nd?

14 A. Yes, I did.

15 Q. What was the purpose of your
16 discussion with Officer Gill?

17 A. Just to get my keys.

18 Q. Just to get your keys.

19 A. Yes, sir.

20 Q. Did you give Officer Gill a written
21 statement on the night of the incident?

22 A. Yes, I did.

23 Q. Did you allow Officer Gill to take the
24 photographs of you on the night of the incident?

25 A. Yes, I did. He said he needed to take

1 the photograph of me.

2 Q. Did that written statement or the
3 photographs have anything to do with getting
4 your keys?

5 A. No, it didn't.

6 Q. Let's talk about that written
7 statement. Did your wife call you some foul
8 names on the night of the incident?

9 A. Yes, she did, right before I hit her,
10 and she scratched me in the face.

11 Q. Did you push her away to free
12 yourself?

13 A. No, sir, I hit her, and then she came
14 and clawed me in the face. She was trying to
15 defend herself, I guess, like I was trying to
16 get my keys.

17 Q. So just to be clear, your testimony is
18 you did not push her away to free yourself.

19 A. After she -- after I hit her, she
20 scratched me in the face, and then I pushed her
21 away.

22 Q. Did you feel blood on your nose and
23 chin?

24 A. Just a little bit of blood on my nose
25 and right here on the chin. She was trying to

1 get free when I hit her.

2 Q. And that's when you called 911, right?

3 A. No, I called 911 before this happened.

4 Q. Before the incident happened.

5 A. Right.

6 Q. So the fight happened after the phone
7 call.

8 A. Yes. And it took them about maybe 45,
9 50 minutes to get to the house, so I went
10 outside. I stood outside. She stayed in the
11 house, and I stayed outside.

12 Q. But when you called 911, there was no
13 fight to report, right?

14 A. No, sir, there wasn't.

15 Q. So there was no reason for them to
16 rush to the house at that time, right?

17 A. No, sir.

18 Q. When you gave that statement to
19 Officer Gill the night -- that night, what
20 happened was still pretty fresh in your mind,
21 right?

22 A. Pretty much.

23 Q. And on your written statement, you
24 didn't say anything about your wife -- about you
25 hitting your wife first, did you?

1 A. No, I didn't, but I did.

2 Q. I'm sorry. I didn't quite understand
3 your answer.

4 A. No, I didn't state it on the
5 statement, but I did hit her first.

6 Q. But you didn't state it in the written
7 statement that you gave that night, correct?

8 A. No, I didn't.

9 Q. And you didn't state it -- you didn't
10 tell it to Officer Gill that night, right?

11 A. No.

12 Q. You didn't tell it to Officer Daff.

13 A. No.

14 Q. Just to be clear, your wife caused a
15 physical injury to you on the night of January
16 2nd, right?

17 A. Right, because I hit her first and she
18 was trying to get away.

19 Q. Thank you.

20 A. She scratched me in the nose.

21 Q. Thank you.

22 MR. MCMILLIAN: No further
23 questions at this time, Your Honor.

24 THE COURT: Ms. Wyman?

25 CROSS EXAMINATION

1 BY MS. LEE-WYMAN:

2 Q. Mr. Glover, you were drinking that
3 night, right?

4 A. No, I wasn't drinking.

5 Q. But you said that you hit Mrs. Glover
6 first.

7 A. Yes, I did.

8 Q. And were you afraid of Mrs. Glover?

9 A. No.

10 Q. And you said that she scratched you
11 when she was trying to get away.

12 A. Right.

13 Q. Right. Thank you.

14 MR. MCMILLIAN: Your Honor, if I
15 may?

16 THE COURT: Yes, sir.

17 REDIRECT

18 BY MR. MCMILLIAN:

19 Q. Was your wife drinking that night?

20 A. I don't know. I wasn't home. I got
21 -- I was at work.

22 Q. But you weren't drinking, right?

23 A. No.

24 Q. And your wife caused you to be injured
25 that night, right?

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THE COURT: Ms. Wyman?

MS. LEE-WYMAN: Your Honor, I'd like to move for a directed verdict in favor of the defense in that the evidence, when viewed in the light most favorable to the State, fails to create an issue for the jury, specifically the element of harm or injury. I don't think that the State has proven that Mr. Glover sustained any harms or injuries at the hands of Mrs. Glover and, additionally, that they proved that she had any -- or that he had any fear of imminent peril.

Additionally, Your Honor, when there is a claim of self-defense, which I think the evidence presented that Ms. Glover did try to defend herself, the State is required to prove that one of the elements of self-defense did not exist, and the State did not prove that Ms. Glover was with fault in bringing this on, that Ms. Glover was not in actual danger, that Ms. Glover was not a reasonably prudent person in her belief, and that Ms. Glover had probable means to avoid this danger. And so, therefore, the State did not meet their burden in that

1 regard. And, Your Honor, we ask for a directed
2 verdict in our favor.

3 THE COURT: Mr. McMillian?

4 MR. MCMILLIAN: Yes, Your Honor.
5 I believe there are two arguments -- well,
6 perhaps three. The evidence of harm or injury
7 that's been presented is clearly in the
8 photographs and the testimony.

9 THE COURT: I agree.

10 MR. MCMILLIAN: There is
11 certainly ample evidence that the jury can rule
12 in our favor (INDISTINCT). The State doesn't
13 have to prove fear. As I said in the very
14 beginning, that as we're working on the first
15 prong of CDV, which -- there's no fear element.

16 As far as the self-defense
17 theory, A, that theory was not shared with us
18 before trial, and I believe that defense counsel
19 has a responsibility to share that affirmative
20 defense if they're going to assert it at trial.
21 B, we don't have the elements to -- we don't
22 have to disprove self-defense. She has to prove
23 self-defense. So it seems to me that she's
24 trying to shift the burden on the State to
25 disprove a theory that she didn't tell me she

1 was going to present at trial, which I don't
2 know how the State can do, Your Honor.

3 THE COURT: Yes, ma'am?

4 MS. LEE-WYMAN: Your Honor, the
5 discovery clearly stated that -- and the state's
6 very well aware of the discovery and in the
7 incident report that she said that she hit him
8 back because he hit her, and there's video of
9 that as well. And so, Your Honor, I disagree
10 that the state didn't know that there was a
11 theory of self-defense present when clearly it's
12 in the incident report and it's in the videos
13 provided in the discovery from the state.

14 THE COURT: Yeah, but I still
15 think you've got a burden to notify them of
16 that.

17 MS. LEE-WYMAN: Your Honor, for
18 my edification, I have a burden to tell him we
19 are going to be saying self-defense? Is that
20 correct? I -- it was my understanding that,
21 with, you know, the evidence presented before
22 us, it's pretty clear that she defended herself
23 from -- you know, the allegation is that he hit
24 her first. And, Your Honor, because self-
25 defense is a complete defense, the State has

1 that burden to prove that it does not exist.

2 THE COURT: You got some case
3 law?

4 MS. LEE-WYMAN: Yes, Your Honor.
5 I have State v. Burkhart.

6 THE COURT: Hand it up.

7 MS. LEE-WYMAN: I don't have a
8 copy of that one, Your Honor, but I do have a
9 copy of State v. Dickey, which is a Supreme
10 Court of South Carolina case.

11 THE COURT: As part of the
12 analysis, it says, "However, when a defendant
13 claims self-defense, the State is required to
14 disprove the elements of self-defense beyond a
15 reasonable doubt." You haven't claimed self-
16 defense at this point. You've presented no
17 testimony.

18 MS. LEE-WYMAN: This -- Your
19 Honor, the State present -- the State's witness,
20 own witness, presented that she hit him because
21 he hit her first.

22 THE COURT: No, he testified that
23 she said he hit her, but he didn't -- the
24 pictures didn't show it, he didn't observe any
25 injury, and he didn't believe her. So if you're

1 going to claim that -- if you're going to assert
2 self-defense -- it's just like in a murder case:
3 well, I shot him because he was coming at me
4 with a knife. You've got to tell the
5 prosecutor, Hey, this is self-defense, so that
6 he knows that he's got to prove that it's not
7 self-defense. You haven't presented anything.

8 So at that -- so at this point
9 now, we're -- I think it's going to be a jury
10 question. I think their case has been seriously
11 damaged, but it's a jury question. Anything
12 further, Ms. Wyman?

13 MS. LEE-WYMAN: No, Your Honor.
14 Thank you.

15 06:19

16 (END OF TRACK 03)

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THE COURT: All right, Ms. Wyman,
call your first witness.

3

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MS. LEE-WYMAN: The defense
rests, Your Honor.

5

6

THE COURT: Okay. Jury charges.

7

(INDISTINCT)

8

THE COURT: Okay, okay.

9

(INDISTINCT)

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THE COURT: All right,

11

(INDISTINCT).

12

CLOSING ARGUMENTS

13

MR. MCMILLIAN: May it please the
Court?

