

6

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County

Honorable J. C. Buddy Nicholson, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

KATHERINE LATHARA ANNE SEABROOK,
APPELLANT

APPELLATE CASE NO 2018-000644

RECORD ON APPEAL

RECEIVED
OCT 17 2018
SC Court of Appeals

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STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	
	)	
State of South Carolina,	)	2015-GS-10-04542
	)	
PLAINTIFF,	)	TRANSCRIPT OF RECORD
	)	
VS.	)	
	)	
Katherine Lathara Anne	)	
Seabrook,	)	
	)	
DEFENDANT.	)	
	)	

January 16 to 17, 2018

Charleston, South Carolina

B E F O R E:

The Honorable J. C. Nicholson, and a Jury.

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I N D E X

(SW) - DENOTES STATE'S WITNESS

(DW) - DENOTES DEFENSE WITNESS

(IC) - DENOTES IN CAMERA

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Certification will satisfy Rule 80, Stenographic Report of Transcript as Evidence.

P L A I N T I F F E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>MARKED</u>	<u>ADMIT</u>
1	Photo	61	63
2	Photo	62	63
3	Photo	62	63
4	Photo	62	63
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<u>NO.</u>	<u>DESCRIPTION</u>	<u>MARKED</u>	<u>ADMIT</u>
21	Knife	81	81
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C O U R T E X H I B I T S

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1 VOIR DIRE:

2 THE COURT: All right. Ladies and gentlemen of the
3 jury, as I said, I am going to call out a list of names
4 of potential witnesses in this case and ask you if you
5 are related by blood or marriage or do you know the
6 individual, had any contact with the individual.

7 The first name is Ervin Smith. Is anybody related
8 by blood or marriage or does anybody know Ervin Smith or
9 had any contacts with Ervin Smith; if so, please stand.

10 (WHEREUPON, no jury panel member standing.)

11 The next name is Maurice DeWitt. Is anybody related
12 by blood or marriage or does anybody know or had any
13 contacts with Maurice Dewitt; if so, please stand.

14 (WHEREUPON, no jury panel member standing.)

15 The next name is Officer David Larkin, the
16 Charleston police -- the City of Charleston Police
17 Department. Is anybody related by blood or marriage or
18 does anybody know David Larkin; if so, please stand.

19 (WHEREUPON, no jury panel member standing.)

20 The next name is Officer Kelly Maguire, formally
21 with the Charleston Police Department. Is anybody
22 related by blood or marriage or does anybody know Kelly
23 Maguire; if so, please stand.

24 (WHEREUPON, no jury panel member standing.)

25 The next name is Officer Richard Weiserman (ph),

1 Charleston Police Department. Is anybody related by
2 blood or marriage or does anybody know Officer Weiserman;
3 if so, please stand.

4 THE BAILIFF: I'm sorry, sir.

5 THE COURT: What is wrong?

6 THE BAILIFF: She did hear the name. We couldn't
7 hear the name over here. This lady right here
8 (motioning).

9 THE COURT: Which name did she not hear?

10 THE BAILIFF: The last one, sir.

11 THE COURT: Kelly Maguire.

12 THE BAILIFF: The next one.

13 THE COURT: Richard Weiserman. Is anybody related
14 by blood or marriage or does anybody know Richard
15 Weiserman, Charleston Police Department; if so, please
16 stand.

17 (WHEREUPON, no jury panel member standing.)

18 The next name is Nicholas Brown, Charleston Police
19 Department. Does anybody know Nicholas Brown or is
20 anybody related by blood or marriage; if so, please
21 stand.

22 (WHEREUPON, no jury panel member standing.)

23 The next name is Detective Jennifer Hall, Charleston
24 Police Department. Is anybody related by blood or
25 marriage or does anybody know Jennifer Hall; if so,

1 please stand.

2 (WHEREUPON, no jury panel member standing.)

3 The next name is investigator Sherry Niblock. Is
4 anybody related by blood or marriage or does anybody know
5 Sherry Niblock? She works with the Solicitor's Office.
6 If so, please stand.

7 (WHEREUPON, no jury panel member standing.)

8 The next name is Sheresse Myers, the Solicitor's
9 Office. Is anybody related by blood or marriage or does
10 anybody know Sheresse Myers; if so, please stand.

11 (WHEREUPON, no jury panel member standing.)

12 The next name is Katherine Seabrook. Is anybody
13 related by blood or marriage or does anybody know
14 Katherine Seabrook; if so, please stand.

15 (WHEREUPON, no jury panel member standing.)

16 Is any member of the jury panel, a member of your
17 family, or a close personal friend ever been accused of
18 domestic violence; if so, please stand.

19 THE COURT: Yes, ma'am, your name?

20 THE JURY PANEL MEMBER: Mary Mason.

21 THE COURT: Do you know your number?

22 THE JURY PANEL MEMBER: Two forty-one?

23 THE COURT: Yes, ma'am, Ms. Mason. Who was -- who
24 was ---

25 THE JURY PANEL MEMBER: My husband was accused of

1 domestic violence of a high and aggravated nature. It
2 was brought by the State of South Carolina. He had
3 Alzheimer's ---

4 THE COURT: Was it ---

5 THE JURY PANEL MEMBER: He had Alzheimer's, and they
6 had determined it a higher -- talked to the judge and it
7 was -- the charges I think were dropped. After about six
8 months. They wanted to make sure that the crime
9 didn't -- you know, that it wasn't going be a problem.

10 THE COURT: Who was the victim in the case?

11 THE JURY PANEL MEMBER: I was.

12 THE COURT: Oh, you were. Okay. All right. Do you
13 have any bias or prejudice for or against -- I guess my
14 question to you would be with any -- the charge in this
15 case, the domestic violence, because of that experience
16 would you have a bias or prejudice for or against the
17 defendant as a result of your ---

18 THE JURY PANEL MEMBER: No, sir.

19 THE COURT: --- experience?

20 THE JURY PANEL MEMBER: No, sir.

21 THE COURT: Do you have any bias or prejudice for or
22 against the State as a result of this?

23 THE JURY PANEL MEMBER: The State?

24 THE COURT: Yes, ma'am.

25 THE JURY PANEL MEMBER: No.

1 THE COURT: Can you be fair and impartial to both
2 the State and the defendant?

3 THE JURY PANEL MEMBER: I appreciate the State in
4 its ability.

5 THE COURT: Can you be fair and impartial to both
6 parties?

7 THE JURY PANEL MEMBER: Yes.

8 THE COURT: Can you base your decision on the
9 testimony you hear here in the courtroom?

10 THE JURY PANEL MEMBER: Right.

11 THE COURT: Thank you, Ms. Mason.

12 THE JURY PANEL MEMBER: Thank you.

13 THE JURY PANEL MEMBER: Does it have to be a
14 criminal charge?

15 THE COURT: Pardon?

16 THE JURY PANEL MEMBER: Does it have to be a
17 criminal charge?

18 THE COURT: No, sir. That wasn't the question.

19 THE JURY PANEL MEMBER: Okay.

20 THE COURT: The question is been accused of domestic
21 violence.

22 THE JURY PANEL MEMBER: Okay.

23 THE COURT: Your name?

24 THE JURY PANEL MEMBER: John Knight, Juror 212.

25 THE COURT: What number?

1 THE JURY PANEL MEMBER: Two-twelve.

2 THE COURT: Yes, sir, Mr. Knight.

3 THE JURY PANEL MEMBER: My father-in-law was abusive
4 to my mother-in-law and his children.

5 THE COURT: How long ago?

6 THE JURY PANEL MEMBER: Probably 20 years.

7 THE COURT: Were you involved in the process?

8 THE JURY PANEL MEMBER: Not at all. I'm very
9 vehemently against it because I know my wife.

10 THE COURT: There was no warrant ever issued?

11 THE JURY PANEL MEMBER: This was in Canada. I don't
12 think so.

13 THE COURT: Okay. Do you have any bias or prejudice
14 for or against the State or the defendant as a result of
15 that knowledge?

16 THE JURY PANEL MEMBER: I mean ---

17 THE COURT: Pardon?

18 THE JURY PANEL MEMBER: I have very strong opinions
19 about domestic abuse.

20 THE COURT: About domestic violence?

21 THE JURY PANEL MEMBER: Yes, sir.

22 THE COURT: All right. If you will -- if you will
23 just have -- just keep standing for a second because I am
24 going to bring you up front here. And I want to talk
25 with this lady.

1 Yes, ma'am, your name?

2 THE JURY PANEL MEMBER: Elizabeth Simmons.

3 THE COURT: Simmons?

4 THE JURY PANEL MEMBER: Yes, sir -- yes, Your Honor.

5 THE COURT: Three twenty-eight?

6 THE JURY PANEL MEMBER: Yes, Your Honor.

7 THE COURT: Yes, Ms. Simmons.

8 THE JURY PANEL MEMBER: I was a victim of domestic

9 violence for years.

10 THE COURT: You were?

11 THE JURY PANEL MEMBER: Yes, sir.

12 THE COURT: Okay. All right. Mr. Knight and Ms.

13 Simmons if y'all would come around. I want to talk to

14 you up here in private, please.

15 The lawyers can join me up here.

16 (WHEREUPON, bench conference was had as follows:

17 THE COURT: All right, Mr. Knight, you said you have

18 got some strong view points?

19 THE JURY PANEL MEMBER: Yes, sir.

20 THE COURT: Ma'am, stay back out there for just a

21 second. I will get you up in a minute.

22 (WHEREUPON, resume bench conference.)

23 THE COURT: You have got some strong view points

24 about that domestic violence? What are they?

25 THE JURY PANEL MEMBER: I think there is a special

1 place in hell.

2 THE COURT: You think what?

3 THE JURY PANEL MEMBER: There is a special place in
4 hell for those people.

5 THE COURT: Special place in hell?

6 THE JURY PANEL MEMBER: Yes, sir.

7 THE COURT: And that would affect you on this trial?

8 THE JURY PANEL MEMBER: I absolutely believe it
9 would.

10 THE COURT: Okay. All right. I will excuse you for
11 service on this jury.

12 THE JURY PANEL MEMBER: I apologize. But, yeah, on
13 this particular case.

14 THE COURT: Thank you very much for being
15 straight -- honest with me.

16 (WHEREUPON, Mr. Knight returns to panel.)

17 THE COURT: Yes, ma'am.

18 (WHEREUPON, Ms. Simmons comes forward for bench
19 conference.)

20 THE COURT: Yes, ma'am. Mrs. Simmons, right?

21 THE JURY PANEL MEMBER: Yes, sir. Yes, Your Honor.

22 THE COURT: Three-twenty-eight. You were a victim?

23 THE JURY PANEL MEMBER: Yes, Your Honor.

24 THE COURT: How long ago?

25 THE JURY PANEL MEMBER: 2014 -- 2001 through 2014.

1 THE COURT: Was it your boyfriend, husband or who?

2 THE JURY PANEL MEMBER: Boyfriend.

3 THE COURT: Boyfriend.

4 THE JURY PANEL MEMBER: And you actually were in one
5 of my cases. And I have healed. And it is an honor for
6 me to be here.

7 THE COURT: Was he charged?

8 THE JURY PANEL MEMBER: Yes, sir.

9 THE COURT: Was he convicted?

10 THE JURY PANEL MEMBER: Yes, sir.

11 THE COURT: All right. How would that affect you in
12 sitting on this jury?

13 THE JURY PANEL MEMBER: Not at all.

14 THE COURT: Not at all?

15 THE JURY PANEL MEMBER: No.

16 THE COURT: Do you think you can be fair and
17 impartial?

18 THE JURY PANEL MEMBER: Yes, sir.

19 THE COURT: Don't think it would affect you for or
20 against the defendant?

21 THE JURY PANEL MEMBER: No, sir.

22 THE COURT: Okay. Are you doing okay after the
23 indecent?

24 THE JURY PANEL MEMBER: I have my moments.

25 THE COURT: Okay. I am -- I am sure you do.

1 THE JURY PANEL MEMBER: But is good.

2 Any questions from the State?

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

4 THE COURT: Any from the defendant?

5 MR. LOIGNON: No, Your Honor.

6 THE COURT: You can go have a seat. Thank you so
7 very much.

8 (WHEREUPON, jury panel returns to seat.)

9 THE COURT: Any motions?

10 MR. LOIGNON: Move to strike.

11 THE COURT: Pardon?

12 MR. LOIGNON: Yes, Your Honor, I would move to
13 strike that jury for cause just based on her long --
14 testimony of long ---

15 THE COURT: She said she could be fair.

16 MR. LOIGNON: Understood, but I don't think she
17 really appreciates ---

18 THE COURT: Motion denied.

19 MR. LOIGNON: Thank you, Your Honor.

20 (WHEREUPON, end of bench conference.)

21 THE COURT: Has any member of the jury panel or a
22 member of your family ever had any criminal charges
23 handled by the Ninth Circuit Solicitor's Office, that
24 includes Charleston and Berkeley County; if so, please
25 stand.

1 (WHEREUPON, no jury panel member standing.)

2 If the solicitor could stand and introduce yourself,
3 please, ma'am.

4 MS. BALDWIN: Thank you, Your Honor. My name is
5 Jessica Baldwin. I am the assistant solicitor with the
6 Ninth Circuit Solicitor's Office. Working with me is
7 Matthew McClellan who is also an assistant solicitor.
8 You may also see our investigator Kenny Barfield coming
9 in and out of the courtroom.

10 THE COURT: All right. Any there any member of the
11 solicitor -- excuse me, any member of the jury panel have
12 a close personal friend that works in the Solicitor's
13 Office here in Charleston or Berkeley County; if so,
14 please stand.

15 (WHEREUPON, no jury panel member standing.)

16 THE COURT: Stand and introduce yourself, please,
17 sir.

18 MR. LOIGNON: Yes, Your Honor. Good morning. My
19 name is Michael Loignon. I am an attorney at the Public
20 Defender's Office. And next to me is Rachel Aurora. She
21 is another attorney in my office who is helping me with
22 this case.

23 THE COURT: All right. Is there any member of the
24 jury panel or an immediate member of your family been
25 represented by anyone in the Public Defender's Office or

1 do you have any personal or close friends in the Public
2 Defender's Office either here in Charleston County or
3 Berkeley County; if so, please stand.

4 (WHEREUPON, jury panel member standing.)

5 THE JURY PANEL MEMBER: Elizabeth Simmons.

6 THE COURT: Yes, ma'am.

7 THE JURY PANEL MEMBER: My sister Mary Joy Butler
8 has been in and out of the judicial system and she has
9 utilized the Public Defender.

10 THE COURT: Would that affect you in sitting on this,
11 jury?

12 THE JURY PANEL MEMBER: Not at all.

13 THE COURT: Can you be fair and impartial in this
14 case?

15 THE JURY PANEL MEMBER: Absolutely.

16 THE COURT: Can you base your decision on the
17 testimony you hear in the courthouse?

18 THE JURY PANEL MEMBER: Yes, sir.

19 THE COURT: All right. Thank you very much, Ms.
20 Jenkins, Number 328.

21 Does any member of the jury panel have a problem
22 following the law as the judge charges to you, even if
23 you believe it to be inappropriate or unfair, or do you
24 not believe you cannot follow the law as the court
25 instruct you, please stand.

1 THE JURY PANEL MEMBER: Would you repeat that,
2 please.

3 THE COURT: I am sorry. What?

4 THE JURY PANEL MEMBER: Would you repeat what you
5 just said, please. I couldn't quite hear you.

6 THE COURT: Does any member of the jury panel have a
7 problem following the law as the judge cites it to you
8 even if you believe it to be inappropriate or unfair; if
9 you believe that, please stand.

10 (WHEREUPON, no jury panel member standing.)

11 Does any member of the jury panel have any personal,
12 political, or religious beliefs that would prevent you
13 from being a fair and impartial juror; if so, please
14 stand.

15 (WHEREUPON, no jury panel member standing.)

16 Does any member of the jury panel, a member of your
17 family or close personal friends, ever been accused of a
18 crime regardless of whether or not there has was a
19 conviction; if so, please stand.

20 (WHEREUPON, jury panel member standing.)

21 THE COURT: Yes, sir, your name?

22 THE JURY PANEL MEMBER: William Edwards, Juror
23 Number 114.

24 THE COURT: Yes, sir, Mr. Edwards.

25 THE JURY PANEL MEMBER: I have a nephew that has

1 been in and out of court several times the last couple of
2 years so.

3 THE COURT: Were you involved in any of the charges?

4 THE JURY PANEL MEMBER: No, sir.

5 THE COURT: Would that cause you any difficulty in
6 sitting on this jury?

7 THE JURY PANEL MEMBER: No, sir.

8 THE COURT: Can you be fair and impartial?

9 THE JURY PANEL MEMBER: Yes, sir.

10 THE COURT: All right. Thank you, Mr. Edwards.

11 (WHEREUPON, jury panel member standing.)

12 THE COURT: Yes, sir?

13 THE JURY PANEL MEMBER: Number 95.

14 THE COURT: Ninety-five?

15 THE JURY PANEL MEMBER: Yep.

16 THE COURT: Yes, sir. Your name?

17 THE JURY PANEL MEMBER: Aaron Diedrick.

18 THE COURT: Yes, sir, Mr. Diedrich.

19 THE JURY PANEL MEMBER: My brother has been in and
20 out for possession of drugs, crack cocaine, pills; that
21 kind of stuff.

22 THE COURT: How long?

23 THE JURY PANEL MEMBER: Since '06.

24 THE COURT: Okay. Were you involved in any of ---

25 THE JURY PANEL MEMBER: No.

1 THE COURT: --- the convictions?

2 THE JURY PANEL MEMBER: No, sir.

3 THE COURT: Do you have any bias or prejudice as a

4 result of your brother being prosecuted for drugs?

5 THE JURY PANEL MEMBER: No, sir.

6 THE COURT: Can you be fair and and impartial in

7 this case?

8 THE JURY PANEL MEMBER: Yes, sir.

9 THE COURT: All right. Thank you very much, Mr.

10 Diedrich.

11 (WHEREUPON, jury panel member standing.)

12 THE COURT: Yes, sir?

13 THE JURY PANEL MEMBER: Juror 198.

14 THE COURT: One ninety-eight?

15 THE JURY PANEL MEMBER: Yes, sir.

16 THE COURT: Yes, sir.

17 THE JURY PANEL MEMBER: My brother. My brother was

18 convicted of trafficking marijuana in California.

19 THE COURT: In California?

20 THE JURY PANEL MEMBER: Yes, sir.

21 THE COURT: Were you in California when it happened?

22 THE JURY PANEL MEMBER: No, sir.

23 THE COURT: Were you involved in it at all?

24 THE JURY PANEL MEMBER: No, sir.

25 THE COURT: Do you have any bias or prejudice as a

1 result of your brother's conviction?

2 THE JURY PANEL MEMBER: No, sir.

3 THE COURT: Can you be fair and impartial in this
4 case?

5 THE JURY PANEL MEMBER: Yes, sir.

6 THE COURT: Thank you very much.

7 (WHEREUPON, jury panel member standing.)

8 THE COURT: Yes, ma'am?

9 THE JURY PANEL MEMBER: Elizabeth Simmons.

10 THE COURT: Pardon?

11 THE JURY PANEL MEMBER: Elizabeth Simmons.

12 THE COURT: Okay. Other than what you told me up at
13 the bench?

14 THE JURY PANEL MEMBER: Yes, sir.

15 THE COURT: Be glad to hear you. First of all,
16 juror number what; Number 218 -- 228.

17 THE JURY PANEL MEMBER: Two twenty-eight.

18 THE COURT: Two twenty-eight. Okay.

19 THE JURY PANEL MEMBER: Yes, Your Honor. I do
20 apologize. My sister Mary Joy Butler she has been in and
21 out and was just recently served probation for
22 trafficking.

23 THE COURT: Would that bias -- make you bias or
24 prejudice in this case at all?

25 THE JURY PANEL MEMBER: Not at all.

1 THE COURT: Can you be fair and impartial?
2 THE JURY PANEL MEMBER: Absolutely.
3 THE COURT: Thank you, Ms. Simmons.
4 (WHEREUPON, jury panel member standing.)
5 THE JURY PANEL MEMBER: Juror Number 109.
6 THE COURT: One-oh-nine.
7 THE JURY PANEL MEMBER: My father was convicted of
8 bank fraud.
9 THE COURT: How long ago?
10 THE JURY PANEL MEMBER: The mid-90's.
11 THE COURT: Do you have any bias or prejudice as a
12 result of that, Mr. Dunn?
13 THE JURY PANEL MEMBER: No.
14 THE COURT: Can you be fair and impartial in this
15 case?
16 THE JURY PANEL MEMBER: Yes, Your Honor.
17 THE COURT: Thank you very much.
18 (WHEREUPON, jury panel member standing.)
19 THE COURT: Yes?
20 THE JURY PANEL MEMBER: Juror 251.
21 THE COURT: Two fifty-one.
22 THE JURY PANEL MEMBER: McPherson.
23 THE COURT: Yes, ma'am.
24 THE JURY PANEL MEMBER: I have a brother who has
25 been involved with the law in Berkeley County. To what

1 extent I am not sure, so.

2 THE COURT: Would that cause you any difficulty in
3 sitting on this jury?

4 THE JURY PANEL MEMBER: No, sir.

5 THE COURT: Pardon?

6 THE JURY PANEL MEMBER: No, sir.

7 THE COURT: Can you be fair and impartial?

8 THE JURY PANEL MEMBER: Yes, sir.

9 THE COURT: Thank you very much.

10 THE JURY PANEL MEMBER: Thank you.

11 THE COURT: Has any member of the jury panel ever
12 had a bad experience with a law enforcement officer to
13 the extent that it would cause you to be biased or
14 prejudiced against law enforcement officers and/or the
15 State? And I am not talking about traffic tickets. If
16 so, please stand. All traffic tickets are bad.

17 (WHEREUPON, no jury panel member standing.)

18 THE COURT: Is any member of the jury panel a former
19 law enforcement employee or any members of your immediate
20 family or close personal friend employed by law
21 enforcement agencies; if so, please stand.

22 (WHEREUPON, jury panel member standing.)

23 THE JURY PANEL MEMBER: Elizabeth Simmons, Juror
24 228.

25 THE COURT REPORTER: Three twenty-eight.

1 THE COURT: Hold on just a second. All right. Ms.
2 Simmons, 328.

3 THE JURY PANEL MEMBER: Three twenty-eight. My
4 apologies. Yes, sir. May I call -- shall I call out the
5 names?

6 THE COURT: All right. Would that cause you any
7 difficulty or bias or prejudice in this case?

8 THE JURY PANEL MEMBER: Not at all.

9 THE COURT: Can you be fair and impartial?

10 THE JURY PANEL MEMBER: Absolutely.

11 THE COURT: You better go buy a lottery ticket today
12 as many times as you have been standing up, okay.

13 THE JURY PANEL MEMBER: Indeed.

14 THE COURT: All right. Have a seat. Thank you very
15 much.

16 (WHEREUPON, jury panel member standing.)

17 THE COURT: Yes, ma'am?

18 THE JURY PANEL MEMBER: Three forty-five.

19 THE COURT: Three forty-five?

20 THE JURY PANEL MEMBER: Shanita Strickland. I was a
21 correction officer back in 2004. And my ex-husband is
22 currently a correction officer.

23 THE COURT: All right, Ms. Strickland, when -- I'm
24 sorry, when was it?

25 THE JURY PANEL MEMBER: Back in 2004.

1 THE COURT: 2004. All right. Working at the county
2 jail or where?

3 THE JURY PANEL MEMBER: No, at the Coastal
4 Evaluation Center in Ridgeland.

5 THE COURT: Okay. Do you have any bias or prejudice
6 for or against defendants in general as a result of that
7 experience?

8 THE JURY PANEL MEMBER: No, sir.

9 THE COURT: Can you be fair and impartial?

10 THE JURY PANEL MEMBER: Yes.

11 THE COURT: Base your decision on the testimony you
12 hear in this courtroom?

13 THE JURY PANEL MEMBER: Yes, sir.

14 THE COURT: Thank you, Ms. Strickland.

15 (WHEREUPON, jury panel member standing.)

16 THE COURT: Yes, ma'am?

17 THE JURY PANEL MEMBER: Two fifty-one. Last name
18 McPherson. I was employed as a legal secretary for the
19 Charleston County Sheriff's Office, tracking services,
20 for about seven years up until 2005.

21 THE COURT: So you -- you haven't worked there since
22 2005?

23 THE JURY PANEL MEMBER: Yes, sir.

24 THE COURT: Do you have any bias or prejudice as a
25 result of that experience with the Sheriff's Department

1 for or against defendants in general?

2 THE JURY PANEL MEMBER: No, sir.

3 THE COURT: Can you be fair and impartial in this
4 case?

5 THE JURY PANEL MEMBER: Yes, sir.

6 THE COURT: Can you base your decision on the
7 testimony you hear in the courtroom?

8 THE JURY PANEL MEMBER: Yes, sir.

9 THE COURT: Thank you, Ms. McPherson.

10 THE JURY PANEL MEMBER: Thank you.

11 THE COURT: Is any member of the jury panel or your
12 immediate family a member of a neighborhood watch
13 program; if so, please stand.

14 (WHEREUPON, no jury panel member standing.)

15 THE COURT: If any member of the jury panel a member
16 or contribute to groups affiliated or supports law
17 enforcement such as Mothers Against Drunk Driving, MADD;
18 Students Against Drunk Driving, SAD; Citizens Against
19 Violence, CAV; People Against Rape, PAR; the Fraternal
20 Order of Police or the Sheriff's Association; if you are
21 a member of any of those organizations, contribute money
22 to any of those organizations, please stand.

23 THE JURY PANEL MEMBER: I have a question. Did you
24 say if we ourselves are members, or members of our
25 family?

1 THE COURT: Your immediate family, yes, ma'am.
2 Yourself or your immediate family.
3 (WHEREUPON, jury panel member standing.)
4 THE COURT: Yes, ma'am. Your name?
5 THE JURY PANEL MEMBER: Jazmine Williams, 390.
6 THE COURT: What number?
7 THE JURY PANEL MEMBER: Three ninety.
8 THE COURT: Three ninety. Yes, ma'am, Ms.
9 Williams.?
10 THE JURY PANEL MEMBER: My father is on the Board of
11 Police, Fraternal Police.
12 THE COURT: Okay. How long has he been on the
13 board?
14 THE JURY PANEL MEMBER: I don't know. But he is
15 still on the there.
16 THE COURT: Okay. Been on there for a while?
17 THE JURY PANEL MEMBER: Yes.
18 THE COURT: Would that affect your decision in this
19 case?
20 THE JURY PANEL MEMBER: No, sir.
21 THE COURT: Can you be fair and impartial?
22 THE JURY PANEL MEMBER: Yes, sir.
23 THE COURT: All right. Thank you, Ms. Williams.
24 Is there any member of the jury panel or your
25 immediate family a member or contributor to any domestic

1 violence organization such as My Sister's House or the
2 South Carolina Coalition Against Domestic Violence and
3 Sexual Assault; if so, please stand.

4 (WHEREUPON, jury panel member standing.)

5 THE JURY PANEL MEMBER: Elizabeth Simmons, juror ---

6 THE COURT: You are a member of which one?

7 THE JURY PANEL MEMBER: I was -- I attended My
8 Sister's House.

9 THE COURT: Would that cause you any difficulty in
10 sitting on this jury?

11 THE JURY PANEL MEMBER: No.

12 THE COURT: Can you be fair and impartial?

13 THE JURY PANEL MEMBER: Yes, sir.

14 THE COURT: Thank you, Ms. Simmons. Juror Number
15 318 I believe. Three twenty-eight. Excuse me. I will
16 get the numbers straight here in just a second. Three
17 twenty-eight.

18 THE COURT: Is any member of the jury panel or a
19 member of your immediate family been a victim of a crime;
20 if so, please stand.

21 (WHEREUPON, jury panel member standing.)

22 THE JURY PANEL MEMBER: Juror 62, Mark Camps.

23 THE COURT: Sixty-two. Mr. Camps. Be glad to hear
24 you.

25 THE JURY PANEL MEMBER: Again, my wife's ex husband.

1 She was a victim of domestic violence and he harassed her
2 to the point where she actually had to get a restraining
3 order and he violated the restraining order and was
4 incarcerated for it.

5 THE COURT: Was that handled in family court or
6 criminal court?

7 THE JURY PANEL MEMBER: That was in family court.

8 THE COURT: Family court.

9 THE JURY PANEL MEMBER: New Jersey.

10 THE COURT: All right. Do you have any bias or
11 prejudice as a result of that experience your wife had?

12 THE JURY PANEL MEMBER: No, sir.

13 THE COURT: Can you be fair and impartial?

14 THE JURY PANEL MEMBER: Yes, sir.

15 THE COURT: In this case?

16 THE JURY PANEL MEMBER: Yes, sir.

17 THE COURT: All right. Thank you very much, Mr.
18 Camp.

19 (WHEREUPON, jury panel member standing.)

20 THE COURT: Yes? Your number?

21 THE JURY PANEL MEMBER: Three fifty-two, I believe.

22 THE COURT: Three sixty-seven?

23 THE JURY PANEL MEMBER: Three fifty-two, I believe.
24 Matthew Taylor.

25 THE COURT: Three fifty-two. Yes, sir, Mr. Taylor.

1 THE JURY PANEL MEMBER: My wife's stepfather was
2 abusive when she grew up. Charges were filed for her and
3 her sisters. My adoptive daughter was adopted out of
4 foster care and we are dealing also with abuse.

5 THE COURT: Do you have any bias or prejudice as a
6 result of that?

7 THE JURY PANEL MEMBER: Possibly.

8 THE COURT: Can you be fair and impartial in this
9 case?

10 THE JURY PANEL MEMBER: I am not entirely sure.

11 THE COURT: I'm sorry?

12 THE JURY PANEL MEMBER: I am not entirely sure.

13 THE COURT: All right. Keep standing.

14 THE JURY PANEL MEMBER: Yes, sir.

15 (WHEREUPON, jury panel member standing.)

16 THE COURT: Yes, sir.

17 THE JURY PANEL MEMBER: Jude Hoffman, Juror 179, I
18 believe.

19 THE COURT: One-seven-nine? One seventy-eight?
20 Okay, Mr. Hoffman.

21 THE JURY PANEL MEMBER: 2010 my mother was the
22 victim of a home invasion, sexual assault.

23 THE COURT: Was anybody arrested or convicted?

24 THE JURY PANEL MEMBER: Yes.

25 THE COURT: Do you have any bias or prejudice for or

1 against defendants as a result of that experience?

2 THE JURY PANEL MEMBER: In that case, yes.

3 THE COURT: How about in this case or other cases?

4 THE JURY PANEL MEMBER: I ---

5 THE COURT: In other words the question, would that
6 bias or prejudice go over into this case?

7 THE JURY PANEL MEMBER: No.

8 THE COURT: Can you be fair and impartial in this
9 case?

10 THE JURY PANEL MEMBER: Yes.

11 THE COURT: Can you base your decision on the facts
12 in the courtroom, not what happened to your mother?

13 THE JURY PANEL MEMBER: Yes.

14 THE COURT: Thank you very much.

15 (WHEREUPON, jury panel member standing.)

