

ORIGINAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM HAMPTON COUNTY

Carmen T. Mullen, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CURTIS FIELDS,

APPELLANT

APPELLATE CASE NO. 2013-001087

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA) COURT OF GENERAL SESSIONS
COUNTY OF HAMPTON) FOURTEENTH JUDICIAL CIRCUIT
CASE NO.: 2012-GS-25-00002

STATE OF SOUTH CAROLINA)
VS.)
CURTIS R. FIELDS,)
DEFENDANT.)
_____)

JURY TRIAL

VOLUME 1 OF 1

held before the Honorable Carmen T. Mullen
Mia Perron, Circuit Court Reporter, 14th Judicial Circuit
in the Hampton County Courthouse
Hampton, South Carolina
on Wednesday, March 13, 2013, Commencing at 1:25 p.m.

SUSAN "MIA" PERRON, CVR-CM-M
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THE COURT: Ladies and gentlemen, this morning we are going to go ahead and pull a jury in the second trial. I need to wait for these other two jurors to come in. Ladies and gentlemen, I remind you as you were on Monday morning you are, again, under oath.

Ladies and gentlemen, I need you to respond to any of these questions as necessary. What I'm simply going to ask you to do is stand again, give me your name and juror number, and then go ahead and respond if you need to in reference to the questions I'm going to ask you about the trial that is before us today.

I will tell you, ladies and gentlemen, that this trial is only expected to last one day, so you will be done tonight. So I want you-all to be assured and to know that.

Solicitor, why don't you come on up for just a quick moment just to talk to me about the scheduling.

MR. THORNTON: Yes, ma'am.

[Whereupon, an off-the-record bench conference is held]

THE COURT: Ladies and gentlemen, I was just talking to the deputy solicitor, Mr. Thornton, about the rest of the scheduling and he gave me the good news for you-all: that this is the last trial we are

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1 going to pull today. So I assure you that if you're
2 on jury duty, if you do get pulled for this case, you
3 will be done today. But regardless, everyone will be
4 finished today, so I'll be able to release you after
5 we're done. All right?

6 Do we have everybody?

7 THE BAILIFF: Yes, ma'am.

8 THE COURT: Very well.

9 - - - - -

10 JURY VOIR DIRE

11 THE COURT: Ladies and gentlemen, at this time
12 we are going to go ahead and pull the jury for the
13 case entitled the State of South Carolina versus
14 Curtis Fields. Ladies and gentlemen, Mr. Fields is
15 charged in indictments for misconduct in office and
16 criminal sexual conduct in the third degree.

17 Ladies and gentlemen, at this time I am going to
18 introduce to you the attorneys that are going to be
19 trying this case. On behalf of the State we have Sean
20 Thornton. And Randolph Murdaugh is sitting up here.

21 I don't know if you're staying, Randolph, but I
22 know you've been here -- no, sir?

23 MR. MURDAUGH: No, ma'am.

24 THE COURT: Thank you.

25 All right. Mr. Thornton, thank you. I

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1 appreciate it.

2 On behalf of the defendant, we have Chris Geier.
3 And if your client would also stand, sir.

4 [Whereupon, Mr. Fields complies]

5 THE COURT: Thank you, gentlemen.

6 Ladies and gentlemen, my questions are this. Is
7 there any member of the jury panel related by blood or
8 connected by marriage to the defendant in this case,
9 Mr. Curtis Fields?

10 Yes, sir. Your name and jury number.

11 MR. MCGRAFF: Brian McGraff.

12 THE COURT: Mr. McGraff, it's good to see you
13 again, sir. How do you know Mr. Fields?

14 MR. MCGRAFF: He's my -- his wife is the sister
15 of my brother-in-law's --

16 THE COURT: All right. I think I've got that
17 connection down.

18 All right, sir. I'm going to go ahead and
19 excuse you from the trial of this case because of your
20 relationship with him. You may go ahead and leave
21 now, and you are free for the rest of the week. But
22 thank you for being here, sir.

23 MR. MCGRAFF: Thank you.

24 THE COURT: I appreciate it.

25 [Whereupon, Mr. McGraff is excused from the

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1 trial of this case]

2 THE COURT: Ladies and gentlemen, is there any
3 member of the jury panel that's is a close personal
4 friend or share a special relationship with the
5 defendant, Mr. Curtis Fields? If so, please stand.

6 [Whereupon, there is no response]

7 THE COURT: Ladies and gentlemen, I've
8 introduced you to the attorneys that are trying this
9 case. Again, Sean Thornton and Chris Geier. My
10 question is is there any member of the jury panel
11 related by blood or connected by marriage or have a
12 close personal friendship or share a special
13 relationship with either one of these attorneys? If
14 so, please stand.

15 [Whereupon, there is no response]

16 THE COURT: Ladies and gentlemen, the following
17 is a list of potential witnesses in this case. I
18 remind you my question is, again, is there any member
19 of the jury panel related by blood, connected by
20 marriage, or a close personal friend, or share some
21 type of special relationship with any of these
22 potential witnesses. They are Angus Alberson --

23 And ladies and gentlemen, if any of these people
24 are in the courtroom, I'm going to ask that you stand.
25 Angus Alberson, Paul Reed, Chief Haggey or Willis

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1 Haggey, Michael Jasmine Sheen --

2 [Whereupon, Miss Sheen stands]

3 THE COURT: Thank you. You may be seated.

4 David Williams, from SLED.

5 [Whereupon, Mr. Williams stands]

6 THE COURT: Thank you.

7 John Sheen. And is it Maime Sheen? Maime
8 Sheen.

9 [Whereupon, Ms. Sheen stands]

10 THE COURT: Thank you. You may be seated.

11 Ladies and gentlemen, again, the questions are
12 is there any member of the jury panel related by blood
13 or connected by marriage or have a close personal
14 friendship or share a special relationship with any of
15 those potential witnesses? If so, please stand.

16 Sir, your name and jury number?

17 MR. PRIESTER: Charles Daniel Priester.

18 THE COURT: Mr. Priester, who do you know, sir?

19 MR. PRIESTER: Angus Alberson.

20 THE COURT: How do you know Mr. Alberson?

21 MR. PRIESTER: We we've been close personal
22 friends and work doing some things, motorcycles and
23 stuff like that. And I go to work at his shop --

24 THE COURT: Okay. For the attorneys, you need
25 to come approach and tell me what Mr. Alberson's

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1 testimony would be.

2 MR. THORNTON: I do, Your Honor.

3 THE COURT: Just keep standing, sir. I
4 appreciate it.

5 [Whereupon, an off-the-record bench conference
6 is held]

7 THE COURT: Mr. Priester, I'm going to go ahead
8 and excuse you from the trial of this case and I'm
9 going to go ahead and release you for the rest of the
10 week. I appreciate you being here, sir. Thank you.

11 [Whereupon, Mr. Priester is excused from the
12 trial of this case]

13 THE COURT: Ladies and gentlemen, the
14 indictments in this case allege two charges,
15 misconduct in office and criminal sexual conduct in
16 the third degree. The allegations in the indictments
17 state that in Hampton County on or about November 5th
18 of 2011 that the defendant, Curtis Fields, as an
19 officer, a law enforcement officer, for the town of
20 Yemassee coerced the victim, Miss Sheen, to perform
21 oral sex on him in lieu of writing her a citation.

22 Ladies and gentlemen, those are the allegations
23 in this case. My question to you is is there any
24 member of the jury panel that has any independent
25 knowledge or know anything about this case outside of

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1 what I've told you here in this courtroom? If so,
2 please stand.

3 Sir, your name and juror number?

4 MR. EDWARDS: Paul Edwards; juror number 43.

5 THE COURT: Mr. Edwards, other than maybe being
6 in the newspaper or on the news --

7 Is that where you saw it, sir?

8 MR. EDWARDS: Yes.

9 THE COURT: You did?

10 My question to you: how long ago was it, sir?

11 MR. EDWARDS: It's been a little over a year
12 ago.

13 THE COURT: All right. Sir, can you put aside
14 anything you may have read in the newspaper and decide
15 this case based on the facts, and what is presented
16 here in the courtroom, if you were to sit as a juror?

17 MR. EDWARDS: Due to, you know, reading the
18 paper, it kind of maybe sounded like he was --

19 THE COURT: Okay. I don't need you to say
20 anything other than that.

21 Sir, again, I just tell you that, of course, the
22 newspaper is not factual. It doesn't have any bearing
23 whatsoever on the evidence in this case. Again, I
24 want to make sure, sir, and I need to know, if you
25 would be able to put aside anything you learned in the

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1 paper and be able to decide the case based on the
2 evidence that is presented in this courtroom.

3 MR. EDWARDS: Yes, ma'am.

4 THE COURT: Can you do that?

5 MR. EDWARDS: Yes, ma'am.

6 THE COURT: And are you sure?

7 MR. EDWARDS: Yes, ma'am.

8 THE COURT: Again, as I remind you, the
9 newspaper is not factual. Do you understand that?

10 MR. EDWARDS: Yes.

11 THE COURT: All right. You may be seated, sir.

12 Anyone else?

13 And, sir, can you give me your name and number
14 again, just for the record?

15 MR. EDWARDS: Paul Edwards, juror number 43.

16 THE COURT: Thank you, Mr. Edwards.

17 Ladies and gentlemen, has any member of the jury
18 panel or a member of your immediate family ever been
19 employed by or currently employed by any law
20 enforcement agency, including a sheriff's office, a
21 police department, SLED, or the FBI? If so, please
22 stand.

23 Sir, your name and juror number. And I know you
24 are a former deputy.

25 MR. PADGETT: Mark Padgett, 108.

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1 THE COURT: Again, will you remind -- for the
2 attorneys again, who you worked for, sir?

3 MR. PADGETT: I was a deputy for Hampton County
4 for fourteen years, give or take. And my father was a
5 bailiff.

6 THE COURT: Sir, when did you retire from
7 Hampton County Sheriff's Office?

8 MR. PADGETT: Two --

9 THE COURT: How many years, roughly?

10 MR. PADGETT: Four years ago --

11 THE COURT: Roughly? All right. I appreciate
12 it, sir. Thank you. You may be seated.

13 Anyone else?

14 [Whereupon, there is no response]

15 THE COURT: Ladies and gentlemen, is any member
16 of the jury panel a member of or contribute to any
17 group which has as its primary purpose the support of
18 victim's rights? And those would be groups such as
19 Mothers Against Drunk Driving, or CAVC, Citizens
20 Against Violent Crime.

21 Again, the question is is any member of the jury
22 panel a member of or contributor to any of those types
23 of groups? If so, please stand.

24 [Whereupon, there is no response]

25 THE COURT: Also, is any member of the jury

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1 panel a member of or a financial contributor to any
2 law enforcement group such as the Trooper's
3 Association or the Fraternal Order of Police or any
4 other law enforcement agency? Ladies and gentlemen,
5 that would include anyone that sometimes may call up
6 on the phone and they ask you to donate to the
7 Troopers Association or whatever. Is there any member
8 of the jury panel who is a member of any of those
9 groups or a contributor to any of those types of
10 groups? If so, please stand.

11 [Whereupon, there is no response]

12 THE COURT: Ladies and gentlemen, is there any
13 member of the jury panel that contributes money to or
14 volunteers time to any victims' support group or
15 organization? If so, please stand.

16 [Whereupon, there is no response]

17 THE COURT: Ladies and gentlemen, has any member
18 of the jury panel ever been called as a witness by
19 either the State or the defense in a criminal trial?
20 If so, please stand.

21 MR. ANDERSON: Number 6.

22 THE COURT: Yes, sir?

23 MR. ANDERSON: Number 6, Douglas Anderson.

24 THE COURT: Mr. Anderson? And I recall -- if
25 you'll just remind us again for the record in this

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1 case. I understand you've testified on both sides for
2 the State and for the defense. And in what type of
3 trials was it again, sir?

4 MR. ANDERSON: Tax evasion cases.

5 THE COURT: Tax evasion cases.

6 Thank you, Mr. Anderson. You may be seated. I
7 appreciate that.

8 Mr. Padgett, go ahead. And give us your number
9 again, just for the record.

10 MR. PADGETT: 108.

11 THE COURT: Yes, sir.

12 MR. PADGETT: And I've been a witness for the
13 prosecution, the State.

14 THE COURT: In your job as, obviously, a deputy
15 sheriff and --

16 MR. PADGETT: Yes, ma'am.

17 THE COURT: -- you would testify in cases? All
18 right. Thank you, Mr. Padgett.

19 Ladies and gentlemen, has any member of the jury
20 panel or a member of your immediate family ever been
21 employed in any capacity where you worked closely with
22 law enforcement? And that would be such groups as
23 kind of EMS, fire and rescue, or maybe an emergency-
24 room worker. If so, please stand.

25 [Whereupon, there is no response]

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1 THE COURT: Ladies and gentlemen, has any member
2 of the jury panel or a member of your immediate family
3 ever been stopped for a traffic offense or been
4 investigated by Curtis Fields in his capacity as a
5 Town of Yemassee police officer? If so, please stand.

6 [Whereupon, there is no response]

7 THE COURT: Ladies and gentlemen, additionally,
8 has any member of the jury panel had any contact with
9 the defendant, Mr. Curtis Fields, in his capacity as a
10 guard for the South Carolina Department of
11 Corrections? If so, please stand.

12 [Whereupon, there is no response]

13 THE COURT: Is any member of the jury panel a
14 past or present resident of the town or Yemassee? If
15 so, please stand.

16 Ma'am, your name and juror number.

17 MS. SHAW: Joyce Shaw. I'm juror number 132.

18 THE COURT: Ms. Shaw, are you a former resident
19 of Yemassee or do you --

20 MS. SHAW: Present.

21 THE COURT: How long have you lived in Yemassee?

22 MS. SHAW: Thirty-nine years.

23 THE COURT: Very well.

24 Ma'am, do you mind giving me just your -- you
25 can give me the street that you live on. You don't

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1 have to give me the address, but the street that you
2 live on in Yemassee?

3 MS. SHAW: Jackson Street.

4 THE COURT: Thank you, ma'am. And how long have
5 you lived at that house?

6 MS. SHAW: Thirty-nine years.

7 THE COURT: Very good. You may be seated.
8 Thank you.

9 Yes, ma'am. Your name and juror number?

10 MS. ANDERSON: Sheila Anderson, number 8.

11 THE COURT: Yes, ma'am. You live in Yemassee?

12 MS. ANDERSON: I live in the outskirts of
13 Yemassee, but I have a Yemassee address.

14 THE COURT: How long have you lived in Yemassee?

15 MS. ANDERSON: About thirty years.

16 THE COURT: Very well.

17 And can you tell me just roughly where on the
18 outskirts of Yemassee you live, ma'am?

19 MS. ANDERSON: [REDACTED] [phonetic],
20 Parkersville.

21 THE COURT: Very good. Thank you. I appreciate
22 it.

23 Ladies and gentlemen, has any member of the jury
24 panel or your immediate family ever been a victim of
25 police brutality or excessive force or abuse by any

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1 law enforcement agency? If so, please stand.

2 [Whereupon, there is no response]

3 THE COURT: Ladies and gentlemen, is there any
4 member of the jury panel that is conscious of any
5 interest or any bias or prejudice for or against the
6 defendant in this case? If so, please stand.

7 [Whereupon, there is no response]

8 THE COURT: Ladies and gentlemen, has any member
9 of the jury panel formed or expressed an opinion as to
10 the guilt or innocence of the defendant, Mr. Fields,
11 in this case? If so, please stand.

12 [Whereupon, there is no response]

13 THE COURT: Ladies and gentlemen, is there any
14 reason whatsoever that you cannot give both the State
15 of South Carolina and the defendant, Mr. Curtis
16 Fields, a fair and impartial trial in this matter? If
17 so, please stand.

18 [Whereupon, there is no response]

19 THE COURT: Is there anything further required
20 from this jury? From the State?

21 MR. THORNTON: Nothing from the State, Your
22 Honor.

23 THE COURT: From the defense?

24 MR. GEIER: No, Your Honor.

25 THE COURT: All right.

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1 [Off the record momentarily]

2 THE COURT: Ladies and gentlemen, again, what we
3 are doing is placing your name into the computer. It
4 will randomly draw your name. When your name is
5 called, you simply stand. You are either going to be
6 asked to take a seat or you're going to be asked to --
7 in the jury box, or to keep your seat where you are.
8 All right?

9 Mylinda, the strikes are five and ten.

10 THE CLERK OF COURT: Five and ten?

11 THE COURT: Five and ten.

12 [Off the record momentarily]

13 - - - - -

14 STRIKING OF THE JURY

15 THE CLERK OF COURT: Number 119, Dominic
16 Roberts.

17 MR. ROBERTS: Dominic Roberts --

18 THE CLERK OF COURT: No. No, no.

19 THE COURT: You don't have to say anything.

20 THE CLERK OF COURT: Don't say anything --

21 THE COURT: You can just stand there. You are
22 fine, Mr. Roberts.

23 THE CLERK OF COURT: What says the State?

24 MR. THORNTON: Please excuse this juror.

25 [Whereupon, Mr. Roberts is excused from the

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1 trial of this case]
2 THE COURT: You may sit down, Mr. Roberts.
3 THE CLERK OF COURT: Number 121, Mark Rose.
4 What says the State?
5 MR. THORNTON: What was that number?
6 THE CLERK OF COURT: 121.
7 What says the State?
8 MR. THORNTON: Please present this juror.
9 THE CLERK OF COURT: What says the defense?
10 MR. GEIER: Please seat Mr. Rose.
11 THE COURT: Come on up, Mr. Rose.
12 [Whereupon, Mr. Rose is seated in the jury box
13 as a juror]
14 THE CLERK OF COURT: Number 92, Sherry Malphrus.
15 What says the State?
16 MR. THORNTON: Please present this juror.
17 THE CLERK OF COURT: What says the defense?
18 MR. GEIER: Please seat Ms. Malphrus.
19 THE COURT: Come on up, Ms. Malphrus.
20 [Whereupon, Ms. Malphrus is seated in the jury
21 box as a juror]
22 THE CLERK OF COURT: Number 83, Steven Johnson.
23 What says the State?
24 MR. THORNTON: Please present this juror.
25 THE CLERK OF COURT: What says the defense?

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1 MR. GEIER: Please strike Mr. Johnson.

2 THE COURT: Go ahead and take a seat.

3 I'm sorry. You struck him; is that correct?

4 MR. GEIER: Yes, Your Honor.

5 THE COURT: You may take a seat, Mr. Johnson,
6 wherever you are. Thank you.

7 [Whereupon, Mr. Johnson is excused from the
8 trial of this case]

9 THE CLERK OF COURT: Number 135, Arthur Mae
10 Smith. What says the State?

11 MR. THORNTON: Please present this juror.

12 THE CLERK OF COURT: What says the defense?

13 MR. GEIER: Please seat Ms. Smith.

14 [Whereupon, Ms. Smith is seated in the jury box
15 as a juror]

16 THE CLERK OF COURT: Number 70, Karen Herndon.
17 What says the State?

18 MR. THORNTON: Please present this juror.

19 THE CLERK OF COURT: What says the defense?

20 MR. GEIER: Please strike this juror.

21 [Whereupon, Ms. Herndon is excused from the
22 trial of this case]]

23 THE CLERK OF COURT: Number 36, Betty Deloach.
24 What says the State?

25 MR. THORNTON: Please present this juror.

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1 THE CLERK OF COURT: What says the defense?

2 MR. GEIER: Please seat Ms. Deloach.

3 [Whereupon, Ms. Deloach is seated in the jury
4 box as a juror]

5 THE CLERK OF COURT: Number 11, Bertha Badger.
6 What says the State?

7 MR. THORNTON: Please present this juror.

8 THE CLERK OF COURT: What says the defense?

9 MR. GEIER: Please seat Ms. Badger.

10 THE COURT: Come on up, Ms. Badger.

11 [Whereupon, Ms. Badger is seated in the jury box
12 as a juror]

13 THE CLERK OF COURT: Number 23, James Brantley.
14 What says the State?

15 MR. THORNTON: Please present this juror.

16 THE CLERK OF COURT: What says the defense?

17 MR. GEIER: Please seat Mr. Brantley.

18 THE COURT: Come on up, Mr. Brantley.

19 [Whereupon, Mr. Brantley is seated in the jury
20 box as a juror]

21 THE CLERK OF COURT: Number 68, Johnny Hayes.
22 What says the State?

23 MR. THORNTON: Please excuse this juror.

24 THE COURT: You may be seated, sir.

25 [Whereupon, Mr. Hayes is excused from the trial

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1 of this case]

2 THE CLERK OF COURT: Number 166, Andre Williams.

3 MR. MURDAUGH: Number -- what number?

4 THE CLERK OF COURT: 166.

5 What says the State?

6 MR. THORNTON: Please excuse this juror.

7 [Whereupon, Mr. Williams is excused from the
8 trial of this case]

9 THE CLERK OF COURT: Number 28, Sharon Capers.
10 What says the State?

11 MR. THORNTON: Please present this juror.

12 THE CLERK OF COURT: What says the defense?

13 MR. GEIER: Please seat Ms. Capers.

14 [Whereupon, Ms. Capers is seated in the jury box
15 as a juror]

16 THE CLERK OF COURT: Number 6, Douglas Anderson.
17 What says the State?

18 MR. THORNTON: Please present this juror.

19 THE CLERK OF COURT: What says the defense?

20 MR. GEIER: Please excuse Mr. Anderson.

21 [Whereupon, Mr. Anderson is excused from the
22 trial of this case]

23 THE CLERK OF COURT: Number 111, Jenny Parnell.

24 What says the State?

25 MR. THORNTON: Please present this juror.

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1 MR. GEIER: Please dismiss Ms. Parnell.

2 [Whereupon, Ms. Parnell is excused from the
3 trial of this case]

4 THE CLERK OF COURT: 132, Joyce Shaw. What says
5 the State?

6 MR. THORNTON: Please present this juror.

7 THE CLERK OF COURT: What says the defense?

8 MR. GEIER: Please seat Ms. Shaw.

9 THE COURT: Come on forward, Ms. Shaw.

10 [Whereupon, Ms. Shaw is seated in the jury box
11 as a juror]

12 THE CLERK OF COURT: Number 162, Clifford
13 Washington.

14 MR. MURDAUGH: What number?

15 THE CLERK OF COURT: 162.

16 What says the State?

17 MR. THORNTON: Please excuse this juror.

18 [Whereupon, Mr. Washington is excused from the
19 trial of this case]

20 THE CLERK OF COURT: Number 67, Stephanie
21 Harrison. What says the State?

22 MR. THORNTON: Please present this juror.

23 THE CLERK OF COURT: What says the defense?

24 MR. GEIER: Please dismiss Ms. Harrison.

25 [Whereupon, Ms. Harrison is excused from the

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1 trial of this case]

2 THE CLERK OF COURT: Number 39, Gloria Drayton.

3 What says the State?

4 MR. THORNTON: Please present this juror.

5 THE CLERK OF COURT: What says the defense?

6 MR. GEIER: Please seat Ms. Drayton.

7 THE COURT: Come on forward, ma'am.

8 [Whereupon, Ms. Drayton is seated in the jury
9 box as a juror]

10 THE CLERK OF COURT: Number 128, Daniel Sanders.

11 What says the State?

12 MR. THORNTON: Please present this juror.

13 THE CLERK OF COURT: What says the defense?

14 MR. GEIER: Please seat Mr. Sanders.

15 THE COURT: Come on up, Mr. Sanders.

16 [Whereupon, Ms. Sanders is seated in the jury
17 box as a juror]

18 THE CLERK OF COURT: Number 118, Deloris

19 Roberts. What says the State?

20 MR. THORNTON: Please present this juror.

21 THE CLERK OF COURT: What says the defense?

22 MR. GEIER: Please dismiss Ms. Roberts.

23 [Whereupon, is excused from the trial of this
24 case]

25 THE CLERK OF COURT: Number 22, Davis Braddock.

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1 What says the State?

2 MR. THORNTON: Please present this juror.

3 THE CLERK OF COURT: What says the defense?

4 MR. GEIER: Please seat Mr. Braddock.

5 [Whereupon, Mr. Braddock is seated in the jury
6 box as a juror]

7 THE CLERK OF COURT: Number 151, Octavia Taylor.
8 What says the State?

9 MR. THORNTON: Your Honor, may we approach?

10 THE COURT: You may.

11 [Whereupon, an off-the-record bench conference
12 is held]

13 MR. THORNTON: Please present this juror.

14 THE CLERK OF COURT: What says the defense?

15 MR. GEIER: Please seat Ms. Taylor.

16 THE COURT: Come on forward, Ms. Taylor.

17 [Whereupon, Ms. Taylor is seated in the jury box
18 as a juror]

19 THE COURT: We're going to go with one
20 alternate, y'all. The strikes are one and two.

21 THE CLERK OF COURT: Number 43, Paul Edwards.

22 THE COURT: Mr. Thornton, do you see any reason
23 to go with two alternates?

24 MR. THORNTON: Please present this juror.

25 THE CLERK OF COURT: What says the defense?

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1 MR. GEIER: Your Honor, may we approach?

2 THE COURT: You may.

3 [Whereupon, an off-the-record bench conference
4 is held]

5 MR. GEIER: Oh. I'm sorry. I said please
6 dismiss.

7 THE COURT: Yes. I'm sorry, sir. Mr. Edwards,
8 we went ahead and dismissed you.

9 MR. EDWARDS: Okay.

10 THE COURT: Thank you.

11 MR. EDWARDS: Thank you.

12 [Whereupon, Mr. Edwards is excused from the
13 trial of this case]

14 THE CLERK OF COURT: Number 33, Margaret Cuyler.
15 Does the State have cause to strike?

16 MR. THORNTON: Please present this juror.

17 THE CLERK OF COURT: What says the defense?

18 MR. GEIER: Please seat Ms. Cuyler.

19 THE COURT: Come on forward, ma'am.

20 [Whereupon, Ms. Cuyler is seated in the jury box
21 as an alternate juror].

22 THE CLERK OF COURT: There's just one? There's
23 just one?

24 THE COURT: Just one.

25 Are there any matters of law we need to take up

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1 regarding the jury selection process? From the State?

2 MR. THORNTON: None from the State, Your Honor..

3 THE COURT: From the defense?

4 MR. GEIER: No, Your Honor.

5 THE COURT: All right. Ladies and gentlemen,
6 welcome. As you understand, you are my jury for the
7 trial of this case. I have been told that this case
8 will take one day to try.

9 At this time, ladies and gentlemen, I am going
10 to send you back to your jury room just for a few
11 moments before we go ahead and begin opening
12 statements in this case. There are a few matters of
13 law I need to take up with the attorneys.

14 I need to caution you, though, that you are
15 jurors now. Ladies and gentlemen, it would be
16 inappropriate for you to discuss this case even with
17 each other at this point because you've heard none of
18 the evidence, you've seen no exhibits, and, again, you
19 have not been charged on the law that's applicable to
20 this case.

21 So I'm going to simply ask that you go back to
22 the jury room, get a cup of coffee or a Coke, whatever
23 you need, and we'll bring you out shortly to go ahead
24 and begin the trial of this case. Thank you.

25 [Off the record momentarily]

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1 [Whereupon, the jury exits the courtroom at
2 10:59 a.m.]

3 THE COURT: Ladies and gentlemen, as you now
4 understand, you are not jurors in the trial of this
5 case. And because this is the last case that I get to
6 pull for this week, ladies and gentlemen, I get to
7 dismiss you.

8 I will tell you that the proverbial check is in
9 the mail. I want you to know that I am not the one
10 that designates the compensation for jury service. It
11 is your Council that does it. So if you have any
12 complaints, that's where you need to go.

13 I will tell you, ladies and gentlemen, how much
14 I appreciate your being here, your willingness to
15 serve. Even if you did not sit on a jury, the simple
16 fact of you being here willing to serve as jurors
17 allowed me to take care of cases not just by jury
18 trial, because I could never try all the cases that
19 are in front of us by jury trial, but by other means
20 such as guilty pleas or diversionary programs or other
21 ways. But please know that we cannot do the County's
22 business without you and we truly appreciate your
23 willingness to be here.

24 You have earned your exemption for the next
25 three years up in circuit court, ladies and gentlemen.

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1 And at this time, I get to go ahead and excuse
2 you.

3 If anyone needs a work excuse, Mylinda, they
4 just go down to the clerk's office?

5 THE CLERK OF COURT: Yes, ma'am.

6 THE COURT: Just go down to the clerk's office
7 and they will give you a note to excuse you from work.

8 If not, ladies and gentlemen, again, I
9 appreciate it. And thank you-all for being here.
10 You're excused.

11 [Whereupon, the jury panel exits the courtroom
12 at 11:03 a.m.]

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JACKSON V. DENNO HEARING

THE COURT: All right. I know that we need to do a very quick Jackson v. Denno in this case. My understanding is the defense does not object to the statement, that it's likely that his client will testify. But I think out of an abundance of caution, and certainly for the record, we need to go ahead and do it. So let's start. Call your first witness.

MR. THORNTON: The State calls David Williams.

THE COURT: Come on up, Agent Williams.

[Whereupon, Mr. Williams comes forward]

[Whereupon, Mr. Williams is duly sworn by the clerk of court as follows: do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God]

THE WITNESS: I do.

[Whereupon, Mr. Williams takes the witness stand]

DAVID WILLIAMS,

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MR. THORNTON:

Q. Officer Williams, where do you work, sir?

A. SLED. That State Law Enforcement Division.

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1 Q. And were you a member of SLED or work for SLED
2 on or about November the 5th and 6th of 2011?

3 A. Yes, sir.

4 Q. And, actually, also on November the 14th of
5 2011?

6 A. Yes, sir.

7 Q. And did you have any contact with a now former
8 officer of the Yemassee Police Department, Curtis Fields?

9 A. Yes, sir, I did.

10 Q. Do you see him in the courtroom?

11 A. Yes, sir.

12 Q. Could you point him out for me?

13 A. Yes, sir. He's seated at the defense table,
14 wearing a white shirt.

15 Q. All right. And were you -- did you have a
16 discussion with him about allegations involving a stop he
17 made with a Michael Jasmine Sheen?

18 A. Yes, sir, I do [phonetic].

19 Q. And did you, in fact, discuss with him that
20 stop? And I believe that that occurred November the
21 5th of 2011?

22 A. That's correct. Yes, sir.

23 Q. Where were you when you conducted this
24 interview?

25 A. At his attorney's office, Mr. Geier, in

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1 Beaufort.

2 Q. Is that Mr. Geier that's seated here in the
3 courtroom with him today?

4 A. Yes, sir, it is.

5 Q. Now, at the time you talked to Curtis Fields,
6 had he been arrested?

7 A. No, sir.

8 Q. Had he been charged with anything, to your
9 knowledge?

10 A. No, sir.

11 Q. Did you read him any Miranda rights?

12 A. No, sir.

13 Q. Was he in custody at the time?

14 A. No, sir.

15 Q. Did he have any handcuffs on?

16 A. No, sir.

17 Q. Did you threaten him in any way?

18 A. No, sir.

19 Q. Did you promise him any leniency?

20 A. No, sir.

21 Q. And you said his attorney was with him; is that
22 correct?

23 A. That's correct. Yes, sir.

24 Q. Now, after you conducted this interview --

25 By the way, did he, for lack of a better word,

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1 confess to you?

2 A. He admitted that there was a sexual encounter in
3 lieu of issuing a traffic ticket along I-95 on the night
4 in question, yes, sir.

5 Q. So he did admit that he -- well, I don't want to
6 put words in your mouth. He did admit to a sexual
7 encounter with Michael Jasmine Sheen; is that correct?

8 A. Yes, sir.

9 Q. That had occurred while he had her pulled over
10 on the side of the road?

11 A. Yes, sir.

12 Q. And that it occurred in Hampton County?

13 A. That's correct, yes.

14 Q. Did you prepare a memorandum of interview?

15 A. Yes, sir, I did.

16 Q. And I'm going to ask you --

17 THE COURT: Mr. Williams, while he's doing that,
18 where did it occur? Where did the sexual encounter
19 occur?

20 THE WITNESS: On I-95, in the median, in the
21 wooded median.

22 THE COURT: Okay. But out in the open, or in a
23 car? Or did he tell you?

24 THE WITNESS: It was not in a car. It was
25 out -- it was a secluded area, from what I was told,

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1 in the median I guess amongst the trees. You know
2 where you have those cut-thoughts and where you can
3 turn?

4 THE COURT: And was that told to you by the
5 defendant?

6 THE WITNESS: Yes. Yes, ma'am.

7 [Whereupon, Court's Exhibit Number 1 is marked
8 by the court reporter]

9 MR. THORNTON: Your Honor, I have had marked as
10 Court's Exhibit Number 1 --

11 Q. [Mr. Thornton] Mr. Williams, I'm going to hand
12 you that. Can you identify that document, please, sir?

13 A. Yes, sir. This is the memorandum of interview
14 that I prepared after the interview with Mr. Fields.

15 Q. And, sir, is that an accurate copy of your
16 memorandum of interview that you prepared?

17 [Whereupon, Mr. Thornton proffers documents to
18 Mr. Geier]

19 THE COURT: Mr. Thornton, do you have a copy of
20 that for me?

21 MR. THORNTON: I was just showing it to the
22 defense lawyer, Your Honor. I'm handing it to you
23 now.

24 THE COURT: Okay. Thank you.

25 [Whereupon, Mr. Thornton proffers documents to

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1 the Court]

2 Q. [Mr. Thornton] Is that an accurate copy of that
3 report?

4 A. Yes, sir, it is.

5 Q. And is that an accurate reflection of the
6 confession made to you by Curtis Fields?

7 A. Yes, sir.

8 MR. THORNTON: Your Honor, I would ask that for
9 the purposes of this hearing, Court's Exhibit Number 1
10 be entered into evidence. And I've handed it to Your
11 Honor.

12 THE COURT: It's a Court's Exhibit. Without
13 objection. It's a Court's Exhibit.

14 Q. [Mr. Thornton] Again, Mr. Williams, while the
15 judge is reviewing that document: did you make any
16 statements in regard to leniency or threaten the defendant
17 in any way?

18 A. No, sir, I didn't.

19 Q. And did you have him in custody, in handcuffs,
20 in any way detained?

21 A. No, sir, I did not.

22 Q. And did you take him into custody immediately
23 after this?

24 A. No, sir, I did not.

25 Q. Do you remember about how long it was before you

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1 arrested him?

2 A. No, sir. I would have to look at the arrest
3 warrant. I went -- after that interview, I scheduled a
4 meeting with you. We discussed the facts of the case.
5 You instructed me the charges and obtained the arrest
6 warrant and then made arrangements for him to turn himself
7 in. So this was -- it was a few days afterwards.

8 Q. So it was not immediately upon finishing the
9 statement?

10 A. No, sir, it was not.

11 MR. THORNTON: Your Honor, I don't have any
12 further questions. Unless Mr. Geier does --

13 THE COURT: Mr. Geier?

14 MR. GEIER: Nothing from the defense, Your
15 Honor.

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

17 [Whereupon, Mr. Williams is excused and exits
18 the witness stand]

19 THE COURT: All right. Any argument, Mr. Geier?

20 MR. GEIER: None, Your Honor.

21 THE COURT: Okay. I apologize. I'm just
22 reading the statement now. I haven't had a --

23 [Whereupon, the Court reviews documents]

24 THE COURT: And he was not in custody when he
25 gave this statement? I saw that Mr. Geier was there,

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1 as well. Is that correct?

2 MR. THORNTON: That is correct, Your Honor. As
3 testified by Agent Williams, he was not in custody,
4 there were no promises, no threats, and his lawyer was
5 with him and being advised.

6 THE COURT: Okay. Very well.

7 Well, I think it's admissible, obviously. He
8 wasn't in custody and there was no coercion by the
9 police in any way.

10 What else do we need to take up, gentlemen?

11 MR. THORNTON: Your Honor, I have a -- Your
12 Honor had told us in chambers you wanted to look at --
13 depending on the ruling on the Rape Shield Statute,
14 evidence that you may want to see what the statement
15 was by the victim in this case.

16 THE COURT: Yes.

17 MR. THORNTON: I have two statements, both of
18 which have been provided --

19 THE COURT: Thank you.

20 MR. THORNTON: -- to defense counsel.

21 I will put those I guess as Court's Exhibit 2
22 and 3.

23 [Whereupon, Court's Exhibit Number 2 is marked
24 by the court reporter]

25 [Whereupon, Court's Exhibit Number 3 is marked

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1 by the court reporter]

2 MR. THORNTON: If the Court would like to go
3 ahead and look at those, I will pass them up.

4 [Whereupon, Mr. Thornton proffers documents to
5 the Court]

6 [Whereupon, the Court reviews documents]

7 THE COURT: Okay. I've read the statements.

8 What do we need to take up as far as the Rape
9 Shield Statute?

10 MR. THORNTON: Your Honor, the information that
11 was provided to me by defense counsel on yesterday via
12 e-mail was that there are several photographs, a
13 couple of what I would call modeling shots or other
14 things, of the defendant. Her hair color was
15 different. It was pink, I believe, at the time. And
16 she was in a couple of modeling shots. Also, some
17 Valentines card joke that was put on there that would
18 be considered a risque joke. And that was on her face
19 book, her link via her face book. And then the
20 comments he made, of course, in chambers, dealing
21 with, you know, the fact that she's not wearing makeup
22 and she normally does or, you know, her hair is
23 different now, et cetera.