14

15

THE COURT: Yes, sir.

16

17

MR. MCMILLIAN: Ladies and
gentlemen, at the beginning of this case, I told
you it'd be quick. I'd like to put up more
witnesses than I did, but decided not to call
Officer Daff because, frankly, I didn't want to
waste everybody's time and he didn't have a
whole lot to add.

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At the opening of this case, the
defense counsel said married people fight; not
all interaction are CDV. Absolutely right.

1 Every one of us knows that. It turns into CDV
2 when there's an injury, when there's physical
3 harm or an injury to your own household member.
4 It doesn't matter how bad that injury is or how
5 small it is. It's breaking the law. It's like
6 speeding. You can do 1 mile over the speed
7 limit or 20 or 40 miles over the speed limit.
8 Is the penalty different? Absolutely. But the
9 crime's the same. It's still speeding.

10 Your job as the jury is to weigh
11 the evidence, and we'll talk about the evidence
12 that we saw in just a minute, but your job is to
13 weigh that evidence and determine if the first
14 part of that law was violated. The judge's job
15 is to determine what the penalty should be.
16 Whether she goes to jail or pays a fine or goes
17 to treatment, we're not -- that's up to the
18 judge, not -- it's not y'all's call in our
19 judicial system. You just determine, yes or no,
20 was the law broken.

21 Let's talk about the evidence
22 that you saw. I won't spend too much time on it
23 'cause you just saw it a few minutes ago. You
24 heard from Office Gill. You saw the photographs
25 that he took. You'll get to take these back to

1 the jury room. I'm sorry you've haven't seen
2 them before that.

3 As he admitted, the injuries
4 aren't bad, but they're injuries. There's a
5 bloody nose. There's a scratch and blood on the
6 chin. The victim told you that, on the night
7 this happened, he felt blood dripping from his
8 nose. He had a bloody nose. She gave it to
9 him. He testified to all that. That's really
10 all you need to know.

11 Now, defense counsel brought up
12 the fact that maybe he hit her first. Well,
13 ladies and gentlemen, let's talk about that.
14 Number one, she didn't have any injuries.
15 Officer Gill testified to that. He took
16 pictures to prove it. If she had a bruise on
17 her face, we'd have a whole nother story here.
18 She didn't. If her story was consistent with
19 the photographs, was consistent with his story,
20 then we'd have a different issue here. That's
21 not the case.

22 On the night that the incident
23 happened, he said that she attacked him and she
24 grabbed him in the face. The written statement
25 that he gave to the police said that she

1 attacked him and she scratched him in the face.
2 The statement he made to Officer Gill said that
3 she attacked him. He never said, I hit her
4 first on the night of the accident. Why? Y'all
5 can probably figure that out. He changed his
6 story when he got here 'cause now they're back
7 together; he doesn't want to see his wife get in
8 trouble. That's understandable.

9 Again, that's up to the judge.
10 The penalty is up to the judge. It's y'all's
11 job to say was there an injury or harm to the
12 household member. That's all your job is in
13 this case. I'm not minimizing it. That's a
14 very important job, and y'all are why the whole
15 judicial system works, though we each have
16 roles, and that's your role.

17 Any of these other mitigating
18 circumstances, the fact that there's some he-
19 said/she-said, the judge can consider that when
20 he makes his rule. But he doesn't get that
21 opportunity unless you say she was guilty.

22 At the beginning of the trial, I
23 also told you this is not a traditional set of
24 facts for a domestic violence case. We can all
25 understand that. But the law is the law, y'all.

1 The law says if you harm or injure somebody,
2 then you have to be penalized in some way for
3 it, and that's what happened here. It wasn't a
4 bad injury. I think we're all thankful for
5 that. But there was an injury nonetheless, and
6 that means she broke the law.

7 You're now going to hear from the
8 defense counsel. I'm sure that she will have a
9 different story to tell you. You will hear from
10 me again. The next thing you'll hear from will
11 be the judge. He'll charge you on the law. You
12 need to listen very carefully when he charges
13 you on the law. It'll follow closely to what
14 I've put in front of you here today, along with
15 some other things. And then you'll go back to
16 the jury room, and you'll have a form, and
17 you'll have to say guilty or not guilty. That's
18 the only question that you have to answer on the
19 form.

20 You know the facts you need to
21 know. You saw the photographs. You'll take
22 them with you. You heard from the officer. You
23 heard from the victim. And you've seen the law.
24 When you consider all those things, I want you
25 to put a checkmark under guilty if you determine

1 that the evidence proves that she violated that
2 law. Thank you.

3 THE COURT: Ms. Wyman, Mr.
4 McMillian, can you approach for just a second?

5 MR. MCMILLIAN: Yes, Your Honor.

6 (OFF-THE-RECORD BENCH CONFERENCE)

7 THE COURT: Ms. Wyman?

8 MS. LEE-WYMAN: A quick question.

9 (OFF-THE-RECORD BENCH CONFERENCE)

10 MS. LEE-WYMAN: May it please the
11 Court?

12 THE COURT: Yes, ma'am.

13 MS. LEE-WYMAN: As I said
14 earlier, couples fight. (INDISTINCT) This
15 happens every day. The question is, does the
16 State need to be involved in this matter before
17 us? (INDISTINCT) no. Mr. and Mrs. Glover are
18 fine. (INDISTINCT)

19 Furthermore, the State has not
20 met their burden of proof to support this
21 charge, causing harm or injury. Mr. Glover was
22 not harmed. He didn't have to go to the
23 hospital. He didn't need medical attention. He
24 had a scratch on his face, and he told you why
25 he had that scratch on his face.

1 I'd submit to you that any
2 incidental injury that he may have sustained was
3 a result of Mrs. Glover protecting herself from
4 when he hit her first, which he told you. Mrs.
5 Glover has a right to protect herself, as any
6 reasonable person would do when they're hit in
7 the face. The State brought up the question of,
8 Oh, well, why didn't he write in his incident
9 report that he hit her first? Well, he didn't
10 want to get in trouble. You know (INDISTINCT)
11 happen. He didn't write it because he didn't
12 want to get himself in trouble for what he did,
13 which he testified to. He hit her first.

14 And then as far as the fear of
15 imminent peril goes, I know the State conceded
16 to that, but he wasn't afraid of her. He called
17 the cops because he was wanting his keys. He
18 wasn't calling because he was afraid of Ms.
19 Glover or he was afraid for his life. So,
20 again, the State did not meet their burden of
21 proof to support these charges, and we do not
22 convict people if the elements of the crime have
23 not been met.

24 The cops showed up, so they had
25 to find a primary aggressor. Cops are human.

1 Humans make mistakes. They made a mistake.
2 They should not have charged her. They should
3 not have prosecuted her. She was not the
4 primary aggressor. She was not committing any
5 crime.

6 One night shouldn't cast a dark
7 cloud over what has otherwise been a long,
8 happy, loving marriage between Mr. and Mrs.
9 Glover. Please find Mrs. Glover not guilty.
10 Please let them put this behind them.

11 JURY INSTRUCTIONS

12 THE COURT: All right, ladies and
13 gentlemen of the jury, you have listened to the
14 proceedings and the evidence in this case, and
15 it's now my duty to instruct you as to the law
16 which applies to the facts in the case.

17 The laws of the State of South
18 Carolina do not permit me to comment on the
19 facts in the case. You as the jurors are the
20 sole judges of the facts in the case. However,
21 it is my duty to give you the law, and you must
22 accept and apply the law as I give it to you and
23 be guided thereby in your consideration and your
24 deliberation upon the evidence in the case.

25 Not only are you the sole judges

1 of the facts in the case, but you as the jury
2 are the sole and exclusive judges of the effect
3 and value of the evidence in the case, as well
4 as the credibility of all the witnesses who have
5 testified. It is for you to determine which
6 witness or witnesses are recalling and
7 truthfully relating what transpired at the time
8 of the alleged commission of the crime.

9 To weigh the evidence, you must
10 consider the credibility of the witnesses. You
11 will apply the test of truthfulness, which you
12 are accustomed to applying in your daily lives.
13 You may consider the manner of testifying, the
14 appearance of the witness upon the witness
15 stand, the reasonableness of the testimony, the
16 opportunity the witness had to see or hear,
17 their accuracy of memory, intelligence, interest
18 and bias, if any, together with all the facts
19 and circumstances surrounding the testimony.

20 You are the sole judges of the
21 facts, the credibility of the witnesses, and the
22 weight of the evidence. You may believe or
23 disbelieve all or any part of the testimony of
24 any witness. It is your providence to determine
25 what testimony is worthy of belief and what

1 testimony is not worthy of belief according to
2 the weight that you assign to the testimony of
3 each witness.