16 THE COURT: Yes, sir?

17 THE JURY PANEL MEMBER: One forty-three, Martin
18 Glover. My daughter was sexually assaulted in August of
19 2016.

20 THE COURT: Okay. Just keep standing for a second,
21 Mr. Glover.

22 (WHEREUPON, jury panel member standing.)

23 THE COURT: Yes, ma'am?

24 THE JURY PANEL MEMBER: Juror 251, McPherson. My
25 parents have been a victim, and my brother has been a

1 victim as well.

2 THE COURT: Would that cause you any problems, Ms.
3 McPherson, sitting on this case?

4 THE JURY PANEL MEMBER: No, sir.

5 THE COURT: Can you be fair and impartial?

6 THE JURY PANEL MEMBER: Yes, sir.

7 THE COURT: Thank you very much.

8 THE JURY PANEL MEMBER: Thank you.

9 (WHEREUPON, jury panel member standing.)

10 THE COURT: Ms. Simmons, Juror Number 328, you have
11 explained yours earlier.

12 THE JURY PANEL MEMBER: Yes, Your Honor.

13 THE COURT: All right. Thank you, Ms. Simmons.
14 Thank you.

15 THE JURY PANEL MEMBER: You are welcome. Thank you,
16 Your Honor.

17 THE COURT: You can have a seat. Thank you.

18 THE JURY PANEL MEMBER: Okay.

19 THE COURT: All right. Would the two gentlemen line
20 up here.

21 (WHEREUPON, bench conference was had as follows:)

22 THE COURT: Mr. Glover.

23 THE COURT: Yes, sir.

24 THE COURT: You were going to say you are unsure.
25 What are you unsure about?

1 THE JURY PANEL MEMBER: No, I'm fine. I mean I just
2 was letting you know my daughter was assaulted.

3 THE COURT: Okay. You will be fine with the
4 domestic case?

5 THE JURY PANEL MEMBER: Oh, yes, sir.

6 THE COURT: You think you will be all right?

7 THE JURY PANEL MEMBER: Yes, sir.

8 THE COURT: You don't think that would spill over
9 into this case?

10 THE JURY PANEL MEMBER: No problems.

11 THE COURT: Anybody convicted in your daughter's
12 case?

13 THE JURY PANEL MEMBER: Arrested. I don't know of
14 any convictions.

15 THE COURT: Were they dropped or your daughter
16 dropped ---

17 THE JURY PANEL MEMBER: I don't know of right now.

18 THE COURT: Pardon?

19 THE JURY PANEL MEMBER: I don't know of right now.

20 THE COURT: So you don't know -- were you involved
21 in it at all?

22 THE JURY PANEL MEMBER: No, sir, I wasn't.

23 THE COURT: You weren't involved in it at all?

24 THE JURY PANEL MEMBER: Huh-uh.

25 THE COURT: You don't think it would have any effect

1 on you in this case?

2 THE JURY PANEL MEMBER: No, sir.

3 THE COURT: You can be fair and impartial?

4 THE JURY PANEL MEMBER: Yes, sir.

5 THE COURT: You can go have a seat. Thank you very
6 much.

7 (WHEREUPON, jury panel member returned to seat and court
8 resumed bench conference.)

9 THE COURT: Any motions?

10 MR. LOIGNON: No, Your Honor.

11 THE COURT: Anybody remember his number? One
12 twenty-three?

13 THE COURT REPORTER: One forty-three.

14 THE COURT: One forty-three.

15 (WHEREUPON, next jury panel member comes forward.)

16 THE COURT: Mr. Glover?

17 THE JURY PANEL MEMBER: Mr. Taylor.

18 THE COURT: Mr. what?

19 THE JURY PANEL MEMBER: Taylor.

20 THE COURT: Three fifty-two.

21 THE JURY PANEL MEMBER: Yes, sir.

22 THE COURT: Taylor. You said you weren't sure?

23 THE JURY PANEL MEMBER: Yes, sir.

24 THE COURT: What are you not sure on?

25 THE JURY PANEL MEMBER: Well, I have my views on

1 both of those things based on what has happened in ---

2 THE COURT: You have your views on what?

3 THE JURY PANEL MEMBER: I have my beliefs on
4 domestic violence.

5 THE COURT: What are your views?

6 THE JURY PANEL MEMBER: Huh?

7 THE COURT: What are your views?

8 THE JURY PANEL MEMBER: I am extremely against it.

9 THE COURT: You are strictly against it?

10 THE JURY PANEL MEMBER: Yes.

11 THE COURT: So you probably wouldn't be able to be
12 fair in this case?

13 THE JURY PANEL MEMBER: I think that would be a
14 risk, yes, sir.

15 THE COURT: Pardon?

16 THE JURY PANEL MEMBER: That would be a risk, yes,
17 sir.

18 THE COURT: All right. You can go have a seat.
19 Thank you.

20 (WHEREUPON, jury panel member returned to jury panel and
21 court resumed bench conference.)

22 THE COURT: I am going to excuse him for cause, 352.

23 (WHEREUPON, end of bench conference.)

24 THE COURT: Is there any member of the jury panel
25 that would tend to agree with the solicitor because the

1. solicitor is affiliated with the State of South Carolina
2. over other witnesses; if you think that or feel that way,
3. please stand.

4. (WHEREUPON, no jury panel member standing.)

5. THE COURT: Is there any member of the jury panel
6. have particular opinions or feelings about domestic
7. violence that would make it difficult for you to serve on
8. this jury where the defendant is charged with the crime
9. of domestic violence? If you have that strong opinion or
10. that strong feelings that would interfere with your
11. decision-making process in this case, please stand.

12. (WHEREUPON, no jury panel member standing.)

13. THE COURT: Has any member of the jury panel formed
14. or expressed an opinion about any issue or matter
15. involved in this case; if so, please stand.

16. (WHEREUPON, no jury panel member standing.)

17. THE COURT: Is any member of the jury panel aware of
18. any bias or prejudice towards either the State or the
19. defendant in this case; if so, please stand.

20. (WHEREUPON, jury panel member standing.)

21. THE COURT: Does any member of the jury panel know
22. of any reason whatsoever why he or she cannot serve as a
23. juror in this case with particular emphasis being placed
24. on the ability to be fair and impartial to both the State
25. and the defendant; if so, please stand.

1 (WHEREUPON, no jury panel member standing.)

2 Any further questions from the State?

3 MS. BALDWIN: None from the State.

4 THE COURT: Any from the defendant?

5 MR. LOIGNON: No, Your Honor.

6 THE COURT: How long -- have you got a sheet printed
7 out yet?

8 THE CLERK: Strikes, Your Honor?

9 THE COURT: Yes, a strike sheet.

10 (WHEREUPON, pause awaiting strike sheet.)

11 THE COURT: Is the State ready to strike?

12 MS. BALDWIN: Yes, sir.

13 THE COURT: Is the defense ready to strike?

14 MR. LOIGNON: Yes, Your Honor.

15 THE COURT: Clerk, if you will give us a jury,
16 please, sir.

17 THE CLERK: Thank you, Your Honor. The strikes are
18 five and five and one alternate?

19 THE COURT: Yes, sir.

20 Ladies and gentlemen, when I call your name and
21 juror number please come forward. Stand at the podium
22 facing the attorneys and allow the strike process to
23 continue.

24 Please gather all of your belongings when I call
25 your name. If you are selected to be a juror in this

1 case you will take your belongings with you and go have a
2 seat in the jury box. If you are not selected as a juror
3 in this case go back to your seat in the audience.

4 Strikes are five and five and one alternate.

5 Juror Number one -- excuse me, Juror Number 109,
6 John Dunn.

7 (WHEREUPON, jury panel member, a white male, comes
8 forward.)

9 THE CLERK: Stand here. Turn towards the attorneys.
10 What say you for the State?

11 MS. BALDWIN: Please present the juror.

12 THE CLERK: What say you for the defendant?

13 MR. LOIGNON: Please seat this juror.

14 THE CLERK: Sir, you have been selected for the
15 trial of this case. Please take your seat over in the
16 jury box.

17 Juror Number 178, Jude Hoffman.

18 (WHEREUPON, jury panel member, a white male, comes
19 forward.)

20 THE CLERK: What say you for the State?

21 MS. BALDWIN: Please present the juror.

22 THE CLERK: What say you for the defendant?

23 MR. LOIGNON: Please excuse this juror.

24 THE CLERK: Sir, you have not been selected for the
25 trial of this case. Please take your seat back in the

1 audience.

2 Juror Number 314, Mary Roxon.

3 (WHEREUPON, jury panel member, a white female, comes
4 forward.)

5 THE CLERK: What say you for the State?

6 MS. BALDWIN: Please present the juror.

7 THE CLERK: What say you for the defendant?

8 MR. LOIGNON: Please seat this juror.

9 THE CLERK: Ma'am, you have been selected for the
10 trial of this case. Please have a seat in the jury box.

11 Juror Number 291, Yvonne Powers.

12 (WHEREUPON, jury panel member, a white female, comes
13 forward.)

14 THE CLERK: What say you for the State?

15 MS. BALDWIN: Please present the juror.

16 THE CLERK: What say you for the defendant?

17 MR. LOIGNON: Please seat this juror.

18 THE CLERK: Ma'am, you have been selected for the
19 trial of this case. Please take your seat in the jury
20 box.

21 Juror Number 154, Sharon Green Taylor.

22 (WHEREUPON, jury panel member, a black female, comes
23 forward.)

24 THE CLERK: What say you for the State?

25 MS. BALDWIN: Please present the juror.

1 THE CLERK: What say you for the defendant?
2 MR. LOIGNON: Court's indulgence.
3 Please excuse this juror.
4 THE CLERK: Ma'am, you have not been selected for
5 the trial of this case. Please take your seat back in
6 the audience.
7 Juror Number 3, Leslie Agro or Agro.
8 (WHEREUPON, jury panel member, a white male, comes
9 forward.)
10 THE CLERK: What say you for the State?
11 MS. BALDWIN: Please present the juror.
12 THE CLERK: What say you for the defendant?
13 MR. LOIGNON: Please seat this juror.
14 THE CLERK: Sir, you have been selected for the
15 trial of this case. Please take your seat in the jury
16 box.
17 Juror Number 65, Michael Carns.
18 (WHEREUPON, jury panel member, a white male, comes
19 forward.)
20 THE CLERK: What say you for the State?
21 MS. BALDWIN: Court's indulgence.
22 Please present the juror.
23 THE CLERK: What say you for the defendant?
24 MR. LOIGNON: Please seat this juror.
25 THE CLERK: Sir, you have been selected for the

1 trial of this case. Please take your seat in the jury
2 box.

3 Juror Number 345, Shanita Strickland.

4 (WHEREUPON, jury panel member, a black female, comes
5 forward.)

6 THE CLERK: What say you for the State?

7 MS. BALDWIN: Please present this juror.

8 THE CLERK: What say you for the defendant?

9 MR. LOIGNON: Please excuse this juror.

10 THE CLERK: Ma'am, you have not been selected for
11 the trial of this case. Please take your seat back in
12 the audience.

13 The State -- or excuse me, the defense has exhausted
14 three strikes.

15 Juror Number 33, Laura Booker.

16 (WHEREUPON, jury panel member, a white female, comes
17 forward.)

18 THE CLERK: What say you for the State?

19 MS. BALDWIN: Please present this juror.

20 THE CLERK: What say you for the defendant?

21 MR. LOIGNON: Please seat this juror.

22 THE CLERK: Ma'am, you have been selected for the
23 trial of this case. Please take your seat in the jury
24 box.

25 Juror Number 140, Kathleen Gibbs.

1 (WHEREUPON, jury panel member, a white female, comes
2 forward.)
3 THE CLERK: What say you for the State?
4 MS. BALDWIN: Please present this juror.
5 THE CLERK: What say you for the defendant?
6 MR. LOIGNON: Please seat this juror.
7 THE CLERK: Ma'am, you have been selected for the
8 trial of this case. Please take your seat in the jury
9 box.
10 Juror Number 335, Anna Skipper.
11 (WHEREUPON, jury panel member, a white female, comes
12 forward.)
13 THE CLERK: What say you for the State?
14 MS. BALDWIN: Please present this juror.
15 THE CLERK: What say you for the defendant?
16 MR. LOIGNON: Please seat this juror.
17 THE CLERK: Ma'am, you have been selected for the
18 trial of this case. Please take your seat in the jury
19 box.
20 Juror Number 55, Randolph Bunton.
21 (WHEREUPON, jury panel member, a white male, comes
22 forward.)
23 THE CLERK: What say you for the State?
24 MS. BALDWIN: Please present the juror.
25 THE CLERK: What say you for the defendant?

1 MR. LOIGNON: Please seat this juror.

2 THE CLERK: Sir, you have been selected for the
3 trial of this case. Please take your seat in the jury
4 box.

5 Juror Number 82, George Crabtree.

6 (WHEREUPON, jury panel member, a white male, comes
7 forward.)

8 THE CLERK: What say you for the State?

9 MS. BALDWIN: Please present this juror.

10 THE CLERK: What say you for the defendant?

11 MR. LOIGNON: Please seat this juror.

12 THE CLERK: Sir, you have been selected for the
13 trial of this case. Please take your seat in the jury
14 box.

15 Juror Number 122, Sean Fee.

16 (WHEREUPON, jury panel member, a white male, comes
17 forward.)

18 THE CLERK: What say you for the State?

19 MS. BALDWIN: Please present this juror.

20 THE CLERK: What say you for the defendant?

21 MR. LOIGNON: Please seat this juror.

22 THE CLERK: Sir, you have been selected for the
23 trial of this case. Please take your seat in the jury
24 box.

25 Juror Number 15, Jeffrey Armor.

1 (WHEREUPON, jury panel member, a white male, comes
2 forward.)

3 THE CLERK: What say you for the State?

4 MS. BALDWIN: Please present the juror.

5 THE CLERK: What say you for the defendant?

6 MR. LOIGNON: Please seat this juror.

7 THE CLERK: Sir, you have been selected for the
8 trial of this case. Please take your seat in the jury
9 box.

10 We are now selecting for the alternate. Strikes are
11 two and two.

12 Juror 198, Rosalio Jimenez.

13 (WHEREUPON, jury panel member, a white male, comes
14 forward.)

15 THE CLERK: What say you for the State?

16 MS. BALDWIN: Please present this juror.

17 THE CLERK: What say you for the defendant?

18 MR. LOIGNON: Please seat this juror.

19 THE CLERK: Sir, you have been selected as an
20 alternate on this case. Please take your seat in the
21 jury box.

22 Thank you, Judge.

23 THE COURT: The rest of the panel do you want to go
24 downstairs and see if they need them in another trial or
25 call in or?

1 THE CLERK: Judge, if we could have them call in
2 after 6:00 p.m. this evening.

3 THE COURT: After 6:00. Okay.

4 Ladies and gentlemen of the jury, I am going to ask
5 you to go to your jury room very briefly. I will get you
6 back very shortly.

7 Mr. Armor, you are going to have to leave your
8 computer out of the jury room. All electronic
9 material -- nothing will go into the jury room
10 electronically, okay; your phones, your computers, I-Pads
11 and any electronics, okay.

12 Go to the jury room. Please don't discuss the case.
13 I will get back very shortly.

14 (WHEREUPON, jury exits the courtroom.)

15 THE COURT: All right. Any motions on drawing the
16 jury from the State?

17 MS. BALDWIN: None from the State.

18 THE COURT: Any motions from the defendant other
19 than motions that were made up at the bench earlier?

20 MR. LOIGNON: No, Your Honor.

21 THE COURT: All right. Thank you very much.

22 All right. The remaining members of the jury panel,
23 is there anybody who does not have the number in which to
24 call? It is the number to call in after six o'clock. Is
25 there anybody that does not have that number?

1 Call that number after six o'clock. There will be
2 an instruction for the jury panel. It may be to report
3 tomorrow at 10 o'clock; it may be to report tomorrow at
4 12 o'clock; or it may be call back tomorrow. I don't
5 know. We don't know at this time. Just follow the
6 instructions on the recording and call after 6:00.

7 Is there anybody that does not understand those
8 instructions?

9 (WHEREUPON, jury panel member standing.)

10 THE COURT: Yes, ma'am?

11 THE JURY PANEL MEMBER: Will it tell us where to
12 report to?

13 THE COURT: The same place downstairs where you were
14 earlier, okay. In the jury assembly room is where you
15 report to. Any other questions?

16 All right. Thank y'all. You are welcome to stay.

17 Otherwise, you are excused. Thank you very much.

18 (WHEREUPON, jury panel members exit the courtroom.)

19 THE COURT: Can I see the lawyers up here for just a
20 second.

21 (WHEREUPON, bench conference was had.)

22 THE COURT: Bring us the jury if you would, please.

23 (WHEREUPON, jury enters the courtroom 12:23 p.m.)

24 THE COURT: All right. The jury is writing down the
25 phone numbers so we can get in touch with them. And I

DIRECT EXAMINATION BY MS. BALDWIN OF OFFICER DAVID
LARKIN (IC):

1 believe you want to do a Jackson v. Denno hearing; is
2 that correct?

3 MR. LOIGNON: Yes, Your Honor.

4 THE COURT: And that was on a statement that the
5 defendant allegedly made in the back of the police car on
6 the way to the jail; is that correct?

7 MR. LOIGNON: That is correct.

8 THE COURT: Be glad to hear you on that.

9 MS. BALDWIN: Thank you, Your Honor. We are
10 bringing our witness right now.

11 THE COURT: Okay.

12 MS. BALDWIN: The State calls Officer David Larkin.

13 THE COURT: Okay.

14 (WHEREUPON, the witness was duly sworn.)

15 THE CLERK: Please take your seat. Spell your first
16 name and last name for the record.

17 THE WITNESS: The first named David, D-A-V-I-D.
18 Last name Larkin, L-A-R-K-I-N.

19 DIRECT EXAMINATION BY MS. BALDWIN OF OFFICER DAVID

20 LARKIN (IC):

21 Q Officer Larkin, where do you work?

22 A I am currently with the City of Charleston Police
23 Department.

24 Q Do you recall responding to an incident at [REDACTED]

25 [REDACTED] Road on May 31st of 2015?

DIRECT EXAMINATION BY MS. BALDWIN OF OFFICER DAVID

LARKIN (IC):

1 A I do, yes, ma'am.

2 Q Who did you encounter when you arrived at the scene?

3 A Ms. Seabrook.

4 Q Okay.

5 A As we approached the residence.

6 Q Is that -- that is the defendant?

7 A That is correct, yes.

8 Q Okay. And what did she -- did she say anything to
9 you when you got there?

10 A As we approached she came at us -- she was kind of
11 emotional, irate, verbally aggressive. As we began to
12 approach we tried to calm her down.

13 It wasn't working, so we had her sit down where we
14 could then go further and investigate inside of the
15 residence to see what happened.

16 Q And after you further investigated inside of the
17 residence who did -- who did you speak with when you were
18 in the residence?

19 A Mr. Smith and Mr. DeWitt.

20 Q Okay. And after you investigated and talked to them
21 what did you do?

22 A After we got the totality of the circumstances we
23 went back outside and spoke to Ms. Seabrook trying to get
24 her side of the story.

25 Q Okay. And as a result of talking to both parties

DIRECT EXAMINATION BY MS. BALDWIN OF OFFICER DAVID

LARKIN (IC):

1 what did you do?

2 A Once we got her statement, their statement, and
3 observed the residence inside, we determined who the
4 primary aggressor was in this incident. At that point it
5 was Ms. Seabrook.

6 Based on her statements what she had indicated
7 wasn't necessarily in conjunction with the physical
8 manifestation of who was the proper person.

9 Q Okay.

10 A So her story didn't match up.

11 Q So what did you do as a result of determining the
12 primary aggressor?

13 A She was placed under arrest.

14 Q Okay. And after she was placed under arrest what
15 did you do?

16 A Placed her in the back of my CPD cruiser.

17 Q Okay. And did you take her somewhere?

18 A Yes, we took her to Al Cannon Detention Center.

19 Q Okay. Did Ms. Seabrook say anything to you on the
20 way to the Detention Center?

21 A I wasn't asking her any questions on the way up
22 there. She was in the back kind of spontaneously
23 uttering a variety of different things. In route to the
24 jail she did utter that she wanted to kill him.

25 Direct quote -- excuse me ---

DIRECT EXAMINATION BY MS. BALDWIN OF OFFICER DAVID
LARKIN (IC):

- 1 Q You are referring to your report?
- 2 A Yes, ma'am.
- 3 Q Okay.
- 4 A I don't want to misquote her here. She said: I
5 wish I had killed him; if I see him again I will.
- 6 Q And I believe you mentioned -- was this in response
7 to any questioning by you?
- 8 A No.
- 9 Q You didn't -- you didn't say anything to her?
- 10 A I did not.
- 11 Q Okay. What did you do in response to her
12 statements?
- 13 A Traditionally when we have a response to that if I
14 am going to communicate with an individual I will
15 reiterate the Miranda rights if I am going to ask
16 questions. And at that point I did.
- 17 Q It was your understanding that she had been
18 mirandized earlier?
- 19 A Yes, she had -- she had been mirandized earlier.
- 20 Q And but you reiterated those Miranda rights?
- 21 A I did personally, yes.
- 22 Q Okay. And after you reiterated those Miranda rights
23 what did you do?
- 24 A I began to ask her what she had said. I don't
25 know -- I can't recall whether I had completed the

DIRECT EXAMINATION BY MS. BALDWIN OF OFFICER DAVID

LARKIN (IC):

1 Miranda rights or not, but she essentially said -- and I
2 will quote off of here again: Fuck you; I know my
3 rights; and hell, yes, I wish I had killed him.

4 Q Okay. She appeared to understand her rights?

5 A Yes.

6 Q Did she appear intoxicated or in any other way
7 impaired?

8 A Not at all.

9 Q She appeared to understand the English language?

10 A Correct.

11 Q Okay.

12 MS. BALDWIN: Court's indulgence.

13 Q Officer Larkin, I don't have any further questions
14 for you. Please answer any of Mr. Loignon's questions.

15 THE COURT: Let me bring the jury in and I can go
16 ahead and excuse them and then we will do cross.

17 Officer, just keep your seat for a second.

18 THE WITNESS: Yes, sir.

19 (WHEREUPON, break awaiting jury.)

20 (WHEREUPON, jury enters 12:31 p.m.)

21 THE BAILIFF: The jurors are all present, Your
22 Honor.

23 THE COURT: All right. Thank you very much.

24 All right. Ladies and gentlemen of the jury, we are
25 not going to start the testimony now because I have got

DIRECT EXAMINATION BY MS. BALDWIN OF OFFICER DAVID

LARKIN (IC):

1 to hear some legal matters. So I am going to excuse you
2 for lunch at this time. It is close to 12:30. If you
3 will be back in your jury room at two o'clock. We will
4 get started at that time.

5 When you come to the courthouse come straight to the
6 jury room. The bailiff will show you what -- where --
7 where to come to when you come in the courthouse up on
8 the -- I think they will meet you at the elevator on the
9 third floor. So just come straight to the third floor
10 when you come in the courthouse.

11 I do not want any of you to do any type of
12 electronic examination of this case or anything about the
13 case. I want you to make a decision on what you hear in
14 the courtroom, not on what somebody put on a blog or what
15 some news reporter put on the TV or the Internet or
16 wherever. No electronic investigation of the crime or
17 type of crimes or the defendants or anybody involved in
18 the case, period.

19 See you at 2:30. Have a good lunch. 2:30. Excuse
20 me. I am sorry. Wait a minute. Excuse me. I am sorry.
21 Two o'clock, okay. I will get it straight in a second.
22 Two o'clock. That gives you an hour-and-a-half.

23 (WHEREUPON, jury exits the courtroom.)

24 THE COURT: Cross-examination.

25 MR. LOIGNON: Yes, Your Honor.

CROSS-EXAMINATION BY MR. LOIGNON, OF OFFICER DAVID

LARKIN (IC):

1 CROSS-EXAMINATION BY MR. LOIGNON OF OFFICER DAVID

2 LARKIN (IC):

3 Q Okay. Officer Larkin, you mentioned that
4 somebody --- that it is your understanding that Ms.
5 Seabrook had received her Miranda warnings?

6 A Correct.

7 Q And this was before she was being transported to the
8 Detention Center?

9 A That is correct, yes. Yeah, Detective Hall
10 responded to the scene and asked her to provide a
11 statement.

12 Q Okay.

13 A In that timeframe before she received a statement
14 either Officer Maguire or Detective Hall had read her her
15 Miranda rights at that point.

16 Q Either -- either Maguire or Hall?

17 A Correct.

18 Q Do you ---

19 A I don't recall who at the time, no.

20 Q Were you present when those warnings were read?

21 A Correct. Yes.

22 Q You were?

23 A Uh-huh. I was working on paperwork in the vehicle.
24 She was placed in the back of my vehicle, so all of the
25 correspondence went through the

CROSS-EXAMINATION BY MR. LOIGNON OF OFFICER DAVID

LARKIN (IC):

- 1 Q Now you mentioned that I guess you were on the way
2 to the jail. Was this your car that you were in?
- 3 A Correct. It is my cruiser, yes.
- 4 Q Is there a recording device in the vehicle?
- 5 A No, there is not, sir.
- 6 Q Okay. And so I guess you had to refer to your
7 report to remember what the quote was, right?
- 8 A Correct.
- 9 Q Do you -- do you know exactly how long after the
10 incident the report was written?
- 11 A I don't recall. No.
- 12 Q Does it say on the report when it was written?
13 (WHEREUPON, report reviewed by the witness.)
- 14 A It was -- the report was written at 12:04.
- 15 Q On the day of the incident?
- 16 A Correct.
- 17 Q And just to clarify, she makes the first statement
18 something to the effect that I wish I had killed him,
19 right?
- 20 A Uh-huh.
- 21 Q And then you -- and then again for at least the
22 second time advised her of her Miranda warnings at that
23 time?
- 24 A Right. Because if I was going to engage with Ms.
25 Seabrook at any time and ask her to repeat it I needed to

CROSS-EXAMINATION BY MR. LOIGNON OF OFFICER DAVID

LARKIN (IC):

1 read her her Miranda rights.

2 Q And then she did repeat it?

3 A The statement?

4 Q Correct.

5 A Yes.

6 Q Okay.

7 MR. LOIGNON: Nothing further, Your Honor.

8 THE COURT: Any redirect?

9 MS. BALDWIN: No, Your Honor.

10 THE COURT: All right. You may step down. Thank
11 you very much.

12 (WHEREUPON, witness leaves the witness stand.)

13 THE COURT: Anymore witnesses?

14 MS. BALDWIN: No, Your Honor.

15 THE COURT: Any motions?

16 MR. LOIGNON: No, Your Honor. It seems pretty clear
17 that ---

18 THE COURT: I'm sorry?

19 MR. LOIGNON: It seems pretty clear that the
20 statement was voluntary, so no motion from this issue.

21 THE COURT: Okay. All right. See y'all at two
22 o'clock.

23 MR. LOIGNON: I did have -- if the court is willing
24 to entertain just a motion for continuance based on my
25 client's ---

STATE VS. KATHERINE SEABROOK, 2015-GS-10-04542

1 THE COURT: Well, I am going to give you an
2 opportunity ---

3 MR. LOIGNON: Okay.

4 THE COURT: --- to look for her first -- look for
5 her first. That is why I am going to break to give you
6 the opportunity to look for her.

7 MR. LOIGNON: Yes, sir.

8 THE COURT: I will listen to your motion after -- I
9 didn't swear the jury.

10 MR. LOIGNON: Okay. Thank you, Your Honor.

11 THE COURT: Okay. I will listen to you after you
12 have had an opportunity to locate her. Okay?

13 MR. LOIGNON: Thank you, sir.

14 THE COURT: All right. Thank you very much.
15 Anything else we can hear now that you need heard?

16 MR. LOIGNON: I don't have any other -- anything
17 else.

18 THE COURT: All right. I will see you at two
19 o'clock.

20 MS. BALDWIN: Thank you, Your Honor.

21 MR. LOIGNON: Thank you, Your Honor.

22 (WHEREUPON, break was had for lunch January 16, 2018,
23 12:39 p.m.)

24 (WHEREUPON, resumed following lunch break January 16,
25 2018, 2:05 p.m.)

1 THE COURT: Have they found Ms. Seabrook?

2 MR. LOIGNON: No, Your Honor. No contact.

3 THE COURT: Okay. All right. What is the State's
4 desire since the defendant hasn't answered?

5 MS. BALDWIN: Your Honor, we would like to proceed
6 with the trial in her absence. I believe she had notice.

7 THE COURT: Pardon?

8 MS. BALDWIN: I believe Ms. Seabrook did have notice
9 of the trial date.

10 THE COURT: Okay. Where is the bond?

11 MS. BALDWIN: It was a PR bond.

12 THE COURT: Was it a PR -- was it a surety or not?

13 MR. LOIGNON: It was -- it looks like a \$20,000 PR
14 bond.

15 THE COURT: PR bond for the sum of 20,000. All
16 right. The State desires to proceed in absence. Be glad
17 to hear from the defendants.

18 MR. LOIGNON: Thank you, Your Honor. We would
19 oppose proceeding in the absence of Ms. Seabrook which is
20 based on her Sixth Amendment right to be present at every
21 stage of her trial.

22 She did receive notice of this term of court;
23 however, I don't know if there is any indication that she
24 has voluntarily waived her right to be here.

25 Because I haven't talked to her I don't know if she

STATE VS. KATHERINE SEABROOK, 2015-GS-10-04542

1 is in the hospital or ---

2 THE COURT: Well, when is last time you had
3 communication with her?

4 MR. LOIGNON: That was on Saturday.

5 THE COURT: What transpired Saturday?

6 MR. LOIGNON: We spoke for probably an hour on the
7 phone about the trial and arranged to meet yesterday,
8 Monday, to go over more things in person.

9 And yesterday I called her twice. I left her a
10 voicemail and was unable to get in touch with her.

11 THE COURT: How long has she known the trial was set
12 for this week?

13 MR. LOIGNON: Well, originally it was scheduled for
14 last week.

15 THE COURT: It was set from last week ---

16 MR. LOIGNON: So she ---

17 THE COURT: And she had transportation problems I
18 understand, right?

19 MR. LOIGNON: Well, actually the reason that it was
20 moved to this week is because I was sitting second chair
21 in a murder trial last week.

22 THE COURT: Okay.

23 MR. LOIGNON: So she found out last week that the
24 trial would then be moved to this week.

25 THE COURT: Okay. All right. And I was reviewing

1 her bond. And the bond says: Acknowledgement by the
2 defendant. I understand and have been informed that I
3 have the right and obligation to be present at trial. If
4 I fail to attend the court -- I'm sorry, fail to attend
5 the trial the trial may -- will proceed in my absence.

6 And it is signed by apparently -- signed Ms.
7 Seabrook when she made the bond. So the bond itself gave
8 her notice of the issue if she did not appear at the
9 scheduled time that she would be tried in her absence.

