

ORIGINAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM GEORGETOWN COUNTY

Edward B. Cottingham, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

RYAN ALAN WILLIAMS,

APPELLANT

APPELLATE CASE NO. 2012-213373

RECORD ON APPEAL

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INDEX

INDEX	i
TRIAL TRANSCRIPT	1
OPENING STATEMENTS	53
CLOSING ARGUMENT	139
VERDICT	153
SENTENCING HEARING TRANSCRIPT (October 29, 2012)	160
INDICTMENT	167
CERTIFICATE OF COUNSEL	169

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS

COUNTY OF GEORGETOWN) 2010-GS-22-1320

The State,	)	
	)	
Plaintiff,	)	Transcript of Record
	)	
vs.	)	Trial Transcript
	)	
Ryan Allen Williams,	)	October 23, 2012
	)	
Defendant.	)	

B E F O R E :

Honorable Edward B. Cottingham
Georgetown County Courthouse
Georgetown, South Carolina

A P P E A R A N C E S:

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1	I N D E X	
2	Motions.	4
3	Voir Dire.	32
4	Jury Selection	40
5	Opening Instructions by Court.	50
6	Opening by State	53
7	Opening by Defense	55
8	Reginald Grant	
9	Direct by State.	58
10	Cross by Defense	77
11	Redirect by State.	91
12	Recross by Defense	92
13	John Seale	
14	Direct by State.	97
15	Cross by Defense	104
16	Redirect by State.	126
17	Motions.	128
18	Charge	131
19	Closing Argument by State.	139
20	Closing Argument by Defense.	145
21	Verdict.	153
22	Motions.	155
23	Certificate.	159
24		
25		

State v. Williams

3

1	EXHIBITS		
2		ID	EVD
3	S-1 CD (Chase)		65
4	S-2 Printout - DMV		102
5	C-1 Bail Proceeding Form		
6	C-2 Acknowledgement		
7	C-3 Subpoena		
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			

Motions

4

1 (On the record, October 23, 2012. The following takes place
2 outside the presence of the jury venire.)

3 THE COURT: All right, let the record please reflect
4 that the proceedings we are now holding in the case to be
5 tried are conducted outside of the presence of the jury. In
6 that connection, is there anybody in the courtroom on the jury
7 panel? Okay, Mr. Bailiff, to ensure that that doesn't happen
8 I want that door secured while we're hearing these motions. I
9 don't want anybody in or out and that'll ensure that no juror
10 comes into the courtroom.

11 All right, Solicitor, what's before me?

12 MS. BAILEY: Thank you, Your Honor. State calls 2010-
13 GS-22-1320. That is an indictment for failure to stop for a
14 blue light. This is State v. Ryan Allen Williams. It's our
15 understanding that Mr. Williams is not here and the State
16 would like to present evidence so that we can proceed with a
17 trial in absentia.

18 THE COURT: Mr. McCollum, you represent the Defendant?

19 MR. MCCOLLUM: I do, Your Honor.

20 THE COURT: What is your position?

21 MR. MCCOLLUM: Your Honor, I oppose the State going
22 forward with a trial in absentia. I think that the better
23 course would be for Your Honor to issue a bench warrant and
24 issue the bench warrant for failure to appear.

25 THE COURT: Can you - other than that, can you tell me

Motions

5

1 why you would oppose a TIA for the record, please?

2 MR. MCCOLLUM: Your Honor, it's my understanding just
3 from looking at the opinions of the Appellate Courts of our
4 State and the positions they've taken on it, it seems that if
5 it can be avoided it's not something that they favor.
6 Certainly there are circumstances where it is proper under the
7 law to proceed forward and I understand it's within Your
8 Honor's sound discretion, but this is a situation where this
9 young man, he grew up in this county. His parents live in
10 this county, his grandparents live in this county. He's never
11 resided outside of this county. He's known to law
12 enforcement, they recognize him if they see him. It's, it's
13 not a situation where he has the ability or the means to
14 really leave this county and go anywhere. He's not someone
15 who has any assets. I don't think he owns a car. He doesn't
16 have a bank account. He associates with people within this
17 county and I have every reason to believe he's in this county
18 now and certainly would return in the near future. So based
19 upon that, Your Honor, he's not somebody who's going to leave
20 the jurisdiction, he's not somebody who has the means or
21 ability to leave the state or leave the nation or the country
22 or anything like that. He doesn't have a passport, he doesn't
23 have the means to do anything, and I think the proper course,
24 since Your Honor asked me my position on it.

25 THE COURT: Well, I did and I appreciate your

Motions

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1 response.

2 MR. MCCOLLUM: Would be ---

3 THE COURT: Let me ask you this, what's the response
4 of the State in this case and procedurally have we had any
5 difficulties getting to trial before?

6 MS. BAILEY: Yes, Your Honor. There was a bench
7 warrant that was issued on 1-20 of 2012 on a related case on
8 Mr. Williams. He did not appear. He was actually absconded
9 for almost three months and in fact law enforcement didn't
10 pick him up. I voluntarily lifted the bench warrant when Mr.
11 McCollum was retained and used his powers of persuasion to
12 convince me to lift that bench warrant by consent, but, Your
13 Honor, that is evidence that for even though, you know,
14 according to Mr. McCollum, Mr. Williams doesn't have the means
15 to run here for three months he was on the run in this county
16 and no one was able to locate him. Furthermore, this is a
17 case from 2010. Mr. Williams has been on the trial roster
18 for, I believe, four months straight. He's well aware that
19 this is going forward and this is just another delay tactic.

20 THE COURT: My concern, Mr. McCollum, among other
21 things, is that not to go forward simply rewards him for not
22 showing up. In addition to that, he was in the Court
23 yesterday, Monday morning, when this case was set for trial
24 the first thing today. You can agree with that I'm sure. Can
25 you not?

Motions

7

1 MR. MCCOLLUM: He was here yesterday, Your Honor.

2 THE COURT: And did we not at that time set this case
3 for trial this morning?

4 MR. MCCOLLUM: Yes.

5 THE COURT: And was he - he were fully aware of it,
6 but we'll go through procedurally to make, make sure. All
7 right, let's proceed and make sure that he was notified
8 appropriately.

9 MS. BAILEY: Thank you, Your Honor.

10 THE COURT: Mr. McCollum, I'll say to you that for me
11 now not to go forward would be simply to reward him and
12 everybody else who was set for trial simply not showing up,
13 and our court would break down under that theory. So I cannot
14 do that, but I note your objection, thank you. All right,
15 let's go forward, please.

16 MS. BAILEY: Thank you, Your Honor. First State calls
17 Mr. Knowlin.

18 Whereupon, Roy Knowlin was called to the stand, duly
19 sworn by the clerk and testified as follows:

20 THE CLERK: Please be seated and state your name for
21 the record.

22 MR. KNOWLIN: Roy Knowlin, bailiff for the Georgetown
23 County.

24 EXAMINATION

25 BY MS. BAILEY:

Motions

8

1 Q Thank you, Mr. Knowlin. Did you call a name outside the
2 courthouse this morning?

3 A I did call Mr. Williams' name three times.

4 Q And it was Ryan Williams?

5 A Ryan Williams.

6 Q And did anybody call - answer up?

7 A No respond.

8 Q Okay.

9 MS. BAILEY: No further questions for this witness.

10 THE COURT: Any questions, Mr. McCollum?

11 MR. MCCOLLUM: No, Your Honor.

12 THE COURT: You may come down. Proceed, Solicitor.

13 MS. BAILEY: State calls Jessica Smith.

14 Whereupon, Jessica Smith was called to the stand, duly
15 sworn by the clerk and testified as follows:

16 THE CLERK: Thank you. Please be seated and state
17 your name for the record.

18 MS. SMITH: Jessica Smith.

19 MS. BAILEY: Thank you.

20 EXAMINATION

21 BY MS. BAILEY:

22 Q What's your job, Ms. Smith?

23 A I am the General Sessions court coordinator.

24 Q And as part of your job do you keep the files on the
25 criminal cases here in Georgetown County?

Motions

9

- 1 A Yes, yes, we do.
- 2 Q And do you, do you have a file on 2010-GS-22-13 - 1320?
- 3 A Do you have a warrant number for that by any chance?
- 4 Q The warrant number is J525822.
- 5 A Yes, yes, we do.
- 6 Q And is that the State v. Ryan Williams ---
- 7 A Yes.
- 8 Q --- for failure to stop for a blue light?
- 9 A Yes.
- 10 Q And are these records - okay, I'm going to show you what
- 11 have been marked as Court's Exhibits One and Two. Do you
- 12 recognize these documents?
- 13 A I do.
- 14 Q Okay, are these documents kept in the ordinary course of
- 15 business?
- 16 A They are.
- 17 Q And are you - do you serve as a records custodian for the
- 18 clerk's office?
- 19 A Yes.
- 20 MS. BAILEY: At this time the State would seek to move
- 21 Court's Exhibits Number One and Two into evidence.
- 22 THE COURT: Tell me what they are, please.
- 23 MS. BAILEY: They're the bond forms.
- 24 THE COURT: Okay, they are admissible.
- 25 MS. BAILEY: Thank you, Your Honor.

Motions

10

1 BY MS. BAILEY:

2 Q And specifically as to Court's Exhibit Number Two, can
3 you read the first paragraph on that form?

4 A "Acknowledgment by Defendant. I understand that if I
5 violate any condition of this order a warrant for my arrest
6 will be issued. I understand and have been informed that I
7 have a right and an obligation to be present at trial and
8 should I fail to attend the court, the trial will proceed in
9 my absence. It has been explained to me that if I fail to
10 appear before the court as required, a warrant for my arrest
11 will be issued."

12 Q Okay, and were those forms - in the ordinary course of
13 business, are those forms given to the Defendant at his bond
14 hearing?

15 A From my understanding, I can't attest to that, but they
16 are.

17 Q That's, that's the procedure?

18 A They - that's the procedure.

19 Q And to the ---

20 MR. MCCOLLUM: Your Honor, she asked her the question.
21 She said she can't, cannot attest to that. So I object to her
22 testifying that they were given to him.

23 MS. BAILEY: Your Honor, I asked her about the
24 procedure.

25 THE COURT: No, sir, I will permit her to testify as

Motions

11

1 to the procedure. Go ahead.

2 Q Okay. So is the procedure that the Defendant receives
3 these at their bond hearing?

4 A Yes, yes.

5 Q Okay, and you - do you look at a lot of these bond forms?

6 A I do.

7 Q You see a lot of them?

8 A I do.

9 Q Is there anyplace on there that it appears to you the
10 Defendant where he's supposed to mark on that bond form?

11 A Yes.

12 Q And where is that?

13 A It is right under that paragraph that I just read.
14 There's a line for the Defendant to sign his name.

15 Q And is there a signature on that line?

16 A Yes. There is a ---

17 Q And what does it say?

18 A It says Ryan Williams.

19 Q Okay.

20 MS. BAILEY: I have no further questions for this
21 witness, Your Honor.

22 THE COURT: Mr. McCollum, you care to examine?

23 MR. MCCOLLUM: No, Your Honor.

24 THE COURT: All right, you may come down.

25 MS. BAILEY: State calls Marge Duke.

Motions

12

1 Whereupon, Marge Duke was called to the stand, duly sworn
2 by the clerk and testified as follows:

3 THE CLERK: Thank you. Please be seated and state
4 your name for the record.

5 MS. DUKE: Marge Duke.

6 EXAMINATION

7 BY MS. BAILEY:

8 Q Ms. Duke, where are you employed?

9 A Georgetown County Solicitor's Office.

10 Q And what's your - what are your duties there?

11 A I am the administrative assistant for Solicitor Bailey.

12 Q Okay, and that's me for the record.

13 A Yes.

14 Q And did you prepare a subpoena in - for warrant number
15 J525822?

16 A Yes, I did.

17 Q Is that State v. Ryan Williams?

18 A It is.

19 Q And what dates was that subpoena for?

20 A It was for October 19th, 2012 through November the 2nd of
21 2012.

22 Q And what address did you address that subpoena to?

23 A Choppee Road, Hemingway, South Carolina, 29554.

24 Q And where did you get that address from?

25 A It was on his bond form.

Motions

13

1 Q Okay, so that's the address he provided on his bond form?

2 A Yes, ma'am.

3 Q Okay, and what did you do with the subpoena after you
4 prepared it?

5 A I took it down to the clerk's office where they signed
6 off and they stamped it. I came back and made a copy of it.
7 I put it in an envelope and put it in our mail basket to go
8 out in the mail on October the 12th of 2012.

9 Q Okay, I'm going to show you a copy.

10 A That's it.

11 Q Is this the form that you prepared?

12 A It is.

13 Q Okay, and for the record I'm showing you Court's Exhibit
14 Number Three, okay. I have no further questions for you.

15 THE COURT: Mr. McCollum, you care to examine?

16 MR. MCCOLLUM: No, Your Honor.

17 THE COURT: Thank you. Come down, please.

18 MS. BAILEY: Finally State calls Ms. Linda Canteen.

19 THE COURT: Finally what?

20 MS. BAILEY: We have one more witness, Your Honor.

21 THE COURT: Mr. McCollum, do you have any witnesses on
22 this issue?

23 MR. MCCOLLUM: I don't anticipate any, Your Honor.

24 THE COURT: All right, sir. I conclude from the
25 testimony given here, plus the fact that this Defendant -

Motions

14

1 pardon me? Excuse me, you have one more witness?

2 MS. BAILEY: Yes, Your Honor.

3 THE COURT: Oh, I'm sorry. I thought you said you
4 were through.

5 MS. BAILEY: Just one more.

6 THE COURT: Pardon me.

7 Whereupon, Linda Canteen was called to the stand, duly
8 sworn by the clerk and testified as follows:

9 THE CLERK: Thank you. Please be seated and state
10 your name for the record.

11 MS. CANTEEN: Linda Canteen.

12 EXAMINATION

13 BY MS. BAILEY:

14 Q Thank you, Ms. Canteen. Where do you work?

15 A Georgetown County Solicitor's Office.

16 Q And as part of your duty do you collect the mail around
17 the office?

18 A Yes, I do.

19 Q And what do you do with it once you collect it?

20 A Once it's collected I bring it down to the mailbox in
21 front of the clerk's office and deposit for outgoing mail.

22 Q And so you actually put it in the United State mail?

23 A Yes.

24 Q And on October 12th of 2012 did you do that?

25 A Yes.

Motions

15

1 Q Okay, no further questions.

2 THE COURT: Any questions, Mr. McCollum?

3 MR. MCCOLLUM: No, Your Honor.

4 THE COURT: You may come down.

5 Anything further, Solicitor?

6 MS. BAILEY: No, Your Honor, only that the subpoena was
7 from October 19th through November 2nd. October 19th was our
8 roll call date. Mr. McCollum's office called me and requested
9 that Mr. Williams be excused from that roll call date. As a
10 professional courtesy I agreed, although he - it was clear he
11 was still under subpoena and that trial would begin, jury
12 selection would begin Monday morning. I personally saw Mr.
13 Williams in the courthouse yesterday. I know he was here and
14 was aware that we were proceeding this morning and I just want
15 the record to reflect that.

16 THE COURT: Prior to my ruling, any response, Mr.
17 McCollum?

18 MR. MCCOLLUM: Not on this issue, Your Honor.

19 THE COURT: Okay, I conclude from the testimony
20 presented that this Defendant was fully aware that his trial
21 was set during this term of court, fully aware from the
22 documents and testimony presented that he was also advised
23 that if he failed to appear a trial would be had in his
24 absence. The record will reflect, too, that this Defendant
25 was in the courtroom yesterday when this case was set for

1 trial for the first thing this morning. The record reflects
2 that he has failed to appear, having been called three times
3 at the door. Record also reflects that he's done similar
4 conduct in the past on another issue. I conclude beyond a
5 reasonable doubt that it is appropriate under the laws of
6 South Carolina and the cases therewith to proceed to try him
7 in his absence, and at this moment I order the issuance of a
8 bench warrant for his immediate arrest.

9 All right, sir, Mr. McCollum, you had indicated pretrial
10 that you may have some motions. Let's go ahead and dispose of
11 them to the extent that we can prior to jury selection. Let
12 the record still reflect that these conversations are outside
13 the presence of the jury. Again, Mr. Bailiff, I want nobody
14 in this - coming in until I have concluded these proceedings.
15 Mr. McCollum, be glad to hear from you.

16 MR. MCCOLLUM: Your Honor, at this time I have a matter
17 that I'd like to take up before the Court, but to do so I
18 would like to call as a witness Deputy John Robert Seale.

19 THE COURT: You may do so.

20 MS. BAILEY: Your Honor, is this a motion or I think
21 it's appropriate for Mr. McCollum to indicate what motion this
22 is.

23 THE COURT: I'm going to ask him before we start the
24 testimony, but he's, he's appropriately called it. What
25 motion is this, Mr. McCollum?

Motions

17

1 MR. MCCOLLUM: I'm sorry, Your Honor. Your Honor, this
2 is - I have some stuff that I can hand to the Solicitor and to
3 the Court. May I approach, Your Honor?

4 THE COURT: Yes, sir.

5 MR. MCCOLLUM: Your Honor, just for the record, I'm
6 handing up a copy of Section 17-23-20. I believe ---

7 THE COURT: Tell me what your motion is so I can read
8 it in connection with your motion that you make.

9 MR. MCCOLLUM: Your Honor, at this time I'm calling a
10 witness to establish a motion or grounds for double jeopardy
11 as to the Defendant Ryan Allen Williams. Mr. Williams was
12 charged with other offenses as a result of conduct alleged to
13 have occurred, I believe, on July 17th, 2010.

14 THE COURT: He is being tried today for failure to
15 stop for a blue light. Tell me where in the record is there a
16 double jeopardy as to that issue.

17 MR. MCCOLLUM: I'd just like to be allowed to develop
18 this, Your Honor.

19 THE COURT: Go ahead. You're not prepared to tell me
20 where the double jeopardy is so that I can listen to the
21 testimony?

22 MR. MCCOLLUM: Your Honor, 17-23-20 South Carolina Code
23 of Laws states that whenever a municipal court or a
24 magistrate's court shall have acquired jurisdiction by reason
25 of a person committing an act which is alleged to be in

1 violation of a municipal ordinance and which is in violation
2 of the criminal law of this state, a conviction or acquittal
3 by the first court acquiring jurisdiction shall be a complete
4 bar to a trial by another court for the same alleged unlawful
5 act or acts.

6 THE COURT: Well, that's what I'm asking you. Can you
7 recite for me where in a previous court this Defendant was
8 tried for failure to stop for a blue light?

9 MR. MCCOLLUM: Your Honor, this - what I would like to
10 establish with this witness is that this Defendant was charged
11 with a number of offenses arising out of his driving a car in
12 Georgetown County ---

13 THE COURT: Can't we stipulate to the whatever it -
14 can't we stipulate to that without a witness's testimony?
15 There's a record on it.

16 MR. MCCOLLUM: Your Honor, the - I would like to
17 establish that what he was charged with through this witness,
18 it won't be that lengthy and just establish that he was
19 acquitted and convicted of certain offenses.

20 THE COURT: Go ahead.

21 MR. MCCOLLUM: Thank you, Your Honor.

22 THE COURT: You're wasting the Court's time when there
23 was a better way to do it, just recite the record, but I'll
24 permit a limited inquiry.

25 MR. MCCOLLUM: Your Honor, I'm going to cite the record

Motions

19

1 as well, but the way under the law of our State now if a ---

2 THE COURT: I'm going to ask you one more time,
3 please, Mr. McCollum, tell me for the record where he was
4 tried anywhere for failure to stop for a blue light?

5 MR. MCCOLLUM: He was not been tried yet for failure to
6 stop for a blue light.

7 THE COURT: Well, where - then tell me where the
8 double jeopardy arises, please.

9 MR. MCCOLLUM: In addition to the case law, Your Honor,
10 it arises pursuant to the statute 17 ---

11 THE COURT: On what grounds? Where was he previously
12 tried for failure to stop for a blue light? You might get to
13 this. Tell me what he was tried for, maybe I can help you.

14 MR. MCCOLLUM: Your Honor, he was tried for speeding ---

15 THE COURT: That's got nothing to do with a blue light
16 case, doesn't have the same elements. Blue light requires, of
17 course, a blue light and you, you had notice of it and refused
18 to stop. Speeding doesn't have that element.

19 MR. MCCOLLUM: Your Honor asked me what he was tried for
20 ---

21 THE COURT: Go ahead.

22 MR. MCCOLLUM: --- and I'll answer the question if Your
23 Honor wishes me to.

24 THE COURT: Go ahead. In that he was tried for
25 speeding and what happened there?

1 MR. MCCOLLUM: Your Honor, he was tried on ticket number
2 41020FL for speeding in excess of 25 miles per hour on July
3 the 17th was the offense date, 2010. After going in front of
4 the local magistrate, Judge Pyatt I believe it was, he was
5 found not guilty at a bench trial.

6 THE COURT: Okay.

7 MR. MCCOLLUM: In addition, Your Honor, he was tried for
8 the offense of driving under the influence on citation 41019FL
9 for conduct alleged to have occurred on July 17th, 2010. He
10 pled guilty to the offense of DUI and received a sentence of
11 time served. In addition, Your Honor, he was also charged
12 with tickets 41021, 41022, and 23 and those are for offenses
13 for driving under suspension, second offense, having an open
14 container of alcohol and for minor in possession of beer.
15 It's my understanding that he was found not guilty on those
16 offenses for conduct that day and that those charges have been
17 expunged, and that's simply what I wanted to establish through
18 the deputy.