24 And, you know, Judge, basically the State's
25 position is that that is a backdoor attempt to get

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1 into promiscuity or you dress a certain way or your
2 hair is a certain way, therefore, you know, you were
3 egging it on and you asked for it. And, frankly, the
4 State's position is that she can't consent to it,
5 because she's being detained by a law enforcement
6 officer. So I think that it's -- under State v. McCoy
7 and under 16-3-659, Judge, I think the Rape Shield
8 Statute does protect her.

9 THE COURT: Mr. Geier?

10 MR. GEIER: Thank you, Your Honor.

11 Your Honor, I've got, as he said, a number of
12 photos, some of which are modeling shots, one of which
13 is -- it looks like a candid photo.

14 THE COURT: Would you pass them up to me so I
15 could see them?

16 MR. GEIER: Yes, Your Honor.

17 [Whereupon, Mr. Geier proffers documents to the
18 Court]

19 [Whereupon, the Court reviews documents]

20 MR. GEIER: Your Honor, our position is that
21 that is how she normally looks. It appears over a
22 stretch of time, and according to my client she has
23 pink hair and she wears makeup.

24 Now, sometime, it looks like relatively
25 recently, she's changed her hair and, you know, here

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1 in court today she's wearing less makeup.

2 I'm not trying to suggest at all that what she
3 was wearing that particular day or just, in general,
4 how she wears -- or what she wears is an invitation
5 for sex. Quite the opposite. My position is is that
6 if that is how she looks and presents, I think the
7 jury is entitled to know that at least today, as she
8 appears, she looks substantially different than she
9 did in her day-to-day life operating around Bluffton
10 or wherever it is she lives.

11 I think that she has put on a face, essentially,
12 for the jury and since this case has everything to do
13 with credibility, I think the jury is at least
14 entitled to know that what they're seeing and being
15 presented today is not the way she has looked in the
16 past year and a half.

17 And I don't believe it has anything to do with
18 Rape Shield law, which, again, goes to sexual
19 promiscuity. This is just simply how she is. This is
20 what she looks like.

21 THE COURT: Okay. Well, I don't think it has
22 anything to do with the Rape Shield law. I also don't
23 think that whether or not she's wearing makeup is
24 relevant in any way. I think you can ask her if she
25 is wearing any makeup today -- clearly, she is not --

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1 and you can ask her on the night this occurred or if
2 she normally typically wears makeup. But it really
3 doesn't matter because, again, it was either
4 consensual or it was not consensual.

5 We'll go ahead and make these Court's Exhibits.
6 But I'm not going to go ahead and let you use them.
7 We're going to make them Court's Exhibits.

8 You can ask her if she wears -- if she was
9 wearing makeup that night. It really isn't relevant,
10 quite frankly. It doesn't matter. But you can -- as
11 far as the difference in her appearance, you can
12 certainly ask that.

13 MR. GEIER: And, Your Honor, can I ask her,
14 again, if that is what she typically looks like with
15 the red hair and the wearing makeup, as opposed to the
16 way she presents herself today?

17 THE COURT: Well, then she's going to say no.
18 because with pink hair, I'm assuming that was a
19 modeling shot. I don't think it matters what she
20 normally looks like. It matters on that night.
21 Again, I don't think it's relevant. Quite frankly, it
22 doesn't matter if she was standing there naked.

23 I think it does go to some extent of whether or
24 not someone is dressing her up in court to look either
25 younger than she is or an appearance issue. So I will

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1 let in a very small portion of it. Again, but as I
2 stated, it really wouldn't matter if she was naked.

3 Okay? All right. Anything else?

4 MR. THORNTON: Your Honor, the only other thing
5 there is: obviously, I have a couple of photographs
6 of the cell phone, just to show that there were phone
7 calls made. And there is a three minute and fifty-two
8 second audio clip, if you want to hear that ahead of
9 time. That's what was recorded on her digital phone.
10 If you want to go ahead and hear that now?

11 THE COURT: Let's go ahead and play it. Play
12 it.

13 MR. THORNTON: Yes, ma'am.

14 [Whereupon, recording from cell phone is played
15 for the Court]

16 [Whereupon, the recording is not transcribed by
17 the court reporter]

18 THE COURT: Is there anything more?

19 MR. THORNTON: I don't believe so. I don't
20 believe so, Your Honor.

21 THE COURT: Mr. Geier, is there anymore?

22 MR. GEIER: I don't believe so. I think it's
23 just -- it goes off maybe in another few seconds.

24 THE COURT: Mr. Geier, do you have any objection
25 to the use of that?

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1 MR. GEIER: Not at all, Your Honor.

2 THE COURT: You may use it yourself; correct?

3 All right. Anything further?

4 MR. THORNTON: Nothing, Judge.

5 I just wanted that because I know you read both
6 statements and that is the only independent between
7 the two statements of a recording of what occurred, so
8 that's why I wanted to play it for you now.

9 THE COURT: I appreciate that. All right. Are
10 you ready to go?

11 MR. THORNTON: The State is ready, Your Honor.

12 MR. GEIER: Yes, Your Honor.

13 THE COURT: Is the defense ready?

14 [Off the record momentarily]

15 [Whereupon, Court's Exhibit Number 4 is marked
16 by the court reporter]

17 [Whereupon, Court's Exhibit Number 5 is marked
18 by the court reporter]

19 [Whereupon, Court's Exhibit Number 6 is marked
20 by the court reporter]

21 [Whereupon, Court's Exhibit Number 7 is marked
22 by the court reporter]

23 [Whereupon, Court's Exhibit Number 8 is marked
24 by the court reporter]

25 [Whereupon, Court's Exhibit Number 9 is marked

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1 by the court reporter]

2 THE COURT: Mr. Roberts, I need you to come
3 forward to speak to me, sir.

4 Let's just put this on the record, Mia.

5 [Whereupon, Mr. Roberts comes forward]

6 THE COURT: You can stand right there, sir, just
7 right in front of us.

8 Sir, yesterday I questioned you whether or not
9 you were related in any way to the defendant.

10 MR. ROBERTS: Yes, ma'am.

11 THE COURT: And you told me you were not; is
12 that correct?

13 MR. ROBERTS: Correct.

14 THE COURT: You had never seen him before --

15 MR. ROBERTS: [Indicates negatively]

16 THE COURT: Is that a no, for the record?

17 MR. ROBERTS: Yes, ma'am.

18 THE COURT: Sir, did you go home with anyone or
19 did anyone come home with you yesterday from trial
20 yesterday?

21 MR. ROBERTS: No, ma'am.

22 THE COURT: Did you drive your own car?

23 MR. ROBERTS: Yes, ma'am.

24 THE COURT: And you did not go home with
25 anybody?

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1 MR. ROBERTS: Nobody.

2 THE COURT: And you did not know the defendant's
3 aunt that was in the courtroom; is that correct?

4 MR. ROBERTS: No.

5 THE COURT: Okay. I just wanted to make sure.

6 Okay. Is that correct? You're telling me the
7 truth?

8 MR. ROBERTS: Yes, ma'am.

9 THE COURT: Thank you, Mr. Roberts. You're
10 excused.

11 MR. ROBERTS: All right.

12 THE COURT: Is the State ready to go in this
13 case?

14 MR. THORNTON: All right. The State is ready,
15 Your Honor.

16 THE COURT: Is the defense ready?

17 MR. GEIER: The defense is ready, Your Honor.

18 THE COURT: Bring the jury in, gentlemen.

19 [Whereupon, the jury enters the courtroom at
20 11:29 a.m.]

21 THE COURT: Good morning, ladies and gentlemen,
22 again, and welcome. I have a few of you that I have
23 observed that was on my jury over the last two days
24 and I appreciate y'all still being here with us. As I
25 told you, the trial of this case is expected to last

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1 one day. And we do appreciate your service.

2 Ladies and gentlemen, at this time I am going to
3 have your clerk of court, Mylinda Nettles, swear you
4 in as the jury in this case. I am going to make a few
5 brief remarks, and then the attorneys are going to
6 make their opening statements.

7 But if you would all, at this time, please rise
8 and raise your right hand to accept the juror's oath
9 from Ms. Nettles.

10 [Whereupon, the jury is duly sworn by the clerk
11 of court as follows: do you solemnly swear or affirm
12 that you shall well and truly try and a true
13 deliverance make between the State of South Carolina
14 and the accused at the bar, and a true verdict give
15 according to the evidence, so help you God]

16 THE COURT: Thank you. You may be seated,
17 ladies and gentlemen.

18 What I am now going to say to you is intended to
19 serve as an introduction to the trial of this case.
20 Please understand that these remarks are not a charge
21 on the law. I am going to charge you the law that's
22 applicable to this case at the end of the case after
23 you've heard all the evidence, the closing arguments
24 from the lawyers, and then I go ahead and charge you
25 on the law.

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1 Ladies and gentlemen, the defendant in this
2 case, Mr. Curtis Fields, is charged by indictments
3 filed in this court with the offenses of misconduct in
4 office and criminal sexual conduct third degree. Now,
5 these indictments are simply the charges by which the
6 case is brought into this courtroom and they are not
7 in any sense evidence of any of the allegations that
8 they contain. Ladies and gentlemen, the defendant in
9 this case, Mr. Fields, has pled not guilty to these
10 indictments; therefore, that puts the burden on the
11 State to prove his guilt as to the indictments beyond
12 a reasonable doubt. Ladies and gentlemen of the jury,
13 it is your duty to decide whether or not the State has
14 met that burden.

15 Now, your purpose as jurors is to find and
16 determine the facts. You, the jury, are the sole
17 judge of all facts in this case. If at any time I
18 make any comment regarding the facts of this case, you
19 must disregard it and you are to only determine the
20 facts in this case from the testimony you're going to
21 hear right here from the witness stand, as well as any
22 other exhibits that are entered into this case.

23 Please understand that it is up to you to
24 determine the inferences which you feel may be
25 properly drawn from the evidence. Please also know,

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1 ladies and gentlemen, that it is especially important
2 that you perform your duty of determining the facts
3 diligently and conscientiously, because ordinarily
4 there is no way to correct an erroneous determination
5 of the facts by a jury.

6 Ladies and gentlemen, on the other hand and with
7 equal emphasis, the same law that makes you the judge
8 of the facts makes me the judge of the law. The law
9 as the Court gives it to you is the only law that you
10 may consider.

11 Ladies and gentlemen, you must accept and follow
12 the law even if maybe you have an idea of what you
13 think it should be. Your job is to take the law
14 exactly as I give it to you and apply it to the facts
15 as you find them and from there render a true and just
16 verdict under the oath you just took.

17 Now, ladies and gentlemen, until I advise you to
18 begin your deliberations, you must not discuss this
19 case with anyone -- that includes your fellow jurors,
20 family members, or friends -- and after the case is
21 submitted to you, you may only discuss it in the jury
22 room among your fellow jurors.

23 Now, the attorneys and the parties and the
24 witnesses in this case have been instructed that they
25 are not even to speak to you in coming and going

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1 during the day, be it on a lunch hour or on a break.
2 And the reason why, ladies and gentlemen, is even an
3 innocent conversation like isn't it gorgeous outside
4 in the parking lot can be misconstrued. And it always
5 gets reported back, ladies and gentlemen. So out of
6 an abundance of caution, I tell them not to say
7 anything. So, again, if they happen to pass you in
8 the hall, they don't even smile or say hello, they are
9 just following my orders. Don't be offended.

10 Ladies and gentlemen, I don't think there's
11 going to be anything in the news or on the radio or
12 anything in the newspaper, but out of an abundance of
13 caution over the lunch hour if you happen to be
14 somewhere where you maybe hear or see something about
15 this case, again, ladies and gentlemen, it would be
16 inappropriate for you to -- by any outside source. So
17 out of an abundance of caution, I just ask that you
18 not look at it, listen to it. Just dismiss it. Okay?

19 Ladies and gentlemen, please understand that you
20 must keep an open mind and not decide any issue in
21 this case until all of the evidence has been
22 presented, the attorneys have made their arguments,
23 and I have charged you on the law that's applicable to
24 the case.

25 Please understand, ladies and gentlemen, that it

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1 is your solemn responsibility to determine the guilt
2 or innocence of the defendant and your verdict must be
3 based solely on the evidence presented to you in this
4 courtroom and on the law that I instruct you during
5 and at the close of the trial.

6 Now, ladies and gentlemen, in just a moment the
7 solicitor, Mr. Thornton, is going to make what is
8 called an opening statement and he is going to explain
9 to you what he believes are the issues in this case.
10 And then Mr. Geier, for the defendant, is also going
11 to make an opening statement. Ladies and gentlemen,
12 please understand what these attorneys tell you in
13 their opening statements is not evidence in this case.
14 Again, it is simply their contention as to what the
15 issues are. I remind you that the evidence comes from
16 the witness stand, as well as the exhibits that are
17 entered into the case, as well if there are any
18 stipulations that the attorneys entered into.

19 Now, ladies and gentlemen, evidence in this case
20 will be presented by sworn testimony from the witness
21 stand, as I told you. I want you to know that your
22 job is to determine and judge the credibility of those
23 witnesses' testimony. I also want you to know, ladies
24 and gentlemen, that from time to time you may hear the
25 attorneys say something like, Your Honor, there's a

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1 matter of law we need to take up with you, or I may
2 ask them to come to the bench or I may send you back
3 to your jury room. I want you to know that we aren't
4 hiding anything from you. Oftentimes when I have to
5 rule as a matter of law whether or not certain
6 testimony is admitted, I may make a comment on the
7 facts in this case. And, again, I wouldn't want
8 anything I say to influence you in your determination
9 of the facts. So out of an abundance of caution, we
10 just do it outside of your presence. All right?

11 Ladies and gentlemen, I believe this case is
12 going to be relatively short. As I told you, I
13 believe it will be finished today. I don't see any
14 reason why it would not. At this time, because it is
15 a relatively short case, I am not going to permit you
16 to take notes. I am simply going to ask that you sit
17 back, listen carefully to the testimony so when the
18 case is sent to you for your deliberations you can
19 accurately remember the testimony that was given.

20 Ladies and gentlemen, additionally, as I told
21 you, your job is going to be to evaluate the testimony
22 of the witnesses. In deciding whether to believe a
23 witness, ladies and gentlemen, you have the right to
24 consider the interest of that witness, the bias of
25 that witness, the prejudice of that witness, and you

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1 can look at the opportunity that that witness had to
2 have seen the matters and things about which they are
3 testifying, and you can also look at the way the
4 witness acts on the witness stand. You have the right
5 to consider anything that is in the record that will
6 cause you to evaluate the testimony of the witness.
7 All right?

8 Ladies and gentlemen, again, thank you for your
9 willingness to serve. We appreciate you being here.
10 And we're going to go ahead and begin the trial of
11 this case.

12 Is there anything further you would like me to
13 inform the jury? From the State?

14 MR. THORNTON: Nothing from the State, Judge.

15 THE COURT: From the defense?

16 MR. GEIER: No, Your Honor.

17 THE COURT: All right. Mr. Thornton?

18 MR. THORNTON: May it please the Court? Mr.
19 Geier?

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25 - - -

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OPENING STATEMENT

1
2 MR. THORNTON: November the 5th, 2011, here in
3 Hampton County, in Yemassee, the defendant, former
4 Yemassee officer Curtis Fields was running radar on
5 the interstate on that little 200-yard sliver of
6 interstate that falls in the town limits of Yemassee.
7 Mr. Fields pulled over that night, after 9:00 p.m., in
8 the dark, Michael Jasmine Sheen. And you're going to
9 hear from her. She's going to take the stand in a few
10 moments.

11 He pulled her over and told her she was going
12 over a hundred miles an hour and might have to go to
13 jail. And he asked her if she had ever been arrested
14 before and she said, yes, once, and she was in PTI,
15 Pretrial Intervention -- some of you may have heard of
16 that -- for minor offenses. And he said, well, this
17 is going to kick you out of PTI. That's when Mr.
18 Fields, a sworn law enforcement officer who took an
19 oath to defend the constitution of South Carolina, as
20 well as the United States, decided it would be okay if
21 she had oral sex with him that he wouldn't write her
22 the ticket and then she wouldn't get kicked out of
23 PTI.

24 Now, I'm not asking you to believe that's what
25 happened because I'm telling you that. You're going

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1 to hear the testimony about it. You're also going to
2 hear testimony from her mom and dad, who she called
3 immediately after getting in the car.

4 You're going to hear from David Williams, seated
5 at the table with me, an officer with the South
6 Carolina Law Enforcement Division, otherwise known as
7 SLED, who investigates police and other corruption.
8 And he's going to tell you what the defendant told him
9 about that night and about what the defendant admitted
10 happened there on the side of the road, in the dark,
11 while Michael Sheen was all alone with Mr. Fields.

12 You're also going to hear about why there is no
13 videotape or body mike from that night. You know the
14 little cameras that are hooked on the cars every time
15 you pull somebody over? You're going to hear why that
16 doesn't exist in this case.

17 Because what this case boils down to, ladies and
18 gentlemen, is accountability and whether or not you
19 hold the people that you entrust with your safety
20 accountable for their actions, period. That's what
21 this case is about. Most of the facts are probably
22 not going to be argued over that much; a few of them,
23 probably. No question as to what happened. And once
24 you've seen all the evidence and heard and the
25 evidence from the stand, I don't think there's any --

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1 not going to be very many issues as to what happened.
2 Your decision is going to be whether or not that is
3 the type of conduct that you will accept from any
4 grown man, much less somebody who gets to strap on a
5 badge and a gun and have that awesome power. That's
6 what this case is about. It's about power, it's about
7 responsibility, and it's about accountability.

8 The judge is right. This case is going to be
9 real short. It probably will be wrapped up today.
10 Please don't let you believe that because it's short,
11 it's not important. If it wasn't important, we
12 wouldn't be here. We wouldn't have put you on the
13 jury and none of us would be in this room. So please
14 pay very careful attention in this case. Listen to
15 the evidence, look at the exhibits. There's going to
16 be an audio recording introduced. Listen to
17 everything and base your decision on everything in
18 this case. And please don't make any decision until
19 you've heard it all. And at that time we would ask
20 you to go back and use your common sense and decide
21 who you want to hold accountable. Thank you.

22 THE COURT: Mr. Geier?

23 MR. GEIER: May it please the Court?

24 THE COURT: Yes, sir.

25 MR. GEIER: Counsel? Members of the jury.

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OPENING STATEMENT

MR. GEIER: My name is Christopher Geiger and I represent Curtis Fields -- I'm a lawyer out of Beaufort -- and it's my job in this case to try to pull out as much truth out of the State's case as I can, because the State doesn't always want to give you the whole truth.

Now, I agree with Mr. Thornton on a few things. One, the facts in this case -- and it's odd. I'll tell you, this is one of the weirdest cases I've ever heard. They're almost undisputed. Almost. And you're going to get to hear all of that. You're going to hear, as he said, what she says happened and what he said happened and you're going to say, wow, that's almost the same thing.

But I disagree with Mr. Thornton about what the case is really about. The case is really about consent: when has somebody consented to somebody and how would anybody know whether or not somebody has consented.

Now, I would also agree with Mr. Thornton that this is an important case because a man's life hinges on how to decide this case. Mr. Thornton would have you believe that Curtis Fields is a rapist and a criminal. I think when you hear the testimony, you're

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1 going to come to the conclusion that he's stupid and
2 weak, but I don't think you're going to think he's a
3 criminal. I'm confident you're going to think he's
4 not a criminal.

5 Now, going to the day of this stop. It was
6 November 5th, 2011. Curtis Fields had been running
7 radar, as he does for the last three years, for the
8 Town of Yemassee. After making several stops, he
9 pulls over Michael Sheen because she's going over a
10 hundred miles an hour. It's the policy of the county
11 and the city to arrest folks, especially when they
12 have out-of-state plates or some ties outside of the
13 area, because you never know if they're going to come
14 and pay that \$455 ticket or whatever it ends up being.

15 And over the next several minutes he has
16 discussions with her in the squad car as he's
17 preparing the ticket and the arrest paperwork. And
18 then he makes a decision. He accepts an offer, and by
19 accepting that offer his entire life has changed
20 because he was stupid. Because he was stupid.

21 Because of the decision he made that night, he
22 resigned from the Town of Yemassee. Because of the
23 decision he made that night, he resigned as a deacon
24 of his church. Because of the decision he made that
25 night, he put in jeopardy his marriage and his

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1 relationship with his family. Because he's stupid.
2 There isn't any question about that. There isn't any
3 question about that at all. But the question is is he
4 a criminal, is he a rapist.

5 Now, right now, despite what Mr. Thornton said
6 and despite what I say, Mr. Fields has what's called
7 the presumption of innocence. And what that means is
8 he is as innocent, as we sit here right now, and you
9 have to take him this way, as anybody else in this
10 courtroom. And it's Mr. Thornton's job to prove to
11 you piece by piece, witness by witness, exhibit by
12 exhibit, that Curtis is a rapist. And that's his
13 burden.

14 There's also something called the burden of
15 proof. He's got to prove beyond a reasonable doubt.
16 Now, presumption of innocence is tough because you're
17 sitting here, he's sitting right there, Mr. Thornton
18 is saying all these terrible things about him. It's
19 easy as you sit here right now to think, well, he must
20 have done it. But, again, the law demands that as you
21 sit here right now, you consider him innocent.

22 Now, the way I like to think about it is I've
23 got two kids. I've got a ten-year-old and an eight-
24 year-old, Riley and Carson. Riley is ten years old.
25 Since that boy could walk, he's been a good kid. He

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1 doesn't lie much and when he does, you can tell he's
2 lying. And when you say, son, I know you're lying, he
3 gives it up. Carson, since he could walk and talk,
4 has been trouble. Everything that comes out of that
5 boys mouth, if he wants something, it's probably a
6 lie. And I wouldn't put it past him to do much of
7 anything, which is why I've got to continue to work in
8 criminal law, I guess, because I'm going to be
9 representing him one day.

10 Now, imagine one moment that I got a call from
11 the principal of my kids' school. Say, Chris, I've
12 got bad news for you, Carson has stolen some money out
13 of a backpack from another student. If I got that
14 call, I would hang my head and say, that sounds like
15 something that he would do, and I would get in the car
16 and drive down to the school and I would be mad. And
17 the reason I would be mad is because I can't believe
18 he did this to me, what am I going to do to punish
19 him. Get there and see the principal and say, I'm so
20 sorry, he's always been trouble, he'll pay back that
21 money, and I will punish him.

22 Now, if Riley, my ten-year-old, got in trouble,
23 who has always been a good kid, and the principal
24 called me up and said, Chris, Riley has stolen money
25 out of somebody's backpack, I wouldn't believe it. I

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1 wouldn't believe it for a second. I would say, well,
2 I'm coming on down there. And I would say to the
3 principal, who has accused my son of this, I want to
4 know who said that. Well, you need to go talk to the
5 teacher. Well, I will. I go down there and I talk to
6 the teacher. I want to know from the teacher who said
7 what. Maybe it was a student who said that, maybe the
8 student who's missing the money. Who are these kids;
9 who saw it; you show me the kid who says that my son
10 took that money; you show me where the money is; I
11 want to see each and every thing. And only if they
12 were able to look me in the eye and prove to me that,
13 in fact, my son is guilty, would I believe it.
14 Because he's my good child. I presume that he's
15 innocent. And that's the way you've got to look at it
16 right now.

17 Now, again, I've mentioned proof beyond a
18 reasonable doubt. Reasonable doubt in South Carolina,
19 and the judge will tell you later, is the sort of
20 doubt that would cause a reasonable person to make an
21 important decision to hesitate to act. Hesitate to
22 act. Not not act, but hesitate. So in your
23 deliberations, after this is all over with, if there
24 is something that makes you think, I just don't know,
25 then your verdict has to be not guilty. If you think,

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1 well, I think maybe he did it, you suspect he did it
2 but you are not firmly convinced, then the verdict has
3 to be not guilty.

4 When all this evidence is offered and the case
5 is over with, I think you're going to come back and
6 say, Chris was right, Curtis is stupid. And you'll
7 also come back and say Curtis is not a criminal.
8 Curtis is not a rapist. I think that's the only
9 verdict you'll be able to reach. So, please, please,
10 pay attention during this trial.

11 Again, he's right. It's only going to take a
12 day. It's probably going to be a short day. But
13 Curtis' life hangs in the balance here. So listen
14 carefully, question everything, listen for things like
15 ulterior motives. And, again, I would ask that you
16 come back when it's all over and say that Curtis is
17 not a criminal or a rapist.

18 THE COURT: Mr. Thornton?

19 MR. THORNTON: The State calls Michael Jasmine
20 Sheen to the stand.

21 THE COURT: All right. Miss Sheen, please come
22 forward to be sworn. If you'll come up here and place
23 your left hand on the Bible and raise your right hand.

24 [Whereupon, Miss Sheen comes forward]

25 [Whereupon, Miss Sheen is duly sworn by the

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1 clerk of court as follows: do you swear to tell the
2 truth, the whole truth, and nothing but the truth, so
3 help you God]

4 THE WITNESS: I do.

5 THE COURT: Miss Sheen, if you will take a seat.

6 [Whereupon, Miss Sheen takes the witness stand]

7 THE COURT: And will you adjust the microphone
8 and make sure the jury can hear you.

9 Ladies and gentlemen, if anyone cannot either
10 hear her or one of the attorneys, just wave your hand
11 for me. Okay?

12 - - - - -
13 MICHAEL JASMINE SHEEN,

14 Having Been First Duly Sworn,
15 was Examined and Testified as Follows:

16 DIRECT EXAMINATION

17 BY MR. THORNTON

18 Q. Michael, where do you live right now?

19 A. I live in Charleston, South Carolina.

20 MR. THORNTON: Okay. And I can already tell I'm
21 going to have to tell you to speak up a little bit.

22 If you need to pull that microphone closer.

23 A. I live in Charleston, South Carolina.

24 MR. THORNTON: Much better.

25 Q. [Mr. Thornton] Michael, how old are you right

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1 now?

2 A. I'm nineteen.

3 Q. All right. In November of 2011, how old were
4 you?

5 A. I had just turned eighteen.

6 Q. Okay. Are you in school anywhere?

7 A. I go to Paul Mitchell.

8 Q. And Paul Mitchell, what kind of school is that?

9 A. It's a cosmetology school.

10 Q. Okay. And what about in November of 2011? Were
11 you -- did you have any other school plans, other than
12 cosmetology, at that time?

13 A. I was going to school for nursing.

14 Q. Now, Michael, on November the 5th of 2011, do
15 you remember that?

16 A. Yes.

17 Q. All right. And let me ask you before we get too
18 much into that: is there anybody in the courtroom, that
19 came with you today, that's here with you?

20 A. My parents.

21 Q. All right. And can you point them out for me?

22 A. That's my dad and my mom.

23 Q. Your dad right there in the navy suit?

24 A. Yeah.

25 Q. And that's your mom sitting next to him?

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1 A. [Indicates affirmatively]

2 Q. Going back to November the 5th of 2011, where
3 were you about nine o'clock, 9:30 at night, on November
4 the 5th, 2011?

5 A. I was driving from Beaufort to Charleston.

6 Q. And where were -- do you remember what road you
7 were on?

8 A. I was on I-95 --

9 Q. Okay. So you --

10 A. -- the highway.

11 Q. You were on the interstate? I-95?

12 A. Yes.

13 Q. Did you get pulled over?

14 A. Yes.

15 Q. Okay. Now, was it dark outside or light?

16 A. It was dark.

17 Q. And did you have anybody in the car with you?

18 A. No.

19 Q. When you got pulled over, what happened?

20 A. He asked for my proof of insurance --

21 Q. All right. Let me stop you for a second.

22 When you say he, could you -- can you point him
23 out in this courtroom for sure one way or the other?

24 A. It was really dark that night and he had facial
25 hair, but I do know his badge said his name.

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1 Q. All right. So, in other words, you can't point
2 to the defendant and say, yeah, I know that was him for
3 sure, because he looked different; is that correct?

4 A. He does look different now, yeah.

5 Q. All right. Let me ask you this. Did you see
6 any insignia, or a nameplate, or anything like that?

7 A. His name tag.

8 Q. All right. And did you remember that and note
9 it for yourself?

10 A. Yes.

11 Q. And what was it?

12 A. C. Fields.

13 Q. All right, dear. Go ahead.

14 He asked you for your registration. And then
15 what happened?

16 A. He then asked me to get out of my car. And I
17 had to stand on the back side of my car, in his
18 headlights, and he asked me to completely spin around.
19 And he lifted my jacket up and asked if I was concealing
20 any weapons or drugs, and I said no. And he told me to
21 follow him to his car. And I couldn't sit in the back
22 seat because there was a dog, so I got in on the passenger
23 side. And he told me that I was going to jail because I
24 was going over a hundred miles an hour.

25 Q. All right. Now, let me stop you for a second.

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1 You said there was a dog in the back of the car.
2 Was there anybody else out there, or was it just the two
3 of you --

4 A. No.

5 Q. -- as far as people?

6 A. No. We were just -- me and the dog.

7 Q. Was he in a uniform?

8 A. Yes.

9 Q. Did he have a gun on him?

10 A. Yes.

11 Q. Was it a marked patrol car? Meaning was it
12 like --

13 A. Yes.

14 Q. -- a cop car?

15 A. Yes.

16 Q. Did it have lights on it?

17 A. Yes.

18 Q. Is that why you stopped, because you saw blue
19 lights behind you?

20 A. Yes.

21 Q. All right. So after he lifts up your jacket and
22 talks to you for a minute, and has you do some kind of
23 spin-around, he wants you to come back to his car with
24 him; is that right?

25 A. Yes.

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1 Q. All right. What happens after that?

2 A. I started crying because jail is a scarey
3 thought, and I just thought about how disappointed my
4 parents would be in me and all of that. And he said that
5 he could reduce my ticket to say I was only going ninety-
6 nine, so I didn't have to go to jail, but my ticket was
7 still going to be around \$500. And he asked if I had any
8 cash right now, if I had \$500, and I told him no. And he
9 asked if my parents would, and I said yeah.

10 Q. Okay. Did he ask you about if you had ever been
11 arrested before?

12 A. Yeah. He then asked me if I had ever been
13 arrested before and I then told him I had, and I was in
14 PTI for it to get it expunged from my record because you
15 can't become anything in the medical field with any sort
16 of record like that.

17 Q. What was his response when he found out you were
18 in PTI?

19 A. He said that this ticket was going to get me
20 revoked and it was going to be on my record.

21 Q. And what did that mean to you at the time?

22 A. That I wasn't going to be able to pursue my
23 career.

24 Q. All right. What happened after that?

25 A. Well, when he told me that I was getting kicked

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1 out of PTI, I got really, really, really upset. I was
2 crying hysterically. And he kept saying, I wish there was
3 something I could do and make it seem like I had never
4 seen you at all tonight. And I never said -- I never said
5 anything to him because I didn't want him to change his
6 mind. I was hoping that he really would.

7 And he said would you do anything to get out of
8 this ticket. And I was hysterically crying, yes,
9 anything. And, you know, I thought he meant promise him
10 to never speed, or just go back to Beaufort and not go to
11 Charleston, do community service or something. I would
12 never expect a police officer, or someone my dad's age, to
13 ask anything like that of me.

14 And he kept saying, anything, and looking at me.
15 And I just kept looking at my hands and crying. I didn't
16 know what he meant. And I told him, I said, I don't know
17 what you mean. And he said, we could pull off the road
18 somewhere; are you catching my drift. And I was like, I
19 don't know what you mean.

20 And I was really scared because I didn't know
21 what was going to happen if I just got out of the car or
22 just tried to drive away. I didn't know -- I don't really
23 know the area or the highway or anything.

24 Q. Michael, let me ask you this. At this point,
25 what happened after that? Did you at some point pull off?

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1 A. Yeah. He told me to go get my phone from the
2 car and give it to him, which was really scary because I
3 knew that I couldn't call for help if anything was going
4 to happen.

5 Q. All right. What happened after that?

6 A. I followed him to the side of the road, which is
7 in the center of the interstate. It's the woods. So I
8 followed him into the woods.

9 Q. Now, did he -- there is a tape of this, isn't
10 there? Part of it?

11 A. While I was driving, I was so scared I didn't
12 know what to do. I wanted to just drive away, but my
13 parents always taught me to be strong no matter what. So
14 I knew that I had to do whatever he wanted me to do. And
15 I played like I didn't know what was going to happen to me
16 in the woods. And I -- I got my camera while I was
17 following him and I deleted all my pictures off of it
18 really fast and started recording and put it in my pocket.
19 I didn't know if he was going to kill me or something
20 after. I didn't know what to do.

21 Q. Let me stop you for a minute, Michael. So you
22 put your digital camera in your pocket and turned it on
23 record. And is that the audio recording that the jury
24 will hear?

25 A. Yes.

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1 Q. All right. Now, you couldn't do that with your
2 phone, could you?

3 A. No.

4 Q. Why not?

5 A. Because he had it in his car.

6 Q. And was that something you just forgot in the
7 car, or was that something he directed you to give him?

8 A. He told me to give it to him.

9 Q. Now, Michael, on this -- well, actually,
10 let's -- all right. So there's part of this, a small part
11 of it, that's recorded; is that right?

12 A. Yes.

13 Q. Is that the recording that you made in secret on
14 your digital camera?

15 A. Yes.

16 Q. What happened -- and take your time. I know
17 it's difficult. What happened after that? What happened
18 once you pulled off with him? What did he say to you and
19 what did you say back?

20 A. When I got out of the car, I felt like he knew I
21 had my camera in my pocket and I thought he was going to
22 hurt me. And I was so scared he was going to be able to
23 see it because my jacket was really small and it didn't
24 have real pockets, so it was kind of sticking out the top.
25 And I asked -- he asked me if I was sure I wanted to do

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1 this and I said, yeah, but I'm on my period. And he said,
2 that's not what I asked you. And I asked if he wanted to
3 go in his car. Because I knew that cop cars have cameras.
4 Everyone knows that. And he said, no, you're going to get
5 down on your knees right here. And he unzipped his pants
6 and pulled my head in. And everything on his belt was
7 hitting me on the face. And I asked if he could pull his
8 pants down all the way and he said no. And then I
9 performed oral sex on him in the woods on the ground. And
10 when we were done, he just -- he made a joke and I
11 laughed.

12 Q. And is that on the tape?

13 A. Yes.

14 Q. All right. And then what did you do?

15 A. And then once I got in my car, I saved the
16 license plate number. And --

17 Q. And did you repeat that so it would be recorded?

18 A. Yes.

19 Q. And is that on the tape?

20 A. Yes.

21 Q. Then what did you do?

22 A. And then I started driving. And he was still
23 following me on the highway, because I think he was trying
24 to make sure I wasn't going to do something. And I was
25 really scared and I wanted to pull over really bad. It's

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1 like I was going to throw up or cry or -- I don't know.
2 And I started calling. My mom was the first person I
3 tried to call.

4 Q. Did you call her?

5 A. Yeah.

6 Q. Did she --

7 A. A lot of times.

8 Q. Did she answer?

9 A. No.

10 Q. Who did you call after that, if anybody?

11 A. My dad.

12 Q. Did he answer?

13 A. Yeah.

14 Q. Did you tell him what happened?

15 A. Yes.

16 Q. And you can't -- you're not allowed to say what
17 he told you back. But did he instruct you as to what he
18 wanted you to do?

19 A. Yes.

20 Q. And did you do that?

21 A. Yes.

22 Q. Now, Michael, let me ask you a question. And I
23 know -- I've been around, unfortunately, a long time,
24 probably about as long as your dad has, so I know better
25 than to ask this question. But I have to ask a couple of

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1 easy ones and then a tough one. Okay? Easy one first,
2 even though I know better than to ask a woman this. How
3 much do you weigh?

4 A. Right now, 115.

5 Q. How much did you weigh at that time? About the
6 same, a little more, a little less?

7 A. Like a hundred pounds.

8 Q. Okay. So you were about a hundred pounds. How
9 tall are you?

10 A. Five feet.

11 Q. So you're five feet tall and one hundred pounds.
12 And I know this is going to look like a dumb question
13 right now, but was the defendant in this case, former
14 police officer Mr. Fields, was he about the same size as
15 he is now?

16 A. Yes.

17 Q. Now for the tough one. And I know it's
18 unpleasant. You said you performed oral sex on him.

19 A. Yes.

20 Q. I have to -- you have to -- and you can use
21 whatever terminology you're most comfortable with. But
22 you're going to have to tell me exactly what you did for
23 purposes of proving this case to this jury. Okay? So by
24 performing oral sex, what exactly did you do, body part to
25 body part?

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1 A. I put my mouth on his private part.