4 The law does not require any
5 defendant to prove his or her innocence of a
6 crime. On the contrary, the law requires the
7 State to establish a defendant's guilt by legal
8 evidence and beyond a reasonable doubt. The law
9 presumes the defendant to be innocent of the
10 charge made against her until her guilt has been
11 proven beyond a reasonable doubt. The burden of
12 overcoming this presumption of innocence is
13 placed upon the State and rests upon the State
14 throughout the trial until the State has
15 satisfied you by evidence of the defendant's
16 guilt beyond a reasonable doubt.

17 What is a reasonable doubt? A
18 reasonable doubt is the kind of doubt that would
19 cause a reasonable person to hesitate to act.

20 All right, where is my --
21 (INDISTINCT) where is my (INDISTINCT)?

22 All right, I would also charge
23 you that the defendant's failure to take the
24 stand in her own defense should not be
25 considered in your deliberations of the case.

1 It should not be deliberated or discussed in any
2 manner. I charge you that you must not permit
3 this fact to weigh in the slightest against the
4 defendant, nor should this fact enter into the
5 discussion or deliberation of the jury in any
6 manner.

7 All right, ladies and gentlemen,
8 again, the defendant has been charged with
9 criminal domestic violence. Under South
10 Carolina Code Section 16-25-20, "It is unlawful
11 to cause physical harm or injury to a person's
12 own household member; or offer or attempt to
13 cause physical harm or injury to a person's own
14 household member with apparent present ability
15 under circumstances reasonably creating fear of
16 imminent peril." A household member is defined
17 as a spouse, a former spouse, persons who have a
18 child in common, or a male and female who have
19 or formerly cohabited.

20 All right, ladies and gentlemen,
21 I'm sending you back now to begin your
22 deliberations. (INDISTINCT) Once you have
23 reached a unanimous verdict -- Ms. Staley
24 (PHONETIC), I'm going to ask that you act as
25 forelady of the jury. You have a verdict form,

00:01

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THE COURT: All right, I

3

understand y'all are not able -- unable at this

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point to reach a verdict? Okay. All right,

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you've stated you've been unable to agree on a

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verdict in this case. It's not always easy for

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even two people to agree; therefore, for six

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people to agree, it becomes much more difficult.

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In most cases, absolute certainty cannot be

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reached or expected.

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However, you have a duty to make

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every reasonable effort to reach a unanimous

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verdict. In doing this, it is your duty to

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consult with one another, express your own

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views, consider each other's views, and discuss

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the evidence with the objective of reaching a

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just verdict. If you cannot do so without

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violence to your individual judgment, each of

19

you must decide the case for yourself, but do so

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only after discussion and impartial

21

consideration of the evidence in the case with

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your fellow jurors.

23

Although the verdict of the jury

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must be unanimous, every one of you has the

25

right to your own opinion. No juror is expected

1 to give up his opinion based on reasoning
2 satisfactory to himself merely for the purpose
3 of being in agreement. The verdict you agree to
4 must be your own verdict, the result of your own
5 convictions, and you should not give up your
6 firmly held beliefs merely to be in agreement
7 with your fellow jurors.

8 The law does not require that a
9 juror violate his or her conscience just to
10 agree with the other jurors, but the law does
11 ask that each juror listen to the other jurors
12 with an open mind, willing to be convinced,
13 keeping in mind that you do not have to violate
14 your conscience just to agree on a verdict.

15 You are not advocates for one
16 side or the other. In the course of your
17 deliberations, do not hesitate to reexamine your
18 own views and to change your opinion if you're
19 convinced you are wrong. But do not surrender
20 your honest convictions as to the weight or the
21 effect of the evidence solely based -- solely
22 because the opinion of your fellow jurors is
23 contrary to your opinion or for the mere purpose
24 of returning a verdict.

25 If this case can be ended without

1 a single one of you doing violence to your own
2 conscience, it is your duty as jurors to consult
3 with one another and to deliberate with a view
4 towards reaching an agreement, if you can do so
5 without violence to your own individual
6 judgment. The majority should consider the
7 minority's opinion, and the minority should
8 consider the majority's opinion. You should
9 carefully consider and respect the opinions of
10 each other and reevaluate your position for
11 reasonableness, correctness, and impartiality.
12 You must lay aside all outside matters and
13 reexamine the questions before you based on the
14 law and the evidence in this case.

15 If you do not agree on a verdict
16 in this case, I must declare a mistrial. In
17 that case, it does not mean that anyone wins or
18 loses. It means that, at some future time, I
19 will try this case with some other jury sitting
20 where you now sit. The same participants will
21 come, the same lawyers will ask basically the
22 same questions and get basically the same
23 answers, and we will go through the whole
24 process again.

25 Any future jury must be selected

1 in the same manner and from the same source as
2 you have been chosen. There is no reason to
3 believe the case will ever be submitted to six
4 more intelligent, impartial, conscientious, and
5 competent jurors than you or that more or
6 clearer evidence will be produced on one side or
7 the other. There is also no reason to believe
8 the case can be tried again by either side
9 better or more exhaustively than it has been
10 tried before you.

11 It is expensive to operate the
12 judicial system. If you fail to reach a
13 verdict, that failure will require a new trial
14 at additional expense. The additional expense
15 includes time, effort, and costs relating to all
16 parties participating in the trial.

17 I'm going to ask that you retire
18 to your jury room for further deliberations and
19 see if you can reach a verdict in this case.
20 Let me close by reminding you that, while it is
21 important that this case be ended, it should be
22 ended in the form of a verdict without any juror
23 doing violence to his or her own conscience. No
24 juror is expected to give up an opinion based on
25 reasoning satisfactory to himself merely for the

1 purpose of being in agreement.

2 Remember to tell me if there is
3 any testimony you want to hear again or any law
4 you need to be charged again. If so, send a
5 note by the bailiff. All right, I'm going to
6 send you back to the jury room now to begin your
7 deliberations.

8 Got them?

9 MALE SPEAKER: (INDISTINCT)

10 THE COURT: Yep.

11 05:03

12 (END OF TRACK 05)

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00:01

THE COURT: The jury has asked,
Is our duty as a jury to decide whether she
scratched him, because we agree she did, or is
it to unanimously decide that she should be
convicted scratching him?

MR. MCMILLIAN: Convicted of
scratching him?

THE COURT: No.

MR. MCMILLIAN: Convicted
scratching him.

THE COURT: Convicted scratching
him.

MR. MCMILLIAN: Your Honor, I may
speak for both sides when I say, can we have a
couple minutes to think about that?

THE COURT: Sure. I'm as
perplexed as you are.

MR. MCMILLIAN: Could we look at
the jury charges that you gave? Maybe the
answer will be to recharge on the appropriate --
or to respond with something that -- from the
appropriate charge.

MS. LEE-WYMAN: Exactly.

MR. MCMILLIAN: (INDISTINCT)

1 THE COURT: I mean, I basically
2 just charged the statute. I think that's what
3 would probably be the easiest thing to do is to
4 bring them back in and read them the statute
5 again because the statute is very specific.

6 MR. MCMILLIAN: It is, Your
7 Honor. I wonder if the only -- if it might be
8 helpful to add -- I felt like toward the
9 beginning of your charge, or maybe it was the
10 end, there was something that said, Your job is
11 to -- maybe that plus the statute.

12 THE COURT: You're the sole
13 judges of the facts, the credibility of the
14 witnesses, and the weight of the evidence. I
15 mean, the charge, it's pretty simple.

16 You're the sole judges of the
17 facts, or the sole, exclusive judges of the
18 effect and value of the evidence, as well as the
19 credibility of the witnesses.

20 MR. MCMILLIAN: Your Honor, I
21 think that's good language. (INDISTINCT)

22 THE COURT: I mean, I don't --
23 basically, they're asking, Can we -- it seems to
24 me that they're asking, Can we find her guilty
25 because she scratched him?

1 MS. LEE-WYMAN: (INDISTINCT)

2 THE COURT: Because the first
3 part says, Is our duty to decide whether she
4 scratched him, because we agree she did. And
5 then, should we decide -- should she be
6 convicted of scratching him? I think they're
7 asking is that sufficient. And the only
8 response that I think I can give to that that
9 wouldn't be telling them what to do is that, you
10 know, it's unlawful to cause physical harm or
11 injury to a person's own household member.
12 That's the law. It answers the question.

13 MR. MCMILLIAN: I agree with you,
14 Your Honor. I mean, I think that's the most
15 succinct way to answer it. I mean, it sounds to
16 me like they decided a fact and they're just not
17 applying the law to the fact. And so it seems
18 to me that we don't need to deal with the facts,
19 that charging them with the law again is the
20 appropriate (INDISTINCT). And I think that we
21 don't need to charge the second half of the law.
22 I think just charging the first half --

23 THE COURT: Yeah.

24 MR. MCMILLIAN: -- of the law is
25 (INDISTINCT).

1 MS. LEE-WYMAN: (INDISTINCT) --
2 our jobs.

3 THE COURT: No, I didn't say
4 anything about your job.

5 MS. LEE-WYMAN: Oh.

6 MR. MCMILLIAN: Yeah, I'm sorry.
7 I made that -- that was from me and not him. I
8 was mistaken. The paragraph at the beginning is
9 what I was thinking about, but he didn't say
10 your job. He said you are (INDISTINCT).