19 THE COURT: I can accept for the record without going
20 through that that that's the record. I accept that. You're
21 an officer of the court.

22 MR. MCCOLLUM: If you'd just let me put him up there just
23 to proffer it briefly, Your Honor, I would appreciate it.

24 THE COURT: Go ahead, but I'm accepting what you're
25 saying.

Motions

21

1 MR. MCCOLLUM: Thank you.

2 THE COURT: You're saying that that's record, but go
3 ahead if you want to waste some little time. Go ahead.

4 Whereupon, John Robert Seale was called to the stand,
5 duly sworn by the clerk and testified as follows:

6 THE CLERK: Thank you. Please be seated and state
7 your name for the record.

8 MR. MCCOLLUM: May I approach, Your Honor?

9 THE COURT: Yes, sir.

10 MR. SEALE: John Robert Seale.

11 EXAMINATION

12 BY MR. MCCOLLUM:

13 Q And Mr. Seale, you're a deputy with the Georgetown County
14 Sheriff's Department?

15 A Yes, sir.

16 Q And were you a sworn officer on July 17th of 2010?

17 A Yes, sir.

18 Q Did you participate in the arrest of one Ryan Williams?

19 A Yes, sir.

20 Q And did you charge him or somebody in your department
21 charge him with failure to stop for a blue light?

22 A Yes, sir.

23 Q Okay, in addition to that, and I want to hand you a copy
24 of the report, did you also charge him with certain I think
25 they're called UTTs or uniform traffic tickets or blue

1 tickets?

2 A Yes, sir.

3 Q Okay, and can you state what he was charged with as a
4 result of his conduct that day?

5 A He was charged for driving under the influence, for
6 speeding, driving under suspension second offense, open
7 container of beer and minor in possession of beer.

8 Q Okay, now, did you participate in his bench trial?

9 A If I remember correctly was that not a jury trial where
10 he was - reached a plea agreement in jury court?

11 Q Okay, let me just hand you a couple of things here. This
12 is just a disposition regarding - can you see these right
13 here, the ticket number on the top of that?

14 A Yes, sir.

15 Q Okay, and is that ticket number 41019FL?

16 A Yes, sir.

17 Q And does that indicate what the charge was for? Look on
18 the page under that.

19 A The page under that, the page under that's blank.

20 Q Do you see the ticket number appear right here on this
21 form, sir?

22 A Oh, I thought you handed me this one. Yeah, it says
23 driving under the influence.

24 Q And is on one of those pieces of paper does it show a
25 disposition?

Motions

23

- 1 A Pled guilty, jail time served.
- 2 Q And to the offense of what?
- 3 A Driving under the influence.
- 4 Q Okay, and the same questions as to 41020FL, can you see
- 5 the offense charged on that one, please, sir?
- 6 A Speeding.
- 7 Q And does it show - do you see the date of the arrest on
- 8 there, over on the right?
- 9 A July 17th, 2010.
- 10 Q Is that the date that this offense, conduct occurred on?
- 11 A Yes, sir.
- 12 Q All right, thank you, sir. Now, in terms of the arrest,
- 13 there was only one arrest of Ryan Williams; right?
- 14 A Correct.
- 15 Q And as a result of the conduct that you and other
- 16 officers say you observed, Ryan Williams was written these
- 17 five tickets; right?
- 18 A Correct.
- 19 Q And then a hold was put on him to charge him with the
- 20 additional offense of failure to stop for a blue light; right?
- 21 A Yes, sir.
- 22 Q And the charges of speeding over 25 miles per hour,
- 23 driving under suspension, driving under the influence, that
- 24 was for driving - the allegation that he drove his car that
- 25 day as police officers chased him; right?

1 A Yes, sir.

2 Q And so, the conduct for which he - you observed this
3 conduct; right?

4 A Yes, sir.

5 Q And that's - and you charged him with the, those offenses
6 in magistrate's court in addition to the charge in General
7 Sessions Court; right?

8 A Yes, sir.

9 Q And he didn't - those, those, that - when you started
10 following him that was a continuous sequence of events; right?

11 A What do you mean by that?

12 Q Well, I'm saying that once you or the other officers
13 observed him and you began your pursuit that continued until
14 his arrest; right?

15 A The pursuit continued until his arrest?

16 Q Yes, sir.

17 A Correct.

18 Q Okay, and so, all of the conduct that you observed is the
19 conduct that led to his arrest for failure to stop for a blue
20 light; right?

21 A No. He was arrested for failure to stop for a blue
22 light.

23 Q And that was as a result of you and other officers saying
24 that you observed him fleeing from the police; right?

25 A Right, but all these other offenses occurred prior to

Motions

25

1 failure to stop for a blue light. The speeding, his driving
2 under suspension, that was all before his failure to stop for
3 a blue light.

4 Q And so you observed him doing that and then let him go
5 and then saw him again later that day?

6 A No. He was observed speeding when he was trying - when
7 we tried to stop him for speeding then he decided he didn't
8 want to stop.

9 Q Exactly, and that - so, that was one continuous course of
10 conduct; right?

11 A Right.

12 Q No one observed him prior to the onset of the chase;
13 right?

14 A No.

15 Q And so the, the tickets that were written were written as
16 a result of the conduct that you alleged to have observed that
17 day on July 17th which led to his arrest on the five tickets
18 and the felony failure to stop for a blue light; right?

19 A Right.

20 Q All right. Thank you, sir.

21 THE COURT: You may come down. Okay, Mr. McCollum, I
22 accept the fact that these matters occurred, but I do not
23 understand how there's a double jeopardy because there was
24 nothing involved in those charges involving failure to stop
25 for a blue light.

Motions

26

1 MR. MCCOLLUM: Your Honor ---

2 THE COURT: You want to ---

3 MS. BAILEY: Yes, Your Honor. If I, if I may put a
4 couple of things on the record. First of all the law of this
5 State is abundantly clear that where there is an additional
6 element or different elements it is not double jeopardy.

7 THE COURT: I understand that.

8 MS. BAILEY: In addition I would point, Your Honor, and
9 for the record, point the Court to State v. Hoffman. That is
10 186 S.E.2d 421 or 257 S.C. 461. The facts of this case are
11 nearly identical to the facts of this case. It is a failure
12 to stop for a blue light. The stop was initiated because
13 somebody had a motorcycle that was too loud. They were found
14 in municipal court, they were found not guilty of their
15 motorcycle being too loud, but then they were tried later for
16 the failure to stop for a blue light, and in that case the
17 Court found that it is not double jeopardy and that it was
18 proper to proceed in General Sessions because the elements are
19 different.

20 THE COURT: Sure, that's the law of this State and,
21 Mr. McCollum, as a good lawyer as he is got to know that. Mr.
22 McCollum ---

23 MR. MCCOLLUM: Your Honor, a couple of things, and
24 there's, there's - and I would just like to before I go just
25 quickly cite certain cases into the record that I've handed up

Motions

27

1 to Your Honor.

2 THE COURT: I don't need any cite of cases. I'm not
3 going to waste the Court's time any further with that. I'm
4 familiar with the cases. Tell me - you will - tell me where
5 he was ever tried with the elements of failure to stop for a
6 blue light. You can't - you won't do that for me.

7 MR. MCCOLLUM: Your Honor, the, the - in the research
8 I've done on these cases, I understand Your Honor's thought on
9 this.

10 THE COURT: It ain't my thought, it's the law of the
11 State and the cases involved. It's not my thought, it's the
12 law.

13 MR. MCCOLLUM: In, in these cases that I've, I've looked
14 at, no one raised section 17-23-20. There's double jeopardy
15 which arises out of the same elements test, and we all ---

16 THE COURT: That's your problem. You don't have the
17 elements in, in the speeding of failure to stop for a blue
18 light. You don't have that. You don't have that element in
19 driving under the influence and you just sit there and won't
20 admit that for some reason.

21 MR. MCCOLLUM: Your Honor, the - I think the language of
22 the statute is clear.

23 THE COURT: Well, let me end this conversation. I
24 think you're absolutely wrong that the - there was - he was
25 never tried for failure to stop for a blue light. The charges

Motions

28

1 to which he was either acquitted or pled guilty never
2 contained the elements contained in the charge of failure to
3 stop for a blue light. There is no double jeopardy and I deny
4 your motion. I've heard enough on that issue. Thank you.
5 What's your next motion?

6 MR. MCCOLLUM: Your Honor, clearly there are certain
7 things that I have to do in order to preserve this.

8 THE COURT: No, sir. Mr. - Greg, you have a history
9 unfortunately of continuing to argue with the trial judge.
10 Now I'm telling you one more time, sir, I have ruled on that
11 issue and will not hear any further conversation in that
12 regard. If I hear it you are in peril for contempt of court.
13 Go to your next motion, please, and I say that most
14 respectfully. I have denied that motion, I'll be glad to hear
15 any other motions.

16 MR. MCCOLLUM: May it please the Court, Your Honor, I am
17 not continuing to argue the same motion because I would need
18 to require the Court's permission in order to argue that, but
19 as an officer of this Court and as a representative of the
20 Defendant I'm required to put certain things in the record and
21 I'm only asking for the Court's permission to read these cited
22 cases into the record.

23 THE COURT: Not going to waste my time, put them in
24 the record at the conclusion of this hearing. I'm familiar
25 generally with the cases. Not going to, I got a jury waiting

Motions

29

1 out there, not going to waste any further time.

2 MR. MCCOLLUM: So I can do that with the court reporter?

3 THE COURT: Certainly you can.

4 MR. MCCOLLUM: Okay, thank you, Your Honor.

5 THE COURT: All right, and I'm glad to do that, but
6 you understand now I've got a jury waiting and I want to move
7 on. All right, what's your next motion?

8 MR. MCCOLLUM: Your Honor, that's all I have at this
9 time.

10 MS. BAILEY: Your Honor, State has a few motions.

11 THE COURT: All right.

12 MS. BAILEY: It's our understanding based on pretrial
13 conversations with Mr. McCollum that he intends to raise an
14 allegation that Mr. Williams was somehow assaulted by law
15 enforcement after the chase and it's the State's contention
16 that that is not competent evidence. The rules of procedure
17 indicate that competent evidence is what - is evidence that
18 indicates whether or not a crime occurred or whether or not
19 the elements are true. What happened after the elements of
20 the crime occurred is not relevant and is not competent
21 evidence and the State would seek to exclude any reference to
22 that.

23 THE COURT: What you say - what kind of evidence is
24 that, Mr. McCollum, you say is relevant to the issue of
25 failure to stop for a blue light?

1 MR. MCCOLLUM: Your Honor, I, I think it's relevant as to
2 the Defendant's state of mind as to why he would do certain
3 things. I also say that it's part of the res gestae of the
4 case. It's the facts of the case and I think it's relevant.

5 THE COURT: Well, I'll hear the - I know all of you
6 have dealt with this case for a number of months. I hadn't
7 heard any of the testimony. I'll hear the testimony and then
8 at that time I'll conclude whether or not I think it's
9 relevant.

10 MS. BAILEY: Your Honor, on a similar point ---

11 THE COURT: There may or may not be some relevancy to
12 it and I'll be glad to hear - first hear the testimony.

13 MS. BAILEY: Thank you, Your Honor. On a similar point
14 Mr. McCollum has issued a subpoena for the policy and
15 procedures manual of the Georgetown Sheriff's Department.
16 Again, whether or not they followed policy and procedures in
17 relating to the chase has nothing to do with whether or not
18 Mr. Williams ran from that blue light and I just don't think
19 it's competent evidence as to whether or not this crime
20 occurred.

21 THE COURT: Mr. McCollum, what's your response to that
22 issue?

23 MR. MCCOLLUM: Your Honor, I don't know, you know, where
24 the testimony's going with that, but it is always relevant as
25 to whether or not the law enforcement agency followed their

Motions

31

1 own procedures. The procedures are there for a reason and if
2 they disregard their procedures or don't follow their
3 procedures then I think that's clearly relevant and it goes to
4 the credibility of their testimony and among any number of
5 issues.

6 THE COURT: Well, I'll hear the testimony and rule on
7 that at the time.

8 MS. BAILEY: Thank you, Your Honor.

9 THE COURT: All right. All right, any further issues
10 now before we bring the jury in?

11 MS. BAILEY: None from the State, Your Honor.

12 THE COURT: Okay. Bring the - now, bring my jury
13 panel in, please, and have, have the one side for my jury and
14 the other side move over, please.

15 MR. MCCOLLUM: Your Honor, may we approach?

16 THE COURT: Yes, sir.

17 (Whereupon, a bench conference is held in the presence
18 but out of the hearing of the jury venire.)

19 THE COURT: All right, call your case, Solicitor.

20 MS. BAILEY: Thank you, Your Honor. State calls 2010-
21 GS-22-1320, that is a true-billed indictment for failure to
22 stop for a blue light. This is State v. Ryan Allen Williams.

23 THE COURT: Thank you. Is the Defendant ready for
24 trial?

25 MR. MCCOLLUM: Ready for trial, Your Honor.

Voir Dire

32

1 THE COURT: All right, sir. Ladies and gentlemen of
2 the jury, the State has called the case as indicated for
3 failure to stop for a blue light. This case is being tried in
4 the absence of the Defendant. The State of South Carolina has
5 the absolute right to try an individual if he fails to appear.
6 I tell you, however, that this Defendant and all Defendants
7 are always presumed innocent. He doesn't have to prove a
8 thing. The fact that this Defendant is not here cannot and
9 must not be used against him as any inference of guilt. The
10 fact that he is not here must not enter into your
11 deliberations in the jury room. The State of South Carolina,
12 first, this Defendant is presumed innocent and that
13 presumption of innocence remains with this Defendant and all
14 Defendants until the robe of innocence is stripped by evidence
15 satisfactory to your - to you as a juror. The State of South
16 Carolina has the absolute burden of proving this Defendant
17 guilty if they can by evidence to your satisfaction beyond a
18 reasonable doubt. That is the burden that the State must bear
19 and they must prove each and every element of the offense of
20 failure to stop for a blue light beyond a reasonable doubt.
21 Now I emphasize to you again, that State has the right to try
22 him in his absence, but he is entitled to his presumption of
23 innocence and the fact that he is not here raises no inference
24 against him and cannot even, that issue cannot be discussed in
25 the jury room. Your question is whether or not the State of

Voir Dire

33

1 South Carolina has met their burden of proof beyond a
2 reasonable doubt.

3 Now the State of South Carolina and Defense counsel
4 desires from your number, 12 jurors and one alternate, 12
5 folks with no friends to reward, no enemies to punish, 12
6 people who can say under their oath, "Judge Cottingham, if I
7 am selected as one of the two - one of the 12 jurors I will
8 base my verdict on the law and evidence in this courtroom and
9 from no other source." We develop in our life's experiences
10 certain biases and prejudices whether we want to or not and
11 I'm going to ask of you in this case do any of you have any
12 biases or prejudices that would prevent you from giving the
13 State and the Defendant a fair trial? Let me tell you that it
14 is imperative that a jury can say under their oath, "I have no
15 bias or prejudice in this case and I will base my verdict on
16 the law and evidence heard in this courtroom and from no other
17 source."

18 Now this case involves allegations of failure to stop for
19 a blue light to which the Defendant has pled not guilty.
20 Given the nature of the charge, do any of you have any
21 feelings that you could not be fair to the State of South
22 Carolina and the Defendant if selected? If so, please stand.

23 (No response.)

24 THE COURT: All right, the Defendant in this case is
25 Ryan Allen Williams. Any of you related by blood or connected

Voir Dire

34

1 by marriage with Mr. Williams, please stand.

2 (No response.)

3 THE COURT: Do any of you know Mr. Williams in any
4 capacity whatsoever, church, worker, friend, anything, please
5 stand.

6 (No response.)

7 THE COURT: Do any of you as jurors know Ryan Allen
8 Williams in any capacity whatsoever?

9 (No response.)

10 THE COURT: This matter involving alleged high speed
11 chases is said to have occurred on July the 17th of 2010.
12 There may or may not have been some type of publicity
13 involving this incident. Have any of you read any newspapers,
14 seen any television or had any discussions about any issue in
15 this case?

16 (No response.)

17 THE COURT: Do any of you have any reason to state
18 that you could not be fair to the State of South Carolina and
19 to the Defendant if selected?

20 (No response.)

21 THE COURT: Prior to giving the witness list, is there
22 any other inquiry from the State?

23 MS. BAILEY: Your Honor, the State would request that
24 you inquire as to anyone has - whether or not anyone has been
25 represented or had business dealings with Mr. McCollum.

Voir Dire

35

1 THE COURT: I'm going to do that. Any other than
2 that?

3 MS. BAILEY: Not other than that, Your Honor.

4 THE COURT: Is there any other inquiry, Mr. Defense
5 Counsel?

6 MR. MCCOLLUM: No, Your Honor.

7 THE COURT: Okay.

8 The case is prosecuted by the Solicitor's Office of the
9 15th Circuit. Any of you have any connections with the
10 Solicitor's Office in Horry or Georgetown constituting the 15th
11 Circuit, please stand, and for the record, ma'am, may I have
12 your name? For the State.

13 MS. BAILEY: Oh, I'm sorry. I'm Erin Bailey.

14 THE COURT: And ---

15 MS. BAILEY: I'm Erin Bailey, I'm Senior Assistant
16 Solicitor here in Georgetown County.

17 THE COURT: Have any of you been represented by Ms.
18 Bailey in the last six months or a year?

19 (No response.)

20 THE COURT: Counsel for the Defense, please identify
21 yourself for me.

22 MR. MCCOLLUM: Thank you, Your Honor. My name is Greg
23 McCollum. I practice law in Myrtle Beach is where my office
24 is. I practice in Georgetown County, Horry County, sometimes
25 Florence, Marion. Seated beside me is Kathy Farari [spelled

1 phonetically] who's a legal assistant in my office.

2 THE COURT: Any of you represented by this gentleman
3 in the last six months or a year, if so please stand.

4 (No response.)

5 THE COURT: A potential witness is Reginald Grant.
6 What position does Mr. Grant hold, counsel?

7 MS. BAILEY: Your Honor, he's currently with the
8 Richland County Sheriff's Department. He's formerly with the
9 Georgetown County Sheriff's Department.

10 THE COURT: Any of you related by blood or connected
11 by marriage with that individual?

12 (No response.)

13 THE COURT: Any of you have any special friendships or
14 relationships with him?

15 (No response.)

16 THE COURT: And identify for me John Scale - Seale.

17 MS. BAILEY: Your Honor, this is John Seale. He is
18 with the Georgetown County Sheriff's Department.

19 THE COURT: Anybody have any close personal
20 relationships with that individual?

21 MS. GRIMES: Yes, Your Honor.

22 THE COURT: Come forward, please. Yes, ma'am. For
23 the record, what, what is your name?

24 MS. GRIMES: Mary Grimes.

25 THE COURT: And what is your response, Ms. Grimes?

Voir Dire

37

1 MS. GRIMES: Mr. Seale is a good family friend. I've
2 known him my whole life.

3 THE COURT: I need - he will be a witness in this
4 case. You are his friend. Would that friendship interfere
5 with your ability to evaluate the truth or falsehood of his
6 testimony?

7 MS. GRIMES: No, sir.

8 THE COURT: Can you assure me as a juror under your
9 oath that you will treat him if called the same as any other
10 witness?

11 MS. GRIMES: Absolutely, Your Honor.

12 THE COURT: I want to make sure that that friendship
13 will not bear on your decision as to, as to his credibility or
14 believability.

15 MS. GRIMES: No, sir, it will not.

16 THE COURT: I find that you are qualified and you so
17 am.

18 MS. GRIMES: Okay, thank you.

19 LAW CLERK: This is a list of six potential witnesses,
20 the first being Ryan Williams.

21 THE COURT: Same question. Anybody has any particular
22 connections with Ryan Williams, of course, that's the
23 Defendant.

24 (No response.)

25 THE COURT: Go ahead the next one.

1 LAW CLERK: Lois Williams.

2 THE COURT: Anybody have any connections with a Lois
3 Williams in any way please stand.

4 (No response.)

5 THE COURT: Next.

6 LAW CLERK: John Williams.

7 THE COURT: Same question.

8 (No response.)

9 THE COURT: Go ahead.

10 LAW CLERK: Sheriff Lane Cribb.

11 THE COURT: Well, everybody would know Sheriff Cribb.

12 Yes, sir. Come forward, if you stood up for the previous
13 question and I'll be glad to listen, to hear you. Mr.
14 Williams, you related to the Defendant in this?

15 MR. WALL: I am not related. I, I just known
16 Williams for a good time of my life, you know, and we used to
17 go to the same church and everything, and I'm, I'm not real
18 close friends or anything but I just wanted it to be on record
19 that I did know him.

20 THE COURT: May I have your name?

21 MR. WALL: Timmy Wall.

22 THE COURT: And, and your jury number?

23 MR. WALL: 135.

24 THE COURT: I'm going to ask you the same question
25 now. If he should testify you as a juror will judge his

Voir Dire

39

1 credibility and believability. Can you assure me that even
2 though you've known him that you will treat him in the same
3 way as any other witness or would that bear on your view?