10 Now if you know of some legitimate reason like she
11 is sick or she is in the hospital or some legitimate
12 reason for not being here I will be glad to hear you.

13 But has the notice and knowledge that the trial was
14 supposed to be held today and arbitrarily not showing up.
15 I haven't heard anything else that would convince the
16 court that we should not try her in her absence.

17 MR. LOIGNON: And, Your Honor, I would like ---

18 THE COURT: Unless you have something else to add.
19 You are probably in the dark as much as I am.

20 MR. LOIGNON: That is correct. I have no specific
21 reason why I haven't heard from her, and so I can't -- I
22 don't have anything to tell the court in that regard.

23 THE COURT: Have you communicated with the bondsman
24 at all?

25 MR. LOIGNON: It is my understanding that she does

1 have a PR bond.

2 THE COURT: Okay.

3 MR. LOIGNON: Based on this warrant and affidavit it
4 looks like there is a \$30,000 PR bond set by Judge
5 Baldwin on June the 1st of 2015. So I don't think there
6 is a bondsman involved, Your Honor.

7 THE COURT: Okay. So there is no bondsman involved.
8 All right.

9 All right. Is there anything -- when you had --
10 when you talked with her Saturday did she give you
11 indication she was not going to show up Monday for your
12 meeting?

13 MR. LOIGNON: No, sir. So I was surprised that I
14 wasn't able to reach her yesterday. Just as I am
15 surprised today.

16 THE COURT: I know we talked about it in chambers
17 earlier today and we broke at 12:30 to give you an
18 opportunity to see if you could locate her. Have you
19 attempted to locate her during the lunch break?

20 MR. LOIGNON: I did, Your Honor; and I called and
21 left her another voicemail. I called and spoke with her
22 father who again for the second time today told me that
23 he was still trying to get in touch with her and he was
24 unable to reach her. And then I called her one more time
25 and no answer the second time. So unsuccessful.

1 THE COURT: Okay. All right. Anything else you
2 want to add for the record?

3 MR. LOIGNON: No, Your Honor.

4 THE COURT: Anything from the State?

5 MS. BALDWIN: No, Your Honor.

6 THE COURT: All right. I will allow the State to
7 proceed in her absence. The court finds that she had
8 notice primarily due to the bond she had notice of the
9 trial being today, through her attorney and through the
10 Public Defender's Office, and had conversations with her
11 Saturday to meet with her Monday to prepare for trial and
12 continue the preparation for trial.

13 And she has not called and given any explanation as
14 to why she is not here, so the court will allow the State
15 to proceed in her absence; and the motion for continuance
16 is denied.

17 All right. Anything else?

18 MS. BALDWIN: Just briefly, Your Honor. I spoke
19 with Mr. Loignon earlier today. There were several
20 photos that I believe he has no objection to. They have
21 been marked. We like to move them into evidence
22 State's 1 through 18.

23 (WHEREUPON, request by Court for a witness list.)

24 (WHEREUPON, State's Exhibit Number 1, photo, was marked
25 for identification.)

1 (WHEREUPON, State's Exhibit Number 2, photo, was marked
2 for identification.)
3 (WHEREUPON, State's Exhibit Number 3, photo, was marked
4 for identification.)
5 (WHEREUPON, State's Exhibit Number 4, photo, was marked
6 for identification.)
7 (WHEREUPON, State's Exhibit Number 5, photo, was marked
8 for identification.)
9 (WHEREUPON, State's Exhibit Number 6, photo, was marked
10 for identification.)
11 (WHEREUPON, State's Exhibit Number 7, photo, was marked
12 for identification.)
13 (WHEREUPON, State's Exhibit Number 8, photo, was marked
14 for identification.)
15 (WHEREUPON, State's Exhibit Number 9, photo, was marked
16 for identification.)
17 (WHEREUPON, State's Exhibit Number 10, photo, was marked
18 for identification.)
19 (WHEREUPON, State's Exhibit Number 11, photo, was marked
20 for identification.)
21 (WHEREUPON, State's Exhibit Number 12, photo, was marked
22 for identification.)
23 (WHEREUPON, State's Exhibit Number 13, photo, was marked
24 for identification.)
25 (WHEREUPON, State's Exhibit Number 14, photo, was marked

1 for identification.)

2 (WHEREUPON, State's Exhibit Number 15, photo, was marked
3 for identification.)

4 (WHEREUPON, State's Exhibit Number 16, photo, was marked
5 for identification.)

6 (WHEREUPON, State's Exhibit Number 17, photo, was marked
7 for identification.)

8 (WHEREUPON, State's Exhibit Number 18, photo, was marked
9 for identification.)

10 (WHEREUPON, State's Exhibit Number 19, photo, was marked
11 for identification.)

12 (WHEREUPON, State's Exhibit Number 20, C.D., was marked
13 for identification.)

14 THE COURT: All right. So y'all have agree to 1
15 through 18; is that correct, photos?

16 MR. LOIGNON: Yes, Your Honor.

17 THE COURT: Nineteen you object to?

18 MR. LOIGNON: That is correct.

19 THE COURT: How about 20?

20 MR. LOIGNON: I don't know.

21 MS. BALDWIN: That is the CD.

22 MR. LOIGNON: I have an objection to that, yes, Your
23 Honor.

24 THE COURT: Okay. All right. That is fine.

25 Anything else before we bring the jury in?

1 MS. BALDWIN: I just wanted to clarify. So one
2 through eighteen are admitted?
3 THE COURT: Right.
4 MS. BALDWIN: Okay. Nothing more from the State.
5 (WHEREUPON, State's Exhibit Number 1 through 18 were
6 admitted into evidence.)
7 MR. LOIGNON: Nothing from the defense, Your Honor.
8 (WHEREUPON, testing audio equipment while awaiting jury.)
9 THE COURT: Anything else from the State or
10 defendant before we bring the jury?
11 MS. BALDWIN: No, sir.
12 THE COURT: Is it working?
13 MS. BALDWIN: Yes, sir.
14 THE COURT: Have you got that volume under control?
15 MR. LOIGNON: Yes, sir.
16 THE COURT: Or are you going to blow us out of here?
17 MR. LOIGNON: No, sir, I intend to keep it at a
18 reasonable volume.
19 THE COURT: Okay. All right.
20 MR. LOIGNON: Using some of my DJ expertise.
21 THE COURT: Make sure, please.
22 (WHEREUPON, jurors enter January 16, 2018, 2:19 p.m.)
23 THE BAILIFF: All jurors are present, Your Honor.
24 THE COURT: All right. Thank you very much.
25 Mr. Dunn, I am going to appoint you as foreman. If

1 you will swap seats with this lady, please, sir.

2 (WHEREUPON, jurors complied.)

3 THE COURT: Now where ever you sit is fine. Except
4 Mr. Dunn, if you will sit in that seat. And the
5 alternate if you will sit in that seat. Where the rest
6 of you sit is to wherever you want to file into the
7 court, file out of the court.

8 Mr. Clerk, if you will swear the jury, please.

9 (WHEREUPON, the jury was duly sworn.)

10 THE COURT: All right. Mr. Foreman, ladies and
11 gentlemen of the jury, the first thing I would like to
12 tell you is that the court has determined that the
13 defendant in this case, Katherine Seabrook, had proper
14 notice of the trial starting today.

15 And I would also like to tell you under the laws of
16 the State of the South Carolina the defendant may be
17 tried even if the defendant does not attend the trial,
18 but the fact that the defendant is not present may not be
19 considered against the defendant in any manner whatsoever
20 during the course of this trial and during your
21 deliberations at the end of the trial.

22 Solicitor.

23 MS. BALDWIN: Thank you, Your Honor.

24 **OPENING BY MS. BALDWIN:**

25 MS. BALDWIN: Good afternoon, everybody.

1 JURY PANEL MEMBER: Good afternoon.

2 MS. BALDWIN: I just want to thank you for your jury
3 service. This should be a pretty short trial, but it is
4 still a very important one. So I really appreciate you
5 being here.

6 You know, there is a phrase that I think you
7 probably have all heard. It is hell hath no fury like a
8 woman scorned. Well, in this case Katherine Seabrook was
9 that woman.

10 So she and her live-in boyfriend Irvin Smith -- his
11 name is -- he goes by Tony. He is sitting right out
12 there. Were breaking up. Katherine was told that she
13 was going to have to move out of the apartment.

14 But she wasn't going to have it. Instead she lashed
15 out at Tony. She hid his paintball gun. She broke
16 several of his belongings. She cut his clothes.

17 And then she went even further. She went for the
18 weapons. She grabbed a war hammer. And I don't know if
19 everybody is familiar with that. You will see a picture
20 of it. It is basically a long wooden hammer and it has
21 got spikes on the end. It is pretty intimidating.

22 You will -- she swung that at Tony. Lucky for him
23 though she did miss him and it actually hit the wall
24 taking a chunk out of the wall. And Tony did manage to
25 disarm her.

1 But that still wasn't enough for her. She then
2 pulled out a knife, and she swung that at him and tried
3 to cut him with that. This apparently was Tony's lucky
4 day though because she missed him with that one.

5 And yet she still wouldn't be stopped. She grabbed
6 a sword that was in the apartment and swung it at him.
7 And she actually cut herself in the process. She grabbed
8 it appears around the -- near the end of the sword, not
9 on the handle. Tony did manage to avoid getting hit with
10 that as well.

11 And you will see pictures of all of these weapons.
12 You will see the damage that they can actually cause to a
13 human being.

14 You know, often -- oftentimes actually in domestic
15 violence cases there is only the word of the victim and
16 the defendant. And oftentimes they are difficult cases
17 because they are he said, she said cases. They happen
18 inside of the home. They don't happen out in public for
19 everybody to see.

20 But that is actually not the case here. See, Tony
21 and Katherine had a roommate, Maurice DeWitt. And he
22 will tell you how he saw Katherine acting that day and
23 what he saw her doing to Tony.

24 And you will also hear the defendant's own words
25 that day. See, she still had another plan to get back

1 on -- at Tony. She was going to tell the police that
2 Tony beat her up and would send him to jail, even though
3 he was the victim.

4 Tony, however, saw where she was going with this and
5 he thought about it ahead of time and he recorded her on
6 his phone. And you should hear that recording today.
7 You will hear her say how she was going to lie on him.

8 The defendant is charged with criminal domestic
9 violence of a high and aggravated nature. In this
10 particular case it means the defendant is charged with
11 trying to cause serious bodily injury to her live-in
12 boyfriend Tony. Serious bodily injury by her swinging
13 the sword, the war hammer, the knife.

14 And I know that once you see the pictures of what
15 happened, once you hear from Tony, once you hear from
16 Maurice, and once you hear from Katherine you will find
17 the defendant guilty of that charge.

18 Thank you.

19 THE COURT: Yes, sir.

20 MR. LOIGNON: Thank you, Your Honor. If y'all will
21 indulge me for one moment. I brought a visual aid. And
22 it is really just I am a visual person so I figured maybe
23 some of y'all are as well.

24 Let's see if I can figure out how to set this thing
25 up.

1 (WHEREUPON, tripod set up.)

2 MR. LOIGNON: All right. Hopefully that won't come
3 crashing down.

4 **OPENING BY MR. LOIGNON:**

5 MR. LOIGNON: I would like to talk to y'all about
6 tunnel vision (drawing.) In this case two people
7 involved (drawing). One of those people calls 911
8 (drawing). And the other does not (drawing.) One of
9 those people is injured (drawing). The other is not
10 injured (drawing). One of those people (drawing) -- one
11 of those people is scared. Very emotional. In fear
12 (drawing). Upset. And the other is calm (drawing) and
13 not in fear (drawing).

14 So who is on trial here? Who gets arrested? The
15 police chose sides immediately in this case. And they
16 get it wrong here..

17 And nobody is here to put the Police Department on
18 trial. We don't fault them one bit. These cases are
19 difficult. You get out to a scene and you have to
20 determine who is telling the truth, right? Just like Ms.
21 Baldwin said a lot of times it is he-aid, she-said.

22 And, sure, there was a witness here. We don't know
23 if that witness saw everything.

24 So unfortunately this trial is not about what
25 happened to Ms. Seabrook; it is about what didn't happen

1 to Mr. Smith.

2 Katherine Seabrook was manhandled by Tony Smith
3 because she was tearing up some of his clothes, his
4 property, with a small pocket knife that she had.

5 She never intended to harm him. The only time she
6 waived any weapon at him was in defense of herself
7 because he was trying to prevent her from trashing the
8 apartment.

9 And that alone shows that Mr. Smith was never in
10 fear of Katherine Seabrook. He wasn't afraid of her. He
11 was mad that she was tearing up his stuff, and he planned
12 to stop her. That is why Katherine Seabrook is not
13 guilty of a crime.

14 Now Ervin Smith, he goes by Tony. So that is what I
15 will refer to him as. Katherine, most of her friends
16 know her as Kat. So you may hear me say Kat.

17 But Kat and Tony had been in a relationship for
18 around a year. And it was starting to deteriorate. And
19 nobody is here to deny that.

20 The night before this incident Katherine had found
21 out that Tony was talking to other women. And he was --
22 she was upset about it. And rightfully so. They had
23 been living together for a while. She had invested a lot
24 of time into the relationship. She is upset.

25 She knew that Tony was planning to play paintball

1 the next day and so she decided she was going to hide his
2 paintball gun.

3 Now it may sound immature and silly to think that
4 she would hide his paintball gun. But, as I said, I mean
5 she is upset, maybe not thinking clearly. But she hides
6 his paintball gun.

7 Tony gets up the next morning to play and he can't
8 find it. That is what sparks the argument that
9 eventually leads to why we are here.

10 Tony is upset because he can't find his paintball
11 gun. He confronts Katherine about it. And she says that
12 she sold it. So he gets even more upset. Back-and-forth
13 yelling at each other. Certainly -- I mean Katherine is
14 upset. Tony is upset. It is a verbal arguments at this
15 time, okay.

16 Tony then finds the paintball gun and, you know, as
17 they are arguing he is kind of gloating, oh, I have got
18 my paintball gun. You know, they are still arguing,
19 yelling at one another.

20 Katherine eventually manages to smash the paintball
21 gun on the ground, and it breaks. So Tony gets even more
22 upset. That is when things start escalating.

23 They go into the bedroom and Tony starts cutting up
24 her bras with a pair of scissors. Three bras he
25 destroys. Katherine takes a small pocket knife and she

1 is in the closet and she starts cutting up his clothes.
2 I know, it sounds ridiculous; but I mean these are two
3 people that are in the middle of a breakup.

4 Well, Tony wasn't going to let her continue to mess
5 up his stuff. So he decided he was going to stop her.
6 He doesn't walk the other way. He decides he is going to
7 stop her.

8 So when this fight starts Katherine has to defend
9 herself from Tony who is trying to stop her from damaging
10 his things.

11 He didn't call the police at that point. Or ever.
12 He decided to handle it himself. And handling it himself
13 meant to physically subdue her, restrain her, stop her.

14 Katherine tried to keep him back, tried to keep him
15 away. It didn't work. He was able to physically subdue
16 her by grabbing her around the shoulders, pulling her
17 hair, and manhandling her.

18 He disarms several weapons, that you heard about,
19 out of her hands. And in the process Katherine was cut
20 on her finger. And you will probably see some pictures
21 of that. I believe that is the only injury from this
22 case is to Katherine Seabrook.

23 Tony was never in fear. Like I said, he continues
24 to pursue her around the apartment with a video -- or,
25 excuse me, an audio recording on his phone trying to get

1 her to say something incriminating to get her in trouble.

2 On the contrary, Katherine Seabrook was in fear.

3 She was the one that was in fear. She was one that

4 called 911. And then the police came.

5 And that is where we get to this tunnel vision.

6 Living in a world where there is conflicting information

7 it can be difficult to make sense of things. And because

8 of that we have the need to filter out certain

9 information so that we don't overload our heads with all

10 of this at least conflicting thoughts that cause

11 confusion.

12 Our need to make sense of things though can also be

13 a hindrance when we go too far and only accept the

14 information that supports our theory, our initial theory,

15 and just ignore everything else.

16 Ignoring everything else even though it may

17 discredit your original theory is what psychologists call

18 a confirmation bias or in other words tunnel vision.

19 And that is what police had in this case. They

20 tuned out Katherine who was in a highly emotional state

21 and they took one side of the story and they made the

22 pieces fit.

23 Officer Larkin arrives on the scene. He finds

24 Katherine Seabrook outside. She has fled the apartment

25 in fear of Mr. Smith. She is in a highly emotional

1 state. She is yelling. Probably not the most pleasant
2 person to talk to at that moment. She is extremely
3 upset.

4 Officer Larkin observes blood on Katherine's pants
5 from her finger that she had cut. And she is yelling for
6 officers to go inside and arrest her boyfriend who had
7 assaulted her.

8 Officer Larkin though, he had been here before.
9 Actually been out there to the same place where Katherine
10 and Tony. He remembered the situation and really didn't
11 like Katherine's attitude.

12 So he went inside and found Tony Smith and Lawrence
13 DeWitt. He heard their side of the story. And that's
14 pretty much it. She was detained.

15 Now he talked to Katherine Seabrook but didn't
16 investigate any further, didn't examine her closely for
17 injuries or go back and ask more questions of Mr. Smith
18 and Mr. DeWitt. He just detained Katherine Seabrook.

19 And of course this made Katherine even more upset.
20 She has gone through this whole ordeal and now she is
21 being arrested.

22 Then Detective Hall arrives on the scene. She is
23 briefed by Officer Larkin who is already on the scene.
24 And she bypasses Ms. Seabrook as well. Ms. Seabrook is
25 outside in the police car. She goes right on inside and

1 gets the story first from Tony Smith and Maurice DeWitt.
2 Tunnel vision.

3 And it happens to all of us sometimes. But you have
4 to realize that sometimes the easiest answer is not the
5 correct one. Just because someone is being difficult on
6 the screen doesn't mean that their story isn't true.

7 Katherine Seabrook never intended to harm Tony
8 Smith. She merely acted to defend herself. And that is
9 why she is not guilty.

10 THE COURT: Call your first witness, please.

11 MS. BALDWIN: Thank you, Your Honor. The State
12 calls Ervin Tony Smith.

13 (WHEREUPON, the witness was duly sworn.)

14 THE CLERK: Please take your seat. Speaking
15 directly into the microphone spell your first and last
16 name.

17 THE WITNESS: Ervin Smith.

18 **DIRECT EXAMINATION BY MS. BALDWIN OF ERVIN (TONY) SMITH:**

19 Q And Ervin, do you also have -- do you have a
20 nickname that you go by?

21 A Tony.

22 Q And what do you do for a living?

23 A I do loss prevention. I do it as an armed security
24 officer so.

25 Q Okay. And I know you have a tendency to talk really

1 quickly.

2 Q I'm sorry.

3 Q So slowdown so this lady can get everything.

4 A I apologize.

5 Q Okay. About how old are you?

6 A I am 34.

7 Q Okay. Do you have any kids?

8 A I have one. A son.

9 Q Okay. And how old is he?

10 A Seven months.

11 Q How do you know the defendant?

12 A Me and Katherine used to date for a little bit. For

13 about a year.

14 Q You dated about a year?

15 A About a year.

16 Q Did you live together at all?

17 A Yes, we did.

18 Q Okay. Where did you live?

19 A In West Ashley in the Palms Apartments.

20 Q The Palms Apartments?

21 A Yes, ma'am.

22 Q Do you know the address of that?

23 A [REDACTED] Road. Almost two years ago.

24 Q Okay. And y'all lived there -- was it just the two

25 of you or did you have a roommate?

- 1 A Maurice.
- 2 Q Okay. And y'all were dating and living together?
- 3 A Yes.
- 4 Q Okay. It was a two-bedroom apartment?
- 5 A Yes.
- 6 Q You and Kat -- do y'all call her Kat?
- 7 A Yeah, we called her Kat.
- 8 Q Okay. In one bedroom, Maurice in the other?
- 9 A Yes, ma'am.
- 10 Q Okay. How long did y'all live there together?
- 11 A Probably about a year.
- 12 Q Let's go forward to May of 2015. What was your
- 13 relationship like with the defendant at that time?
- 14 A Like rocky and whatnot. Because at the time before
- 15 it got to me -- you know, a couple of months before I
- 16 told her it is not working out so we have got to go our
- 17 separate ways.
- 18 Q Okay. And what was her reaction to that?
- 19 A She didn't want to -- want to hear it. She is like
- 20 you are not trying and whatnot -- it is too much argument
- 21 and whatnot and we are not seeing things on the same page
- 22 so.
- 23 Q Were you still sleeping in the bedroom with her at
- 24 that time?
- 25 A No, not at that time.

- 1 Q Where were you sleeping?
- 2 A On the couch in the living room.
- 3 Q Okay. And she would sleep in the bedroom?
- 4 A Yes.
- 5 Q Let's bring you to May 31st of 2015. What happened
- 6 that day?
- 7 A Well, I got up to go play paintball. I was going to
- 8 play paintball that day. But then I went to get my
- 9 paintball gun. I couldn't find it. I asked her if she
- 10 knew where it is. And she is like she sold it for \$10
- 11 and bought some weed with it or whatnot.
- 12 Q Okay.
- 13 THE COURT REPORTER: I'm sorry, can you repeat the
- 14 last part of your answer; ---
- 15 A She bought --
- 16 THE COURT REPORTER: She sold it for \$10 and what?
- 17 A And bought some weed with it.
- 18 Q That is what she told you?
- 19 A Yeah, that is what she told me.
- 20 Q What was your reaction to her saying that?
- 21 A I knew she didn't do it. I knew she didn't sell it.
- 22 So that is when I started looking for it in the house.
- 23 Q And did you find it?
- 24 A Yeah, I did find it.
- 25 Q Okay. Where did you find it?

1 A Between the refrigerator and the pantry.
2 Q So what happened next?
3 A I got it. You know, I found it. And then went, put
4 it on the table and went to grab the rest of my gear and
5 came back out and she started arguing. We started
6 arguing.
7 Q So you grabbed the rest of your gear?
8 A Yeah, my ---
9 Q What do you mean?
10 A Like just my bags and whatnot to put -- get it ready
11 to put everything in there. That is how she got a hold
12 of my paintball gun and smashed it because I was putting
13 all the bags on top of the table and whatnot. And she
14 grabbed it and smashed it.
15 Q To go play paintball that was ---
16 A Yes.
17 Q --- all of your paintball gear?
18 A Uh-huh.
19 Q Okay. So you got your stuff together. And then
20 what happened?
21 A We started arguing. At the same time of me grabbing
22 my gear and putting it on the table she grabbed my
23 paintball gun, swung it to the ground once and then swung
24 it again the second time which broke the hopper and my --
25 my collapsible backsaw.

1 Q Okay. And then what happened?

2 A And then we just kept fighting on that. And then
3 she went into the room saying she was going to cut my
4 clothes up. So my -- I am telling her don't bother my
5 things or whatnot.

6 So she took the knife she had and started cutting
7 it. And then I am like if I was to -- if -- I told her
8 if I was to do to that to your stuff, you don't like it.
9 And then she is like. And then I cut one of her bra
10 straps or whatever.

11 Q Okay. So she -- slow you down. So she started
12 cutting up your clothes and so you cut a bra?

13 A Yeah, I cut a brought strap. And I told her to
14 stop.

15 Q And after you cut her bra -- and she wasn't wearing
16 it?

17 A No, no, no.

18 Q Okay. You just found a piece of her clothing?

19 A Yeah, I just grabbed a -- your bra strap, you
20 wouldn't like that. You shouldn't -- you know, and kept
21 coming, popping buttons, and knocking everything over and
22 that so.

23 Q And after you cut up her clothing what happened?

24 A She continued to cut mine. I told her not -- to
25 stop. And then might -- I told her I didn't want to get

1 the law involved and whatnot. Because she is like
2 whatever. And then turned around and then I am like,
3 see, this is why we can't be together. And that is when
4 she came at me with the knife.

5 Q The knife?

6 A She came at me with the knife pointing out.

7 Q What kind of knife was it?

8 A It is a small silver knife. I think it was -- I
9 can't remember if it was a Gerber knife or whatnot. But
10 it was one that I lended her.

11 Q Okay.

12 A I lent it to her because I don't use it or nothing
13 so.

14 MS. BALDWIN: May I approach the witness, Your
15 Honor?

16 THE COURT: Yes, ma'am.

17 Q Mr. Smith, I am going to show you what has been
18 marked as State's 21 for ID. Do you know what that is?

19 A Yeah, I think this is the knife. And there is a
20 switchblade in there.

21 Q That is the knife that she was -- she came at you
22 with?

23 A Uh-huh.

24 THE COURT REPORTER: Is that a yes?

25 THE WITNESS: Yes.

1 MS. BALDWIN: Your Honor, at this time I would like
2 to submit State's 21 into evidence.

3 THE COURT: Any objection?

4 MR. LOIGNON: No, Your Honor.

5 THE COURT: All right, 21 admitted without
6 objection.

7 (WHEREUPON, State's Exhibit Number 21, knife, was marked
8 for identification.)

9 (WHEREUPON, State's Exhibit Number 21, was admitted into
10 evidence.)

11 THE COURT: And 1 through 18 has been admitted
12 without objection; is that correct, Solicitor?

13 MS. BALDWIN: Yes, sir.

14 THE COURT: Is that correct, from the defense?

15 MR. LOIGNON: Yes, Your Honor.

16 THE COURT: Okay.

17 Q So when you said that she came at you with the knife
18 what do you mean?

19 A She started swinging at me, swinging the knife at me
20 so.

21 Q Okay. What did you do?

22 A Backed off. And then she kept coming. And then I
23 moved around the side of the TV. And then she came. And
24 I stopped her. Grabbed her by her hand and whatnot.
25 Tried to get it from her. And then she -- I got the

1 knife off ---

2 Q You moved around the side of the TV and then what
3 happened?

4 A I moved around the side of the TV like this
5 (motioning). But she came around so that when she could
6 turn. And I grabbed her hand and tried to get the knife
7 from her. And then that is when the knife fell to the
8 floor and she stepped back.

9 And I am like thinking it is over. But it wasn't.
10 Because then she went to get the war hammer.

11 Q Okay. And describe the war hammer for me.

12 A Brown, wooden handle, spiked, black spikes going up.
13 It is black spikes. And about this long (motioning). At
14 the end of the handle there are spikes on it.

15 Q Spikes on it?

16 A Uh-huh.

17 Q Okay. What did she do with the war hammer?

18 A Started getting -- swinging it at me. So I stepped
19 back. And then -- or she got the war hammer. Even if
20 she -- even if she doesn't swing it or if she just does
21 this (motioning) to poke it the spikes are still sharp.

22 So I stepped back and she swings it and it hits the
23 doorway. So when it hit the doorway a piece of chalk --
24 there's a piece of white chalk inside of the war hammer
25 that you could see that she hit the door at -- hit it at.

1 And she swung and hit the doorway. So then I grabbed the
2 hammer and we started -- and she started swinging like
3 this (motioning).

4 So to keep me from -- if she has the hammer even if
5 someone doesn't take a full-fledged swing I can take the
6 hammer and just -- you know, almost like playing croquet
7 or golf if I hit you in the shin with it the spikes will
8 still do the damage.

9 So I have got her by the shoulders trying to stop
10 her with it. And then she is like, no. And I moved my
11 hand to the handle and get it out of her hand. And she
12 goes back behind my door and gets my swords ---

13 Q Okay.

14 A --- and started knocking them on the floor. And
15 that is when she cuts her hand. Because she cuts her
16 hand on my Scottish Claymore.

17 THE COURT REPORTER: On your what?

18 A Scottish Claymore. And moved the swords.

19 Q What did she do with the Claymore?

20 A She was picking it up. And I knew she didn't grab
21 it by the handle, because she grabbed it like this
22 (motioning) at first. But there was no -- we didn't see
23 blood until afterwards. And after we saw the blood or
24 whatnot and I got the Claymore from her she is like, oh,
25 well, you know what, and rubs her hand on the bed and

1 saying, well, I am going to make it look like we have
2 really been in here fighting.

3 Q Now let me ask you about this real quick. So you
4 are talking about all of these different weapons in the
5 house that I don't think are usual weapons that those
6 people have. Why do you have all of those weapons?

7 A Because I teach martial arts.

8 Q Okay.

9 A And different weapons.

10 Q Did you ever try to exert your skills, your martial
11 art skills, against her?

12 A No.

13 Q Okay. What went through your head when she swung
14 that hammer at you?

15 A She -- she really means -- means to hurt me so.

16 Q Were you worried that she was going to hit you?

17 A Yeah, that is why I stepped back and took it from
18 her afterwards so.

19 Q And you said something about her wiping her hand on
20 the bed?

21 A That was after she cut her finger with the sword.
22 She cut it on the sword. And then when she started
23 looking around she wiped her finger, and started like
24 going at the bow. She grabbed the bo staff and threw
25 it. But she just go ahead and just threw it at the wall,

1 the bo staff.

2 Q Bo staff. Okay.

3 THE COURT REPORTER: Bo or what?

4 A Bo.

5 Q Bo staff. What else was she doing? Started just
6 destroying -- going back to destroy more things; flipping
7 the TV over, smashing bookcase and stuff like that. And
8 going back on all my stuff.

9 Well, then Reese -- Reese woke up. Reese woke up
10 before -- can't remember at which point. But he came in
11 because he heard some of it. But not for all of it. He
12 wasn't wide awake yet.

13 Q Okay.

14 A So but he caught the gist of it everything going on.
15 And then I turned my phone on and turned it sideways and
16 put it back in my pocket. Because I knew she was going
17 to, you know, start saying certain things and doing
18 certain things.

19 Q During all of this time she was smearing her hand on
20 the bed, breaking the TV and all of that, is she saying
21 anything to you?

22 A I am going to lie on you. That is what she said, I
23 am going to lie on you and mess your life up.

24 Because at the time I had put in for the North
25 Charleston Police Department. And I was at Stage III or

1 IV, you know, to do the exam and whatnot. So, yes, that
2 is what she was saying she was going to lie on me.

3 Q I am going to show you a few pictures up here. They
4 should be on the screen right in front of you. These are
5 all photos that have already been admitted into evidence.

6 And what are we looking at here? This is State's 1.

7 A Smashing, breaking it on the floor. Some other
8 stuff that she threw on the floor we are trying to clean
9 up. And my broken paintball gun on the table.

10 (WHEREUPON, next exhibit displayed on ELMO.)

11 Q Okay. And that is State's Exhibit 2. Where -- what
12 direction is that looking in?

13 A Towards my room, straight back.

14 Q Okay. Where is Maurice's room?

15 A To the right, before you get to the back. To the
16 right.

17 Q That is a smart screen. So if you want to touch it
18 you should be able to ---

19 A Right there (drawing).

20 (WHEREUPON, next exhibit displayed on ELMO.)

21 Q Okay. State's Exhibit 5. What is that?

22 A That is the war hammer. And you can see the piece
23 of chalk right there (pointing) when she swung it. It
24 hit the door. The door which is the wall right there
25 (pointing).