11 THE COURT: Yes, yeah, which is
12 just my standard charge in the bench book.
13 Yeah, that's -- you know, she's charged with
14 criminal domestic violence. Under Section 16-
15 25-10, I read the statute.

16 MS. LEE-WYMAN: (INDISTINCT)
17 That's all I can think of, I guess.

18 THE COURT: Yeah, I -- I mean, I
19 -- I think if I attempt to, in any way, answer
20 that question, then I'm going to be kind of
21 directing them, 'cause I agree. I think they
22 have agreed on the facts. They, at this point,
23 are not applying the -- they have some question
24 as to how to apply the law to the facts.

25 Okay, I'm going to charge them

1 with the statute again. All right, bring them
2 back in, Roy.

3 All right, ladies and gentlemen,
4 I've received your question, and I cannot
5 specifically answer the question you've given
6 me. You as the jury are the sole judges of the
7 facts in the case. I give you the law, and you
8 must be guided by the law in your deliberations
9 as I give it to you.

10 Under 16-25-10 -- excuse me, 16-
11 25-20, "It is unlawful to cause physical harm or
12 injury to a person's own household member," is
13 the law which applies to this case. Okay? All
14 right, I'm going to send you back now to
15 continue your deliberations.

16 06:24

17 (END OF TRACK 06)

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00:01

VERDICT

THE COURT: All right, Ms. Staley, has the jury reached a verdict?

MS. STALEY: Yes, sir.

THE COURT: Is it unanimous?

MS. STALEY: Yes, sir.

THE COURT: Would you go ahead and publish it at this time?

MS. STALEY: We decide that the defendant is guilty.

THE COURT: All right, thank you, ladies and gentlemen. We appreciate your service very much today. Appreciate you taking your time and considering so thoughtfully. All right, Thursday morning, nine a.m., see you then. You'll still make it to lunch today. Y'all figured out we weren't going to feed you, didn't you? You're free to go. Thank you. See you Thursday morning at nine.

01:03

(END OF TRACK 07)

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00:01

THE COURT: The State?

MR. MCMILLIAN: Yes, Your Honor.

The State really believes that any type of sentence suspended on a batterer's treatment program would be the appropriate remedy or sentence in this case. Just given all the totality of the circumstances and the prior history of the parties, we believe that, you know, whatever sentence Your Honor would choose to apply, it should be suspended on that program.

THE COURT: Okay. Ms. Glover, the jury has found you guilty of the charge of criminal domestic violence. I think the sentence of the Court is 30 days or \$2,130. That will be suspended upon completion of CASA's batterers' management program. Okay? It's a six-month program. As long as you attend and successfully complete the program, you don't have to go to jail, and you won't have to pay the fine. If you don't attend and complete the program, they'll notify the Court, and we'll reel you back. At that time, the original sentence will be imposed unless there's been

1 some very, very good reason why you haven't
2 completed it. Understand?

3 MS. GLOVER: Yes, sir.

4 THE COURT: Okay. All right,
5 I'll tell you what, the -- it'll be a couple of
6 weeks, but to ease this -- when are we -- June
7 the 24th? Okay. We have CDV court on June the
8 24th, and all the counselors and people will be
9 here from CASA. It will be a lot easier for you
10 just to come back in. Come in a few minutes
11 before ten on Wednesday, June the 24th, and
12 we'll get you with Ms. Cheeseboro from CASA at
13 that time, and she'll get you signed up then and
14 tell you when the class is. And they have a
15 pretty good schedule. They'll be able to work
16 with you to get you in there. But come back on
17 Wednesday, June the 24th, and we'll get you
18 signed up, and they'll tell you what you need to
19 do next. Okay?

20 MS. GLOVER: Yes, sir.

21 THE COURT: Was there a no
22 contact?

23 MR. MCMILLIAN: I don't believe
24 there was --

25 THE COURT: Okay.

1 MR. MCMILLIAN: -- a no contact,
2 Your Honor. But I did want to remind the Court
3 about the firearms (INDISTINCT).

4 THE COURT: Oh, yeah. Thank you.
5 Thank you. Thank you.

6 (INDISTINCT)

7 THE COURT: All right, Ms.
8 Glover, I need to advise that, pursuant to
9 federal law, you've been found guilty of
10 criminal domestic violence. It is unlawful for
11 you to ship, transport, or receive ammunition or
12 a firearm. Get you to sign this notice for me,
13 please.

14 (INDISTINCT)

15 02:49

16 (END OF TRACK 08)

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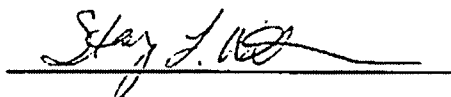
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I, Stacey L. Wilson, do hereby certify:

That the foregoing audio file entitled
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transcribed; that the foregoing transcript as
typed is a true, accurate and complete record of
the audio file to the best of my ability under
the prevailing circumstances.

I further certify that I am neither related
to nor counsel for any party to the cause pending
or interested in the events thereof.



Stacey L. Wilson

August 11, 2017

STATE OF SOUTH CAROLINA)
)
COUNTY OF ORANGEBURG)

COURT OF COMMON PLEAS

State of South Carolina,)
)
PLAINTIFF,)
)
v.)
)
Jeanette Yvonne Glover,)
)
DEFENDANT.)
_____)

TRANSCRIPT OF HEARING
2015-CP-38-0690

Orangeburg County Courthouse
September 28, 2015

BEFORE:

HONORABLE MAITE' MURPHY, PRESIDING JUDGE

APPEARANCES:

Assistant Solicitor McMillan
Attorney for The Stae of South Carolina

Assistant Public Defender Minh L. Wyman
Attorney for Jeanette Y. Glover

TAKEN BY MELISSA R. SINGLETARY
CERTIFIED VERBATIM REPORTER

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EXHIBITS

Audio tape of previous hearing handed up to The Court

1 The Court: I'll be glad to hear from you, Ms. Wyman.

2 Ms. Wyman: Thank you, Your Honor. May it please the
3 court. I'm Minh Wyman. I'm with the First Circuit
4 Public Defender's Office. I represent Ms. Jeanette
5 Glover. She's unable to make it today. She couldn't get
6 off of work. Your Honor, this is an appeal from the
7 Orangeburg Municipal Court where Judge Barney Houser
8 presided. There are two grounds in which we content the
9 trial court made a reversible error. First, the trial
10 court erred when it denied our motion for a directed
11 verdict motion for acquittal. Second, the trial court
12 erred when it refused to charge the jury on the law of
13 self defense. At the outset, Your Honor, I'd like to
14 move to add to the record a copy of the audio recording
15 of the municipal court proceedings. The reason for that
16 being there wasn't a court reporter to transcribe
17 anything that was going on so we request that the court
18 have a full and complete copy for the record and I've
19 spoken with Mr McMillan.

20 The Court: Any objection?

21 Mr. McMillan: No objection.

22 Ms. Wyman: May I briefly go into the restitution of
23 the facts?

24 The Court: Yes, ma'am.

25 Ms. Wyman: This incident happened on January 2,

1 2015. Public Safety officers responded to a 911 call
2 about a verbal dispute. After taking statements from
3 both parties officers arrested Mrs. Glover and charged
4 her with criminal domestic violence. We had a jury trial
5 on June 9. At the trial, the State called Officer Gill,
6 Officer Gill testified that Mr. Glover told him that Mrs.
7 Glover yelled at him and grabbed his face. Officer Gill
8 also testified that Mrs. Glover told him that Mr. Glover
9 hit her with a closed fist first and that Mrs. Glover
10 also told him that there was a history of domestic
11 violence in which she was the victim.

12 Then the State called Leroy Glover. He told the
13 jury that he hit his wife first and that he got scratched
14 when she was defending herself from him.

15 After the State's case rested the defense moved for
16 a directed verdict on the grounds that the State did not
17 disprove the elements of self defense. After hearing
18 arguments from both parties, Judge Houser denied the
19 motion explaining that the defense had not given advanced
20 notice to the State of the defense of self defense and by
21 failing to do so the defense failed to give the state the
22 opportunity to know that it had to disprove self defense.
23 The defense did not call any witnesses, the case was then
24 submitted to the jury. Judge Houser refused to give a
25 jury instruction on the law of self defense because there

1 was no testimony from the defense. And those are the
2 facts, Your Honor.