4 MR. WALL: No, sir, it wouldn't. It'd be the same.

5 THE COURT: Okay, I'll accept you as a juror. Thank
6 you.

7 MR. WALL: Okay.

8 THE COURT: All right.

9 LAW CLERK: Wayne Owens.

10 THE COURT: Wayne Owens.

11 LAW CLERK: Jimbo Capps, Georgetown DNR.

12 THE COURT: Was that it?

13 LAW CLERK: Yes.

14 THE COURT: All right, sir, now, is there any other
15 questions desired from the State?

16 MS. BAILEY: No, Your Honor.

17 THE COURT: How about it, Mr. McCollum?

18 MR. MCCOLLUM: Nothing else from the Defense, Your Honor.

19 THE COURT: All right, the strikes are five and five.
20 Give us a jury. I want one alternate, please. The strikes
21 will be one and two. Thank you.

22 All right, please call.

23 THE CLERK: When your names are called please come and
24 stand right here and face the door, all right.

25 Juror Number 116, Nicole Rodgers.

Jury Selection

40

1 What says the State?

2 MS. BAILEY: Please excuse Ms. Rogers.

3 THE CLERK: You may return to your seat.

4 Juror Number 32, Patricia Dzurik.

5 What says the State?

6 MS. BAILEY: Please present Ms. Dzurik.

7 THE CLERK: What says the Defense?

8 MR. MCCOLLUM: Please seat the juror.

9 THE CLERK: Please take a seat in the jury box.

10 Juror Number 24, Jamie Darmody.

11 What says the State?

12 MS. BAILEY: Please present Mr. Darmody.

13 THE CLERK: What says the Defense?

14 MR. MCCOLLUM: Please seat the juror.

15 THE CLERK: Please take a seat in the jury box.

16 Juror Number 131, Rebecca Thevenin.

17 What says the State?

18 MS. BAILEY: Please present Ms. Thevenin.

19 THE CLERK: What says the Defense?

20 MR. MCCOLLUM: Please excuse the juror.

21 THE CLERK: You may return to your seat.

22 Juror Number 123, Janice Shelton.

23 What says the State?

24 MS. BAILEY: Please present Ms. Shelton.

25 THE CLERK: What says the Defense?

Jury Selection

41

1 MR. MCCOLLUM: Please seat the juror.

2 THE CLERK: Please take a seat in the jury box.

3 Juror Number 66, Walter Jenerette.

4 What says the State?

5 MS. BAILEY: Please present Mr. Jenerette.

6 THE CLERK: What says the Defense?

7 MR. MCCOLLUM: Please seat the juror.

8 THE CLERK: Please take a seat in the jury box.

9 Juror Number 98, Paula Nichols.

10 What says the State?

11 MS. BAILEY: Please present Ms. Nichols.

12 THE CLERK: What says the Defense?

13 MR. MCCOLLUM: Please excuse the juror.

14 THE CLERK: You may return to your seat.

15 Juror Number 63, John Holladay.

16 What says the State?

17 MS. BAILEY: Please present Mr. Holladay.

18 THE CLERK: What says the Defense?

19 MR. MCCOLLUM: Please seat the juror.

20 THE CLERK: Please take a seat in the jury box.

21 Juror Number 122, Florence Shelley.

22 What says the State?

23 MS. BAILEY: Please present Ms. Shelley.

24 THE CLERK: What says the Defense?

25 MR. MCCOLLUM: Please seat the juror.

Jury Selection

42

1 THE CLERK: Please take a seat in the jury box.

2 Juror Number 21, Keyonna Curtis. What says the State?

3 MS. BAILEY: Your Honor, may we briefly approach
4 concerning Ms. Curtis?

5 THE COURT: Yes, ma'am.

6 (A bench conference is held in presence but out of the
7 hearing of the jury and jury venire.)

8 THE COURT: Given the fact that she has a doctor's
9 appointment tomorrow I'm going to excuse her. This case could
10 possibly go till tomorrow. I'll excuse you for the rest of
11 the day and tomorrow and ask, please, if you're feeling good,
12 be back with us Wednesday morning at 9:30; would you?

13 MS. CURTIS: Wednesday morning?

14 THE COURT: Thursday morning?

15 MS. CURTIS: Thursday morning?

16 THE COURT: Yes, ma'am.

17 MS. CURTIS: 9:30.

18 THE COURT: Thank you.

19 MS. CURTIS: Thank you. Call?

20 MS. BAILEY: She should probably call the number, Your
21 Honor.

22 THE COURT: Please call in tomorrow night for further
23 instructions.

24 MS. CURTIS: Okay.

25 THE COURT: Thank you.

Jury Selection

43

1 THE CLERK: Juror Number 101, Selena Parson.
2 What says the State?
3 MS. BAILEY: Please excuse Ms. Parson.
4 THE CLERK: You may return to your seat.
5 Juror Number 8, Linda Blakely. What says the State?
6 MS. BAILEY: Please present Ms. Blakely.
7 THE CLERK: What says the Defense?
8 MR. MCCOLLUM: Please excuse the juror.
9 THE CLERK: You may return to your seat.
10 Juror Number 4, Gigi Avant.
11 What says the State?
12 MS. BAILEY: Please present Ms. Avant.
13 THE CLERK: What says the Defense?
14 MR. MCCOLLUM: Please seat the juror.
15 THE CLERK: Please take a seat in the jury box.
16 Juror Number 45, Michael Goude.
17 What says the State?
18 MS. BAILEY: Please present Mr. Goude.
19 THE CLERK: What says the Defense?
20 MR. MCCOLLUM: May it please the Court, Your Honor?
21 Earlier during qualification I think Mr. Goude said that he
22 was retired from the City of Georgetown, but during that I
23 didn't catch what department or what type of work he retired
24 from.
25 THE COURT: Answer that question for him, Mr. Juror.

Jury Selection

44

1 MR. GOUDE: Storm Water, Storm Water Division.

2 MR. MCCOLLUM: Thank you, Your Honor. Please excuse the
3 juror.

4 THE CLERK: You may return to your seat.

5 Juror Number 27, Danny Dawson.

6 What says the State?

7 MS. BAILEY: Please present Mr. Dawson.

8 THE CLERK: What says the Defense?

9 MR. MCCOLLUM: Please seat the juror.

10 THE CLERK: Please take a seat in the jury box.

11 Juror Number 13, Michael Bugni.

12 MS. BAILEY: Your Honor, was that Number 13? I mean -
13 thank you.

14 THE CLERK: That's correct, correct.

15 What says the State?

16 MS. BAILEY: Please excuse Mr. Bugni.

17 THE CLERK: You may return to your seat.

18 Juror Number 129, Barry Sumpter.

19 What says the State?

20 MS. BAILEY: Please present Mr. Sumpter.

21 THE CLERK: What says the Defense?

22 MR. MCCOLLUM: Please seat the juror.

23 THE CLERK: Please take a seat in the jury box.

24 Juror Number 60, Kathleen Helliwell.

25 What says the State?

Jury Selection

45

1 MS. BAILEY: Please present Ms. Helliwell.

2 THE CLERK: What says the Defense?

3 MR. MCCOLLUM: Your Honor, during the qualification I
4 think Ms. Helliwell indicated that her husband was a retired
5 police officer or law enforcement officer. I just want to
6 make sure that that's not going to be an issue, that she can
7 be fair and impartial, having given that she was married to
8 someone who was a police officer and performed those duties.

9 THE COURT: Madam, Madam Juror, your husband was a
10 police officer for many years. Ma'am?

11 MS. HELLIWELL: Yes.

12 THE COURT: I want to make sure that as you evaluate
13 the testimony of police officers you will evaluate them in the
14 same way that you evaluate other jurors and not because of
15 your connection with your dear husband. Can you do that for
16 me?

17 MS. HELLIWELL: I'm not really sure about that. I
18 have very strong feelings about ---

19 THE COURT: Then I'm going to excuse you. Thank you.

20 MS. HELLIWELL: Thank you.

21 THE CLERK: Juror Number 146, Cynthia Wilson.
22 What says the State?

23 MS. BAILEY: Please present Ms. Wilson.

24 THE CLERK: What says the Defense?

25 MR. MCCOLLUM: Please seat the juror.

Jury Selection

46

1 THE CLERK: Please take a seat in the jury box.

2 Juror Number 108, Michael Pringle.

3 What says the State?

4 MS. BAILEY: Beg the Court's indulgence. Your Honor,
5 may we approach?

6 THE COURT: Yes, ma'am.

7 (Whereupon, a bench conference is held in the presence of
8 but out of the hearing of the jury venire.)

9 THE COURT: Mr. Pringle, come forward, please.
10 Pringle, Mr. Pringle, come forward.

11 (Whereupon, an on-the-record bench conference is held
12 with Juror Number 103, Michael Pringle, counsel for the State
13 and Defense in the presence of but out of the hearing of the
14 jury venire.)

15 THE COURT: Mr. Pringle, our records show that you've
16 got a prior record, received three years probation; is that
17 you?

18 MR. PRINGLE: Yes, sir.

19 THE COURT: Why didn't you stand up yesterday when I
20 asked that question.

21 MR. PRINGLE: I thought you were saying within the last
22 year..

23 THE COURT: Sir?

24 MR. PRINGLE: I thought you were saying within the last
25 year. That's been over a year and a half, sir.

Jury Selection

47

1 THE COURT: Was this a third-offense DUS?

2 MR. PRINGLE: No, sir, it's been back in about 1995.

3 THE COURT: Is that '95 to '98, what was the sentence?

4 MR. PRINGLE: It was three years suspended to probation.

5 THE COURT: I'm going to excuse you on the basis that

6 would be a disqualification. Do you have any objection to

7 that? If you do say so.

8 (Whereupon, the following takes place in open court.)

9 THE CLERK: Juror Number 53, Pamela Guthrie.

10 THE COURT: Mr. Pringle, you are excused for the rest

11 of the term.

12 THE CLERK: What says the State?

13 MS. BAILEY: Please excuse Ms. Guthrie.

14 THE CLERK: You may return to your seat.

15 Juror Number 37, William Charles Frye, Jr.

16 What says the State?

17 MS. BAILEY: Please present Mr. Frye.

18 THE CLERK: What says the Defense?

19 MR. MCCOLLUM: Please seat the juror.

20 THE CLERK: Please take a seat in the jury box.

21 Juror Number 135, Timmy Wall.

22 What says the State?

23 MS. BAILEY: Beg the Court's indulgence. Please

24 present Mr. Wall.

25 THE CLERK: What says the Defense?

Jury Selection

48

1 MR. MCCOLLUM: Please seat the juror.

2 THE CLERK: Please take a seat in the jury box. For
3 our alternates.

4 THE COURT: Yes, that will be the 12. The alternates
5 we're going to have one and the strikes are one and two.

6 THE CLERK: Juror Number 84, Katherine McCune.
7 What says the State?

8 MS. BAILEY: Please present Ms. McCune.

9 THE CLERK: What says the Defense?

10 MR. MCCOLLUM: What's the juror's number?

11 THE CLERK: 84.

12 MR. MCCOLLUM: Thank you, ma'am. Please excuse the
13 juror.

14 THE CLERK: You may return to your seat.

15 Juror Number 112, Gerald Rich.

16 What says the State?

17 MS. BAILEY: Please present Mr. Rich.

18 THE CLERK: What says the Defense?

19 MR. MCCOLLUM: Please seat the juror.

20 THE CLERK: Please take a seat in the jury box.

21 THE COURT: All right, I'm going to let the jury -
22 please take them to the jury room for just a moment, please.
23 Ms. Alma, may I see you please?

24 (Whereupon, the following takes place outside the
25 presence of the jury.)

Jury Selection

49

1 THE COURT: Are there any motions in this? Are there
2 any motions concerning the composition of the jury?

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

4 THE COURT: How about from the Defense?

5 MR. MCCOLLUM: No, Your Honor.

6 THE COURT: All right, the jury will stand as
7 selected. I am going to designate Mr. Danny Dawson as foreman
8 of the jury. Madam Bailiff, please advise Mr. Dawson that he
9 will be the foreman and have him sit in the jury box
10 accordingly. All right, are we now ready to proceed? What
11 say the State?

12 MS. BAILEY: Yes, Your Honor.

13 THE COURT: Defense?

14 MR. MCCOLLUM: The Defense is ready, Your Honor.

15 THE COURT: Okay, gentlemen, I'm going to make every
16 effort now to conclude this case today if we have to work late
17 tonight I'm going to tell you that. There's no reason that
18 this case, in my view, should go over to tomorrow, but if it
19 does it does. The rest of the juror who have not been selected
20 please call in after six o'clock - is it after six, Ms. Alma?

21 CLERK OF COURT: Yes, Your Honor.

22 THE COURT: For further instructions, I'm hoping that
23 we can conclude this case today and utilize your services
24 tomorrow, but those instructions will tell you either to
25 report or when to report. You may now leave. Thank you.

Opening Instructions by Court

50

1 (Remaining jury panel exits courtroom.)

2 THE COURT: All right, let's come to order. All
3 right, bring my jury in, please. Please make sure that my
4 foreman sits in the foreman chair.

5 (The following takes place in the presence of the jury.)

6 THE COURT: Swear the jury, please.

7 (Whereupon, jury sworn by clerk.)

8 THE COURT: A few preliminary remarks, Mr. Dawson, I
9 have designated you as foreman of the jury. You will occupy
10 that chair at all times. The alternate will occupy that
11 chair. The rest of you may sit as you choose. Under your
12 duties I will keep you fully advised, Mr. Dawson. Primarily
13 you will preside in the jury room during their deliberations
14 and you will be the jury's spokesman in the courtroom.

15 Recognizing that for many of you this may be the first
16 time that you've served as jurors either in a civil court or a
17 criminal court, and in a criminal court let me briefly tell
18 you how we'll proceed, understanding that I'll give you
19 detailed remarks regarding the law at the end of the
20 proceedings.

21 You are - have been selected to try Mr. Williams who's
22 been indicted for failure to stop for a blue light. To this
23 indictment he has specifically pled not guilty, thereby
24 placing the burden of proof upon the State of South Carolina
25 of proving him guilty, if they can, to your satisfaction

Opening Instructions by Court

51

1 beyond a reasonable doubt. Now, he is being tried in his
2 absence and the State has the absolute right to do so. So, do
3 not hold that against him. Mr. Williams, on the other hand,
4 is not here, but he is presumed innocent and you must not hold
5 that against him. The State always has their burden of
6 proving him guilty if they can by evidence beyond a reasonable
7 doubt.

8 Now, as the 12 jurors, and I will give you detailed
9 instructions, let me say to you that you 12 are the finders of
10 the facts in this case. From this moment on there is nobody
11 in this wide world that can tell you 12 what the facts are.
12 You may say, and rightfully so, "Well, Judge, how are we to
13 know what the facts are?" In that connection there will be
14 various witnesses called under oath to testify. You as jurors
15 will judge their credibility and believability. In judging a
16 witness's believability you may believe all of what the
17 witness says or none. You may believe a small portion and
18 disregard the larger. You 12 are the sole and only judges of
19 the credibility and believability of all of the witnesses who
20 have testified.

21 We will begin this case by the State of South Carolina's
22 attorney giving you an opening statement as to what their
23 position is. Following that counsel for the Defense will give
24 you a statement as to what his position is. This is a kind of
25 a guideline to help you follow the introduction of evidence.

Opening Instructions by Court

52

1 We'll take the testimony of each witness and you will judge
2 their credibility and believability. Other matters may or may
3 not be introduced for your consideration in the trial of the
4 case.

5 After all the witnesses have testified we will have
6 instructions in the law and final summation of counsel. There
7 are several things of particular importance in the case. The
8 State of South Carolina has the burden of proving this
9 Defendant guilty if they can beyond a reasonable doubt. To
10 this charge he has pled not guilty and that presumption of
11 innocence remains with this Defendant and all Defendants until
12 you, the jury, unanimously have found him guilty if at all
13 beyond a reasonable doubt.

14 Now, I emphasize again that the State has the absolute
15 right to try Mr. Williams in his absence. However, the fact
16 that he is not here raises no inference against him and that
17 fact must, the fact must not even enter into your
18 deliberations in the jury room. The question for you to
19 determine is based on the law and evidence in this case has
20 the State met its burden of proof beyond a reasonable doubt of
21 proving each and every element in this charge, and these
22 elements will be explained to you in my charge at summation.

23 You may have opening statement.

24 MS. BAILEY: Thank you, Your Honor, may it please the
25 Court?

Opening by State

53

1 My name is Erin Bailey. I'm a Senior Assistant Solicitor
2 assigned here to Georgetown County. I represent the State of
3 South Carolina. That means I don't have an individual person
4 that I represent as a lawyer. I represent the State.
5 Sometimes in my cases I have victims, victims who can sit back
6 there and really garner your attention and make you want to
7 fight for them, but because I don't represent any one person
8 sometimes I don't have victims and the reason it is set up
9 that way is because my job is to protect the peace of the
10 State of South Carolina because sometimes crimes happen where
11 there is no victim but it is still a crime and it's still
12 something that we need to stop.

13 Sometimes crimes happen and there's no victim, not
14 because the Defendant didn't intend for there to be a victim
15 but because he just got lucky enough not to hit anybody.
16 That's what kind of case this is.

17 On July 17th, 2010, officers observed Ryan Williams
18 speeding through rural Georgetown County. They activated blue
19 lights, took them a while to catch up with him. They then
20 proceeded on a 20-minute high speed chase. The chase went
21 through two counties. It went between 80 and a hundred miles
22 an hour. Mr. Williams was blowing through stop signs, passing
23 cars with a double yellow line. He was endangering this
24 community.

25 This won't be a long trial. It won't be a complicated

1 trial. You're going to hear from the officers. You're going
2 to get to see the video.

3 Now, the Judge is going to charge you or instruct you
4 that when you go back to the jury room at the end of this
5 trial you can consider evidence. I want to tell you that
6 there's two kinds of evidence. There's the kind we see on CSI
7 with fluorescent lights and blood and all that stuff and video
8 and documentary evidence, documents, that is evidence and
9 you're going to see some of that. I'll tell you now there's
10 no fluorescent lights, there's no DNA, but you're also -
11 there's another kind of evidence and that's testimonial
12 evidence. That is the testimony of the people who were there
13 who are going to tell you what happened and that evidence can
14 be just as important or more important than the documentary
15 evidence. The Judge will tell you that you can weigh the
16 testimonial evidence just as greatly or more greatly than the
17 documentary evidence. It's all evidence and it's all evidence
18 for you to consider. So, I ask that for the afternoon you pay
19 close attention, you listen to all the evidence and I'll come
20 back soon at the conclusion of the evidence and speak with you
21 again. Thank you so much for your time and your jury service.

22 THE COURT: Thank you, counsel.

23 MR. MCCOLLUM: May it please the Court?

24 Ladies and gentlemen, thank you for being here today. I
25 appreciate your service this week. My name is Greg McCollum

Opening by Defense

55

1 as I told you when I introduced myself to you and I am a
2 lawyer and have the opportunity and privilege to defend Ryan
3 Williams here today.

4 Now, Mr. Williams is charged with failure to stop for a
5 blue light and one of the things that you as jurors do is you
6 sit here in judgment of the State's case. You sit here to
7 determine whether or not the State can prove beyond a
8 reasonable doubt that Mr. Williams committed a felony.

9 Now, as a juror you weren't - of course, first of all we
10 know you were drafted in here or conscripted or forced to come
11 in here. Nobody, nobody volunteered and we understand that
12 and appreciate your service very much and your service is
13 important.

14 There are a couple of things that I think are important
15 for you to understand is, one, the way our system is set up as
16 His Honor, Judge Cottingham, explained to you is that you
17 don't work for the State. You don't work for the Court. You
18 don't work for the Prosecutor. You don't work for the
19 Georgetown County Sheriff's Department. The other thing, too,
20 is that you have not been assembled as a team. You'll get to
21 know people as you serve, usually depending on how long the
22 case is, but you're not a team pulling together. It's not
23 your duty to be a team. It's not your duty to pull together.
24 It's your duty to make an independent decision. When you make
25 the oath to well and truly try the case and render a verdict

1 that speaks the truth, that's a verdict that speaks the truth
2 as you see it, to do justice and to do right. Each one of you
3 is empowered here today in a way that many of us are rarely
4 empowered and it's important that you understand that you have
5 been empowered to make that decision, regardless of your
6 background, age, education. None of that has any bearing on
7 someone's significance as a juror. Each juror is completely
8 and wholly independent and significant as you sit here today.
9 Each one of you has the duty and the right to hear evidence,
10 hear testimony and render your verdict. So, whatever your
11 verdict is if they all happen to be the same then the case is
12 resolved, either guilty or not guilty.

13 Now, in this particular case the Solicitor made a
14 statement and said this happened and this is, this is wrong
15 and the Defendant's guilty and it's easy, it's easy to say
16 that but when you look at circumstances, if you know anything
17 about life, and you listen to the circumstances and see what
18 happened, there's always something other than just that blank
19 statement.

20 Now, in this case you look at and you will as we develop
21 this case, you look at the seriousness. The police, I
22 believe, will testify that they're chasing him. There are two
23 questions, "Why are you chasing me and why are you running?"
24 I saw that in a movie one time where the guy, it was a police
25 movie, and he was chasing him and he says, "Why are you

Opening by Defense

57

1 chasing me?" He says, "Why are you running?" "Why are you
2 running?" If Ryan Williams was running from the police why
3 was he running, and if the police were chasing him what had he
4 done to be chased? Was it speeding? Was it some serious
5 felony? Was it some drastic offense, and if - well, and that
6 - we'll develop that as the case goes. As we sit here Mr.
7 Williams is legally not guilty. He's innocent. He's presumed
8 innocent. The State must prove beyond a reasonable doubt that
9 he's guilty of failure to stop for a blue light.