2 Q. All right. And by private part, can you think
3 of a medical term for the private part?

4 A. [No response]

5 Q. Let me ask it another way. Do you mean that you
6 put your mouth on his penis?

7 A. Yeah.

8 Q. All right. Now, what happened after you talked
9 to your dad?

10 A. [No response]

11 Q. Were you able at some point to talk to your
12 mother, also?

13 A. Yeah. She finally called me back an hour later.

14 Q. And did you talk to her?

15 A. Yes.

16 Q. And did you tell her what happened?

17 A. Yes.

18 Q. Now, Michael, since that time -- because I'm
19 sure this will come out in a minute if I don't go ahead
20 and ask you -- do you have attorneys that are representing
21 you --

22 A. Yes.

23 Q. -- civilly?

24 A. Yes.

25 Q. And do you know much about the civil case

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1 itself?

2 A. No.

3 Q. Do you -- have you heard the word verified claim
4 or that they filed a claim?

5 A. Yeah.

6 Q. To your knowledge, has there been any lawsuit
7 filed yet?

8 A. I just know that they said they made a claim.

9 Q. Okay. Now, let me ask you this, Michael. Did
10 you perform oral sex on Officer Fields so you could get
11 money a couple or three, four, five, six years down the
12 road?

13 A. No.

14 Q. Did you call some lawyers, in the night that he
15 had you perform oral sex, to keep from going to jail? Did
16 you call lawyers, or did you call your parents?

17 A. I called my parents.

18 Q. And, Michael, let me ask you this since this
19 might come up, too. You don't look like you have a whole
20 lot of makeup on today; is that right?

21 A. Yeah.

22 Q. Do you remember whether you had makeup on that
23 night or not?

24 A. Yes. I was going to meet my friends downtown.

25 Q. Do you sometimes wear makeup and sometimes not?

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1 A. Yeah.

2 Q. You said you're in cosmetology now. Has that
3 been something you've liked for a while?

4 A. No.

5 Q. Just recently?

6 A. Uh-huh.

7 Q. All right. By uh-huh do you mean yes?

8 A. Yes.

9 Q. Excellent.

10 And let me ask you this, Michael. Has your hair
11 been a different color from time to time?

12 A. Yes.

13 Q. I realize being asked that question from
14 somebody who has as little hair as I do is silly. But do
15 you change it from time to time?

16 A. Yes.

17 Q. Has it been pink before?

18 A. It was a really vibrant shade of red.

19 Q. Okay. We'll call it vibrant red. Was it
20 vibrant red that night?

21 A. No.

22 Q. Or do you even remember?

23 A. It was only a tint of red on brown hair.

24 Q. So you look different day to day; is that fair
25 to say?

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1 A. Yes.

2 Q. Sometimes you wear makeup, sometimes you don't?

3 A. Yes.

4 MR. THORNTON: Your Honor, the Court's
5 indulgence, please, one moment.

6 [Whereupon, Mr. Thornton and Investigator
7 Williams confer]

8 MR. THORNTON: Your Honor, I have no further
9 questions at this time.

10 Michael, thank you very much. Please answer any
11 questions Mr. Geier has for you.

12 Your Honor, I do apologize. I'm sorry. There
13 is one more matter I need to handle.

14 THE COURT: Okay.

15 MR. THORNTON: I do apologize, Mr. Geier.

16 Q. [Mr. Thornton] Let me show you --

17 [Whereupon, State's Exhibit Number 1 is marked
18 by the court reporter]

19 Q. [Mr. Thornton] -- what's been marked for
20 identification as State's Exhibit Number 1 and ask you if
21 you can recognize that.

22 A. Yes. It's my initials.

23 Q. Those initials are on a compact disk; is that
24 correct?

25 A. Yes.

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1 Q. And can you -- did you listen to this at my
2 request this morning before we --

3 A. Yes.

4 Q. -- got started?

5 MR. THORNTON: Hang on. Hang on a second. Miss
6 Mia cannot do us both talking at the same time.

7 Q. [Mr. Thornton] Did you listen to this, this
8 morning, for me?

9 A. Yes.

10 Q. And is that why it's initialed?

11 A. Yes.

12 Q. All right. Is this the recording that you made
13 secretly on your camera?

14 A. Yes.

15 Q. Is it accurate, meaning it hasn't been changed
16 or altered since that night?

17 A. Yes.

18 MR. THORNTON: Your Honor, at this time I would
19 ask that State's Exhibit 1 be moved into evidence.

20 MR. GEIER: No objection.

21 THE COURT: Without objection.

22 [Whereupon, State's Exhibit Number 1 is admitted
23 into evidence by the Court]

24 MR. THORNTON: And I would ask to go ahead and
25 publish to the jury.

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1 THE COURT: You can go ahead and publish it.

2 [Whereupon, State's Exhibit Number 1, recording,
3 is played for the jury]

4 [Whereupon, the recording, is not transcribed by
5 the court reporter]

6 MR. THORNTON: That's the end of the tape, Your
7 Honor.

8 THE COURT: All right.

9 MR. THORNTON: And I apologize, Judge. With
10 that, the State has nothing further of this witness.

11 THE COURT: All right. Mr. Geier?

12 MR. GEIER: Good morning, Miss Sheen.

13 CROSS-EXAMINATION

14 BY MR. GEIER:

15 Q. After this all occurred, you called 911
16 eventually, didn't you?

17 A. No.

18 Q. You didn't call 911?

19 A. No.

20 Q. You never called 911 the night that this
21 happened?

22 A. No.

23 MR. GEIER: All right. One moment, Your Honor.

24 Q. [Mr. Geier] Did you talk to anybody in law
25 enforcement that night?

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1 A. Not that night.

2 Q. Not on the phone?

3 A. No.

4 MR. GEIER: One moment, Your Honor. I've got to
5 figure out which disk this is.

6 [Off the record momentarily]

7 A. My dad is the one that called 911.

8 [Off the record momentarily]

9 THE COURT: Ladies and gentlemen of the jury,
10 are y'all okay? Does anyone need a break? Are y'all
11 okay?

12 UNIDENTIFIED: Yes, ma'am.

13 THE COURT: Are you okay? Let me know if you
14 need just a very quick break. There's nothing wrong
15 with it. Are you okay?

16 [Off the record momentarily]

17 [Whereupon, 911 call is played for the jury]

18 [Whereupon, the recording is not transcribed by
19 the court reporter]

20 MR. THORNTON: Your Honor, at some point are we
21 going to ask a question or, I mean, are we going to
22 play the whole thing?

23 [Whereupon, 911 call is paused]

24 Q. [Mr. Geier] Is that you?

25 A. Yes.

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1 Q. So you did talk to somebody?

2 A. A lot of stuff happened that night. I don't
3 really remember them calling me. I was talking to my
4 parents.

5 Q. Okay. Is that your voice, though?

6 A. Yes.

7 Q. All right. So after hearing that, do you -- you
8 did, in fact, talk to somebody else --

9 A. Yes.

10 Q. -- dispatch? Okay.

11 In that audio you just heard, the dispatcher
12 asked you what road you were traveling on and you said you
13 didn't know; isn't that right?

14 A. Yes.

15 Q. You said it was a two-lane highway?

16 A. Yes.

17 Q. Okay. Now, the next day do you recall going to
18 the Yemassee Police Department and giving a written
19 statement to a police officer there?

20 A. Yes.

21 Q. All right. Now, when you gave that statement,
22 you told the officer that you were on 95. Do you recall
23 that?

24 A. Yes.

25 Q. Yeah.

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1 And that you were stopped around mile marker 41?

2 A. Yes.

3 Q. And let me be clear real quick.

4 Were you stopped around mile marker 41, or is
5 that where you ended up?

6 A. I don't know the road. I've never not driven
7 from Beaufort to Charleston without using a GPS.

8 Q. All right. Well, my question, then, is if you
9 didn't know exactly where you were the night before, what
10 changed? How is it the next day when you went and spoke
11 to the chief --

12 A. My dad --

13 Q. Hold on. How is it that you knew what road you
14 were on and what mile marker you were at the next day?

15 A. My dad and I the next day drove up the highway a
16 million times, trying to find the spot in the woods where
17 it happened, and he pulled me over about a three-minute
18 drive before the woods and it was mile marker 41.

19 MR. GEIER: Okay. Your Honor, at this point I'm
20 just going to use this for demonstrative purposes.

21 THE COURT: Okay.

22 MR. GEIER: Miss Sheen, I'm going to ask you to
23 turn around for a little bit. And I know you're soft-
24 spoken, so you're going to have to speak up just a
25 little bit for the court reporter.

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1 Q. [Mr. Geier] I want you to take a look at this
2 map here. You said that you drove to this area a bunch of
3 times after this was over. You can see this is Yemassee
4 Highway right here and there's a 38. I believe that's
5 exit 38. Does that look like exit 38 to you?

6 A. Yes.

7 Q. All right. And then here is another turnoff
8 here and it says it's 42, exit 42. Do you recall ever
9 going onto exit 42 to turn around, or anything like that,
10 while you were doing the drive-around?

11 A. I don't ---

12 Q. You don't recall?

13 A. -- recall.

14 Q. All right. So what you're saying is is that you
15 got stopped. Do you recall where it was you got stopped
16 at?

17 A. No, sir.

18 Q. Okay. But exit -- or mile marker 41 was either
19 where this happened or where you initially got stopped?

20 A. Or maybe when I pulled out after everything
21 happened there was a sign with an exit number on it. I
22 think that's where I got it from.

23 Q. Okay. So and you didn't tell the 911 operator
24 that, though; right?

25 A. No.

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1 Q. So you were -- this is exit 42. And they're
2 always based on miles. You were somewhere around here;
3 right?

4 A. Yes.

5 Q. And when you went back, do you recall going over
6 this bridge? This little river? It's a tiny little
7 river.

8 A. Yes.

9 Q. Now, you stated that Officer Fields told you
10 that you were going over a hundred miles an hour?

11 A. Yes.

12 MR. GEIER: You can turn back around. I'm not
13 going to go back to that any time soon.

14 Q. [Mr. Geier] And you testified earlier, and I
15 believe you gave a statement to your lawyer, which was
16 given over to SLED, that said you couldn't believe that
17 you were going a hundred miles an hour. Do you recall
18 making that statement?

19 A. Yes.

20 Q. You didn't tell the chief that you spoke to in
21 Yemassee, though, that you disputed the speed at all, did
22 you?

23 A. I don't recall.

24 Q. Now, you also said that you were concerned that
25 you would get kicked out of PTI if you went to jail;

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1 right?

2 A. Just he told me the ticket itself would get me
3 kicked out of PTI and I would be in jail.

4 Q. All right. So just getting a speeding ticket --

5 A. Yes.

6 Q. All right. Since this has happened, you've
7 received at least two speeding tickets, haven't you?

8 A. Yes.

9 Q. And, in fact, when you got those speeding
10 tickets, you didn't show up to those hearings, did you?

11 A. I paid my tickets.

12 Q. You did beforehand?

13 A. Yes.

14 Q. Really?

15 A. Well, my dad said he got one in the mail that I
16 didn't pay from this summer. Because my mom lives in
17 Ohio, and I drive from South Carolina to Ohio a lot, and
18 this summer was really busy and I guess I didn't pay it
19 and I thought I did. But now it's paid.

20 Q. Okay. And so prior to any -- and, again, we're
21 going off of what you testified in your prior statements.
22 Prior to any discussion about whether you wanted to do --
23 or I'd do anything, or any of that stuff, you admit that
24 Officer Fields dropped the speed below a hundred miles an
25 hour; right?

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1 A. Yes.

2 Q. Did you see the ticket as he was writing it up?

3 A. Yes. He had my driver's license, wrote down all
4 my information, wrote out the whole ticket.

5 [Whereupon, Defendant's Exhibit Number 1 is
6 marked by the court reporter]

7 Q. [Mr. Geier] Miss Sheen, I'm going to hand you
8 what has just been marked as Defendant's Exhibit Number 1
9 for identification. Take a look at that, please.

10 A. Okay.

11 Q. Is that the ticket that you received that night?

12 A. I never received --

13 Q. Well, I --

14 A. -- a ticket.

15 Q. I'm sorry. Is that the ticket that you saw him
16 writing up?

17 A. Yes.

18 Q. And you're sure?

19 A. Where does it say the speed on it? What it was
20 for?

21 Q. Well, I'll give you a second to look it over
22 before I continue to ask you any questions.

23 [Whereupon, the witness reviews documents]

24 A. Okay. I see it.

25 Q. [Mr. Geier] All right. So in the speed column,

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1 what can you see? I realize there are some scratched-out
2 lines and things like that.

3 A. I think it says a ninety now.

4 Q. Uh-huh. And then is that scratched out?

5 A. Yeah.

6 Q. And what's written next to it?

7 A. It just says ninety and it's circled.

8 Q. And then what's on that same line?

9 A. 79/70.

10 Q. 79/70.

11 MR. THORNTON: Your Honor, I would object. If
12 he's going to put it into evidence, it speaks for
13 itself. It's improper to have him -- have her read
14 the contents of the document without putting it into
15 evidence.

16 MR. GEIER: Withdrawn.

17 Q. [Mr. Geier] So after seeing that, though, that
18 all happened before any talk of sex or anything like that;
19 isn't that right?

20 A. Yes.

21 That's before he asked me if I had ever been
22 arrested when he said he's reducing it to ninety-nine.

23 Q. Okay. And isn't it true, and you testified
24 earlier, that you said you would do anything to get out of
25 this ticket? Now, I understand you were saying -- at his

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1 suggestion. But you said you would do anything to get out
2 of this ticket, didn't you?

3 A. After he had asked me would you be willing to do
4 anything, I said yes.

5 Q. And you -- according to your testimony he said,
6 well, we can go in the woods up the road.

7 A. He said, we can pull off the road somewhere
8 where no one can see us.

9 Q. Okay. And you said okay?

10 A. Yes.

11 Q. And he asked you at that time if you were sure?

12 A. Yes.

13 Q. And you said?

14 A. Yes.

15 Q. Now, you stated, again, you traveled -- and this
16 is in your previous statement to Chief Haggey. You said
17 that after you got back in the car, you traveled about
18 four minutes up the road; is that right?

19 A. Two, three, four. I don't -- I was frantically
20 trying to drive and dig through a giant duffle bag of
21 clothes, packed for the weekend, for my digital camera.

22 Q. All right. But I'm asking you at the time you
23 gave the statement to Chief Haggey, you said you drove
24 about four minutes up the road?

25 A. Yes.

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1 Q. All right. And this cut-through that y'all
2 ended up going into, was it deep dark in the woods or was
3 it sort of wide open?

4 A. It was definitely a hidden spot.

5 Q. You also said, both in your previous statement
6 and right now, that as you were driving and following
7 behind him to the spot, you considered just driving off?

8 A. Yes.

9 Q. But you didn't?

10 A. No.

11 Q. Now, you also just testified, and you said in
12 your statement to your lawyer, that you were concerned as
13 you were going in there that you would never come out
14 again?

15 A. Yes.

16 Q. Now, you never said anything about that to Chief
17 Haggey, though, did you?

18 A. No.

19 Q. Do you want me to give you your statement so you
20 can take a look at it?

21 A. I have it right here.

22 Q. Okay. Well, do you want to take a look at it,
23 if you're not sure?

24 A. No.

25 Q. Now, when you got to the cut-through -- and we

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1 just heard it -- he asked you again are you sure.

2 A. Yes.

3 Q. And you said?

4 A. Sure.

5 Q. Actually, you said you were sure twice, didn't
6 you? You said, I'm sure; well, I'm on my period. And he
7 said, that's not what I'm talking about; you're sure. And
8 you said yes.

9 A. Yes.

10 Q. All right. Now, when you spoke to Chief Haggey,
11 you understood, didn't you, that you were giving a police
12 officer a certified statement? I think it says down there
13 that it's certified. But you understood that this was an
14 important document; right?

15 A. Yes.

16 Q. And you wanted to give him all the information?

17 A. Yes.

18 Q. When you were speaking to him, though, you
19 didn't mention anything about any audio records, did you?

20 A. For all I know, they could be best friends and I
21 thought they were just going to try and act like it never
22 happened.

23 Q. Well, when you first spoke to Agent Williams,
24 you didn't give a copy of that audio recording, either,
25 did you?

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1 A. No.

2 Q. In fact, the only way he got that audio
3 recording is your lawyer gave it to him; isn't that
4 correct?

5 A. Yes.

6 Q. Now, the lawyer you initially retained, or your
7 father retained, that represents you in the civil side of
8 this thing, he's not your lawyer anymore, is he?

9 A. He is.

10 Q. He is? On this case?

11 A. Yes.

12 Q. Is he associated with anybody here locally?

13 A. I'm not sure.

14 Q. You're not sure? Okay.

15 Now, also with respect to your statement to
16 Chief Haggey and statement to your lawyer --

17 Let me ask you this. When you met with Agent
18 Williams, did you give a statement to him other than just
19 hand him that statement?

20 A. I do not believe so. I gave him the clothes I
21 was wearing that night.

22 Q. I see. All right.

23 When you were giving those two previous
24 statements you never mentioned anything about Curtis
25 making you spin around and lift up your jacket or

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1 anything, did you?

2 A. There is a fourth page that we typed and added
3 on to the statement.

4 Q. I see.

5 So in the subsequent statement to your lawyer,
6 you added the spin around and lift up jacket?

7 A. Yes.

8 Q. All right. Are you attending nursing school?

9 A. No.

10 Q. Also, you just testified on direct with Mr.
11 Thornton that as you were driving in there, you were
12 concerned that he was going to hurt you. Do you recall
13 saying that?

14 A. Yes.

15 Q. You never told your lawyer or Chief Haggey or
16 Agent Williams that before, did you?

17 A. Yes, I did.

18 Q. You did?

19 A. Yes, I did.

20 Q. You told them, I was concerned he was going to
21 hurt me?

22 A. Yes.

23 Q. When did you say that?

24 A. One of the first times I ever met with my
25 lawyer.

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1 Q. I see.

2 But that wasn't in your written statement?

3 A. It had just happened the night before, and I had
4 to go with my father to fill out this statement about
5 doing sexual things with a man his age. Yes, some things
6 were left out.

7 Q. I see. So your answer is no?

8 A. Yes.

9 MR. GEIER: Nothing further, Your Honor.

10 THE COURT: Anything further?

11 MR. GEIER: Actually, just a moment.

12 At this time I would move to introduce this.

13 MR. THORNTON: Without objection, Judge.

14 THE COURT: It's in evidence without objection.

15 That's defense's number 1?

16 MR. GEIER: Yes, Your Honor.

17 THE COURT: Thank you, sir. All right.

18 [Whereupon, Defendant's Exhibit Number 1 is
19 admitted into evidence by the Court]

20 THE COURT: Anything further?

21 MR. THORNTON: Nothing, Judge. Ask that she be
22 allowed to step down.

23 THE COURT: You may step down, Miss Sheen.

24 [Whereupon, Miss Sheen is excused and exits the
25 witness stand]

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1 THE COURT: Do we have a short witness next?

2 MR. THORNTON: I believe so, yes, ma'am.

3 THE COURT: All right. Go ahead.

4 Are y'all okay? Does anyone need a quick break?

5 Are you okay? I intend on running until roughly about

6 one o'clock, which is our normal lunch time, and we

7 will break for lunch, ladies and gentlemen. But does

8 anyone need a quick break? No? Are you sure?

9 UNIDENTIFIED: Yes, ma'am.

10 THE COURT: All right. Thank you.

11 Go ahead and call your next witness,

12 Mr. Thornton.

13 MR. THORNTON: John Sheen.

14 THE COURT: Come on forward, Mr. Sheen.

15 [Whereupon, Mr. Sheen comes forward]

16 THE CLERK OF COURT: Place your left hand on the
17 Bible.

18 [Whereupon, Mr. Sheen is duly sworn by the clerk
19 of court as follows: do you swear to tell the truth,
20 the whole truth, and nothing but the truth, so help
21 you God]

22 THE WITNESS: I do.

23 [Whereupon, Mr. Sheen takes the witness stand]

24 - - -

25 - - -

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JOHN SHEEN,

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MR. THORNTON:

Q. Mr. Sheen, who do you work for, sir?

A. I'm retired United States military. I work at a school in Summerville as a maintenance personnel.

Q. And you said you work in Summerville. Where do you live, sir?

A. In Summerville.

[Whereupon, State's Exhibit Number 2 is marked by the court reporter]

Q. [Mr. Thornton] Mr. Sheen, are you related to Michael Jasmine Sheen that just took the stand?

A. Yes, sir. She's my daughter.

Q. And on November the 5th of 2011, Mr. Sheen, did she call you?

A. Yes, she did.

Q. And do you remember roughly what time it was?

A. Right around 10:15, 10:30 that evening.

Q. I'm going to hand you what's been marked as State's Exhibit Number 2 for identification. I realize it's a little bit blurry. But take a minute and look at that and can you tell me what that's a picture of.

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1 A. That's a picture of my cell phone, an incoming
2 call from my daughter, at 10:21 on November 11th, 2011.

3 Q. Do you want to look at that date again?

4 A. November 5th. I'm sorry. November 5th, 2011.
5 It's kind of blurry.

6 Q. Yeah.

7 Would that have been the phone call that you
8 were just referring to?

9 A. Definitely.

10 Q. And I realize it's blurry but other than the
11 fact that it's blurry, is that an accurate depiction of
12 the photograph taken of your phone from that night?

13 A. Yes, sir, it is.

14 Q. Has it been altered or changed in any way?

15 A. No, sir.

16 MR. THORNTON: Your Honor, I would ask it be
17 moved into evidence.

18 THE COURT: Any objection?

19 MR. GEIER: No objection, Your Honor.

20 THE COURT: Without objection, it's in evidence.

21 [Whereupon, State's Exhibit Number 2 is admitted
22 into evidence by the Court]

23 Q. [Mr. Thornton] Mr. Sheen, without regard to
24 anything -- obviously, you were in here and you heard your
25 daughter's testimony. Without regard to anything specific

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1 she told you that night, is that basically what she told
2 you?

3 A. Yes.

4 Q. What she just testified to?

5 A. Yes. She was frantic, hysterical, crying --

6 Q. Now, I was just about to ask you -- that was
7 going to be my next question. What was her demeanor at
8 the time?

9 A. She was frantic, she was crying, she was
10 screaming. And I said, what's going on.

11 Q. All right. And did you at some point call 911?

12 A. Yes, I did, immediately after I directed her to
13 get safe.

14 Q. And did you let her know you were going to call
15 911?

16 A. Absolutely.

17 Q. And did you do so?

18 A. Yes, I did.

19 Q. Now, at the time, did you have any idea for sure
20 what agency this was?

21 A. No, sir. I just picked up the phone, as soon as
22 I told her to get safe, and dialed 911. And they bounced
23 me from one 911 center to another 911 center in the
24 geographic area in which she said she stopped at.

25 MR. THORNTON: Now, Mr. Sheen, you and I have

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1 had several conversations. You look to be a little
2 bit upset and agitated. I want you to just take a
3 minute and take a deep breath.

4 Q. [Mr. Thornton] You heard on the tape -- it was
5 talked about by Mr. Geier. You heard the audio just now,
6 did you not? Did you hear that earlier, or were you out
7 of the room?

8 A. I've heard bits and pieces on her request. She
9 asked me to step out of the room when it got into the
10 specific details of the stop.

11 Q. Does the fact that during all this that -- the
12 jury has already heard this, obviously -- that Curtis
13 Fields made some reference to you didn't have to do very
14 much or this didn't take very long, did it, and then she
15 giggled and then went away. Does that -- does that
16 surprise you?

17 MR. GEIER: Objection, Your Honor.

18 THE COURT: It calls for speculation.

19 MR. GEIER: And I'm sorry. It's outside the
20 scope of what --

21 THE COURT: You can ask him the question and if
22 he can answer it, fine.

23 Q. [Mr. Thornton] I believe -- do you know your
24 daughter fairly well?

25 A. Very much so.

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1 Q. Were you one of the people that raised her?

2 A. Absolutely.

3 Q. The fact that she may have laughed at an
4 inappropriate time, do you know whether or not that's
5 normal for her or not?

6 A. I tried to raise my children when they're in a
7 situation -- just like when you're in the military -- keep
8 your head about you, don't freak out, you deal with
9 whatever you can at the moment, you keep levelheaded, in a
10 situation like this do whatever it takes to get out alive.

11 Q. Okay. Now, once she had gotten out and you were
12 talking to her, did she seem jovial to you? Was she in a
13 good mood? Was she happy?

14 A. I just asked if -- she was frantic, she's
15 crying. I asked her could she drive still, was she okay.
16 That was one of the first concerns, to get her safe.

17 Q. Other than that, sir -- and I realize there's
18 been testimony about, you know, the fact that now you've
19 dialed 911, and you apparently drove with her. You
20 weren't there that night so you have no firsthand
21 knowledge; is that correct?

22 A. The 911 situation, yes. Right.

23 Q. Other than the 911 situation, do you have any
24 firsthand knowledge?

25 A. No.

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1 MR. THORNTON: All right. Your Honor, I have
2 nothing further for this witness.

3 Ask he answer any questions that Mr. Geier has.

4 THE COURT: Mr. Geier?

5 MR. GEIER: I have no questions, Your Honor.

6 THE COURT: You may step down, Mr. Sheen.

7 THE WITNESS: Thank you, ma'am.

8 [Whereupon, Mr. Sheen is excused and exits the
9 witness stand]

10 THE COURT: If the State will call their next
11 witness.

12 MR. THORNTON: The State calls Maime Sheen to
13 the stand.

14 THE COURT: Please come forward, Ms. Sheen.

15 [Whereupon, Ms. Sheen comes forward]

16 THE CLERK OF COURT: Place your left hand on the
17 Bible, raise your right hand.

18 [Whereupon, Ms. Sheen is duly sworn by the clerk
19 of court as follows: do you swear to tell the truth,
20 the whole truth, and nothing but the truth, so help
21 you God]

22 THE WITNESS: I do.

23 [Whereupon, Ms. Sheen takes the witness stand]

24 [Whereupon, State's Exhibit Number 3 is marked
25 by the court reporter]

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MAIME SHEEN,

Having Been First Duly Sworn,

was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MR. THORNTON:

Q. Ms. Sheen, where do you currently live, ma'am?

A. I live in Gaithersburg [phonetic], Maryland.

Q. And did you live in Maryland in November of 2011?

A. No, I did not.

Q. Where did you live at that time?

A. I lived in Mildred, Ohio.

Q. And did you come today, or in the last couple of days, specifically for this trial?

A. I did.

Q. Now, again, Ms. Sheen, some of these questions may sound silly. But are you related to anybody in the courtroom?

A. Yes. Michael Jasmine Sheen is my daughter.

Q. All right. Michael Sheen is your daughter.

On November the 5th of 2011, did you receive a phone call from your daughter?

A. I received many, many missed calls, but I was asleep.

Q. Did you at some point call her that night?

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1 A. I did.

2 Q. I'm going to show you what's been marked State's
3 Exhibit 3 and ask you if you can identify that for me.

4 A. Yes, I can. It's my cell phone.

5 Q. All right. And does it make a reference to the
6 calls that you just spoke about?

7 A. Yes.

8 Q. Is this an accurate picture of the missed call
9 from her and then the call back I believe it says 11:38
10 p.m.? Is that accurate?

11 A. Yes.

12 Q. Has it been altered or changed in any way?

13 A. No, it hasn't.

14 MR. THORNTON: Your Honor, I would ask that
15 State's Exhibit Number 3 be moved into evidence.

16 THE COURT: Any objection?

17 MR. GEIER: NO objection, Your Honor.

18 THE COURT: Number 3 is in evidence without
19 objection.

20 [Whereupon, State's Exhibit Number 3 is admitted
21 into evidence by the Court]

22 Q. [Mr. Thornton] Ms. Sheen, have you been around
23 your daughter for a good portion of her life?

24 A. I have.

25 Q. Do you feel like you know your daughter fairly

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1 well?

2 A. I know her very well.

3 Q. All right. What was her demeanor, the night
4 when she called you, when you talked to her?

5 A. She was extremely distraught and very
6 hysterical.

7 Q. Was she --

8 A. She was --

9 Q. I'm sorry.

10 A. -- sobbing.

11 Q. Go ahead.

12 Was she happy, jovial?

13 A. No, not at all. She was having a very difficult
14 time even talking to me.

15 Q. And this was at 11:38 p.m.?

16 A. Yes.

17 Q. And, obviously, you can't refer directly to what
18 she talked about. But in discussing the incident, is that
19 more or less what she testified to today?

20 A. Yes.

21 Q. Is that what she told you?

22 A. Yes, it is.

23 MR. THORNTON: Your Honor, the Court's
24 indulgence, please, one moment.

25 [Whereupon Mr. Thornton and Investigator

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1 Williams confer]

2 MR. THORNTON: Your Honor, I have no further
3 questions for this witness.

4 Thank you, Ms. Sheen. Please answer any
5 questions Mr. Geier may have.

6 MR. GEIER: We have no questions, Your Honor.

7 THE COURT: All right. You may be excused.
8 Thank you.

9 [Whereupon, Ms. Sheen is excused and exits the
10 witness stand]

11 THE COURT: Go ahead and call your next witness.

12 MR. THORNTON: David Williams.

13 THE COURT: Come on forward, Agent Williams.

14 [Whereupon, Mr. Williams comes forward]

15 THE CLERK OF COURT: Place your left hand on the
16 Bible, raise your right hand.

17 [Whereupon, Mr. Williams is duly sworn by the
18 clerk of court as follows: do you swear to tell the
19 truth, the whole truth, and nothing but the truth, so
20 help you God]

21 THE WITNESS: I do.

22 THE COURT: Come on around, Agent Williams.

23 [Whereupon, Mr. Williams takes the witness
24 stand]

25 MR. THORNTON: Good morning. Afternoon. Good

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1 afternoon, Agent Williams.

2 THE WITNESS: Good afternoon.

3 MR. THORNTON: And I realize I have to ask you
4 these all the time and you probably get tired of
5 answering them.

6 - - - - -

7 DAVID WILLIAMS,

8 Having Been First Duly Sworn,

9 was Examined and Testified as Follows:

10 DIRECT EXAMINATION

11 BY MR. THORNTON:

12 Q. Who do you work for, Agent Williams/

13 A. I work for the South Carolina Law Enforcement
14 Division, known as SLED.

15 Q. Agent Williams, did you work for SLED on or
16 about November the 5th of 2011?

17 A. Yes, sir, I did.

18 Q. And what is it that you do for SLED?

19 A. I enforce the criminal laws of South Carolina.

20 Q. All right. And are you what would be called an
21 investigator?

22 A. Yes, sir.

23 Q. And when you say you enforce the laws, let me
24 ask you a question. How long have you worked with SLED?

25 A. It was -- since 2006. February the 2nd of 2006.

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1 Q. And what did you do prior to that?

2 A. Prior to that I was an agent with the United
3 States Drug Enforcement Administration. I retired from
4 them in December of 2005.

5 Q. So how many years were -- you said you retired
6 from there. So how many years -- and I know -- I hate
7 asking you this, because I know that dates you a little
8 bit. But how many years were you with DEA?

9 A. I was with DEA for twenty years.
10 Prior to that, I was a police officer almost
11 seven years in Charleston, South Carolina.

12 Q. All right. So would it be fair to say you've
13 got over thirty years in law enforcement?

14 A. Yes, sir.

15 Q. Agent Williams, were you assigned the case of
16 the State versus Curtis Fields?

17 A. Yes, sir.

18 Q. And are you the officer that eventually brought
19 charges of misconduct in office, as well as criminal
20 sexual conduct third degree, against Curtis Fields?

21 A. Yes, sir.

22 Q. Agent Williams, did you have occasion to talk to
23 the defendant in this case, Curtis Fields?

24 A. Yes, sir, I did.

25 Q. And do you see the person you talked to and that

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1 you've identified as Curtis Fields in the courtroom?

2 A. Yes, sir, I do.

3 Q. Where is he, sir?

4 A. He's sitting right there, at the defense table,
5 in the white shirt.

6 Q. And at the time that -- on November the 5th of
7 2011, where was Mr. Fields employed?

8 A. The Yemassee Police Department.

9 Q. And in what capacity?

10 A. He was a patrol officer.

11 Q. So is that somebody who would -- like a road
12 officer, a road deputy? Would that be -- or not a deputy,
13 obviously. But a road officer; would that be correct?

14 A. Yes, sir.

15 Q. What was his primary responsibility at that
16 time?

17 A. I'm not exactly sure what his primary
18 responsibility was, but patrolling the streets of
19 Yemassee, traffic enforcement, and just enforce the laws
20 of South Carolina and any municipal ordinances in the town
21 of Yemassee.

22 Q. When there is an accusation of police corruption
23 or misconduct, is it common for SLED to be called in to
24 investigate?

25 A. Yes, sir. That's common.

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1 Q. And is that -- can that be done either by the
2 agency itself or by the solicitor's office?

3 A. That's correct. Yes, sir.

4 Q. In this case once you received the request to
5 investigate, did you go and meet with Mr. Fields?

6 A. Yes, sir.

7 Q. And what was he -- on November the 5th, 2011,
8 did he admit to you that he was running radar on the
9 interstate?

10 A. Yes, sir, he did.

11 Q. And did he admit to you that he was running that
12 radar in the town limits of Yemassee?

13 A. Yes, sir.

14 Q. And do you know -- do you know what county he
15 was in while he was doing that?

16 A. In Hampton County.

17 Q. And did you -- in case you need to refer back to
18 it -- did you do a memorandum of interview after you
19 talked with him?

20 A. Yes, sir, I do [phonetic].

21 Q. What did he tell you?

22 A. Basically, the meeting took place at his
23 lawyer's office in Beaufort. I asked him about the
24 traffic incident, that he indeed stopped Miss Sheen. He
25 said, yes, he did. He admitted that -- he told me that

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1 she was going in excess of a hundred miles an hour, that
2 he intended to arrest her, and that during the
3 conversation of him writing a ticket that she said she
4 would do anything to get out of those tickets and he said,
5 you mean anything. And that he had her follow him to a
6 secluded area in the median on I-95 and where in exchange
7 for him dropping the tickets, that she performed oral sex
8 on him.

9 Q. Now, let me ask you a question. You testified
10 you've got over thirty years experience. Are you at least
11 relatively familiar with the basics of criminal law in
12 South Carolina?

13 A. Yes, sir.

14 Q. All right. If in this case Miss Sheen had not
15 stopped when she was blue-lighted by former Yemassee
16 officer Curtis Fields, could she be charged with an
17 offense for that?

18 A. Yes, sir.

19 Q. What's that offense called?

20 A. She would have been charged with failing to stop
21 for blue lights and siren.

22 Q. Is that actually a felony in South Carolina?

23 A. Yes, sir, it is.

24 Q. All right. What about if she decided that she
25 just didn't want to stay where Mr. Fields was during the

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1 traffic stop? As a citizen, are you allowed just to leave
2 whenever you want to or do you have to wait for the
3 officer to let you go?

4 A. No, sir, you cannot leave. You have to wait
5 until the officer allows you to leave.

6 Q. On the night of November the 5th, 2011, did
7 Mr. Fields admit that he was using his patrol car?

8 A. Yes, sir.

9 Q. Did he admit that he blue-lighted this young
10 lady?

11 A. I don't know if I asked him specifically that.

12 Q. All right. Did he admit to pulling her over?

13 A. Yes.

14 Q. And is he -- as a Town of Yemassee officer, does
15 he carry a weapon?

16 A. Yes, sir.

17 Q. Do you know what it was?

18 A. No, sir.

19 Q. After he said that he pulled her over -- and if
20 you need to refer back to your notes, feel free to -- did
21 he talk about the fact that she teared up when he said he
22 was going to take her to jail?

23 A. Yes, sir.

24 Q. And did he also mention that he searched her for
25 weapons or checked to see if she had any weapons?

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1 MR. GEIER: Your Honor, I would object. He's
2 leading a lot.

3 THE COURT: Okay. Overruled.

4 Actually, those are yes or no question you're
5 fine to ask. Go ahead.

6 MR. THORNTON: Thank you, Your Honor.

7 A. What was your last question?

8 Q. [Mr. Thornton] Did he make any -- did he make
9 any statement to you about whether or not he checked her
10 or searched her for weapons like she testified to on the
11 stand earlier?

12 A. Let me look.

13 Q. Yes, sir. And if you would like, you can look
14 at page 2 of your memorandum of interview.

15 [Whereupon, the witness reviews documents]

16 Q. [Mr. Thornton] About three or four lines.

17 A. He asked her if she had any weapons or
18 contraband.

19 Q. Yes, sir.

20 A. He then had her sit in the front seat of his
21 vehicle.

22 Q. All right. So according to his statement to
23 you, he did ask her about weapons and contraband?

24 A. That's correct. Yes, sir.

25 Q. And you just testified a minute ago that he did

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1 talk about her tearing up when he said he was going to --
2 normally he would take somebody to jail?

3 A. Yes, sir. That's correct.

4 Q. All right. And I'm sorry. You may have already
5 talked about this, Agent Williams. But, please, what did
6 he say happened after they got to this secluded spot?

7 A. He said that she performed oral sex on him on a
8 secluded spot and that she -- then she left and went south
9 on interstate 95. He said that he then went back to the
10 Yemassee Police Department and attempted -- he wasn't sure
11 if he was successful or not but he tried to go to the main
12 computer-generated program, the one that -- there's a
13 program there that handles their in-car video systems --
14 and tried to erase the video from that car stop.