3 I was going to turn to my arguments now, if that's
4 okay, Your Honor.

5 The Court: Go ahead.

6 Ms. Wyman: Our first ground is the trial court
7 reversibly erred when it denied our motion for directed
8 verdict of acquittal. We argued that the state did not
9 disprove the elements of self defense. The state argued
10 and I quote, "The theory was not shared with us before
11 trial. Defense counsel has responsibility to shared that
12 defense if they are going to assert it at trial. We
13 don't have to disprove self defense, she has to prove
14 self defense. So, it seems to me that she is trying to
15 shift the burden on the state to disprove a theory that
16 she did not tell me that she was going to present at
17 trial." The judge pretty much agreed with the state and
18 reasoned pretty much the same thing that the burden was I
19 had to notify the State of my claim of self defense.

20 Your Honor, it is out position that the standard
21 used by the trial judge in denying our motion for
22 directed verdict is completely contrary to Rule 5 and to
23 case law. Rule 5 of the South Carolina Rules of Criminal
24 procedures does not require the defense to notify the
25 prosecution in advance of a defense of self defense. The

1 rule clearly lays out that the defense must give notice
2 of insanity and must give notice of alibi. The South
3 Carolina Supreme Court in State vs. Dickey and State vs.
4 Wiggins as well as the South Carolina Court of Appeals in
5 State vs. Smith, all hold that when a defendant claims
6 self defense the state is required to disprove the
7 elements of self defense beyond a reasonable doubt.
8 Based on the discovery produced before trial and the
9 testimony presented at trial the state was on notice of a
10 claim of self defense. The discovery provided to us by
11 the State indicated that Mrs. Glover told the officers
12 that he hit her first. The testimony at trial, from the
13 State's own witness indicated that Mrs. Glover was
14 defending herself. There is no argument that the State
15 did not know that this was a self defense case. The
16 State, Your Honor, was essentially saying they didn't
17 know they had the burden to disprove. There is no burden
18 upon the defense to give any kind of notice or assert a
19 defense claim unless it is alibi or insanity as
20 delineated in Rule 5. The law puts the burden on the
21 State not on the defense. It's an unconstitutional
22 burden shift to say that defense has to prove anything
23 specifically in this case having to prove self defense.

24 The law says that the State must disprove self
25 defense. Therefore, if the trial judge should have

1 granted a directed verdict because by the State's own
2 admission they did not disprove and thereby failed to
3 present sufficient evidence to create a jury issue.

4 Next, Your Honor, the trial court also erred when it
5 refused to charge the jury on the law of self defense.
6 As stated in the judge's return he declined our request
7 for a jury charge instruction on the law of self defense
8 because there was no testimony from the defense. In
9 other words, the trial judge refused to give a jury
10 charge because Mrs. Glover did not take the stand. The
11 South Carolina Supreme Court held in State vs. Light that
12 if there is any evidence in the record from which it can
13 be reasonably inferred that the defendant acted in self
14 defense that the defendant is entitled to instructions on
15 the defense and the trial judge's refusal to do so is
16 reversible error. Here, Your Honor, it is clear on its
17 face that there was evidence of self defense. The
18 discovery indicated self defense. The testimony at trial
19 indicated self defense. The law does not say that the
20 evidence must be from a defense witness it says it's any
21 evidence. That's the standard. Therefore, it was an
22 error of law when the trial judge failed to charge self
23 defense.

24 Furthermore, Your Honor, it was prejudicial. The
25 jury deliberated for over an hour and a half and couldn't

1 reach a verdict. They came back and submitted a question
2 for the judge asking, "Is it our duty to decide whether
3 she scratched him because we agree that she did or if she
4 should be convicted for scratching him?" It's our
5 position that what they were essentially saying is she
6 scratched him when she acted in self defense. We argue
7 that it was clear that the jury was out for so long and
8 asked that question the way they did because there were
9 probably jurors who wanted to be instructed on that law.
10 It's a natural right, Your Honor, to defend yourself.
11 Especially, a woman like in this case who has been abused
12 by her husband before. And the jury knew that something
13 wasn't right but unfortunately the trial court simply
14 read the CDV law and told the jury they had to be guided
15 by that. The jury was bound by the CDV law and was
16 prevented from considering the law of self defense.

17 So, in this case, Your Honor, when the jury was told
18 that a person should be found guilty if they injure a
19 household member and then not to go by anything else but
20 that along the jury found Mrs. Glover guilty.

21 So, Your Honor, we argue that she had a fundamental
22 due process right to have a complete defense and when the
23 trial judge made that error of law in refusing to give
24 the jury instruction she was prejudiced by it.

25 So, in conclusion the trial court erred and we

1 believe there are two potential results. We respectfully
2 ask that this court, Your Honor, enter a directed verdict
3 of acquittal for the State's failure to disprove the
4 elements of self defense. We think that that is most
5 appropriate and the most economical result but in the
6 alternative we ask that this court order a new trial
7 based on the refusal to give the jury charge on self
8 defense.

9 The Court: Thank you, Ms. Wyman. Counsel.

10 Mr. McMillan: May it please the Court?

11 The Court: Yes, sir.

12 Mr. McMillan: Your Honor, if I may approach. The
13 State has filed a memorandum for your benefit and it's
14 actually a short memorandum. Behind it are copies of the
15 authorities cited in it. Defense counsel was also
16 provided a copy of that prior to our argument today.

17 Your Honor, the trial court should be affirmed on
18 this case for a very simple reason. The defense did not
19 present evidence on the elements of self defense at
20 trial. As, Your Honor, knows self defense has four
21 elements. If a party is going to claim self defense
22 during trial, the party has to show that they were
23 without fault in bringing on the difficulty; the party
24 has to show that they actually believed they were in
25 imminent danger of losing her life or serious bodily

1 injury. The third element is basically an objective
2 element for that belief standard which says that a
3 reasonable person had to have been able to hold that
4 belief and the fourth element is the defense has to
5 present evidence that there were no means of escape. No
6 way to get out of the situation. The defense set forth
7 no evidence on those elements at trial. That is why the
8 judge declined to rule in the defense's favor at the
9 directed verdict stage and declined to charge the jury on
10 the issue of self defense and perhaps I was articulate
11 when I made my directed verdict argument at the trial
12 court, but the State's position is the State has to have
13 notice that they are claiming self defense in order to
14 know that the elements need to be disproved. The State
15 does not have not have that notice unless she presents
16 evidence on each of the elements. And if she doesn't
17 present evidence on each element there is no reason to
18 charge the jury or to rule in the defenses favor on the
19 directed verdict and there is no duty on the State to
20 disprove the other elements. All four of them there has
21 to be evidence submitted or the issue of self defense is
22 not in play.

23 Now, the easiest place to focus in this case is the
24 second element of self defense. That is the subjective
25 belief element. Unless the defendant subjectively

1 believed, actually believed that she was in imminent
2 danger of losing her life or serious bodily injury, this
3 issue never reaches the court, this issue never reaches
4 the jury. There is absolutely no evidence on the record,
5 at trial, to support a jury finding on that element. The
6 state's position is that there is not evidence on the
7 other elements either but that is the most clear place
8 that the Court can base a ruling on this issue.

9 As Ms. Wyman stated, the defendant didn't testify at
10 trial and certainly that is her right, but she also
11 didn't put up any witnesses. She didn't ask any of the
12 witnesses who testified what she believed, whether she
13 was fearful. There was just no evidence of fear or belief
14 or anything like that at trial. There was no reason for
15 the State to believe that she was going to seek to have a
16 jury charge on self defense or seek to win on directed
17 verdict on that issue. The first time it was raised was
18 at directed verdict which was the close of all evidence.

19 Now, as a side issue, I looked at all the cases I
20 could find on self defense in South Carolina and
21 certainly the three that I have presented to, Your Honor,
22 and I didn't locate any where self defense was properly
23 charged or was required to be charged where the defendant
24 didn't testify so that the defendant could say I was
25 scared, I held this belief, so the defendant could

1 satisfy those four elements with her own testimony. And,
2 I'm not going so far as to say that the defendant has to
3 testify to claim self defense but I'm not aware of how a
4 defendant can claim that and can set forth evidence of
5 their reasonable belief without testifying herself or at
6 least putting some evidence into the record.

7 Now, with regard to what Ms. Wyman said today, I
8 don't disagree that under Rule 5, she doesn't have any
9 duty to let the State know beforehand, that's clearly in
10 the rules. And, as I said, I apologize for making an
11 inarticulate argument at the directed verdict stage but
12 frankly she caught me off guard when she mentioned self
13 defense. The issue is when there is no evidence on the
14 record on the four elements, the State does not have a
15 duty to disprove the elements. And to wrap up, as Ms.
16 Wyman said here today, she argued that a person has a
17 natural right to defend themselves and try to anticipate
18 maybe what the jury was thinking. Your Honor, clearly,
19 that's not the place of the appellant court to put
20 themselves in the shoes of the jury and try and interpret
21 a note that came in while they were deliberating. I
22 don't think that's, you know, certainly not properly
23 before this court in the record or anything that can be
24 ruled on. To the extent that Ms. Wyman wanted to argue
25 that in closing, she did argue it in closing just like

1 she did here today. She said a person has a right to
2 defend themselves. And she was protecting herself. She
3 said protecting not defending. So, to some extent the
4 issue was before the jury even though the Judge told her
5 he was not going to charge it and it shouldn't be in the
6 case.