10 Now, in this case, and I don't know how long, I don't
11 know how long this case will last but part of your duty is to
12 determine what, what's sensible conduct because is this, is
13 this a good situation or a bad situation? Okay. If somebody
14 stops chasing somebody will they stop ---

15 MS. BAILEY: Objection, Your Honor, that is not the
16 jury's duty.

17 THE COURT: No, sir, that's a little far.

18 MR. MCCOLLUM: The - we're all, we're all familiar with
19 the ten commandments or most of us are. It's my understanding
20 that after Moses received the ten commandments and for some
21 period of time and Israeli, Israelite society prior to the
22 birth of Christ that the Pharisees had created, in addition to
23 the ten commandments, some hundred some, some 660 laws that
24 they had written down that we had to obey and our society's
25 like that to a large extent, that we have far more than 660.

Reginald Grant - Direct by State

58.

1 Thank you for your attention. Thank you for listening. Thank
2 you for being here, and we sincerely appreciate your service
3 and trust that each one of you will listen to the testimony
4 and render a fair verdict that speaks the truth and I believe
5 after you hear all of this case, despite what the State says,
6 that you will determine that the proper verdict is not guilty.
7 Thank you.

8 THE COURT: Call your first witness, please.

9 MS. BAILEY: Thank you, Your Honor. The State calls
10 Reginald Grant.

11 WHEREUPON, Reginald Grant was called to the stand, duly
12 sworn by the clerk and testified as follows:

13 THE CLERK: Thank you. Please be seated and state
14 your name for the record.

15 MR. GRANT: Reginald Grant.

16 DIRECT EXAMINATION

17 BY MS. BAILEY:

18 Q Where are you employed now?

19 A I'm employed with the Richland County Sheriff's
20 Department here in Columbia, South Carolina.

21 Q And how long have you been in Richland County?

22 A I've been in Richland almost two years now.

23 Q And where were you employed before that?

24 A I was employed with the Georgetown County Sheriff
25 Department.

Reginald Grant - Direct by State

59

1 Q And how long had you been with the Georgetown County
2 Sheriff's Department?

3 A For four years.

4 Q And in what different capacities did you serve in
5 Georgetown County?

6 A I've served as a patrolman, the drug agent, and once
7 again, basically like a drug suppression team of the ICE team.

8 Q Okay, and on July 17th of 2010 were you on patrol in
9 Georgetown County?

10 A Yes, I was.

11 Q What area were you in?

12 A We were in the Knox Swamp area of Georgetown County which
13 is Hanna Loop and Squirrel Run Road.

14 Q And while you were out there did you observe a speeder?

15 A Yes, I did.

16 Q And can you tell us more about what you observed?

17 A I was traveling on Hanna Loop headed back towards
18 Squirrel Run Road when I observed a blue in color vehicle at a
19 high rate of speed. At that time I was radar certified and
20 part of being radar certified you have to estimate before you
21 can actually clock a car. I mean, you know, hit the car with
22 the radar you have to actually estimate the speed of a
23 vehicle. At that time I estimated the vehicle was over, going
24 over a hundred miles per hour in a 50-mile zone. By the time
25 I turned onto Squirrel Run off of Hanna Loop, hit my radar

1 button to see how fast the vehicle was going but I couldn't
2 see it because of my, the pace of my car, traveling the speed
3 of my car. So, I had to maintain my eyes on the road but I
4 could hear the pitch. The higher the pitch is the higher the
5 vehicle that is in front of me is the higher the speeds for
6 that vehicle, so.

7 Q So, when you first observed the car, in your training and
8 experience what did you estimate?

9 A I estimated that he was well over a hundred miles per
10 hour based on my experience.

11 Q And is that the reason that you initiated blue light?

12 A That's correct.

13 Q Okay, and were you able to catch up with him right away?

14 A Not right away due to the fact that his speeds was well
15 over a hundred miles per hour I could not catch up to his
16 vehicle. So, I radioed into my partner who was approximately
17 not even a half a mile down the street near Frank Cribb Road.

18 Q And who was that?

19 A Corporal John Seale.

20 Q Okay, and what happened next?

21 A As I activated my blue lights and sirens the vehicle he -
22 they gave no indication of stopping. I then informed my
23 Corporal John Seale along with some other deputies that they
24 needed to be careful because we had a car approaching them at
25 a high rate of speed. At that time he turned on Frank Cribb

Reginald Grant - Direct by State

61

1 and that's when Corporal Seale took over the chase.

2 Q Okay, and did you remain with the chase?

3 A Yes, ma'am, I did. I was the secondary unit in the
4 chase.

5 Q And when you say secondary unit were you just behind the
6 blue car?

7 A No, ma'am, I was - Corporal John Seale took over the
8 primary chase, primary duties and I was the secondary.

9 Basically the secondary unit all he does is call the chase.
10 I'll make sure all the traffic is clear. I make sure the
11 weather is good and no one's out to, you know, get hurt.

12 Q Okay, and about how long did the chase last?

13 A It lasted about 20 minutes, 20 minutes.

14 Q And what were the speeds that were reached in the course
15 of that chase?

16 A The speeds reached went from 30 to 50 to 80 to a hundred
17 miles per hour.

18 Q Okay, and how many, I mean, approximately how many roads,
19 did it all stay on one road or did ---

20 A No, ma'am, we hit approximately seven to ten roads.

21 Q Okay, and did it - now, when you initially initiated blue
22 lights were you in Georgetown County?

23 A Correct, I was on Georgetown - in Georgetown County on
24 Squirrel Run Road.

25 Q And at that time did the Defendant speed up to evade?

1 A I don't know if he speed up but he was already at a high
2 rate of speed.

3 Q Okay, and at the point that both you and Corporal Seale
4 were immediately behind him with blue lights and sirens
5 activated did he stop at any time?

6 A He did not.

7 Q I mean, in the beginning - okay.

8 A He didn't.

9 Q And was that in Georgetown County?

10 A Correct.

11 Q Okay.

12 A He did not stop at all in Georgetown County.

13 Q And at some point did he cross over into another county?

14 A Yes, he did crossed over into Williamsburg County on
15 Choppee Road.

16 Q And most people think if you go into another county that
17 the police can't follow you; is that true?

18 A Correct, in the State of South Carolina we can chase them
19 to the next adjacent county which if he would have went to
20 Florence County we would have had to cut the pursuit off. We
21 can chase adjacent counties around. So we can go to
22 Charleston, we can go to Williamsburg or any other adjacent
23 counties, but once it hit the next county over we have to
24 terminate the chase.

25 Q So, did you follow him over into Williamsburg County?

Reginald Grant - Direct by State

63

1 A Correct.

2 Q And then what happened?

3 A Then we went down a couple of roads in Williamsburg
4 County, I think Loggers Road, Thompson Road. He was headed
5 towards Hemingway and then he cut through Loggers Road coming
6 back to County Line Road coming back into Georgetown County.

7 Q Okay, so, he came back into Georgetown?

8 A Correct.

9 Q And did he eventually stop?

10 A Eventually he ran out of gas, yes, ma'am, on Folly Grove
11 Road which is in the Pleasant Hill Community of Georgetown
12 County.

13 Q And what happened after he ran out of gas?

14 A Once he ran out of gas he went through a yard on Folly
15 Grove, I think it was like the 300 block of Folly Grove Road.
16 He jumped out of the vehicle and took off running. Myself and
17 Corporal Seale gave chase and Corporal Seale actually the one
18 caught him in the ditch and once he was in the ditch he would
19 not give us his hands.

20 Q Can you repeat that last thing that you said?

21 A He was still resisting, he wouldn't - he had his hands
22 underneath. He had his right hand underneath his, underneath
23 his body.

24 Q Okay, were you able to take him into custody?

25 A Yes, ma'am.

1 Q Okay, and were you the one who actually took him into
2 custody and put him in your car?

3 A Yes, ma'am, I placed him into the custody of my car. He
4 was complaining about rib injuries due to a previous incident
5 that took place before the chase and he was transported to the
6 emergency room by myself.

7 Q And which emergency room did you take him?

8 A Georgetown County ER.

9 Q Okay, while I take care of some procedural matters here,
10 so, total you have six years of experience in law enforcement;
11 is that correct?

12 A Yes, I have six years experience, going on seven years.

13 Q And have you taken a driving course as part of your - as
14 part of the academy?

15 A Yes, once we go through the academy now it's 12 weeks,
16 but when I went through it it was nine weeks, you take a
17 driving course and once you get to your department annually
18 you have another driving course you take at your department to
19 keep you up on your driving skills.

20 Q And in your experience is someone traveling at over a
21 hundred miles an hour on the public roads is that a danger to
22 the community?

23 A Yes, yes.

24 Q I'm going to show you what's been previously marked as
25 State's Exhibit Number One. Do you recognize this?

Reginald Grant - Direct by State

65

1 A Uh-huh.

2 Q Okay, and have you had an opportunity to review the
3 contents of this CD?

4 A Yes.

5 Q And is this ---

6 THE COURT: Has that CD been afforded to Defense
7 counsel?

8 MS. BAILEY: Yes, Your Honor.

9 THE COURT: All right.

10 BY MS. BAILEY:

11 Q And is - are the contents of this CD a fair and accurate
12 representation of what happened on that day?

13 A Yes, it is.

14 Q And what is this recording? Can you describe for them?

15 A Basically that recording is the dash cam of my, inside my
16 patrol vehicle there's a digital camera inside our patrol
17 vehicle that records and has basically everything on it. It
18 goes back 15 seconds prior to me activating my blue lights.

19 Q Okay.

20 MS. BAILEY: At this time the State would seek to move
21 State's Exhibit One into evidence.

22 THE COURT: It is admitted.

23 (Whereupon, State's Exhibit Number One [CD - In Car
24 Camera] admitted into evidence and appropriately marked.)

25 MS. BAILEY: And permission to publish to the jury,

1 Your Honor?

2 THE COURT: You may do so.

3 MS. BAILEY: Thank you.

4 THE COURT: Do I need to - let me ask you something,
5 do I need to switch this video on or does it come on
6 automatically?

7 THE CLERK: It's going to come on automatically.

8 (Whereupon, State's Exhibit Number One played in open
9 court.)

10 MS. BAILEY: We accidentally had the volume muted. If
11 it pleases the Court I'd like to start it over just because
12 it's important to know when the blue lights were activated and
13 sirens.

14 THE COURT: Play it as you choose.

15 MS. BAILEY: Okay, thank you. We'll just ---

16 THE COURT: If he wants to play it additionally he may
17 do so.

18 MS. BAILEY: We'll just restart it. Thank you.

19 THE COURT: You were saying that you have omitted the,
20 the volume?

21 MS. BAILEY: We had earlier. It'll kick in here in
22 just one second.

23 THE COURT: All right.

24 MS. BAILEY: We have the volume on now.

25 BY MS. BAILEY:

Reginald Grant - Direct by State

67

1 Q And Deputy Grant, if you could tell us when you first ---

2 A Basically that's him passing now on Squirrel Run Road.

3 I'm coming off of Hanna Loop and I'm advising my units now

4 that to be careful, there's a vehicle headed their direction

5 at a high rate of speed.

6 Q Okay, thank you.

7 (Whereupon, State's Exhibit Number One played in open

8 court.)

9 BY MS. BAILEY:

10 Q At this point are your blue lights activated?

11 A Uh-huh, you can see the ---

12 REPORTER: I can't hear you while you're playing it.

13 I can't hear you while you're playing it.

14 A Now he's coming to the intersection of Frank Cribb.

15 REPORTER: I can't hear him while you're playing it.

16 Q Okay, can you repeat what you just said?

17 A Now he's about to approach the intersection of Frank

18 Cribb and Squirrel Run Road.

19 Q Okay, thank you.

20 (Whereupon, State's Exhibit Number One played in open

21 court.)

22 Q All right, we just saw blue lights - did we just see some
23 blue lights on the video?

24 A Yes, ma'am.

25 Q Of another car?

- 1 A Yes, ma'am.
- 2 Q And who was that?
- 3 A That was Corporal John Seale.
- 4 Q The person you were working with?
- 5 A Correct.
- 6 Q Okay, continue.
- 7 (Whereupon, State's Exhibit Number One played in open
- 8 court.)
- 9 A Now we're approaching Choppee Road which is still in
- 10 Georgetown County.
- 11 Q Okay, and he just turned onto what?
- 12 A He just made a left onto Choppee Road ---
- 13 Q Okay.
- 14 A --- in the Pleasant Hill Section of Georgetown County
- 15 headed ---
- 16 Q So, at this point have you caught up to the chase?
- 17 A Yes, ma'am.
- 18 Q Okay, so, at this point the car directly in front of you
- 19 is who?
- 20 A Is Corporal John Seale.
- 21 Q And then who's directly in front of him?
- 22 A The suspect's vehicle.
- 23 Q Okay, thank you.
- 24 (Whereupon, State's Exhibit Number One played in open
- 25 court.)

Reginald Grant - Direct by State

69

1 A We just entered Williamsburg County.

2 Q Can you repeat that?

3 A Right there we were at that Caulder's - well, right there
4 the intersection - I can't remember - County Line Road and
5 Williamsburg and we just crossed over into Williamsburg
6 County.

7 Q Okay, thank you.

8 (Whereupon, State's Exhibit Number One played in open
9 court.)

10 A Speeds are at 120.

11 Q Go ahead.

12 A Speeds are at 120 at that point.

13 Q Okay, and how do you remember that?

14 A I remember looking down on my dash cam and calling it
15 into dispatch.

16 Q Thank you.

17 (Whereupon, State's Exhibit Number One played in open
18 court.)

19 A He's actually reducing speeds, he's actually reducing
20 speeds now trying to turn - I think he was trying to turn off
21 there, but I'm not sure.

22 Q Okay, and what - are you back in Georgetown County?

23 A No, ma'am, we're still in the - we're in the Muddy Creek
24 area of Williamsburg County.

25 Q Okay.

1 A Yes, ma'am.

2 Q Thank you.

3 (Whereupon, State's Exhibit Number One played in open
4 court.)

5 A At that point, at that point I had to reduce speeds
6 because I - my vision was gone because of the rocks in the
7 road. So that's when I had to reduce my speed and let
8 Corporal John Seale basically took over until I can gain
9 visibility back, so.

10 Q Okay, and did you call out or do you remember what the
11 speed was when you had to reduce?

12 A I don't remember on - I don't remember, no.

13 Q At this particular time.

14 A No, ma'am.

15 Q Thank you.

16 (Whereupon, State's Exhibit Number One played in open
17 court.)

18 A Now, we're back in - we back in Georgetown now.

19 Q Okay.

20 A Yes, ma'am.

21 Q And what road is that now?

22 A I can't remember. I'd have to see my report. I can't
23 remember. Due to the fact I was gone so long I can't remember
24 which road it's at.

25 Q But that's the road that took him back into Georgetown

Reginald Grant - Direct by State

71

1 County?

2 A Yes, ma'am.

3 Q You do know that, okay. Thank you.

4 (Whereupon, State's Exhibit Number One played in open
5 court.)

6 A He's on County Line now.

7 Q Okay.

8 A He's back on County Line Road now in Georgetown County.

9 Q All right, thank you.

10 (Whereupon, State's Exhibit Number One played in open
11 court.)

12 A There he ran a car off the road right there.

13 Q I'm sorry?

14 A I said when he made that right onto Choppee made a car
15 basically swerve and go off the, off the roadway.

16 Q All right, thank you.

17 (Whereupon, State's Exhibit Number One played in open
18 court.)

19 A Now we're on Folly Grove, now we're on Folly Grove Road.

20 Q Folly Grove Road?

21 A Yes, ma'am.

22 Q Is that in Georgetown?

23 A Yes, in Georgetown County.

24 Q Okay, thank you.

25 (Whereupon, State's Exhibit Number One played in open

1 court.)

2 A Now we're back on Folly Grove.

3 Q I'm sorry?

4 A Now we're back on Folly Grove and I think this is where
5 he's about to run out of gas.

6 Q Okay.

7 A Yes, ma'am.

8 Q Thank you.

9 (Whereupon, State's Exhibit Number One played in open
10 court.)

11 BY MS. BAILEY:

12 Q Now, at this point where, where are you?

13 A We probably about a hundred yards from our cars.

14 Q Okay, and what is the physical location of where he
15 stopped?

16 A He stopped, I can't remember the exact address but it's
17 right up into someone's yard. I think he hit the fence line
18 in their yard.

19 Q Okay.

20 A Yes, ma'am.

21 Q And did you ever learn who the property owner was?

22 A No, ma'am; no, ma'am.

23 Q Okay, and when you - did you observe the car that, that
24 was abandoned there?

25 A Yes, ma'am, I did.

Reginald Grant - Direct by State

73

1 Q And was it the same car that you saw initially way back
2 20 minutes ago speeding?

3 A Correct, correct.

4 Q Okay.

5 (Whereupon, State's Exhibit Number One played in open
6 court.)

7 BY MS. BAILEY:

8 Q Now, we're about to hear a voice on this. Do you know
9 whose voice that is?

10 A Oh, that's Mr. Ryan Williams.

11 Q Okay, and were you interrogating him or was he just
12 talking?

13 A He was already - he was blurted out an excited utterance,
14 yes, ma'am.

15 Q Okay, so, you all weren't trying to get anything out of
16 him? He was just ---

17 A No, ma'am, his rights was read, his Miranda Rights was
18 read to him once he went to the - once I transported him to
19 the Georgetown ER.

20 Q Okay.

21 A Yes, ma'am.

22 MR. MCCOLLUM: Your Honor, do we need to have a Jackson
23 v. Denno?

24 THE COURT: Let you go to the jury room just a moment,
25 please. I'll be calling you back. Thank you. Let them go to

1 the jury room.

2 (Whereupon, the following takes place outside the
3 presence of the jury.)

4 THE COURT: Solicitor, you propose to introduce a
5 statement at this time?

6 MS. BAILEY: Your Honor, it's the State's position that
7 we don't need to do a Jackson v. Denno because it was not in
8 response to interrogation. He was put in the patrol vehicle
9 in handcuffs with nobody else in the vehicle and the Defendant
10 was just uttering to himself essentially, yelling to people
11 outside the car. These are - this is not ---

12 THE COURT: I have two concerns. I don't - I asked
13 this morning before the jury was selected. Why didn't you ask
14 for a Jackson v. Denno at that time? I specifically asked you
15 that.

16 MR. MCCOLLUM: Well, Your Honor, I'm not - I haven't
17 objected to the statement. It just, he just said that they
18 had read him his rights. I'm just asking Your Honor if you
19 want to have one.

20 THE COURT: No, sir, not - I hadn't heard anything
21 that, that's ---

22 MR. MCCOLLUM: All right.

23 THE COURT: --- that, that whether he was
24 interrogated. I hadn't heard that.

25 MR. MCCOLLUM: Okay, thank you, Judge.

Reginald Grant - Direct by State

75

1 MS. BAILEY: And Your Honor, for the record the witness
2 has testified that he was read his rights at the hospital.
3 These statements are before the hospital and not in response
4 to interrogation.

5 THE COURT: All right, did he make any statement after
6 interrogation at the hospital?

7 MS. BAILEY: Not that I'm aware of.

8 A Yes.

9 MS. BAILEY: He did?

10 A Yes.

11 MS. BAILEY: Okay.

12 THE COURT: Are you - to save some time, Mr. McCollum,
13 are you aware of any statements that he made that would
14 require Jackson v. Denno?

15 MR. MCCOLLUM: I'm not sure what he said at the hospital,
16 Your Honor.

17 MS. BAILEY: Your Honor, the State isn't seeking to
18 introduce any of those statements.

19 THE COURT: That's fine. Bring the jury back and
20 let's go.

21 (Whereupon, the following takes place in the presence of
22 the jury.)

23 THE COURT: All right, you may proceed.

24 BAILIFF: I think one is in the restroom, Judge.

25 THE COURT: Okay. Bailiff handling the jury, please

1 never bring them out until all of them are ready.

2 All right, the jury is present. You may proceed.

3 MS. BAILEY: Thank you, Your Honor.

4 (Whereupon, State's Exhibit Number One played in open
5 court.)

6 A And my tape ran out.

7 Q Okay, and was that your voice there at the end?

8 A Yes, ma'am, it was.

9 Q Okay, now, you testified earlier that it is dangerous for
10 the community to have someone running at - speeding at over a
11 hundred miles an hour.

12 A Correct.

13 Q Now, on that video we saw both you and Corporal Seale
14 traveling just as fast to keep up with him.

15 A Correct, and we were in Dodge Chargers and he, he was in
16 a Dodge Stratus.

17 Q Okay, and so, is your car more equipped to deal with the
18 high speeds?

19 A Correct, it is.

20 Q And have you had specialized training in traveling at
21 that high of a speed?

22 A Yes, I have, based on at the Criminal Justice Academy and
23 with my department.

24 Q Okay, so, you've learned how to handle your car and
25 assess visibility?

Reginald Grant - Cross by Defense

77

1 A Correct.

2 Q At high speeds?

3 A Correct.

4 Q Okay.

5 MS. BAILEY: I have no further questions for this
6 witness.

7 THE COURT: Counsel?

8 MR. MCCOLLUM: May it please the Court, Your Honor?

9 CROSS EXAMINATION

10 BY MR. MCCOLLUM:

11 Q Deputy Grant, right?

12 A Yes, sir.

13 Q At the time of this incident you had been with the
14 Sheriff's Department for two years?

15 A No, sir, four years.

16 Q Four years at the time of the incident?

17 A Yes.

18 Q Okay, and then you left the department sometime later?

19 A I left the department in November of 2010.

20 Q And went to - directly went to work with Richland County?

21 A Yes.

22 Q What was the reason for your leaving Georgetown? Did you
23 - are you from Richland County?

24 A No, sir, the reason I went to Richland is because it's

25 better opportunities for me in Richland County than Georgetown

1 County. Don't get me wrong, I love it here in Georgetown. It
2 was my choice to leave. I put my two-weeks notice in and I
3 went to Richland County where I got paid a lot - basically a
4 lot more money than what I was making here.