- 1 Q Okay. Whose room is that in?
- 2 A That is Maurice's room.
- 3 Q How did the -- how did the war hammer end up in
- 4 there?
- 5 A Because that is where when she came into the hallway
- 6 when I took it from her or whatnot that is where I put
- 7 it.
- 8 (WHEREUPON, next exhibit displayed on ELMO.)
- 9 Q State's Exhibit 6, what -- can you see what ---
- 10 A That is where the war hammer hit.
- 11 Q Where?
- 12 A Right there (pointing).
- 13 Q Where were you standing when she swung?
- 14 A Facing into the doorway. Because I wanted to give
- 15 her space with the hammer because if she -- I knew if she
- 16 swung it there is a better chance that she could -- you
- 17 know, I didn't want to back all the way out and give her
- 18 free range with that weapon so.
- 19 Q When you say facing into the doorway what do you
- 20 mean?
- 21 A Let's see. I was facing inward. Towards this --
- 22 towards the screen.
- 23 Q Okay.
- 24 A I was standing in the doorway trying to back up when
- 25 I saw her grab it.

1 (WHEREUPON, next exhibit displayed on ELMO.)
2 Q And State's Exhibit 9?
3 A That is my Scottish Claymore right there on the
4 floor (pointing).
5 Q On the bottom?
6 A Uh-huh. That is the TV she knocked off of the stand
7 and she started trashing the room.
8 Q So does the room typically look like this?
9 A No. That is how she trashed it.
10 Q Okay.
11 A And that is the blood on the bed right there when
12 she rubbed it on there.
13 (WHEREUPON, next exhibit displayed on ELMO.)
14 Q I am going to show you State's Exhibit 14. What is
15 all that about?
16 A That is the closet that she trashed everything in.
17 Q When you say she trashed everything in, what do you
18 mean; what did she do?
19 A Just started tearing everything down in the closet.
20 Q Okay.
21 A Clothes, everything, luggage, everything. And
22 behind -- that is where my weapons were, behind the door.
23 Q You kept them all behind the door there?
24 A Yeah.
25 (WHEREUPON, next exhibit displayed on ELMO.)

1 Q And State's Exhibit 16 that is -- what is that?

2 A That is the Scottish Claymore.

3 Q Okay. There is a bra right by that sword. What is
4 that all -- is that one of the ones you cut or ---

5 A I think that is one of the ones I cut.

6 Q Okay. Is it the only one you cut or were there
7 more?

8 A That is the only one I cut. And she said I cut
9 three, but there was only one bra that I cut the strap
10 of.

11 Q And so you said that she was saying that she was
12 going to lie on you?

13 A Yes.

14 Q And what did you do?

15 A Put the recording in my -- turned my recorder on
16 that I -- that I had already had downloaded on your
17 phone. So I put it -- I turned it on and put it in my
18 pocket with the volume all the way up to record. After
19 she said that; so, yeah.

20 Q Why did you do that?

21 A Because when somebody normally say something like
22 that, like you don't take a chance. You know, it was
23 just because of the things that we have already talked
24 about before in the past and certain things going on.
25 So ---

1 Q That you and she had talked about before?

2 A Yeah. I just didn't take a chance.

3 Q You are worried that she was going to -- she was
4 going to lie to the police?

5 A Oh, yeah.

6 (WHEREUPON, next exhibit displayed on ELMO.)

7 Q Okay. I am going to show you what has been marked
8 as State's Exhibit 20 for ID. Do you know what that is?

9 A The recording on the phone. Cell phone.

10 Q How do you know that that is what it is?

11 A Because it is a recording by -- by Smith.

12 Q Okay. You wrote your name on there?

13 A Yes, I did. I initialed it.

14 Q Okay.

15 A Yes, I did.

16 MS. BALDWIN: Your Honor, at this time I would like
17 to admit State's Exhibit 20 into evidence.

18 THE COURT: Any objection?

19 MR. LOIGNON: Yes, Your Honor.

20 THE COURT: What is your legal objection?

21 MR. LOIGNON: Based on Rule 403 just that this
22 evidence is -- it's probative value does not outweigh the
23 prejudicial effect and also it could be misleading to the
24 jury and cumulative.

25 THE COURT: Anything the State wants to put on the

1 record?

2 MS. BALDWIN: Your Honor, I do think it is relative
3 and quite probative of what was going on.

4 THE COURT: All right. Motion denied. Twenty
5 admitted with objection.

6 (WHEREUPON, State's Exhibit 20 admitted into evidence.)

7 MS. BALDWIN: Thank you, Your Honor. Your Honor, at
8 this time I would like to publish State's Exhibit 20 to
9 the jury.

10 THE COURT: Okay.

11 (WHEREUPON, State's Exhibit Number 20, CD, was published
12 to the jury.)

13 Q All right. Were you calm during that?

14 A Oh, yeah.

15 Q Yeah, you were calm?

16 A Oh, yeah.

17 Q It sounded a little fired up.

18 A Yeah, that is the whole point of me being ---

19 MR. LOIGNON: Objection. Leading.

20 THE COURT: I'm sorry?

21 MR. LOIGNON: Leading, Your Honor.

22 THE COURT: Overruled. Go ahead.

23 A That is the whole point of me being calm is because
24 the whole -- if I get fired up and you are fired up
25 nobody is thinking. You understand? So that is why I

1 calmed down.

2 You know, like -- I get excited. You can hear it in
3 my voice. I talk fast. That is -- you know, and that is
4 why I just waited calmly. And I knew that she would just
5 do things. And -- yeah.

6 Q What was -- we heard some banging noises in the
7 background. What was that?

8 A The first banging noise was -- was bottle caps that
9 I had in the jar. Because I normally made like
10 bracelets -- beer bracelets. I used to take like beer
11 bottle caps and make bracelets out of it during the
12 summertime on that. And she was just knocking them down
13 on the floor.

14 But then afterwards when she said I am going to say
15 you hit me, I am like nobody touched you; that is when
16 she hit herself.

17 And you can if you listen to that you can hear --
18 you can hear the -- you can hear the sound of it. And
19 then she is like I am going to go now, I am going to go
20 put some ice on my face so.

21 Q And she was saying say goodbye to something. What
22 was she saying?

23 A She was threatening me to say because she was going
24 to lie on me knowing that she would get me like in
25 trouble. Because all of a sudden it was like I said

1 earlier I was in the Police Department Stage III or
2 Stage IV, North Charleston or whatnot.

3 So and then which it did happen because they got a
4 mutual order -- she got -- you know, that caused me to
5 get put out of the running for it. And I stopped back to
6 Sergeant Bowman. He is like because of what happened
7 with Seabrook. I was tied to it so.

8 MS. BALDWIN: Court's indulgence.

9 Q Tony, when she swung that war hammer at you where --
10 about how far away from you where it hit in the wall were
11 you?

12 A When she swung it I was -- I am in the doorway
13 talking to her. She has it. She comes forward and
14 swings it. It hits the door. I step back and it hits
15 the doorway. All right, so it hits the door. I go on
16 and I try to grab it into my hand into the handle to take
17 it from her.

18 MS. BALDWIN: No further questions, Your Honor.

19 THE COURT: Cross-examination.

20 MS. BALDWIN: Answer any questions Mr. Loignon has.

21 THE WITNESS: Huh?

22 MS. BALDWIN: Answer any questions Mr. Loignon has.

23 **CROSS-EXAMINATION BY MR. LOIGNON OF MR. ERVIN (TONY)**

24 **SMITH:**

25 Q Good afternoon.

1 A Good afternoon.

2 Q You mentioned that this kind of started with the
3 paintball gun, right?

4 A Yeah.

5 Q And she hid it?

6 A Uh-huh.

7 Q She was saying things to you and you said some
8 things back to her, right?

9 A Yes.

10 Q So it was kind of a back and forth?

11 A It was -- it wasn't back and forth. It was just an
12 argument and then she got mad because I found it and then
13 we started arguing.

14 Q You found the paintball gun, right?

15 A Uh-huh.

16 THE COURT REPORTER: Is that a yes?

17 THE WITNESS: Yes.

18 Q She is upset?

19 A Yes.

20 Q She is yelling?

21 A Yes.

22 Q And you were yelling back?

23 A Yes.

24 Q And then she breaks the paintball gun?

25 A Yes.

- 1 Q You aren't happy about that?
- 2 A No.
- 3 Q And you both went into your bedroom?
- 4 A Yes.
- 5 Q And that is when you damaged some of her clothes?
- 6 A No, she started cutting my clothes first. And then
- 7 I cut the bra strap.
- 8 Q Right, you mentioned that you cut one bra strap;
- 9 right?
- 10 A Yes, because we grabbed -- and then we grabbed a
- 11 bunch of bras. But one bra strap is what I cut.
- 12 Q You didn't damage more than one bra?
- 13 A No. I had three bras. And one bra strap is what I
- 14 cut.
- 15 Q Okay. You kind of mentioned -- I don't know how
- 16 clear it was; but you mention something about a prior
- 17 hearing that you had, not in this case, but an order of
- 18 protection hearing. Do you remember that?
- 19 A Yes.
- 20 Q And that was when Ms. Seabrook filed to have a
- 21 protection order against you, right?
- 22 A Yes.
- 23 Q And you testified at that hearing, didn't you?
- 24 A Yes.
- 25 Q Do you remember telling the judge at that hearing

1 that you tore more than one bra?

2 A I remember telling him I cut the bra. I cut a bra
3 strap?

4 Q You think it was just one?

5 A I had -- I know I had multiples in my hand, yes.

6 Q So you remember telling the judge then at that
7 hearing that you tore more than one bra?

8 A No, I don't remember cutting more than one bra.

9 Q Do you think if you saw the transcript of that
10 hearing it would refresh your memory?

11 A Yes.

12 Q Okay.

13 MR. LOIGNON: May I approach, Your Honor?

14 THE COURT: Yes, sir.

15 Q So I am handing you the transcript in that order of
16 protection hearing dated June 10th, 2015, in front of
17 Judge Malphrus.

18 I am looking -- and you should be looking at
19 Page 10, I believe. If you look down to Lines 14 through
20 16 maybe that will refresh your memory.

21 A Are you talking about when I cut her bra? I picked
22 up her bra and tore it. And tore it? It is -- it is the
23 same bra.

24 Q Could you read then Line 16 then, please.

25 A She picked up another one. I tore it again.

1 Q Okay.

2 A Again as in the same bra.

3 Q It says she picked up another one, right?

4 A Yeah.

5 Q Okay.

6 A I wasn't talking -- when I said that, when I tore it
7 again, I was talking about the same bra. That is why
8 there is only one bra on the floor.

9 Q And that is right around the point where things
10 start escalating, right?

11 A No, it escalated after that fact of her wanting to
12 go back to the closet and tearing more things up. And
13 then she came up with that I ---

14 MR. LOIGNON: May I approach, Your Honor?

15 THE COURT: Yes, sir.

16 Q I am handing you the same transcript. Could you
17 read the very next line after the one that I was just
18 talking to you about.

19 A Escalated because before for that she broke the lamp
20 before we got to the living room.

21 Q Do you remember saying that?

22 A Yes.

23 Q Okay. Thank you.

24 All right. So Kat is in the closet and she grabs a
25 pocket knife, right?

1 A Uh-huh.

2 THE COURT REPORTER: Is that a yes?

3 THE WITNESS: Yes.

4 Q She starts cutting up clothes?

5 A Yes.

6 Q Damaging your things?

7 A Yes.

8 Q You don't want her to damage your property, do you?

9 A No.

10 Q You don't want her to damage your apartment, do you?

11 A No.

12 Q So you go into the closet where she is and try to

13 stop her from doing that?

14 A No, I go in to talk to her. Because I know if I put

15 my hands on her it could be something else. I go to talk

16 to her. And argue.

17 THE COURT REPORTER: What is the last word?

18 THE WITNESS: And argue.

19 A So there is still argument at the same time.

20 Q You mentioned that you are an armed security guard.

21 A Yes.

22 Q How long have you been doing that?

23 A I have been doing security for ten years. And then

24 I decided to start work for a boy named Jerry Barber at

25 Guard-One Protective Services.

1 Q Okay.

2 THE COURT REPORTER: Wait a minute. The name of
3 the ---

4 THE WITNESS: Jerry Barber Guard-One Protective
5 Services.

6 Q And were you -- you were working security at the
7 time of this incident then?

8 A I was at -- yeah, still doing security part-time.
9 It was a -- for a different company at the time.

10 Q And you also teach martial arts?

11 A Yes.

12 Q And were you teaching martial arts at this time?

13 A Yes.

14 Q Okay. How tall are you?

15 A I am about five-seven-and-a-half.

16 Q Okay.

17 Q A pretty big guy?

18 A Yes.

19 Q Muscular?

20 A Uh-huh.

21 Q Broken up fights before probably?

22 A Yes.

23 Q Had to physically subdue somebody before?

24 A Yes.

25 Q So when Kat picked up the knife and started cutting

1 your clothes, you didn't leave; right?

2 A Say that again.

3 Q You did not leave at that point, did you?

4 A No.

5 Q And you didn't call police at that point?

6 A No.

7 Q You disarmed her at that time?

8 A When she came back in with it, yeah.

9 Q You took it away?

10 A The knife or -- yeah, I took the knife away.

11 Q Okay. She picked up the war hammer you said?

12 A Yes. She also had the war hammer.

13 Q You didn't run away at that point, did you?

14 A No, because we were still arguing. She picked the

15 war hammer up. And to give her my back would be foolish.

16 Q She picked up the sword, you said?

17 A Yes.

18 Q And you didn't leave at that point either, did you?

19 A No.

20 Q You didn't call 911 then?

21 A No. I didn't call 911 at all.

22 Q Okay.

23 A Because I knew it would escalate to a point where no

24 one needed it so.

25 Q And we heard the recording that you made on your

1 phone, right?

2 A Yes.

3 Q And you recorded that so that you wouldn't get into
4 any trouble in this incident, right?

5 A Yes.

6 Q Okay.

7 A Because the arguing. She was going to lie.

8 Q So at that point it is safe to say you were kind of
9 asking her questions, kind of following her trying to get
10 her to answer?

11 A No. Not until we got into the closet and she is
12 like -- when she kept saying I am going to lie on you was
13 -- when she broke the paintball gun. And, yeah, so she
14 kept saying I am going to lie on you. And I am like why
15 would you lie. To ruin your -- to ruin your life since
16 you don't want me.

17 Q Right. So you had to go get your phone, right?

18 A I had my phone.

19 Q Oh, you had your phone?

20 A Yes.

21 Q Okay. So you didn't call 911 but you hit record,
22 right?

23 A Yes.

24 Q Okay. And you didn't leave but you engaged Ms.
25 Seabrook further in conversation, right?

1 A No. She went into the living room; and then that is
2 when I heard movement, ruffling things around. And I had
3 it in my pocket. And I told Maurice to wake up to this.

4 Q Okay. So you -- so you followed her to the living
5 room and that is where ---

6 A She came back into the room where I was.

7 Q Okay. And that is when you got the recording?

8 A Yes. I had -- I had my recorder on for a moment.

9 Q And you didn't seek any medical attention?

10 A No, because I didn't get hurt. As I knew of.

11 Q No physical injury at all?

12 A Not on me.

13 Q Okay.

14 MR. LOIGNON: Court's indulgence.

15 I have no further questions, Your Honor.

16 THE COURT: Redirect.

17 MS. BALDWIN: Briefly, Your Honor.

18 **REDIRECT EXAMINATION BY MS. BALDWIN OF MR. ERVIN (TONY)**

19 **SMITH:**

20 Q Tony, why didn't you call 911?

21 A Because I didn't want her to get in trouble. And I
22 didn't -- you know, so. And I kept telling her --
23 because of what she -- I don't know. But I just didn't
24 want to -- want her to get in trouble.

25 Q But you are here today?

1 A Yeah, I am here today because, you know, certain --
2 you know, you have got to think things through before you
3 do things.

4 Q That day when she was swinging those weapons at you
5 were you worried you were going to get hurt?

6 A Yeah.

7 Q Mr. Loignon had mentioned this order of protection
8 hearing.

9 A Uh-huh.

10 Q I think he said it was prior to the incident. Was
11 it prior or after the incident?

12 A It was after the incident.

13 Q Okay. And do you remember what the result was?

14 A I -- she -- for mutual -- I can't remember what it
15 is called.

16 Q She petitioned for the order of protection?

17 A Yes.

18 Q What was the result?

19 A The result was in both of us -- both of us not --
20 being around each other. But I hadn't been around her
21 even before that.

22 Q But it was both of y'all?

23 A It was both of us.

24 Q It wasn't just against you?

25 A Yeah, it was ultimately against both of us.

REDIRECT EXAMINATION BY MS. BALDWIN OF MR. ERVIN (TONY)
SMITH

1 Q Okay.

2 MS. BALDWIN: Court's indulgence.

3 Q Mr. Loignon brought up this martial arts training
4 that you have and Katherine was swinging weapons at you,
5 correct?

6 A Uh-huh.

7 Q Okay. Did you retaliate?

8 A No.

9 MS. BALDWIN: No further questions.

10 THE COURT: You may step down, Mr. Smith. Thank you
11 very much.

12 Call your next witness.

13 MR. MCCLELLAN: Yes, Your Honor, at this time the
14 State calls Maurice Dewitt.

15 THE COURT: Okay.

16 (WHEREUPON, the witness was duly sworn.)

17 THE CLERK: Please take your seat. Spell your first
18 and last name for the record.

19 THE WITNESS: M-A-U-R-I-C-E. D-E-W-I-T-T.

20 **DIRECT EXAMINATION BY MR. MCCLELLAN OF MAURICE DEWITT:**

21 Q Good afternoon, Maurice.

22 A Good afternoon.

23 Q Do you go by -- do you have a nickname that you go
24 by?

25 A Reese. It doesn't matter.

- 1 Q All right. Reese, how old are you?
- 2 A Twenty-eight.
- 3 Q And where are you from?
- 4 A I am from Conway, South Carolina.
- 5 Q What do you do for a living?
- 6 A I work at Sam's Club.
- 7 Q Now do you know Ervin Smith?
- 8 A Yes, uh-huh.
- 9 Q What does Ervin go by?
- 10 A Tony.
- 11 Q And how do you know Tony?
- 12 A I met Tony around the time I was going to college in
- 13 Charleston.
- 14 Q And what college was that?
- 15 A It was the Art Institute of Charleston.
- 16 Q And how long had you known him since you met him
- 17 back then up until now would you say?
- 18 A The same. We always kept in touch.
- 19 Q Do you live together now?
- 20 A No.
- 21 Q Was there ever a time that you did live together?
- 22 A Yeah, we lived in the Palms where the incident
- 23 happened. And it is like Orange Grove sort of right next
- 24 to the Palms. Before the Palms.
- 25 Q Will you tell the jury how long you lived together.

1 A Probably like -- it was like two-and-a-half years.

2 Q And now do you know the defendant Katherine
3 Seabrook?

4 A Yeah.

5 Q How do you know her?

6 A I met her through Tony. She was working at like
7 Bi-Lo. And then they started dating. And then that is
8 pretty much how I met her.

9 Q And was there ever a time that the three of you
10 lived together?

11 A Yeah, at the Palms Apartment.

12 Q Now if I can bring your attention to May 31st, 2015.
13 Do you remember that date?

14 A Yes.

15 Q Were you at the Palms -- living at the Palms at that
16 time?

17 A Uh-huh. Yeah.

18 Q Where were you in the apartment on this day?

19 A I was in my bedroom.

20 Q And where is your bedroom in relation to ---

21 A It is my bedroom is like here (pointing) with the
22 door facing this way. In his bedroom is like right there
23 (pointing) facing that way. But we can see like into
24 each other's room.

25 Q And did Katherine have her own bedroom?

1 A She and Tony shared that same bedroom.

2 Q Now where -- I'm sorry, at any time when you were in
3 your bedroom did you hear anything that was of concern to
4 you?

5 A Yeah. So I was in my bedroom and I was asleep, and
6 Tony called my name. He was like, Reese, help, Reese,
7 help. And I thought he was joking at first.

8 And so I woke up. And she and him were in their
9 room. And he -- she had a Katana blade which is like the
10 blades that samurais use.

11 THE COURT REPORTER: What is the name of the blade?

12 THE WITNESS: Katana.

13 A Some people call it a Katana. And she was basically
14 trying to hit him with it. It is a dull blade. Because
15 he has it for show. It is not like sharp. And ---

16 Q If I showed you a picture of the Katana blade would
17 you recognize it?

18 A Yes.

19 MR. MCCLELLAN: If I can retrieve evidence, Your
20 Honor?

21 THE COURT: What number?

22 MR. MCCLELLAN: State's 5.

23 THE COURT: Okay.

24 Q I am showing you what has already been admitted into
25 evidence as State's 5. That is a touch screen there.

1 Will you use your finger to circle the blade that you saw
2 the defendant with.

3 A (Witness complied.)

4 Q Now you said she was trying to swing this blade?

5 A Yes, she was trying to swing it at him. But he was
6 defending himself. And they ---

7 Q And what do you mean by he was defending himself?

8 A Like dodging and then blocking. And because he
9 studies martial arts. And he eventually takes the blade
10 from her.

11 Q Now during this time was the defendant saying
12 anything?

13 A The defendant, what do you ...?

14 Q I'm sorry, was Katherine saying anything during this
15 time?

16 A You know, just belligerent stuff like just cursing
17 and calling him stuff.

18 Q And what was her tone of voice like?

19 A Anger.

20 Q And would you -- could you describe her demeanor
21 during this time. Did it look like she was being
22 playful?

23 A No. She was -- she was violent.

24 Q And did you see any injuries on her during this
25 time?

1 A She -- she -- I didn't see any injuries. But I seen
2 her hit herself twice. She took her fist and she did
3 this (motioning) and said that she was going to say that
4 he did it.

5 Q Now what was Tony doing during this time?

6 A That was -- that was a -- that was when he took the
7 war hammer from her. That is like a little bit after he
8 took the war hammer. Because she picked that up too.

9 Q And what exactly is a war hammer; would you explain
10 to the jury what that is.

11 A Yes, it is a hammer that -- that you would use in
12 medieval times during like war.

13 Q And would you be able to identify that war hammer
14 that you saw ---

15 A Yes..

16 Q --- if I showed you a picture of it?

17 I am going to show you State' 5 once again. Now
18 like before, when you used your finger to draw around the
19 sword, will you do the same thing for the war hammer.

20 A (Witness complied.)

21 Q And is that the war hammer that the -- that
22 Katherine tried to swing at Tony?

23 A Yeah.

24 Q Did you ever see Tony hit or drag the defendant?

25 A No.

1 Q Did either of them leave the apartment at any time?

2 A She left. I don't remember him leaving. But she
3 did leave. She said she was going to do something to his
4 car. I don't think she did. But she went out like
5 towards his car and then came back. So I am not sure if
6 she did or not.

7 Q And what happened once she returned to the
8 apartment?

9 A She was just being violent. I remember she -- she
10 eventually broke a lamp and his hookah.

11 Q And where were those items; do you remember?

12 A I believe -- well, the lamp I believe was in the
13 living room. And the hookah was in their room.

14 THE COURT REPORTER: What is the other item?

15 THE WITNESS: Hookah. Like a -- yeah.

16 Q What is a hookah? Can you ---

17 A It is like a hookah bar. You can go to a hookah
18 bar like to smoke like -- -- it's just like -- I don't
19 know how to explain it.

20 Q It is like for tobacco smoking?

21 A Sort of, yeah, yeah, yeah.

22 MR. MCCLELLAN: Beg the court's indulgence.

23 Q Now during that entire scene do you remember if Tony
24 ever put his hands on Katherine?

25 A No, he didn't.

1 Q Thank you.

2 MR. MCCLELLAN: Nothing further at this time.

3 THE COURT: Cross-examination.

4 MR. LOIGNON: Yes, Your Honor.

5 **CROSS-EXAMINATION BY MR. LOIGNON OF MAURICE DEWITT:**

6 Q You woke up at 11:00?

7 A It was like around 11:00, yeah.

8 Q You heard the yelling?

9 A Yeah. He said, Reese, help. I remember him saying
10 like, Reese, help. And then he was like, Reese, Reese.

11 Q So the fighting had already started before you woke
12 up?

13 A I don't know. I just woke up to, Reese, help. And
14 I saw her with that Katana blade.

15 Q Do you think it happened simultaneously with your --
16 you waking up, or do you think it could have happened ---

17 A Probably. Because nothing was -- like nothing was
18 destroyed. And I didn't hear -- I am a pretty light
19 sleeper. So I didn't really hear anything prior to that
20 to wake me up.

21 Q So you are saying when you woke up she had the
22 Katana blades?

23 A Yeah, yeah.

24 Q Okay. And you were in your bedroom?

25 A Yeah.

1 Q And they were in their bedroom?

2 A Uh-huh.

3 Q And they are next to each other, right?

4 A Yeah, you can see like from the way my bed was in
5 there in my bedroom you can like see from their bedroom.
6 And they were at the angle where I could see them.

7 Q And it is safe to say you can't see their entire
8 bedroom?

9 A Uh-huh.

10 THE COURT REPORTER: Is that a yes?

11 THE WITNESS: Yes.

12 Q And you can't see all the way in their closet from
13 your bedroom?

14 A Not all of it, no.

15 Q And they probably weren't standing completely still
16 the entire time, were they?

17 A They were somewhat stationary. But after I woke up
18 they started moving around and stuff.

19 Q Yeah, because you said I think when you talked to
20 the police that Kat walked out to the living room, right,
21 at one point?

22 A Uh-huh. Yeah.

23 Q And you can't see the living room from where you are
24 at, can you?

25 A From my room?

1 Q Yes.

2 A No.

3 Q So I know this kind of sound silly; but before you
4 woke up you don't know what was going on, right, because
5 you were asleep?

6 A No, I was asleep.

7 Q Okay. And you are friends with Tony?

8 A Uh-huh.

9 Q And you said y'all have been friends for a while?

10 A Uh-huh.

11 THE COURT REPORTER: Is that a yes?

12 Q And that is why you moved in ---

13 THE WITNESS: Oh, yes. Sorry. Sorry.

14 Q You moved in together because you were friends?

15 A Yeah.

16 Q Did you know Katherine before -- before you moved in
17 with her?

18 A Before, slightly, yeah. Because Tony and her
19 started dating.

20 Q Okay.

21 A So yeah.

22 Q Did you know her before they started dating?

23 A No..

24 Q Okay. And it is safe to say you are still friends
25 with Tony?

1 A Yeah.

2 Q And you don't want anything bad to happen to him?

3 A I guess not. I mean he is my friend.

4 Q Yes.

5 A You know, I don't want anything bad to happen to

6 him.

7 Q I know. Some of these questions seem

8 self-explanatory but I have got to ask them.

9 A Yeah, yeah, I understand.

10 Q And you don't want him to get into any trouble,

11 right?

12 A No.

13 Q And you are here to help him?

14 A I am here to tell the truth.

15 Q Right. You are not here to hurt Tony?

16 A No.

17 Q Okay. And we talked about how Tony is a martial

18 artist, right?

19 A Yes.

20 Q He is bigger than Katherine?

21 A Yes.

22 Q And you said he was able to take weapons away from

23 Katherine?

24 A Yes.

25 Q You spoke to Detective Hall I believe the day of the

1 incident?

2 A Yeah.

3 Q And you gave an audio recorded statement?

4 A Yes.

5 Q And I think you mentioned this on your direct that
6 Katherine went outside?

7 A Yeah.

8 Q Going towards his car?

9 A Yes.

10 Q You said that you are not sure what she did when she
11 was out there?

12 A Yeah, I -- she said she was -- she threatened -- she
13 said she was going to do something to his car. I can't
14 remember exactly what she said. But I know she said she
15 was going to do something to his car and went out towards
16 his car and then came back.

17 Q And she was out there for a little while, a couple
18 of minutes?

19 A Yeah.

20 Q Now she didn't actually do anything to his car that
21 you are aware of, right?

22 A Not that I am aware of.

23 Q Tony probably would have told you if she had done
24 damage to his car, right?

25 A I assume so, yeah.

1 Q Yeah. While she was outside nobody left the house
2 at that point, right?

3 A No, I don't remember -- I know I stayed in, and I
4 don't remember him going outside.

5 Q And nobody called the police at that point?

6 A I believe she did. Because she said she was going
7 to mess his life up and say that he hit her.

8 Q Y'all didn't prevent her from coming back into the
9 house, did you?

10 A - No. She came back in the house.

11 MR. LOIGNON: Court's indulgence

12 Nothing further Your Honor.

13 THE COURT: Redirect?

14 **REDIRECT EXAMINATION BY MR. MCCLELLAN OF MAURICE DEWITT:**

15 Q Reese, during that time were things pretty calm or
16 chaotic would you say?

17 A Chaotic.

18 Q And Mr. Loignon asked you about you not wanting to
19 see anything bad to happen to your friend Tony.

20 A Yes.

21 Q Were you concerned that anything bad was going to
22 happen to him that day when the defendant was
23 swinging ---

24 A Yeah, because that war hammer, you know, she -- I
25 believe she actually put like a dent in the wall with

1 that war hammer. So I mean you definitely could hurt
2 somebody with that.

3 MR. MCCLELLAN: Beg court's indulgence.

4 Thank you. Nothing further.

5 THE COURT: All right. You may step down. Thank
6 you so very much.

7 All right. Mr. Foreman and ladies and gentlemen of
8 the jury, we are going to take a break at this time.
9 Please don't discuss the case amongst yourselves.

10 I don't know if we have any smokers, but if we do
11 let the bailiffs know and they will take you to the
12 proper place to smoke it. We will take about a 15- or
13 20-minute break. If you will follow the bailiff,
14 please.

15 (WHEREUPON, jury exits the courtroom January 16,
16 3:27 p.m.)

17 THE COURT: All right. We will take about a
18 15-, 20-minute recess.

19 MS. BALDWIN: Thank you, Your Honor. May Mr. DeWitt
20 be released from his subpoena?

21 THE COURT: Pardon?

22 MS. BALDWIN: May Mr. DeWitt be released from his
23 subpoena?

24 THE COURT: Any objection?

25 MR. LOIGNON: No objection.

1 MS. BALDWIN: He is from Conway.

2 THE COURT: He is from where?

3 MS. BALDWIN: Conway.

4 THE COURT: Oh, he lives in Conway now?

5 MS. BALDWIN: Yeah.

6 THE COURT: Okay. Yeah, he is released.

7 (WHEREUPON, break was had January 16, 2018, 3:28 p.m.)

8 (WHEREUPON, resume trial January 16, 2018, 3:51 p.m.)

9 THE COURT: Anything from the State before we bring
10 the jury?

11 MS. BALDWIN: Nothing from the State.

12 THE COURT: Anything from the defendant?

13 MR. LOIGNON: Your Honor, I believe there might be a
14 matter of admissibility of a photograph that if we could
15 potentially take up.