7 If, Your Honor, doesn't have any further questions,
8 I'll rest on my brief.

9 The Court: Thank you, sir. Any response?

10 Ms. Wyman: Yes, Your Honor. Mr. McMillan said there
11 is no evidence on the record or for him to say that there
12 is no evidence on the record is completely inaccurate.
13 The State's own witnesses proved the elements of self
14 defense. If I must go into the four elements, Your Honor.

15 The Court: I've got the four elements.

16 Ms. Wyman: Okay. Yes, ma'am. Our argument, Your
17 Honor, well actually let me back up real quick. He stated
18 State vs. Davis, which is a 1984 case. State vs.
19 Burkhart which is a South Carolina Supreme Court, 2002
20 case changed the law of Davis. They said that the burden
21 was moved from the defense and moved to the State. If
22 there is any question or any discrepancy as to the facts
23 of whether or not she acted in self defense, at the very
24 least there should have been a jury charge for the
25 finders of fact to decide, Your Honor. However, we argue

1 there are no discrepancies considering the State's own
2 witnesses said she acted in self defense and touched on
3 all four of those. The fact that she acted in self
4 defense came from their witnesses and they admittedly did
5 not disprove that it was self defense.

6 Your Honor, also in their brief they indicated that
7 the victim recanted and was attempting to exonerate his
8 wife. Your Honor, it is our position that the
9 prosecutors of this State they have the ability to
10 address that. Whether it be to charge the victim with
11 filing a false police report or whatever else. If some
12 one is trying to exonerate an innocent person, then that
13 person has a constitutional right to a fair trial. And
14 that fair trial includes the burden of the State to prove
15 the crime charged. The burden of the State to disprove
16 defenses like self defense. And a fair trial to include a
17 jury that is given the proper jury instructions of the
18 law.

19 The Court: I'll take it under review to look at the
20 return along with listening to the actual transcript or
21 the actual recording of the trial and let you know.

22 Ms. Wyman: Thank you, Your Honor.

23 Mr. McMillan: Thank you, Your Honor.

24 **(End of hearing)**

25

CERTIFICATE

This is to certify that the Hearing transcript in the matter of State of South Carolina vs. Jeanette Yvonne Glover, consisting of Fourteen (14) pages is a true and correct transcript; said hearing was reported by the method of Stenomask with Backup.

I further certify that I am not employed by any of the parties in this matter or their counsel; nor do I have any interest, financial or otherwise, in the outcome of same.

IN WITNESS WHEREOF I have hereunto set my hand and seal this 14th day of June, 2017.

Melissa R. Singletary
Certified Verbatim Court Reporter

THE STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)

IN ORANGEBURG COUNTY
MAGISTRATE'S COURT

THE STATE)

Charge: CDV-1st
Warrant/Indictment No.: 66501HC

v.)

DEFENDANT'S PROPOSED
JURY CHARGES

JEANETTE GLOVER,)

DEFENDANT.)

Proposed Jury Charges on Self-Defense

1. Self-defense is a complete defense. You must find the defendant not guilty unless the State proves to you beyond a reasonable doubt that each of the elements of self-defense does not exist in this case. State v. Burkhart, 350 S.C. 252, 264, 565 S.E.2d 298, 304 (2002).
2. To establish self-defense in South Carolina, four elements must be present: (1) the defendant must be without fault in bringing on the difficulty; (2) the defendant must have been in actual imminent danger of losing his life or sustaining serious bodily injury, or he must have actually believed he was in imminent danger of losing his life or sustaining serious bodily injury; (3) if his defense is based upon his belief of imminent danger, defendant must show that a reasonably prudent person of ordinary firmness and courage would have entertained the same belief; and (4) the defendant had no other probable means of avoiding the danger. State v. Day, 341 S.C. 410, 416, 535 S.E.2d 431, 434 (2000).

Respectfully submitted,

ORANGEBURG COUNTY PUBLIC DEFENDER

By: 

Minh L. Wyman, Esq.

Dated: June 9, 2015

STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)

IN THE COURT OF COMMON PLEAS)
CRIMINAL APPEAL)

FILED FOR RECORD)
WINNIEA B. CLARK)

2015 SEP 28 P 3: 56)

City of Orangeburg,)
Respondent,)
CLERK OF COURT)
ORANGEBURG)

Civil Action No. 2015-CP-38-690)
Municipal Case No. 15-00013)
Warrant No. 66501HC)

vs.)

Jeanette Yvonne Glover,)
Appellant.)

DEFENDANT FAILED TO
PRESENT EVIDENCE OF SELF-
DEFENSE

This Court should affirm the Defendant's conviction by an Orangeburg jury because the Honorable Barney M. Houser, Orangeburg Municipal Court, properly denied Defendant's request for a directed verdict and her request for a jury charge on the issue of self-defense when she failed to present evidence on all four elements of this defense.

FACTUAL BACKGROUND

On June 9, 2015, an Orangeburg jury convicted Defendant of Criminal Domestic Violence after a trial before Judge Houser. The evidence presented at trial consisted of testimony from two arresting officers, photographs of the Victim and Defendant, and testimony from the Victim (Defendant's husband). The Defendant did not testify or call any witnesses to the stand.

At the close of State's evidence, Defendant moved for a directed verdict on the issue of self-defense. Judge Houser denied Defendant's motion because she had not presented any evidence of, or claimed, self-defense. The Court explained that no duty to disprove the elements of self-defense had arisen because the State had no notice that the Defense was asserting this claim.

ATTEST: TRUE COPY

Winniea B. Clark
CLERK OF COURT
ORANGEBURG COUNTY, SOUTH CAROLINA

After Defendant stated that she would not put up a defense, the Court requested proposed jury charges from both parties. Judge Houser denied Defendant's request for a jury charge on self-defense because she did not present evidence on the elements of self-defense and, therefore, there was no evidence upon which that issue should be before the jury.

The jury returned a verdict of guilty and Defendant was sentenced to a state-approved batterers' treatment program, with a suspended sentence of 30 days and a monetary fine.

ARGUMENT

The Defendant Failed to Present Evidence to support a Claim of Self-Defense

"A self-defense charge is not required unless the evidence supports it." *State v. Santiago*, 370 S.C. 153, 159, 643 S.E.2d 23, 26 (Ct. App. 2006). Under South Carolina law, there are four elements that must be established before self-defense can be considered by the court or charged to the jury:

- First, the defendant must be without fault in bringing on the difficulty.
- Second, the defendant must have actually believed she was in imminent danger of losing her life or sustaining serious bodily injury, or she actually was in such imminent danger.
- Third, if her defense is based upon her belief of imminent danger, a reasonably prudent woman of ordinary firmness and courage would have entertained the same belief. If the defendant actually was in imminent danger, the circumstances were such as would warrant a woman of ordinary prudence,

firmness and courage to strike the fatal blow in order to save herself from serious bodily harm or losing her own life.

- Fourth, the defendant had no other probable means of avoiding the danger of losing her own life or sustaining serious bodily injury than to act as she did in this particular instance.

State v. Davis, 282 S.C. 45, 46, 317 S.E.2d 452, 453 (1984). When a defendant fails to present evidence on any one of these four elements, she is not entitled to a charge of self-defense. See *State v. Bruno*, 322 S.C. 534, 537, 473 S.E.2d 450, 452 (1996).

In this case, Defendant failed to present evidence on the “belief” element of self-defense. Defendant did not take the stand and she called no witnesses. The jury neither saw nor heard any evidence to prove that the Defendant “believed” she was in imminent danger. None of the witnesses called by the State (two responding officers and the Victim) offered testimony regarding Defendant’s alleged “belief,” much less did any witness testify that she believed she was “in imminent danger of losing [her] life or sustaining serious bodily injury.” *Id.* Therefore, Defendant was not entitled to a self-defense charge because she presented no evidence on the “belief” element of this defense.

Additionally, Defendant failed to present evidence to support the other three elements. In fact, Defendant’s claim of self-defense is founded on the recanting testimony of her husband (the Victim), who testified he was back together with her and sat with her during the trial. Contrary to his statements to responding officers, his statement made during his call to 911, and his sworn written statement given on the night of the incident, her husband testified at trial that “he hit her first.” The fact that the

Victim recanted at trial in an apparent attempt to exonerate his wife does not entitle the defense to a charge on self-defense under well-settled South Carolina law.

CONCLUSION

This Court should affirm Judge Houser's denial of Defendant's request for a directed verdict and her request for a jury charge on the issue of self-defense because she failed to present evidence on all elements this defense.