5 Q When you - in this what we just watched this is your
6 video camera?

7 A Yes, it is.

8 Q And at the end there we hear somebody, Ryan Williams
9 crying for his daddy and his uncle and saying he needs to go
10 to the hospital. Did he go to the hospital?

11 A Yes, I transported him to the Georgetown Memorial
12 Hospital.

13 Q And was he complaining that his ribs were broken?

14 A Not at the time. While we were in route to the hospital
15 he was complaining about his ribs.

16 Q Okay, and did you chase him on foot yourself?

17 A Yes, I did.

18 Q Along with Officer Seale?

19 A Yes.

20 Q And you testified a little bit there and I don't think
21 you finished. You said that when you called him he was on the
22 ground and that he had his hand under him, he wouldn't show -
23 he wouldn't give you his hand?

24 A Correct.

25 Q What is - what's the purpose of saying that?

Reginald Grant - Cross by Defense

79

- 1 A Usually when they don't give us their hands they're still
2 resisting. We had a struggle with him in the ditch. Finally
3 we got him to place his hands behind his back and we took him
4 into custody there.
- 5 Q And was - had it gotten dark at that point?
- 6 A Yes, it did.
- 7 Q Okay, now, this was July 17th of 2010; right?
- 8 A Correct.
- 9 Q And who physically caught on foot, who physically caught
10 Ryan Williams?
- 11 A Corporal John Seale.
- 12 Q Corporal Johnson?
- 13 A Seale, John Seale.
- 14 Q Oh, I'm sorry, forgive me, Corporal Seale.
- 15 A Yes, sir.
- 16 Q Okay, and were you right there when he caught him?
- 17 A I was about maybe 20 yards from them.
- 18 Q Okay.
- 19 A Catching up to them.
- 20 Q And Ryan Williams, do you know how big he is?
- 21 A He's a small guy, pretty small guy.
- 22 Q He's like, what, he's under, what, five and a half feet
23 tall?
- 24 A No, he's not under that. He's probably about five three,
25 yeah, five.

- 1 Q Maybe five feet, three inches?
- 2 A Yeah.
- 3 Q And how much do you think he weighs, 120 pounds?
- 4 A Probably about, well, yeah, about 125, 130.
- 5 Q Okay, and how about yourself, how much do you weigh?
- 6 A Right now I'm 5-11, 185.
- 7 Q Okay, and do you fit - pretty fit physically?
- 8 A Yes.
- 9 Q You pretty strong, work out, exercise, that sort of
- 10 thing?
- 11 A Yes.
- 12 Q Okay, play sports in high school?
- 13 A Yes.
- 14 Q All right, and then Deputy Seale how, about how - is he
- 15 about your size or is he a little smaller?
- 16 A He's about my size.
- 17 Q Okay, and when you were apprehending Mr. Williams did
- 18 anybody strike him with an object or anything?
- 19 A No, sir.
- 20 Q Okay, and did anybody punch him in the ribs?
- 21 A No, sir.
- 22 Q Did anybody strike him with one of those long metal
- 23 flashlights?
- 24 A No, sir.
- 25 Q Okay, did anybody strike him? Did anybody touch him?

Reginald Grant - Cross by Defense

81

1 A We did lay hands on him to remove his arm from under,
2 underneath his body.

3 Q Okay.

4 A Yes, sir.

5 Q And how did he get on the ground? Did he just lay down
6 on the ground and say, "I give up?"

7 A No, he fell. He fell in the ditch and that's when
8 Corporal Seale caught up to him.

9 Q Okay, and when Seale caught up to him did you see him
10 catch up to him?

11 A I was - I didn't actually see it because I was behind him
12 but once I got to the ditch he - Corporal John Seale was
13 already had one hand cuffed and was trying to get the other
14 hand from underneath him and that's when I attempted to help,
15 also.

16 Q And do you know how much time passed from the time that
17 Corporal Seale had one hand of Ryan Williams behind his back
18 until you arrived there and I mean that not in seconds or ---

19 A It was not long, it was about 10 seconds, 10, 15 seconds.

20 Q Okay, now, on your video in your police cruiser you
21 stated that when you turned the video on, this is amazing to
22 me, when you turn the video on it shows what happened 15
23 seconds before you turned it on; right?

24 A Uh-huh, correct, 15 to - it all depends on what the -
25 what our department set it at. It could be 15. It can be 30.

1 It could be 45 seconds.

2 Q So, somehow through this miracle of technology that we
3 live with that video camera is doing something and then when
4 you turn that on you go back in time and you see what happened
5 before you turned it on?

6 A Correct. I'm not an expert on video camera but I - the
7 camera system here does, yes.

8 Q And that's because you don't know what's going to happen
9 and it happens before you turn it on; right?

10 A Correct.

11 Q Okay, so, you saw something happen and you flipped it on
12 and then when it came on we see you or we don't see you but we
13 see the road in front of your vehicle going just driving
14 forward; right?

15 A Correct.

16 Q And as you're driving forward not suspecting anything
17 going up to another road ---

18 A Squirrel Run Road.

19 Q --- you're on - you're driving up to Squirrel Run Road;
20 right?

21 A Correct, I'm on Hanna Loop.

22 Q And then at that moment a car driven by Ryan Williams;
23 right?

24 A Correct.

25 Q Just passes in front of you; right?

Reginald Grant - Cross by Defense

83

- 1 A Correct, at a high rate of speed.
- 2 Q And at that time did you know who it was?
- 3 A No, I didn't.
- 4 Q At some point during this long chase sequence did you
- 5 know who you were chasing?
- 6 A No.
- 7 Q Okay, but the reason you were chasing him is because he
- 8 passed in front of you; right?
- 9 A At a high rate of speed.
- 10 Q And about how long did it take for him to drive by?
- 11 A It took about within the second, within the split second.
- 12 Q A split second.
- 13 A Yep.
- 14 Q You think it was less than a second for him to cross your
- 15 vision?
- 16 A It was probably about a second, yeah.
- 17 Q Okay, and at that point were you running, were you
- 18 running your radar?
- 19 A I can't run radar from that angle. When I turn onto
- 20 Squirrel Run I hit my same direction, same direction as the
- 21 same vehicle, as the vehicle behind me or vehicle in front of
- 22 me, hit the same direction to his vehicle and at that point I
- 23 cannot, I cannot see my radar device because I had to pay
- 24 attention to the road but I could hear the pitch.
- 25 Q And after you saw the vehicle pass in front of you on

1 Squirrel Run Road ---

2 A Correct.

3 Q --- did you activate your blue light at that time?

4 A Correct.

5 Q Okay, so, you testified earlier that you made a
6 determination at that point that the vehicle was traveling how
7 fast?

8 A Well over a hundred miles an hour at an estimate.

9 Q Okay, and you looked at the vehicle for maybe less than a
10 second?

11 A Yep.

12 Q And you made the determination at that point that the
13 vehicle was going over a hundred miles an hour?

14 A Yes.

15 Q Okay, and at that point was anybody chasing the vehicle?

16 A No, sir.

17 Q Okay, and you made a decision to pursue at that point;
18 right?

19 A Correct, I did.

20 Q Okay, and the pursuit that you engaged in initially was
21 based on what?

22 A Based on his reckless endangerment to himself and others
23 at his high rate of speed.

24 Q So, you made a decision to initiate pursuit based on your
25 conclusion that the danger to you and the public created by

Reginald Grant - Cross by Defense

85

1 Ryan Williams was greater than you chasing him for 20 minutes?

2 A Yep..

3 Q Okay, and once you start chasing somebody you have to
4 make a decision as to who the primary officer is and the other
5 officer; right?

6 A Correct.

7 Q And at some point, well, just right then when that thing
8 first started were you the primary pursuing officer?

9 A I was the primary pursuing officer.

10 Q Were you the primary pursuing officer ---

11 A Well, actually, technically I was not in the pursuit at
12 that time. I was attempting to catch up to the vehicle.

13 Q So, you made the decision that ---

14 A I made - go ahead.

15 Q --- pursuit was safer than the non-pursuit?

16 A I made the decision to activate my blue lights and sirens
17 to attempt to catch up to the vehicle to initiate a lawful
18 traffic stop on the vehicle.

19 Q Now, you also have the responsibility after all this is
20 over to go back and do a report and submit it to somebody in
21 the Sheriff's Department; right?

22 A If I was the primary unit, correct.

23 Q But all pursuits that the sheriff deputies are involved
24 in is you have to report it in writing; right?

25 A You typed it on the RMS system, correct, for the primary

1 unit, yes.

2 Q But all units have to report it; right?

3 A If that's their policy now.

4 Q So, do you know what the policy was at the time of the
5 pursuit?

6 A The policy was the primary unit does the initial report.

7 Q Okay.

8 A And the chase packet.

9 Q So, as a result of that did you do the report?

10 A I wasn't the primary unit.

11 Q Okay, so, so, once the pursuit started going did, did the
12 - who the primary pursuit car was did that change?

13 A It changed, yep.

14 Q Okay, at what point into the pursuit did that change?

15 A As I was attempting to catch up to the vehicle he turned
16 on Frank Cribb. Right then that's when Corporal John Seale
17 took the lead, not took the lead but attempted to stop the
18 vehicle as well. Once he did not stop for Corporal Seale that
19 was right up on him that's when the chase started.

20 Q Now, the - at any time during the pursuit did you make a
21 conscience decision to terminate the pursuit?

22 A That's not my responsibility. It's up to a supervisor.

23 MS. BAILEY: Your Honor, at this point I'm going to
24 have to object to this line of questioning, none - under a
25 previous objection, pretrial matters, none of this makes it

Reginald Grant - Cross by Defense

87

1 more or less likely that ---

2 THE COURT: I'm permitting it for a little while
3 longer but we'll see where he's going with it.

4 MS. BAILEY: Thank you, Your Honor.

5 THE COURT: Go ahead. It's his - I, I give him wide
6 latitude.

7 Q So ---

8 A I will repeat your - I'll answer your questions. It's
9 not my job to terminate a pursuit. It's up to the supervisor.

10 Q Okay, or the primary pursuit car; right?

11 A Or the - no, it was up to the supervisor for the
12 conditions and once, once we give our conditions, once we give
13 the visibility and the speeds it's up to our supervisor to
14 cancel the chase.

15 Q Okay, and so, and I don't - I'm not - I don't mean to
16 argue with you here, but certainly a supervisor can terminate
17 the chase.

18 A Correct.

19 Q But their also responsibility or, or let me say this,
20 your, your answer is that it's not the responsibility of the
21 primary pursuing vehicle to make that decision.

22 A If the primary pursuing officer sees a danger then, yes,
23 the primary officer can terminate the chase.

24 Q Okay.

25 MS. BAILEY: Your Honor, again at this point it's

1 starting to sound like a civil trial. This has to do with
2 whether or not Ryan Williams stopped for a blue light, not
3 what the police ---

4 THE COURT: I frankly don't understand the relevancy
5 of it.

6 MR. MCCOLLUM: Well ---

7 THE COURT: Have you concluded this line of testimony?

8 MR. MCCOLLUM: Yes, sir, Your Honor.

9 THE COURT: All right, sir, does that conclude your
10 cross examination?

11 MR. MCCOLLUM: No, sir.

12 THE COURT: Sir?

13 MR. MCCOLLUM: No, no, Your Honor, but I have a few ---

14 THE COURT: Well, let's stay now on relevant - you're
15 entitled to cross examination ---

16 MR. MCCOLLUM: I just wanted ---

17 THE COURT: --- on relevant issues and please follow
18 that rule.

19 MR. MCCOLLUM: I will, Your Honor, I just wanted - I'm
20 finished with that line of questioning.

21 THE COURT: All right, sir.

22 MR. MCCOLLUM: But I'm not finished with the questioning.

23 THE COURT: Go ahead.

24 MR. MCCOLLUM: Thank you, Your Honor.

25 BY MR. MCCOLLUM:

Reginald Grant - Cross by Defense

89

1 Q The - at the end of the pursuit when you park your car
2 did you immediately get out of your car and run after Ryan
3 Williams?

4 A Yes, I did.

5 Q And, and you may not know this, did it take - it seems to
6 take a long time for him to come back to - with inside of the
7 video. Did he go a long way?

8 A We ran about a hundred, 150 yards, yes, sir.

9 Q Okay, and so, it would, it would only take a - just a few
10 minutes to walk back that distance; right?

11 A Not after you done been through a chase like that and
12 you're trying to catch your breath. If you actually look at
13 the video you see one of our officers actually on back of the
14 truck coming back to that incident location.

15 Q All right, but it seems to take a long time; right?

16 A Correct.

17 Q Now, you had - you wear a - when you, when you have your
18 video on in the patrol car that you're operating you wear a
19 microphone; right?

20 A Correct.

21 Q And that microphone is connected or synced with the -
22 with that video camera; right?

23 A Correct, it is.

24 Q Okay, and when you get out of the car to do something do
25 you normally turn that microphone off?

1 A It's automatically cut on once the camera system is on.

2 Q Okay, and do we hear anything regarding your mike?

3 A You can't hear it because the farther I get away from my
4 car the more it goes out, it goes faint. So, I'm not saying
5 nothing while I'm running, but time I caught up to him then it
6 was too far from the car.

7 Q Okay, and so, when you get back to the car then you're
8 able to hear ---

9 A Then you can hear him, correct.

10 Q --- the things he says, okay, and it's your testimony
11 that he, he, he - is it your testimony that he did not have
12 any broken ribs?

13 A He - we took him to the hospital, he - negative results
14 for broken ribs.

15 Q Okay, and that he - did he have injuries?

16 A He had some bruises from where he fell in the ditch,
17 yeah, correct.

18 Q Okay, but he didn't receive any broken ribs or any
19 injuries as a result of you or Officer Seale ---

20 MS. BAILEY: Objection, Your Honor. I'm not sure of
21 the relevance of this as to the guilt or innocence of the
22 crime.

23 THE COURT: Yes, sir, you're going too far. I'm
24 giving you wide latitude but you're going too far and I'm not
25 going to permit it any further. Now, stay on relevant issues

Reginald Grant - Redirect by State

91

1 with your cross examination. The question is whether or not
2 he failed to stop at a blue light. Subsequent injuries does
3 not bear in my view on that question.

4 MR. MCCOLLUM: Thank you, Your Honor.

5 THE COURT: All right, sir.

6 MR. MCCOLLUM: That's all I have, Your Honor.

7 THE COURT: All right, sir, you may - is there any
8 cross examination?

9 MS. BAILEY: Very briefly, Your Honor.

10 REDIRECT EXAMINATION

11 BY MS. BAILEY:

12 Q Did - when he requested to be taken to the hospital did
13 Mr. Williams tell you if he'd been in any other physical
14 altercations earlier that day?

15 A Yes.

16 Q What did he - what, what about that issue did he say?

17 A While we were in route to the hospital after I mirandized
18 him, I mirandized him on the way to the hospital he stated
19 that he had been in an altercation with a guy named David I
20 think in Hemingway.

21 Q All right, and ---

22 A And that's ---

23 Q --- did he tell you if he received some injuries from
24 that?

25 A Correct.

1 Q And that's why he wanted to go to the hospital?

2 A Correct.

3 Q Okay, thank you. No further questions.

4 MR. MCCOLLUM: Just one, Your Honor.

5 THE COURT: All right, sir, you may come down. Do you
6 have another?

7 MR. MCCOLLUM: Yes, sir, Your Honor.

8 THE COURT: All right.

9 RECROSS EXAMINATION

10 BY MR. MCCOLLUM:

11 Q So, your testimony here today is that Ryan Williams got
12 beat up enough to go to the hospital right before you started
13 chasing him?

14 A Once, once a suspect tells us they're injured or they
15 want to go to the hospital we have to take them to the
16 hospital.

17 Q So, your testimony is that Ryan Williams told you that he
18 got beat up right before you started chasing him?

19 A That's correct.

20 Q Thank you.

21 THE COURT: All right, sir, you may come down.

22 A All right.

23 THE COURT: It's about nearly 12 o'clock or one
24 o'clock. So, let's break and have the jury come back at 2:30.

25 Now, Mr. Foreman and ladies and gentlemen, I want to make

Reginald Grant - Recross by Defense

93

1 some admonitions to you, please, and they're very important.
2 Do not discuss this case with anyone, let no one discuss it
3 with you. Make no independent inquiry, and under no
4 circumstances will you discuss it even among yourselves until
5 I have give you the case for your deliberation. Sometimes two
6 or three jurors at a lunch break or an evening break want to
7 discuss an issue in the case and that's improper for the
8 following reasons, whatever your verdict is it must be the
9 unanimous verdict of all 12 of you, and if several of you are
10 discussing an issue outside the presence of the rest of the
11 jury you are depriving those folks of your thought process and
12 they're entitled to it. Consequently, our rules strictly
13 provide that under no circumstances will you even discuss the
14 case among yourselves until I have given you the case for your
15 deliberation and after you've heard all the testimony and I
16 have given you the charge on the law and you've heard final
17 summation of counsel. Now, Mr. Foreman, under no
18 circumstances permit any testimony or conversation in your
19 jury room about any issue in this case until I have given it
20 to you for your deliberation.

21 Is there any additional instructions requested by - for
22 the jury? What say the State?

23 MS. BAILEY: None, Your Honor.

24 THE COURT: What say Defense?

25 MR. MCCOLLUM: None, Your Honor.

1 THE COURT: All right, have a nice lunch. Be back in
2 this jury room promptly at 2:30. Thank you.

3 (Whereupon, the following takes place outside the
4 presence of the jury.)

5 THE COURT: All right, we're recessed till 2:30.
6 Thank you.

7 MR. BAILEY: Your Honor, may ---

8 THE COURT: Yes.

9 MS. BAILEY: --- Reggie Grant be excused from his
10 subpoena?

11 THE COURT: Yes, he may.

12 MS. BAILEY: Do you have any objection, Greg?

13 MR. MCCOLLUM: No objection, Your Honor.

14 THE COURT: All right.

15 MR. MCCOLLUM: I do have an issue though, Your Honor.

16 THE COURT: Sir?

17 MR. MCCOLLUM: I have a different issue.

18 THE COURT: What is it?

19 MR. MCCOLLUM: I've spoken to the court reporter ---

20 THE COURT: Let the record reflect that none of the
21 jurors are inside. Go ahead.

22 MR. MCCOLLUM: Right, Your Honor, may it please the
23 Court. I had spoken to Ms. Hurley about putting these cases
24 into the record, reading them into the record and she was
25 unsure if I'd be allowed to do that. So, I just ask the

Reginald Grant - Recross by Defense

95

1 Court's permission to do that.

2 THE COURT: Yes, sir, I've told you you may do that.

3 MR. MCCOLLUM: Thank you, Your Honor. Do you want me to
4 do it now?

5 THE COURT: If you care to. I told you you could
6 present them to the - a while ago. I don't need the cases.
7 The cases are clear to me as to the law.

8 MR. MCCOLLUM: I'm not trying to argue, Your Honor.

9 THE COURT: I understand.

10 MR. MCCOLLUM: May it please the Court, Your Honor, the
11 Defense would cite on the previous issue regarding the motion
12 to dismiss based on double or former jeopardy and I would like
13 to just cite the South Carolina case of State versus Carter,
14 which is 291 South Carolina 385, which is an '87 case where a
15 reckless homicide case was reversed after a Defendant had
16 previously been convicted of DUI. I'd also like to just put
17 into the record, may it please the Court, Your Honor, Jivers
18 versus State, 304, 304 South Carolina 556. It's a 1991 South
19 Carolina Supreme Court case which was a post-conviction relief
20 case where the Defendant did not raise the charge of a prior
21 conviction for criminal domestic violence which would and then
22 a later conviction of assault with intent to kill because the
23 lawyer believed that double jeopardy would ---

24 THE COURT: Just cite the case. Don't tell me what
25 the case says. I know them all and read them all. Just give

1 me the citation. That's all I need from you.

2 MR. MCCOLLUM: State versus Elliott, 552 - I'm sorry.
3 Strike that, 7 - excuse me, 346 South Carolina 603, State
4 versus Elliott, which is a 2001 South Carolina Supreme Court
5 case; State versus Grampus, which is 288 South Carolina 395.
6 Thank you, Your Honor.

7 THE COURT: All right, sir, and I still refer you to
8 the section 17-23-20 which you keep referring to but you don't
9 interpret it correctly. It's got to be for double jeopardy
10 that the former trial has got to be the same alleged facts and
11 this is a failure to stop for a blue light. It's not for
12 driving under suspension. It's not for DUI. It's not for
13 speeding. It's separate total facts and double jeopardy in no
14 way could attach on the trial in the municipal court for those
15 events, but I accept your position, respectfully deny it and
16 you've put the cases on the record. I know what the cases
17 say. Let's come back at 2:30.

18 MR. MCCOLLUM: Thank you, Judge.

19 MS. BAILEY: Thank you, Your Honor.

20 OFF THE RECORD

21 (On the record. The following takes place outside the
22 presence of the jury.)

23 THE COURT: Is the State now ready to proceed?

24 MS. BAILEY: We are, Your Honor.

25 THE COURT: Defense?

John Seale - Direct by State

97

1 MR. MCCOLLUM: Yes, Judge.

2 THE COURT: Bring the jury in.

3 (Whereupon, the following takes place in the presence of
4 the jury.)