15 MR. THORNTON: I'm sorry. I was looking at
16 something.

17 Q. [Mr. Thornton] He attempted to go erase the
18 video from the car stop?

19 A. Yes, sir.

20 Q. So these cars are -- patrol cars have cameras in
21 them; is that right?

22 A. Yes, sir. That's correct.

23 Q. And did you go to the main -- as part of your
24 investigation, did you try to see if there was video from
25 this stop?

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1 A. Yes, sir, I did.

2 Q. Was there video from a stop before this stop?

3 A. I believe there was.

4 Q. Was there video from a stop after this stop?

5 A. I'm not sure about that. There was nothing on
6 this stop.

7 Q. All right. So there was no video on this stop?

8 A. No, sir.

9 Q. Well, it appears he was successful in erasing
10 the video.

11 Now, as part of the video, does he also have a
12 what they call a body mike or a microphone?

13 A. I'm not sure. A lot of departments have it.
14 I'm not sure whether Yemassee Police Department has that.

15 Q. But there is no other audio other than the
16 recording that the victim in this case made? All of that
17 could have been picked up on his in-car camera, but none
18 of that exists; right?

19 A. That's correct.

20 Q. That's because he told you he went and tried to
21 erase it?

22 A. I believe he did tell me that audio portion of
23 his camera did not work prior to this incident and that
24 his supervisors were aware of it. But the video does not
25 exist. It has been erased.

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1 Q. Did he mention in his statement -- obviously,
2 Agent Williams, as case officer you're in here when other
3 people testify. You heard Miss Sheen testify about him
4 taking her phone or having her phone. Does he talk about
5 having her phone in his statement? Did he admit that to
6 you?

7 A. Yes, sir.

8 Q. And if you would -- and if you need to direct
9 yourself to that same page, page 2: what specifically did
10 he say he told her to do with the phone? It's the last
11 sentence on that big paragraph right before the bottom

12 [Whereupon, the witness reviews documents]

13 A. He told her to leave her phone in his vehicle,
14 in his police car.

15 Q. [Mr. Thornton] As part of your investigation,
16 then, just to go back over what you've testified to --
17 because I'm a little bit confused, based on some of the
18 earlier questions.

19 So it's clear that he was running radar in
20 Yemassee and that's where this occurred, based on what he
21 told you; is that right?

22 A. That's correct.

23 Q. What county is it, based on what he told you?

24 A. Hampton County.

25 Q. And based on what he told you, did he perform --

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1 did he have Michael Sheen perform oral sex on him?

2 A. Yes, sir.

3 Q. Now, I know in the opening -- just, again, I
4 don't want to be confused and I certainly don't want the
5 jury to be confused. How many charges did you charge him
6 with?

7 A. With two charges.

8 Q. Because I keep hearing -- I kept hearing earlier
9 about that I have to prove he's a rapist.

10 What did we charge him with?

11 A. He's charged with official misconduct or
12 misconduct in office and sexual assault third degree.

13 Q. So there are two charges in this case?

14 A. Yes, sir.

15 MR. THORNTON: Your Honor, the Court's
16 indulgence, please, one moment.

17 Q. [Mr. Thornton] Did Curtis Fields -- to your
18 knowledge, did he call SLED to report his conduct?

19 A. No, sir.

20 Q. To your knowledge, as part of your investigation
21 did he report this to anybody before he was asked?

22 A. I know there was a conversation between he and
23 Chief Haggey, but I believe it was only after confronted
24 by Chief Haggey did the discussion come up.

25 Q. You said earlier that he was -- we've talked

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1 about the fact that former police officer Fields at the
2 time was a law enforcement officer. In South Carolina, is
3 that considered an official? a public official? public
4 employee?

5 A. Yes, sir, it is.

6 Q. And is that what the misconduct charge is based
7 upon?

8 A. Yes, sir, it is.

9 Q. As a police officer in South Carolina, do you
10 have to swear an oath?

11 A. Yes, sir.

12 Q. And is part of that oath that you will uphold
13 the constitution of both the state of South Carolina and
14 the United States?

15 A. Yes. That's correct.

16 Q. Is that your duty as a law enforcement officer?

17 A. Yes, sir.

18 MR. THORNTON: I don't have anything further.

19 I would ask that you answer any questions

20 Mr. Geier has.

21 THE COURT: Mr. Geier?

22 MR. GEIER: Thank you, Your Honor.

23 Good morning. How are you doing?

24 - - -

25 - - -

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CROSS-EXAMINATION

BY MR. GEIER:

Q. When you -- at some point you met with Miss Sheen, did you not?

A. Yes, sir. That's correct.

Q. Did she give you a statement during that meeting? I mean, actually a verbal statement at that time?

A. That's correct. Yes, sir.

Q. Did you take any notes from that?

A. Yes.

Q. You did? Are they contained within your report? You can review it, if you would like.

A. No, they're not contained within my report.

Q. Did you ever make any notes and that have been provided to Mr. Thornton?

A. My notes are right there on the table.

Q. The notes from your interview?

A. Yes, sir.

Q. So your notes from your interview with Miss Sheen are on the table?

A. Yes, sir.

Q. You didn't record that statement, did you?

A. No, sir.

Q. You had a chance to review Miss Sheen's

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1 statement, did you not, to Chief Haggey?

2 A. Yes, sir.

3 Q. And you would agree with me that on not one, not
4 two, not even three, but four separate occasions she
5 admitted that Mr. Fields asked her are you okay with this
6 and she said yes?

7 A. Maybe not those exact words, but that's correct,
8 yes.

9 Q. Now, also, in that statement Miss Sheen said
10 that she was pulled over at mile marker 41; isn't that
11 correct?

12 A. That's correct.

13 Q. And when you interviewed Mr. Fields in my office
14 on the 14th of November, he told you that he made the
15 traffic stop near mile marker 39; isn't that right?

16 A. Yes, sir.

17 Q. All right. So let's take a look at this map
18 again. Now, by way of background: you live in the area,
19 don't you?

20 A. Yes, sir.

21 Q. Yes. And so you've driven this road before?

22 A. Yes, sir.

23 Q. And you're familiar with the area because you go
24 up to Walterboro a lot, don't you?

25 A. Yes, sir.

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1 Q. All right. The Yemassee exit is exit 38; right?

2 A. That's correct.

3 Q. And as far as I'm aware, and tell me if I'm
4 wrong, most of the time when an exit is marked by a
5 number, it's because it's contained within that mile
6 marker?

7 A. That's correct.

8 Q. All right. So in the speeding ticket, and also
9 in his statements, Officer Fields said that he clocked
10 Miss Sheen going over a hundred miles an hour; is that
11 right?

12 A. Yes, sir.

13 Q. And he said he was running radar somewhere
14 around mile marker 37, 38; is that right?

15 A. Yes, sir.

16 Q. All right. So there's 38. He says he pulls her
17 over, around mile marker 39. Now, in her statement with
18 Chief Haggey, Miss Sheen -- well, certified, didn't
19 testify -- certified that she was driving for about four
20 minutes after this initial stop to some secluded place in
21 the woods; right?

22 A. That's correct.

23 Q. And so, you know, is it fair to say that if this
24 is 38, that 39 has got to be somewhere around here on this
25 map? And I'm -- we've got this -- looking at the map,

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1 you've got Old Salkehatchie Road or Highway. You've got a
2 cut-through, it looks like for telephone wires, and then
3 you've got this big forested area. Would you agree that
4 39 is probably somewhere in this forest?

5 A. Yes, sir.

6 Q. Now, we also see this squiggly line right here.
7 Do you know what that squiggly line is?

8 A. No, sir.

9 Q. All right. You're familiar with that area. You
10 know that the Combahee River goes underneath Highway 95
11 right about that area, don't you?

12 A. That's correct.

13 Q. And you also know that's the county line?

14 A. Yes, sir.

15 Q. All right. So if Miss Sheen was pulled over
16 somewhere here in this forested area and she drove for
17 four minutes --

18 And the speed limit there is what? 70 miles an
19 hour?

20 A. Yes, sir.

21 Q. -- is there any way she couldn't have [phonetic]
22 crossed that river before this event happened?

23 A. No, sir.

24 Q. All right. And, again, just so we're all clear.
25 On the other side of that river is Colleton County?

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1 A. Yes, sir.

2 Q. Thank you.

3 So the warrant that you signed out is incorrect,
4 is it not?

5 A. No, sir. I don't think so.

6 Q. It's not?

7 [Whereupon, Mr. Geier reviews documents]

8 [Whereupon, Defendant's Exhibit Number 2 is
9 marked by the court reporter]

10 [Whereupon, Defendant's Exhibit Number 3 is
11 marked by the court reporter]

12 Q. [Mr. Geier] All right. Agent Williams --

13 MR. GEIER: Thank you.

14 Q. [Mr. Geier] All right. Agent Williams, I'm
15 going to hand you what's been marked Defendant's Exhibit 2
16 and 3 for identification and I would like you to take a
17 look at these.

18 [Whereupon, the witness reviews documents]

19 Q. [Mr. Geier] Have you had a chance to look at
20 those?

21 A. Yes, sir.

22 Q. All right. What are those documents? Let's
23 start with 2. What is that?

24 A. It's an arrest warrant, for Curtis Fields,
25 charging him with criminal sexual conduct third degree.

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1 Q. All right. And in that arrest warrant, where
2 does it allege this occurred?

3 A. On the warrant it says in the city-county of
4 Hampton.

5 Q. Okay. And then on the affidavit?

6 [Whereupon, the witness reviews documents]

7 A. On the affidavit that I prepared, it doesn't say
8 what county.

9 MR. GEIER: All right. I'll take that back from
10 you, if you don't mind.

11 [Whereupon, the witness proffers documents to
12 Mr. Geier]

13 Q. [Mr. Geier] Now I'll direct your attention to
14 Defendant's Exhibit Number 3 for identification. Could
15 you tell the jury what that is?

16 A. This is the arrest warrant for Curtis Fields,
17 prepared by me, that charges him with official misconduct
18 in office.

19 Q. All right. And where does it say this occurred?

20 [Whereupon, the witness reviews documents]

21 A. It does not specify a county.

22 Q. [Mr. Geier] Something else I want to take a
23 look at here -- I want you to take a look at. On
24 Defendant's Exhibit 3 for identification, I've highlighted
25 a portion. I would like you to read that, please. Can

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1 you read it out loud?

2 A. [Reading] During the traffic stop, Officer
3 Fields agreed not to issue the victim a traffic ticket in
4 exchange for sex.

5 Q. [Mr. Geier] So he -- you said he agreed to not
6 issue a traffic ticket in exchange for sex?

7 A. Yes, sir.

8 [Whereupon, Defendant's Exhibit Number 4 is
9 marked by the court reporter]

10 Q. [Mr. Geier] All right. Agent Williams, I'm
11 going to hand you what's now been marked Defendant's
12 Exhibit 4 for identification. Please take a look at that.

13 [Whereupon, the witness reviews documents]

14 Q. [Mr. Geier] That's the indictment, is it not?

15 A. Yes, sir.

16 Q. And when there's a presentment to the grand jury
17 of an indictment, was it you who presented the information
18 to the grand jury?

19 A. Yes, sir.

20 Q. And that's the one that got true billed by the
21 grand jury?

22 A. That's correct.

23 MR. GEIER: Can I have that back real quick?

24 [Whereupon, the witness proffers documents to

25 Mr. Geier]

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1 Q. [Mr. Geier] What is the -- it lists Hampton
2 County, does it not, as the location of this event?

3 A. Yes, sir.

4 Q. But there's another part that's highlighted
5 there. Can you read the highlighted portion for the jury,
6 please?

7 A. It says officer coerced the victim, Michael
8 Jasmine Sheen, to perform oral sex on him in lieu of
9 writing her a citation for speeding.

10 Q. Okay. So when you drafted up this arrest
11 warrant, you said that Officer Fields agreed not to issue
12 a victim -- the victim a traffic ticket in exchange for
13 sex. When you presented it to the grand jury, you said
14 the officer coerced the victim, Michael Jasmine Sheen, to
15 perform oral sex on him in lieu of writing her a speeding
16 ticket. You would agree with me, wouldn't you, that there
17 is a difference between coerced and agreed?

18 A. Yes, sir.

19 Q. You also mentioned that after going out and
20 interviewing Curtis, you met with Mr. Thornton about the
21 charging decisions in this case, did you not?

22 A. Yes, sir.

23 Q. And he told you what to charge Mr. Fields with,
24 isn't that right?

25 A. Yes, sir.

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1 Q. Is that usually how you do it?

2 A. Yes, sir.

3 Q. Is it? Every time? You don't get to make the
4 charge decisions?

5 A. Our policies in our office is that we consult
6 with the -- whatever solicitor's office or the attorney
7 general's office for whomever we're working the case and
8 discuss the facts of the case to come up with the charges.

9 Q. I see.

10 And at some point was there a discussion about
11 changing the language from agreed to coerced from the time
12 that this warrant was issued, which I believe was issued
13 on the 18th of November, 2011, and the time that the
14 indictment was signed, which I believe was February the
15 21st, 2013?

16 A. Can you ask the question again? I'm not sure I
17 understand it.

18 Q. Sure.

19 Was there some sort of discussion between you
20 and the solicitor, or anybody else, wherein you changed
21 the language from agreed to was coerced?

22 A. No discussion with me, no, sir.

23 Q. I see.

24 Did you come up with that on your own?

25 A. No, sir. I don't prepare the indictments.

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1 Q. I see.

2 [Whereupon, Defendant's Exhibit Number 5 is
3 marked by the court reporter]

4 Q. [Mr. Geier] All right. And now I'm going to
5 hand you what's just been marked as Defendant's Exhibit 5
6 for identification. Please take a look at that.

7 [Whereupon, the witness reviews documents]

8 A. Yes, sir. I see it.

9 Q. [Mr. Geier] All right. And what is that?

10 A. This is an indictment for Curtis Fields for
11 sexual -- criminal sexual conduct third degree.

12 Q. And in that indictment it's stated that this
13 occurred in Hampton County, did it not?

14 A. Yes, sir. That's correct.

15 Q. Now, you actually interviewed with Miss Sheen's
16 civil lawyer at some point, didn't you? You met with him?

17 A. That's correct.

18 Q. And he was actually the one that provided the
19 copy of this audio tape, that we all heard a little while
20 ago, is he not --

21 A. That's correct.

22 Q. -- was he not?

23 As far as you know, that was never turned over
24 to Chief Haggey; is that right?

25 A. No, sir.

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1 Q. You collected some clothing from Miss Sheen and
2 presumably for DNA testing. You never had that done, did
3 you?

4 A. We took it to the -- I took it to the lab.
5 There was no evidence on the clothing.

6 Q. I see.

7 MR. GEIER: All right. I have no further
8 questions. Thank you, Your Honor.

9 THE COURT: Anything further?

10 MR. THORNTON: A few questions, Judge.

11 REDIRECT EXAMINATION

12 BY MR. THORNTON:

13 Q. I'm going to hand you what's been marked as
14 State's Exhibit -- excuse me -- Defendant's Exhibit Number
15 1 and ask you if you can identify what the -- I realize
16 it's fairly small print. But that's the -- been testified
17 to. That was a traffic ticket that former Officer Fields
18 was going to issue -- prior to receiving oral sex, that he
19 was going to issue for speeding. Does it say where on
20 I-95 he pulled Miss Sheen over? Is there a -- if you'll
21 look under the cross-section.

22 A. It says I-95. And I'm assuming that says mile
23 marker 37.

24 Q. Right.

25 A. It's hard to say.

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1 Q. So that says 37, he told you he thought it was
2 38, and she testified it could have been 39 or 41. Is
3 there any question, based on your investigation and your
4 discussions with former officer Mr. Fields, as to where
5 this happened?

6 A. No, sir.

7 Q. All right. And what county do you believe it
8 happened in, based on all the evidence?

9 A. In Hampton County, South Carolina.

10 Q. Is there any question that the -- that when he
11 pulled her over under color of state law, as an officer,
12 that he pulled her over in Hampton County?

13 A. No question.

14 Q. Let me ask you this. Mr. Geier pointed out
15 these -- I don't think they were introduced into evidence
16 -- these arrest warrants. Who prepares arrest warrants?

17 A. I write the affidavit. The magistrate's clerk
18 actually types the warrants.

19 Q. All right. And who prepared indictments?

20 A. The solicitor's office.

21 Q. Do you have anything to do with preparing the
22 indictment, other than providing us the information?

23 A. No, sir.

24 Q. Do the indictments often look a little bit
25 different than yours with terms of legalese and terms of

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1 law and all the fancy words I like to put in stuff?

2 A. They often look different, yes, sir.

3 Q. Is that in any way unusual?

4 A. No, sir.

5 Q. Interestingly enough, at any time when you
6 talked to Mr. Fields, did he jump up and say, no, wait a
7 minute, you can't prosecute me for this because I had oral
8 sex with her in Colleton County across the river instead
9 of Hampton County?

10 A. No, sir, he did not.

11 Q. When you arrested Mr. Fields, based on your
12 arrest warrants what magistrate did you take him in front
13 of?

14 A. The Hampton County Magistrate.

15 Q. Did he jump up at any time and say, whoa, you
16 shouldn't -- I shouldn't be here?

17 A. No, sir.

18 Q. All right. So based on your information, is
19 there any evidence that this happened anywhere other than
20 Hampton County?

21 A. No, sir, there's not.

22 Q. Now, Mr. Geier asked you earlier about Jasmine's
23 -- Michael Jasmine Sheen saying that, well, he pulled me
24 over here. And of course there was no testimony about
25 when this was or where it was. It's in black and white.

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1 But best as you can tell from a relatively low-grade
2 descriptor there, is there any way to tell when somebody
3 is under stress how far they drive?

4 A. No, sir.

5 Q. Did you hear any testimony here today, or in any
6 of your discussions with Mr. Fields, how far or how long
7 they drove?

8 A. No, sir.

9 Q. At any time did he tell you, no, we went over
10 into Colleton County?

11 A. No, sir.

12 Q. At any time did he deny having her perform oral
13 sex on him?

14 A. No, sir.

15 Q. At any time did he deny erasing the evidence of
16 it off the videotape?

17 A. No, sir.

18 MR. THORNTON: All right. I don't have anything
19 further. Thank you.

20 THE COURT: Anything further?

21 MR. GEIER: No, Your Honor.

22 THE COURT: You may step down, Agent Williams.

23 [Whereupon, Mr. Williams is excused and exits
24 the witness stand]

25 THE COURT: Do you need to speak with him? Are

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1 you okay --

2 MR. THORNTON: No, Judge. I'm --

3 THE COURT: Is that fine with you?

4 MR. THORNTON: The State rests.

5 THE COURT: The State rests. Okay.

6 Ladies and gentlemen, at this time the State
7 rests their case. Additionally, I think it is a very
8 good time to go take a lunch break.

9 By the clock back there it is about 1:15, ladies
10 and gentlemen. I want to make sure y'all are okay. I
11 would like to move this along. Do y'all think you can
12 get back in time by about 2:15 where we'll go ahead
13 and continue the trial of this case? That gives you
14 just right at an hour. If that's all right with
15 everybody, I would appreciate that. We'll keep things
16 moving along.

17 Ladies and gentlemen, I need to remind you
18 you're not to discuss this case with anyone, including
19 each other. You're not to do any independent
20 research. The only thing I ask, ladies and gentlemen,
21 go get a quick bite to eat, meet us back in your jury
22 room at 2:15, where we're going to go ahead and
23 continue the trial of this case. Thank you.

24 [Whereupon, the jury exits the courtroom at
25 1:17 p.m.]

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MOTION FOR A DIRECTED VERDICT

THE COURT: The State has rested their case.
Make any motions, please, before we break for lunch.

MR. GEIER: Yes, Your Honor.

At this time I would make a motion for a
directed verdict. I've got a couple of grounds.

Despite what Agent Williams says, I think it's
very clear from the testimony of Miss Sheen and -- you
know, despite what Agent Williams followed up with,
this happened in Colleton. And that is an element of
this defense. There is no earthly way that -- even if
Mr. Fields clocked her at mile marker 37, going a
hundred miles an hour, that she was at least at mile
marker 38 or 39 by the time he caught up with her.
And then she testified -- she said both in her
statement and on the stand, despite what the Agent
presented, that she drove for about four minutes after
she got stopped.

Now, she also testified that there is -- where
she went was back in the woods somewhere. And I can
tell you, there is no cut-through, as we will later
learn, anywhere before the Combahee River that's
secluded. There's only two cut-thoughts and they are
wide open.

Your Honor, this happened in Colleton. And, no,

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1 he didn't jump up and say anything because it's not
2 his burden. It's their burden to prove where this
3 happened as an element of this offense. Again, I
4 think it's clear that this just did not happen in
5 Hampton County. I think it needs to be dismissed.

6 Further, by the victim's own admission, Curtis
7 asked her on three to four separate occasions, are you
8 okay with this, are you all right with this. How is
9 the State going to show criminal intent when the
10 alleged perpetrator says are you sure and she says,
11 yeah, and he says again are you sure, yeah, are you
12 sure, yeah, are you sure, yeah.

13 Okay. I got it. No means no; no doesn't mean
14 yes. But the State is trying to say that yes means
15 no. Judge, there is no way that any reasonable juror
16 is going to be able to find that Curtis committed
17 criminal sexual conduct.

18 And I might add that because they changed the
19 warrant to say the basis for the misconduct in office
20 is the criminal sexual conduct, there's no way they
21 can show that, either.

22 Your Honor, I'll tell you, this is a bad case
23 and I believe it should be dismissed right now.

24 THE COURT: Why don't you go ahead and raise
25 first the Hampton County issue and --

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1 MR. THORNTON: Sure.

2 Two things, Judge. Number one, there's been
3 plenty of testimony that this occurred. He's running
4 radar in Yemassee in Hampton County. As far as --
5 Your Honor has been on the bench a long time. You
6 were a public defender before that. There is -- under
7 stress, there's no way somebody knows exactly how long
8 or how far they drive, number one. Number two, he
9 never asked her how fast she was going. I doubt very
10 seriously they pull --

11 THE COURT: Well, also, I would to take the
12 fact, according to the non-moving party, which is the
13 State -- I think she did testify that she didn't
14 believe she was going over a hundred.

15 MR. THORNTON: Yes, ma'am. And in addition to
16 that --

17 THE COURT: At least in one of her statements
18 she did.

19 MR. THORNTON: In addition to that, Judge, I --
20 very easy for me to argue it's a continuing offense.
21 He's pulling her over under the color of state law,
22 and we know for a fact that's in Hampton County, and
23 then the decision is made at that point what to do.
24 So if it is consensual, that part wasn't a crime. If
25 it's not consensual, it's a continuing offense.

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1 That's what I would say as for the Hampton County
2 issue. I think that's more than enough testimony that
3 that goes -- that it goes to the jury and should not
4 be dismissed.

5 THE COURT: Respectfully, as to the issue of
6 where it occurred, I do find -- taking the evidence in
7 the light most favorable to the State, I do think this
8 jury could conclude that it was an offense, it was a
9 continuing offense, and that it occurred in Hampton
10 County.

11 Next issue?

12 MR. THORNTON: The next issue: Judge, it's
13 frankly ridiculous to argue that the State has to show
14 that she said no. He's a 220 pound well-over-six-feet
15 man armed with a gun who has pulled her over and she's
16 not free to leave without committing a felony. That's
17 like saying, well, the guy had a gun on me and said
18 are you sure, are you sure, are you sure, and you say
19 yes so that's not rape. It's a ridiculous argument.
20 He's armed, he's pulled her over, he's threatened her
21 with first taking her to jail, then having her kicked
22 out of PTI.

23 Frankly, I don't think he even can argue consent
24 because as a former corrections officer, which I
25 really hope he takes the stand so I can ask him about

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1 this, somebody in detention can't consent. You cannot
2 have an inmate have sex with a guard because they said
3 yeah, it's okay. Because it's not okay, because
4 they're detained. And he, of all people, as a former
5 corrections officer, should know that. Apparently
6 that slipped his mind.

7 She's in detention. She has been seized under
8 color of state law, period. She can't consent because
9 he doesn't let her go until after she performs the act
10 and then says now you can go, you're going back that
11 way. She is in detention. I would argue, Judge, that
12 he can't even get the defense of consent.

13 But I certainly think there's enough evidence to
14 show that this was not consensual for the purposes of
15 a directed verdict motion.

16 THE COURT: Well, respectfully, I'm just
17 reviewing the statute on this for criminal sexual
18 conduct. It states that if you do find that sexual
19 battery did occur, which is obviously what this is,
20 they have to prove that the defendant used force or
21 coercion without any aggravating circumstances to
22 accomplish the sexual battery. And using force or
23 coercion means to make a victim follow a prescribed or
24 dictated course to inflict or impose or to force ones
25 will on someone.

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1 I do think there's evidence from which this jury
2 can determine that he committed criminal sexual
3 conduct in the third degree against the victim in this
4 case. I'm going to deny your motion for a directed
5 verdict as to that issue, as well.

6 MR. GEIER: Thank you, Your Honor.

7 THE COURT: Additionally, it's the misconduct in
8 office -- again, misconduct in office occurs when
9 duties imposed by law have not been properly and
10 faithfully discharged. There's a -- of duty owed to
11 the public. It's essential. Misconduct includes any
12 act, any omission, in breach of duty of public
13 concern, by persons in public office, provided it is
14 done willfully and dishonestly.

15 So, respectfully, I'm going to deny that motion,
16 as well, as to that charge. I do think there is
17 evidence from which this jury can convict him.

18 Also, just -- Mr. Thornton, is it your position
19 that this jury could find him guilty of misconduct in
20 office but not the criminal sexual conduct?

21 MR. THORNTON: Yes, ma'am. I think -- if they
22 don't feel like the conduct forced him -- or that he
23 forced her. But just the fact that he had sex with
24 her in lieu of a ticket I think would be sufficient to
25 be misconduct, because he has a duty. You know,

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1 technically, they could find it from him voiding the
2 ticket. Or how about the fact that he erased evidence
3 in the case? I mean, there's a lot of ways the jury
4 could find that he did not fulfill his prescribed
5 duties of law.

6 MR. GEIER: Your Honor, may I respond?

7 THE COURT: Yes.

8 MR. GEIER: That's fantastic. He should have
9 indicted him for such. But they specifically indicted
10 him for sexual -- committing criminal sexual conduct.
11 And when -- initially he said, oh, agreed to sex.
12 There's any number of things they could have indicted
13 him of. He wasn't put on notice that he was going to
14 have to answer for anything else other than he
15 committed criminal sexual conduct, therefore,
16 misconduct in office.

17 THE COURT: Well, the allegation is that he
18 coerced the victim to perform oral sex on him in lieu
19 of writing her a citation for speeding. I think --
20 based on those allegations, I do think that this jury
21 could find that he was guilty of misconduct in office
22 but not necessarily the criminal sexual conduct in the
23 third degree just based on the language of this
24 indictment.

25 MR. THORNTON: Thank you, Your Honor.

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1 And, Your Honor, I would just for future
2 purposes -- I know Mr. Geier doesn't do a lot of
3 criminal work. You know, the warrants don't mean
4 anything. Once the indictments are done, the warrants
5 -- I mean, that's why they're never even brought up.
6 The State can't introduce them. I can't do anything
7 with them.

8 So he keeps saying they did this and they -- you
9 know, once the indictment is indicted by the grand
10 jury, the warrant is really a worthless piece of
11 paper. It was merely the means by which he was
12 arrested. And I think it's a little misleading to the
13 jury to try to say that, you know, David Williams did
14 this and then he changed this after discussions with
15 me, because that's not the way it works.

16 THE COURT: It's an argument. I understand why
17 you're using it.

18 MR. GEIER: Thank you, Judge.

19 THE COURT: Okay, y'all.

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1 DEFENDANT'S RIGHTS

2 THE COURT: Do you want me to go through your
3 client's rights at this time?

4 MR. GEIER: Sure.

5 THE COURT: I think maybe now is a good time so
6 that when you come back from lunch, you can certainly
7 make a decision.

8 Mr. Fields, if you will please just stand.

9 And, Mylinda, you can go ahead and swear him for
10 me.

11 THE CLERK OF COURT: Would you raise your right
12 hand, please.

13 [Whereupon, Mr. Fields is duly sworn by the
14 clerk of court as follows: do you swear to tell the
15 truth, the whole truth, and nothing but the truth, so
16 help you God]

17 THE WITNESS: I do.

18 THE COURT: Mr. Geier, your client, he doesn't
19 have a criminal record at all, does he?

20 MR. GEIER: No, Your Honor.

21 THE COURT: All right. Mr. Fields, at this time
22 what I am going to do is explain to you certain rights
23 that you have. If anything I say you do not
24 understand, stop me, ask me to repeat it or rephrase
25 it, and I'm happy to do so.

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1 Sir, the State has rested their case. Now it is
2 your opportunity to present your defense. And I want
3 you to know that you have the right to claim the
4 protections that are afforded to you by the fifth
5 amendment to the constitution, which states in part is
6 that no witness in a criminal case is compelled to
7 testify against themselves.

8 But I want you to understand while you do have
9 the right to testify, you also may not testify if you
10 choose to. Most importantly, though, sir, this is a
11 personal right. While I expect you and Mr. Geier to
12 talk about whether or not you should testify and that
13 he should counsel you as your lawyer, you need to
14 understand that this is a personal and individual
15 right that you and only you can either invoke or
16 waive. And I want to make sure you appreciate that,
17 Mr. Fields.

18 I want you to know, also, two things. If you
19 choose not to testify, in my jury charge I'm going to
20 tell this jury that the fact that you didn't testify
21 cannot even be discussed in the jury room, that that
22 would be wholly inappropriate because you're not
23 required to prove your innocence.

24 However, sir, if you do choose to testify, I
25 need you to know and understand that you are subject

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1 to cross-examination, like any other witness in this
2 case, on any issue that I deem relevant to this case.
3 And I want to make sure you understand and appreciate
4 that.

5 Also, it appears that you do not have any crimes
6 in your past, so it's not that we're concerned about
7 you being cross-examined as to those. But certainly
8 if there is any question or issue or relevant fact and
9 I do find that it, in fact, is relevant, and I make
10 that ruling, you're going to need to answer the
11 question. Do you understand that, sir?

12 MR. FIELDS: Yes, ma'am.

13 THE COURT: All right, sir. What we're going to
14 do is this. We've got about another forty-five
15 minutes or so before the lunch hour is over. I am
16 going to give you an opportunity to speak further with
17 your lawyer about whether or not you wish to testify.
18 When we come back from lunch -- and I'm going to ask
19 that you-all come back -- I'm sorry. There's not
20 going to be a whole lot of time -- I'll give you about
21 thirty minutes or so. If you-all would come back at
22 two o'clock. I'm going to again remind you that
23 you're under oath, sir, and I'm going to ask you
24 whether or not you want to testify and whatever your
25 decision is, if you have made that independently with

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1 the knowledge and understanding of your constitutional
2 rights. All right?

3 MR. FIELDS: Yes, ma'am.

4 THE COURT: Very good.

5 All right. Gentlemen, I want to make sure that
6 once we go ahead and put up your case that we are able
7 to very quickly, once we've renewed motions -- if you
8 are putting up a case, renew motions and go forward
9 into the arguments and jury charge.

10 My law clerk has prepared the jury charge. It's
11 pretty straightforward. There's really nothing in
12 this case -- it's very quick. I'm simply charging,
13 you know, criminal sexual conduct in the third degree
14 and misconduct in office. I mean, it's that simple.
15 I'm doing my standard charges as to reasonable doubt
16 where I talk about both sides, the presumption of
17 innocence, criminal intent I always charge.

18 Anything else you can think of, Mr. Geier?

19 MR. GEIER: Your Honor, I've got a copy of --
20 well, a blurb regarding State v. Hamilton. One thing
21 I've noticed in the CSC third, in all the CSC jury
22 charges from Judge Anderson, is that there's nothing
23 about -- let's see here. I'm quoting here. The fact
24 that third degree offense, aggravating circumstances
25 are absent, does not lessen the requirement that

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1 sexual battery be committed without the consent of the
2 victim. It simply refers to the character of the
3 circumstances by which compliance was forced. So,
4 again, there's nothing about consent in these jury
5 charges. And I think that's the law.

6 THE COURT: Okay. Well, go ahead and hand me up
7 a copy --

8 MR. GEIER: And I'll be glad to hand it up.

9 THE COURT: -- of the case. Let me take a look
10 at it.

11 [Whereupon, Mr. Geier proffers documents to the
12 Court]

13 THE COURT: And have you seen it, Mr. Thornton?

14 MR. THORNTON: I have. But I -- I like going by
15 the standard charges. I don't like trying to add
16 language in because, you know, that just leads to
17 problems down the road.

18 THE COURT: All right. Well --

19 MR. THORNTON: And, again, Judge, my argument,
20 frankly, would be that he doesn't get the defense of
21 consent because she's detained, she's under -- and
22 she's in his custody during this time.

23 MR. GEIER: I would argue that's a question of
24 fact, Your Honor.

25 THE COURT: All right. Let me just pull the

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1 whole case and read it and look at it and I'll let you
2 know when we come back from lunch whether or not I'm
3 going to charge it. Okay?

4 MR. THORNTON: Thank you, Your Honor.

5 THE COURT: Anything else, y'all?

6 MR. GEIER: No, Your Honor.

7 MR. THORNTON: No, ma'am, not from the State.

8 THE COURT: Okay. We'll see you back in about a
9 half an hour. Thank you.

10 [Whereupon, a recess is taken from 1:32 p.m. to
11 2:11 p.m.]

12 THE COURT: All right. Let's go back on the
13 record.

14 If you would, Mr. Fields, just stand.

15 [Whereupon, Mr. Fields complies]

16 THE COURT: And I remind you that you are still
17 under oath, sir, as you were before lunch.

18 Sir, did you understand your fifth amendment
19 right that I explained to you before the lunch hour?

20 MR. FIELDS: Yes, I did.

21 THE COURT: And have you had the opportunity to
22 speak with your lawyer about whether or not you should
23 testify?

24 MR. FIELDS: I have.

25 THE COURT: And do you have any questions for me

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1 about what I explained to you?

2 MR. FIELDS: No, I do not.

3 THE COURT: Sir, do you wish to testify in this
4 case?

5 MR. FIELDS: Yes.

6 THE COURT: All right, sir. And you certainly
7 understand that you're going to be subject to
8 examination and cross-examination just like any other
9 witness and according to the rules? Do you understand
10 that, sir?

11 MR. FIELDS: Yes.

12 THE COURT: Very good. Thank you, sir. All
13 right. You may be seated.

14 [Whereupon, the witness complies]

15 THE COURT: I do find that you certainly are
16 freely, voluntarily, and intelligently making this
17 decision, with knowledge of the protections that are
18 afforded to you by the constitution and that you
19 understand the consequences of your decision. So
20 thank you, Mr. Fields. I appreciate it.

21 Is he going to be your first witness or --

22 MR. GEIER: Yes, Your Honor.

23 THE COURT: I don't want you to necessarily show
24 your hands, but I need to know -- I just don't want to
25 make it kind of what I call the pregnant pause of call

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1 your next witness and you say, no, that's all we have.
2 So I just want to make sure that he's your only
3 witness and you quickly say, we rest.

4 MR. GEIER: No, Your Honor. I've got two
5 character witnesses.

6 THE COURT: Very good. Okay. Thank you, sir.

7 - - - - -

8 CHARGE CONFERENCE

9 THE COURT: All right. I have gone through and
10 had the opportunity to read the Hamilton case.

11 [Off the record momentarily]

12 THE COURT: This is what I intend on charging
13 for the criminal sexual conduct in the third degree.
14 The defendant is charged with criminal sexual conduct
15 in the third degree. In order to prove third degree
16 criminal sexual conduct, the State must prove beyond a
17 reasonable doubt that the defendant engaged in a
18 sexual battery with the victim under circumstances
19 where the defendant's [sic] consent was lacking. The
20 sexual battery: sexual intercourse, cunnilingus,
21 fellatio, anal intercourse, on and on, or any object
22 into the genital, anal openings of another person's
23 body except when the entry is accomplished by a
24 medically-recognized treatment or diagnostic -- excuse
25 me -- diagnostic purposes. If you find that sexual

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1 battery did occur, you must then decide whether the
2 State has proven beyond a reasonable doubt that the
3 defendant used force or coercion and against the will
4 of the victim without any aggravating circumstances to
5 accomplish the sexual battery. Using force or
6 coercion means to make the victim follow a prescribed
7 and dictated course, to inflict or impose or to force
8 ones will on someone.

9 And that is kind of a bit of a hybrid between
10 the criminal sexual conduct statute and the Hamilton
11 case. Okay?

12 MR. GEIER: Thank you, Your Honor.

13 THE COURT: All right. Anything further from
14 anyone on that?

15 MR. THORNTON: Your Honor, the only thing I
16 would just say is I would just like my objection noted
17 in the record. I don't think he gets a consent
18 charge, based on the fact that she was in detention at
19 the time. And I just wanted it on -- for record
20 purposes. Thank you, Judge.