Respectfully submitted:



Everett E. McMillian
SC Bar No. 101310
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Post Office Box 11070 (29211-1070)
Columbia, SC 29201
(803) 799-2000

Special Prosecutor for State of South Carolina

Orangeburg, South Carolina

September 28, 2015

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

State of South Carolina,

Respondent,

vs.

Jeannette Tvonne Glover,

Appellant.

IN THE COURT OF COMMON PLEAS

DOCKET NO.: 2015-CP-38-0690.

NOTICE OF AND MOTION TO ALTER
OR AMEND THE COURT'S ORDER
ENTERED APRIL 11, 2016 PURSUANT
TO RULE 59(e), SCRPC

FILED FOR RECORD
JANIA B. CLARK
2016 APR 29 P 3:27
ORANGEBURG, SC
COURT

TO: BRANDON S. SMITH, ESQUIRE, SPECIAL PROSECUTOR FOR THE STATE
OF SOUTH CAROLINA

YOU WILL PLEASE TAKE NOTICE that as soon as it may be heard, Appellant Jeannette Tvonne Glover, by and through her undersigned attorney, respectfully requests, pursuant to Rule 59(e), SCRPC, that this Court alter and/or amend its Form 4 Order filed on April 11, 2016.

PROCEDURAL HISTORY

This motion arises out of a criminal appeal from the judgment and sentence of the municipal court. The Notice of Appeal was filed on June 10, 2015. The Magistrate Judge's Return was filed on June 29, 2015. Further, the Return was supplemented to include the audio recording provided by the trial court.¹ This appeal was heard before the Honorable Maite Murphy on September 28, 2015. Following the hearing, the Court took the appeal under advisement. The Form 4 Order was dated April 7, 2016 and filed on April 11, 2016; however, Counsel for Appellant was never served nor notified. Moreover, there is no indication on the

¹ Counsel for Appellant was finally able to obtain an audio recording of the trial from the trial court, and filed a written motion to supplement the record on appeal. See Exhibit B (copy of Motion to Supplement Record). At oral argument before this Court, Counsel for Appellant raised the motion to supplement before the hearing, and this Court accepted the audio recording without objection from opposing counsel. See Exhibit C (Copy of Trial Audio Recording).

CLERK OF COURT
ORANGEBURG COUNTY, SC

Order that the Clerk of Court's Office physically mailed out a copy of the Form 4 Order. See Exhibit A. Counsel for the Appellant only became aware of the existence of the Order on January 13, 2017 after physically reviewing the Court's file in the Clerk of Court's Office. Rule 59(e) of the South Carolina Rules of Civil Procedure provides that the motion to alter or amend "shall be served not later than 10 days after receipt of *written notice* of the entry of the order." Rule 59(e), SCRCP (emphasis added). As Counsel for the Appellant never received written notice of the entry of the Form 4 Order, this motion is timely.

STANDARD OF REVIEW

The purpose of Rule 59(e) of the South Carolina Rules of Civil Procedure is to request the trial judge to "reconsider matters properly encompassed in a decision on the merits." Arnold v. State, 309 S.C. 157, 172, 420 S.E.2d 834, 842 (S.C. 1992). Accordingly, the South Carolina Supreme Court has held that Rule 59(e) of the South Carolina Rules of Civil Procedure is proper "not only as a vehicle to request the trial court alter or amend the judgment, but also as a vehicle to seek 'reconsideration' of issues and arguments." Further, a party is usually allowed to ask the Court to reconsider its decision "even if it means rehashing all or part of an argument previously presented." Elam v. S.C. DOT, 361 S.C. 9, 21, 602 S.E.2d 772, 778-779 (S.C. 2004). Finally, Rule 59(e) serves the important purpose of clarifying the issues, and ensuring that all issues are properly raised and ruled on by the lower court so that they may be preserved for appellate review. Id. See also State v. Bailey, 368 S.C. 39, 626 S.E.2d 898 (Ct. App. 2006) (holding that a circuit court's appellate error must be first raised in a motion to alter or amend in order to be preserved for further appellate review).

RULING

The Court's Form 4 Order provides as follows:

The Court finds that all of the elements of self-defense were not presented at trial; therefore, a self-defense jury instruction was not required. This Appeal is hereby denied. This Order is replacing an Order previously issued by the Court which was inadvertently not filed the Clerk's office.

ISSUES FOR REVIEW

Appellant respectfully requests that the Court reconsider its ruling on the following grounds:

(1) Appellant's first issue for appeal was whether or not the trial court committed reversible error when it denied Appellant's motion for a directed verdict. This issue was not addressed in the Form 4 Order. Importantly, the trial judge erroneously denied the Appellant's motion for directed verdict because "no duty to disprove the elements of self-defense had arisen because State had no notice that the Defense was asserting this claim." Brief of Respondent, State v. Glover, 2015-CP-38-0690 (S.C. Ct. Comm. Sept. 28, 2015). Appellant respectfully submits that the trial judge's ruling was a gross misstatement of the law of self-defense, and constitutes a clear error of law, as nothing in the Rules of Criminal Procedure requires a criminal defendant to disclose self-defense as a possible defense in a criminal trial. Further, State v. Dickey, 394 S.C. 491, 716 S.E.2d 97 (S.C. 2011) requires that the State must have disproved self-defense beyond a reasonable doubt at the directed verdict stage when the uncontroverted facts establish self-defense as a matter of law. Dickey, 394 S.C. at 499, 716 S.E.2d at 101. Based on the record presented in this case, including the State's own witnesses, and even viewing the facts in the light most favorable to the State, the evidence readily establishes that the Appellant acted in self-defense as a matter of law. Transcript of Record at Track 02, 17:26-

17:30; 17:50-17:59; 21:10-21:20; 23:19-23:51; 27:49-28:10; 29:30-30:20; 31:01-31:18; 31:53-32:08; 32:20-32:38.

(2) Appellant's second issue on appeal concerns the trial court's refusal to issue a jury charge on the law of self-defense. Specifically, the trial judge "declined to charge self-defense because there was no testimony from the defense." Return – Hon. Barney Houser, State v. Glover, 2015-CP-38-0690 (S.C. Muni. Ct. June 29, 2015). Appellant respectfully submits that this ruling is also a clear error of law in that it constitutes improper burden shifting and is grounds for reversal. This Court, sitting in its appellate capacity, has a duty to address this clear error of law and its violation of a Defendant's Due Process rights. Moreover, this Court's decision affirming the trial court on the basis that "all of the elements of self-defense were not presented at trial," is unsupported by the facts of the present case and South Carolina law. First, well-established case law in South Carolina provides that, "If there is *any evidence* in the record from which it could reasonably be inferred that the defendant acted in self-defense, the defendant is entitled to instructions on the defense, and the trial judge's refusal to do so is reversible error." State v. Light, 378 S.C. 641, 650, 664 S.E.2d 465, 469 (S.C. 2008) (emphasis added). Second, as indicated supra in Issue I, the trial record in this case – including testimony from the State's own witnesses – readily establishes the elements of self-defense, especially given the "any evidence" standard applied in South Carolina. E.g., State v. Burkhart, 350 S.C. 252, 565 S.E.2d 298 (S.C. 2008); see also Transcript of Record at Track 02, 17:26-17:30; 17:50-17:59; 21:10-21:20; 23:19-23:51; 27:49-28:10; 29:30-30:20; 31:01-31:18; 31:53-32:08; 32:20-32:38.

CONCLUSION

Based on the foregoing reasons, the Appellant respectfully requests that this Court alter or amend its ruling denying her appeal.

Respectfully Submitted,



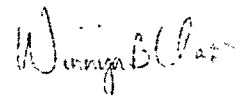
Minh L. Wyman
190 Gibson Street, P.O. Box 1112
Orangeburg, South Carolina 29116-1112
(803) 536-4858
Attorney for Appellant

Dated: January 20, 2017

Exhibit A

FILED FOR RECORD
WINNIFA B. CLARK
2011 JAN 20 P 3:23
CLERK OF COURT
ORANGEBURG, SC

ATTEST: TRUE



CLERK OF COURT
ORANGEBURG COUNTY

State of South Carolina

Jeannette Tvonne Thompson

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for : Plaintiff Defendant
 or
 Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court: The Court finds that all of the elements of self-defense were not presented at trial; therefore, a self-defense jury instruction was not required. This Appeal is hereby denied. This Order is replacing an Order previously issued by the Court which was inadvertently not filed by the Clerk's office.

ORDER INFORMATION

This order ends does not end the case.
 Additional Information for the Clerk :

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		ATTEST: TRUE COPY
		Wenifa B. Clark
		CLERK OF COURT ORANGEBURG COUNTY, SC

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

State Murphy

2166

4/7/16

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter:

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

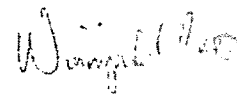
This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

Multiple horizontal lines for additional information.