5 THE COURT: The jury is present. Good afternoon,
6 ladies and gentlemen. Call your next witness.

7 MS. BAILEY: Thank you, Your Honor. The State calls
8 Corporal John Seale.

9 Whereupon, John Seale was called to the stand, duly sworn
10 by the clerk and testified as follows:

11 THE CLERK: Thank you. Please be seated and state
12 your name for the record.

13 MR. SEALE: My name is John Seale.

14 DIRECT EXAMINATION

15 BY MS. BAILEY:

16 Q Thank you, Corporal Seale, and where are you employed?

17 A The Georgetown County Sheriff's Office.

18 Q What's your title there?

19 A I am the corporal over the intensified criminal
20 enforcement unit.

21 Q And how long have you been at the Sheriff's Department?

22 A A little over seven and a half years.

23 Q And in what capacities have you served there?

24 A I've been a patrol deputy, corporal on the - over a
25 patrol deputy shift. I've been on the ICE team and now I'm

1 the corporal of the ICE team.

2 Q Okay, on July 17th of 2010 did you at any time activate
3 blue lights on a, on a blue car? Did you receive some word
4 about a chase?

5 A Yes, I did.

6 Q And how did that initiate for you?

7 A On that particular day we were working in the Pleasant
8 Hill area and Deputy Grant informed us over the radio for us
9 to be on the lookout and get out of the road because initially
10 there was a driver's license check set up and he wanted to
11 make sure we were out of the roadway because of the vehicle
12 was coming at a high rate of speed and I acknowledged him and
13 we got out of the road and then I stood there and waited for
14 the vehicle to come with my blue lights activated.

15 Q Okay, and at some point did a vehicle matching that
16 description come by you?

17 A Yes, ma'am.

18 Q And what did you do at that point?

19 A I then attempted to make a traffic stop on the vehicle.

20 Q Okay, and you've watched the video from Deputy Grant's
21 in-car camera; is that right?

22 A Yes, ma'am.

23 Q And which car is yours on that video?

24 A My car is the vehicle in front of Deputy Grant's vehicle
25 or the one that's directly behind the blue vehicle that we're

John Seale - Direct by State

99

1 trying to stop.

2 Q Okay, and while you were in pursuit did you ever lose
3 sight of the blue vehicle?

4 A No, ma'am.

5 Q And do you recall where all the chase - well, was it - as
6 part of your duties during that chase did you call into
7 dispatch where you were going?

8 A Yes, ma'am, I had initially started the pursuit and then
9 Deputy Grant he was the secondary unit and the secondary
10 unit's responsibility is to call out the such as location, the
11 speeds and that for so the primary unit can focus on actively
12 pursuing the suspect vehicle.

13 Q And during the time that you were in pursuit were you
14 aware of how fast the vehicle was going?

15 A From what I heard from Deputy Grant's over the radio I
16 did - I didn't look down too much at my speedometer because of
17 the erratic driving the suspect was doing.

18 Q Okay, and so, can you describe generally where the chase
19 went and at what speeds to the best of your knowledge?

20 A It would have began on Frank Cribb Road and from Frank
21 Cribb Road we went - well, the vehicle came off Squirrel Run
22 and turned on Frank Cribb and that's when the pursuit
23 initially began was on Frank Cribb Road and we went all the
24 way down Frank Cribb Road to Choppee Road, made a left on
25 Choppee Road and we continued from Frank Cribb and Choppee

John Seale - Direct by State

100

1 Road all the way into Williamsburg County and we went several
2 miles into Williamsburg County and I don't remember right
3 offhand the roads in Williamsburg County we turned on and we
4 made a left into Williamsburg County on a road. We went
5 another mile or so and the car made another left on a road
6 that I knew came back to Georgetown County and once we got on
7 that road we came back to the County Line Road in Georgetown
8 County and made another left. On the County Line Road we
9 continued back to Choppee Road, the - where we went through to
10 begin with and at that time we made a right and then when he
11 made the right he ran a vehicle into the parking lot. Had the
12 parking lot not have been there he would have hit the car and
13 the car would have went in the ditch. You could see on the
14 video the car pulls into the parking lot to avoid being struck
15 and he makes a left onto Williams Hill Road, which is right
16 past the little parking lot where he turned into and he
17 continues and I believe he turned onto Folly Grove Road at
18 that time, goes down Folly Grove Road to Ray Road and off of
19 Ray Road he then turns left back onto Choppee Road and he goes
20 down Choppee Road again towards the intersection of Pleasant
21 Hill Drive, which is known as Carter's Crossroads, makes a
22 left at Carter's Crossroads on Pleasant Hill Drive and also
23 Highway 261 and goes a short distance. At this time I notice
24 he starts to slow down and I figured he ran out of gas because
25 he was like he was swerving back and forth trying to get what

John Seale - Direct by State

101

1 little bit of gas was left in the tank to go into the, into
2 the engine and he turned, made a left onto Folly Grove Road
3 and when he realized the car wouldn't go much further he then
4 turned into a driveway and jumped out of his vehicle and ran.

5 Q Do you know whose residence that was that he turned into?

6 A No, ma'am, I don't remember.

7 Q Okay, and the entire time during this chase were your
8 blue lights activated?

9 A Yes, ma'am, as long as - as well as my siren. My blue
10 lights were activated before it even began. I cut them on for
11 hopefully to slow him down because, you know, we were in the
12 roadway. There was another officer there and another, I
13 guess, civilian on a motorcycle that was on the side of the
14 road and I cut those on so when the suspect vehicle was coming
15 he would see us and hopefully slow down and try to avoid
16 anybody getting hit.

17 Q Okay, and at some point did you call in license tags to
18 dispatch?

19 A Yes, ma'am.

20 Q Do you remember the license tag?

21 A Not right offhand, but it's documented in my report.

22 Q Would it assist your memory if I showed you your report?

23 A Yes, ma'am. Thank you. The license tag on the vehicle
24 was It was a South Carolina license tag.

25 Q Okay, and are you aware of who that license tag belongs

John Seale - Direct by State

102

1 to?

2 A At the time, no, I was not.

3 Q Are you now?

4 A Yes, ma'am.

5 Q And who is that?

6 A That would be Mr. John Allen Williams. Do you - I think
7 the printout, do you have that printout also?

8 Q I do, just one moment. I'm going to show you what's been
9 previously marked as State's Exhibit Two.

10 A Thank you.

11 Q So, who did that vehicle belong to?

12 A John Allen Williams.

13 Q And do you know who that is?

14 A I am familiar with him, yes.

15 Q Okay, and is he related to the Defendant in this case,
16 Ryan Williams?

17 A He is.

18 Q Okay.

19 MS. BAILEY: At this time the State would seek to move
20 State's Exhibit Two into evidence as a self-authenticating
21 document.

22 THE COURT: You may do so.

23 (Whereupon, State's Exhibit Number Two [Printout]
24 admitted into evidence and appropriately marked.)

25 BY MS. BAILEY:

John Seale - Direct by State

103

1 Q Now, once the Defendant had run out of gas did you
2 initiate a foot pursuit?

3 A Yes, ma'am.

4 Q And how far did you go?

5 A A hundred yards, a couple of hundred yards at the most.

6 Q And did you ever lose sight of the Defendant?

7 A No, ma'am.

8 Q And what made it so that you could catch up with him?

9 A As I was running behind him he was looking back at me and
10 there was a - I ran across a bean field. There was a deep
11 ditch and as he was looking back at me seeing where I was and
12 he ran right into the ditch and tripped and fell in the ditch
13 and it's a pretty deep ditch. It was over my head because
14 when I walked up to the ditch I had to look for a minute to
15 find him because it was grown up with weeds and bushes and
16 once I saw him in the ditch then I had to climb down in the
17 ditch because it was so steep and attempted to take him into
18 custody.

19 Q And tell me about that. Did he immediately comply?

20 A No, ma'am, he didn't immediately comply and took us a
21 brief second to get his hands where we could place the
22 handcuffs on him. When the other officers arrived Deputy
23 Grant and myself we were able to get his other hand and place
24 him into handcuffs.

25 Q Okay, at that point what did you do?

1 A We then got him out of the ditch and escorted him back to
2 the - Deputy Grant's patrol vehicle.

3 Q Okay.

4 MS. BAILEY: I have no further questions for this
5 witness.

6 MR. MCCOLLUM: May it please the Court?

7 CROSS EXAMINATION

8 BY MR. MCCOLLUM:

9 Q Corporal Seale, Ryan Williams he claimed to have been
10 injured; right?

11 A Yes, sir.

12 Q And he was saying that his ribs were broken and that he
13 was hurt?

14 A I don't remember him saying his ribs were broken. I just
15 remember him saying that he was hurt from an incident that
16 happened prior to the pursuit.

17 Q So, and that's your testimony that he gave a statement
18 that he got injured, fairly seriously injured prior to you
19 starting to pursue him?

20 A He didn't say how serious it was. You know, I can go
21 into it if you would like but ---

22 Q But your testimony is that you never struck him?

23 A No, sir.

24 Q And no one from the Sheriff's Department struck him in
25 your presence?

John Seale - Cross by Defense

105

- 1 A Nobody struck him in my presence.
- 2 Q Okay, when, when you walked up to the ditch and how far
- 3 away was he from you? Was it six or seven feet, eight feet?
- 4 A When, when he - how far was he in front of me when he
- 5 went in the ditch or when I came to the ditch how far was he?
- 6 Q I'll back up a little bit. Your testimony, I believe,
- 7 and correct me if I'm wrong, was that Ryan Williams was
- 8 running through a bean field; is that correct?
- 9 A Correct.
- 10 Q Ryan Williams encountered a ditch which he did not see?
- 11 A Correct.
- 12 Q Ryan Williams fell in the ditch; correct?
- 13 A Correct.
- 14 Q And you did not fall in the ditch?
- 15 A No, sir.
- 16 Q You saw the ditch and stopped; correct?
- 17 A Briefly, yes.
- 18 Q You then climbed down into the ditch; correct?
- 19 A Right.
- 20 Q And then proceeded to take him into custody by asking him
- 21 to put his hand behind his back?
- 22 A Yes, sir.
- 23 Q Okay, and he didn't immediately put his hand behind his
- 24 back; right?
- 25 A Not to begin with, no.

1 Q And you then continued to ask him to, and correct me if
2 I'm wrong, and then he eventually put his hand behind his back
3 and he was handcuffed.

4 A Well, he was continuing to - told he was under arrest, to
5 put his hand behind his back and from what I remember we
6 pulled his hand from underneath, underneath him for the final
7 put the other handcuff on.

8 Q Now, you just chased him at a hundred miles an hour for
9 18 minutes; right?

10 A That's correct.

11 Q You then got out of your patrol car and ran a hundred to
12 150 yards after him; right?

13 A Correct.

14 Q After he you say fell in the ditch were you not concerned
15 that he would get up and run?

16 A Well, I knew I could get him - at that point when he
17 tripped and fell I knew I was going to be able to apprehend
18 him and I didn't jump on him immediately because I wanted to
19 find him in the ditch and make sure he didn't have some type
20 of weapon, a knife or a gun or other weapon. That's why I
21 hesitated a minute. Like I testified and found him in the
22 ditch and then that's when I attempted to go in there after
23 him.

24 Q When you climbed down in the ditch did you climb down
25 like, like this facing him or did you turn your ---

John Seale - Cross by Defense

107

1 A No, sir.

2 Q --- back to him and go down?

3 A No, I didn't turn my back to him. I kind of put with my
4 hands behind me and then went in feet first facing the opening
5 of the ditch.

6 Q Okay, and did you or anybody in your department to your
7 knowledge go back and photograph the ditch or take any
8 measurements?

9 A Not that I am aware of, no.

10 Q And, and your ---

11 THE COURT: You want to tell me how measurements of a
12 ditch has any relevance to any issue in this case?

13 MR. MCCOLLUM: Is that an objection, Your Honor?

14 THE COURT: No, sir, it's a comment to keep on the
15 issues. Now, you're entitled to cross examination but do it
16 consistent with the rules. Measurements of that ditch has no
17 issue for the jury to consider.

18 BY MR. MCCOLLUM:

19 Q In any event you're under oath here; right?

20 A Yes, sir.

21 Q And the - do you know, do you know how big Ryan Williams
22 is?

23 A Yes, sir.

24 Q And how much - about how tall is he?

25 A I would say five six.

1 Q And ---

2 A 120 pounds.

3 Q --- weighs 120 pounds?

4 A Uh-huh.

5 Q All right, and to your knowledge Ryan Williams was - he's
6 19 years of age; right or thereabouts?

7 A Yeah, I don't remember. I mean, I could go through and
8 tell you his exact age. I don't know right offhand, but ---

9 Q And I'm not even going to ask you his exact age, but he's
10 not 30 or 40 years old; right?

11 A That's right.

12 Q He's, he's a pretty young kid; right?

13 A Yes, sir.

14 Q Okay, and there's no question that you or somebody in
15 your department took him to the hospital that night?

16 A That's right.

17 Q Okay, and he was treated and then taken back to the
18 Georgetown County Jail; right?

19 A Yes, sir.

20 Q Okay, now, were you or at some point during the - this
21 incident did you become or consider yourself to be the primary
22 pursuing deputy?

23 A Yes, sir.

24 Q Did you start out - become - being the primary pursuing
25 deputy?

John Seale - Cross by Defense

109

1 A Yes, sir.

2 Q Okay, and so, as the primary pursuing deputy you made a
3 decision of whether to continue the pursuit or end the
4 pursuit; right?

5 A Yes, sir.

6 Q And your testimony is that, that on this occasion over
7 that 15 to 18 or 19 minutes, whatever it is, you made a
8 decision during that process that it was safer to chase him
9 than to let the vehicle go?

10 MS. BAILEY: Your Honor, I'm going to have to object.
11 We've addressed this issue before. That's not what's on trial
12 here. What's on trial is whether or not Mr. Williams stopped.

13 THE COURT: I'm going to let the jury step out a
14 moment and let's discuss this issue.

15 (Whereupon, the following takes place outside the
16 presence of the jury.)

17 THE COURT: Yes, Solicitor.

18 MS. BAILEY: Thank you, Your Honor. It's my objection
19 that Mr. McCollum is going into matters that are not relevant.
20 The question for this trial is not the propriety of police
21 chases or the propriety of rules relating to pursuits. The
22 question in this trial is did Ryan Williams fail to stop for a
23 blue light and by going into collateral matters he's
24 presenting evidence that is not competent or appropriate or
25 relevant for this trial.

1 THE COURT: Mr. - counsel, I've followed you very
2 carefully and where are you going with this sort of testimony,
3 for example, the measurements of a ditch? How is that
4 relevant to whether or not he failed to stop for a blue light?

5 MR. MCCOLLUM: Your Honor, you know, that's, that's the
6 chase. He's accused of a chase.

7 THE COURT: Yes, sir.

8 MR. MCCOLLUM: And I think that the circumstances of his
9 arrest and the testimony certainly ---

10 THE COURT: How - well, let me ask you this, how does
11 the chase itself have anything to do with the issue as to
12 whether or not he failed to stop for a blue light after the
13 lights were flashed on him? Where are you going with this,
14 Mr. McCollum?

15 MR. MCCOLLUM: Your Honor, I'm not going that far. He
16 ---

17 THE COURT: Well, how far are you attempting to go?

18 MR. MCCOLLUM: Is ---

19 THE COURT: I got to rule on this and when you start
20 talking about the measurements of a ditch it strains, it
21 strains the courts. Just tell me where you're going so I can
22 follow as to whether or not it's relevant. I don't want to
23 deny you or anybody appropriate cross examination but this
24 jury is not supposed to sit here and listen to a bunch of
25 irrelevant cross examination by you like the measurements of a

John Seale - Cross by Defense

111

1 ditch. Now, tell me where are you proposed to go with this
2 sort of testimony about the chase and whether or not he took
3 him to the hospital, just tell me where it is so I can
4 understand your testimony.

5 MR. MCCOLLUM: Your Honor, if I understand the
6 Solicitor's objection I was going through the Georgetown
7 County Sheriff's Office pursuit policy about how they pursued
8 him and what they were doing and I was asking questions about
9 the pursuit policy and the objection is ---

10 THE COURT: How is the pursuit policy any kind of
11 defense to a failure to stop for a blue light? It's no
12 defense to it.

13 MR. MCCOLLUM: Well, Your Honor says that it's not a
14 defense, you know, but the point is that this happened. He's
15 on trial for it. He's facing a serious felony charge. He has
16 a right to confront witnesses.

17 THE COURT: He does.

18 MR. MCCOLLUM: I'm trying to enforce that right on his
19 behalf even though he's not present.

20 THE COURT: You may do that but you're not going to do
21 it with irrelevant testimony and cross examination. You tell
22 me where that sort of testimony is relevant to the issue of
23 whether or not this Defendant failed to stop for a blue light
24 after notice. That's the question.

25 MR. MCCOLLUM: Your Honor ---

1 THE COURT: The question whether in the arrest whether
2 he had the hand behind him or in front of him or whether he
3 fell in the ditch or not, the size of the ditch, that's got
4 nothing to do with the blue light issue, Mr. McCollum. I
5 don't understand where you want to go with this. The jury is
6 sitting here very patiently listening to a lot of irrelevant
7 cross examination. Tell me where you propose to go that's
8 relevant to any defense in this case so I can follow you.

9 MR. MCCOLLUM: Your Honor, like I said, I think that this
10 is the, this is, this is the case, this is what happened.
11 This is the testimony that the State put into evidence. This
12 is what they presented as the case. They said that he ran off
13 and that they apprehended him. They put in evidence in the
14 case where he's begging for his father. He's begging for his
15 uncle. He's telling them to call an ambulance.

16 THE COURT: Okay.

17 MR. MCCOLLUM: They put it in the case.

18 THE COURT: Okay, what's that got to do with the
19 measurements of a ditch?

20 MR. MCCOLLUM: Your Honor, if it's, if ---

21 THE COURT: I don't mind you going into that, but I
22 just don't see where this further cross - the jury understands
23 this, but where, where is the further cross examination? I
24 let you go way beyond the limits on that first witness this
25 morning. I just don't understand what your theory is that

John Seale - Cross by Defense

113

1 would permit you to do this.

2 MR. MCCOLLUM: Your Honor, I went through it with the
3 other officer who testified, Deputy Grant. This officer here,
4 Deputy or Corporal Seale, said that he was the person who was
5 the lead officer in the chase.

6 THE COURT: I understand that. That's fine.

7 MR. MCCOLLUM: And I'm simply going over the same
8 policies and procedures that I went over with the first
9 deputy.

10 THE COURT: You can ask him about that, anything
11 involving the chase, but those matters after, what occurred in
12 the ditch and whether or not he called for his daddy or not
13 got nothing to do with any issue in this case.

14 MR. MCCOLLUM: Well, I already asked him those questions,
15 Your Honor.

16 THE COURT: I know and I let it in but I should not
17 have. I'm just telling you stay within the rules of cross
18 examination and you still won't tell me where you are going
19 with this so that I can help, help you. I just don't
20 understand what your defense is with this line of cross
21 examination. It's irrelevant.

22 MS. BAILEY: Your Honor, I believe that Mr. McCollum is
23 attempting an argument at jury nullification, which is
24 improper ---

25 THE COURT: I'm not going to permit any jury

1 nullification in this case.

2 MS. BAILEY: Thank you, Your Honor.

3 THE COURT: That's not a defense under the statute.

4 MS. BAILEY: No, Your Honor, it's not. I've looked
5 extensively during the lunch break.

6 THE COURT: No, it's not. That's what's concerning me
7 about his cross examine. I'm not going to permit any jury
8 nullification argument. That may be out in California, not in
9 South Carolina.

10 MS. BAILEY: Thank you, Your Honor.

11 THE COURT: What else, Mr. McCollum?

12 MR. MCCOLLUM: Your Honor, that is, that is what I was
13 attempting to elicit from the deputy.

14 THE COURT: On what bases is it relevant?

15 MR. MCCOLLUM: The ones I stated earlier that this is the
16 State's case. They put it into evidence, okay, and I think I
17 have a right to go through it. Now, if Your Honor is ruling
18 that I don't have the right to do that and it's irrelevant
19 that ---

20 THE COURT: No, sir, I'm going to - I'm - you still
21 will not state for me what your purpose is. I'll let you
22 respond to any testimony on direct examination. Bring the
23 jury in, but I'm not going to let you go into issue of jury
24 nullification, I tell you that now. That's not going to be an
25 issue in this case. Bring the jury in, and if that's your

John Seale - Cross by Defense

115

1 purpose you just as well stop it at this time.

2 (Whereupon, the following takes place in the presence of
3 the jury.)

4 THE COURT: All right, you may continue your
5 examination.

6 MR. MCCOLLUM: Thank you, Your Honor.

7 BY MR. MCCOLLUM:

8 Q Corporal Seale, I think that when we stopped you had just
9 acknowledged that you were the or considered yourself to be
10 the, the - I think the term is the primary pursuing deputy?

11 A Yes, sir.

12 Q Is that correct?

13 A Yes, sir.

14 Q Okay, and as the primary pursuing deputy it's your
15 responsibility to continuously evaluate and assess the pursuit
16 situation; right?

17 A Yes, sir.

18 Q Okay, and so, you had been trained to do that; right?

19 A Yes, sir.

20 Q You had been through the proper training of the Sheriff's
21 Department; right?

22 A Yes, sir.

23 Q Okay, and the training says that you continually
24 reevaluate the pursuit; right?

25 A Yes, sir.

1 Q So, it doesn't say that you do it every ten minutes or
2 every 20 minutes or every mile, but that you continue to do
3 it; correct?