16 THE COURT: Okay. Where is the photograph?

17 MS. BALDWIN: Is is the defendant's booking photo,
18 Your Honor, from that day.

19 THE COURT: I'm sorry, what?

20 MS. BALDWIN: It is her booking photo from that day.

21 THE COURT: All right. What is your objection?

22 MR. LOIGNON: The objection is under Rule 403 based
23 on prejudice and also 404. I think it is an attempt to
24 get into her character.

25 I think the State could have used a much less

1 intrusive method of showing the photo of the defendant.
2 They could have cropped out the jail card and all of the
3 other indicators.

4 THE COURT: All right. I will allow it in, but we
5 are going to have to redact all of this about Detention
6 Center and -- the only thing I am going to leave on there
7 is her name, okay.

8 MS. BALDWIN: Your Honor, I would just like to point
9 out I mean the jury knows that she was arrested and will
10 know that she was in the Detention Center.

11 THE COURT: I understand, but I am not going to
12 allow it ---

13 MS. BALDWIN: Okay.

14 THE COURT: --- to go into evidence.

15 MS. BALDWIN: Okay.

16 THE COURT: We are going to redact it.

17 MS. BALDWIN: I will redact it.

18 THE COURT: Redact everything but her name, okay.

19 MS. BALDWIN: Yes, sir.

20 THE COURT: And the pictures.

21 MS. BALDWIN: And leave the name and the pictures?

22 THE COURT: If you leave all of the pictures. Just
23 everything off and just leave her name.

24 MS. BALDWIN: Okay.

25 THE COURT: Okay. I am going to admit it after it

1 has been redacted, okay. I am going to admit the
2 photographs.

3 What is the relevance of that other than just
4 showing her -- showing her picture?

5 MS. BALDWIN: Her ---

6 THE COURT: Now that she is not here ---

7 MS. BALDWIN: For ID purposes, Your Honor. Also
8 to -- it would be I would introduce it through the
9 responding officer for her to say, yes, that is how she
10 appeared to show lack of injury to her since it has been
11 alleged that ---

12 THE COURT: Okay. All right.

13 MS. BALDWIN: --- he beat her up.

14 THE COURT: I am going to admit it after it has been
15 redacted. I am going to take all of that stuff out about
16 the jail and the Detention Center. I can't change the
17 clothes.

18 MR. LOIGNON: Yes, Your Honor.

19 THE COURT: All right. Anything else?

20 MR. LOIGNON: No, sir.

21 THE COURT: All right.

22 When are you planning on introducing it?

23 MS. BALDWIN: That would be for our last witness,
24 Your Honor.

25 THE COURT: Okay. All right. Bring us the jury,

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1 please.

2 (WHEREUPON, scheduling discussions were had while
3 awaiting jury.)

4 (WHEREUPON, jury enters January 16, 2018, 3:54 p.m.)

5 THE BAILIFF: The jury is present, Your Honor.

6 THE COURT: All right. Thank you very much. If you
7 will call your next witness, please.

8 MR. MCCLELLAN: Yes, Your Honor, at this time the
9 State calls Officer Richard Wiersma.

10 (WHEREUPON, the witness was duly sworn.)

11 THE CLERK: Sir, please have a seat, spelling your
12 first and last name for the record.

13 THE WITNESS: Richard Wiersma. R-I-C-H-A-R-D.
14 W-I-E-R-S-M-A.

15 **DIRECT EXAMINATION BY MR. MCCLELLAN OF OFFICER RICHARD**
16 **WIERSMA:**

17 Q Good afternoon, Officer Wiersma. Where do you work?

18 A City of Charleston Police Department.

19 Q And how long have you been with CPD?

20 A About 13 years now.

21 Q And what capacity do you currently work with the
22 City of Charleston Police Department?

23 A Currently I am in the patrol division in West
24 Ashley.

25 Q And back in 2015 in what capacity did you work with

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WIERSMA.

1 the Department?

2 A I was assigned to the crime scene unit.

3 Q In the crime scene unit what -- will you tell the
4 jury a little bit about your duties.

5 A Our duties were to respond to any usually more major
6 crimes that happened. We would photograph the scene and
7 document. We would collect any evidence that we saw. We
8 would put that stuff into the evidence.

9 We were responsible for taking stuff to the crime
10 lab up in Columbia and then working with detectives to
11 make sure things got processed and sent to the lab as
12 need be.

13 Q And did you respond to a scene at [REDACTED]
14 Road on May 31st of 2015?

15 A Yes, I did.

16 Q And what did you do when you arrived at that scene?

17 A After briefed by the officers I photographed the
18 scene to document it. And then I did locate some blood
19 and some swords and knives that were pointed out to me.

20 And I collected a sword that we found blood on at
21 the scene. And then took a swab of the blood that we
22 found on the sword.

23 Q Will you talk a little bit about your process when
24 you are going through and taking photos of a scene.

25 A Right. What we do is first we will take overall

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1 photos of the scene. They may be started outside just to
2 show this is the residence where it happened.

3 And then we will go to where the overall area where
4 it happened and we will take just photographs around a
5 large area. And then we will start shrinking in our
6 photograph.

7 So we may start from like the four corners of the
8 room and we will start shrinking them in, taking
9 long-range, midrange, and then close up shots of any
10 particular articles that we are looking for.

11 Q And if I showed you some photos you took of the
12 scene that day would you be able to discuss with the jury
13 what you are photographing or what you have photographed?

14 A Yes.

15 (WHEREUPON, next exhibit was displayed on ELMO.)

16 Q We will start with State's 6. Officer Weisma, what
17 are we seeing in this photograph right here?

18 A I believe that is in the inside of the apartment.
19 It is -- trying to get -- there is a spot of blood that
20 is on the door frame. And that is what I was trying to
21 photograph.

22 (WHEREUPON, next exhibit was displayed on ELMO.)

23 Q Let's now look at State's 7. Is this the same
24 doorway that you were describing before?

25 A Yes. Same doorway. And that is with the blood.

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WIERSMA

1 And then there's some damage up there just above that.

2 Q And will you use your finger on the screen to point
3 out where the blood is in this photo.

4 A On this screen?

5 Q Yes.

6 A Okay. Yes, the blood is right in this corner
7 (pointing).

8 THE COURT: Circle it if you would.

9 THE WITNESS: I'm sorry.

10 A Right there (circling on ELMO).

11 Q And that is the blood that you photographed when at
12 the scene?

13 A Yes.

14 Q You also mentioned that there was some other damage
15 that you noted. Would you also take your finger and
16 circle where you saw damage.

17 A Yes (drawing on ELMO).
18 (WHEREUPON, exhibit was displayed on ELMO.)

19 Q We will move along to State's 10. What is depicted
20 in this photo?

21 A This is in the bedroom of the apartment. And I was
22 focusing on the sword that is in the center of the
23 picture there.

24 Q And would you use your finger to circle the sword in
25 the center of the picture.

1 A (Witness complied.)

2 Q Anything of note about this particular sword?

3 A That is the sword that we found a spot of blood on.

4 Q And was there any other blood that you saw at the
5 scene that day?

6 A I would have to look at my photos. I believe there
7 was some more blood in here. I haven't seen -- looked at
8 my photos in quite a while.

9 (WHEREUPON, exhibit was displayed on ELMO.)

10 Q Well, let's take a look at what has already been
11 admitted, as State's 12. What is depicted in this photo?

12 A This is a bed where more blood was found.

13 Q And would you note some of the spots where the blood
14 was.

15 A There is a group of three right here (pointing).
16 There is some up here in the center of the bed. And I
17 don't recall if this was blood down here (pointing) or if
18 that just happened to be in the picture.

19 Q Was this a particularly bloody scene; would you
20 describe it as that way?

21 A There was blood throughout the apartment. I mean
22 there wasn't a large volume. But there was blood in
23 several locations.

24 (WHEREUPON, exhibit was displayed on ELMO.)

25 Q And now we will take a look at State's 16. Is this

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WIERSMA

1 the sword that you identified in an earlier photo?

2 A Yes, it is.

3 (WHEREUPON, exhibit was displayed on ELMO.)

4 Q And State's 17, what is this?

5 A The same sword and the blood that was found on the
6 sword.

7 Q And would you use your finger to circle the blood in
8 that photo.

9 A (Witness complied.)

10 Q Was that like three ---

11 A Yeah, it looks like three small drops of blood.

12 Q Now if I can turn your attention to the sword, some
13 of the swords that we saw in those photos. Did you
14 collect any of the swords at the scene?

15 A No, although the one sword. There were other swords
16 there. But that was the only sword that I collected.

17 Q And that is the one sword that had ---

18 A The blood on it.

19 Q And would you be able to identify that sword ---

20 A Yes.

21 Q --- if I showed it to you?

22 A Yes.

23 MR. MCCLELLAN: Permission to approach the witness.

24 THE COURT: Yes, sir.

25 Q I am showing you what has been pre-marked as State's

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1 Exhibit 22. Now do you recognize this packaging?

2 A Yes, sir.

3 Q And how do you recognize this packaging?

4 A It has got my handwriting and my initials. Any
5 evidence that we collect and package before placing into
6 evidence we initial basically the seams of the package.
7 So we will initial the tape -- the tape and usually onto
8 the other packaging just to show that nobody else has
9 opened it without breaking through with my seal.

10 Essentially with my initials.

11 Q And to your knowledge has the contents of this
12 package been tampered with in any way?

13 A Not that I know of.

14 Q And do you know what is contained in this packaging?

15 A The sword that was collected and shown previously.

16 MR. MCCLELLAN: Your Honor, at this time the State
17 seeks to enter Exhibit 22 into evidence.

18 THE COURT: Any objection?

19 MS. ARORA: No objection, Your Honor.

20 THE COURT: Twenty-two admitted without objection.

21 (WHEREUPON, State's Exhibit Number 22, sword, was marked
22 for identification.)

23 (WHEREUPON, State's Exhibit Number 22 was admitted into
24 evidence.)

25 Q Officer Wiersma, will you open up the packaging and

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WIERSMA

1 show the jury its contents.

2 A Yes.

3 Q Do you need scissors?

4 A Scissors would be great. I had to check my knife in
5 with security.

6 Q Here are some gloves if you need them as well.

7 A Thank you.

8 Q Let me make sure it doesn't flip over.

9 A I think I have got it now.

10 (WHEREUPON, exhibit packaging was opened.)

11 Q And is that the sword that you recovered from the
12 scene?

13 A Yes, it is.

14 Q Is it the same sword from State's 16, if you look at
15 the screen?

16 A Yes, it is.

17 Q Would you like me to retrieve that from you?

18 A Sure.

19 (WHEREUPON, exhibit returned to packaging.)

20 Q We will leave that with you for now.

21 A Okay. That will work.

22 Q It is probably best to stay.

23 To your understanding what was the importance of
24 that -- of the sword in reference to this case?

25 A I know I was told that several swords were in the

1 residence and at one point she had picked up a sword and
2 made some kind of threat with it.

3 And then having seen the blood on it I assumed it
4 was touched or at least in the way of the scene while it
5 was happening.

6 Q Now did you take pictures of the defendant's
7 injuries in this case?

8 A Yes, I did.

9 Q And would you be able to recognize that photo?

10 A Yes.

11 (WHEREUPON, exhibit was displayed on ELMO.)

12 Q I am showing you State's 18. Would you identify
13 where the injuries are to the defendant ---

14 A Yes.

15 Q --- in this picture.

16 A Yes. It's the defendant's hand. It had already
17 been bandaged up prior to my arrival.

18 Q And were there any other injuries that you noted to
19 the defendant?

20 A I don't recall if she had another cut on her finger.
21 But the only ones were a little nick or cut on her
22 fingers -- or her hand.

23 Q I'm sorry. Could you say -- could you repeat that a
24 little louder?

25 A The only ones I recall were on her hand. I don't

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WIERSMA

1 recall any other injuries.

2 MR. MCCLELLAN: Beg the court's indulgence.

3 Q Had there been other injuries would you have
4 documented it?

5 A Yes.

6 Q Thank you. Nothing further at this time.

7 THE COURT: Cross-examination.

8 MS. ARORA: May it please the court.

9 **CROSS-EXAMINATION BY MS. ARORA OF OFFICER RICHARD WEISMA:**

10 Q Good afternoon. Is it Officer Wiersma; ---

11 A Yes.

12 Q --- is that the way you say that?

13 A Yes, ma'am.

14 Q So your main duty in 2015 you are a crime scene
15 tech, correct?

16 A Yes.

17 Q And your main objective was just to document the
18 crime scene?

19 A Yes.

20 Q So in the scope of your duties you would -- you
21 appear to the crime scene?

22 A Yes.

23 Q You were given a brief overview of what happened at
24 the crime scene?

25 A Yes.

26

1 Q And then from there you said you would take a large
2 picture?

3 A Yes.

4 Q And then you go further and take smaller tidbits
5 of ---

6 A Correct.

7 Q --- whatever that crime scene was?

8 A Yes.

9 Q Okay. So in this instance you responded to the
10 police; or ---

11 A Uh-huh.

12 Q --- you showed up and you were given brief overview?

13 A Yes.

14 Q And your responsibilities at that point were to take
15 pictures of the incident?

16 A Yes.

17 Q You take pictures -- you took pictures of the
18 apartment, correct?

19 A Yes.

20 Q You would also you would take pictures of any
21 subjects that were present?

22 A Only if there was a significant reason to or they
23 had injuries or something like that?

24 Q When you ---

25 A We don't necessarily photograph everybody at the

1 scene, no.

2 Q When you say a significant reason, it was based off
3 of just what an officer would tell you?

4 A Yes.

5 Q Okay. So in this incident did you -- did you first
6 take pictures of the crime scene -- or take pictures of
7 the apartment?

8 A I believe -- I don't remember what I did first.

9 Q Okay. So let start. So we know according to the
10 State's exhibits you took pictures of Katherine, correct?

11 A Yes.

12 Q And on those pictures you just took a picture of her
13 hand?

14 A Yes.

15 Q And you saw that there was a cut on her hand?

16 A Yes.

17 Q Did you take a picture -- I know you said you took a
18 large picture. Did you take a picture of her as a whole?

19 A I would have to look through all my photographs.
20 Usually, yes, typically we will take a picture of the
21 person before we focus in on injuries or whatever we are
22 trying to photograph.

23 Q Did you take any close-ups of her head?

24 A Not that I recall.

25 Q Anything of her shoulders or ---

1 A Not that I recall.

2 Q --- other -- are there any -- did you take any
3 pictures of say like her legs or ---

4 A Not that I recall.

5 Q No, you didn't see any other blood smears or
6 anything else on her to take pictures of?

7 A I don't believe so, no.

8 Q All right. And from there you went into the
9 apartment and you took pictures of the apartment as a
10 whole, correct?

11 A Yes.

12 Q And then you went in and you took pictures of what
13 you saw around the apartment?

14 A Yes.

15 Q So when you were taking pictures you took pictures
16 of what appeared to be swords?

17 A Right.

18 Q You took pictures of what appear to be broken items?

19 A Yes, I believe so; yeah.

20 Q Would you -- you took pictures of what seemed to be
21 a mess of an apartment?

22 A Yes.

23 Q So what you can kind of tell us with this is your
24 job was to just come in and take ---

25 A Yes, take pictures and collect evidence.

- 1 Q So and you collected -- with that evidence you
2 collected blood swabs?
- 3 A Yes, I collected a blood swab off of the sword; yes.
- 4 Q Collected the blood swab, and you collected the
5 sword?
- 6 A Yes.
- 7 Q It is in evidence. But your job wasn't to say who
8 used that sword?
- 9 A No.
- 10 Q And your job you can't tell us how that sword was
11 used?
- 12 A I wasn't there; so, no.
- 13 Q And with the pictures of Katherine can't tell us how
14 she was cut?
- 15 A No.
- 16 Q With the dents in the wall I know Mr. McClellan
17 showed you pictures of that. You can't tell us how that
18 dent appeared on the wall?
- 19 A No.
- 20 Q So basically you can just tell us what was present
21 at the scene?
- 22 A Correct.
- 23 Q Not exactly what happened at the scene?
- 24 A Correct.
- 25 MS. ARORA: Beg the court's indulgence.

1 THE COURT: Yes, ma'am.

2 MS. ARORA: No further questions.

3 THE COURT: Any redirect?

4 MR. MCCLELLAN: Yes, Your Honor. Briefly.

5 **REDIRECT EXAMINATION BY MR. MCCLELLAN OF OFFICER WIERSMA:**

6 Q Officer Wiersma, were there any other visible
7 injuries to the defendant other than the nicks on her
8 hand?

9 A None that I saw or recall seeing. And none that I
10 was told -- had I been told that there were other
11 injuries or she complained of other injuries I would have
12 photographed those.

13 Q Thank you.

14 MR. MCCLELLAN: Nothing further.

15 THE COURT: Okay. Officer Wiersma, if you would lay
16 that sword over here behind the court reporter, please,
17 sir.

18 THE WITNESS: Yes, sir.

19 THE COURT: You may step down. Just lay it over
20 there behind the court reporter, please. Thank you so
21 very much.

22 THE WITNESS: Thank you, Your Honor.

23 THE COURT: You may step down. Thank you very much.

24 THE WITNESS: Thank you, sir.

25 THE COURT: Call your next witness.

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1 MS. BALDWIN: Thank you, Your Honor. The State
2 calls Officer David Larkin.
3 (WHEREUPON, the witness was duly sworn.)
4 THE CLERK: Please take your seat, spelling your
5 first and last name for the record.
6 THE WITNESS: First name David. D-A-V-I-D. Last
7 name Larkin. L-A-R-K-I-N.
8 **DIRECT EXAMINATION BY MS. BALDWIN OF OFFICER DAVID**
9 **LARKIN:**
10 Q Officer Larkin, it might seem obvious, but where do
11 you work?
12 A City of Charleston Police Department.
13 Q And in what capacity?
14 A Currently I am a specialized unit that focuses on
15 the diminishment of violent crime. During this incident
16 I worked as a patrol officer in West Ashley where I
17 responded to various calls for service, 911 calls
18 essentially.
19 Q What is the call for service?
20 A A 911 call, somebody that has called in to 911 we
21 get dispatched to a location.
22 Q Call goes out and you show up?
23 A Correct.
24 Q Okay. Did you respond to a call at [REDACTED]
25 [REDACTED] Road on May 31st of 2015?

1 A I did.

2 Q And is that location in Charleston County?

3 A It is.

4 Q And I know you are a little bit under the weather.
5 If you can just speak into the microphone. Thank you.

6 Was there another officer that responded with you?

7 A There was. Kelly Maguire.

8 Q And where is she now?

9 A She is currently training with the FBI.

10 Q Okay. So she is no longer with CPD?

11 A She is in the FBI Academy. No.

12 Q When you arrived at that location on [REDACTED]
13 Road what did you do? Who did you encounter when you
14 first got there?

15 A Once we arrived we approached the apartment complex,
16 the residence; and we were approached by Ms. Seabrook on
17 foot.

18 Q And what was her demeanor?

19 A She came out. She was emotionally distraught.
20 Highly aggressive and agitated, which is common and
21 normally in incidents like this.

22 We attempted to calm her down. She wasn't calming
23 down. She became demeaning towards officers, and so she
24 was asked to take a seat until we could investigate
25 further.

1 Q When you say she was aggressive, emotional, what do
2 you mean; and you say it is common in incidents like
3 this. What do you mean?

4 A Normally when we respond to domestic violence or
5 physical or verbal altercations usually both parties are
6 ranked up. They are very agitated.

7 Usually at this point we separate both parties and
8 they are able to calm down. That is what we attempted to
9 do in this circumstance initially when we first walked up
10 there. Again, Ms. Seabrook was pretty agitated, pretty
11 irate.

12 Once she started to get verbally demeaning we
13 realized that we kind of needed her to cool off for a
14 minute, so we asked her to sit down until we could
15 investigate and hear the other side of the story from Mr.
16 Smith and Mr. DeWitt.

17 Q Who was she verbally demeaning to?

18 A Both myself and Officer Maguire.

19 Q After you got her to sit down what did you do?

20 A We entered the residence and spoke to both Mr. Smith
21 and Mr. DeWitt who were inside.

22 Q And did they tell you what happened?

23 A They did.

24 Q Their side of the story?

25 A They gave us their side, yes.

1 Q When you were inside of the house what did you
2 observe?

3 A When we first entered the house it was in like a
4 state of disarray. There were several items that were
5 kind of thrown around the house, to include I believe
6 there was a smoking lamp or a like a hookah that was
7 against the wall, smashed against the wall.

8 If you walked further down into the apartment we
9 noticed several swords, like primitive weapons, long
10 swords, and a war hammer that was also on the floor.
11 Yes.

12 Q Okay. What did you do next?

13 A Once we got their side of the story and had the
14 ability to take a look at the apartment we went back
15 outside to speak with Ms. Seabrook and get her side of
16 the story.

17 Q And what did she tell you?

18 A Once she calmed down she said that she had been
19 struck several times in the face, punched repeatedly, and
20 dragged across the floor, grabbed by her hair and dragged
21 across the floor.

22 Q What injuries did you observe to her?

23 A Ms. Seabrook had no physical manifestation or
24 bruise. She had no swelling, no red marks, no scratches.
25 Her hair was not consistent with that of somebody who had

1 just been dragged across the floor.

2 We did note when we first approached noticed that
3 she had small blood splatter on her leg. So after
4 further investigation we noted that she had like a small
5 laceration from possibly tussling with a blade. That was
6 on her -- I am going to refer to my report here, but I
7 believe it was her right hand.

8 Q You are referring to the paperwork there. What are
9 you looking at?

10 A This is my report, incident report of the -- the ---

11 Q It has been a while, little while, since -- since
12 this case?

13 A Yes. Yeah, 2015, so.

14 Q Does that report help refresh your memory?

15 A It does, yes.

16 (WHEREUPON, exhibit was displayed on ELMO.)

17 Q Okay. I am going to show you what has been admitted
18 as State's Exhibit 18. It should come up right in front
19 of you. What is that?

20 A That is the laceration that I am speaking of.

21 Q Okay. So who put the Band-Aid on her?

22 A It was EMS. They were called to the scene to do an
23 evaluation to determine whether or not she had serious
24 physical injury.

25 Q To your knowledge was that the only treatment ---

1 THE WITNESS: I'm sorry.

2 THE COURT REPORTER: I am having trouble hearing
3 you. I know you are ill.

4 THE WITNESS: I apologize.

5 Q Repeat what you were saying.

6 A I said EMS responded to the scene to determine
7 whether or not she had injuries ---

8 Q Okay.

9 A --- as indicated to ---

10 Q To your knowledge is that the only treatment she
11 received?

12 MR. LOIGNON: Objection ---

13 A Correct.

14 MR. LOIGNON: --- on speculation.

15 THE COURT: Overruled. Go ahead.

16 Q You can answer the question.

17 A Yes.

18 Q Okay. Was there any bruising or swelling to her
19 face or body?

20 A Not that I noted, no.

21 Q Okay. Based on your conversations with Ms.

22 Seabrook, Mr. Smith, and Mr. DeWitt, as well as your
23 observations of the house, what did you do?

24 A It is our responsibility to determine in cases like
25 this who the primary aggressor is. Based on the

1 information that we received and what we observed we
2 didn't -- what we saw on Ms. Seabrook didn't necessarily
3 match with the story that she had indicated.

4 I mean she said she was struck several times. There
5 was no physical manifestation of wounds that indicated
6 that. And what we saw in the house corroborated what Mr.
7 Smith had said. We determined she was the primary
8 aggressor, and she was placed under arrest.

9 Q And what was her demeanor during this whole time you
10 were interacting with her?

11 A Irrate, verbally aggressive, verbally demeaning
12 towards both officers and the EMS personnel.

13 Q Who else besides you and Officer Maguire responded
14 to the scene?

15 A We contacted Detective Hall. She responded to the
16 scene in an attempt to get a statement, as well as crime
17 scene.

18 Q Do you recall collecting anything from the
19 defendant? I know crime scene responded.

20 A I don't recall.

21 Q I am going to show you what has been marked -- or
22 what has been admitted as State's Exhibit 21. Can you
23 take a look at that.

24 A This is the Smith and Wesson folding knife.

25 Q I am sorry?

1 A This is the Smith and Wesson folding knife. This
2 was used to, if I recall correctly, to cut clothing. It
3 is what kind of started the initial argument between the
4 two of them.

5 Q And how do you know what that is?

6 A I collected this.

7 Q Okay. And how do you know you collected it?

8 A Right here on the tab it has got my name with my
9 initials on it so.

10 Q Okay. Who did you get that from?

11 A Ms. Seabrook.

12 Q I'm sorry?

13 A Ms. Seabrook.

14 Q Okay. It was on her person?

15 A I don't recall.

16 Q Okay. But you collected it from her?

17 A I did.

18 Q Okay. So based on you all determined that Ms.
19 Seabrook was a primary aggressor what did you do as a
20 result of that?

21 A She then gets transported up to Al Cannon Detention
22 Center which is where she was booked accordingly awaiting
23 for trial.

24 THE COURT REPORTER: I'm sorry?

25 MS. BALDWIN: That's okay.

1 THE COURT REPORTER: Repeat your answer, please.

2 THE WITNESS: I'm sorry.

3 A She was transported to Al Cannon Detention Center
4 where she is then booked and lodged awaiting for trial.

5 Q Okay. She was arrested at that point?

6 A She was, yes.

7 Q Handcuffed?

8 A Correct.

9 Q Okay. What happened in root to the jail while you
10 were transporting her?

11 A As we were transporting her to the jail she began to
12 spontaneously utter aggressive and demeaning things in
13 the back of the car.

14 At one point she noted that -- and I will quote from
15 this so I don't get this wrong. She stated: I wish I
16 had killed him; if I see him again I will.

17 At that point it kind of got my attention to
18 actually start listening to what she was saying. And in
19 this circumstance normally if I am not -- if I didn't
20 provide Miranda rights through an individual who I am
21 going to speak to I will reissue the Miranda rights. And
22 at this point I did.

23 Q Had she been issued her Miranda rights earlier?

24 A She had been. Not by myself.

25 Q When she uttered that first statement was that in a

1 response to any questioning by you?

2 A No.

3 Q She just said it?

4 A Uh-huh.

5 Q Okay. And so you reissued her Miranda rights?

6 A I did.

7 Q What did you do -- what did she do after you

8 reissued those rights?

9 A Upon the conclusion of me reading the rights she

10 stated: Fuck you; I know my rights; and hell, yes, I

11 wished I'd killed him.

12 And then she tried to stand up and cause physical

13 damage to herself or physical harm to herself in the

14 back.

15 Q How was she doing that?

16 A She managed to manipulate her body and try to take

17 her hands and cuffs and place them down to the Crown Vic.

18 And at the time it's not flush. So they have the door

19 panels that are open. And she tried to wrench her wrists

20 over the top of that.

21 So to the extent that we needed to -- I had to pull

22 over and have a second unit come and follow me to the

23 jail with a camera card because my -- I did not have a

24 camera card installed at the time. The City had not

25 installed them in the vehicles yet.

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1 Q Did you in fact at -- get her to the jail?

2 A I did, yes.

3 Q Okay.

4 A No further incidents on the way up there.

5 Q Okay. I am going to show you what has been marked
6 for ID as State's Exhibit 19. Do you know what that is?

7 A This is a booking photo.

8 Q Okay. It is a booking photo of whom?

9 A I'm sorry?

10 Q The booking photo of whom?

11 A Of -- I can't -- Ms. ... ---

12 Q Ms. Seabrook?

13 A Yes.

14 MS. BALDWIN: Your Honor, at this time I would like
15 to admit State's 19.

16 THE COURT: I am sorry, what?

17 MS. BALDWIN: State's 19 I would like to admit it,
18 Your Honor.

19 THE COURT: Okay. Admitted with objection.

20 MR. LOIGNON: Yes, Your Honor.

21 (WHEREUPON, State's Exhibit 19 was admitted into
22 evidence.)

23 THE COURT: And previous objection I will
24 acknowledge, okay. The objection is overruled, okay.

25 MR. LOIGNON: Thank you.

1 THE COURT: All right. Thank you very much.

2 Q So that is Ms. Seabrook?

3 A That is.

4 Q Okay. And when you book somebody into the jail do

5 you do a booking sheet?

6 A We do.

7 Q Okay. What does that information contain?

8 A Personal information. Where she can be contacted

9 at -- I think I have an example here. I don't. General

10 information as to what -- where a person lives, what

11 their phone number is, contact information, and what the

12 charges are associated with that individual. General

13 information.

14 Q Their date of birth?

15 A Correct.

16 Q Okay. What is her date of birth?

17 A [REDACTED]/92.

18 Q Okay. And that is -- the picture that is up there

19 that is the Ms. Seabrook that you arrested that day?

20 A That is correct.

21 Q The case that you are here for today?

22 A Yes.

23 Q Okay. Did you notice any injuries in that photo?

24 A No.

25 Q And that is how she appeared that day when you

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1 booked her in?

2 A Correct.

3 Q Okay.

4 MS. BALDWIN: Court's indulgence. I have no further
5 questions for you at this time.

6 THE COURT: Cross-examination.

7 MR. LOIGNON: Yes, Your Honor.

8 **CROSS-EXAMINATION BY MR. LOIGNON OF OFFICER DAVID LARKIN:**

9 Q You didn't submit any body cam footage?

10 A No, sir. At the time I was not issued a body
11 camera.

12 Q No dash cam footage?

13 A Not in my vehicle, no.

14 Q And no footage from inside of the vehicle either?

15 A That would be the dash camera. No. There is a
16 forward facing and a rear facing. We don't -- I had none
17 in the vehicle.

18 Q Okay. You didn't record your conversation with Mr.
19 Smith, did you?

20 A I did not, no.

21 Q Detective Hall did it though?

22 A She may have. I am not sure.

23 Q You are the arresting officer in this case?

24 A Correct.

25 Q Who is the case agent?

26

- 1 A The case agent would be Detective Hall?
- 2 Q Okay. So you are not aware of everything that went
3 on in this case?
- 4 A I can only testify on what I saw, what I witnessed,
5 and my assumptions of the case.
- 6 Q You haven't gone back after -- after the fact and
7 reviewed any of the evidence in this case?
- 8 A No.
- 9 Q You haven't reviewed any other reports?
- 10 A Just my own.
- 11 Q You didn't listen to the audio interviews conducted
12 by Detective Hall?
- 13 A No. Actually, I didn't know she did audio
14 interviews.
- 15 Q And you personally didn't record your conversation
16 with Mr. Dewitt either, right?
- 17 A No, sir. I had no recording device at the time so.
18 It is common practice now that we use the body camera
19 footage. But I had none -- I had none during this.
- 20 Q So I know it goes without saying, but you didn't
21 record your conversation with Ms. Seabrook either?
- 22 A No.
- 23 Q Okay. And this event happened almost three years
24 ago, right?
- 25 A May 31st, 2015.