Exhibit B

FILED FOR RECORD
WINNIEFA B. CLARK
2011 JAN 20 P 3: 23
CLERK OF COURT
ORANGEBURG, SC

ATTEST: TRUE COPY



CLERK OF COURT
ORANGEBURG COUNTY

STATE OF SOUTH CAROLINA
IN THE COURT OF COMMON PLEAS

Appeal from Orangeburg Municipal Court
Barney M. Houser, Municipal Court Judge

STATE OF SOUTH CAROLINA,

RESPONDENT,

v.

JEANETTE GLOVER,

PETITIONER.

MOTION TO SUPPLEMENT
THE RECORD ON APPEAL

ATTEST: TRUE C.
W. Houser
Municipal Court Judge
Orangeburg, SC

Counsel for Petitioner Jeanette Glover respectfully requests to supplement the Record on Appeal, pursuant to Rule 212(a) of the South Carolina Appellate Court Rules. In support of this motion, Petitioner states the following:

1. Written transcripts are not available at the municipal court trial level. Accordingly, in lieu of a written transcript, Petitioner respectfully moves to supplement the Record on Appeal to include the audio recording provided by the trial court. Counsel makes this request in good faith and not for purpose of delay.

WHEREFORE, the Petitioner respectfully requests this Court to allow the Record on Appeal to be supplemented with the audio listed above in this case based on the above-mentioned rule and circumstances.

FILED FOR RECORD
WILHELMINA B. CLARK
CLERK OF COURT
ORANGEBURG, SC
2015 SEP 28 AM 10:28

Respectfully submitted,



Minh Lee Wyman
Public Defender
Attorney for Petitioner Jeanette Glover

STATE OF SOUTH CAROLINA
IN THE COURT OF COMMON PLEAS

Appeal from Orangeburg Municipal Court
Barney M. Houser , Municipal Court Judge

STATE OF SOUTH CAROLINA,


v.

JEANETTE GLOVER,

RESPONDENT
CLERK OF COURT
ORANGEBURG, SC
PETITIONER
2015 SEP 28 A 10:29
FILED FOR RECORD
WINNIFER B. CLARKE

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Motion to Supplement the Record on Appeal in the above referenced case has been served upon counsel for the State, Everette McMillan, Esquire this 28th day of September, 2015.



Minh Lee Wyman
Public Defender

Attorney for Petitioner

Exhibit C

FILED FOR RECORD
WINNIFA B. CLARK
2011 JAN 20 P 3: 23
CLERK OF COURT
ORANGEBURG, SC

ATTEST: TRUE COPY

Winnif B. Clark

CLERK OF COURT
ORANGEBURG COUNTY, SC

Electronic Copy of Municipal Court Proceedings

Form 8-438
REV 0/10

STATE OF SOUTH CAROLINA
UNIFORM TRAFFIC TICKET

86501HC

CITY OR COUNTY OF ORANGEBURG		VERSUS																	
FIRST NAME JEANETTE	MIDDLE NAME YVONNE	LAST NAME GLOVER																	
STREET AND NO. 740 FIVE CHOP RD		CITY ORANGEBURG	STATE ZIP CODE SC 29118																
STATE LICENSED	DRIVER'S LICENSE NO.	CDL <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	DRI. LIC. CLASS																
VEH LIC. NO.	STATE	MAKE OF VEH.	YEAR																
		COMM VEH	AUTO																
		HAZ MAT.	MOPED																
		MTRCYCL	OTHER																
YOU ARE SUMMONED TO APPEAR BEFORE THE TRIAL COURT																			
NAME OF TRIAL COURT ORANGEBURG MUNICIPAL		STREET AND NO. 1320 MIDDLETON STREET, PO BOX 1425																	
DATE OF TRIAL 08/09/2015	TIME OF TRIAL 0900	CITY ORANGEBURG, SC	STATE ZIP CODE 29116-1425																
VIOLATION - COURT APPEARANCE REQUIRED YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		VIOLATION SECTION NO. 18-25-0020(A) / 2871																	
OWNER OF VEHICLE JEANETTE GLOVER		DATE OF ARREST 01/02/2015																	
ADDRESS OF OWNER 740 FIVE CHOP RD ORANGEBURG SC 29118		DATE OF VIOLATION 01/02/2015																	
BAIL DEPOSITED 2130.00	NAME OF ARRESTING OFFICER PSO ROBERT GILL		RANK PSO																
DESCRIPTION OF ACCUSED		COUNTY ORANGEBURG	NUMBER 38																
RACE B	SEX F	HT. 5-8	HAIR BLK																
WT. 210	EYES BRO	BADGE 4466-3972																	
DATE BAIL REC'D 01/03/2015		TROOP 7																	
BY JUDGE WEST		<table border="1"> <tr> <td>D</td><td>S</td><td>M</td><td>T</td><td>W</td><td>T</td><td>F</td><td>S</td> </tr> <tr> <td>A</td><td>1</td><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td><td>7</td> </tr> </table>		D	S	M	T	W	T	F	S	A	1	2	3	4	5	6	7
D	S	M	T	W	T	F	S												
A	1	2	3	4	5	6	7												
CASE BEFORE MAGISTRATE <input type="checkbox"/> MUN. COURT <input checked="" type="checkbox"/>		TIME OF VIOLATION 2151																	
CIRCUIT COURT <input type="checkbox"/> FAMILY COURT <input type="checkbox"/> FEDERAL COURT <input type="checkbox"/>		WEATHER DRY																	
NAME OF TRIAL COURT IF DIFFERENT FROM ABOVE ORANGEBURG		DISTANCE IN FEET FROM INTERSECTION OF 0																	
DEFENDANT: DID NOT APPEAR <input type="checkbox"/> APPEARED <input checked="" type="checkbox"/>		AND																	
NOLLE PROSSED <input type="checkbox"/> DISPOSITION GUILTY <input type="checkbox"/>		MILES 0																	
FORFEITED BOND <input type="checkbox"/> PLED: NOLLO CONTENDERE <input type="checkbox"/>		N 1																	
TRIAL BY: TRIAL JUDGE <input type="checkbox"/> JURY <input checked="" type="checkbox"/>		E 2																	
VERDICT OF TRIAL IF ANY GUILTY <input checked="" type="checkbox"/> NOT GUILTY <input type="checkbox"/>		S 3																	
DATE OF TRIAL IF ANY 06/09/2015		W 4																	
JAIL	SUSPEND	FINE	AMT. COLLECTED																
		2130.00																	
AMT. SUSPENDED		OFFENSE CODE 94																	
		B.A. LEVEL																	
COMMITTED TO:		Vehicle Searched NO																	
		Arrest as Result of Collision NO																	
CERTIFIED CORRECT		INITIALS																	
BARNEY M. HOUSER		DATE																	
		66501HC																	

DRIVER'S RECORD COPY

A: PLEA BARGAIN

Reduced To Points

Date: 06/09/2015

Judge

B: SPEED REDUCED

Original Offense

94
CDV 1ST

Changed To

94
CDV 1ST

Lt

Recommended Bond Amount: 2130.00

ATTEST: A TRUE COPY

Janice Wilkins

CLERK MUNICIPAL COURT
City of Orangeburg, South Carolina

DEPARTMENT OF PUBLIC SAFETY
ORANGEBURG, SOUTH CAROLINA

VOLUNTARY STATEMENT
(Not Under Arrest)

I, Leroy Glaw, am not under arrest, nor am I being detained for any criminal offences concerning the events I am about to make known to ODPS

Without being accused of or questioned about any criminal offences regarding the facts I am about to state, I volunteer the following information of my own free will, for whatever purposes it may serve.

DOB 9-7-57; my address is, 240 Five chop Rd
803-290-4864

I got in from work, my wife started cursing about I had the car keys I saw them in the den of house doing my paper work. she call me son of bitch, bastard make fucker, then grab me with both hands in my face, I push her away to green my self that when I felt hood on my nose + chin. that when I call all they me ODPS please make

I have read each page of this statement consisting of ___ page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct.

Dated at 1-2-15, this ___ day of ___ 20___.

WITNESS: Robert Bell

WITNESS: _____

Leroy Glaw
SIGNATURE OF PERSON GIVING
VOLUNTARY STATEMENT

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
Court of Common Pleas

Maite Murphy, Circuit Court Judge

Appellate Case No. 2017-000911

State of South Carolina.....Respondent,

v.

Jeanette Yvonne Glover.....Appellant.

CERTIFICATE OF COUNSEL

I certify that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.



Minh L. Wyman (SC Bar #100381)
Office of the First Circuit Public Defender
190 Gibson Street
P.O. Box 1112
Orangeburg, SC 29116-1112
Telephone (803) 536-4858
Attorney for Appellant

Dated: November 17, 2017