4 A That's right.

5 Q And one of the - and the - it could be terminated by a
6 supervisor; right?

7 A Yes, sir.

8 Q Okay, and also there's some other reasons but you could -
9 you were legally entitled and capable to drop the pursuit at
10 any time you thought it was necessary for safety; right?

11 MS. BAILEY: Your Honor, I'm going to have to object.
12 That's just not relevant to whether or not Mr. Williams failed
13 to stop for the blue light.

14 THE COURT: I sustain that objection.

15 MR. MCCOLLUM: Your Honor, just so I ---

16 THE COURT: It is not relevant to the issue.

17 MR. MCCOLLUM: --- just so I understand can I ask any
18 more questions regarding the policy?

19 THE COURT: Yes, sir, go ahead, but ask something that
20 may be relevant for the jury's consideration. They're the
21 finders of the facts in the case. No, I'm not going to tell
22 you to stop but I'm going to tell you to stop when it's
23 irrelevant.

24 MR. MCCOLLUM: So just so I understand the Court's ruling
25 ---

John Seale - Cross by Defense

117

1 THE COURT: You understand what I've said, proceed.

2 MR. MCCOLLUM: I'm not sure that I do, Your Honor.

3 THE COURT: Well, I'll tell you as soon as you make,
4 make another mistake.

5 MR. MCCOLLUM: May I ---

6 THE COURT: Stay relevant to any issue ---

7 MR. MCCOLLUM: May ---

8 THE COURT: --- for this jury's consideration as to
9 whether or not this Defendant failed to stop for a blue light.
10 That's the question.

11 MR. MCCOLLUM: May we approach?

12 THE COURT: No, sir, not going to do that. Go ahead.

13 BY MR. MCCOLLUM:

14 Q So ---

15 THE COURT: There's no question of whether or not he
16 could or should have stopped the chase. That's not the
17 question for the jury to consider in this case and that
18 questioning, line of questioning is irrelevant. Proceed.

19 BY MR. MCCOLLUM:

20 Q Why was Ryan Williams being pursued? Was it for a
21 speeding violation?

22 A Not only that, like I testified, when he came and turned
23 in front of me, you know, there was a civilian, his property,
24 a motorcycle got thrown in the ditch by him because he was
25 scared whenever Ryan Williams drove through that intersection

1 very recklessly and put another officer's life in danger that
2 was standing out there with that guy. So, there's two people,
3 an officer and a civilian, and his property got thrown in the
4 ditch because he was scared when - so, speeding is one part of
5 it, but that's not the whole part of it. That's just what,
6 what it led up to, the beginning of it.

7 Q So, it's your testimony that based on something that
8 happened in the pursuit that you consider reckless and
9 dangerous that caused you to continue the pursuit?

10 A He was not in pursuit at that time. I was sitting during
11 the intersection with my blue lights on. Deputy Grant was
12 attempting to catch up with the vehicle. He notified me over
13 the radio because he knew that we were possibly still in the
14 roadway. He didn't know for sure because he wasn't there but
15 he had an idea that we might still be in the roadway; and so,
16 he called us and let us know that there's a car coming at a
17 high rate of speed so if we were in the road we could get out
18 of the road and that's when the car came around the corner and
19 there's people standing on the side of the road.

20 Q When you get behind a vehicle ---

21 A I'm sorry. I can't see you. Okay.

22 Q I'm sorry?

23 A I was wanting to look at you, but ---

24 Q I apologize. When you're behind a vehicle, going to stop
25 a vehicle or pursuing a vehicle you run the tag; right?

John Seale - Cross by Defense

119

- 1 A Gave it out, yes, sir.
- 2 Q And did you do that?
- 3 A Yes, sir.
- 4 Q And did you get a license plate back?
- 5 A I don't know if they gave it back. I know I caught up to
- 6 the vehicle on Frank Cribb Road close enough to safely get the
- 7 license tag of the vehicle and radio it in.
- 8 Q So, you're the one that radioed it in?
- 9 A Yes, sir.
- 10 Q And you called in the plate number
- 11 A Yes, sir.
- 12 Q And you knew that to be a South Carolina license plate?
- 13 A Yes, sir.
- 14 Q Okay, is there any question in your mind that when you
- 15 called in the plate number that that was a correct plate
- 16 number?
- 17 A I knew it was a correct plate number, yes.
- 18 Q Is there any question in your mind whether that plate
- 19 number was connected to a South Carolina car tag?
- 20 A I recognized the tag as a South Carolina tag.
- 21 Q Okay, and then you got an address back at - on Choppee
- 22 Road in Hemingway; right?
- 23 A I don't know if they - when we stop a car we don't ask
- 24 them to run it. We give out the plate name. We'll say it's a
- 25 South Carolina tag or a North Carolina tag, whatever the tag

1 is and then we'll give the whatever the tag number is and
2 normally from my experience that it's not the return of - all
3 the information is not given back to us unless it's requested
4 and I don't think at that time I requested it.

5 Q At any time did somebody, either you or somebody in your
6 department, send a unit to the location of that tag address?
7 In other words that registered vehicle is registered to a
8 specific address; right?

9 A That's right.

10 Q Did you or anybody under your control or anybody in your
11 department send anybody out to that address to inquire about
12 the vehicle?

13 A No, sir.

14 Q Okay, was there anything that would prevent you from
15 later going to that address and questioning people or talking
16 to people to determine if the person driving that vehicle was
17 driving it that day?

18 A No, there was nothing preventing us from doing that.

19 Q So, in practice considering the pursuit policy you could
20 have gone at a later time, taken ---

21 MS. BAILEY: Your Honor, I'm going to have to object to
22 this again. We're back to whether or not they should be doing
23 pursuits, not whether or not Mr. Williams stopped.

24 THE COURT: What's your answer to that? Why ---

25 MR. MCCOLLUM: Your Honor, I'm asking the question

John Seale - Cross by Defense

121

1 because I want to know the answer, okay. I think it's ---

2 THE COURT: What relevance does it have as to whether or
3 not they went back to some other place later? The question is
4 for this jury and they're the finders of the facts is whether
5 or not this Defendant on that day failed to stop for a blue
6 light. Now, whether or not they went back later has nothing
7 to do with that issue and I keep telling you that. You are
8 wasting the Court's time and the jury's time. Stay on the
9 issue and whether or not they went back to who may have owned
10 it or didn't own it has nothing to do with the simple question
11 did this Defendant on that occasion drive that automobile and
12 fail to stop for a blue light and has the jury [sic] proved
13 those facts unanimously beyond a reasonable doubt. These
14 other issues are ancillary, has nothing to do with that narrow
15 question. Proceed. Now, if your testimony relates to whether
16 or not this Defendant was driving that automobile on that
17 occasion, proceed, if that's the thrust of your examination.

18 MR. MCCOLLUM: Your Honor, it's difficult for me to
19 understand how to proceed.

20 THE COURT: It's not very difficult for me to
21 understand. I'm telling you if your cross examination on this
22 issue relates to whether or not the Defendant was driving the
23 car go ahead, but whether or not they did or could have gone
24 someplace else later bears on no issue, counsel, none, and you
25 need to understand that and you've got to understand that.

1 Now, if your cross examination relates to whether or not this
2 Defendant was driving that car you may proceed.

3 MR. MCCOLLUM: Your Honor, I mean, am I allowed to ask
4 any more questions?

5 THE COURT: Yes, sir, go ahead. I want you to ask any
6 relevant examine - question that's appropriate. Go ahead.
7 I'm not going to limit you. I'm just telling you to keep it
8 relevant.

9 BY MR. MCCOLLUM:

10 Q The - Deputy Seale, in the vehicle you were driving were
11 you driving a marked unit?

12 A Yes, sir.

13 Q Is your vehicle equipped with a car camera or dash cam
14 video recording device?

15 A Yes, sir.

16 Q Then that device is - well, did you create a video of
17 this event?

18 A Yes, sir.

19 Q Okay, you did?

20 A Yes, sir.

21 Q Do you know where that is?

22 A The video that's in - was in my vehicle it uses a data
23 card and there's some problems with it. I don't know what
24 causes the problems but when, when it gets full and you
25 download them sometimes the files when you're downloading, in

John Seale - Cross by Defense

123

1 the process of downloading it says the files are corrupt and
2 it doesn't tell you which files are corrupt but I tried to
3 download it three or four times and it kept saying that
4 certain files were corrupt, certain files were corrupt, and I
5 mean, I have no explanation or how to explain, explain it but
6 it kept saying the files were corrupt and that's why I don't
7 have my video.

8 Q So, when you are in your patrol car and you turn on the
9 blue lights the way that equipment works is it comes on
10 instantaneously; right?

11 A Yes, sir.

12 Q In fact as the testimony we've heard earlier it actually
13 comes on and shows you 15 seconds that happened before you
14 even turn on the blue lights; right?

15 A Yes, sir.

16 Q And so, if you were sitting at the side of the road and
17 had your blue lights on then you would, then you would, out
18 the front of your car there'd be a video created of - that's
19 seeing everything that you saw; right?

20 A Yes, sir.

21 Q And your testimony is that on July the 17th of 2010, 2010,
22 you did just that; right?

23 A Yes, sir.

24 Q And a video camera started recording everything that you
25 saw?

1 A Yes, sir.

2 Q And that - and after that video recording is made the
3 general procedure is that you make a copy of that available to
4 the Solicitor; right?

5 A Yes, sir.

6 Q And did you make a copy available to the Solicitor?

7 A I was unable to because of the corrupt files.

8 Q And ---

9 A I attempted to and told I had no other, I mean, I
10 exhausted all, everything I could do to make, make a copy.

11 Q So, to your knowledge do you know if the video was
12 created or do you think it failed at the outset?

13 A No, it was created and - but it would not download it off
14 of the disk onto our back office database.

15 Q Okay, did, did you make - well, how many attempts did you
16 make to download it?

17 A Numerous, seven or eight at least. I mean, I don't want,
18 I don't have it written down anywhere but it was - I know all
19 the next day I tried several times. I had my supervisor try.
20 I had several other people attempt to get it downloaded and
21 there's nothing we could do to get it off.

22 Q So, in your terminology your video was corrupted; right?

23 A The - something was wrong with the data disk.

24 Q Something was wrong with the data disk. Did you make the
25 Solicitor aware of this?

John Seale - Cross by Defense

125

1 A I believe so, yes.

2 Q You believe so or did you make her aware of it or do you
3 not know?

4 A I mean, I don't - you know, when this thing happened two
5 and a half years ago I don't remember the exact conversation
6 we had but since we have spoken with, with it coming up for
7 court she has been notified prior to trial.

8 Q At any time prior to the trial today did you do an
9 affidavit explaining that your video was lost or stolen or
10 misplaced or corrupted?

11 A I don't remember. If I did it would be in, in the files
12 with, with everything else.

13 Q Because, because under certain circumstances the cases
14 you're supposed - you're under - you're aware of the ---

15 MS. BAILEY: Objection, Your Honor, that's an incorrect
16 statement of the law.

17 THE COURT: Yes, sir.

18 MS. BAILEY: Only in DUI cases is the affidavit required.

19 THE COURT: Sustain that; sustain that.

20 BY MR. MCCOLLUM:

21 Q Was the Defendant charged with DUI, too?

22 A Yes, he was.

23 Q All right, and convicted of DUI?

24 A Yes, he was.

25 Q After taking you 120 miles an hour for 20 minutes you

1 convicted him of DUI?

2 A Yes, sir.

3 Q Okay, so, you're - well, so, given the fact that he was
4 charged with that you would be required to make an affidavit
5 explaining why the video could not be produced; right?

6 A Yes, sir.

7 Q And you did not do that or you don't remember or I'm not
8 sure what your answer is. You need to - either you did or you
9 didn't or you don't know.

10 A I don't remember. If I didn't - when discussing it with
11 my supervisor if one was not filled out it was because my
12 supervisor after reviewing it was satisfied with Deputy
13 Grant's tape would be sufficient enough.

14 Q And at some point in the pursuit did you know who you
15 were pursuing?

16 A During the pursuit or after the pursuit?

17 Q During the pursuit.

18 A During the pursuit, no.

19 Q Okay, thank you, Corporal.

20 MR. MCCOLLUM: That's all I have, Your Honor.

21 THE COURT: Any redirect?

22 MS. BAILEY: Briefly, Your Honor.

23 REDIRECT EXAMINATION

24 BY MS. BAILEY:

25 Q That DUI case was tried in a different court; is that

John Seale - Redirect by State

127

1 right?

2 A Yes, ma'am.

3 Q Was it me or a different Solicitor?

4 A It was a different Solicitor.

5 Q And did you - you provide a different packet to the DUI
6 Solicitor than you provide to me; is that right?

7 A Yes, ma'am.

8 Q Okay, that's all I've got.

9 THE COURT: All right, you may come down. Thank you.

10 MS. BAILEY: Thank you.

11 A Thank you, Judge.

12 MS. BAILEY: Your Honor, the State would request that
13 Corporal Seale be released from his subpoena at this time.

14 THE COURT: You are released and thank you. All
15 right, call your next witness.

16 MS. BAILEY: The State rests, Your Honor.

17 THE COURT: All right, Mr. Foreman, ladies and
18 gentlemen, the State has now concluded its testimony. I'm
19 going to let you go to the jury room for a short break and
20 I'll be calling you back out very shortly and thank you so
21 much.

22 (Whereupon, the following takes place outside the
23 presence of the jury.)

24 THE COURT: All right, counsel for Defense, the State
25 has now rested. Are you ready to proceed? Any motions at

1 this time?

2 MR. MCCOLLUM: May it please the Court, Your Honor?

3 THE COURT: Yes, sir.

4 MR. MCCOLLUM: At this time on behalf of the Defendant
5 Ryan Williams in this case failure to stop for a blue light
6 the Defense would move for a directed verdict of not guilty
7 and in addition to that before Your Honor rules I would like
8 to say that we would renew our motion on the double jeopardy
9 issue and renew any other objections that I made on his
10 behalf.

11 THE COURT: You want to tell me what bases for saying
12 that you're entitled to a directed verdict of not guilty for
13 the record?

14 MR. MCCOLLUM: Your Honor ---

15 THE COURT: You don't have to but I - if you care to.

16 MR. MCCOLLUM: Your Honor, I'm making the motion before
17 Your Honor asking Your Honor to direct a verdict of not guilty
18 on behalf of the Defendant.

19 THE COURT: Do you need to be heard, Solicitor?

20 MS. BAILEY: Your Honor, only that the testimony along
21 with the video provides ample evidence that it was nighttime
22 outside and there was two blue lights and sirens running after
23 Ryan Williams for 20 full minutes on the video. Not only did
24 he not stop, he sped up. He blew through stop signs and he
25 only stopped when he finally ran out of gas. I think that's

Motions

129

1 ample evidence to go to a jury.

2 THE COURT: And the testimony further is that the
3 operator of that car was seen jumping out of it, falling into
4 a ditch and was arrested and that it was this Defendant.
5 Those are the facts for the jury to consider as finders of the
6 facts but surely there's ample evidence in this case for the
7 jury's consideration and your motion is respectfully denied.

8 Now, do you have any witnesses you propose to present in
9 the trial of this case?

10 MR. MCCOLLUM: No, Your Honor, I'm going to rest.

11 THE COURT: All right, thank you. Let's take a few
12 minutes break and then we'll charge. Let me ask you this, as
13 my custom and you're well aware of it, I generally charge a
14 jury before summation. Jurors have told me, "Judge, I could
15 have followed the lawyers better if I had known what the law
16 was." Do you have any objection to that?

17 MS. BAILEY: No, Your Honor.

18 THE COURT: How about you, Mr. McCollum?

19 MR. MCCOLLUM: I don't, Your Honor.

20 THE COURT: All right, let's take a short break and
21 we'll bring the jury back.

22 MR. MCCOLLUM: Your Honor, before we bring the jury back
23 I know I've - the - I haven't presented a defense and I've
24 rested but I usually renew the motions after the Defense
25 rests. So, at this time for the record I'm renewing the

1 motion for a directed verdict. I'm renewing the motion, the
2 objection regarding the issue on double jeopardy and all
3 objections previously raised.

4 THE COURT: The record will clearly reflect that you have
5 raised the issue more than adequately on the issue of double
6 jeopardy and I conclude that the facts in the prior cases do
7 not include the facts necessary to prove failure to stop for a
8 blue light and there is no double jeopardy. All right,
9 anything further from you?

10 MS. BAILEY: No, Your Honor.

11 THE COURT: All right, take a short break and I'll be
12 calling you back.

13 MR. MCCOLLUM: Thank you, Your Honor.

14 OFF THE RECORD

15 (On the record. The following takes place outside the
16 presence of the jury.)

17 THE COURT: Bring the jury in.

18 After my charge to the jury prior to summation I will
19 have the jury go out if there are any objections or additions.

20 MS. BAILEY: Thank you, Your Honor.

21 (Whereupon, the following takes place in the presence of
22 the jury.)

23 THE COURT: Mr. Foreman and ladies and gentlemen of
24 the jury, the Defense has rested, as is its absolute right,
25 and has decided not to put up any testimony. I tell you that

Charge

131

1 the Defendant and all Defendants are presumed innocent and
2 they don't have to prove a thing and this Defendant rests on
3 his presumption of innocence and places the burden of proof on
4 the State of South Carolina of proving him guilty of this case
5 if they can by evidence to your satisfaction unanimously
6 beyond a reasonable doubt.

7 Now, generally in the trial of cases after testimony we
8 have summation of counsel and then the judge charge the jury.
9 Jurors have told me in the last 15 years or more, "Judge, I
10 wish you would have told me what the law was. I believe I
11 could have followed the position of counsel better," and that
12 simply makes sense to me, and in this case, by and with the
13 consent of the Solicitor and distinguished counsel for the
14 Defense, I am going to charge you at this time before
15 summation and will be with you with some concluding remarks
16 thereafter.

17 Now, as you're well aware this Defendant, Mr. Williams,
18 comes to trial upon a document that I hold in my hand known as
19 an indictment and this document will be with you in the jury
20 room during your deliberations. I remind you that the fact
21 that this Defendant was arrested, charged and indicted in this
22 case is not any evidence in this case and must not be
23 considered by you as evidence of guilt in this case, nor does
24 it create any presumption or inference of guilt. This
25 document to which I refer is simply the formal manner or

1 instrument which contains the charges made against this
2 Defendant to which charges he specifically pleads not guilty.
3 It is simply the formal document by which an individual is
4 brought to trial.

5 Now, this Defendant, Mr. Williams, has pled not guilty to
6 this indictment and that plea puts the burden on the State of
7 South Carolina to prove the Defendant guilty, if they can,
8 beyond a reasonable doubt. A person charged with committing a
9 criminal offense in South Carolina is never, ever required to
10 prove himself innocent. I charge you, Mr. Foreman and ladies
11 and gentlemen, that it is an important rule of law that the
12 Defendant in a criminal case, no matter what the seriousness
13 of the charge may be, will always be presumed to be innocent
14 of the crime for which the indictment was brought unless guilt
15 has been established and proven by evidence satisfying you
16 unanimously beyond a reasonable doubt of that guilt. This
17 presumption of innocence does not end when you begin your
18 deliberations, but it accompanies this Defendant throughout
19 the trial until you reach a verdict of guilty based on the
20 evidence heard in this courtroom satisfying you of that guilt
21 beyond a reasonable doubt.

22 Ladies and gentlemen, this presumption of innocence is
23 like a robe of righteousness placed about the shoulders of the
24 Defendant which remains with this Defendant until it has been
25 stripped from him by evidence satisfying you of the guilt of

Charge

133

1 the Defendant Williams beyond a reasonable doubt. This
2 presumption of innocence, ladies and gentlemen, is not merely
3 legal theory. It is just not a legal phrase. It is a
4 substantial right to which every Defendant is entitled unless
5 you the jury are satisfied from the evidence in this case of
6 the Defendant's guilt beyond a reasonable doubt.

7 Now, Defendants - the State, as I indicate, has the
8 burden of proving the Defendant guilty beyond a reasonable
9 doubt. Some of you may have served as jurors in civil cases
10 where you were told that it is only necessary to prove that a
11 fact is more likely true than not true such as by the greater
12 weight or the preponderance of the evidence. Mr. Foreman,
13 ladies and gentlemen, in criminal cases, however, the State's
14 proof must be more powerful than that. It must be beyond a
15 reasonable doubt.

16 Ladies and gentlemen, proof beyond a reasonable doubt is
17 proof that leaves you firmly convinced of the Defendant's
18 guilt. There are very few things in this wide world that we
19 know with absolute certainty and in criminal cases the law
20 does not require proof that overcomes every possible doubt.
21 If based on your consideration of the evidence you are firmly
22 convinced that the Defendant is guilty of the crime charged
23 you must find the Defendant guilty. If on the other hand you
24 think that there is a real possibility that the Defendant is
25 not guilty you must give the Defendant the benefit of that

Charge

134

1 doubt and find him not guilty.

2 Now, I remind you that during this trial you and I both
3 have certain duties to perform. As the trial judge it is my
4 responsibility and my duty to preside over the trial of this
5 case and I also have the duty to rule on the admissibility of
6 evidence offered during the trial. You are to consider only
7 the competent evidence before you. If there was any testimony
8 ordered stricken from the record then you must disregard that
9 testimony. You are to consider only the testimony and
10 evidence which has been presented from this witness stand and
11 any exhibits which have been made as a part of the record in
12 this case.