21 THE COURT: Okay. I think where you're getting
22 hung up, Mr. Thornton, is on the word consent and in
23 this case your argument is that consent -- she can't
24 give consent because she is in detention. So I can
25 tell you that it is a requirement under the Hamilton

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1 case. I have to charge it --

2 MR. THORNTON: Yes, ma'am.

3 THE COURT: -- as seeing whether or not, under
4 circumstances, where the victim's consent was lacking.
5 I think that's where your argument is: under
6 circumstances.

7 MR. THORNTON: Yes, ma'am.

8 THE COURT: I think that is your whole argument,
9 again, that she cannot consent, she is in detention.
10 Okay? So, again, I quite frankly think that it would
11 be error for me not to charge it.

12 MR. THORNTON: Understood, Judge.

13 THE COURT: Okay? And certainly if you do get a
14 conviction, you want it to stick.

15 So anyway, with that said, is our jury all back?

16 [Off the record momentarily]

17 THE COURT: Mr. Geier, are your two other
18 witnesses here and available and ready to go?

19 MR. GEIER: Yeah. Apparently they're over
20 there, stuck in the back room over there.

21 MR. THORNTON: I think --

22 THE COURT: They're welcome to come in, if they
23 would like.

24 MR. THORNTON: Yes.

25 THE COURT: They don't have to be back there.

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1 MR. THORNTON: There was an issue earlier
2 because court was actually physically shut down and
3 security did not want them in with no other officers
4 in here.

5 But Mr. Geier, if you want them to --

6 THE COURT: Mr. Geier, do you want them in?
7 Bring them on in. Also, Mr. Geier, I want y'all to
8 look at the verdict form. We always, of course, take
9 a break between the rest of the case, but --

10 [Whereupon, Mr. Geier and Mr. Thornton review
11 documents]

12 MR. GEIER: I'm fine with it, Your Honor.

13 THE COURT: You're fine with it? Okay.

14 MR. THORNTON: Fine with the State, Judge.

15 THE COURT: Great.

16 [Off the record momentarily]

17 MR. GEIER: Your Honor, before we begin, I've
18 got a stack of awards that Mr. Fields received in the
19 military and also special law enforcement and the
20 certification board for the nation as a deacon. I'm
21 open to suggestions on how we can mark this. I mean,
22 I would prefer to mark it as a bundle so she doesn't
23 have to go through and, you know -- I'm, we're talking
24 about like thirty pages or so.

25 MR. THORNTON: Whatever is easiest for y'all.

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1 That's Mr. Geier's exhibits. He can do anything he
2 wants --

3 THE COURT: That is fine. As long as you staple
4 it and make it all one Court's Exhibit, that's
5 perfectly fine by me. Okay?

6 [Off the record momentarily]

7 [Whereupon, Defendant's Exhibit Number 6 is
8 marked by the court reporter]

9 [Off the record momentarily]

10 THE COURT: Let's bring the jury on in.

11 Is the State ready and the defense ready?

12 MR. THORNTON: The State is ready.

13 MR. GEIER: Defense is ready.

14 THE COURT: Very good. Thank you.

15 [Whereupon, the jury enters the courtroom at
16 2:30 p.m.]

17 THE COURT: You're Mr. Braddock; is that
18 correct?

19 MR. BRADDOCK: [Indicates affirmatively]

20 THE COURT: Mr. Braddock, I'm going to go ahead
21 and appoint you as the foreperson in this jury.

22 Sir, as far as -- the foreperson doesn't have
23 any more say than anyone else. You're simply the
24 person that when the case is sent to you for
25 deliberations, you make sure everybody gets to talking

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1 and you get the ball rolling. All right, sir?
2 Additionally, you are going to fill out the verdict
3 form for me, at the end, and sign it. All right, sir?
4 But I appreciate your willingness to take that place.

5 At this time, ladies and gentlemen, we are going
6 to go ahead and continue with the trial of this case.

7 Mr. Geier, if you will call your first witness,
8 sir.

9 MR. GEIER: Thank you, Your Honor. The
10 defendant calls Curtis Fields.

11 THE COURT: Come on forward, Mr. Fields, and be
12 sworn.

13 [Whereupon, Mr. Fields comes forward]

14 THE CLERK OF COURT: Place your left hand on the
15 Bible and raise your right hand.

16 [Whereupon, Mr. Fields is duly sworn by the
17 clerk of court as follows: do you swear to tell the
18 truth, the whole truth, and nothing but the truth, so
19 help you God]

20 THE WITNESS: I do.

21 [Whereupon, Mr. Williams takes the witness
22 stand]

23 THE COURT: Thank you.

24 MR. GEIER: Good afternoon, Curtis.

25 MR. FIELDS: Good afternoon.

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1 MR. GEIER: How are you doing?

2 MR. FIELDS: I've had better days.

3 MR. GEIER: I imagine. I imagine. Let's cut
4 right to the chase.

5 - - - - -

6 CURTIS FIELDS,

7 Having Been First Duly Sworn,
8 was Examined and Testified as Follows:

9 DIRECT EXAMINATION

10 BY MR. GEIER:

11 Q. In your mind, did you rape Michael Sheen?

12 A. No, I did not rape her.

13 Q. All right. And you're sure about that?

14 A. Yes.

15 Q. All right. Let's talk a little bit about your
16 background. Where did you grow up?

17 A. I grew up in different parts of North and South
18 Carolina. Graduated from Myrtle Beach High School.

19 Q. After high school, where did you go?

20 A. I went straight into the army.

21 Q. And how long did you serve in the army?

22 A. Five years.

23 Q. What did you do there?

24 A. I was a 19 Delta Calvary scout, assigned to Fort
25 Bragg, North Carolina. And I reenlisted as an MP.

MIA PERRON, CVR-CM-M

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1 Q. Where all did you serve?

2 A. After Fort Bragg, I was assigned to Wiesbaden,
3 Germany, and that was my main duty station.

4 Q. And did you ever deploy?

5 A. Yes, sir.

6 Q. Where?

7 A. Well, while assigned to the 82nd Airborne
8 Division, I had multiple deployments with different shows
9 of force, and stuff like that, through the military. I
10 also was deployed to Iraq while I was in Germany.

11 Q. All right. How long were you in Iraq?

12 A. Approximately nine months.

13 Q. And what was the time frame of this?

14 A. In '91.

15 Q. And so you're a combat veteran; is that correct?

16 A. Yes, sir.

17 Q. All right. After you left the military, what
18 did you end up doing?

19 A. Immediately after the military, I had several
20 jobs. Coming from Germany I didn't have a job so I took
21 several jobs. I started working on golf courses and
22 security type jobs. I finally ended up in Georgia
23 installing cable for a contractor for a cable division of
24 Savannah, and eventually went to work for the department
25 of corrections.

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1 Q. All right. When did you start working for the
2 department of corrections?

3 A. In 1997.

4 Q. And where was that at?

5 A. In Ridgeland, South Carolina.

6 Q. And what did you do there with the department of
7 corrections?

8 A. I was a correction officer.

9 Q. So a guard?

10 A. Yes, sir.

11 Q. All right. How long did you serve as a guard?

12 A. I served for a guard for -- I was at Ridgeland
13 for approximately six years.

14 Q. And what did you do after working as a guard
15 there?

16 A. I got assigned to the K-9 unit headquarters, out
17 of Columbia, as a K-9 handler agent.

18 Q. And what did your duties entail with that?

19 A. I searched prisons using my K-9 to find
20 narcotics and also visitors on visitation.

21 Q. And so all told, how long did you work for the
22 department of corrections?

23 A. Eleven years.

24 Q. All right. After you left that job, what did
25 you end up doing?

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1 A. I left the department of corrections and went to
2 work for the Yemassee Police Department.

3 Q. How long did you work for Yemassee?

4 A. ... A little over two years.

5 Q. And did you end up resigning from that position?

6 A. I did.

7 Q. And when was that?

8 A. That was on about the -- November the 7th,
9 approximately.

10 Q. I see.

11 A. I don't remember the exact date.

12 Q. You weren't fired from that job? You resigned?

13 A. I did resign.

14 Q. Beyond just -- strike that.

15 Since you resigned, what have you been doing?

16 A. I currently work for a machine company out of
17 Brunson as a machinist.

18 Q. And how long have you been working there?

19 A. Since January of last year.

20 Q. I see. I see.

21 Other than work history, are you involved in any
22 clubs or churches or anything like that?

23 A. I'm a member of Sandy Run Baptist Church and a
24 member of Christian Motorcycle Association.

25 Q. How long have you been a member of that church?

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1 A. Since approximately 2002.

2 Q. And do you hold any positions there?

3 A. I was elected deacon in 2009.

4 Q. How long did you serve as a deacon?

5 A. A little over two years, till I resigned.

6 Q. What did you do as a deacon?

7 A. As a deacon I met -- well, I had a list of
8 families that I would meet with and help them if they had
9 any needs or anything that they couldn't get to -- help
10 with or have prayer with them or be with them if they had
11 a death in the family. Also served in the church doing --
12 you know, making -- helping make decisions and matters of
13 the church with the deacon body.

14 Q. And moving backwards, while you were serving in
15 the military, did you receive any awards?

16 A. Yes, I did.

17 Q. What about when you were working for the
18 department of corrections? Did you receive any rewards
19 there?

20 A. Yes, I did.

21 Q. Curtis, at this time I want to hand you what's
22 been marked as Defendant's Exhibit Number 6 for
23 identification. There's a number of pages, so take a
24 moment to go through them.

25 [Whereupon, the witness reviews documents]

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1 A. Yes, sir.

2 Q. [Mr. Geier] What is it that I handed to you?

3 A. Photo copies of the awards and achievement,
4 metals and -- from the army and from the department of
5 corrections.

6 Q. And are those the ones you received that you
7 were talking about before?

8 A. Yes.

9 Q. Are those true and accurate copies of the awards
10 you did receive?

11 A. Yes, sir.

12 Q. All right. And what's on the last page of that?

13 A. A certificate of coordination from Sandy Run
14 Baptist Church.

15 Q. I see.

16 MR. GEIER: At this time I would move to put
17 Defendant's Exhibit Number 6 into evidence.

18 THE COURT: Without objection?

19 MR. THORNTON: Without objection, Your Honor.

20 THE COURT: It's in evidence without objection.

21 [Whereupon, Defendant's Exhibit Number 6 is
22 admitted into evidence by the Court]

23 Q. [Mr. Geier] All right. Let's talk about the
24 day. Do you recall November 5th, 2011?

25 A. Yes, sir.

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1 Q. What did you end up doing that day? In the
2 morning.

3 A. I was assigned to the night shift, evening
4 shift, so in the morning I was probably sleeping and
5 preparing for my evening shift.

6 Q. All right. And when you got up, what did you
7 end up doing that day, if you recall?

8 A. Before work?

9 Q. Sure.

10 A. Probably getting ready for work and eating
11 supper.

12 Q. Once you got to work, what did you do?

13 A. I assumed my duties as a patrolman in Yemassee.

14 Q. All right. Before we go into exactly what
15 happened that day, what were your typical duties as an
16 officer in Yemassee?

17 A. Patrolling the town of Yemassee, the streets
18 and, you know, being seen in town, answering calls, any
19 kind of -- whatever calls may come up, and traffic duties.

20 Q. I see.

21 Where all would you run radar?

22 A. Anywhere in town. Mostly radar is run on the
23 main roads such as Highway 68, I-95, 17.

24 Q. And so that evening of the 5th, you were running
25 radar?

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1 A. Yes, I was.

2 Q. All right. Where were you running radar?

3 A. I was on I-95 at approximately 37-and-a-half
4 mile -- between 37 and 38, just south of 38 exit.

5 Q. About how far up, if you were to guess?

6 A. Approximately half a mile -- quarter to a half
7 mile south of the exit.

8 Q. All right. And did you make any stops that day?

9 A. Yes, sir.

10 Q. Roughly how many?

11 A. Probably four, maybe five. I'm not sure.

12 Q. And do you recall pulling over Michael Sheen?

13 A. I do.

14 Q. When did you first see Miss Sheen?

15 A. I first observed the vehicle driving northbound
16 at approximately 37 mile marker, what appeared to be a
17 high rate of speed. And that's when I was able to
18 activate my radar unit and measure her speed, using the
19 radar unit, at 101 mile an hour.

20 Q. What did you do next?

21 A. As she went by, I turned on my emergency
22 equipment blue lights and attempted to initiate a traffic
23 stop.

24 Q. All right. So whereabouts did you -- do you
25 remember where you were when you actually pulled her over?

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1 A. Yes, sir. By the time I got up to speed and
2 was able to catch up to her, it was somewhere between the
3 38-and-a-half to the 39 mile marker, in that area, is
4 where the traffic stop was conducted.

5 Q. All right. This is the schematic that we had
6 been using earlier in this trial. Are you familiar with
7 that area?

8 A. Yes, sir.

9 Q. What does it depict?

10 A. I'm sorry?

11 Q. What does it show?

12 A. It shows the town -- part of the town of
13 Yemassee and Interstate 95.

14 Q. All right. And so looking at this map, can you
15 see on there where you actually stopped her?

16 A. No, sir.

17 Q. All right. And you said she was traveling
18 northbound?

19 A. Yes, sir.

20 Q. All right. By the time you caught up with her
21 and actually pulled her over, can you show us on the map
22 right about where you pulled her over?

23 A. Yes, sir. It was just north of Salkehatchie
24 Road, almost in that area. Almost underneath Salkehatchie
25 Road. Just north of it.

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1 Q. Okay. And after you pulled her over, what
2 happened next?

3 A. I approached her vehicle on the passenger side.
4 That was the way we approach vehicles on the interstate,
5 stay out of the traffic. I asked her for her license and
6 her vehicle registration and she handed it to me and I
7 asked her to step out to the rear of the vehicle.

8 Q. Why did you do that?

9 A. Because she was traveling at such a high rate of
10 speed. Pulled her out so I could talk to her further
11 about why she was going so fast.

12 Q. And what did she say?

13 A. At that point she stepped to the rear of the
14 vehicle and I asked her if she had any weapons or anything
15 on her. She stated no. Then I had her turn around and
16 lift her jacket up so I could see that she had nothing in
17 her waistband.

18 Q. Is that standard?

19 A. Yes, sir.

20 Q. And when you asked her -- going back a little
21 bit -- why she was going so fast, did she respond to that?

22 A. She said she was going to Charleston to hang out
23 with some friends.

24 Q. After you checked for weapons, what did you do
25 next?

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1 A. I asked her to sit into the -- my patrol vehicle
2 on the passenger side on the front seat and then I got
3 into the driver's side on the front seat.

4 Q. All right. And why did you do that?

5 A. So I could talk to her. The noise from the
6 interstate was loud. When you're standing outside, it's
7 hard to talk and hear.

8 Q. Do you pull out every person who's speeding and
9 make them get into your patrol vehicle?

10 A. No, sir.

11 Q. Why did you do that with Miss Sheen?

12 A. Like I said, because of the high rate of speed
13 she was traveling. And some -- it's usually customary
14 to -- with that high rate of speed, to take the person to
15 jail.

16 Q. I see.

17 And you said customary. Is that customary
18 across America?

19 A. No. That's pretty much in Yemassee.

20 Since I've been in Yemassee working with the
21 other officers, that's what I've always been told there,
22 that if they're traveling at a high rate of speed the bond
23 is so high that they would normally go to jail, especially
24 if they're out of state or have ties out of state that --
25 such as tags on the vehicle out of state or an out of

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1 state driver's license.

2 Q. I see. You have her in the front seat of your
3 vehicle. What occurs next?

4 A. At that time I asked her the standard questions
5 that I ask most anybody: I pulled her out of the vehicle
6 and said is there any drugs or alcohol in the vehicle, any
7 weapons or anything in the vehicle. She stated there was
8 not. And I asked for consent to search, which she gave
9 me.

10 Q. So she gave you consent to search?

11 A. Search the vehicle, yes, sir.

12 Q. Was she under arrest?

13 A. No, sir.

14 Q. She wasn't in handcuffs?

15 A. No, sir.

16 Q. When you have somebody in that circumstance when
17 you've got a vehicle pulled over, do you usually ask for
18 consent to search?

19 A. Yes, sir. If I pull them out of the vehicle,
20 usually I will search it, especially if I think they may
21 be going to jail.

22 Q. I see. All right. So what happened after that?

23 A. At that time I got her to exit the vehicle and I
24 went and searched the driver's area and the front
25 passenger seat of her vehicle.

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1 Q. Did you find anything?

2 A. No. No, sir.

3 Q. What happened then?

4 A. I returned to my vehicle and explained to her I
5 was going to write her a ticket for speeding and that she
6 could possibly go to jail for that.

7 Q. Had you made a decision at that point whether or
8 not you were going to take her to jail?

9 A. No, sir.

10 Q. Why not? If she was going over a hundred miles
11 an hour, why wasn't it just automatic?

12 A. It's just not automatic just for speeding. I
13 take into a lot of elements, you know, and a lot of
14 considerations when I'm doing that. Traffic, for
15 instance. If it's heavy traffic and they're going that
16 fast, they're -- more than likely they're going to jail.

17 Q. I see. Curtis, I'm going to hand you what's
18 already been marked as Defendant's Exhibit Number 1.

19 A. Yes, sir.

20 Q. Take a look at that.

21 [Whereupon, the witness reviews documents]

22 A. Yes, sir.

23 Q. [Mr. Geier] All right. I believe that's
24 already been identified for the record, but can you just
25 tell us what that is?

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1 A. It is a uniform traffic ticket, state of South
2 Carolina.

3 Q. And written to whom?

4 A. Michael Jasmine Sheen.

5 Q. Is that the ticket that you were writing that
6 night?

7 A. It is.

8 Q. All right. How fast did you note that she was
9 going on that?

10 A. The original speed on it is hard to see. It
11 looks like I had ninety-eight, maybe. It's really hard to
12 see.

13 Q. All right. If you clocked her going 101, why
14 did you drop it down to ninety-eight?

15 A. In order to avoid having an over a hundred-mile-
16 an-hour ticket where it would possible take her to jail, I
17 put -- dropped it to ninety-eight miles an hour where she
18 wouldn't have to go to jail --

19 Q. I see.

20 A. -- and there wouldn't be any other questions
21 about why I didn't take her to jail.

22 Q. All right. Now, also, before I move on: is
23 there a location of the offense on that ticket?

24 A. Yes, sir. Of the offense? Yes, sir.

25 Q. All right. Tell us what that was.

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1 A. The location of the offense is I-95 North, mile
2 marker thirty-seven, which is where I identified her speed
3 by radar.

4 Q. I see. So that's not where you pulled her over?

5 A. No.

6 Q. All right. So you said that you were writing
7 the ticket, she was sitting in the car next to you. What
8 happened after that?

9 A. Well, as I was writing the ticket and I informed
10 her she could go to jail for traveling that great a speed,
11 she began to cry. And I -- and at that time I asked her
12 if she had been arrested before and she did say, yeah, she
13 had been arrested and that she was currently on PTI. She
14 said, this is going to mess my PTI up.

15 Q. And what did you say about that?

16 A. I said, I don't know, going to jail probably
17 would. And that's when I told her I was going to reduce
18 the ticket to a less than a hundred mile an hour so she
19 didn't have to go to jail.

20 Q. All right. And what happened next?

21 A. Next is she basically stopped crying. And I was
22 writing the ticket out and she stated to me that she would
23 do anything to get out of the ticket.

24 Q. All right. So you were -- let me be clear. You
25 were in the process of writing that ticket?

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1 A. Yes, sir.

2 Q. And she turned to you and said?

3 A. Well, she was sitting looking pretty much
4 straight forward. I was writing the ticket, looking down
5 at the ticket, and I heard her say, I would do anything to
6 get out of the ticket. And I turned and looked to her and
7 that's when she kind of looked over to me and I asked her
8 what do you mean anything and she said anything.

9 Q. How did you respond to that?

10 A. A little bit shocked at first. I said anything,
11 and she said yes.

12 Q. And what did you say next?

13 A. I asked her if she wanted to follow me to a
14 place secluded off the road.

15 Q. And what did she say?

16 A. She stated to me, you mean you're going to make
17 me. And I said, no, I'm not going to make you do
18 anything. And I said, only if you want to. And she said,
19 yes, I want to.

20 Q. All right. What did she say next?

21 A. At that point she said she needed to text her
22 friends that she was not coming to Charleston. And she
23 went -- I told her that's fine. She went to her vehicle,
24 got her phone, come back to the passenger side of my
25 vehicle and texted whoever she was going to text. She

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1 sent a text out. And I asked her to leave her phone right
2 there on the seat of the car, on the back seat, which she
3 did. And she went back and got in her vehicle.

4 Q. All right. Why did you tell her to leave your
5 phone --, or her phone with you?

6 A. I guess I just didn't want her to call anybody
7 or try to record it.

8 Q. But at that time, it was your understanding that
9 not only was she okay with it, but she suggested --

10 A. Yes.

11 Q. -- that this happen in order for her to get out
12 of this ticket?

13 A. Yes.

14 Q. All right. So after she gives you the phone,
15 what happens next?

16 A. She got back in her vehicle. I pulled out onto
17 the interstate and she pulled in behind me. We drove down
18 to the turnaround, N-95 -- or 95, where I had pulled off
19 the road on the -- in the middle of the road. I pulled
20 off into the median and waited for her to catch back up
21 before I turned into the woods.

22 Q. All right. And she followed you in there?

23 A. Yes, sir.

24 Q. All right. Whereabouts did you turn off the
25 road?

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1 A. It was approximately the 41 mile marker. And
2 exit 42 is just past where we turned off at. And you can
3 see the exit sign for exit 42 where we began to exit off
4 from where we was at. So about 41-and-a-half or 41,
5 41-and-a-half.

6 Q. Okay. Using the map, can you point out to the
7 jury about where you-all pulled out?

8 A. Well, again, it's real hard to tell, but it
9 would probably be in -- it would probably be right in this
10 area right in here.

11 Q. And that's Hampton -- or Colleton County, is it
12 not?

13 A. Yes, sir, I believe so.

14 Q. When you -- and just as sort of an aside,
15 eventually you gave a statement to Agent Williams, did you
16 not?

17 A. I did.

18 Q. And during that statement you told him that
19 where you turned out was just about a half a mile before
20 exit 42, didn't you?

21 A. I did.

22 Q. Okay. So you guys pull into this secluded spot.
23 And hold on real quick, one more question.

24 From where you pulled her at -- her over at you
25 said was right about just under -- just past Salkehatchie

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1 Road. Between there and the county line, which I believe
2 to be this river --

3 Is that correct?

4 A. I believe so.

5 Q. -- are there any secluded turn-outs in the
6 median?

7 A. No, sir, not that I'm aware of.

8 Q. Are there any just regular turn-outs?

9 A. Yes, sir.

10 Q. How many?

11 A. There is two normal turnaround points that we
12 would use. That's the only ones I'm familiar with.

13 Q. And where at? Can you show us on the map?

14 A. Well, one actually is at the Salkehatchie Road.
15 It actually is underneath the bridge. And the other one
16 is just before you get to the woods right here in this
17 open area.

18 Q. I see. So that line that runs from sort of the
19 top to the bottom?

20 A. Yes, sir. That line is like a dirt path where
21 we usually turn around at and park sometimes to run radar.

22 Q. All right. So it's your testimony that there is
23 no secluded spot between that cut-through right there that
24 we see -- yeah, it looks like a power line or something
25 like that -- and the Combahee River?

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1 A. Actually, where the power lines is, there's not
2 a turn-around point there.

3 Q. I see.

4 A. There's a steel barrier there. It's actually
5 just past that, right before the wood line.

6 Q. I see. All right. And but there's nothing --
7 there's no secluded spots the rest of the way -- or,
8 actually, from exit 38 to the county line, are you aware
9 of any secluded turn-outs?

10 A. No, sir.

11 Q. How often do you work that stretch of road?

12 A. Pretty much every day I work.

13 Q. And you said you worked there for about three
14 years?

15 A. A little over two years. Yes, sir.

16 Q. All right. So when you get out of the car there
17 at the cut-through, what happens?

18 A. I exited my vehicle and she pulled in behind me.
19 And I asked her to turn her headlights off. She stepped
20 out of the vehicle and I gave her her phone back. And,
21 well, I placed it -- handed it to her in her car and she
22 laid it down in there, I believe, and then she got out of
23 her vehicle.

24 Q. What happened then?

25 A. She performed oral sex on me.

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1 Q. Now, leading up to that, how many times did you
2 ask her if she was sure about all this?

3 A. I think maybe three times. I know two.

4 Q. And did she ever say, I don't know, I don't
5 think so?

6 A. No, sir.

7 Q. What did she say?

8 A. She said yes.

9 Q. After it was over, what happened then?

10 A. After it was over, I asked her if she was going
11 on to Charleston. She said, no, she was going to go back
12 to I think she said Bluffton or Beaufort and she was going
13 to go back south. I explained to her how to get back on
14 the interstate, because as you get on there, there's a big
15 hole that you could drop off into, so I explained to her
16 to watch out for that. And she followed me out. I pulled
17 out first and she followed me out. When I pulled out, I
18 did pull off on the right-hand side of 95 South waiting
19 for her to make sure she didn't fall in that hole. And
20 then she pulled out.

21 Q. All right. And did you follow her?

22 A. We were going back to Yemassee. So, yes, I was
23 behind her approximately -- well, it was right before
24 exit 38 I was able to go on around her. I went around her
25 and I exited off at exit 38.

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1 Q. About how many miles is that from the place
2 where you turned back onto 95 South until you pulled off
3 at exit 38?

4 A. Approximately mile marker 41. So approximately
5 three miles, four.

6 Q. Now, did you have anymore stops the rest of that
7 night?

8 A. No, sir.

9 Q. How late did you work till?

10 A. I worked till six o'clock the next morning.

11 Q. After you got off shift, you went to bed?

12 A. Yes, sir.

13 Q. When did you next go back into work?

14 A. It was approximately five o'clock in the
15 evening. About 3:30, four o'clock I got a phone call from
16 Chief Haggey that he needed to talk to me before I started
17 shift and asked if I could come down about five o'clock.

18 Q. And did you do that?

19 A. Yes, I did.

20 Q. And when you were sitting there, did he ask you
21 about all this?

22 A. He told me that he had a complaint on me, you
23 know, we needed to talk about.

24 Q. And, again, did you talk to him freely and
25 voluntarily?

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1 A. Yes.

2 Q. And did he review your rights?

3 A. Eventually, yes.

4 Q. Now, let's talk about the video getting deleted.

5 And, also, Agent Williams testified about that. Did you
6 go out and delete that video?

7 A. Yes, I did.

8 Q. Why did you do that?

9 A. I had just committed adultery on my wife and I
10 didn't want nobody to find out.

11 Q. And so by the same token, you didn't go out and
12 report yourself to anybody?

13 A. No, sir.

14 Q. I see. Do you recall meeting with Agent
15 Williams in this case?

16 A. Yes, sir.

17 Q. How did that come about? Without talking about
18 what you and I talked about.

19 A. I was informed by Chief Haggey that SLED had
20 been called in. And it was probably a day or so and Agent
21 Williams contacted me and told me he wanted to talk with
22 me about the incident.

23 Q. And did you go talk with him?

24 A. Yes. I told him -- asked him to contact you,
25 which we made arrangement for a meeting, for that meeting.

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1 Q. Now, one thing. When we talked about your
2 background, one thing I didn't mention was your family.
3 Are you married?

4 A. Yes, sir.

5 Q. And how long have you been married?

6 A. Nine years.

7 Q. And what's your wife's name?

8 A. Angela.

9 Q. Angela? Is she here today?

10 A. Yes, sir.

11 Q. Is she back over there [indicates]?

12 A. Yes, sir.

13 Q. And do you have any children?

14 A. Yes, sir.

15 Q. How many children do you have?

16 A. We have five together, altogether.

17 Q. Okay. And how many are yours -- actually your
18 natural-born children?

19 A. I have four.

20 Q. And since this all happened, how has your family
21 been taking it?

22 A. It's not been real good. My wife is having a
23 hard time. And it's hard to look at my family.

24 MR. GEIER: I have no further questions. Thank
25 you. Please answer any questions that --

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1 THE COURT: Mr. Thornton?

2 MR. GEIER: -- Mr. Thornton has.

3 CROSS-EXAMINATION

4 BY MR. THORNTON:

5 Q. So you're an adulterer; right?

6 A. Yes, sir.

7 Q. All right. So let's just get that out of the
8 way now. Do you consider adultery to be dishonest?

9 A. Yes, sir.

10 Q. So at least some of the time we know you're
11 dishonest; right?

12 A. Yes, sir.

13 Q. So let me ask you something. You testified you
14 were married. You didn't use protection in this case, did
15 you? When I say protection, I don't mean the gun you were
16 wearing, I mean did you use a condom.

17 A. No, sir.

18 Q. So you had no problem subjecting your wife that
19 you wanted the jury to look at -- I noticed your lawyer
20 pointed her out for you. You didn't have any problem
21 possibly risking a sexually-transmitted disease to your
22 wife or your family, did you?

23 A. I wasn't thinking about that.

24 Q. But you're just a good fellow; right? You're
25 innocent in all this? You didn't do anything wrong. Is

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1 that right?

2 MR. GEIER: Objection, Your Honor.
3 Argumentative and it misstates the evidence as
4 presented.

5 THE COURT: Overruled. You can ask him.

6 MR. THORNTON: Thank you, Your Honor. I believe
7 credibility and character has been made an issue in
8 this case.

9 Q. [Mr. Thornton] Let me talk to you about all
10 these awards that you got. Do you have any awards here --
11 I see Department of the Army. Do you have any awards here
12 for having sex with somebody young enough to be your
13 daughter while you're still married? Any of those awards
14 in there?

15 A. Obviously not. No, sir.

16 Q. Yeah. Obviously not.

17 Let me ask you something. You said you were
18 82nd Airborne; is that correct? Were you attached to
19 them?

20 A. I was assigned to the 82nd.

21 Q. You receive combat training in the military,
22 don't you?

23 A. Yes, sir.

24 Q. You receive hand-to-hand combat training, don't
25 you?

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1 A. Yes, sir.

2 Q. You receive weapons training in the military,
3 don't you?

4 A. Yes, sir.

5 Q. Mr. Fields, about how much did you weigh at the
6 time?

7 A. At the time of my military?

8 Q. No, sir. The time when you had sex with an
9 eighteen-year-old.

10 A. About the same time I -- about the same weight I
11 am now. About two twenty-five, two thirty.

12 Q. All right. How old are your children?

13 A. The oldest is twenty-two, the youngest is six.

14 Q. And is the oldest a young boy or a girl?

15 A. Boy.

16 Q. So you basically had sexual intercourse on the
17 side of the road at 9:30 at night with somebody younger
18 than your oldest child; is that right?

19 A. Yes.

20 Q. Now, as a Yemassee police officer, are you
21 armed?

22 A. Yes, sir.

23 Q. And what are you armed with?

24 A. Our standard issue sidearm is a Glock 40.

25 Q. All right. Now, were you armed that night?

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1 A. Yes, sir.

2 Q. Mr. Fields, you're fairly familiar with the law
3 of South Carolina, are you not?

4 A. Yes, sir.

5 Q. You heard Agent Williams testify. Do you
6 disagree with what he said about the law of South
7 Carolina, about once you blue-light somebody if they stop
8 or not? Or did he testify to that truthfully?

9 A. Yes, sir. Continuing driving.

10 Q. If you -- once you -- did you blue-light this
11 young lady, Miss Sheen?

12 A. Yes.

13 Q. If she didn't stop, could you have charged her
14 with a felony?

15 A. Yes.

16 Q. If she left before you let her go, could you
17 have charged her with failure to stop for a blue light?

18 A. I'm not real sure what the charge would be if
19 they leave the scene.

20 Q. Would it have been a charge?

21 A. I'm sure there would be.

22 Q. Now, you know, I noticed Mr. Geier asked you a
23 very interesting question. He said did you rape her and
24 you said no. Did you commit misconduct in office?

25 Because you're charged with two charges. I know we keep

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1 forgetting that. But did you commit misconduct in office?

2 Are you ready to go ahead and admit that?

3 A. What I did definitely was wrong.

4 Q. All right. Well, let's take it one part at a
5 time. I'm going to hand you -- I want you to look at this
6 and tell me if you recognize that document. I'm not going
7 to introduce it into evidence. I just want to see if you
8 know what it is.

9 A. Yes, sir.

10 Q. What is it?

11 A. It's the oath of a Yemassee police officer.

12 Q. Do you remember taking that oath?

13 A. Yes, sir.

14 Q. Can you tell this jury what that oath says?

15 A. You want me to read it?

16 Q. Yes, sir. Unless you can recite it. You
17 apparently couldn't remember it that night, so let's give
18 it a shot in here.

19 A. [Reading] I do solemnly swear --

20 MR. GEIER: Your Honor, I object real quick. I
21 would like to see that before it's on the stand.

22 [Whereupon, Mr. Thornton proffers documents to
23 Mr. Geier]

24 A. This says: [reading] I do solemnly swear or
25 affirm that I am duly qualified, according to the

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1 constitution of this state, to exercise the duties of the
2 office to which I have been appointed and that I will to
3 the best of my ability discharge these duties thereof and
4 preserve, protect, and defend the constitution of the
5 State and the United States, so help me God.

6 Q. [Mr. Thornton] Did you take that oath?

7 A. I did.

8 Q. And as a police officer, you have a great deal
9 of power, do you not?

10 A. Some, yes, sir.

11 Q. Well, let me ask it another way. As a private
12 citizen, can I blue-light people and pull them over?

13 A. No, sir.

14 Q. Can you as a police officer?

15 A. Yes, sir.

16 Q. Do you carry a gun?

17 A. Yes, sir.

18 Q. Are you licensed to use that weapon to enforce
19 the laws of South Carolina?

20 A. Only in deadly-force manners. Yes, sir.

21 Q. All right. So would you -- now, let me re-ask
22 that question again. Do you agree that police officers
23 have a great deal of power that normal citizens don't
24 have?

25 A. Some. Yes, sir.

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1 Q. All right. And as an officer, you've got to
2 take that oath because you're a public official; right?

3 A. Yes, sir.

4 Q. All right. So you took an oath that said -- and
5 you read it -- that said you would preserve, protect, and
6 defend; correct?

7 A. Yes, sir.

8 Q. That you would enforce the laws of the state of
9 South Carolina and uphold and protect the constitution of
10 this state and of the United States; is that right?

11 A. Yes, sir.

12 Q. You tell me what part of the constitution does
13 it say it's okay for you to trade sex for tickets? Don't
14 worry. I'll wait.

15 A. There's no part of it.

16 Q. That's right, because you weren't upholding your
17 job that night, were you?

18 A. Not in that manner, no, sir.

19 Q. All right. Not in any manner.

20 Where in the Yemassee Police Department handbook
21 does it say it's okay to lose a ticket or void a ticket or
22 reduce the ticket because the girl wants to have sex with
23 you? Can you point that out to me in your policy manual?

24 A. No, sir.

25 Q. All right. So will you now agree that you have

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1 committed misconduct in office? You didn't do what you
2 were supposed to do; is that right?

3 A. Yeah. I did what was wrong.

4 Q. All right. Well, I'm glad we could at least get
5 you to admit that having sex with an eighteen-year-old on
6 the side of the road in exchange for tickets is wrong.
7 I'm sure that really confused the jury.

8 You said that -- the bottom thing here, that
9 Mr. Geier pointed out, says you are ordained, ordained as
10 a deacon. Let me ask you something. When you got home
11 that morning --

12 You said at six o'clock; is that right?

13 A. Yes, sir.

14 Q. -- did you call your preacher up and tell him
15 what you had done?

16 A. No, sir.

17 Q. Ask for forgiveness?

18 A. Not from my preacher, no, sir.

19 Q. Did you talk to your wife about it at 6:00 a.m.
20 in the morning?

21 A. No, sir.

22 Q. You didn't talk to anybody about it until you
23 got caught, didn't you?

24 A. That's right.

25 Q. Now, one of the things that's been asked about

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1 you is do you think you raped this girl. Rape is not --
2 since you've been asked that question. Rape just isn't
3 about physical force, is it? And when I say rape, let me
4 rephrase that. Criminal sexual conduct doesn't have to be
5 force, does it?

6 A. I really don't -- it's always -- in my mind,
7 there's always been some kind of force.

8 Q. Okay. Well, let me ask you this. Were you a
9 corrections officer?

10 A. I was.

11 Q. Is it okay for you to have sex with an inmate?

12 A. No.

13 Q. What if an inmate says, yeah, sure, partner,
14 it's fine?

15 A. No, sir, you're not supposed to.

16 Q. Right. You're not supposed to because it's a
17 crime, isn't it?

18 A. Yes, sir.

19 Q. Even if you don't use force it's a crime, isn't
20 it?

21 A. Yes, sir.

22 Q. All right. So when I asked you a minute ago you
23 said, yeah, in my mind force has to be used. Force
24 doesn't have to be used in every case, does it?

25 A. [No response]

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1 Q. Mr. Fields, you testified one way. You said it
2 always had to be force. And just a second ago you said
3 you didn't have to have force. Which is it?