- 1 Q You have responded to this same apartment before?
- 2 A Previously for a verbal altercation I believe
- 3 between the two of them. The same couple, yes.
- 4 Q The same couple. And when you got there you said
- 5 Ms. Seabrook was outside, right?
- 6 A Which time?
- 7 Q I'm sorry. That was confusing. This time when you
- 8 got there Ms. Seabrook was outside?
- 9 A She approached us as we approached. I don't know if
- 10 she came -- as -- if you walk up into the patio it is a
- 11 glass -- a glass opening with a stairwell. And their
- 12 apartment was the first apartment just behind the
- 13 stairwell to the right.
- 14 Q Your first observation of her was her standing
- 15 outside?
- 16 A That is -- yes, she approached us.
- 17 Q Okay. And you observed blood splatter on her leg?
- 18 A Yes.
- 19 Q And you later found out that was from her finger?
- 20 A Correct.
- 21 Q And you mentioned she was upset and yelling, right?
- 22 A Yes.
- 23 Q And you asked her to calm down?
- 24 A We did that.
- 25 Q She was not calming down so you went inside?

1 A Correct.

2 Q You spoke to Mr. Smith then, right?

3 A I did.

4 Q And that was the first version of kind of what
5 happened that you heard?

6 A Yes. Yeah, we tried to get her to explain her side
7 of the story, but she wouldn't calm down. So ---

8 Q Right.

9 A --- we -- yes, when we went and talked to him that
10 was the first recollection of what we know.

11 Q And at that time Mr. Smith never told you that he
12 grabbed Ms. Seabrook by the hair, did he?

13 A No.

14 Q Did he tell you that he grabbed her by the
15 shoulders?

16 A Not that I recall. I know that from what he had
17 explained to us was there was a struggle over the Smith
18 and Wesson knife, that she had lunged at him with it.

19 I don't -- I can't recall whether he grabbed her by
20 the shoulder or how he got it from her. But I know that
21 he had removed the knife from her hand.

22 Q You -- you did not observe any injuries on him?

23 A I did not. No.

24 Q And he advised he didn't need any medical attention?

25 A No medical attention, no. Huh-uh.

- 1 Q So when you got outside -- or once you got his side
2 of the story then you went back outside?
- 3 A Correct.
- 4 Q And that is when you talked to Ms. Seabrook, right?
- 5 A Right.
- 6 Q She told you she -- that Mr. Smith struck her in the
7 face?
- 8 A Yes.
- 9 Q And that he dragged her by the hair?
- 10 A Correct.
- 11 Q That he beat her?
- 12 A Repeatedly is what she said.
- 13 Q Then you detained her, right?
- 14 A After we got her side of the story, yes.
- 15 Q You have responded to domestic violence calls
16 before?
- 17 A Yes.
- 18 Q You have experience in dealing with these high
19 emotion situations?
- 20 A Quite frequently, yes.
- 21 Q When people are in a relationship things can get
22 kind of intense sometimes, right?
- 23 A Yes.
- 24 Q Very personal?
- 25 A They can.

1 Q And people can say things in the heat of the moment
2 that maybe they don't really mean?

3 A They can. Yes.

4 Q I am going to ask you to take a look at this photo
5 up here. Can you tell me what this area is right here;
6 what do you see right there that is kind of shimmering?

7 A Are you talking -- her weave?

8 Q What do you think that this -- this bright spot is
9 right here (pointing)?

10 A It looks like braiding, sir.

11 THE COURT REPORTER: It looks like what? I'm sorry?

12 THE WITNESS: Braiding. Braiding.

13 Q I am pointing to State's Exhibit 19. And I am not
14 talking about the dark black part of the mirror. I am
15 talking about just above it where my finger is.

16 A Right.

17 Q The lighter portion, what is that?

18 A Yes, sir, if you look at the picture to the left of
19 that one where it is her frontal face view you will see
20 the same part right across the top of her head. That is
21 where the braiding actually comes down in the hair. So
22 that is her scalp that you are seeing.

23 Q That -- right, her scalp?

24 A Yes.

25 Q Okay.

1 MR. LOIGNON: Nothing further, Your Honor.

2 THE COURT: Redirect.

3 MS. BALDWIN: Yes, Your Honor. Thank you.

4 **REDIRECT EXAMINATION BY MS. BALDWIN OF OFFICER DAVID**

5 **LOIGNON:**

6 Q You said that is the parting of her hair?

7 A Yes, ma'am.

8 Q Okay. So it looked normal to you?

9 A It does.

10 Q Okay.

11 A I don't see any significant damages.

12 Q Mr. Loignon referenced responding to a verbal
13 altercation on a previous -- or a verbal altercation on a
14 previous incident between the two?

15 A I'm sorry, could you ...?

16 Q Mr. Loignon mentioned that you had responded to that
17 location before?

18 A Yes.

19 Q To a verbal altercation?

20 A I believe so. It wasn't anything that was
21 significant to the extent that we would document it. I
22 believe it was an argument between the two of them and
23 she was asked to leave.

24 Q So it wasn't -- you didn't go into the -- when you
25 responded to this incident, did you have any biases one

1 way or the other?

2 A No.

3 Q Okay. When did you decide to make an arrest of her?

4 A Once we had the totality of the circumstances. We
5 heard both sides of the stories and weighed our options
6 of what we saw on the scene as well.

7 So taking into account what we saw, the physical
8 injuries, administer to both parties and their statements
9 is when we determined who the primary aggressor was.

10 Q Okay.

11 MS. BALDWIN: Court's indulgence.

12 Q And I think it was referenced what she said on your
13 cross-examination in the car. How many times did she say
14 she wished she killed the defendant?

15 MR. LOIGNON: Objection. Beyond the scope.

16 THE COURT: I will sustain the objection. I don't
17 know that he went into that.

18 MS. BALDWIN: Okay. I have no further questions.

19 THE COURT: Okay. You may step down. Thank you
20 very much.

21 THE WITNESS: Thank you, sir.

22 THE COURT: May I see the lawyers up here for just a
23 second.

24 (WHEREUPON, bench conference was had.)

25 THE COURT: Does the State have any more witnesses?

1 MS. BALDWIN: At this time the State rests, Your
2 Honor.

3 THE COURT: All right. Ladies and gentlemen of the
4 jury, Mr. Foreman, and ladies and gentlemen of the jury,
5 I am going to excuse you at this time.

6 I don't know if defense is going to offer any
7 testimony or not at this point in time. They may or may
8 not. They are not obligated to offer any testimony.

9 So what I am going to do is excuse you now. Be back
10 in your jury room at 9:30 in the morning and we will get
11 started at that time.

12 Please don't discuss the case amongst yourselves or
13 with anyone else. Don't do any type of electronic
14 examinations on the charges or the type of charges in
15 this particular case.

16 See you in the morning at 9:30. Have a good
17 evening.

18 (WHEREUPON, jury exits courtroom January 16, 2018,
19 4:38 p.m.)

20 THE COURT: All right. I understand the defense is
21 not going to have any. I didn't want to preclude the
22 occasion if you decide overnight. I understand at this
23 point in time you are not going to call any witnesses,
24 right?

25 MR. LOIGNON: That is correct, Your Honor.

1 THE COURT: All right. Do y'all have any requests
2 to charge from the State and the defendant?

3 MS. BALDWIN: We don't have a specific requests,
4 Your Honor.

5 THE COURT: Does the defense have any specific
6 requests?

7 MR. LOIGNON: Other than the one that I submitted to
8 your law clerk. We would also ---

9 THE COURT: When did you submit them?

10 MR. LOIGNON: This morning. I have copies ---

11 THE COURT: Do you have copies of them? If you have
12 got copies bring them on up here.

13 (WHEREUPON, charge conference was had in conference and
14 court was recessed for the day.)

15 (WHEREUPON, resume trial January 17, 2018.)

16 THE COURT: We finally got the last juror.

17 All right. Yesterday I think the State rested in
18 front of the jury if I remember correctly. Correct?

19 MS. BALDWIN: Yes, sir.

20 THE COURT: All right. And I did not give the
21 defendant an opportunity to make any motions. I want to
22 give the defendant an opportunity to make motions that
23 they would like to make at the end of the State's case.

24 Be glad to hear you.

25 MR. LOIGNON: Thank you, Your Honor. May it please

1 the court. The State would move for a directed verdict
2 at this time. The State -- or excuse me, the defense
3 moves for a directed verdict.

4 The State is required to prove all elements of
5 criminal domestic violence of a high and aggravated
6 nature. I don't believe they have done that here.

7 Looking at the statute, 16-25-65, the 2014 version,
8 it says that you have to have either Subsection 1 or
9 Subsection 2 needs to apply.

10 In this case Subsection 1 does not apply because
11 there are no allegations, no actual injury here; no
12 evidence of any injury to the victim in this case, much
13 less serious bodily injury which is what is required
14 under Subsection A(1).

15 So it is my understanding that the State is
16 proceeding under A(2) which is an assault of without the
17 battery, which would reasonably cause a person to fear
18 imminent serious bodily injury or death.

19 And while we disagree with the State's version of
20 events, we do concede that there has been evidence of an
21 assault that has been presented in court; however, there
22 has been no evidence to show that Mr. Smith actually
23 feared imminent bodily injury or death or that of a
24 reasonable person similarly situated would have feared
25 imminent serious bodily injury or death.

1 And to the contrary I think there has been evidence
2 to show that he was not in fear at all and that he had
3 many opportunities to disengage and he chose not to.
4 Many opportunities to call 911. He chose not to.

5 And he has specific training to subdue individuals
6 and to disarm individuals. He has done it before. That
7 is his job. And he voluntarily took on that endeavor in
8 this case.

9 So I think that alone, his words and the words of
10 the other witnesses, showed that he was not in fear of
11 imminent serious bodily injury or death in this case; and
12 for that reason alone Ms. Seabrook would not be guilty of
13 CDV HAN.

14 THE COURT: Okay. Glad to hear from the State.

15 MS. BALDWIN: Thank you, Your Honor. When you look
16 at the evidence in the light most favorable to the State
17 I think the jury could find the defendant guilty of CDV
18 HAN.

19 You have the victim stating that he was worried that
20 the defendant was going to hit him with several deadly
21 weapons. And I think it can be inferred from those
22 weapons - we have two of them in evidence - that he was
23 worried that she was going to either cause some serious
24 injury or death.

25 You also had his friend say he was worried for the

1 safety of his friend when she swung that war hammer at
2 him. They both testified that that weapon could cause
3 serious injury because of the spikes on it. With
4 pictures of the war hammer taking a chunk out of the wall
5 of the apartment.

6 We also have the statements of the defendant, as
7 Officer Larkin testified to that she was trying to kill
8 him. So I think a reasonable person would fear serious
9 bodily injury or death.

10 THE COURT: Okay. I think the -- I believe Mr.
11 DeWitt testified that Mr. Smith, the victim in the case,
12 woke him up hollering for help if I remember correctly.
13 Is that correct?

14 MS. BALDWIN: Yes, sir.

15 THE COURT: Okay. All right. Taking the evidence
16 in the most favorable to the nonmoving party, motion is
17 denied.

18 Anything else before we bring the jury?

19 MR. LOIGNON: Just to renew ---

20 THE COURT: Pardon?

21 MR. LOIGNON: -- prior motion. Just to renew all of
22 my prior motions and objections, Your Honor.

23 THE COURT: Okay. All right.

24 Let me ask you this: Do you want me to bring the
25 jury in and then you stay in front of the jury and you

1 can say in front of the jury you have no problems with
2 testimony and I will send them back out and listen to
3 your motion, or do you just want to do that in camera and
4 go to closing arguments when the jury comes in?

5 MR. LOIGNON: I am fine with doing that in camera
6 and then just going into closings when the jury ---

7 THE COURT: From my understanding you do not have --
8 you are not going to offer any testimony; is that
9 correct?

10 MR. LOIGNON: That is correct, Your Honor.

11 THE COURT: All right. You want to renew your
12 motions that you made at the end of the State's case?

13 MR. LOIGNON: Yes, Your Honor.

14 THE COURT: All right. I will be glad to hear those
15 very briefly.

16 MR. LOIGNON: I don't have anything new to put on
17 the record. I would just renew the same arguments that I
18 made and in reply.

19 THE COURT: Those motions are denied, okay. The
20 court recognizes all of the motions that you have made
21 during the course of the trial; but they are denied,
22 okay?

23 MR. LOIGNON: Yes, sir.

24 THE COURT: All right. Are y'all ready for closing
25 arguments?

1 MS. BALDWIN: Yes, sir.

2 THE COURT: Okay. All right. Bring us the jury,
3 please.

4 (WHEREUPON, jury enters January 18, 2018, 9:52 a.m.)

5 THE BAILIFF: All are present, Your Honor.

6 THE COURT: Thank you very much. All right. Mr.
7 Foreman, ladies and gentlemen of the jury, the State
8 rested yesterday; and the defendant is not going to call
9 any witnesses, so we are going to closing arguments.

10 And then after the closing arguments made by the
11 attorneys I will charge you on the law that is applicable
12 in this particular case.

13 Solicitor.

14 MS. BALDWIN: Thank you, Your Honor.

15 MS. BALDWIN: Good morning.

16 THE JURY MEMBERS: Good morning (in unison).

17 **CLOSING BY MS. BALDWIN:**

18 So I told you all at the beginning of this that the
19 defendant was angry, that she was a woman scorned. And I
20 hope that you guys can all at this point see what I was
21 talking about, that Ms. Seabrook not only tried to
22 severely injure Tony but that she has the gall to lie
23 about the police -- lie to the police about that and that
24 she went even further and tried to get an order of
25 protection and lie to the courts about it.

1 However, that didn't fully work. And it is because
2 the courts and the police saw what she tried to do to the
3 victim.

4 So let's talk about Tony's testimony. I know it was
5 just yesterday, but I would like to go over a few points.
6 You heard him talk about how they got into an argument.
7 And that is fine. All couples argue.

8 But Ms. Seabrook then decided to take it a step
9 further. She decided to destroy his belongings. She
10 swung a knife at Tony. She swung a war hammer.

11 And you saw the pictures. You heard testimony about
12 that. It is a pretty dangerous object. I think it can
13 cause some damage. She swung a sword. And you saw
14 officer Wiersma bring that sword out. It is large. And
15 it could also cause severe injury to somebody.

16 And Tony did manage to dodge each attempt to cause
17 some injury. So lucky for us he is here today and he can
18 tell you what happens.

19 And he was honest with you. He told you that, yeah,
20 she cut up his belongings and he was upset about that.
21 So he cut up one of her bras.

22 And you saw the picture of the bra next to the
23 sword. He told you what he did. And the defense was
24 trying to insinuate that maybe Tony was caused -- caused
25 injury to Ms. Seabrook prior to this and that is why she

1 had to pick up this knife and this sword and this war
2 hammer to defend herself.

3 But think about it. If Tony wanted to cause injury
4 to her he told you all that he was a -- martial arts,
5 that he had these weapons, that he had trained with them.
6 So he could have caused injury; but, no, he wanted to
7 diffuse the situation after that.

8 He also told you that Ms. Seabrook was hitting
9 herself during this argument because she wanted to get
10 him arrested, she wanted to get him in trouble.

11 You can hear that on the recording that Tony made of
12 the two of them going back and forth. Just you will have
13 that in the jury room. You can hear that again if you so
14 desire.

15 You can also hear Ms. Seabrook damaging certain
16 items around, trashing the house. And you saw those
17 pictures of the TV upended, of the hookah broken, the
18 paintball gun broken.

19 On that recording you can also hear Tony telling Ms.
20 Seabrook to calm down. You also heard Tony say that he
21 initially wasn't going to call the police.

22 But Ms. Seabrook called the police herself. She
23 brought the police into the situation because she was out
24 for Tony's blood, both literally and figuratively.

25 And you heard Tony say, well, yeah, he was here to

1 testify. Because everyone needs to take responsibility
2 for their actions. And that is exactly why we are here
3 today, to hold the defendant responsible.

4 So you have got Tony's testimony, but how do we know
5 that his testimony is what happened that day? Well, you
6 have got Reese's testimony as well.

7 He told you that he was woken up by Tony yelling,
8 Reece, help. He saw that -- he got out of bed, walked
9 into the other room and he saw the defendant swinging a
10 sword and he saw her swing the war hammer at Tony.

11 He said he was worried for Tony's safety because
12 that hammer could have really hurt him. It took a chunk
13 out of the wall and it actually took that chunk with it.

14 Maurice also told you he also saw Ms. Seabrook hit
15 herself in the face saying that she was going to blame it
16 on Tony. And he heard her say she was going to lie to
17 the police about it.

18 I believe the defense was trying to say that maybe
19 Maurice didn't hear the whole thing, that he came up in
20 the middle of the argument.

21 But Maurice told you that he is a light sleeper and
22 he would have heard if Katherine was being beaten up; he
23 would have heard what happened prior to that.

24 They may also try to say that, you know, Maurice was
25 going to say anything to help his friend out. Well, you

1 saw his demeanor on the stand. So you can make that
2 determination for yourself.

3 What else do we have to corroborate to any story?
4 We have the pictures. And you will have those back there
5 with you as well.

6 You will see the picture of the war hammer on the
7 floor with a chunk of wall still on it. You will see the
8 mark on the wall. You will see the swords all over the
9 place.

10 And the disarray, the general disarray of the
11 apartment, you heard Tony say that the bedroom typically
12 did not look like that. The covers would be on the bed.
13 The closet everything would be hanging up.

14 Think about it. He told you that Kathryn took
15 things down out of his closet and cut them up. And you
16 can see the clothes all on the ground in there.

17 Pictures also are great for what they don't show.
18 You can see the lack of injury in the pictures of her.
19 All we have is the one tiny cut to her finger. And Tony
20 told you that she cut her finger when she grabbed that
21 sword.

22 I think the defense tried to get Officer Larkin to
23 say that the part in her hair in her photo was maybe
24 something -- that there was some hair missing. That is
25 not the case. I think we all have parts in our hair.

1 There is no -- there is -- it is not that we have our
2 hair pulled out.

3 We also have the police who can corroborate what
4 Tony said happened. You heard Officer Larkin. He said
5 that he tried to talk to Katherine. She was upset, so he
6 told her to sit down.

7 And then he went and talked to Tony and Maurice.
8 And they told him what happened. And then he wanted to
9 go back out.

10 Instead of immediately going and arresting Ms.
11 Seabrook he wanted to get her side of the story and find
12 out what happened from her.

13 When she told him that she had been dragged, beaten,
14 he saw all of the evidence. He saw what it looked like
15 inside of the apartment. And he said what she says
16 doesn't make sense, what Tony says happened does make
17 sense. So he determined that Ms. Seabrook was the
18 primary aggressor and decided to arrest her.

19 He stated that he had responded to a call there on a
20 prior incident. But he wasn't biased against her. He
21 didn't make an arrest that time.

22 He just looked at what he had on May 31st of 2015
23 and figured out who needed to be arrested. It wasn't
24 tunnel vision. They did an investigation and made a
25 determination.

1 The defense may make a big deal about the fact that
2 we didn't call Detective Hall to the stand. Well, that
3 is because you have the people who were there testify.
4 You had Maurice. You had Tony. You have the pictures.
5 We didn't need to call Detective Hall.

6 And do you know what else we have? We have Ms.
7 Seabrook's words. We have the recording that Tony made.
8 Her saying I am going to lie on you. Telling him to tell
9 SLED goodbye, because she wanted to mess up his life.

10 And we have the words that she says to Officer
11 Larkin. She said I wished I had killed him. And she
12 didn't say that just once. She said it two times to him.
13 When he asked her to reiterate it, she repeated it; she
14 was trying to kill him that day.

15 Now the defendant is charged with criminal domestic
16 violence of a high and aggravated nature. It is a very
17 wordy charge. Basically it is an offer or attempt to
18 cause physical injury to a household member.

19 And household member in this case is two people who
20 live together. You heard testimony that Tony and
21 Katherine lived together in a two-bedroom apartment.
22 They shared a bedroom through most of the relationship
23 until things went bad, and then Maurice lived in the
24 other room.

25 For it to be criminal domestic violence of a high

1 and aggravated nature you have to have an assault or
2 battery involving the use of a deadly weapon resulting in
3 serious bodily injury to the victim or something that
4 would have reasonably caused a person to fear imminent
5 serious bodily injury or harm.

6 The judge will charge you on the law. You will have
7 those jury charges back in the room so you can look that
8 over again.

9 But basically if you think about it, she is swinging
10 deadly weapons at him; a war hammer, a knife, a sword,
11 any of which had he not gotten out of the way would have
12 really hurt him.

13 And as I said, Tony stated that he was worried that
14 she was going to hit him with the weapons. He kept
15 dodging out of the way. He said he was worried he was
16 going to be injured. Maurice said that he was worried
17 that his friend was going to be hurt.

18 Also the judge will instruct you that I have to
19 prove my case beyond a reasonable doubt. Now reasonable
20 doubt is a little difficult to explain. But basically it
21 is not all doubt. It is not every single doubt that you
22 have. If it was beyond -- if we proved the case beyond
23 all doubt you would actually be up on the witness stand
24 testifying about what happens that day. It is doubt that
25 makes you hesitate to act.

1 And that doesn't mean you don't deliberate. You can
2 go through the evidence and talk about what you think
3 happened. You have to deliberate. You have to consider
4 the witnesses testimony. You have to consider the
5 evidence that we presented.

6 But you can't know that he is guilty beyond all
7 doubt. Proving our case beyond a reasonable doubt means
8 that you are firmly convinced of the defendant's guilt.

9 And she is guilty. She tried to play a game with
10 everybody, and she lost. She tried to play Tony. She
11 tried to play the police. She tried to play the courts.
12 Don't let her play you.

13 THE COURT: Be glad to hear you.

14 **CLOSING BY MR. LOIGNON:**

15 Don't convict Ms. Seabrook after a bad breakup. I
16 mean this was certainly a bad breakup, a really bad
17 breakup. But it wasn't criminal. Katherine never
18 intended to harm Tony. She was damaging property. She
19 is cutting up clothes. She is the one that -- a little
20 technical difficulty.

21 (WHEREUPON, adjust Power Point display.)

22 MR. LOIGNON: There we go. Okay. Sorry about that.

23 Okay. So, as I was saying, this wasn't a crime.
24 Why? Katherine never intended to use those weapons to
25 harm Mr. Smith. She was in there cutting up clothes,

1 destroying property, trashing the room.

2 It got physical when Tony came to stop her from
3 doing that. Nobody wants their clothes to be cut up. I
4 understand that. Nobody wants their apartment to be
5 destroyed. I don't fault Tony for doing that. But that
6 is when it got physical. He stopped her. He used his
7 training and experience to stop her.

8 And like I said, you don't have to believe that Tony
9 was in the wrong here. I am not going to give you my
10 opinion, but you don't have to believe that. Because he
11 is not on trial here today. Katherine Seabrook is on
12 trial.

13 And remember what I told you in my opening
14 yesterday. This trial is not about what happened to
15 Katherine Seabrook. It is about what didn't happen to
16 Tony Smith.

17 And what didn't happen? He didn't call 911, ever.
18 He was not injured in any way at all. And he is not in
19 fear for his life.

20 Now I think the State has made things a little bit
21 confusing. They talked a lot about Ms. Seabrook how she
22 is going to lie to the police, maybe she was trying to
23 fake an injury.

24 And that is certainly significant if Mr. Smith were
25 on trial. But he is not. This is not about whether Mr.

1 Smith did anything wrong.

2 It doesn't matter one bit in determining whether Ms.
3 Seabrook is guilty of criminal domestic violence if she
4 may have lied to the police or she may have faked an
5 injury. It doesn't matter one bit.

6 So don't be confused by that. Because you will see
7 when you have your jury instructions in there that lying
8 to the police, faking an injury, has nothing to do with
9 CDV. It has nothing to do with criminal domestic
10 violence.

11 And that is where I come back to this idea of tunnel
12 vision that I talked about yesterday. And it is not that
13 the police were necessarily -- you know, that they
14 arrested the wrong person. That is not what I am saying.
15 I am not saying Mr. Smith should have been arrested. Not
16 at all.

17 What I am saying, this. Katherine called 911.
18 Katherine is the one that was injured. Katherine is the
19 one that was in fear. But the police didn't believe her.
20 And that is their decision to make at the scene, okay.
21 They make that decision.

22 But there is another charge for that. If they don't
23 believe her, if they believe that she called 911 and she
24 is not telling the truth, they can charge her with
25 something else. It is called filing a false police

1 report. They didn't charge her with that. They didn't
2 charge her with malicious injury to personal property for
3 tearing up clothes at the apartment. Maybe they could
4 have based on the evidence that y'all have seen. But
5 they didn't. They chose not to do that.

6 They chose to charge her with criminal domestic
7 violence of a high and aggravated nature area. And that
8 is what the State has to prove to you today beyond a
9 reasonable doubt.

10 Criminal domestic violence of a high and aggravated
11 nature does not apply to this situation. And that is
12 based on the statements and the testimony of nearly every
13 witness that you saw on that stand yesterday. And we
14 will go into some of those statements. But first let's
15 look at the statute, the law in this case.

16 So first I would like you to look at the statute for
17 criminal domestic violence of a high and aggravated
18 nature. In the first part, Subsection A there, says that
19 a person who violates 16-25-20, which is the criminal
20 domestic violence statute that I will show you in a
21 moment, is guilty of criminal domestic violence of a high
22 and aggravated nature when one of the following occurs.

23 And this is what Ms. Baldwin was just talking to you
24 about. But before we get to those number, one and two,
25 let's briefly just talk about what 16-25-20 says.

1 Here it is. It is unlawful to cause physical harm
2 or injury to a person's own household member. That is
3 called a battery. Physical harm.

4 We don't have that here. Nobody came up here and
5 said that Tony Smith was injured. In fact everybody said
6 just the opposite; he did not receive any injury. Okay,
7 so that does not apply.

8 Number two, offer or attempt to a cause -- to cause
9 physical harm or injury to a person's own household
10 member with apparent present ability under circumstances
11 reasonably creating fear of imminent peril.

12 That is a mouthful, so I am just going to quickly
13 break it down. An offer or attempt somebody tries to
14 cause an injury. That is an assault. An attempt.

15 We know what a household member is.

16 Now the apparent present ability, that means that
17 they have to actually be able to carry through with that
18 threat; okay. And the key part is circumstances
19 creating -- reasonably creating fear of imminent peril,
20 okay.

21 Now in addition to that, that is the subsection,
22 number two, that the State is going to have to have you
23 believe that there was no injury in this case, you are
24 going to have to believe that there was an assault and
25 somebody is in fear, Mr. Smith is in fear.

1 Next, to the last one. Let's go back to high and
2 aggravated. In addition to what I just talked about they
3 also have to show one of these two things.

4 The first one, Subsection 1, says that it has to be
5 an assault and battery which involves the use of a deadly
6 weapon. An assault and a battery. Not an assault or a
7 battery. So you have to have both in order for you to
8 find her guilty of using a deadly weapon.

9 I am not here to dispute that she picked up those
10 weapons, okay. But you have to find that she committed a
11 battery with those weapons if you are going to find her
12 guilty under Subsection A(1). Or a serious bodily injury
13 resulted. And we know that didn't happen. No injury to
14 Mr. Smith.

15 So you are going to have to look to Subsection
16 No. 2, the assault. Without the accompanying battery
17 which would reasonably cause a person to fear imminent
18 serious bodily injury or death. Death.

19 Now let's talk about what these witnesses told you
20 yesterday. You heard from Officer Larkin. He told you
21 that Katherine was emotionally distraught, he was unable
22 to talk to her. And that can be common in these domestic
23 situations when people are very emotional.

24 Officer Larkin wasn't aware of the entire
25 investigation. He didn't go back and review any of the

1 interviews or any of the other police reports by other
2 officers who were involved.

3 He didn't record any of the conversations that he
4 had or any of the interaction that he had with anyone in
5 this case. That was Detective Hall's job. She was the
6 case agent. She was in charge.

7 And of course we are going to bring that up, because
8 she didn't bother to show up this week. She is not even
9 here. We didn't even get to hear from her at all about
10 her entire investigation, the one who was in charge.

11 Officer Larkin also told you he observed no injuries
12 to Mr. Smith.

13 You then heard from Maurice DeWitt. And I am not
14 going to take too much longer because I know we have gone
15 through this already, but Mr. DeWitt he told you that he
16 wasn't able to witness the entire altercation, he was
17 asleep for part of it and then he was in his room, he
18 couldn't see everywhere in the house. He talked about
19 Katherine hitting herself and saying she was going to
20 lie.

21 But it doesn't matter. That doesn't matter to your
22 decision because there is nothing about that that goes to
23 criminal domestic violence.

24 It matters if Tony Smith were on trial. It would
25 matter if Katherine Seabrook were charged with filing a

1 false police report. But she is not. So all you have to
2 worry about is the CDV.

3 And Maurice told you that Tony is bigger than
4 Katherine. Tony is a martial arts expert. And Tony took
5 those weapons away from Katherine.

6 He told you that he never called 911; Maurice
7 didn't, the roommate. He didn't think it was that
8 serious. He didn't need to call 911. He had plenty of
9 opportunity. He is sitting in his room.

10 He told you that Katherine went into the living room
11 at one point. No one went into their room and locked the
12 doors to keep her away or called 911 at that point.

13 He told you that Katherine even went outside for a
14 couple of minutes. And while she is out there they
15 didn't lock her out of the house. They didn't flee the
16 apartment. They didn't call 911. They just let her come
17 back in.

18 Does that sound like people who are in fear? Does
19 it sound like Tony Smith is in fear for his life?

20 And then you heard from Tony Smith. And he told you
21 they had been dating for about a year, they were breaking
22 up and their relationship was over, both of them were
23 yelling back and forth, both were tearing up each other's
24 clothes, both put their hands on the other, and both were
25 kind of egging each other on.

1 It may have been a little chaotic, but it never got
2 to the point where Tony lost control.

3 We heard his recording of Katherine saying she was
4 going to lie and Tony was going to go to jail. But he
5 didn't go to jail. He didn't. She did.

6 And this trial has nothing to do with whether or not
7 you believe she lied or whether or not you believe that
8 she made up injuries or anything like that.

9 So that recording doesn't help us today. It doesn't
10 help your decision, unfortunately. Tony was never
11 charged with anything. The recording worked for him.
12 He -- I mean he didn't get charged with anything.

13 So I mean I guess it is a good thing that he had it,
14 because he didn't get charged with a crime. But it has
15 nothing to do with whether or not Katherine Seabrook was
16 guilty.

17 So today you all have to decide if Katherine
18 Seabrook committed a criminal domestic violence of a high
19 and aggravated nature.

20 Tony told you that he was an armed security guard
21 and he has been for ten years. He is a martial arts
22 expert, teacher. He is experienced in breaking up
23 fights, in physically subduing people. That is his job.

24 Many opportunities to leave the house, to separate
25 himself, as I mentioned, when Katherine is in the living

1 room and he is outside. He chose not to.

2 He is not in fear for his life. He had many
3 opportunities to call 911. He had his phone on him the
4 whole time, he said. He is able to pull it out, to hit
5 record, to engage her to say what did you say just a
6 minute ago when I didn't have the recorder on you; what
7 did you say.

8 Does that sound like someone who is in fear for
9 their life? No, it sound like someone who wants to avoid
10 getting arrested. Who can blame him. And it worked.
11 But it shows that he is not in fear for his life.