4 A. I said some type of force had to be used.

5 Q. All right. Is one type of force you're talking
6 about coercion?

7 A. Yes, sir.

8 Q. All right. Like, for instance, if you threaten
9 to take somebody to jail, would you think that was
10 coercive?

11 A. Yes, sir, that would be coercive.

12 Q. Now, earlier you testified that you didn't think
13 she was in custody. Could she leave? Could Miss Sheen
14 leave when you had her pulled over on the side of the road
15 before you let her go?

16 A. Once we got into the car, she could have left.

17 Q. Really?

18 A. Yes, sir.

19 Q. Had you given her her ticket yet?

20 A. No, sir.

21 Q. So she would have left without you giving her a
22 ticket? You let people leave the scene of a traffic stop
23 before you give them their ticket?

24 A. No. I told her I wasn't going to give her a
25 ticket.

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1 Q. Out of the goodness of your heart? Or after
2 sex?

3 A. Of course we had reached that agreement, yes,
4 sir.

5 Q. All right. And let me ask you something about
6 that. There's been a lot of talk from your attorney
7 about, you know, where exactly this occurred. Any
8 question in your mind that you seized her? And when I say
9 seized, that you pulled her over in Hampton County?

10 A. No, sir.

11 Q. Any question that the decision was made -- that
12 this jury is going to have to determine what your
13 intentions were and whether you're just an innocent victim
14 in this case -- that that happened in Hampton County?

15 A. You confused me with the question there.

16 Q. I'm sorry.

17 When you agreed -- had your agreement that you
18 talked about -- you testified you had an agreement.

19 A. Yes, sir.

20 Q. Okay. And Miss Sheen says, of course, that you
21 threatened her with jail. And it will be up to the jury
22 as to who they believe. But in your mind, when you
23 reached your agreement, for lack of a better word, where
24 were you?

25 A. We were in Hampton County when she was --

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1 Q. So there's no question that this offense -- if
2 the jury finds that this offense all -- it all occurred in
3 Hampton County and started there; is that right? And it
4 continued on -- even if what you say is true, continued on
5 a mile over the county line, no question it all started in
6 Hampton; right?

7 A. Correct.

8 Q. Okay. So the jury -- even you will admit the
9 jury shouldn't just turn you loose because you at some
10 point decided to cross the county line if, in fact, you
11 did; right?

12 MR. GEIER: Objection, Your Honor.
13 Argumentative.

14 THE COURT: Go ahead. You can ask it.

15 Q. [Mr. Thornton] Go ahead and answer it.

16 A. Ask me one more time, please.

17 Q. Do you think that this offense started -- if the
18 jury finds this was an offense. I understand you think
19 you did -- everything you did was okay -- that it started
20 in Hampton County?

21 A. Yes.

22 Q. Do you think you ought to be turned loose
23 because you finished the act possibly somewhere else?

24 A. [No response]

25 MR. THORNTON: Withdrawn.

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1 Q. [Mr. Thornton] Did you find any drugs or
2 weapons in her car?

3 A. No.

4 Q. So you've got an eighteen-year-old -- one of the
5 things you testified to was that generally people that go
6 over a hundred miles an hour with out-of-state plates go
7 to jail; is that right?

8 A. Yes, sir.

9 Q. How fast was she going when you clocked her?

10 A. A hundred and one miles an hour.

11 Q. Did she have out-of-state plates?

12 A. I believe it was Ohio, but let me look.

13 [Whereupon, the witness reviews documents]

14 A. Ohio plates. Yes, sir.

15 Q. [Mr. Thornton] So, generally, you would have
16 taken her to jail; right?

17 A. [No response]

18 Q. That would be the general policy that you
19 testified to earlier; is that correct?

20 A. Sometimes. Yes, sir.

21 Q. So why would you think she wasn't in custody, if
22 the general policy was you were about to put her in jail?

23 A. Because I had not made that decision to arrest.

24 Q. At what point did she start crying?

25 A. Once we got into the police car.

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1 Q. Okay. And you had her in the police car -- I'm
2 sorry. You testified once, when Mr. Geier asked you, that
3 it was because you couldn't hear and then later it was
4 because she was going real fast and had an out-of-state
5 plate. So which is it?

6 A. The totality of the situation makes up for what
7 we do.

8 Q. Is one of the things you considered that she's a
9 cute little eighteen-year-old girl?

10 A. No, sir.

11 Q. That didn't fall into it at all?

12 A. No, sir.

13 Q. Well, have you traded sex for tickets with any
14 men?

15 A. No, sir.

16 Q. So you said you resigned from the Yemassee
17 Police Department; is that right?

18 A. Yes, sir.

19 Q. Was that before or after you destroyed evidence
20 in a general sessions court case?

21 A. That was approximately two days after I talked
22 with Chief Haggey on this.

23 Q. So you'll admit that -- and you know that -- you
24 knew that one of the things the judge is going to have to
25 charge in this case deals with criminal sexual conduct,

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1 there has to be a sexual battery; right? You're familiar
2 with that, are you not?

3 A. Yes, sir.

4 Q. Sexual battery means penetration; right?

5 A. Yes, sir.

6 Q. And any penetration, the law says, no matter how
7 slight, is enough; right?

8 A. Yes, sir.

9 Q. All right. So in this case there's no question
10 there was a sexual battery; right? There was penetration?

11 A. Correct.

12 Q. No question it was you that did it?

13 A. Correct.

14 Q. No question that she's on the other end of this
15 problem?

16 A. Correct.

17 Q. So identity is not a problem, either?

18 A. No, sir.

19 Q. So the only thing the jury is going to have to
20 figure out is whether you coerced her or you were the
21 victim of this very manipulative five-foot tall, hundred
22 pound, eighteen-year-old girl that just overcame your
23 will? Would that be about right?

24 MR. THORNTON: Withdrawn.

25 Q. [Mr. Thornton] Mr. Fields, if you didn't do

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1 anything wrong and you didn't commit misconduct, if you
2 didn't commit criminal sexual conduct, why did you tamper
3 with evidence? Is that just because you had committed
4 adultery?

5 A. Yes, sir.

6 Q. Okay. So you weren't trying to hide that fact
7 from your boss? I mean, does your wife generally go up to
8 the police department and review video tape?

9 A. No, sir.

10 Q. Okay. Might it have something to do with you
11 knew you had done something wrong?

12 A. Yes, sir.

13 Q. And you later put her cell phone in your car
14 because you didn't want her to record it. Well, if she
15 was consenting to it, why didn't you want her to record
16 it? That's just the adultery thing, too? That didn't
17 have anything to do with the crime?

18 A. I truly don't know what my train of thought was
19 there.

20 Q. At what point in your mind was she free to
21 leave?

22 A. When she got back into her vehicle and had
23 control of the vehicle to leave.

24 Q. All right. And was that after she performed
25 oral sex on you?

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1 A. No, sir. That was before.

2 Q. Okay. So she could have left right then?

3 A. Yes, sir.

4 Q. All right. And the fact that you hadn't given
5 her a ticker, after you had already talked about going to
6 jail, and PTI, and how this would ruin PTI, none of that
7 mattered? You routinely let people who have a hundred-
8 mile-an-hour speeding tickets, you just let them go?

9 A. No, sir.

10 Q. So what made it different in this case?

11 A. We had reached the agreement.

12 Q. Okay. But that's what I'm saying. So she could
13 have left then?

14 A. Yes, sir.

15 Q. I don't understand. If you had an agreement,
16 she wouldn't have fulfilled the agreement, would she?

17 A. No, sir. If she'd a left, then she would not
18 have.

19 Q. You wouldn't have followed her, you wouldn't
20 have bothered her, you wouldn't have done anything? You
21 would have just let her go on her merry way?

22 A. Yes, sir.

23 MR. THORNTON: The Court's indulgence, Your
24 Honor.

25 [Whereupon, Mr. Thornton reviews documents]

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1 Q. [Mr. Thornton] When you got in the car after
2 what you call the agreement was reached, who had her cell
3 phone?

4 A. hen we got back in -- when she got back in her
5 car?

6 Q. Yes, sir.

7 A. I had the cell phone.

8 Q. Okay. So if she left, she'd a had to leave her
9 cell phone with you; is that right?

10 A. Yes, sir.

11 Q. Now, you testified earlier about being a
12 corrections officer. Can you -- and I just want to go
13 over this again because, you know, the word agreement has
14 been tossed around, obviously. Can you reach a legal
15 agreement to have sex with somebody that's being detained?

16 A. No, sir.

17 Q. All right. And there's nothing in any of these
18 awards or any of -- the deacon and your ministry or your
19 church or all that where it says it's okay to trade sex
20 for tickets; right?

21 A. Right.

22 MR. THORNTON: I don't have anything further.

23 THE COURT: Mr. Geier?

24 - - -

25 - - -

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REDIRECT EXAMINATION

BY MR. GEIER:

Q. Curtis, if at any time Miss Sheen had said, I don't want to do this, what would you have done?

A. I would have ended the contact and let her go.

Q. You're sure about that?

A. Yes, sir.

Q. Did she ever say no?

A. No, sir.

MR. THORNTON: One question, Your Honor.

MR. GEIER: I wasn't --

MR. THORNTON: I'm sorry, Mr. Geier.

Q. [Mr. Geier] Have you ever had anything like this happen before?

A. No, sir.

Q. Has anybody ever offered you anything like that, any sort of inducement, to get them out of a ticket?

A. Yes, sir.

Q. How often does that happen?

A. Not very often. It has happened.

Q. What have they offered you in the past?

A. They've offered sex before.

Q. And you didn't take it?

A. No, sir.

Q. So at this point, just out of nowhere you

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1 decided to do it; right?

2 A. Yes, sir.

3 Q. You knew that was wrong?

4 A. Yes, sir.

5 Q. Now, when you reached this agreement on the side
6 of this road in Hampton County, did you penetrate her
7 during the time that you went from Hampton County to
8 Colleton County?

9 A. No, sir.

10 Q. So, I mean, I guess you were conspiring with her
11 in order to commit, according to Mr. Thornton, criminal
12 sexual conduct somewhere else? Is that what your
13 understanding was, that this was an ongoing criminal
14 sexual conduct case?

15 A. We had not even actually mentioned sex at all.

16 Q. When you were indicted, was it your
17 understanding that the misconduct that you allegedly
18 performed was due to coercion of Miss Sheen --

19 A. Yes.

20 Q. -- and having her perform sex?

21 A. Yes.

22 Q. So it wasn't something else?

23 A. No.

24 MR. GEIER: Nothing further, Your Honor. Thank
25 you.

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1 MR. THORNTON: Could I have a minute?

2 THE COURT: Yes.

3 MR. THORNTON: I just want to make sure.

4 RECROSS-EXAMINATION

5 BY MR. THORNTON:

6 Q. If y'all hadn't talked about sex or hadn't
7 thought about sex, why was she following you to the
8 secluded wooded area?

9 A. It was implied. We had not said anything about
10 actual sex or what type of sex or anything like that --

11 Q. Mr. Geier --

12 A. But it was implied. It was understood.

13 Q. It was understood?

14 A. Yes, sir.

15 Q. Mr. Geier asked you a minute ago had this ever
16 happened before and you said no.

17 A. Right.

18 Q. If you go around destroying the videotape that's
19 evidence, nobody might not -- we might not even know,
20 could we? We've just got to take your word for it; right?

21 A. I guess so.

22 Q. And Mr. Geier talks about the fact that she
23 never said no. One of the things she does say, that was
24 on that tape, though, she did tell you she was on her
25 period; right?

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1 A. Yes, sir.

2 Q. Your response was that ain't what I asked you,
3 you can just go ahead and get down on your knees; right?

4 A. Yes, sir.

5 MR. THORNTON: Nothing further. Thank you.

6 THE COURT: Anything further, Mr. Geier?

7 MR. GEIER: One thing.

8 FURTHER REDIRECT EXAMINATION

9 BY MR. GEIER:

10 Q. Actually, wasn't your response are you sure
11 about this?

12 A. Yes, sir.

13 Q. And she said?

14 A. She said yes.

15 MR. GEIER: Nothing further.

16 THE COURT: You may step down, sir.

17 [Whereupon, Mr. Fields is excused and exits the
18 witness stand]

19 THE WITNESS: Thank you.

20 THE COURT: If the defense will call their next
21 witness.

22 MR. GEIER: Your Honor, at this time the defense
23 calls Angus Alberson.

24 THE COURT: Mr. Alberson, please come forward to
25 be sworn.

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1 [Whereupon, Mr. Alberson comes forward]

2 THE CLERK OF COURT: Place your left hand on the
3 Bible and raise your right hand.

4 [Whereupon, Mr. Alberson is duly sworn by the
5 clerk of court as follows: do you swear to tell the
6 truth, the whole truth, and nothing but the truth, so
7 help you God]

8 THE WITNESS: I do.

9 [Whereupon, Mr. Alberson takes the witness
10 stand]

11 THE COURT: Mr. Alberson, if you would just give
12 us your name for the record, sir. Thank you.

13 THE WITNESS: Angus Alberson.

14 THE COURT: Mr. Geier?

15 MR. GEIER: Good afternoon, sir. How are you?

16 THE WITNESS: Good, sir.

17 - - - - -

18 ANGUS ALBERSON,

19 Having Been First Duly Sworn,

20 was Examined and Testified as Follows:

21 DIRECT EXAMINATION

22 BY MR. GEIER:

23 Q. Mr. Alberson, where are you from?

24 A. Where am I from?

25 Q. Uh-huh.

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1 A. Alabama, originally. But I've been here since
2 1966.

3 Q. All right. When you say here, do you mean
4 Hampton County?

5 A. Hampton County. Yes, sir.

6 Q. And what's your job?

7 A. I'm self-employed as a machinist and welder in
8 Varnville.

9 Q. How long have you been doing that?

10 A. Oh, gosh. 1979.

11 Q. So a while.

12 And you have other family now in this area?

13 A. Oh, yeah.

14 Q. Who have you got?

15 A. Wife and children, and her family has become
16 mine, and our church family.

17 Q. All right. Well, you mentioned church family.
18 What church do you belong to?

19 A. Sandy Run Baptist Church.

20 Q. And that's the same one as Curtis?

21 A. It is.

22 Q. How long have you known Curtis?

23 A. About fifteen years, I guess, more or less.

24 Q. And do you just work with him there at the
25 church?

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1 A. No. Actually, I met Curtis as -- the first time
2 I think we were on a motorcycle ride. He mentioned that
3 he was in the Christian Motorcycle Association. Well, I
4 am, too. And that was our first. He was a rider on one
5 of the rides that I was on. And I was doing the devotions
6 and stuff for that ride, and he was one of the riders on
7 that ride, when we had our first acquaintance.

8 Q. All right. And it's my understanding you're
9 also a deacon at that church?

10 A. That's correct.

11 Q. How long -- were y'all deacons at the same time?

12 A. We were on at the same time for about a year, I
13 think.

14 Q. Did you work with him as a deacon?

15 A. I did.

16 Q. And other than the church and then the rides,
17 did you ever associate with him socially?

18 A. Yes, sir.

19 Q. What about with his wife?

20 A. Yes, sir.

21 Q. And during the time that you were -- you've
22 known him -- and, excuse me, again. When did you say it
23 was?

24 A. When did I say it was?

25 Q. When did you first meet him, again?

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1 A. Oh, man. I didn't say.

2 Q. Okay. When did you first meet him?

3 A. It's been a while ago. I've known him for about
4 fifteen years so --

5 Q. Fifteen years?

6 All right. Have you had an opportunity to
7 develop an opinion as to his character in that time?

8 A. Yes, sir, I did.

9 Q. And what is that opinion?

10 A. Well, my opinion of Curtis is he's a good man.
11 He's been a good father. He's a good teacher. I actually
12 took one of his classes when he was in law enforcement and
13 he was a very good instructor.

14 And he had -- also, one of his sons was helping
15 him and -- you know, and I thought that was a plus. That
16 son is the one who eventually went on and has started his
17 career in the army. And he's here today. He's back in
18 the back.

19 Q. All right. And what about have you ever been in
20 the -- had an occasion to socialize with other people who
21 know Curtis?

22 A. I probably have.

23 Q. Through church or --

24 A. Yes, sir, church especially.

25 Q. Have you ever been around anywhere where you've

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1 heard people talking about Curtis?

2 A. Talking about him in a good way, bad way --

3 Q. Well, let's start with --

4 A. -- any way?

5 Q. Well, let's start with a good way.

6 A. Yes, sir.

7 Q. Okay. Now, before this happened, how often had
8 you heard somebody talk bad about him?

9 A. Never.

10 Q. Through your contacts with these mutual
11 acquaintances, either through church or just socially,
12 have you had the ability to form an opinion as to what his
13 reputation was in the community as far as character?

14 A. Yes, sir. He's always impressed me as being a
15 good person, you know, good individual. Kind of to me he
16 was a man that kind of had all of his stuff together, you
17 know, and all.

18 Q. And what about truthfulness? Do you know --

19 A. I never had any reason to doubt anything he ever
20 told me.

21 Q. As far as you know, has he ever said something
22 at all that ended up being a lie?

23 A. No, sir. Not that I know of.

24 Q. Now, when this all happened, were you surprised
25 to hear about it?

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1 A. I was very surprised to hear about it.

2 Q. And has he spoken to you about this?

3 A. He's the one that told me about it.

4 Q. All right. And have you sat with him and helped
5 him out with it?

6 A. I did. Yes, sir.

7 Q. And have you talked to his wife about it, too?

8 A. I haven't talked with his wife as much as I have
9 talked to him. He and I have talked at length, and I
10 encouraged him to stay in church, not to give up. You
11 know, everybody has problems but you can't cut loose from
12 the thing that's going to give you the most strength and
13 the most courage. So I encouraged him to stay in church.
14 And we prayed together. And he has shown remorse for what
15 he did, for whatever that's worth.

16 Q. And even as you sit here today, you still trust
17 him?

18 A. Yes, sir, I do.

19 MR. GEIER: Nothing further, Your Honor.

20 Please answer any questions Mr. Thornton might
21 have for you.

22

23

24

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CROSS-EXAMINATION

BY MR. THORNTON:

Q. Sir, you said that he's always seemed to you like he's somebody that had all of his stuff together; is that right?

A. That's right.

Q. Based on what you've heard in here today, does it sound like he had his stuff together?

A. It sounds like he had a little lapse of --

Q. Would you -- would it be fair to say that trading sex for tickets is a little bit more than a lapse?

A. Yeah, it's a little more than a lapse.

Q. Do you have any daughters, sir?

A. Yes, I do.

Q. How would you feel -- since you're talking about how you feel about him, how would you feel if he had done that to --

A. If it had been my daughter he stopped, there would have been more than one policeman out there because she wouldn't have took it.

Q. Yes, sir.

And would that make your opinion of him any different?

A. Well, if it was him. But, I mean --

Q. Well, sir, he stood up here and admitted it was

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1 him. So I understand you --

2 A. It don't change my opinion of him now.

3 Q. Even if it was your own daughter?

4 A. I can forgive him. Yes, sir.

5 Q. So basically no matter what he's done or what he
6 admits to, your opinion is not --

7 A. I didn't say that. You said that. I didn't say
8 that.

9 Q. Well, then, tell me. What would it take for
10 your opinion to change?

11 A. I don't know right now.

12 Q. What if this jury finds him guilty of criminal
13 sexual conduct for coercing her into having sex with him?
14 Would that change your opinion of him?

15 A. It wouldn't change my opinion of him.

16 Q. Okay. What if he had had -- had committed
17 criminal sexual conduct on one of -- a member of your
18 family. Would that change your opinion of him?

19 A. It probably would.

20 MR. GEIER: Your Honor, I object. This is all
21 speculation.

22 THE WITNESS: It is.

23 MR. THORNTON: Your Honor --

24 THE COURT: Overruled. He can ask that.

25 MR. THORNTON: Thank you very much.

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1 I don't have any further questions. I think
2 we've got it now.

3 Thank you, sir.

4 THE COURT: Mr. Geier, anything else?

5 MR. GEIER: No further questions, Your Honor.
6 Thank you.

7 THE COURT: You may step down, Mr. Alberson.
8 Thank you.

9 [Whereupon, Mr. Alberson is excused and exits
10 the witness stand]

11 THE COURT: Mr. Geier, if you will call your
12 next witness.

13 MR. GEIER: Your Honor, at this time the defense
14 calls Paul Reed.

15 THE COURT: Mr. Reed, if you'll please come
16 forward to be sworn, sir.

17 [Whereupon, Mr. Reed comes forward]

18 THE CLERK OF COURT: Good afternoon, Mr. Reed.
19 How are you?

20 MR. REED: Hi.

21 THE CLERK OF COURT: Place your left hand on the
22 Bible and raise your right hand.

23 THE WITNESS: Thank you.

24 [Whereupon, Mr. Reed is duly sworn by the clerk
25 of court as follows: do you swear to tell the truth,

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

3 THE WITNESS: I do.

4 THE CLERK OF COURT: Have a seat.

5 [Whereupon, Mr. Mr. Reed takes the witness
6 stand]

7 THE COURT: Mr. Reed, if you'll just give us
8 your name for the record, sir.

9 THE WITNESS: Paul Reed.

10 THE COURT: Thank you, sir.

11 MR. GEIER: Good afternoon, Reverend.

12 THE WITNESS: Hi.

13 MR. GEIER: My questions to you are going to be
14 a lot like my questions to Angus.

15 - - - - -

16 PAUL REED,

17 Having Been First Duly Sworn,

18 was Examined and Testified as Follows:

19 DIRECT EXAMINATION

20 BY MR. GEIER:

21 Q. Where are you from?

22 A. Originally or --

23 Q. Originally.

24 A. Originally, I was born in Maudlin, South
25 Carolina.

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1 Q. And how long have you been here in Hampton
2 County?

3 A. Seventeen years, almost.

4 Q. Seventeen years? And in your time here, what
5 have you -- what was your job?

6 A. Pastor.

7 Q. Pastor? You've been a pastor the whole time?

8 A. I have.

9 Q. Have you been at the same church?

10 A. No. I was a pastor at Bethlehem Baptist Church
11 in Kentucky and also at Double Branch Baptist Church in
12 Orangeburg.

13 Q. But as your -- in your time in Hampton County,
14 you've been with the same church?

15 A. Same church.

16 Q. You've been the pastor there the whole time?

17 A. Yes.

18 Q. All right. How do you know Curtis?

19 A. Well, I met Curtis first through our church --
20 in fact, Angus introduced him -- and got to know him
21 through church, and then at various times at his father's
22 home and at his home. That's --

23 Q. I see. And at some point Curtis became a deacon
24 at your church?

25 A. Yes, he did.

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1 Q. What sort of things did he do with you as a
2 deacon?

3 A. As deacon, we met together monthly on a regular
4 business meeting. And then we prayed together personally
5 and privately, read scripture together, visited in his
6 home, that sort of thing.

7 Q. All right. And have you ever been around him
8 socially outside of just church functions?

9 A. Not to my recollection.

10 Q. So, basically, your knowledge of him is through
11 his --

12 A. Yes.

13 Q. -- work as a deacon and through church and --

14 A. Yes.

15 Q. -- church activities?

16 A. Yes.

17 Q. All right. Well, in that time have you been
18 able to form an opinion as to Curtis' character?

19 A. I have. I've observed him as being a very
20 faithful member of our church. Very faithful in his
21 attendance and the carrying out of his duties. I've
22 observed him being a very careful and caring husband and
23 father.

24 Q. And what about his character for truthfulness?

25 A. Well, he's told me some truths about things that

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1 he could have easily withheld or misstated, but he was
2 very honest and forthcoming --

3 Q. I see.

4 A. -- in all those things.

5 Q. And within the church I'm assuming since Curtis
6 was a deacon, about everybody knew him?

7 A. Well, yes.

8 Q. And have you ever been any place where you heard
9 other people talking about Curtis? Their church? And I'm
10 talking -- let's start before this all happened.

11 A. Before this happened, yes. Uh-huh. Yes.

12 Q. And were you able to form an opinion as to what
13 his reputation was throughout the church?

14 A. Excellent.

15 Q. And what about character of truthfulness? Did
16 anybody ever say anything bad about how he was --

17 A. I never heard anyone say anything negative about
18 Curtis at any point in time.

19 Q. Okay. Now, after this happened, I would assume
20 that there was some controversy in the church; is that
21 correct?

22 A. You might say that.

23 Q. Sure. Sure.

24 And so given what you have heard today, have you
25 changed your opinion?

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1 A. Concerning --

2 Q. Concerning his character.

3 A. -- Curtis personally?

4 Q. Personally.

5 A. No.

6 Q. And has he met with you personally and privately
7 to discuss all this?

8 A. More than once.

9 Q. And you're helping him through it?

10 A. We're walking together through it, yes.

11 Q. I see.

12 And what about his wife? Have you met with his
13 wife, as well?

14 A. I've met with his wife on occasion, as
15 appropriate, yes.

16 Q. I see.

17 MR. GEIER: All right. I don't have any further
18 questions, pastor. Thank you so much.

19 MR. THORNTON: Just a couple of questions,
20 Reverend.

21 CROSS-EXAMINATION

22 BY MR. THORNTON:

23 Q. Obviously, you know the defendant very well. Is
24 it fair to say that?

25 A. I think I know him fairly well. Probably better

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1 than most.

2 Q. You've known him a long time?

3 A. Yes.

4 Q. All right. And --

5 A. At least ten years.

6 Q. All right, sir. Would you consider yourself
7 friends?

8 A. Well, yes.

9 Q. Let me ask you a question. You testified that
10 you felt that he had a lot of character for truthfulness?

11 A. I do.

12 Q. Let me ask you a question. Were you -- you've
13 been in here this afternoon; correct?

14 A. Since the recess. Yes.

15 Q. All right, sir. Let me ask you this. Would the
16 act of destroying videotaped evidence of a crime, would
17 that be something that you would consider to be truthful
18 or untruthful?

19 A. Untruthful.

20 Q. Not telling your wife or -- actually, let's just
21 go back.

22 Committing an adulterous act; truthful or
23 untruthful?

24 A. Untruthful.

25 Q. If the jury believes the testimony of Michael

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1 Jasmine Sheen, as well as a lot of the other evidence,
2 committing criminal sexual conduct; truthful or
3 untruthful?

4 A. Well, I didn't hear that testimony but --

5 Q. If they were to convict him of that.

6 A. If what you're saying now is what they think?

7 Q. Yes, sir.

8 A. It's untruthful.

9 Q. All right. Misconduct in office: would you
10 consider that to be --

11 A. Untruthful.

12 Q. -- truthful or untruthful?

13 A. Untruthful.

14 Q. And finally, sir, hiding a cell phone or -- not
15 hiding it. But ordering somebody to not give you a cell
16 phone or to take someone's cell phone so they couldn't
17 record you doing something wrong: truthful or not
18 truthful?

19 A. I have no earthly idea of what his motivation
20 was. I've taken cell phones myself from people.

21 Q. All right. If he got on the stand and admitted
22 that he did it so he couldn't be recorded, which is what
23 his testimony was: truthful or not truthful?

24 A. Not truthful.

25 MR. THORNTON: Thank you, sir.

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1 I don't have anything further, Judge.

2 MR. GEIER: No further questions.

3 THE COURT: You can step down, Pastor.

4 THE WITNESS: Thank you.

5 THE COURT: Thank you.

6 [Whereupon, Mr. Reed is excused and exits the
7 witness stand]

8 MR. GEIER: Your Honor, the defense rests.

9 THE COURT: All right. Ladies and gentlemen of
10 the jury, at this time the defense also rests their
11 case. There is a matter of law that I need to take up
12 with the attorneys. We'll back -- be back with you
13 shortly, ladies and gentlemen.

14 Again, Mr. Foreperson, thank you for agreeing to
15 serve.

16 And we're going to excuse you back to the jury
17 room. Although you have heard all the evidence in
18 this case, you have not heard the arguments from the
19 lawyers, nor my charge on the law, and it would be
20 inappropriate for you to begin discussing this case.
21 We'll bring you back out shortly. Thank you.

22 [Whereupon, the jury exits the courtroom at
23 3:57 p.m.]

24 THE COURT: All right, y'all. We're going to go
25 ahead and take a five- or ten-minute recess and we're

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1 going to come back and I'll hear your renewed motions,
2 you can make any motions you would like, and then
3 we're going to go ahead and argue and charge. Okay?

4 MR. THORNTON: Yes, ma'am. Thank you, Judge.

5 THE COURT: Thank you. We'll be at ease for
6 about ten minutes or so. Let's all be back at quarter
7 till 4:00.

8 [Whereupon, a recess is taken from 3:36 p.m. to
9 3:53 p.m.]

10 - - - - -

11 RENEWED MOTIONS

12 THE COURT: Let's go ahead and renew your
13 motions.

14 MR. GEIER: Thank you, Your Honor.

15 At this time I would renew my motion for a
16 directed verdict. In addition to what I said earlier
17 -- Your Honor, in addition to what I was saying
18 earlier about it, we now have more testimony in this
19 case from Curtis Fields himself, which I think firmly
20 establishes that the CSC, anyway, occurred in Colleton
21 County as opposed to Hampton County.

22 Despite Mr. Thornton's assertion that this could
23 be some sort of continuation crime, I don't believe
24 there's any precedent for that. The only continuation
25 crimes I've ever seen, statutes or anywhere else, is

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1 for murder. If you shoot somebody in one county and
2 they end up dying in another county, I believe you can
3 get them in either place. But as far as sort of a
4 physical crime like this, it's got to happen where it
5 happens. Our constitution so says that if you are
6 charged with a crime, you have to be charged in the
7 county where the crime occurred. I think it's very
8 clear.

9 Now, misconduct in office, I would still argue
10 that because of the indictment, which specifically --
11 and again, with a change in the warrant and the
12 indictment, it specifically says that the basis
13 misconduct in office is essentially the CSC. And,
14 again, it's not like he conspired with the victim --
15 conspired with the victim to commit the CSC and all.
16 So I would say he's not being charged with conspiracy.
17 If I think about doing a crime somewhere and I go
18 somewhere else and actually commit it, does that mean
19 where I formulate the plan to commit a crime I could
20 be charged? I don't think that's the case.

21 I think it's really clear, Your Honor, that this
22 was brought in the wrong county and it's the wrong
23 venue and it should be dismissed. Thank you.

24 THE COURT: Well, respectfully, I do think --
25 because one of the elements of CSC in the third degree

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1 is the element of using force or coercion. And I
2 think the coercion began at the time she was pulled
3 over. Certainly, by his own testimony, he still had
4 her phone in her car -- or in his car, I apologize,
5 during the time of this. I don't know where her
6 driver's license and registration was at the time.
7 But, again, I don't know if that were a factor or not.
8 But he certainly had her phone. I think that could
9 certainly be an indicia that, [a], she wasn't free to
10 leave and that, [b], that's where coercion -- of the
11 coercion began, which is an element of the actual CSC.
12 So I think it would be proper and it still survives
13 directed verdict, respectfully.

14 Additionally, based on -- as I stated before, I
15 am going to deny your motion for a directed verdict as
16 to the misconduct charge, as well. I think that's
17 everything.

18 Anything, Mr. Thornton, for the record?

19 MR. THORNTON: No, ma'am. Nothing else from the
20 State.

21 THE COURT: Okay. Any rebuttal testimony?

22 MR. THORNTON: No, ma'am.

23 THE COURT: All right. Are y'all ready to go
24 with your closings?

25 MR. THORNTON: The State is ready, Judge.

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1 THE COURT: Is that correct?

2 MR. GEIER: The defense is ready.

3 THE COURT: Okay.

4 MR. THORNTON: And, Your Honor --

5 THE COURT: Yes.

6 MR. THORNTON: -- just for record purposes,
7 obviously the State's position would be that the
8 defense did put on evidence. The State would request
9 to go last.

10 THE COURT: Okay. Of course you understand, Mr.
11 Geier. All right.

12 [Whereupon, the jury enters the courtroom at
13 3:57 p.m.]

14 THE COURT: Welcome back, ladies and gentlemen
15 of the jury.

16 At this time you are going to hear the closing
17 arguments from the lawyers. I am going to charge you
18 on the law that's applicable to this case and then
19 send this case to you for your deliberations. All
20 right? Thank you very much.

21 MR. GEIER: Thank you, Your Honor. May it
22 please the Court?

23 THE COURT: Yes, sir.

24 MR. GEIER: Mr. Thornton, Mr. Foreman, members
25 of the jury.

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CLOSING ARGUMENT

1
2 MR. GEIER: This was an interesting one, wasn't
3 it? It was an odd one. I told you. It's odd
4 because, again, you've got a defendant who has freely
5 admitted that he made a big mistake, he did something
6 he shouldn't have done. It's also odd because you
7 have a case where even if you were to believe
8 everything that Miss Sheen says, each time that she
9 was asked -- not once, not twice, not three times,
10 maybe four times, that she was asked are you sure
11 about this and she said yes.

12 Now, you know, when we started this off I was
13 talking about my sons Ryan and Carson, ten and eight
14 years old. At some point I'm going to have to talk to
15 them about the birds and the bees, just like my dad
16 did when I was a kid, and I'm going to say to them no
17 means no, no doesn't mean yes; no means no; don't you
18 ever forget that.

19 But apparently in this case yes means no. Now,
20 I understand he's a police officer. But I would
21 submit to you there have been times when people have
22 had relations with police officers. I also understand
23 about the whole he's big, he's bigger than her and
24 he's armed, you know. Now, again, I understand that.
25 But at some point, if you don't want this to happen

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1 you've got to say no.

2 Now, it's also odd because we had Miss Sheen
3 come up here -- it was very emotional and it was hard
4 to listen to -- and she told you that when this was
5 happening, the reason why on that audio tape she
6 sounded fine, no big deal and laughing at the jokes
7 made, was because she had to act in order to get
8 through it as quickly as possible. Well, I would
9 submit that she is an awful good actress. She must
10 be.

11 And then we also heard from the parents that
12 when she called up, she was hysterical, crying. And
13 I'm sure that when she called, she was. But it's
14 funny. You know, that audiotape didn't just end with
15 the end of the event. It ended with her driving down
16 the road for about a minute or two minutes and all you
17 heard afterwards was a very cold and clear recital of
18 what the driver's license number -- or the license
19 plate number is. And nothing. Just her driving down
20 the road. Now, look, given that, was she happy at
21 that point with what happened? I would say no. And,
22 again, she got her ticket, she's saying what the
23 driver's license [phonetic] number is. But, again,
24 the next day she goes and she was going to get a
25 lawyer. I think that everybody in this courtroom

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1 knows win, lose or draw, as soon as this case is over,
2 there's going to be a lawsuit. And there's already
3 been a complaint filed. He's going to get sued. So
4 is the County of Yemassee [phonetic]. That's probably
5 right. That's what should happen.

6 Also, Curtis is never going to be a police
7 officer again. Again, just think about it. He's
8 never going to be a police officer again, he's never
9 going to be a deacon again, because he betrayed the
10 trust of both being a police officer by doing this or
11 agreeing to do this and the trust that the church had
12 as a deacon. Now, he also betrayed the trust of his
13 wife. So in this one quick moment, he basically lost
14 his job, his reputation, his status in the church, and
15 his marriage. Now, she's staying with him. But, you
16 know -- she's going to stay with him at least for now.

17 The question, and the only question really here,
18 is he a criminal and is he a rapist because of what
19 happened. And, again, I would submit to you that when
20 you ask somebody are you okay with this and they say
21 yes, what other conclusion are you supposed to reach?
22 Forget for a moment whether or not it was proper. If
23 you ask somebody are you okay with this and they say
24 yes, can you really be a rapist?

25 Now, what I would say is one of your duties --

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1 and, again, Curtis is presumed innocent -- is to make
2 a list. And each and every one of you have to make
3 your own list. And I'm not just suggesting this. I'm
4 saying this is something I think you have to do. And
5 the list should be called problems I have with this
6 case. All right? And you have to go through and list
7 everything that you think is a problem and in your own
8 mind you have to decide that, I can cross it off that
9 list, the State has taken care of that, that is no
10 longer a problem, and at least from that standpoint I
11 can go forward and say I think he's guilty.

12 I think your list should include, at the very
13 least -- I think it's clear from both Curtis'
14 testimony, Miss Sheen's testimony, Agent Williams'
15 testimony, to an extent, although he denied it at the
16 end -- that this happened in Colleton County. Now,
17 the stop was in Hampton but the CSC, the rape, if you
18 want to believe that, happened in Colleton County.

19 And I'm so glad Mr. Thornton brought up the
20 constitution and about how Curtis has the
21 responsibility to uphold the constitution as a law
22 enforcement officer. I think every law enforcement
23 officer has that duty. And, frankly, I think
24 solicitors do, as well. But Article I of South
25 Carolina's constitution states no person may be held

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1 to answer for any crime the jurisdiction over which is
2 not within the magistrate's court unless upon
3 presentment or indictment of a grand jury of the
4 county where the crime has been committed except in
5 cases arising in the land or naval forces or the
6 militia where an actual service in time of war, public
7 nature. That is an element of this offense that you
8 have to justify.

9 In their rush to go after Curtis they said,
10 yeah, Hampton, good enough, good enough, good enough
11 government work, we'll go ahead and just say it was
12 there, despite the fact that when Curtis was
13 interviewed by Agent Williams he told him, where we
14 pulled off was about a half a mile from exit 42, which
15 is well within Colleton County. It may seem like a
16 little thing, but that is a constitutional right that
17 he has that they don't seem to care about.

18 The next thing I would put on the list is --
19 and, again, I understand that once -- and indictments
20 aren't admissible. But when Agent Williams swore out
21 his initial warrant saying, Curtis, you're under
22 arrest, in the misconduct in office portion he said
23 Curtis agreed to exchange sex for dismissing the
24 ticket. I've never heard of a rapist agreeing with
25 the victim to rape them. How can you do that? You

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1 can't do that.

2 You heard the 911 tape that initially Miss Sheen
3 denied making. At that time she said she didn't know
4 where she was. She said it was on a two-lane highway.
5 And the next day she knew exactly where she was. Now,
6 I don't know why there was a sudden change there. But
7 it's interesting. It's something that doesn't add up
8 and make sense.

9 Each and every time she was asked did you say
10 yes when he asked you, she said yes, not I don't know,
11 I don't really want to. It wasn't like he was talking
12 her into it. He asked her multiple times and she said
13 yes.

14 Also, you know, there's talk about, well, he was
15 going to take her to jail and that induced her. She
16 was going to get kicked out of PTI, and that induced
17 her to do it. But as she testified to herself, she
18 was so concerned about getting kicked out of PTI for a
19 traffic ticket, she had failed to show up to court at
20 least one time, if not two, after this whole thing
21 happened. Again, if a ticket is all it takes, you
22 would think she would have bothered to show up. But
23 she never did.

24 You know, when something happens and your whole
25 world changes, something terrible happens, obviously

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1 there's a lot of things going around in your mind.
2 But when you go and talk to the police, if you really
3 want that person to go down because they did something
4 to you, don't you give them everything? Don't you
5 tell them everything? When Miss Sheen first talked to
6 the Chief, she gave a statement of what she said
7 happened that night. And, again, she said she agreed.
8 But what she didn't do was give him the tape. Who did
9 she give that to? She gave it to her lawyer. Why did
10 she do that? Y'all know why she did that, or what's
11 going to happen after this is all done.

12 I talked to you early on about the presumption
13 of innocence, all right, and reasonable doubt. And I
14 told you a reasonable doubt is the sort of doubt that
15 causes a reasonably prudent person to hesitate to act
16 when they're faced with an important decision. All
17 right. Just like the presumption of innocence, that's
18 a hard thing to grasp, too. I think of it like this.
19 At some point in your life, you've probably bought a
20 car. Sometimes when you go out and buy that car, you
21 know what you want. You've seen it. You saw it on
22 TV. You've read up about it. And you look around and
23 suddenly you see the deal that you want. You go down
24 there. You take a test drive. It's great. You sign
25 the papers, and you drive away. In that case there

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1 was no reasonable doubt that you made the right choice
2 at that time, anyway. You didn't hesitate to act.
3 You bought the car for good.

4 But sometimes when we go and buy a car we sit
5 down and we think, gosh, I don't know if I can afford
6 this. Well, you know what, I can work for it, I'll go
7 work another job, maybe I'll cut back on going out to
8 eat, maybe I'll cut back on other things, because I
9 really want this car. Ladies and gentlemen, that's
10 hesitation to act. Again, you still went out and
11 bought the car, but you hesitated. And that's, again,
12 exactly what you're going to have to do if there's any
13 question at all in your mind whether or not Curtis is
14 guilty of either one of these charges. If you
15 hesitated to act, then you must find him not guilty.

16 And with that, too, again, you'll go back and
17 you'll deliberate. And before you can reach any
18 verdict, it has to be unanimous. All right? Each one
19 of you has the power and the duty and the
20 responsibility to say no if you don't agree. If you
21 don't agree, that is your right to not agree. And
22 only if somebody convinces you by using cold, hard
23 facts and logic, if you can think, you know what,
24 that's right, you're right, I am firmly convinced.
25 Only then can you change your mind on whatever that

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1 issue is. Otherwise, stand firm with your conviction.

2 Now, when this whole thing started, I told you
3 that when this is over, you were going to say to
4 yourself Curtis was stupid and Curtis was wrong but
5 you're not going to say he's a rapist. And I'm going
6 to ask you again -- now that we're here and you've
7 heard all of the evidence, I'm going to ask you to
8 find him not guilty. Because, frankly, he's guilty of
9 something but just not what they're saying and not a
10 criminal offense. Thank you.

11 THE COURT: Mr. Thornton?

12 MR. THORNTON: Thank you. May it please the
13 Court? Mr. Geier?

14 - - - - -

15 CLOSING ARGUMENT

16 MR. THORNTON: You know, I keep -- always am
17 leery of saying the same thing over and over again,
18 but I'm going to have to. You can't say that he's
19 didn't commit misconduct in office, though, can he?
20 Because he admitted that on the stand. He told you
21 he committed misconduct in office. He's charged in
22 two offenses, ladies and gentlemen: misconduct in
23 office --

24 And he's not charged with being a rapist
25 because, you know, when you throw that word rapist

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1 around, everybody thinks they know what that means.
2 What Mr. Geier tells you what he's guilty of, or what
3 I tell you he's guilty of, is not in evidence. That's
4 y'all's job. And the judge will tell you what the law
5 of South Carolina is so anything that I tell you
6 that's different than she tells you, you have to go
7 with what she says. But criminal sexual conduct in
8 the third degree does not require force. It says --
9 the statute -- it's going to be read to you. It says
10 force or coercion.

11 You know, the word agreement keeps being tossed
12 around here today. Agreement, agreement, agreement.
13 They had no agreement. In order to have an agreement,
14 you have to have equal bargaining power. That's what
15 you have to have. In order for us to have an
16 agreement, we've got to be on equal footing.
17 Otherwise, how can you legitimately say no? It is at
18 night, it is on the side of the interstate. There is
19 a five-foot-tall, one-hundred pound, eighteen -- just
20 turned eighteen-year-old girl on the side of the road.
21 Enter Curtis Fields. Well over 200 pounds. You saw
22 how tall he was. I didn't ask him. He's obviously at
23 last my height. He's six feet tall or better. Armed
24 with a gun. And not just armed with a gun, armed with
25 the power of the State of South Carolina. Going home

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1 tonight, if you see somebody driving too fast, can you
2 pull them over? No, you cannot. Could he? Yes.

3 You know, one of the things that Mr. Geier
4 mentioned to you about y'all's job, which I
5 wholeheartedly agree with, power and duty and
6 responsibility. Where was his client's concern for
7 power and duty and responsibility? He's got all the
8 power of the State of South Carolina behind him. He
9 has the duty to carry out the State of South
10 Carolina's constitution and the constitution of the
11 United States and he has the responsibility to do it
12 in the proper way. Did he do that? No, he didn't,
13 and he admitted to you on the stand. And that's what
14 misconduct in office is.

15 He admitted to you he was a public officer. He
16 admitted to you he had a duty. It's clear you have a
17 duty. And sex for tickets is not on that list. Which
18 is why nobody's ever told you he didn't commit
19 misconduct. Because they can't. He couldn't do that
20 and keep a straight face in front of y'all. Clearly,
21 he did. He got up on the stand and admitted he did
22 it. So the only real question is did he commit
23 criminal sexual conduct. There's nothing in that
24 indictment that says he forced with physical force.
25 It alleges coercion.

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1 Is threatening you with jail coercion? Do you
2 feel that that's coerced? Because here's what they
3 keep talking about: but she said yes, but she said
4 yes. You heard her on the tape. She said, sure. If
5 I tell you I'm going to take you to jail but are you
6 sure you want to do this, what do you think your
7 answer is going to be? Well, I'm not going to take
8 you to jail but, you know, this is going to get you
9 kicked out of PTI. Are they on equal footing? Is
10 that equal bargaining power?

11 Do you really believe that a seasoned officer,
12 combat-trained veteran that's been in the army with
13 the 82nd Airborne, been at jail, been a corrections
14 officer, been a Yemassee police officer, married, with
15 children twenty years old, do you really think that
16 that is on equal bargaining power? standing on the
17 side of the road in the middle of the night with an
18 eighteen-year-old girl by herself? Because if they
19 don't have equal bargaining power, then he's coerced
20 her. There is no agreement.

21 And this thing about, well, it happened -- it's
22 in Colleton, is ridiculous.. That is in the
23 constitution. What Mr. Geier left out was the part
24 was since the coercion starts in Hampton and he seized
25 her in Hampton, that it's a continuing offense and

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1 there is no issue with that -- that's just a red
2 herring for y'all to chase. That means nothing.

3 The issue in this case is did he coerce her to
4 have sex with him in exchange for throwing out the
5 ticket and not taking her to jail and not getting her
6 kicked out of PTI. That's it, because misconduct is a
7 done deal. He's already admitted that to you on the
8 stand. That's what the issue is in this case.

9 Do you believe that this young lady sat up there
10 and lied to you about who brought this up? And even
11 if the words, I'll do anything to get out of that
12 ticket -- even if she's the first one that said that,
13 it does not matter because the first thing he said
14 was, well, you know, normally I take people to jail
15 for this. And the reason that that's important is
16 because he has the ability to do that. Power, duty
17 and responsibility.

18 Remember when I got up here I told y'all this
19 was about accountability, who you're going to hold
20 accountable? You know, a lot has been made of the
21 fact that there's a civil -- potential civil case and
22 there's a -- that is not appropriate for you guys to
23 consider unless you think that she made the whole
24 thing up so she can get paid six years down the road.
25 Did she -- who did she call? Some of you have kids.

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1 Some of you may even have grandkids. If you're in
2 trouble and you're eighteen years old, who's the first
3 person you're going to call? Mama and daddy. Who's
4 the first person she called? Mama. Who did she call
5 when her mama didn't answer? Daddy. They got up and
6 testified. They told you that she was upset, she was
7 frantic, and she was crying. Now, either they're all
8 lying to you or he coerced her, one or the other. It
9 can't be both ways.

10 If he wasn't doing anything wrong, why did he
11 take her phone? He told you why: I didn't want her
12 to record it. Well, if it was consensual, why did you
13 take it? He destroyed evidence of the videotape. You
14 know, all this stuff he says occurred when they're
15 just casually talking and he's got her in his car and
16 all that, all that could have been recorded and could
17 have been brought up except for the fact that he
18 destroyed the tape. So if this is all consensual and
19 everything is hunky-dorey, why did he go and destroy
20 that tape?

21 Accountability. Credibility. Credibility is
22 very, very important in any case. It's especially
23 important in a case like this, because most of the
24 facts are the same. The issue is whether he coerced
25 her in any way. I said -- I'm not even going to talk

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1 about the misconduct in office, because he's admitted
2 to that. Coercion: it's credibility. Who do you
3 find credible?

4 You know, sometimes I have to be a little rough
5 on people that are just lay witnesses that come and
6 testify. He had two people that very kindly got up on
7 his behalf. You know, one -- both of them from the
8 church. Oh, he's got a lot of credibility with us; I
9 feel like he's a very truthful person. Until I
10 started asking them questions. You know, I've got one
11 guy that says, no, this doesn't change my opinion.
12 Now, if it was my daughter, it would change my
13 opinion. But somebody else's daughter, that doesn't
14 change my opinion of him. And I understand that,
15 because they're friends and I'll -- if you can't count
16 on your friends to come and speak on your behalf, who
17 can you count on? And I understand that.

18 And then you've got the Reverend. And the
19 Reverend says, well, I find him very credible, very
20 credible man. What about destroying the evidence?
21 Well, that's not very credible, that's not very
22 truthful. What about stealing a phone so you can't be
23 recorded while you do something wrong? Well, that's
24 not very truthful, either. What about committing
25 adultery on your wife? Well, that's not very

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1 truthful, either. And did he tell anybody any of this
2 until he got caught? No, he didn't.

3 I'm sure everybody feels sorry for him. He's
4 lost his job, he's lost his -- I don't care. At some
5 point you have to be held criminally responsible when
6 you commit a crime, and that's why we're here today.
7 So the fact that he resigned from his job after he
8 committed criminal sexual conduct doesn't move me any,
9 and I would ask you to not let it move you, either.
10 This isn't about emotion, this isn't about feeling
11 sorry for Curtis Fields. You know, Curtis Fields is a
12 grown man. He is a grown man with military and police
13 training, who had all the authority and power of the
14 state of South Carolina behind him, and he is held to
15 that standard. And that's what y'all have to decide:
16 is he going to be accountable for his actions or not.
17 Because I submit to you that based on everything,
18 there is no question that he is guilty as to both
19 offenses: the one that he admitted to you he
20 committed on the stand, and the one that he admitted
21 everything but the fact that he coerced her.

22 So if you believe that little girl right there
23 is capable of convincing that man to do something that
24 he didn't want to do, then you need to find him not
25 guilty. On the other hand, if you find that based on

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1 all the dishonest, untruthful things he did leads you
2 to question his version of events instead of hers,
3 then you need to find him guilty. But there's no
4 question as to the misconduct. That's not even an
5 issue in this case at this point.

6 November the 5th, 2011, Curtis Fields was as
7 dishonest and as untruthful and committed as heinous
8 act as you can commit on another human being without
9 killing them. He sexually assaulted this young lady
10 with the use of coercion, he did it using his
11 authority as a police officer, and it is time that he
12 is held accountable for that and for the misconduct in
13 the office that he swore to uphold. And the time has
14 come for him to pay the price. And the price is not,
15 I lost my deaconship and I resigned from my job.
16 Thank you..

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CHARGE OF THE COURT

THE COURT: Mr. Foreperson, ladies and gentlemen of the jury, you've followed very patiently and listened very attentively to the evidence in this case and I want to thank you for that.

It now is the duty of the trial judge, under the constitution of this state, to charge and instruct you on the law that's applicable to this case, which is what I'm now going to do.

As your -- excuse me. As jurors, it's your exclusive duty to decide all issues of fact in this case. You must determine the effect, the value, and the weight, and the truth of the evidence. Both the State and the defendant have the right to -- excuse me -- that you will consider and evaluate the evidence and apply the law of the case to the evidence and by doing so, both the State of South Carolina and the defendant will obtain a fair and impartial trial in this matter.

Now, the State of South Carolina by the bills of indictment in this case charges the defendant, Curtis Fields, with the offenses of misconduct in office and criminal sexual conduct in the third degree. I remind you that the fact that the defendant was arrested, charged and indicted in this case is not evidence in this case and cannot be considered by you as evidence of guilt in this

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1 case, nor does it create any presumption of guilt.

2 Ladies and gentlemen, the indictments are simply
3 the formal written documents which contain the charges
4 that are made against the defendant. It's the formal
5 document by which the case is actually brought into this
6 courtroom.

7 Now, ladies and gentlemen, the defendant has
8 pled not guilty to the indictment and that plea puts the
9 burden on the State to prove the defendant guilty beyond a
10 reasonable doubt. A person charged with committing a
11 criminal offense in South Carolina is never required to
12 prove himself innocent.

13 I charge you that it's an important rule of law
14 that a defendant in a criminal trial, no matter what the
15 seriousness of the charges may be, will always be presumed
16 innocent of the crimes for which the indictments were
17 issued unless guilt has been proven by evidence satisfying
18 you, the jury, of that guilt beyond a reasonable doubt.

19 Ladies and gentlemen, this presumption of
20 innocence does not end when you begin your deliberations
21 but it accompanies the defendant throughout the trial
22 until you, the jury, reach a verdict of guilt based on
23 evidence satisfying you of that guilt beyond a reasonable
24 doubt. Ladies and gentlemen, the presumption of
25 righteousness is like a robe that is placed about the

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1 shoulders of the defendant and it remains with the
2 defendant until it has been stripped from him by evidence
3 satisfying you of the defendant's guilt beyond a
4 reasonable doubt. Ladies and gentlemen, the presumption
5 of innocence is not a mere legal theory, it's not just a
6 legal phrase we use. Ladies and gentlemen, it is a
7 substantial right to which every defendant is entitled
8 unless you, the jury, are satisfied, from the evidence, of
9 the defendant's guilt beyond a reasonable doubt.

10 Now, ladies and gentlemen, the State, as I have
11 told you, has the burden of proving the defendant guilty
12 beyond a reasonable doubt. The term reasonable doubt must
13 be given its plain and ordinary meaning. However, ladies
14 and gentlemen, to the extent that I need to define it for
15 you, a reasonable doubt is the kind of doubt that would
16 cause a reasonable person to hesitate to act in the most
17 important of their personal decisions.

18 Ladies and gentlemen, the defendant is entitled
19 to every reasonable doubt arising in the case. If upon
20 any issue of fact essential to a conviction you have a
21 reasonable doubt as to how that issue should be resolved,
22 you must resolve that reasonable doubt in favor of the
23 defendant.

24 Now, ladies and gentlemen, some of you may have
25 served as jurors in civil cases where you were told that

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1 it was only necessary to prove that a fact is more likely
2 true than not true, such as what we call the greater
3 weight or the preponderance of the evidence. In criminal
4 cases, the State's proof must be more powerful than that.
5 It must be beyond a reasonable doubt. Proof beyond a
6 reasonable doubt is proof that leaves you firmly convinced
7 of the defendant's guilt.

8 Now, ladies and gentlemen, there are very few
9 things in this world that we know with absolute certainty,
10 and in criminal cases the law does not require proof that
11 overcomes every possible doubt. If based on your
12 consideration of the evidence you are firmly convinced
13 that the defendant is guilty of the crime or crimes
14 charged, you must find the defendant guilty. If on the
15 other hand you think there is a real possibility that the
16 defendant is not guilty, then you must give the defendant
17 the benefit of the doubt and find him not guilty.

18 I remind you, ladies and gentlemen, that during
19 the trial you and I have certain duties to perform. As
20 the trial judge, it is my responsibility to preside over
21 the trial of this case and I also have the duty to rule on
22 the admissibility of evidence that's offered during this
23 trial. You are to consider only the competent evidence
24 before you. You are to consider only the testimony which
25 has been presented from the witness stand and any other

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1 exhibits which have been made a part of the record in this
2 case.

3 I have the additional duty to charge you the law
4 that is applicable to this case. As the presiding judge,
5 I am the sole judge of the law and it is your duty as
6 jurors to accept and apply the law as I will now state it
7 to you. If you have any idea what you think the law is or
8 what the law ought to be and it does not agree with what I
9 now tell you the law, in fact, is, you must abandon this
10 idea because you are sworn to accept and apply the law
11 exactly as I state it to you.

12 Ladies and gentlemen, in every case tried in
13 this Court before a jury, the jury becomes the sole and
14 exclusive judge of the facts. Since you, the jury, are
15 the sole judge of the facts in this case, you are not to
16 infer from what I have said during the progress of this
17 trial, in ruling upon the admissibility of evidence or
18 otherwise, or anything that I say now to you during the
19 course of these instructions, that I have an opinion about
20 the facts of this case. The law does not allow me to have
21 an opinion about the facts of this case. I remind you,
22 the fact is a matter solely for you, the jury, to
23 determine. And I remind you that as jurors it's your duty
24 to determine the effect, the value, the weight, and the
25 truth of the evidence that's presented during this trial,

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1 regardless of the source.

2 Now, ladies and gentlemen, there are generally
3 two types of evidence which are presented during a trial:
4 direct and circumstantial evidence. Direct evidence is
5 the testimony of a person who claims to have actual
6 knowledge of a fact, such as an eyewitness. It is
7 evidence which immediately establishes the main fact to be
8 proved. Circumstantial evidence is proof of a chain of
9 facts and circumstances indicating the existence of a
10 fact. It is evidence which immediately establishes
11 collateral facts from which the main fact may be inferred.
12 Circumstantial evidence is based on inference and not
13 personal knowledge or information -- or observation. I
14 apologize.

15 Ladies and gentlemen, the law makes absolutely
16 no distinction between the weight or value to be given to
17 either direct or circumstantial evidence, nor is a greater
18 degree of certainty required of circumstantial evidence
19 than direct evidence. You should weigh all of the
20 evidence in this case and after weighing all of the
21 evidence, if you are not convinced of the guilt of the
22 defendant beyond a reasonable doubt, you must find the
23 defendant not guilty.

24 Now, ladies and gentlemen of the jury, it's your
25 duty, again, to determine the credibility of the witnesses

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1 that have testified in this case. And credibility simply
2 means believability. It becomes your duty as jurors to
3 analyze and evaluate the evidence and determine which
4 evidence convinces you of its truth. In determining the
5 believability of witnesses who have testified in this
6 case, you may believe one witness over several witnesses
7 or several witnesses over one witness. You may believe a
8 part of the testimony of a witness and reject the
9 remaining part of the testimony of that same witness. You
10 may believe the testimony of a witness in its entirety or
11 reject the testimony of a witness in its entirety. And
12 you may consider whether any witnesses exhibit to you any
13 interest, bias or prejudice or other motive in this case.
14 And you may also consider the appearance and manner of a
15 witness while on the witness stand.

16 Now, ladies and gentlemen, in order to establish
17 criminal liability, criminal intent is required. For
18 example, the mental state required to be proven by the
19 State for a particular crime might be purpose, intent,
20 knowledge, recklessness, or criminal negligence. Criminal
21 intent must be proven by the State beyond a reasonable
22 doubt. Criminal intent is always a matter that must be
23 determined by the jury from the circumstances surrounding
24 the situation.

25 Ladies and gentlemen, there is no way to prove

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1 intent to a mathematical certainty. There is no way
2 medical science can dissect a person's brain and determine
3 what the person had in mind, so the law says that criminal
4 intent may be inferred from the circumstances shown to
5 have existed.

6 Ladies and gentlemen, this is how you make a
7 determination of whether or not the element requiring
8 intent was present. It is not necessary to establish
9 intent by direct and positive evidence, but intent may be
10 established by inference in the same way as any other
11 fact, by taking into consideration the acts of the parties
12 and all the facts and circumstances of the case.

13 Ladies and gentlemen, criminal intent is a
14 mental state, a conscious wrongdoing, and it is up to you
15 to determine what the defendant intended to do based on
16 the circumstances shown to have existed.

17 Now, ladies and gentlemen, the indictments in
18 this case allege two different offenses. One is for
19 criminal sexual conduct and the other is for misconduct in
20 office. Each indictment charges a separate and distinct
21 offense. You must decide each indictment separately on
22 the evidence and the law applicable to it, uninfluenced by
23 your decision as to the other indictment.

24 Ladies and gentlemen, the defendant may be
25 convicted or acquitted on both or one of the offenses

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1 charged. Ladies and gentlemen, you will be asked to write
2 a separate verdict of guilty or not guilty for each of the
3 charges.

4 Now, ladies and gentlemen, as I told you, the
5 defendant is charged with two separate offenses, and the
6 first is criminal sexual conduct in the third degree. In
7 order to prove criminal sexual conduct in the third
8 degree, the State must prove beyond a reasonable doubt
9 that the defendant engaged in a sexual battery with the
10 victim under circumstances when the victim's consent was
11 lacking.

12 Ladies and gentlemen, a sexual battery is sexual
13 intercourse, cunnilingus, fellatio, anal intercourse, or
14 any intrusion, however slight, of any part of a person's
15 body or of any object into the genital or anal openings of
16 another person's body except when the intrusion is
17 accomplished for medically-recognized treatment or
18 diagnostic purposes.

19 Now, ladies and gentlemen, if you find that a sexual
20 battery did occur, you must then decide whether the State
21 has proven beyond a reasonable doubt that the defendant
22 used force or coercion and against the will of the victim,
23 without any aggravating circumstances, to accomplish the
24 sexual battery. Ladies and gentlemen, using force or
25 coercion means to make the victim follow a prescribed and

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1 dictated course to inflict or impose or to force as ones
2 will on someone.

3 Now, secondly, ladies and gentlemen, the defendant is
4 also charged with misconduct in office. Misconduct in
5 office occurs when duties imposed by law have not been
6 properly and faithfully discharged. The existence of a
7 duty owed to the public is essential, or otherwise the
8 offending behavior points merely to private misconduct of
9 one who happens to be an official.

10 Ladies and gentlemen, misconduct includes any
11 act, any omission, in breach of duty of public concern by
12 persons in public office, provided it is done willfully
13 and dishonestly.

14 Ladies and gentlemen, mere negligence is not
15 sufficient to prove misconduct. And I charge you, ladies
16 and gentlemen, that police officers are, in fact, public
17 officials under the law.

18 Mr. Foreperson, members of the jury, as you
19 retire to begin your deliberations in this case, I wish to
20 express the hope that each of you will be mindful of the
21 importance of your duty here today. You are not called
22 upon very often to serve as jurors, and the proper
23 performance of that duty requires that each of you reach
24 the height of freeing your mind of all improper
25 influences.

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1 Ladies and gentlemen, you and I are acting for
2 the community and that's why we must see to it that this
3 trial is fair and the verdict is just.

4 Ladies and gentlemen, you have observed from the
5 trial of this case that the presiding officer of this
6 course -- Court, excuse me, is addressed as Your Honor.
7 The reason is that the Court is entrusted with the honor
8 of this community, the honor of this state, and the honor
9 of this country in seeking that every case tried here
10 receives fair and impartial justice. Now you, the jury,
11 take into your care and keeping the honor of this
12 community, the honor of this state, and the honor of this
13 country.

14 Now, please don't get the idea that I am trying
15 to intimate to you how you should decide this case. As
16 I've already told you, under the laws of South Carolina,
17 you, the jury, are the sole judge of all questions of fact
18 and it would be highly improper for me to influence you in
19 your performance of that duty. However, ladies and
20 gentlemen, I am vitally concerned that whatever verdict
21 you reach will be the result of you going back in that
22 jury room and confining your consideration to the evidence
23 and the law that you've heard here in this courtroom,
24 weighing it fairly and impartially, as I have every
25 confidence you will.

MIA PERRON, CVR-CM-M

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1 Ladies and gentlemen, everyone is entitled to
2 justice in this case, both the State and the defense. You
3 owe no support or sympathy to anyone. Ladies and
4 gentlemen, the Court is of the confirmed opinion that
5 whatever verdict you reach will represent truth and
6 justice for all parties concerned.

7 Mr. Foreperson, to that end, my law clerk has
8 prepared a verdict form. It has the case caption and the
9 indictment numbers. It says the State of South Carolina
10 versus Curtis Fields, as to the charge of criminal sexual
11 conduct in the third degree, we, the jury, unanimously
12 find the defendant, Curtis Fields -- and it either says
13 guilty or not guilty. The second question says as to the
14 charge of official misconduct in office, we, the jury,
15 unanimously find the defendant, Curtis Fields, either
16 guilty or not guilty.

17 Ladies and gentlemen, please don't infer
18 anything by the order that I put guilty or not guilty.
19 Every trial, I just reverse them. All right?

20 After that, ladies and gentlemen, there is a
21 line for the foreperson to sign. I ask that when you have
22 reached a verdict, you sign that, date it, sir. And when
23 you have reached a verdict, I would ask that you knock on
24 the jury room door where we are going to receive you back
25 into the courtroom to publish your verdict. All right?

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1 Ladies and gentlemen, for the very last time,
2 I'm going to instruct you to go back to your jury room and
3 not begin your deliberations. If there's something
4 further in the law that the lawyers want me to charge, I'm
5 going to charge you further and I'll bring you back out.
6 If not, ladies and gentlemen, when I send back the verdict
7 form and any evidence entered into this case, that will be
8 your signal to begin your deliberations. All right?

9 Thank you for your attention, ladies and
10 gentlemen. I'll excuse you back to your jury room.

11 [Whereupon, the jury exits the courtroom at
12 4:38 p.m.]

13 THE COURT: Any exceptions or additions from the
14 State?

15 MR. THORNTON: None from the State, Your Honor.

16 THE COURT: From the defense?

17 MR. GEIER: None, Your Honor. I'm sorry. I was
18 looking at something else when you gave the charge on
19 CSC. You gave them the modified --

20 THE COURT: I did.

21 MR. GEIER: -- part?

22 THE COURT: I did.

23 MR. GEIER: Thank you, Your Honor.

24 THE COURT: Y'all have both seen and agree to
25 the verdict form. Is that correct, Mr. Thornton and

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1 Mr. Geier?

2 MR. THORNTON: Yes, ma'am.

3 MR. GEIER: [No response]

4 THE COURT: All right. Let's go through and
5 make sure we have all the evidence.

6 [Off the record momentarily]

7 MR. THORNTON: Your Honor, the court reporter,
8 Mr. Geier and myself all agree that all of the
9 exhibits are with the bailiff now.

10 THE COURT: All right. Very good. Thank you.
11 Bring me out the alternate.

12 THE BAILIFF: She's standing right here.

13 THE COURT: Perfect. Thank you.

14 [Evidence goes to the jury at 4:41 p.m.]

15 [Off the record momentarily]

16 [Whereupon, the alternate is excused by the
17 Court]

18 [Whereupon, Court's Exhibit Number 10 is marked
19 by the court reporter]

20 THE COURT: Mia needs to mark it as a Court's
21 Exhibit. It's the charge. The jury has asked for the
22 charge, Mia, so I just wanted to make it an exhibit
23 and then we'll send it back to them.

24 THE CLERK OF COURT: We need order, please.
25 Thank you.

MIA PERRON, CVR-CM-M

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1 THE COURT REPORTER: We'll send it back as an
2 exhibit?
3 THE COURT: As an exhibit, yes. A Court's
4 Exhibit.
5 THE COURT REPORTER: Right.
6 [Whereupon, Court's Exhibit Number 11 is marked
7 by the court reporter]
8 THE COURT: It's been made an exhibit?
9 THE BAILIFF: Yes, ma'am.
10 THE COURT: Okay.
11 [Whereupon, a recess is taken from 4:41 p.m. to
12 5:43 p.m.]
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VERDICT

1
2 THE COURT: All right. It's my understanding
3 the jury has reached a verdict. Is the State ready?

4 MR. THORNTON: The State is ready, Your Honor.

5 THE COURT: Is the defense ready?

6 MR. GEIER: The defense is ready, Your Honor.

7 THE COURT: All right. Ladies and gentlemen,
8 for those of you that are here watching the case and
9 back in the gallery, if for any reason you can't
10 contain yourself, regardless of what the verdict is,
11 I'm going to ask that you remove yourself right now.
12 If there are any outbursts, unfortunately I would have
13 to take you into custody. So I just want to give you
14 the opportunity, if you cannot contain yourself, to
15 excuse yourself at this time. All right? Thank you.

16 You can go ahead and bring the jury in.

17 [Whereupon, the jury enters the courtroom at
18 5:44 p.m.]

19 THE COURT: Mr. Foreperson, I understand that
20 the jury has reached a verdict.

21 THE FOREPERSON: Yes, ma'am.

22 THE COURT: Would you please hand it to Ms.
23 Nettles. Thank you, sir.

24 [Whereupon, the foreperson proffers documents to
25 the clerk of court. The clerk of court proffers

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1 documents to the Court]

2 THE COURT: If you'll go ahead and stand,
3 please, Mr. Geier, and your client.

4 [Whereupon, Mr. Geier and Mr. Fields comply]

5 THE COURT: In the case of the State of South
6 Carolina versus Curtis Fields, as to the charge of
7 criminal sexual conduct in the third degree, we, the
8 jury, unanimously find the defendant, Curtis Fields,
9 guilty. As to the charge of official misconduct in
10 office, we, the jury, unanimously find the defendant,
11 Curtis Fields, guilty. And it's signed by your
12 foreperson.

13 Ladies and gentlemen of the jury, if this is
14 your verdict, will you please indicate by raising your
15 right hand.

16 I might note that all the jurors have raised
17 their right hand.

18 You may be seated, Mr. Geier.

19 [Whereupon, Mr. Geier and Mr. Fields comply]

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1 POLLING OF THE JURY

2 THE COURT: Would you like to have this jury
3 individually polled?

4 MR. GEIER: Yes, Your Honor.

5 THE COURT: All right. Ladies and gentlemen, I
6 am going to call each of your names. If you would,
7 when I call your name please just indicate so I know
8 who I'm speaking with. I'm going to ask you if this
9 was your verdict and you need to answer yes or no, and
10 if this is still your verdict, yes or not. All right?

11 Mark Rose. Sir -- thank you. Sir, is this your
12 verdict?

13 MR. ROSE: Yes.

14 THE COURT: And is it still your verdict?

15 MR. ROSE: Yes.

16 THE COURT: Thank you, sir. You may be seated.

17 Ms. Malphrus --

18 MS. MALPHRUS: Yes, ma'am.

19 THE COURT: -- is this your verdict?

20 MS. MALPHRUS: Yes, ma'am.

21 THE COURT: Is it still your verdict?

22 MS. MALPHRUS: Yes, ma'am.

23 THE COURT: Arthur Smith. And I apologize.

24 MS. SMITH: Arthur Mae.

25 THE COURT: Arthur Mae. I'm sorry. Thank you.

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1 That's a beautiful name, by the way.
2 Arthur Mae Smith, is this your verdict?
3 MS. SMITH: Yes.
4 THE COURT: Is this still your verdict?
5 MS. SMITH: Yes.
6 THE COURT: Thank you, ma'am. You may be
7 seated.
8 Betty Deloach. Ma'am, is this your verdict?
9 MS. DELOACH: Yes, ma'am.
10 THE COURT: Is this still your verdict?
11 MS. DELOACH: yes.
12 THE COURT: Thank you.
13 Bertha Badger. Ma'am, is this your verdict?
14 MS. BADGER: Yes, ma'am.
15 THE COURT: Is this still your verdict?
16 MS. BADGER: Yes, ma'am.
17 THE COURT: Thank you.
18 James Brantley. Sir, is this your verdict?
19 MR. BRANTLEY: Yes, ma'am..
20 THE COURT: Is this still your verdict?
21 MR. BRANTLEY: Yes, ma'am.
22 THE COURT: Thank you, sir.
23 Ms. Capers. Ma'am, is this your verdict?
24 MS. CAPERS: Yes, ma'am.
25 THE COURT: Is this still your verdict?

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1 MS. CAPERS: Yes, ma'am.
2 THE COURT: Thank you, ma'am.
3 Joyce Shaw. Ms. Shaw, is this your verdict?
4 MS. SHAW: Yes, ma'am.
5 THE COURT: Is this still your verdict?
6 MS. SHAW: Yes, ma'am.
7 THE COURT: Thank you, ma'am.
8 Gloria Drayton. Ma'am, is this your verdict?
9 MS. DRAYTON: Yes, ma'am.
10 THE COURT: Is this still your verdict?
11 MS. DRAYTON: Yes, ma'am.
12 THE COURT: Thank you.
13 Daniel Sanders. Sir, is this your verdict?
14 MR. SANDERS: Yes, ma'am.
15 THE COURT: Is this still your verdict?
16 MR. SANDERS: Yes, ma'am.
17 THE COURT: David Braddock. Sir, is this your
18 verdict?
19 MR. BRADDOCK: Yes, ma'am.
20 THE COURT: Is this still your verdict?
21 MR. BRADDOCK: Yes, ma'am.
22 THE COURT: Thank you, sir.
23 Octavia Taylor.
24 MS. TAYLOR: Yes, ma'am.
25 THE COURT: Ma'am, is this your verdict?

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1 MS. TAYLOR: Yes, ma'am.

2 THE COURT: Is this still your verdict?

3 MS. TAYLOR: Yes, ma'am.

4 THE COURT: Thank you. You may be seated.

5 Is there anything further required from this
6 jury? From the State?

7 MR. THORNTON: Nothing from the State.

8 THE COURT: From the defense?

9 MR. GEIER: Nothing from the defense, Your
10 Honor.

11 THE COURT: Ladies and gentlemen of the jury, at
12 this time I get to go ahead and excuse you from jury
13 service for the remainder of the week.

14 I want to tell you that not only have you helped
15 to resolve this case -- and a few of you were in my
16 previous trial, as well. In addition to those two
17 cases, when I start a week I have a number of cases on
18 my roster. Typically, about forty or fifty. We
19 cannot try every case, obviously, that comes through
20 Hampton County but what we do, because we have jurors
21 willing to serve, we dispose of them in other ways,
22 either by guilty pleas or something else. I will tell
23 you that I have been taking some guilty pleas while
24 you-all have been back deliberating, and certainly
25 we'll take more towards the end of the week, to help

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1 do Hampton County's business.

2 Ladies and gentlemen, I can't do the County's
3 business without you-all, without having jurors to
4 serve and willing to serve. And I can tell you how
5 much I appreciate that, as does everyone in this
6 courtroom.

7 Ladies and gentlemen, at this time I'm going to
8 go ahead and excuse you. Ladies and gentlemen, you
9 may discuss this case if you choose to at this point.
10 You can go home and tell your family members or
11 friends what you've been doing up here in the
12 courthouse. Of course, you're not required to do so.

13 Sometimes an attorney or maybe a witness will
14 ask you what you think or want to know what you think.
15 You, of course, again, are not required to discuss it.
16 If you do not want to talk about it and someone asks
17 you or persists in any way, you call up to Ms.
18 Nettles, the clerk of court's office, tell us who it
19 is, and I will go take care of them. All right?