12 On top of all of that just look at his own words
13 yesterday on the stand. Not when I was questioning him
14 but when Ms. Baldwin asked him while this was going on
15 were you calm; and he said, oh, yes. Oh, yes.

16 She said you sound fired up. Trying to give him the
17 opportunity to say he was in fear. But what did he say?
18 Oh, no, no; I was calm.

19 Reasonably cause a person to fear imminent serious
20 bodily injury or death.

21 Next slide. He was never in fear for his life,
22 folks. Katherine never intended to harm him. But most
23 importantly he was never in fear for his life. That is
24 why she is not guilty.

25 THE COURT: All right. Mr. Foreman and ladies and

1 gentlemen of the jury, I will give you a copy of these
2 instructions in written form.

3 During your deliberations you may refer to the
4 instructions to guide your decision making. You must
5 consider the instructions as a whole, not follow some and
6 ignore others.

7 Mr. Foreman, please return the instructions to the
8 court after you have reached a decision.

9 Under our Constitution and code of laws only you the
10 jury can make findings of facts in this case. I am not
11 permitted to indicate to you how I may feel about the
12 testimony and evidence which has been presented.
13 Throughout the trial it has been my intention to be fair
14 and impartial toward each of the parties involved.

15 Necessarily, you must determine the credibility of
16 the witnesses who have testified in this case.
17 Credibility simply means believability. It is your duty
18 as jurors to analyze and to evaluate the evidence and
19 determine which evidence convinces you of its truth.

20 As you decide whether or not to believe a witnesses
21 testimony about a particular matter, you may consider the
22 following:

23 The manner and appearance of a witness while on the
24 witness stand, was he or she straightforward or hesitant
25 in answering.

1 The testimony of the witness, was it consistent or
2 inconsistent.

3 How the witness came to know the facts that he or
4 she testified to. Was the witness present during the
5 incident or did the witness happen on the scene after the
6 incident.

7 The reason the witness would want to give testimony,
8 which could help or hurt one side or the other.

9 Has the witness exhibited to you any interest, bias,
10 prejudice, or other motive in this case. Thus, you may
11 consider whether a particular witness may gain some
12 reward, payment, personal advantage, or vindication
13 through his or her testimony.

14 The strength of the witness's testimony: Was the
15 testimony of them strengthened or weakened by other
16 testimony or evidence.

17 The duration and length of time between the incident
18 when they were reported: Would the duration and length
19 of time weaken or strengthen the witness's testimony.

20 Prior statements: Were prior statements made by the
21 witness consistent or inconsistent with the witness's
22 testimony.

23 In determining the believability of witnesses who
24 have testified in this case you may believe one witness
25 over several or several over one. You may believe a part

1 of the testimony of a witness and reject the remaining
2 part of the testimony of the same witness. You may
3 believe the testimony of a witness in its entirety or
4 reject the testimony of a witness in its entirety.

5 Of course you do not determine the truth by merely
6 counting the number of witnesses presented by each side.

7 As finders of the facts this does not mean that you
8 are at liberty to fabricate facts. You must determine
9 the facts based on evidence you hear in the courtroom
10 alone.

11 You may not draw conclusions from facts that do not
12 exist or are not supported by any evidence at all. You
13 may, however, draw reasonable conclusions from facts you
14 find are supported by evidence presented in the
15 courtroom.

16 The same Constitutional laws which designate and
17 make you finders of fact make me the sole instructor of
18 the law. It is my duty to charge you the law applicable
19 to this case, and it is your duty as jurors to accept and
20 apply the law as I now state it to you.

21 The lawyers are not the instructors of the law. You
22 must accept the law and apply the law exactly as I state
23 it to you. You must not base your decision on your idea
24 of what the law is or what you think the law should be.

25 The defendant has pled not guilty to this

1 indictment, which places the burden on the State to prove
2 the defendant guilty. A person committed -- who has
3 committed a criminal offense in South Carolina is never
4 required to prove himself or herself innocent.

5 I charge you that it is a vital, important rule of
6 law that the defendant in a criminal trial, no matter,
7 what the seriousness of the charge may be, must always be
8 presumed to be innocent until his guilt has been proven
9 beyond a reasonable doubt.

10 This presumption of innocence remains with the
11 defendant at all times, from the moment he appears in the
12 court, throughout the trial, and until you the jury
13 reaches a verdict of guilt beyond a reasonable doubt
14 based the testimony and what was presented.

15 This presumption is a substantial right to which
16 every defendant is entitled, unless and until you reach a
17 verdict of guilty beyond a reasonable doubt.

18 If you jury, do not find the defendant guilty beyond
19 a reasonable doubt, it is your duty to acquit the
20 defendant.

21 Now what is reasonable doubt? A reasonable doubt is
22 the kind of doubt that would cause a reasonable person to
23 hesitate to act.

24 The State has the burden of proving the defendant
25 guilty beyond a reasonable doubt. Some of you may have

1 served as jurors in civil cases where you were told that
2 it is only necessary to prove a fact more likely true
3 than not true, such as the greater weight or
4 preponderance of the evidence.

5 In a criminal state -- excuse me, in criminal cases
6 the State's proof must be more powerful than that. It
7 must be beyond a reasonable doubt.

8 Proof beyond a reasonable doubt is proof that leaves
9 you firmly convinced of the defendant's guilt. There are
10 very few things in this world that we know with absolute
11 certainty, and in criminal cases the law does not require
12 proof that overcomes every possible doubt.

13 If, based on your consideration of the evidence, you
14 are firmly convinced that the defendant is guilty of the
15 crime charged, you must find the defendant guilty.

16 On the other hand, you think there is a real
17 possibility that the defendant is not guilty, you must
18 give the defendant the benefit of the doubt and find him
19 not guilty.

20 The evidence or lack of evidence for which you are
21 to decide the facts include the following:

22 The sworn testimony of the witnesses, both on direct
23 and cross-examination, regardless of which side called
24 the witness.

25 The exhibits that have been received into evidence

1 by the court.

2 The following things are not evidence, and you may
3 not consider them in deciding the case:

4 Arguments and statements made by the lawyers are not
5 evidence. The lawyers are not witnesses. Their opening
6 statements, closing arguments, and other statements are
7 intended to help you interpret the evidence but are not
8 evidence. If the facts as you remember them differ from
9 the lawyer's statements, your memory controls.

10 Questions and objections by the lawyers are not
11 evidence. Lawyers have a duty to their clients to make
12 objections when they believe a question is improper under
13 the rules of evidence. You should not allow any
14 objection or the court's ruling on the objections to
15 influence you.

16 Testimony that has been stricken, or that you have
17 been instructed to disregard, is not evidence and must
18 not be considered.

19 Anything that you may have seen on television, read
20 on the paper or on the Internet, or heard from others
21 while court is not in session, is not evidence. You
22 should base your decisions solely on the sworn testimony
23 of the witnesses, exhibits received into evidence by the
24 court, and any facts agreed to or stipulated to by the
25 lawyers.

1 The fact that the defendant was arrested, charged,
2 and indicted in this case, is not evidence and cannot be
3 considered as evidence of guilt, nor does it create any
4 presumption or inference of guilt. The indictment is
5 simply the formal written instrument which contains the
6 charges made against the defendant.

7 There are two types of evidence which are generally
8 presented during trial, direct evidence and
9 circumstantial evidence.

10 Direct evidence and circumstantial evidence: Direct
11 evidence directly proves the existence of the fact and
12 does not require deduction. Circumstantial evidence is
13 proof of a chain of facts and circumstances that indicate
14 the existence of a fact.

15 Crimes may be proven by circumstantial evidence.
16 The lawyers make -- the law makes no distinction between
17 the weight or value to be given to either direct or
18 circumstantial evidence.

19 However, to the extent the State relies on
20 circumstantial evidence, all of the circumstances must be
21 consistent with each other, and when taken together,
22 point conclusively to the guilt of the accused beyond a
23 reasonable doubt. If these circumstances merely portray
24 the defendant's behavior suspicious, the proof has
25 failed.

1 The State has the burden of proving the defendant
2 beyond a reasonable doubt. This burden rests with the
3 State regardless of whether the defendant relies on
4 direct evidence, circumstantial evidence, or a
5 combination of the same.

6 In determining the guilt or innocence of the
7 defendant you cannot consider the possible penalty for
8 any particular crime. The punishment for the crime is a
9 matter for me to determine. It should never be
10 considered by you in any way whatsoever in arriving at an
11 impartial verdict as to the guilt or innocence of the
12 defendant.

13 Under the laws of this state the defendant may be
14 tried even if the defendant does not attend the trial,
15 but the fact that the defendant is not present may not be
16 considered against the defendant in any manner
17 whatsoever.

18 I instruct you and emphasized that the fact that the
19 defendant was not present and did not testify is not a
20 factor to be considered by you in any way in your
21 deliberations and in your consideration on the question
22 of the guilt or innocence of the defendant. It must not
23 be considered by you in any manner whatsoever.

24 A defendant has the constitutional right to remain
25 silent, and the assertion of this right must not be

1 considered by you in your deliberations.

2 I repeat, under your oath you are not to draw any
3 conclusions whatsoever from the fact that the defendant
4 in this case did not testify. The fact that this
5 defendant did not testify should not be discussed in the
6 jury room.

7 The burden of proof, as I have stated to you
8 previously, rests with the State. The defendant is not
9 required to prove her innocence. The burden of proof
10 remains on the State to prove guilty beyond a reasonable
11 doubt.

12 Criminal domestic violence of a high and aggravated
13 nature: The defendant is charged with criminal domestic
14 violence of a high and aggravated nature. The State must
15 prove beyond a reasonable doubt that the defendant
16 committed an assault and battery with the use of a deadly
17 weapon on a member of the defendant's own household or an
18 assault on a member of the defendant's own household,
19 with or without an accompanying battery, which would
20 reasonably cause a person to fear imminent bodily injury
21 or death.

22 A household member includes a person of the opposite
23 sex with whom the defendant is living with or has lived
24 with in the past.

25 An assault occurs when a person violently or

1 forcibly attempt to hurt or injure another person and has
2 the present ability to complete the attempted injury.

3 An assault is the intentional creation of fear of
4 imminent bodily harm. It is not necessary that the
5 attempted injury or harm actually take place. For
6 example, if I walk up to you, and when we are within arms
7 reach, I draw back to hit you, that is an assault.

8 A battery is the unlawful touching of another person
9 by a person who has committed the assault. An unlawful
10 touching can be caused by a part of the accused or any
11 direct object the accused puts in motion. A battery is
12 the completion of the assault by using or applying force
13 to another person, however slight, in a rude, angry, or
14 resentful manner without legal justification for doing
15 so. Using my earlier example, if I carry through the
16 assault by hitting you, then that is also a battery.

17 If you find that the defendant -- excuse me, if you
18 find that the State has failed to prove that the
19 defendant is guilty of criminal domestic violence of a
20 high and aggravated nature you may then consider whether
21 the defendant has proven -- the State has proven beyond a
22 reasonable doubt that the defendant is guilty of criminal
23 domestic violence.

24 A person commits the offense of criminal domestic
25 violence if the person offered or attempted to cause

1 physical harm or injury to a member of the defendant's
2 own household with the apparent present ability to cause
3 harm or injury under circumstances reasonably creating a
4 fear of imminent danger.

5 Physical injury is defined as physical damage to a
6 person's body.

7 A household member includes a person of the opposite
8 sex with whom the defendant is living with or has lived
9 with in the past..

10 You have been selected as fair and impartial jurors
11 whose purpose is to impartially find and determine the
12 facts of this case. You are not -- you are to decide
13 this case from the testimony you have heard and any other
14 evidence that has been presented.

15 I charge you as jurors you must decide the case and
16 must proceed without bias and without prejudice to any
17 party. You cannot allow yourself to be governed by
18 sympathy, by prejudice, by passion, by public opinion, or
19 by any other arbitrary factor.

20 Both the defendant and the State have the right to
21 expect that each of you will carefully and impartially
22 consider all of the evidence in the case and that you
23 will follow the law as I have explained it to you.

24 If you render your decision in accordance with what
25 I have charged you, no one will have the right to

1 criticize your verdict and you will have fully discharged
2 your duty as jurors.

3 Mr. Foreman and ladies and gentlemen of the jury, I
4 have prepared a verdict form. It has, at the top, the
5 State of South Carolina versus Katherine Seabrook, case
6 number, verdict; as to Indictment Number 2015-GS-10-4654,
7 criminal domestic violence of a high and aggravated
8 nature, we the jury unanimously find the defendant not
9 guilty, guilty, of criminal domestic violence. A place
10 for the foreperson to sign and date it.

11 If you find the defendant not guilty of criminal
12 domestic violence of a high and aggravated nature you
13 should proceed to the next section and issue a verdict on
14 the lesser included offense of criminal domestic
15 violence.

16 As to Indictment Number 2015-GS-10-4542, criminal
17 domestic violence, we the jury unanimously find the
18 defendant not guilty, guilty, of criminal domestic
19 violence. A place for you to sign. A place for you to
20 date it.

21 As I said in the indictment forms, the jury has to
22 be -- excuse me, the jury decision has to be unanimous.
23 All 12 of you have to agree. It is a collective
24 reasoning process on your part.

25 I would ask you to consider each other's opinions.

1 Respect each other's opinions. Discuss the testimony and
2 arrive at a fair and impartial verdict based upon how you
3 view the evidence and the witnesses that have presented
4 to you at this time.

5 Mr. Foreman, I am going to ask you to go to your
6 jury room. I do not want you to begin your deliberations
7 until -- hold on just a second.

8 Please don't begin your deliberations until the
9 bailiff brings the charge book, the verdict forms, and
10 all of the exhibits that have been admitted into
11 evidence. Because I have got to take up the charge with
12 the attorneys and maybe bring you back to change
13 something or add something or correct something that I
14 made a mistake on.

15 And alternates -- alternates, keep your seat,
16 please.

17 And Mr. Foreman and members of the jury, if you will
18 follow the bailiff to the jury room.

19 (WHEREUPON, jury exits courtroom.)

20 THE COURT: All right. Any exceptions to the charge
21 from the State?

22 MS. BALDWIN: None from the State.

23 THE COURT: Any from the defendant?

24 MR. LOIGNON: No, Your Honor.

25 THE COURT: All right. During the pre-charge

1 conference you talked about self-defense. Are you going
2 to present those charges or are you not taking exception
3 to that?

4 I am not trying to tell you what to do. I just want
5 to give you that opportunity, because you had presented
6 some self-defense charges and I had told you I wasn't
7 going to charge it.

8 MR. LOIGNON: That is correct, Your Honor. And ---

9 THE COURT: Now if you want to present those and
10 mark them, that is fine. If you don't, that is fine too.

11 MR. LOIGNON: Well, I guess for the record it is --
12 I guess it would be appropriate for me to object that
13 those were not included in your instruction.

14 THE COURT: Do you want to mark it as a Court's
15 exhibit, your request to those charges?

16 MR. LOIGNON: Yes, sir.

17 THE COURT: If you have them please bring them
18 forward and I will get the court reporter to mark them as
19 Court's Exhibit Number 1.

20 Any other exceptions to the charge?

21 MR. LOIGNON: Other than that, no, Your Honor.

22 THE COURT: All right. Would the bailiff take this
23 and get it -- would the parties come forward and make
24 sure all of the exhibits are there.

25 Take the exhibits and verdict form and tell them to

1 begin their deliberations.

2 MS. BALDWIN: I assume we will leave the knife and
3 the sword out here?

4 THE COURT: Pardon?

5 MS. BALDWIN: I assume we will leave the knife and
6 sword out here?

7 THE COURT: He can take them back.

8 MS. BALDWIN: He can take them? Okay.

9 (WHEREUPON, Court's Exhibit Number 1, bail proceeding
10 form, was marked for identification.)

11 (WHEREUPON, Court's Exhibit Number 2, defendant's
12 requested jury charge, was marked for identification.)

13 (WHEREUPON, alternate was excused by the court in
14 chambers.)

15 (WHEREUPON, evidence went to jury January 7, 2018,
16 10:39 a.m.)

17 (WHEREUPON, notification verdict reached January 17,
18 2018, 12:23 p.m.; and awaiting counsel, parties, victim.)

19 THE COURT: Bring the jury, please.

20 (WHEREUPON, jury enters January 17, 2018, 12:35 p.m.)

21 THE BAILIFF: Jurors are all present, Your Honor.

22 THE COURT: Thank you, sir.

23 I understand you have reached a verdict; is that
24 right, Mr. Chairman?

25 THE FOREMAN: Yes, Your Honor.

1 THE COURT: Mr. Foreman, would you hand the verdict
2 form to the bailiff, please.

3 (WHEREUPON, foreman complied.)

4 THE COURT: Thank you, sir.

5 (WHEREUPON, verdict presented to the clerk.)

6 THE COURT: All right. Mr. Foreman, this is the
7 indictment that I spoke about earlier. And I have
8 written on their your verdict, dated 1/17/18. There is
9 a place for you to sign as foreman. And I am going to
10 ask the bailiff to give it to you to sign it if you
11 would, please, Mr. Foreman.

12 (WHEREUPON, Mr. Foreman complied.)

13 THE COURT: Thank you, sir.

14 Mr. Clerk, if you would publish the verdict, please.

15 In the matter of State of South Carolina, County of
16 Charleston, Ninth Judicial Circuit, Indictment Number
17 2015-GS-10-4552, versus Katherine Lathara Anne Seabrook,
18 as to the indictment on criminal domestic violence of a
19 high and aggravated nature we the jury unanimously find
20 the defendant guilty of criminal domestic violence of a
21 high and aggravated nature. Signed by the foreperson
22 this day 1/17/2018.

23 THE COURT: Any motions from the State?

24 MS. BALDWIN: None from the State.

25 THE COURT: Any from the defendant?

1 MR. LOIGNON: No, Your Honor.

2 THE COURT: Okay. Do you have a sentencing sheet?

3 MS. BALDWIN: Your Honor, I believe we are getting
4 one right -- yes, we do.

5 THE COURT: I think he is right behind you.

6 (WHEREUPON, sentencing sheet presented to the court.)

7 THE COURT: Okay. Thank you, ma'am.

8 All right. I will be glad to hear from the State on
9 sentencing. I will be glad to hear from the victim on
10 sentencing if the State so desires.

11 MS. BALDWIN: As far as the State's position on
12 sentencing, Your Honor, she has I believe only a 2010
13 public disorderly conduct. So we would ask for obviously
14 there is a mandatory minimum year. And then we would ask
15 for a term of probation afterwards. I think that would
16 be the appropriate sentence.

17 THE COURT: The only thing she has prior is one
18 minor charge?

19 MS. BALDWIN: Correct.

20 THE COURT: All right. I will be glad to hear from
21 the victim if he wants to say anything to the court.

22 (WHEREUPON, Ms. Baldwin confers with victim.)

23 MS. BALDWIN: I don't think he wants to address the
24 court, Your Honor.

25 THE COURT: Be glad to hear from the defendant's

1 counsel.

2 MR. LOIGNON: Thank you, Your Honor.

3 Ms. Seabrook is -- she is 25 now. She was 22 years
4 old when this occurred. She was born and raised here in
5 Charleston. She has family here. Her father is heavily
6 involved in the case. And I have spoken with him many
7 times. He would have been here today but he has the flu.
8 Unfortunately like a lot of people do at this time of
9 year.

10 She is a Stall High School graduate, an honor
11 student. She was working at Bi-Lo at the time that this
12 occurred. As the State mentioned, she only has that
13 prior misdemeanor conviction on her record.

14 We would ask the court to sentence her to the
15 minimum which is as Ms. Baldwin stated one year, which
16 can't be suspended unfortunately. So she will have to
17 serve that one year in prison. But we would ask that the
18 court see that that is punishment enough and not place
19 her on probation afterwards just based on the fact that
20 she has no -- no prior record obviously.

21 THE COURT: Does she have any children?

22 MR. LOIGNON: She doesn't, Your Honor. She is
23 single. No children.

24 THE COURT: What kind of work has she done?

25 MR. LOIGNON: Mainly just kind of service industries

1 stuff. As I mentioned she worked in a grocery store.

2 THE COURT: What did she do in the grocery store?

3 MR. LOIGNON: She worked in I believe it was the
4 deli section. So just slicing deli meat and serving
5 customers.

6 THE COURT: I mean we talked about it earlier before
7 we -- while we were going through it and before we
8 started the trial. Have you got any explanation in the
9 last couple of days why she didn't appear?

10 MR. LOIGNON: No, Your Honor. I have had -- I have
11 had no contact with her.

12 THE COURT: What does your father say?

13 MR. LOIGNON: He actually was unable to contact her
14 as well. They both came down to my office last week when
15 we thought the trial was originally going forward. So I
16 thought maybe he could help me find her. But he has not
17 seen her either.

18 THE COURT: All right. The first thing I am going
19 to do is issue a bench warrant for her arrest, okay.

20 MR. LOIGNON: Yes, sir.

21 THE COURT: And I am going to sentence her. And I
22 am going to seal the sentence. And when they find her on
23 the bench warrant she can be brought to court for the
24 sentence to be read to her, okay.

25 MR. LOIGNON: Yes, sir.

1 THE COURT: Mr. Clerk, if you will issue me a bench
2 warrant for her arrest, please.

3 Anything else? I didn't mean to cut you off.

4 MR. LOIGNON: Just, Your Honor, I think that there
5 may be some mental health issues that played in her
6 behavior on this day in her interaction with police.

7 And although I don't have any medical records to
8 present to the court right now her family has told me
9 about some of these things. And so I would just ask the
10 court to take that into account and again just ask for
11 the minimum sentence of one year, Your Honor.

12 She spent two days in jail before bonding out on
13 this charge.

14 THE COURT: All right. On Indictment Number - let's
15 see - 45 -- 4542. 2413 was not tried. Solicitor, what
16 are you going to do with that; is that going to be null
17 prossed?

18 MS. BALDWIN: With the other charge, the other
19 indictment, Your Honor?

20 THE COURT: Pardon?

21 MS. BALDWIN: With the other indictment, Your Honor?

22 THE COURT: Yes, the other indictment.

23 MS. BALDWIN: Yes, I plan on dismissing it.

24 THE COURT: Are you going to null pross that?

25 MS. BALDWIN: Yes, Your Honor.

1 THE COURT: All right. On Indictment Number 4542
2 the defendant is sentenced to the State Department of
3 Corrections for a period of six years. That is suspended
4 upon the service of 18 months. The condition of --
5 probation for five years.

6 Condition of probation will be complete an anger
7 management program, random alcohol and drug testing. And
8 probation will be tolled while she is incarcerated.

9 And I have also put on here that she failed to
10 appear for trial and a bench warrant was issued. And I
11 will seal this sentence until she is located on a bench
12 warrant and brought back before the court for sentencing.

13 All right. Any other motions from the State or the
14 defendant?

15 MS. BALDWIN: No, Your Honor.

16 MR. LOIGNON: No, Your Honor.

17 THE COURT: Okay. Will you put this under a seal,
18 please, sir; and I will sign it.

19 THE CLERK: Yes, sir.

20 THE COURT: All right. Mr. Foreman and ladies and
21 gentlemen of the jury, I want to thank you for your
22 services.

23 I don't know how long y'all have had the verdict,
24 but we drew another jury and we are going to start
25 another trial this afternoon at two o'clock. That is why

1 we were a little bit late getting you back in here after
2 you reached a verdict.

3 If you would if you will go to the jury room. Thank
4 you very much for your service. You are excused for the
5 rest of the week.

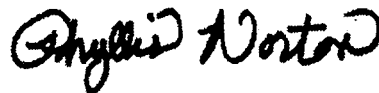
6 (WHEREUPON, the trial concluded January 17, 2018,
7 12:46 p.m.)

(NOTE: Please contact the court reporter for additional copies or certified transcripts.)

CERTIFICATE

I, the undersigned Phyllis Norton, Official Court Reporter for the Ninth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all proceedings had and evidence introduced in the captioned case, relative to appeal, in the court for South Carolina, on January 16 to 17, 2018. Joyce Rueger court reporter present for trial. Phyllis Norton court reporter transcribing.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.



PHYLLIS NORTON, CVR

Date: May 13, 2018

Certified Transcript Provided For: SCCID

Certification Reference #2018-0513 original

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	
	)	
State of South Carolina,	)	CASE NO. 2015-GS-10-04542
	)	
PLAINTIFF,	)	TRANSCRIPT OF RECORD
	)	
VS.	)	
	)	
Katherine Lathara Anne	)	
Seabrook,	)	
	)	
DEFENDANT.	)	

March 15, 2018

Charleston, South Carolina

B E F O R E:

The Honorable J. C. Nicholson

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

Jessica Baldwin, Assistant Solicitor
For the State

Michael R. Loignon, Esquire
For the Defense

Phyllis Norton, CVR-Master, Nationally Certified Verbatim Court Reporter
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I N D E X

HEARING - Sentencing

- 03

EXHIBITS - None Proffered

CERTIFICATION OF TRANSCRIPT

-- 07

If you need an additional copy of this transcript or a sealed transcript or if opposing counsel requires a copy of the transcript, you should contact the court reporter.

Certification will satisfy Rule 80, Stenographic Report of Transcript as Evidence.

1 THE COURT: Who is here representing Ms. Seabrook,
2 for the record?

3 MR. LOIGNON: Michael Loignon.

4 THE COURT: Okay. And who is here representing the
5 State?

6 MS. BALDWIN: Jessica Baldwin on behalf of the
7 State.

8 THE COURT: All right, Ms. Seabrook, I was trying to
9 remember the date of the trial. The verdict was on
10 January the 17th, 2018.

11 And you -- we tried you in your absence. Do you
12 understand?

13 MS. SEABROOK: Yes, Your Honor.

14 THE COURT: And a bench warrant was issued. You
15 have been picked up on that bench warrant. And the jury
16 verdict was that you were guilty of criminal domestic
17 violence of a high and aggravated nature.

18 And I sentenced you and I sealed it until they had
19 an opportunity to find you on the bench warrant. And I
20 am going to unseal it and read it to you. Do you
21 understand?

22 MS. SEABROOK: Yes, sir.

23 THE COURT: Anything the attorneys want to add?

24 MS. BALDWIN: No, sir.

25 MR. LOIGNON: No, Your Honor, just that we are

1 prepared to provide the court with some more mitigation
2 that we did not have at the time.

3 I will be happy to file a motion to reconsider at a
4 later date or if the State would prefer ---

5 THE COURT: Well, I mean you are welcome to do that.
6 But I mean I have already sentenced her.

7 MR. LOIGNON: Yes, sir.

8 THE COURT: And I don't remember if I read it into
9 the record at the time or not.

10 MS. BALDWIN: I believe you did, Your Honor.

11 MR. LOIGNON: Yes.

12 THE COURT: Pardon?

13 MS. BALDWIN: I believe you did.

14 THE COURT: I did? Okay. I couldn't remember if I
15 did or didn't.

16 All right. Ms. Seabrook, after you were found
17 guilty on January 17, 2018, I sentenced you to the State
18 Department of Corrections for a period of six years,
19 suspended upon the service of eighteen months, and with
20 probation for five years. The conditions of probation
21 are random alcohol and drug testing, complete anger
22 management course.

23 And I wrote on the sentencing form defendant failed
24 to appear for trial and trial proceeded in her absence.
25 And also I say probation is tolled while you are

1 incarcerated in jail.

2 Do you have any questions about that sentence?

3 MS. SEABROOK: No, Your Honor.

4 THE COURT: You have got eighteen months -- or six
5 years suspended upon eighteen months, and five years
6 probation with certain conditions of probation. Do you
7 understand?

8 MS. SEABROOK: Yes, Your Honor.

9 THE COURT: Do you have any questions about the
10 sentence?

11 MS. SEABROOK: No, Your Honor.

12 THE COURT: Anything that counsel would like to add
13 on behalf of Ms. Seabrook?

14 MR. LOIGNON: Your Honor, as I said, I just
15 have some more mitigation. But I can certainly submit
16 that in a motion to reconsider if that would be
17 appropriate.

18 THE COURT: I mean if you want to file one, that is
19 fine. I will be glad to set up a hearing at the
20 appropriate time and listen to anything that you may
21 have.

22 MR. LOIGNON: Yes, sir.

23 THE COURT: The purpose this morning was just to
24 tell her what the sentence was.

25 MR. LOIGNON: Understand.

1 THE COURT: Okay. Thank you very much.

2 MS. BALDWIN: Thank you, Your Honor.

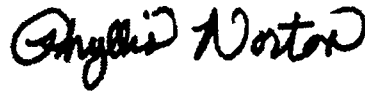
3 (WHEREUPON, the hearing concluded.)

(NOTE: Please contact the court reporter for additional copies or certified transcripts.)

CERTIFICATE

I, the undersigned Phyllis Norton, Official Court Reporter for the Ninth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all proceedings had and evidence introduced in the captioned case, relative to appeal, in the court for South Carolina, on March 15, 2018. Joyce Rueger court reporter in attendance. Phyllis Norton court reporter transcribing.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.



PHYLLIS NORTON, CVR

Date: May 9, 2018

Certified Transcript Provided For: SCCID

Certification Reference #2018-0509 Original

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	
	)	
State of South Carolina,	)	CASE NO. 2015-GS-10-04542
	)	
PLAINTIFF,	)	TRANSCRIPT OF RECORD
	)	
VS.	)	
	)	
Katherine Lathara Anne	)	
Seabrook,	)	
	)	
DEFENDANT.	)	

April 5, 2018

Charleston, South Carolina

B E F O R E:

The Honorable J. C. Nicholson

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

Matthew D. McClellan, Esquire
For the Plaintiff

Michael R. Loignon, Esquire
For the Defense

Phyllis Norton, CVR-Master, Nationally Certified Verbatim Court Reporter
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PNorton@sccourts.org

I N D E X

EXHIBITS -- 03

HEARING - Motion to Reconsider Sentence -- 04

CERTIFICATION OF TRANSCRIPT -- 25

If you need an additional copy of this transcript or a sealed transcript or if opposing counsel requires a copy of the transcript, you should contact the court reporter.

Certification will satisfy Rule 80, Stenographic Report of Transcript as Evidence.

C O U R T E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>MARKED</u>	<u>ADMIT</u>
1	MUSC Summary 11/11/2016		

1 THE COURT: This is State of South Carolina versus
2 Katherine Lathara Anne Seabrook. I sentenced her in her
3 absence back in January the 17th, 2018. We tried it in her
4 absence because she failed to appear.

5 And I brought her in -- I forget. On March the 15th I
6 read her sentence to her which was State Department of
7 Corrections for a period of six years, suspended upon the
8 service of eighteen months, and five years probation with
9 conditions of probation.

10 The attorney representing her filed a motion to
11 reconsider the sentence. And I have scheduled that hearing
12 this morning. Who is present representing who, for the
13 record?