20 Additionally, ladies and gentlemen, at this time
21 I am going to go ahead and sentence Mr. Fields. You
22 are welcome to stay or not stay. It is completely up
23 to you. All I'm going to ask, ladies and gentlemen,
24 is that if you do wish to stay during the sentencing,
25 that you remain in your seats where you are now and if

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1 you do not want to stay, now is the time to go ahead
2 and excuse yourself. I will tell you that --

3 Do we need to go down to the clerk's office,
4 Mylinda, to get work excuses for anyone that's here?
5 Or do we have them right here?.

6 THE CLERK OF COURT: Nobody's here and I don't
7 have them up here. Everybody left from downstairs.

8 THE COURT: So what are we going to do?

9 THE CLERK OF COURT: If I can -- if I can find
10 out who it is, I can mail it with their check.

11 THE COURT: Ladies and gentlemen, if you need a
12 work excuse for your superior, what you just need to
13 do is before you leave, let Miss Mylinda know. She's
14 going to write your name down and she'll make sure
15 that when that check that comes to you, that it will
16 be in there for your bosses. When you go back to work
17 tomorrow if there is any problem whatsoever, you have
18 them call here to the courthouse, ask for Ms. Nettles.
19 If you can't find her, come and ask for me. I'll be
20 here. Okay? Again, I appreciate your being here.

21 Yes, ma'am?

22 UNIDENTIFIED: I have to go back tonight.

23 THE COURT: You have to go back tonight?

24 UNIDENTIFIED: I do, too.

25 THE COURT: Absolutely. All right. Very well.

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1 I can tell you, again, if you have any problems
2 whatsoever --

3 Mylinda, if you'll give them just the phone
4 number.

5 THE CLERK OF COURT: Yeah, and I'm just -- I'll
6 just send everybody -- because they're all kind of
7 telling me they need it, so I'll just do one for
8 everybody on this.

9 THE COURT: Okay. But I'm just -- I'm concerned
10 about anyone right now when they go back. I don't
11 want there to be any problem.

12 Just tell them what you've been doing here. If
13 they give you any grief or any problem whatsoever, you
14 tell them to call up here first thing in the morning
15 and I will take care of it. Okay?

16 Thank you again, ladies and gentlemen. You were
17 able to resolve this case. We are grateful for it.
18 You are excused, if you would like to leave. Of
19 course, if you want to remain for the sentencing, you
20 may stay in your seats. But anyone that does wish to
21 leave right now, now is the time to do it. Anyone?
22 All right. Sit tight, then, y'all. We'll go ahead
23 and --

24 [Whereupon, the jury is excused by the Court]

25

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SENTENCING

MR. THORNTON: May it please the Court, Your Honor.

THE COURT: Yes, sir.

MR. THORNTON: Your Honor, I have the sentencing sheets in these cases. Your Honor, I'm passing up those sentencing sheets.

[Whereupon, Mr. Thornton proffers documents to the Court]

MR. THORNTON: Both charges carry from zero to ten years. The addition: on criminal sexual conduct third degree carries sexual offender registration. Neither of them, Your Honor, are a violent offense but the CSC third is a sexually violent offense for purposes of the Sexually Violent Predator Act.

Your Honor, both Michael Sheen and Maime Sheen would like to speak at the appropriate time. I have a very brief --

Are we going to do this seated, Your Honor, or would you like us to approach the bar?

THE COURT: Actually, y'all can stand, but stand right there is fine. You're welcome to be right where you are, Mr. Geier.

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MOTION FOR A NEW TRIAL

MR. GEIER: Your Honor, before we get started, I would like to make a motion.

THE COURT: Yes, sir. Go ahead.

MR. GEIER: At this time I make a motion for new trial based on variance between the testimony and the allegations in the indictment and for the reasons I previously brought up in the motion for directed verdict. I won't rehash it. I would just say I incorporate everything I put out there before. Thank you, Your Honor.

THE COURT: All right. Well, respectfully, I've noted your motions for a new trial is on the record.

Based on the grounds that I earlier denied, your motions for directed verdict, again, I do think it's appropriate. And as far as the verdict is concerned, there was certainly adequate evidence to prove your client's guilt on both of these charges, and I am not going to reverse the jury's verdict. But I appreciate you making those appropriate motions at this time.

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SENTENCING CONTINUED

THE COURT: Yes, sir?

MR. THORNTON: Your Honor, the State's position is -- and, you know, I said this in front of the jury and I will say this to Your Honor. First of all, he has no prior record. Obviously, he was a police officer. I don't really hold any sympathy. Normally, you know, I wouldn't have to say that to the Court and then the Court would take that into consideration, which I know you will, Judge. But, you know, he was a police officer, and police officers are given a lot of power -- that's what I told the jury -- and a lot of responsibility that goes along with that power. He violated that power, Judge. He violated that trust. And he frankly puts a black eye on the entire justice system.

You know, I was talking to one of the chiefs of police here the other day. And, you know, when people see officer -- former Officer Fields doing things like that, they think everybody does that. You know, they think that we're all corrupt and this is just a good-old-boy system. And the fact that he would use his position to, for lack of a better word, force a young lady to have sex with him is just frankly reprehensible and I would ask the Court to impose the

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1 maximum sentence of ten years. He's going to be a
2 registered sex offender for the rest of his life.
3 And, frankly, I think he's earned every day of it.
4 Thank you, Your Honor.

5 If you would like, I will have Michael Sheen and
6 Maime Sheen come up one at a time and speak to the
7 Court, with the Court's permission.

8 THE COURT: All right.

9 MR. THORNTON: Michael Sheen.

10 [Whereupon, Miss Sheen comes forward]

11 THE COURT: Yes, ma'am.

12 MISS SHEEN: Just wanted to thank everybody.
13 This has changed my entire life since the day it
14 happened, and it is going to continue to affect my
15 life forever.

16 THE COURT: Thank you, Miss Sheen.

17 MR. THORNTON: Her mother, Maime Sheen, would
18 also like to address the Court.

19 THE COURT: Yes, ma'am?

20 MS. SHEEN: I want to thank the jury, as well.
21 We can finally start living -- having our lives.

22 But I just wanted to note to you that she has,
23 her entire life, wanted to be a neonatal nurse. That
24 has been her dream, and that dream was completely
25 taken away from her because she couldn't bear to go on

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1 in school. So she is no longer going to become a
2 nurse. She's now in cosmetology school.

3 And it has impacted all of us greatly, and I
4 just hope that you'll take that into consideration
5 what -- this has affected my daughter's life forever.

6 THE COURT: Thank you, ma'am.

7 MR. THORNTON: With that, Your Honor, the State
8 rests. Thank you, ma'am.

9 THE COURT: All right. Mr. Geier?

10 MR. GEIER: May it please the Court.

11 Obviously, as Mr. Thornton has mentioned
12 earlier, Mr. Fields has no prior record at all. He's
13 got significant family ties in the community.
14 Obviously, his church attendance and involvement is
15 remarkable.

16 His work history -- again, while being in the
17 position that he was in and given the opportunity to
18 do what ultimately he did was a terrible thing. That
19 doesn't completely wipe away the thirteen years where
20 he faithfully served the State of South Carolina.
21 He's also a veteran, obviously, of Operation Iraqi
22 Freedom, a combat veteran.

23 And going back to his background, given that Mr.
24 Fields was a guard at a prison, prison time for him
25 will be unusually dangerous. He has, I'm sure, made a

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1 number of friends on the inside that would be more
2 than happy to --

3 I understand -- Mr. Thornton's request for ten
4 years, I think that's highly inappropriate. I
5 understand the severity of the charge. But given his
6 background, given his lack of record, and given the
7 obvious consequences that a prison term would have,
8 you know, I would say -- I would leave it to the
9 Court's discretion. But I would hope that you would
10 take that into consideration.

11 THE COURT: Would anyone else like to speak on
12 behalf of Mr. Fields? Or Mr. Fields?

13 [Whereupon, Ms. Fields comes forward]

14 THE COURT: Yes, ma'am. If you would give me
15 your name for the record.

16 MS. FIELDS: My name is Angela Fields. I'm
17 Curtis Fields's wife. And on behalf of Curtis, he is
18 a good person. He made a mistake. And we have five
19 children, and our youngest son is five years old. And
20 it's just real hard, and it's been a hard year. And
21 he's a good man --

22 THE COURT: Thank you, ma'am.

23 MS. FIELDS: -- and an honest man.

24 THE COURT: Thank you.

25 MR. GEIER: That's all we have.

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1 THE COURT: He doesn't want to say anything?

2 MR. GEIER: I don't think he can.

3 THE COURT: Okay. For the record, you've
4 advised him not to; is that correct?

5 MR. GEIER: I've not advised him to. I truly
6 don't think he can.

7 THE COURT: On indictment number 2012-2, it is
8 for criminal sexual conduct in the third degree, the
9 sentence of this Court is that you be committed to the
10 department of corrections for a period of ten years.
11 You're also going to register as a sex offender. On
12 indictment 2012-1, for public official misconduct in
13 office, the sentence of this Court is that you be
14 committed to the department of corrections for a
15 period of ten years. Those are to run concurrent to
16 each other. And I'm giving you credit for any time
17 you may have served.

18 Good luck to you, sir. Good luck to your
19 family.

20 MR. THORNTON: Thank you, Your Honor.

21 THE COURT: Good luck to the victim.

22 [JURY TRIAL CONCLUDES AT 5:57 P.M.]

23

24

25

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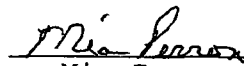
C E R T I F I C A T E

STATE OF SOUTH CAROLINA
COUNTY OF HAMPTON

I, the undersigned Mia Perron, Circuit Court Reporter for the 9th Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of the jury trial held before the Honorable Carmen T. Mullen, on Wednesday, March 13, 2013.

I do further certify that I am neither kin nor counsel to any of the parties and have no interest in the outcome of this action.

Dated this 19th day of August, 2013.


Mia Perron, CVR-CM-M
Circuit Court Reporter
9th Judicial Circuit

MIA PERRON, CVR-CM-M

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STATE OF SOUTH CAROLINA
14TH JUDICIAL CIRCUIT
COUNTY OF HAMPTON
COURT OF GENERAL SESSIONS
CASE NO'S. 2012-GS-25-00001 & 2012-GS-25-00002

STATE OF SOUTH CAROLINA

PLAINTIFF

VERSUS

MAY 7, 2013

TRANSCRIPT OF HEARING
BEAUFORT, SOUTH CAROLINA

CURTIS FIELDS

DEFENDANT

B E F O R E:

HON. CARMEN T. MULLEN, JUDGE

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

ON BEHALF OF THE STATE:

HON. SEAN THORNTON

ON BEHALF OF DEFENDANT:

HON. CHRISTOPHER J. GEIER

WANDA H. ROWE, CVR-M
OFFICIAL COURT REPORTER

COPY

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1 BEGINNING 10:49 A.M.

2 BY THE COURT:

3 THE COURT: Please be seated. All right. Good
4 morning, you all.

5 MR. THORNTON: Good morning, your Honor.

6 THE COURT: Good to see everyone. It's my
7 understanding, Mr. Geier??, you have filed a motion to
8 reconsider the sentence of your client, Mr. Fields. We
9 tried his case back in Hampton a month ago, roughly, or
10 a little longer than that. Is that correct, sir?

11 MR. GEIER: Yes, your Honor.

12 THE COURT: All right. Before we start, is there
13 anything you need to put on the record, or would you
14 just rather go afterwards?

15 MR. THORNTON: I'll just go afterwards, Judge. For
16 record purposes, I will tell you this is 2012-GS-25-0001
17 and 0002, State versus Curtis Fields. And I have the
18 date of conviction, Judge, as 3-13-13. So March 13th of
19 this year. Other than that, your Honor, I would just
20 defer until after Mr. Geier.

21 THE COURT: Thank you, sir. Yes, sir, whenever
22 you're ready.

23 MR. GEIER: Thank you, your Honor. May it please
24 the Court.

25 THE COURT: Yes, sir.

1 MR. GEIER: First off, your Honor, there's -- I'd
2 like to recognize the people here that are here in
3 support of Curtis. Briefly, there are a few that
4 would like to say something, per your Honor's
5 discretion.

6 The first person, my understanding, is going to be
7 Ronald Reynolds. Ronald Reynolds.

8 You can stand right there, sir, if you like.

9 THE COURT: Yes, sir. If you would just give me
10 your name for the record and how you know Mr. Fields.
11 Can you hear me, sir?

12 RONALD E. REYNOLDS: I met Curtis when he came to
13 our church, back some ten years ago. I don't remember
14 exactly how long. It's been a right good while. And
15 all I can say is he's a straight-up fellow. I put a
16 lot of years in the military, and if I had my way, he'd
17 be a man I'd take with me. A lot of confidence in
18 Curtis. I know him. I know his family. I know his
19 wife. And couldn't ask to be in a better company than
20 these folks.

21 Thank you.

22 THE COURT: Thank you, Mr. Reynolds.

23 MR. GEIER: Can you state your name for the record.
24 Can you state your name for the record.

25 RONALD E. REYNOLDS: Ronald E. Reynolds.

1 THE COURT: Thank you, sir.

2 MR. GEIER: Your Honor, next up, we have Mr. Jerry
3 Tuten.

4 JERRY TUTEN: Good morning.

5 THE COURT: Good morning.

6 JERRY TUTEN: Jerry Tuten. I was Curtis' current
7 employer at the time of this court date. Curtis came
8 to us in January 2011. At this point, he was looking
9 to make a change in his life, seeking a new direction
10 and a new career. At that point, I had decided to
11 give him that opportunity with our company. And since
12 that point in time, the entire relationship has worked
13 both for the company, as well as him. Everything
14 that we've experienced has been professional and
15 extremely successful during that duration. Thank you.

16 THE COURT: Thank you, Mr. Tuten.

17 MR. GEIER: Your Honor, next up we have Angela
18 Fields.

19 THE COURT: Yes.

20 ANGELA FIELDS: My name is Angela Fields. I'm
21 Curtis' wife, and we've been married for about nine
22 years. And over a year ago, I've totally forgiven
23 Curtis for everything that happened. And I just ask
24 that the young lady, that she could just find it in her
25 heart to forgive him, as well.

1 Curtis is a good man. He's always enjoyed helping
2 people, and always did the right thing. And when we got
3 married nine years ago, we become one, a covenant under
4 God. And without him, it's like having a left side
5 without a right.

6 And Judge, more than me, it's my kids. And
7 especially my five-year-old child who asks, *Mommy,*
8 *when's my daddy coming home.* And I can't even tell my
9 son where his daddy is at, because how do you tell a
10 five-year-old child that your daddy's in prison? So I
11 just keep telling him, *Son, we're not sure when Daddy's*
12 *coming home, but he loves you, and he's coming back*
13 *home.*

14 Curtis lost his career. He's lost -- he almost
15 lost his family. You know, he's lost his freedom.
16 He was in the military. He fought for freedom for
17 everybody sitting in this room. He served his
18 community. He did it because that's what he loved
19 to do. And I'm just here pleading with you today,
20 Judge, asking you to please let my husband come back
21 home to his family so that he can raise his five-year-
22 old son and my 15-year-old son that's a teenager that he
23 needs a good father figure in his life, and Curtis is
24 that.

25 Thank you.

1 THE COURT: Thank you, Mrs. Fields.

2 MR. GEIER: Your Honor, we also have Mr. Fields'
3 pastor. Please state your name.

4 REVEREND PAUL REED: Reverend Paul Reed. Just a
5 moment to say thank you to every person who is here,
6 because I recognize the expenditure of time, talent, and
7 resources that are required for this. And we appreciate
8 the opportunity to make this plea.

9 I've known Curtis for over nine years, and I find
10 him to be a fine man. I know that none of us here are
11 what we need to be. Curtis has made a plea and a desire
12 to do -- to do better in his life. And we'd just like
13 to ask that it be revisited and reconsidered, and that
14 at least probation be -- be considered and given for
15 him. Thank you for your time.

16 THE COURT: Thank you, Reverend Reed.

17 MR. GEIER: Thank you, your Honor. In addition, I
18 have a number of statements marked as Court's Exhibits 1
19 through 5. Court Exhibit 1 is an affidavit signed by
20 Ms. Connie Rawls. R/a/w/l/s. Court's Exhibit 2 is an
21 affidavit by Charles R. Rawls. Court Exhibit 3 is a
22 letter and drawing by Matthew Fields. Court Exhibit 4
23 is a statement given by Phyllis Wooten, who is Curtis'
24 mother-in-law. Court's Exhibit 5 is a letter from Ms.
25 April Harvey, who is Curtis' sister-in-law. And with

1 your permission, I'll approach to give you a moment to
2 review them.

3 THE COURT: Anything else, Mr. Geier?

4 MR. GEIER: Yes, your Honor. Obviously, Curtis is a
5 father and husband, and he's got a lot of people who are
6 here supporting him. And that's not, in and of itself,
7 all that unusual. Very often I'm here in front of you
8 for things like this. We've got a couple people.
9 Although, I've got to say, it's a more impressive
10 gallery than I usually have.

11 I know Curtis' personally, too, and I know him
12 through work. Worked in there at the Town of Yemassee
13 doing defense work. I had numerous occasions to deal
14 with Curtis. I always found him to be very honest and
15 professional. And I liked him personally. He was --
16 I could tell he was well liked and respected among the
17 other members of the Yemassee Police Department.

18 What's not unusual in this case, however, are the
19 circumstances and the man himself. First, I'd like to
20 talk about the charges that he was convicted on. I like
21 to think of crime charges as sort of having a scale of
22 reprehensibility. If I was in your court, Judge, and
23 you had a coffee mug up there and I went and stole it,
24 I'd be guilty of larceny. And that carries up to 30
25 days in jail. And if that's all it was and I got

1 convicted, I could be looking anywhere between zero and
2 30 days in jail.

3 If, however, I knew that that mug was made by your
4 great grandmother and it had a very personal and real
5 connection to you, it's something that you valued
6 beyond just a regular coffee mug or cup, and I took
7 it, obviously, that was something that would be much
8 more reprehensible, because I knew that was something
9 that was personal to you. And while the penalty might
10 be exactly the same, as far as the range goes, I would
11 hope that a judge would look at that and say, you know,
12 Mr. Geier, you were really wrong, because you knew all
13 about that and you decided to take it anyway and just
14 as a reason to hurt somebody; so, beyond the fact that
15 you're a thief, you're also just a mean and a bad
16 person.

17 Now, I think with the charge that we have here,
18 there is also a scale of reprehensibility. First off,
19 I'll start off with the misconduct in office. This
20 courtroom and this courthouse has seen folks charged
21 with misconduct in office before. One quite notable.
22 And in that case, there were a pattern. There's a
23 pattern of misconduct of willful, systematic breach of
24 trust of the taxpayers and the people of Beaufort
25 County.

1 In this case, we have one instance in 13 years of
2 service to the community of something that was terrible,
3 an awful thing to do, but one instance. One mistake
4 that he made one night that he shouldn't have made.

5 You know, again, if this is something where we knew
6 that Curtis had a long history of doing things like
7 this, I think that would be one thing. But by all
8 accounts, and there's nothing to say otherwise, this is
9 one blip on the scale of Curtis' life where, suddenly,
10 he did something that he shouldn't have done. And I
11 think that bears consideration, your Honor.

12 Also, with respect to the criminal sexual conduct,
13 you know, that covers everything from just basic
14 coercion, which is, I think, what we have here;
15 obviously, because of his position, there's a certain
16 different element to it; but all the way up to force.
17 As long as it doesn't rise to the level of high and
18 aggravated, that's CSC third. If he had pushed her
19 down, pulled her pants off, and raped her, that would
20 still be CSC third.

21 If he had said to her, look, you want to do this.
22 No, no, I'm not going to do that, sir; please don't make
23 me do that. Well, then, I'm just going to take you to
24 jail. Well, no, please don't make me do this; please
25 don't make me do this.

1 Your Honor, we heard the tape. That's not what
2 happened. That's not what happened here. He asked her
3 not once, not twice, three or four times, are you sure
4 about this. And she said yes each and every time. And
5 then the last one, it was an unequivocal yes..

6 Your Honor, and I get it, he had the full power of
7 the State of South Carolina behind him, and that was the
8 basis for why she had no ability to choose otherwise.
9 But from the scale of reprehensibility, when you have
10 somebody who asks, are you sure about this, are you sure
11 about this; and each time he is met with an affirmative,
12 your Honor, that's got to be low on a scale when you
13 consider what it could actually have been, and still run
14 under CSC third.

15 Now, the other thing I'd like to talk about is
16 Curtis' military service and law enforcement service.
17 Your Honor, before I came to Beaufort County, I was a
18 judge advocate general prosecutor for the Army. And
19 when I got here, I was stunned at the length of
20 sentences, both that were handed down by the judges and
21 what the solicitor's office was offering, because it
22 wasn't anywhere near what I saw in the military. And I
23 wondered why for a while. And I thought, well, maybe it
24 has something to do with the fact that these defendants,
25 despite what they may have done, have a history that

1 most folks don't have.

2 He chose something that most people never do in
3 their life, which is volunteer for the military. There
4 are less than ten percent -- less than ten percent of
5 our population in the United States are combat veterans.
6 Now, those numbers are slightly skewed. It's going to
7 go down because some of those combat veterans were
8 drafted in World War II. A few of them now, but the
9 Korean War and Vietnam.

10 Curtis volunteered. It was an all-volunteer Army.
11 Curtis raised his hand and went to war for our country.
12 That is something that I think the Court needs to take
13 into consideration. And in the case of *Porter versus*
14 *McCollum*, 558 U.S. 30, the United States Supreme Court
15 considered the case of Mr. Porter, who was a Korean War
16 veteran. The Supreme Court ended up vacating the
17 sentence for reconsideration when it came out that his
18 military service hadn't been considered.

19 And the Supreme Court said, *Our Nation has a long*
20 *tradition of according leniency to veterans in*
21 *recognition of their service, especially for those who*
22 *fought on the front lines.*

23 That's exactly what Curtis did. For eight months he
24 was in Iraq getting shot at, getting bombed, putting on
25 gas masks and gas suits as he was going forward towards

1 Baghdad. But even that, in and of itself, isn't the end
2 of it. Most veterans get out and they go and do
3 whatever they're going to do. But Curtis got out and
4 went back into the service, this time, to his community.
5 And he served for 13 years as a law enforcement officer
6 and correction officer. Again, that is something that
7 is so rare. He is definitely exceptional in that
8 regard, and I think that bears consideration.

9 I would also add that, because of that time that he
10 spent in service in our community as a correctional
11 officer and an officer, it makes a jail sentence in this
12 case exceedingly and inherently dangerous. And it's
13 something that he's quite concerned about. I know I'm
14 concerned about. Even if he has moved out of the
15 community, there's still a chance that somebody's going
16 to find out about it, and he will not be treated very
17 well after that, I can guarantee it.

18 Now, given all that, frankly, your Honor, I think a
19 probationary sentence is appropriate in this case. And
20 I understand that is on a scale of punishment that is as
21 far down as you could go, based on, well, maybe other
22 than time served, based on what you originally gave.
23 But your Honor, again, Curtis is an exceptional person.
24 Not something that you usually see standing in front of
25 you. And I understand that cuts both ways.

1 However, I believe in my heart that there is no way
2 that, when this is all over, Curtis is going to be
3 somebody who's likely to re-offend. I think it's very
4 clear, Curtis is going to come back in the society and
5 be a important contributing member of the community once
6 again. He has, obviously, gone through a lot, and
7 rightfully so. But I believe that that is an
8 appropriate sentence at this stage.

9 Thank you, your Honor.

10 THE COURT: Thank you. Mr. Thornton.

11 MR. THORNTON: May it please the Court, your Honor.

12 THE COURT: Yes, sir.

13 MR. THORNTON: Briefly. I understand and greatly
14 respect Mr. Geier's position on behalf of his client,
15 and certainly all these folks who have come to support
16 Mr. Fields, but Judge, he should have known better.
17 Everything that was just talked about are all the
18 reasons that he shouldn't have done this in the first
19 place. He does have military training. He was a
20 corrections officer. He is -- was a police officer.
21 You shouldn't get credit for that. I understand it
22 needs to be considered by you, but I think it cuts the
23 other way.

24 You know, my father served in the military for 23
25 years. Went in, in '64, got out in '86. Every uncle I

1 had served from Korea on through. And I had six of
2 them. Couple of them died. And one of them in a
3 paratrooping accident.

4 The victim's father, military service. Military
5 service is not an excuse for bad behavior. And the
6 State, frankly, me, personally, finds it reprehensible
7 that it is so often used by defendants as but I fought
8 for freedom. Yeah, but you didn't fight for your right
9 to violate the laws of this country. So, military
10 service is not an excuse to act up.

11 I've heard the words and I've read these affidavits,
12 you know, character, judgment, professionalism, honesty.
13 Where were all those qualities the night he pulled
14 Michael Jasmine Sheen over? They were nowhere to be
15 found.

16 He knew better, Judge. He was a corrections
17 officer. He knows very well that, no matter what
18 somebody says, if they're in custody, they can't
19 consent. And I'm not talking about the legalities of
20 it. I'm talking about just good old fashioned common
21 sense, the kind of common sense you're supposed to get
22 when you have military training and police training and
23 corrections officer training.

24 Your Honor, the victim in this case, Michael Jasmine
25 Sheen, is not here, and it's not because she didn't

1 care; it's not because she didn't have a position. It's
2 for two reasons. One, she's already missed plenty of
3 school. Didn't want to miss anymore. And her father
4 didn't want her to miss anymore. And she, frankly,
5 didn't want to look at him again. Her father is here.
6 Cris Murphy is here, who has been assisting the victim
7 and her father in this case. And their position is,
8 your Honor, that, you know, again, common sense Mr.
9 Geier talked about, about her saying yes and all that,
10 the victim's not on trial here. The jury has spoken.
11 He was convicted of both charges, CSC third and of
12 misconduct in office. And your Honor, the State feels
13 like your sentence was perfectly reasonable, given the
14 circumstances, because he knew better. We hold law
15 enforcement officers, we hold people in the military, we
16 hold corrections officers to a higher standard because
17 of the training that they do receive.

18 He knew better, Judge, and he chose to do something
19 different. He wasn't thinking about his wife or his
20 kids or his career or jail time or anything else. He
21 chose to do what he did, and he knew better.

22 Thank you, your Honor.

23 THE COURT: Anyone else on behalf of --

24 MR. THORNTON: No, ma'am. They've indicated that
25 they did not wish to speak, unless that has changed.

1 JOHN SHEEN: Well, I'd like to say one thing.

2 MR. THORNTON: John Sheen.

3 JOHN SHEEN: John Sheen, the victim's father. As he
4 eluded to, and as others eluded to, military service, 25
5 years, retired, disabled veteran. And to hear so try to
6 justify by using their military background, I find it
7 appalling, being a retired veteran myself.

8 Thank you.

9 MR. THORNTON: Nothing further from the State, your
10 Honor. Thank you.

11 THE COURT: I will tell you all and those of you
12 that have come, that I do appreciate you all being here,
13 and I certainly take your pleas into account, and it is
14 important.

15 There are a number of things I had a concern about
16 this case, and I will be completely candid with you
17 about that. Probably the paramount, though, is just the
18 abuse of power. You know, we talk about people who are
19 given a badge and an ability to stop people, to detain
20 them, and to put them in prison or in jail. That's a
21 lot of power. I don't think there's a person here that
22 has ever been pulled over, even for a speeding ticket,
23 that their heart didn't beat and they weren't scared,
24 including myself. I think that's just the natural --
25 and it's based on the amount of power and what someone

1 can do.

2 The other concern I had in this case, and I will be,
3 also, again, perfectly frank with you, that, while Mr.
4 Geier talks about being just one incident, while this
5 may have been one incident, it was calculated a number
6 of different times during the incident that he made the
7 choice to go forward with it. It was first when the
8 thought in talking about whether to not she would go to
9 jail. And then it was taking her cell phone so she
10 couldn't record it. It was then, meet me four miles up
11 the road in the middle of the median. It was the next
12 day, going to the police station, and erasing the stop.
13 Those are all separate decision at any point he could
14 have stopped. That is what I have a hard time with.

15 And again, I am not immune to typical position of
16 explaining why I sentence people as I do. As Mr. Geier
17 knows and the State knows, he was facing 20 years. I
18 could have given him up to 20 years. I will tell you
19 that I have heard you and I am going to sit and think
20 and consider his sentence, as well.

21 I appreciate the Reverend being here. And I
22 certainly appreciate all his family. I know he's a
23 loved father. I know his children love him. There's no
24 question as to that. But again, I have to make my
25 decision based on what I see, and again, in weighing

1 everything.

2 And I certainly understand what his background is,
3 and that he had no prior record, and that many people
4 thought well of him.

5 Mr. Geier, I'm going to go ahead and consider what
6 you've had to say, and I will let you all know. I'll,
7 I'm sure, issue an order either way and let you know.
8 But I do appreciate you all coming, and it is important,
9 so thank you.

10 MR. GEIER: Thank you, your Honor.

11 MR. THORNTON: Thank you, your Honor.

12 THE COURT: Thank you. And I'm going to go ahead,
13 if you don't mind, we'll make these court exhibits, but
14 I'm going to keep them so I can read the affidavits.
15 Okay?

16 MR. GEIER: Thank you.

17 THE COURT: Thank you.

18 BAILIFF: All rise, please.

19 AFFIDAVIT OF CONNIE RAWLS MARKED

20 COURT'S EXHIBIT NUMBER 1.

21 AFFIDAVIT OF CHARLES R. RAWLS

22 MARKED COURT'S EXHIBIT NUMBER 2.

23 LETTER AND DRAWING OF MATTHEW

24 FIELDS MARKED COURT'S EXHIBIT

25 NUMBER 3.

1 STATEMENT OF PHYLLIS WOOTEN

2 MARKED COURT'S EXHIBIT NUMBER 4.

3 LETTER OF APRIL HARVEY MARKED

4 COURT'S EXHIBIT NUMBER 5.

ENDING 11:09 P.M.

CERTIFICATE OF REPORTER

MAY 7, 2013 TRANSCRIPT OF HEARING

STATE OF SOUTH CAROLINA

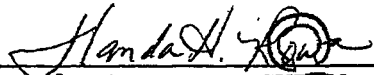
COUNTY OF BEAUFORT

I, Wanda H. Rowe, CVR-M, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing May 7, 2013 Transcript of Hearing is a true, accurate, and complete record of the proceedings had and evidence introduced and/or admitted at said proceeding in the case of State versus Curtis Fields, Hampton County, Court of General Sessions, Case Numbers 2012-GS-25-00001 and 2012-GS-25-00002.

I further certify that I am of neither kin, counsel, or interest to any party hereto.

The original of this transcript and any copy of same is not certified, nor authorized for use by me, to be true, accurate, and complete without my original signature and stamp affixed hereto.

Witness my signature May 18, 2013.


Wanda H. Rowe, CVR-M
Official Court Reporter

COPY

STATE OF SOUTH CAROLINA

COUNTY OF HAMPTON

STATE OF SOUTH CAROLINA,

vs.

CURTIS FIELDS,

Defendant.

) IN THE COURT OF GENERAL SESSIONS
) FOURTEENTH JUDICIAL CIRCUIT
) INDICTMENT #s: 2012-GS-25-00001,
) 2012-GS-25-00002

ORDER DENYING MOTION TO
 RECONSIDER

THIS MATTER CAME BEFORE THE COURT for a hearing on May 7, 2013 on motion by Christopher J. Geier, for the above named Defendant, to reconsider the sentence. The Defendant, Curtis Fields, was found guilty by jury trial of criminal sexual conduct third degree and misconduct office. A sentence was issued on March 13, 2013. After careful consideration of all the evidence presented, the Court respectfully denies the Defendant's motion to reconsider.

IT IS SO ORDERED.



CARMEN TEVIS MULLEN
 PRESIDING JUDGE
 FOURTEENTH JUDICIAL CIRCUIT

Hampton, South Carolina
 May 8, 2013

2013 MAY -9 AM 11:18
 MYLINDA B. NETTLES
 CLERK OF COURT
 HAMPTON COUNTY, S.C.

FILED

- A TRUE COPY
 Mylinda B. Nettles
 CLERK OF COURT FOR
 HAMPTON COUNTY, S.C.
 DATE 5-9-13

WITNESSES

David Williams- SLED

DOCKET NO. 2012GS2500002

The State of South Carolina
County of Hampton

COURT OF GENERAL SESSIONS

February Term 2013

ARREST WARRANT NUMBER

N101459

Date of Arrest November 21, 2011

THE STATE

vs.

ACTION OF GRAND JURY

Curtis Fields

TRUE BILL

[Signature]
Foreperson of Grand Jury
Date

FEB 21 2013

VERDICT

Indictment for

Sex / Criminal sexual conduct - Third degree

SC Code 16-03-0654
COR Code:0162

Foreperson of Petit Jury
Date.

INDICT

A TRUE COPY
[Signature]
CLERK OF COURT FOR
HAMPTON COUNTY, S.C.
DATE 6-27-13

STATE OF SOUTH CAROLINA)
)
 COUNTY OF HAMPTON)

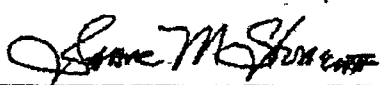
INDICTMENT
 2012GS2500002

At a Court of General Sessions, convened on February 21, 2013, the Grand Jurors of Hampton County present upon their oath:

Sex / Criminal sexual conduct - Third degree

That in Hampton County on or about November 5th, 2011, the Defendant, Curtis Fields, did commit a sexual battery upon the victim Michael Jasmine Sheen; and said sexual battery was accomplished through coercion: to wit that Defendant, a uniformed and armed Town of Yemassee Police Officer coerced the victim to perform oral sex on him in lieu of writing her a citation for speeding during a night time traffic stop. Same being in violation of Code Section 16-3-654, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


 Isaac M. Stone, III
 Solicitor, 14th Judicial Circuit

TRUE COPY

A TRUE COPY
 CLERK OF COURT FOR
 HAMPTON COUNTY, S.C.
 DATE 2-21-13

WITNESSES

David Williams- SLED

DOCKET NO. 2012GS2500001

The State of South Carolina

County of Hampton

COURT OF GENERAL SESSIONS

February Term 2012

ARREST WARRANT NUMBER

N101460

Date of Arrest: November 21, 2011

THE STATE

vs.

Curtis Fields

ACTION OF GRAND JURY

TRUE BILLForeperson of Grand Jury
Date

FEB 21 2013

VERDICT

Indictment for

Misconduct in office

SC Code: Common Law
CDR Code: 0115Foreperson of Petit Jury
Date.

INDICT

A TRUE COPY
CLERK OF COURT FOR
HAMPTON COUNTY, S.C.
DATE 6-27-13

STATE OF SOUTH CAROLINA)
)
 COUNTY OF HAMPTON)

INDICTMENT
 2012GS2500Q01

At a Court of General Sessions, convened on February 21, 2013, the Grand Jurors of Hampton County present upon their oath:

Misconduct in office

That in Hampton County on or about November 5th, 2011, the Defendant, Curtis Fields, an office holder as a Law Enforcement officer, did owe a duty to the general public and that he breached said duty in a dishonest and/or corrupt manner, and failed to properly and faithfully discharge his duty to the public to wit: that the Defendant, a uniformed and armed Town of Yemassee Police Officer coerced the victim Michael Jasmine Sheen to perform oral sex on him in lieu of writing her a citation for speeding during a night time traffic stop. Same being in violation of the Common law of South Carolina.

A TRUE COPY
 [Signature]
 CLERK OF COURT FOR
 HAMPTON COUNTY, S.C.
 DATE 2-27-13

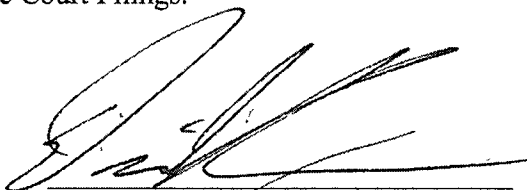
Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

[Signature]
 Isaac M. Stone, III
 Solicitor, 14th Judicial Circuit

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 August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

February 26th, 2014

A handwritten signature in black ink, appearing to read "David Alexander", written over a horizontal line.

David Alexander
Appellate Defender

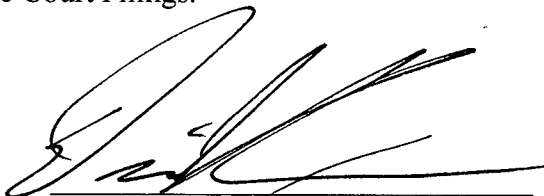
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

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 August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

February 26th, 2014



David Alexander
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

RECEIVED

FEB 26 2014

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Hampton County

Carmen T. Mullen, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

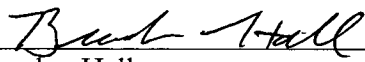
CURTIS FIELDS,

APPELLANT

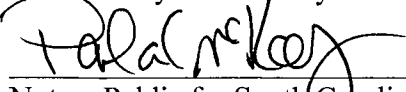
APPELLATE CASE NO. 2013-001087

CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Salley W. Elliott, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201 and also upon Curtis Fields care of Angela Fields at 2095 Brookwood Dr. Hampton SC, 29924, this 26th day of February 2014.


Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 26th day of February 2014.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: July 24, 2022.