14 MR. LOIGNON: Thank you, Your Honor. Michael Loignon
15 on behalf of Katherine Seabrook.

16 THE COURT: Okay.

17 MR. MCCLELLAN: Matthew McClellan on behalf of the
18 State.

19 THE COURT: Okay. I will be glad to hear you on your
20 motion to reconsider the sentence. And I understand from
21 what you have put in your motion that she has some
22 emotional, I believe schizophrenic and bipolar; is that
23 correct?

24 MR. LOIGNON: That is correct, Your Honor.

25 THE COURT: And PTSD. Do you have anything that I can

1 look at that would substantiate that?

2 MR. LOIGNON: Yes, Your Honor. If I may approach?

3 THE COURT: Yes, sir.

4 (WHEREUPON, document presented to the court.)

5 THE COURT: All right. If you will give me a chance to
6 just look at this and I will be glad to hear anything you
7 want to tell me or anything Ms. Seabrook wants to tell me
8 and whatever the State.

9 Do you have anybody that wants to speak on her behalf?

10 MR. LOIGNON: Your Honor, her father was here on
11 Monday. I believe there was an issue with getting her
12 transported on Monday.

13 THE COURT: Right.

14 MR. LOIGNON: I spoke with him at length.

15 THE COURT: Okay.

16 MR. LOIGNON: And unfortunately he is not here right
17 now. But he did relay some information to me that I will
18 then ---

19 THE COURT: All right. I will be glad to hear you.
20 Give me a chance to look at this and I will be glad to hear
21 both of you.

22 (WHEREUPON, pause for court's review of documents.)

23 THE COURT: Do you know whether or not she has access
24 to medications while she is incarcerated at the Department
25 of Corrections?

1 MS. SEABROOK: Yes, Your Honor.

2 (WHEREUPON, Mr. Loignon confers with client.)

3 MR. LOIGNON: Yes, Your Honor. She is currently on
4 three medications; Seroquel, Celexa, and Lexapro.

5 THE COURT: Okay.

6 MR. LOIGNON: So she has been accessed by the
7 Department of Corrections.

8 THE COURT: Okay. At least I think this is just
9 probably a summary from my chart. Was there any follow-up
10 recommended by the psychologist -- psychiatrist. Let me
11 see. Who saw her? Dr. Fields? Was there any follow-up
12 recommended after her hospitalization on outpatient?

13 (WHEREUPON, Mr. Loignon confers with client.)

14 MR. LOIGNON: Yes, Your Honor, she was recommended to
15 continue therapy at Charleston Mental Health. And she
16 reports to me that she did go regularly for a period of time
17 and she did for a period of time maintain I guess compliance
18 with those medications that were recommended. She was also
19 referred to a neurologist.

20 (WHEREUPON, Mr. Loignon confers with client.)

21 THE COURT: What was the -- what was the cause of the
22 post-traumatic stress syndrome?

23 MR. LOIGNON: Your Honor ---

24 THE COURT: Was it -- I mean I -- I am not sure that
25 can be induced by the marijuana dependency, subsequent mood

1 disorder and panic disorder.

2 MR. LOIGNON: Yes, sir. And this is what her father
3 was prepared to address the court about. But he filled me
4 in on her history.

5 At age eight she reported to him that she was raped by
6 her cousin. Which I think was kind of a root cause of some
7 of these mental health issues.

8 Her parents then divorced when she was ten years old.
9 She ended up having a miscarriage at age 15. So as -- as a
10 child she went through several just life altering events.

11 She was then involuntarily committed in 2016 by her
12 family. And that is the record that you have in front of
13 you where she was committed to the MUSC Psychiatric
14 Department and diagnosed and put on some medication.

15 But her earliest diagnosis I believe was at age 12 when
16 she was diagnosed with PTSD from some of those issues that I
17 just discussed. And I believe that they have just
18 continued.

19 While she has been treating those with medication and
20 visits to the various medical provider I think that if there
21 is even a short period where she is not able to do that due
22 to her financial situation or transportation or what have
23 you then ---

24 THE COURT: What kind ---

25 MR. LOIGNON: --- situations like we are here today.

1 THE COURT: What kind of education does she have?

2 MR. LOIGNON: She is a high school graduate. She
3 graduated from Stall High School. And she tells me she was
4 an honor student there.

5 So I think that shows that she has the ability to be
6 productive and successful when she is able to stay compliant
7 with her treatment.

8 THE COURT: Has she ever worked, or what is her work
9 history?

10 MR. LOIGNON: Yes, sir, she was working at Bi-Lo at the
11 time this incident occurred. She was working I believe was
12 it the deli or the --

13 (WHEREUPON, Mr. Loignon confers with client.)

14 THE COURT: I mean my problem I need some information
15 because I never had it. You know, we tried her in her
16 absence. Was sentenced in her absence. This is the first
17 time I have actually had her in the courtroom. Okay?

18 MR. LOIGNON: Yes, sir.

19 THE COURT: And I don't know anything about her.

20 MR. LOIGNON: Okay. Yes, sir. She was -- she was 22
21 years old when this incident happened. She is 25 now. She
22 was born and raised here in Charleston. Her whole family is
23 here. As I mentioned, her father has been heavily involved
24 in her case. High school graduate. She was working prior
25 to this incident at Bi-Lo. She had worked there for quite

1 some time.

2 THE COURT: What did she do at Bi-Lo?

3 MR. LOIGNON: She was working in one of the
4 departments. I believe it was the deli.

5 (WHEREUPON, Mr. Loignon confers with client.)

6 MR. LOIGNON: Deli and the bakery and decorating cakes.

7 THE COURT: Okay.

8 MR. LOIGNON: So she did several different things at
9 Bi-Lo.

10 THE COURT: Has she ever been married?

11 MR. LOIGNON: No, sir.

12 THE COURT: Have any children?

13 MR. LOIGNON: No, sir.

14 THE COURT: What else would you like to tell me? I
15 will be glad to hear you.

16 MR. LOIGNON: The only other thing, Your Honor, is
17 just -- is just what I have in the motion regarding her
18 failure to appear.

19 She has reported to me that at the time -- we were in
20 contact. But that was initiated by Ms. Seabrook via phone.
21 We were in contact a few days prior to the trial. But she
22 told the reason I couldn't reach her during the trial was
23 that she doesn't have a cell phone plan and she can only
24 call when she is connected to wireless internet.

25 And at the time she was homeless. She didn't have a

1 place to live. She was kind of couch-surfing, if you will,
2 with friends. Going from place to place. She didn't have a
3 vehicle nor did she have any money to pay for
4 transportation.

5 And so those are the reasons that, number one, I was
6 unable to reach her by phone, and, number two, she was
7 unable to make it here for ---

8 THE COURT: What kind of criminal history does she
9 have?

10 MR. LOIGNON: Criminal history she only has one prior
11 conviction. It is a disorderly conduct, 30-day misdemeanor,
12 from -- I can't remember the exact year, Your Honor. But it
13 was several years ago. 2010 I believe.

14 THE COURT: Ms. Seabrook, when was the last time you
15 worked at Bi-Lo's?

16 MS. SEABROOK: It was -- it was twenty -- twenty- --

17 THE COURT: Pardon?

18 MS. SEABROOK: --- fifteen.

19 THE COURT: Pardon?

20 MS. SEABROOK: 2014, 2015.

21 THE COURT: Okay. I will be glad to hear anything you
22 would like to tell me. I was reading -- I will ask you a
23 couple of questions and then I will listen to anything you
24 want to tell me.

25 Reading your report it says you -- your dependence upon

1 marijuana and substance -- substance -- other substance
2 which induce mood disorder, panic disorder, without -- aqua
3 phobia.

4 Are you using any -- have you been using anything else
5 other than marijuana?

6 MS. SEABROOK: No, I haven't used that in several
7 months now.

8 THE COURT: Pardon?

9 MS. SEABROOK: I haven't used it in several months.

10 THE COURT: Okay. How are you doing since you have
11 been incarcerated?

12 MS. SEABROOK: I try to stay up on medications when
13 they do give it to me. Like this morning I did not receive
14 any.

15 THE COURT: I'm sorry?

16 MS. SEABROOK: This morning I didn't receive any
17 medications.

18 THE COURT: Okay.

19 MS. SEABROOK: Because I had to come here.

20 THE COURT: How long did you work at Bi-Lo?

21 MS. SEABROOK: For three years.

22 THE COURT: How long?

23 MS. SEABROOK: Three years.

24 THE COURT: What happened to your job?

25 MS. SEABROOK: I quit due to management -- I want to

1 say ---

2 THE COURT: Due to management what?

3 MS. SEABROOK: They were bossing me. They were being
4 too bossy and ---

5 THE COURT: Well, you know, there is an old adage that
6 it is not your boss's job to get along with you; it is your
7 job to get along with the boss.

8 MS. SEABROOK: Yes, but it would be confliction because
9 she would ---

10 THE COURT: And it is not the boss's job to like you or
11 get along with you. It is your job to make him like you and
12 get along with the boss. Do you understand?

13 MS. SEABROOK: Yes, sir.

14 THE COURT: A lot of people think, hey, the boss is
15 supposed to love you and the boss is supposed to be nice to
16 you. Some of them are, and some of them aren't.

17 But your job is to get along with the boss. And if you
18 operate under that you can probably maintain a job.

19 MS. SEABROOK: I can maintain a job, Your Honor; but
20 they were -- they were physical. And I didn't want to get
21 in trouble, so I left.

22 THE COURT: Okay. All right. Well, did you try to get
23 a job anywhere else?

24 MS. SEABROOK: Yes, I did.

25 THE COURT: Where?

1 MS. SEABROOK: At Wyndham Garden, two hotels. I did
2 receive a job for them, but they fired me due to -- they
3 cannot ---

4 THE COURT: What -- what do you think it is going to
5 take to get you on the road where you stay out of jail and
6 quit committing crimes and try to become a productive member
7 of society; what is that going to take?

8 MS. SEABROOK: I am a productive member of society. I
9 wasn't in trouble for the last four years, Your Honor.

10 THE COURT: Well, you were in trouble in this case.

11 MS. SEABROOK: This is four years old.

12 THE COURT: Okay. All right.

13 MS. SEABROOK: I haven't been in trouble since.

14 THE COURT: Well, what do you think is going to help
15 keep you out of trouble then?

16 MS. SEABROOK: I would like to go back to doing my
17 therapy sessions at Roper St. Francis Hospital with Dr.
18 Paul, M.D.

19 THE COURT: Well, ---

20 MS. SEABROOK: With ---

21 THE COURT: --- were you at Roper or MUSC? The report
22 I have is MUSC.

23 MS. SEABROOK: That is because I was involuntarily put
24 in there. But I was going to Roper every ---

25 THE COURT: How about -- how about employment, are

1 you ---

2 MS. SEABROOK: I do like to work. I just don't like
3 confrontation. If I feel like they are going to be a
4 problem and I have gone to higher and higher authority and
5 there is nothing being done I am going to quit. I am going
6 to find another job. So I don't get in trouble. I left.

7 THE COURT: Okay. What other jobs have you had other
8 than Bi-Lo's?

9 MS. SEABROOK: I have worked Downtown in College of
10 Charleston, working at WFF. I was a very keen worker. I
11 cleaned the whole entire College of Charleston Library, all
12 three floors by myself. No problem. I even stayed working
13 while I had the flu. I don't have a problem working.

14 I just -- if somebody is bothering me and I am
15 reporting to an authority and they are not doing nothing and
16 I am writing to authorities and calling HR and there is
17 nothing being done I can't do anything but to walk away
18 instead of stay and, you know, get in an altercation.

19 THE COURT: Okay. Anything else you want to tell me on
20 sentencing?

21 MS. SEABROOK: I just I really don't have anything else
22 I can say at this -- I don't ---

23 THE COURT: I'm sorry? What?

24 MS. SEABROOK: I really don't have anything else I can
25 say to you. I can't -- there is no way I am going to

1 convince you. But I am not a bad person. I am a very good
2 student in school. I am trying to apply to school now in --
3 in Camille Griffin Graham also. And I am trying to do anger
4 management classes in there and coping skills already.

5 THE COURT: Anything else?

6 MS. SEABROOK: No, Your Honor.

7 THE COURT: Okay.

8 Yes, sir.

9 MR. LOIGNON: Thank you, Your Honor. Ms. Seabrook's
10 father, James Seabrook was able to make it here. I think he
11 just wanted to address the court briefly if the court would
12 allow that.

13 THE COURT: What did he infer to you or what did he
14 tell you?

15 MR. LOIGNON: What did he tell me about ---

16 THE COURT: Anything.

17 MR. LOIGNON: Oh.

18 THE COURT: About his daughter.

19 MR. LOIGNON: He is here.

20 THE COURT: Oh, he is here?

21 MR. LOIGNON: Yes.

22 MR. SEABROOK: Oh, yes, Your Honor.

23 THE COURT: Okay. I am sorry. Mr. Seabrook, I will be
24 glad to hear from you. I am sorry.

25 MR. SEABROOK: Your Honor, I don't want to take up your

1 time. I did a little introduction. I am not going to take
2 up your time. And I will just read this and then I ---

3 THE COURT: Slow down a little bit.

4 MR. SEABROOK: Okay.

5 THE COURT: Speak up, okay.

6 MR. SEABROOK: I rode a bicycle from North Charleston.

7 THE COURT: Calm down and slow down.

8 MR. SEABROOK: Yes, sir.

9 THE COURT: Okay?

10 MR. SEABROOK: Yes, sir.

11 THE COURT: I will be glad to hear you.

12 MR. SEABROOK: All right.

13 THE COURT: Speak up so I can hear you.

14 MR. SEABROOK: Good morning, Your Honor. My name is
15 Mr. James Corey Seabrook, Jr.; and I am the father of
16 Katherine Lathara Anne Seabrook.

17 I come before you today to tell you a brief history of
18 my daughter and hope that you will reconsider your -- her --
19 her sentence.

20 I will not take up your time or the court time, but I
21 feel a sense of responsibility for her shortcomings on this
22 particular situation. And I would like a chance to
23 reconnect with my daughter.

24 Long story short, I am Katherine's father. Me and her
25 mother was married. I attended Four Valley State

1 University. Her mother attended college. We got married
2 and we had Katherine. We had a good life and we came back
3 to Charleston. I got a job at the Charleston County
4 Detention Center where I worked from '94 to '97 under
5 Captain Garris.

6 My daughter Katherine and her other sisters, Jasmine --
7 because she has a lot of siblings. We had a pretty much
8 good life until we got -- me and my wife got divorced.

9 After me and my wife got divorced Katherine was still
10 at a young age. She was subjected to several encounters
11 where she was raped by cousins in Georgia. Because that is
12 where they were from. And it had an adverse effect on her.
13 Because I am divorced me and my wife we -- she didn't allow
14 me to reconnect with my kids.

15 I knew them growing up. As they got older -- and I
16 won't say it was her mother's fault. But she was raped.
17 She was in the Department of Social Service. She had a
18 miscarriage as a result of the rape where DSS -- I wasn't
19 allowed to have contact with them. DSS allowed me to come
20 to the hospital to comfort her.

21 She has been attacked repeatedly by paramours and other
22 men in her life. And I think that is what caused her mental
23 post-traumatic stress disorder.

24 Katherine was on honor roll. Katherine graduated with
25 honors. I brought her cap. She was on her way to college.

1 But because -- she -- the last time that she was living
2 after graduation I failed as a father. I failed because I
3 didn't push her and I didn't really understand that she was
4 under these certain attacks. And when I did there was
5 nothing that I could do about it.

6 She does have mental issues. But Katherine is a strong
7 worker. She loves her other several brothers and siblings.
8 And she is a really good caregiver.

9 I think the mental health kind of failed because they
10 didn't give her a chance to really get everything out. A
11 lot of stuff she has anger toward me because I didn't know
12 these things. Because me and her wife -- me and my wife
13 divorced when she was like seven or eight years old. They
14 reconnected to me when they got 16. But this time they had
15 got back in DSS care where she stayed with other foster
16 parents until she actually record out of the system.

17 During that time Kat worked community service for her
18 altercations that she had. Her professors -- I mean she was
19 on her way to college, Gupta and Newberry, where she was
20 going to practice mortician.

21 Her godfather is the one that I called to help her --
22 to make her turn herself in during the situation. She was
23 actually, you know, at the time the victim. But because of
24 her post-traumatic and what she dealt with she didn't think
25 that the authorities -- didn't act like she wanted them to

1 act. Which is not right. Because the authority is the law.

2 So in return it seems like she is the aggressor. But
3 she had mental issues. But she is a downhearted good kid.
4 I mean she was on her way to college.

5 She had a job -- actually offer. Because her
6 godfather, my best friend, is a colonel retired in the army.
7 His family owns a mortuary. And if she had went to college
8 and did what she was supposed to do and not get caught up in
9 the neighborhood and the atmosphere that we lived in.

10 Because she came from a good home. I was grandmother
11 raised. She was father and mother raised in the home until
12 after the divorce.

13 And then when the paramours and all of this other, you
14 know, sexual things happened -- because some of it I don't
15 have. But it was documented. She didn't deal with it in a
16 psychiatric way. She just -- just lashed out.

17 And I think that is what the manipulative, you know,
18 thing that can happen to someone, you know, who was
19 molested, who was -- by family members. And then they just
20 listen to the wrong people.

21 I mean the people that I used to work with they knew --
22 they knew her growing up. When she went to the county jail
23 and sat there people knew her from a kid. So like, Kat,
24 what you doing here? This is what happened.

25 And she can't -- I can't place the blame on her

1 because -- I won't say she is mentally -- she is mentally
2 able. I mean she is a smart kid, honor roll student.

3 But she should have thought about the consequences of
4 not coming to court. And that is what hurt -- we had to
5 find her because she would have had a chance to explain to
6 the judge.

7 And of course everything happened. And it may or may
8 not have made a difference. But at least she could get the
9 help that she needs.

10 And to my eyes prison is I don't think in my mind -- it
11 may help. It will be a wake-up call. You know, from '94 to
12 '97 I have seen a lot in that county jail. And I decided
13 not to do that kind of work anymore. And I don't want her
14 to go in that route. She doesn't need a record.

15 For all the stuff that has happened in her life I
16 can't -- I feel bad as a father that I let her down.
17 Because I should have sought the help.

18 And I can't force her to do what I say because she is
19 over 18. But I was grandmother raised, not mother raised.
20 And I tried to do the best that I could with them. There
21 was no need for, you know, any kind of matter.

22 But I just wish that you would reconsider her time so
23 she could get a chance to go out there and make something of
24 herself and make her other sisters and brothers proud.

25 And that is all I have, Your Honor.

1 THE COURT: Mr. Seabrook, thank you so very much. I
2 appreciate you being here, okay.

3 MR. SEABROOK: Thank you.

4 (WHEREUPON, court confers with clerk to request probation
5 attendance at hearing.)

6 THE COURT: All right. Anything else?

7 MR. LOIGNON: No, Your Honor.

8 THE COURT: All right. I will be glad to hear from the
9 State.

10 MR. MCCLELLAN: Yes, Your Honor. The State contends
11 that the sentence is appropriate and should remain the same.
12 Notwithstanding the mitigation that the defense has provided
13 and notwithstanding the transportation and communication
14 issues, as Mr. Loignon indicated today and here at trial, he
15 had been in communication with the defendant as early as the
16 weekend -- as recently as the weekend prior to the trial and
17 that they had a meeting for which she did not appear.

18 She was aware of the court date and still failed to
19 appear. And the State would just -- again contends that the
20 sentence is appropriate and ---

21 THE COURT: Is that correct about her prior history,
22 the disorderly conduct?

23 MR. MCCLELLAN: That is correct, Your Honor, disorderly
24 conduct in 2010.

25 THE COURT: I know we tried it. Refresh me very

1 briefly what the facts -- very briefly on the facts and the
2 State perfected.

3 MR. MCCLELLAN: Yes, Your Honor. The defendant was
4 living with an ex-boyfriend and his roommate. And I believe
5 the lease was about to end and so they continued to live
6 together despite having broken up.

7 And what -- the incident that occurred was after the
8 defendant hid I believe it was a paintball gun which the
9 defen- -- which the victim was able to find.

10 And then they entered into the bedroom where the victim
11 was a martial arts enthusiast and had katana swords and
12 different type of weaponry. Which the defendant retrieved
13 some of those items and tried to hit him with a sword as
14 well as a war hammer. And the victim was able to disarm the
15 defendant.

16 And at that time she said that she was going to ruin
17 his life by calling the authorities and telling them that he
18 was the aggressor and the one that tried to harm her. Which
19 the victim was able to record. Which the court was able to
20 hear at the time of trial.

21 THE COURT: Okay. All right. Anything else?

22 MR. MCCLELLAN: Nothing further from the State, Your
23 Honor.

24 THE COURT: All right. Thank you very much.
25 Anything else from the defendant?

1 MR. LOIGNON: Just wanted to note, Your Honor, that the
2 court issued a bench warrant. But Ms. Seabrook did turn
3 herself in voluntarily to the Charleston County Detention
4 Center. I believe it was four days after conclusion of the
5 trial.

6 THE COURT: Okay.
7 (WHEREUPON, probation arrives. Bench conference was had
8 with the court and probation.)

9 THE COURT: Okay. All right. I am going to -- having
10 heard the evidence, looked at the MUSC report and listened
11 to all of the parties involved and the solicitor refreshed
12 my memory on the facts in the case, I am going to reduce her
13 sentence: State Department period of six years. I am going
14 to reduce it to nine months. Five years probation. And I
15 previously had added complete anger management program. I
16 am going to add to that when she gets out of jail she is
17 going to attend Voch Rehab, she is going to continue taking
18 her medications, and she is going to attend mental health
19 counseling and any other program that the agent may
20 determine.

21 Ms. Seabrook, do you understand?

22 MS. SEABROOK: Yes, Your Honor.

23 THE COURT: I am cutting your sentence in half, your
24 active time.

25 MS. SEABROOK: Yes, Your Honor.

1 THE COURT: And you are going to be on probation when
2 you get out. Do you understand?

3 MS. SEABROOK: Yes, Your Honor.

4 THE COURT: Condition of probation you are going to
5 complete anger management. You will go to Voch Rehab and
6 continue your medications and go to Mental Health.

7 MS. SEABROOK: Yes, Your Honor.

8 THE COURT: I think if you will do that you can get --
9 hopefully get back on the right track, okay?

10 MS. SEABROOK: Yes, Your Honor.

11 THE COURT: Do you have any questions?

12 MS. SEABROOK: (Motioning.)

13 THE COURT: Pardon?

14 MS. SEABROOK: Can I -- I just (inaudible).

15 THE COURT: I can't hear you, okay. Speak up.

16 MS. SEABROOK: Would I be able to hug my father?

17 THE COURT: Yeah, you can hug your father.

18 (WHEREUPON, defendant hugs father; and father confers with
19 defendant.)

20 MR. SEABROOK: Thank you, Judge.

21 MS. SEABROOK: Thank you, Your Honor.

22 THE COURT: All right. Thank you. Good luck to you.

23 MR. LOIGNON: Thank you, Your Honor.

24 MR. MCCLELLAN: Thank you, Your Honor.

25 THE COURT: All right.

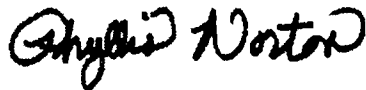
1 (WHEREUPON, Court Exhibit No. 1, MUSC summary dated
2 11/11/2016, was marked for identification.)
3 (WHEREUPON, the hearing concluded.)

(NOTE: Please contact the court reporter for additional copies or certified transcripts.)

CERTIFICATE

I, the undersigned Phyllis Norton, Official Court Reporter for the Ninth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all proceedings had and evidence introduced in the captioned case, relative to appeal, in the court for South Carolina, on April 5, 2018.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.



PHYLLIS NORTON, CVR

Date: April 29, 2018

Certified Transcript Provided For: SCCID
Certification Reference #042918 Original

JAB/0305384
WITNESSES

Charleston City Police Department

AGENCY CASE NUMBER
2015-09035

ARREST WARRANT NUMBER
2015A1010202413

DATE OF ARREST
05/31/2015

ACTION OF GRAND JURY

TRUE BILL

ll. L. L.
Foreperson of Grand Jury

SEP 14 2015
Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2015-GS-10-04542

The State of South Carolina
County of Charleston

COURT OF GENERAL SESSIONS
SEPTEMBER TERM 2015

THE STATE

VS.

KATHERINE LATHARA ANNE
SEABROOK
B/F DOB: [REDACTED]-1992

Indictment for

CRIMINAL DOMESTIC VIOLENCE OF A
HIGH AND AGGRAVATED NATURE

SC Code: § 16-25-0065
CDR Code: 2988

FILED

9/23/2015 2:02:25 PM
JULIE J. ARMSTRONG
CLERK OF COURT

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

INDICTMENT

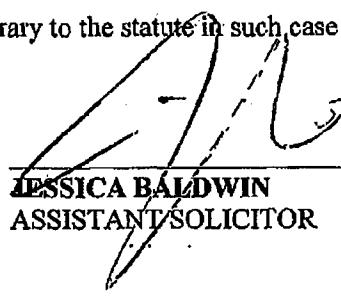
At a Court of General Sessions, convened on September 14, 2015, the Grand Jurors of Charleston County present upon their oath:

CRIMINAL DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE

That in Charleston County, South Carolina, on or about May 31, 2015, the Defendant, Katherine Lathara Anne Seabrook, did cause physical harm or injury to Ervin Bernard Smith, a household member, or did offer or attempt to cause physical harm or injury to said household member with apparent present ability under circumstances reasonably creating fear of imminent peril. That, in addition, (1) the assault and battery involved the use of a deadly weapon or resulted in serious bodily injury to the victim; or (2) the assault with or without an accompanying battery would reasonably have caused a person to fear imminent serious bodily injury or death.

This is in violation of Section 16-25-65 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



JESSICA BALDWIN
ASSISTANT SOLICITOR



Medical University of South Carolina

169 Ashley Ave., Charleston, S.C. 29425

Visit Summary

This document contains confidential information intended only for the use of the individual to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure. Your name is abbreviated above to protect your confidential information. If you have any questions about the information below, please contact your care team.

The information below can also be found by logging into MyChart.
MyChart provides online access to your health care team and medical information.
If you do not have a MyChart account please see the last page of this document sign up instructions.

Patient Identification

Sea*, K* -- 23 y.o. female

The information in this after visit summary is up to date as of: 11/11/2016 1:33 PM.

Summary of your Hospitalization

About your hospitalization

You were admitted on: November 4, 2016
You were discharged on: November 11, 2016

You last received care in the: P04N ACUTE CARE UNIT
Unit phone number: 843-792-9888

Providers seen during hospitalization

Provider	Service	Role
Christopher Scott Fields, MD	PSY-PSYCHIATRY HOSPITALISTS	Attending Provider
Elizabeth Hodges	--	Social Worker

Why you were hospitalized

Your primary diagnosis was: Ptsd (Post-Traumatic Stress Disorder)
Your diagnoses also included: Cannabis Dependence, Substance Induced Mood Disorder, Panic Disorder (Episodic Paroxysmal Anxiety) Without Agoraphobia

You are allergic to the following

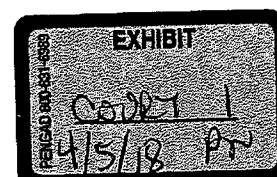
No active allergies

Date Reviewed: 11/4/2016

Medications

Based on the information you provided to us as well as any changes during this visit, the following is your updated medication list. Compare this with your prescription bottles at home. If you have any questions or concerns, contact your primary care physician's office.

Your medication



Your medication (continued)

START taking these medications

	Instructions	Morning	Noon	Evening	Bedtime	As Needed
escitalopram 10 MG tablet Last Dose Time: 10 mg on 11/11/2016 8:33 AM Commonly known as: LEXAPRO	Take 1 tablet by mouth daily.					
hydroXYZine 25 MG tablet Last Dose Time: 25 mg on 11/8/2016 6:14 PM Commonly known as: ATARAX	Take 1 tablet by mouth every 6 hours as needed for anxiety.					
QUetiapine 25 MG tablet Last Dose Time: 25 mg on 11/11/2016 8:33 AM Commonly known as: SEROQUEL	Take 1 tablet by mouth 2 times daily.					

CONTINUE taking these medications

	Instructions	Morning	Noon	Evening	Bedtime	As Needed
albuterol 90 mcg/actuation Inhaler Commonly known as: PROVENTIL HFA; VENTOLIN HFA; PROAIR HFA	Inhale 1-2 puffs into the lungs every 4 hours as needed.					
biotin 1 mg Cap	Take by mouth.					

Where to Get Your Medications

These medications were sent to **BI LO PHARMACY 5409 - CHARLESTON, SC - 1200 SAM RITTENBURG BLVD**

1200 SAM RITTENBURG BLVD SUITE A,
CHARLESTON SC 29407

Phone: 843-573-4776

- escitalopram 10 MG tablet
- hydroXYZine 25 MG tablet
- QUetiapine 25 MG tablet

Instructions for after Discharge

Follow-ups for after Discharge

Contact information for follow-up providers
CHARLESTON DORCHESTER

2100 CHARLIE HALL BLVD
CHARLESTON SC 29414
Phone: 843-852-4100

Sea*,K*,12* - Page 3 of 4

Contact Information for follow-up providers (continued)

Instructions: fax to Intake 843 5717719. Walk in hours for Intake are M-F 9am-3pm.

Sign Up for MyChart

MUSC MyChart allows you to send messages to your care team, view your test results, renew prescriptions, request appointments, pay your bill, and more. If you've already signed up, you can access your account via mychart.muschealth.com, and disregard the signup instructions.

If you have not enrolled in MUSC MyChart and would like to, please see staff or registration today, prior to leaving MUSC. We will be happy to help you get enrolled.

If your appointment has ended, and you would like to sign up, you may use the activation code below.

MyChart Activation Code: Activation code not generated

Current MyChart Status: Active

To sign up, log on to mychart.muschealth.com. Once you are logged on, click on the **SIGN UP NOW** button and you will access the Activate My Account Page. Enter your MyChart Activation Code exactly as it appears below to complete the sign-up process. If you do not sign up before the expiration date, you can request an account online.

If you have questions, you can contact us at MyChart Support via email at mychart@muschealth.com or by phone at (843) 792-3111.

Remember, MyChart is NOT to be used for urgent needs. For medical emergencies, dial 911.

Communication to Patients

Announcing our new main site for pick-up of Medical Records.

1 South Park Circle Suite 200, near Citadel Mall, West Ashley

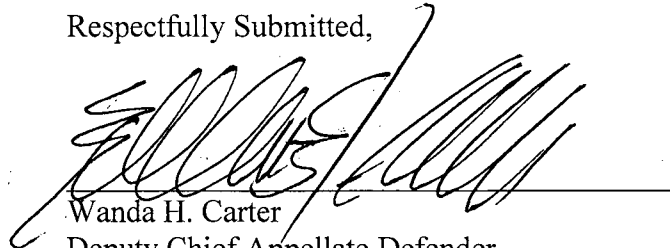
Mon - Fri 8:00am - 4:30pm

Patient Education

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Wanda H. Carter
Deputy Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 17th day of October, 2018.

RECEIVED
OCT 17 2018
SC Court of Appeals