13 I have the additional duty to charge you the law as it
14 applies to any issue in this case. As the presiding judge I
15 am the sole judge of the law in this case and it is your duty
16 under your oath as jurors to accept and apply the law as I now
17 state it to you. If you already have any idea as to what the
18 law is or what the law ought to be please disregard that. You
19 accept the law of this case as I now charge it to you.

20 In every case tried in this court before a jury the jury
21 becomes the sole and exclusive judge of the facts in this
22 case. As trial judge I cannot and will not intimate, state
23 any comment or make any statements regarding any issue in this
24 trial. In that regard I tell you if any word, ruling,
25 mannerism of mine might have tended to indicate to any of you

Charge

135

1 how I feel about any issue between these parties please
2 disregard that. I am not entitled to a factual opinion and I
3 absolutely have none. You 12 and you alone are the sole and
4 only finders of the facts in this case. As jurors it is your
5 duty to determine the effect, value, weight and truth of the
6 evidence presented before you during the trial of this case.

7 Necessarily, and I touched on this at the beginning of
8 the trial, you will determine the credibility, meaning the
9 believability of every witness who has testified. As I told
10 you earlier, in examining credibility you may believe all of
11 what a witness says or none. You may believe a small portion
12 and disregard the larger. That's for you to determine,
13 charged with the credibility of the witnesses in this case.

14 You didn't bring your common sense, you didn't leave it
15 on the streets of Georgetown County when you came into this
16 courtroom and we all know that in judging credibility in our
17 life's experiences we use certain tests. Sometimes we say,
18 "How did they come to know about what they're testifying to?
19 Is their testimony consistent or inconsistent with other
20 testimony?" Sometimes we ask ourselves, "Does this witness
21 have a reason to be biased or prejudiced with regards to
22 testimony that he or she gave?" You may have every other
23 tools that you've used in life's experiences in judging
24 credibility and believability, but that's for you to decide in
25 judging the testimony and the truthfulness and credibility of

Charge

136

1 any witness who has testified in this case.

2 Now, I charge you as a matter of law you are well aware
3 that this Defendant is being tried in his absence. In that
4 connection I emphasize to you that under the laws of this
5 state a Defendant may be tried even if the Defendant does not
6 attend the trial, but the fact that the Defendant is not
7 present may not be considered against a Defendant in any
8 manner whatsoever. His absence raises absolutely no adverse
9 inferences against him. He doesn't have to prove a thing.
10 The State's got to prove him guilty beyond a reasonable doubt.

11 Now, and I apologize for my throat, let me emphasize to
12 you the law with regards to the charge of failure to stop for
13 a blue light. This Defendant is charged with failure to stop
14 for a blue light. In order to prove this crime the State must
15 prove beyond a reasonable doubt, one, that this Defendant was
16 driving that motor vehicle; two, that the Defendant was
17 driving it on a road, street or a highway of this state. The
18 State must prove beyond a reasonable doubt that the Defendant
19 was signaled to stop by a law enforcement vehicle by means of
20 a siren or a flashing light and the Defendant did not stop.
21 Those issues the State must prove and must prove beyond a
22 reasonable doubt.

23 In determining whether or not there are mitigating
24 circumstances which would justify the Defendant's failure to
25 stop for the blue light you may consider, if you choose,

Charge

137

1 actual road conditions, other conditions such as lighting and
2 weather, driving for passenger safety and any other
3 circumstances you believe to reasonably mitigate the alleged
4 violations. An official signal regarding a motorist to stop
5 may be a siren or flashing light but both are not required. I
6 charge you further that an attempt to increase the speed of a
7 vehicle or in some other matter avoid the pursuing law
8 enforcement vehicle when signaled by a siren or flashing light
9 may be considered as evidence of failure to stop for a blue
10 light; however, it is merely an evidentiary fact to be taken
11 into consideration by you along with all the evidence in this
12 case and to be given such weight as you decide it should
13 receive.

14 Now, Mr. Foreman, there are two verdicts in this case.
15 One is not guilty. The other is guilty. Whatever your
16 verdict is it must be the unanimous verdict of all 12, cannot
17 be a verdict of the majority, obviously would not be one of
18 the minority. Upon this indictment on the back, Mr. Foreman,
19 is written the word verdict. Once your jury has unanimously
20 determined a verdict of not guilty or guilty you would please
21 write that verdict, under the word verdict not guilty or
22 guilty, sign your name, let the bailiff know and I'll bring
23 you out and accept your verdict.

24 Now, there will be pencil and paper provided in the jury
25 room. Mr. Foreman, if you or any member of your distinguished

Charge

138

1 jury has any question that I can answer for you let me know
2 and I'll be glad to do so. If you need any further
3 instructions with regards to the law let me know and I'll be
4 glad to do that for you. If you have any other questions
5 write it down and I'll deal with it as appropriate.

6 Now I'm going to let you go to the jury room just a
7 moment and I'll be calling you back nearly time you turn
8 around, but I'll let you go to the jury room just a moment and
9 then we're going to have final summation of the State and the
10 Defense. The Defense will offer the concluding remarks. So
11 please go to the jury room. I'll be calling you back very
12 shortly.

13 (Whereupon, the following takes place outside the
14 presence of the jury.)

15 THE COURT: All right, for the State any exceptions or
16 additions?

17 MS. BAILEY: No, Your Honor.

18 THE COURT: For the Defense?

19 MR. MCCOLLUM: None from the Defense, Your Honor.

20 THE COURT: All right, sir, then let the jury - ma'am?

21 ---

22 MS. BAILEY: Your Honor, may I run to the ladies' room
23 very quickly?

24 THE COURT: Sure, go ahead, take a quick break.

25 MS. BAILEY: Thank you, Your Honor.

Closing Argument by State

139

1 THE COURT: That's why I took a break, the same to
2 you, counsel for the Defense.

3 MS. BAILEY: Thank you, Your Honor.

4 MR. MCCOLLUM: Thank you, Your Honor.

5 OFF THE RECORD

6 (On the record, whereupon, the following takes place outside
7 the presence of the jury.)

8 THE COURT: All right, sir, may we bring the jury
9 back, State, Defense?

10 MR. MCCOLLUM: Yes, sir, Your Honor.

11 THE COURT: Bring the jury in. The State, of course,
12 will have the opening argument.

13 MS. BAILEY: Thank you, Your Honor.

14 (Whereupon, the following takes place in the presence of
15 the jury.)

16 THE COURT: All right, the State of South Carolina
17 will have the opening summation, followed by Defense counsel.
18 You may proceed.

19 MS. BAILEY: Thank you, Your Honor. May it please the
20 Court?

21 Thirty-eight cars, I went back and counted, I watched
22 that video, I've watched it several times, 38 innocent
23 bystander cars that were passed in the midst of that chase.
24 By the grace of God nobody got injured, but that is not
25 through the Defendant's actions.

Closing Argument by State

140

1 I know you've all given up your regular lives, your
2 careers, your families to come sit in here with us today and
3 it is the last thing that you want to do and there is no
4 victim sitting here to be sympathetic and for me to advocate
5 on behalf of but that is through the grace of God, not through
6 the Defendant's actions, 38 cars that were passed while he was
7 running from the police.

8 The Judge has told you that I have to prove my case
9 beyond a reasonable doubt. Now, let's be clear what I have to
10 prove is that the Defendant, Ryan Allen Williams, failed to
11 stop for a blue light. I have to prove that beyond a
12 reasonable doubt, that he was driving a car on the public
13 roadways, he was signaled by law enforcement to stop and he
14 did not stop. That is what I have to prove beyond a
15 reasonable doubt.

16 This is the last time you're going to hear from me. Mr.
17 McCollum is going to come speak to you next and I won't get a
18 chance to speak after him. So, I'm going to do the best I can
19 to anticipate what it is he may say to you to try to raise a
20 reasonable doubt, but I want you to remember you're all
21 reasonable, intelligent members of our community and that's
22 why we seated you on this jury. So, if he comes up with
23 something I didn't anticipate or I didn't think of you all can
24 go back in that jury room and argue however you want based on
25 the facts. You are the fact finders. So, if Mr. McCollum

Closing Argument by State

141

1 comes up with something we haven't heard of that I've not had
2 the chance to anticipate you all go back there and you all can
3 review the evidence and decide for yourself.

4 The Judge has instructed you and told you that you are
5 required to follow the law. The law says I have to prove Ryan
6 Williams guilty of failure to stop for a blue light beyond a
7 reasonable doubt. The law does not speak to any injuries Ryan
8 Williams may or may not have suffered during the course of the
9 arrest. You heard testimony from two seasoned officers with
10 13 years of experience between them that told you he fell in
11 that ditch and he was injured before it ever started, but
12 regardless, that is irrelevant. That has nothing to do with
13 whether Ryan Williams failed to stop for a blue light when
14 signaled to do so by law enforcement.

15 Mr. McCollum may stand up here and try to argue that this
16 high speed chase was not safe, they could have just gone to
17 his house later, that the whole thing was unnecessary. The
18 Judge has told you that's not what the law is. That's not
19 what you're here to determine. You are not here to determine
20 whether a high speed chase is a good situation or a bad
21 situation, whether that's something the police should be doing
22 or not doing. That is not what your jury verdict is here to
23 speak to today. That is an issue for another day and another
24 court. The only issue for you to go into that jury room and
25 consider today is whether Ryan Williams failed to stop for a

1 blue light when he was signaled to do so.

2 The Judge told you that there are some mitigating factors
3 you may consider, safety, lighting, road conditions. I've
4 seen some of those cases. Let me tell you what those cases
5 look like. It'd be a whole other scenario if you were just
6 getting on the bridge on 17 to go over to Pawleys Island and
7 the blue lights are activated and there's nowhere to stop,
8 there's no lane to stop in. That's not safe. So, you go a
9 mile on up the road until there is somewhere safe and you
10 stop. That is a mitigating circumstance. Three o'clock in
11 the morning, you're a woman all by yourself, it's pitch black
12 at night, blue lights are activated and you go half a mile up
13 the road to stop at a convenience store where it's well-lit,
14 that's mitigating circumstance. That's a reason not to stop.
15 That's not what happened in this case. Those are the
16 mitigating circumstances that are justified under the law.

17 Now, again, I'm just anticipating. You heard some
18 evidence that Ryan Williams may have been assaulted before all
19 this started by some unknown person. Ryan Williams told the
20 officers somebody hit him, bruised his ribs or something,
21 that's why he was speeding so fast. Mr. McCollum may come up
22 here and try to convince you that he was justified in that 20
23 minute high speed chase because somebody was running after
24 him. That may be a defense to speeding, may be a defense to
25 the initial speeding, but certainly when you've got law

Closing Argument by State

143

1 enforcement around and some bad guy is after you the logical
2 thing to do would be to stop. That's not a defense to the
3 failure to stop for a blue light. Somebody's after you and
4 the police are there they're going to be able to protect you.
5 If there was a bad guy after Ryan Williams that was not a
6 reason that he shouldn't have stopped for those blue lights.

7 Now, the Judge told you what beyond a reasonable doubt
8 means. He told you it means that you are firmly convinced of
9 the Defendant's guilt, that you can consider all competent
10 evidence before you. Let me tell you what competent evidence
11 you have. You have the testimony of Deputy Grant. He's been
12 in law enforcement for six years. He's moved on to another
13 agency that pays more. You've got the testimony of Corporal
14 Seale who's moved up through the ranks after seven years at
15 the Georgetown County Sheriff's Department. They both sat
16 there. They looked you in the eye. They told you exactly
17 what happened. Ryan Williams was speeding. He was driving
18 recklessly. They initiated blue lights and he didn't slow
19 down. He didn't stop. He sped up, and most importantly you
20 have the video. You have the video. You can watch it again.
21 I get something new out of it every time I watch it. There's
22 so much going on. You want to watch it again you just send a
23 note out we'll play it for you. It's important evidence and I
24 want you all to be sure that you've seen everything you need
25 to see on that video. You watch that video again and it takes

1 just a split second. You're going to see that blue car fly by
2 at the T intersection at the beginning of the video about one
3 minute in and it takes just a split second because it's going
4 so fast. Then you see Deputy Grant trying hard to catch up to
5 it. The next thing you know you see Corporal Seale come
6 around a corner the other way in pursuit and then for the next
7 20 minutes you see stop signs disregarded, cars being passed
8 illegally, a high speed chase and then you heard the testimony
9 that once the car finally ran out of gas that it was Ryan
10 Williams who jumped out of the passenger seat, ran through a
11 bean field and accidentally fell in a ditch. That tells you
12 who it was, the testimony that they apprehended Ryan Williams
13 and never lost sight of him.

14 I'm going to ask that in just a few minutes you take all
15 the evidence. You can take the DMV record here that I've put
16 into evidence. I didn't show it to you earlier because it has
17 very small print, but you can take it back there. Somebody at
18 the DMV ran this for us. It has their seal on it that attests
19 that this is true and accurate, that that license tag that got
20 called in in the midst of that chase belongs to John - comes
21 back to a car that belongs to John Allen Williams. You heard
22 testimony that John Williams is related to Ryan Williams. That
23 goes to further prove identity. So, you can take this back
24 and look at it and you can request to see this video again any
25 time you like. I'm going to ask that you take this evidence

Closing Argument by Defense

145

1 back, you deliberate, you consider, then you come back with a
2 verdict of guilty. Thank you for your time.

3 THE COURT: Thank you, ma'am. Mr. McCollum.

4 MR. MCCOLLUM: May it please the Court.

5 Ladies and gentlemen, it's a pleasure to be here before
6 you again today. His Honor, Judge Cottingham, who I've known
7 probably 25 years, I think I first met Judge Cottingham in
8 1988, back then I was a prosecuting attorney in this circuit,
9 in Horry County and Georgetown County, and tried cases,
10 serious felony cases and Judge Cottingham presided over many
11 of those cases and I've had an opportunity to defend people in
12 front of Judge Cottingham.

13 He told you the law regarding failure to stop for a blue
14 light and in determining guilt or innocence he said and I
15 quote when he said that, "You consider any factors that might
16 mitigate it, whether the person was speeding up or slowing
17 down," but he also said, and I quote, "Any other circumstances
18 you believe to mitigate the failure to stop, any other
19 circumstances that you believe to mitigate the failure to
20 stop."

21 The other thing I'll tell you is that in our society in
22 America, in South Carolina, in Georgetown, we through our
23 constitution and through our courts we revere the jury system.
24 We revere it. We revere that the role that you play because
25 as we read about things that are happening in the Middle East,

1 in other parts of the world there's a hazy kind of scary
2 justice system that people sometimes face. In this country,
3 in this town, in this county no one can be convicted unless a
4 jury, each individual jury says that that person's guilty, and
5 a jury verdict is sacrosanct and sacrosanct means that the
6 jury verdict, the reasons and actions of the individual jurors
7 are too important to be interfered with, they're too important
8 to be interfered with, which means that no one can legally
9 ever challenge you on it or interfere with you about it. It's
10 your decision and that's why our system works. After this
11 case if me or anyone in this room, the officers, the
12 Solicitor, we don't like your verdict, we try to contact you
13 or if we try to do something like that, which none of us ever
14 would do, ever, but if we did the entire judicial system would
15 come to your aid, would come to support the fact that your
16 decision is sacrosanct. You cannot feel any pressure
17 whatsoever from any outside force to do what you think is
18 right and in court regardless of the law, regardless of the
19 evidence, however the case plays out, whatever other people
20 may think is important or not important, is fair or just, that
21 is your decision individually and your decision alone.

22 Now, in the beginning I said, "Why are you running and
23 why are you chasing me?" If you want to see the video again
24 there are two things in there that I want you to look at. One
25 is when the video comes on you see a car go by and judge for

Closing Argument by Defense

147

1 yourself. It doesn't look like it's going that fast to me.
2 It just goes by, but in any event and I tell you that nobody
3 can tell you by looking up at a car how fast it's going. If
4 you could do that we wouldn't use radar. If you could do that
5 then police officers would go into speeding trials and say,
6 "The subject was driving the white, you know, Chevrolet four
7 door and was going 84 miles an hour in a 60," and they would
8 say, "Well, how do you know that?" "Because I can tell how
9 fast cars are going." They don't do that. They've got a
10 radar gun, a scientific device that sends out signals and
11 calibrates it and tries to make a determination of how many
12 feet per second that vehicle is traveling. So, if you need to
13 look at that, look at that.

14 The other thing is this there's, I think, just a natural
15 law or a physical law that every action creates a reaction and
16 when you see that little Ryan Williams being led out of the
17 woods it is disturbing. He is screaming for his father. He
18 is screaming for his uncle. He is pleading with somebody to
19 call an ambulance. That is a reaction. The action took place
20 at the end of the run down.

21 You and you alone are the judges of the credibility of
22 the witnesses. The witnesses for the State have testified
23 that they didn't, quote, touch him, yet they took him to the
24 hospital. Why in the world would you take somebody to the
25 hospital if there's no reason to? Why would he come out of

1 the woods screaming for help if nobody beat him? Why? Now

2 ---

3 MS. BAILEY: Your Honor, I'm going to have to object at
4 this point. You've already addressed that this issue is not
5 relevant or proper.

6 THE COURT: Let me hear what you said again, please.

7 MS. BAILEY: He's addressing the issue of whether or
8 not someone beat Ryan Williams after the thing was over.

9 THE COURT: Not an issue in this case.

10 MR. MCCOLLUM: It's my closing argument, Your Honor.

11 THE COURT: Sir?

12 MR. MCCOLLUM: It's my closing argument. She's talking
13 about 35 cars. That wasn't even in evidence and this happened
14 and that happened.

15 THE COURT: The fact that what may have occurred after
16 his arrest is not relevant to any issue as to whether or not
17 he failed to stop for a blue light.

18 MR. MCCOLLUM: Your verdict in this case will either
19 approve this case or disapprove it, okay? Everything I've been
20 trying to show you, trying to argue, trying to put before you,
21 your verdict is to approve that or disapprove it and that's
22 your decision. I'm an advocate for Ryan Williams. Once the
23 case goes to you it's your case. I accept that wholeheartedly
24 and completely. It's, it's your decision once it goes to you.
25 I'm finished in the case. I go on to the next case. Your

Closing Argument by Defense

149

1 verdict, your judgment will be the judgment and law of this
2 case.

3 Now, I think there are some other things I would like to
4 say but I don't think I'll be allowed to. There are some
5 other examples I would like to give but I don't think I can
6 and I don't want to bring another objection and I don't want
7 to be chastised again, okay.

8 THE COURT: No, sir, let's stop right there. You are
9 not chastised in any way. You may argue to the jury anything
10 that's relevant to any issue in this case and this Judge would
11 be the last ones to stop you. I'm not stopping you in any
12 regard as long as you follow the rules. Go ahead. If you get
13 out of line I'll tell you so but you just proceed as you deem
14 appropriate and I'll deal with it as it occurs, but you're not
15 being chastised. I just suggest that I have an obligation
16 that the rules be followed. You may proceed, and I don't, I
17 don't question your integrity in any way, but I have a duty,
18 too, and I'm going to perform it. You may proceed.

19 MR. MCCOLLUM: All of you come into this case with
20 the ability and the desire to serve. I'm very grateful for
21 your willingness to be here. I'm very grateful for your
22 attentiveness and I trust you to render a verdict and do
23 what's right. Ultimately that's what you're here for, and as
24 I say, however you decide and I can speak for myself that I
25 will respect that decision however you choose to find it but I

1 tell you that on this case under these circumstances where the
2 police officers chase somebody at speeds they say over a
3 hundred miles per hour and the offense they're chasing that
4 person for is speeding that that is not justifiable, the
5 recklessness that largely arose on their behalf and I ask you
6 to discuss the matter, hold your beliefs to yourself and be
7 strong and everybody in the jury has a right to be heard and
8 you don't work as a team. Each of you individually is
9 significant as anybody on the jury and it's your verdict and
10 yours alone and I ask you on behalf of little Ryan Williams to
11 reach a verdict of not guilty, and if you do that no one after
12 this day can take issue with that. Thank you.

13 THE COURT: Thank you, Mr. McCollum, and thank you for
14 the State.

15 Mr. Foreman and ladies and gentlemen, I have previously
16 discussed with you various issues in the case, including
17 reasonable doubt and credibility of the witnesses. You are
18 the sole and only finders of the facts and I have discussed
19 with you the elements that the State must prove beyond a
20 reasonable doubt in a charge for failure to stop for a blue
21 light. The elements that the State must prove to your
22 satisfaction beyond a reasonable doubt is, one, is that this
23 Defendant was driving that car on that occasion; two, the
24 State must prove beyond a reasonable doubt that the incident
25 occurred in a highway or road of the State of South Carolina

Closing Argument by Defense

151

1 and the State must prove beyond a reasonable doubt that he was
2 ordered to stop by siren or flashing light or both and failed
3 to do so. Those are the elements that the State must prove.

4 Now, in that connection I charge you again in determining
5 whether or not there are mitigating circumstances which would
6 justify the Defendant's failure to stop for the blue light you
7 may, if you choose, consider actual road conditions, actual
8 road conditions, other conditions such as lighting and weather
9 and/or passenger safety and any other circumstances you
10 believe to be reasonably mitigating as to the alleged offense.
11 As I've indicated your verdict must be the unanimous verdict
12 of all of you.

13 Now, Mr. Foreman, I have prepared a document that will
14 help you in reaching your verdict and this document has two
15 possible choices: we, the jury unanimously find the
16 Defendant, Ryan Allen Williams, guilty of failure to stop for
17 a blue light. If that be your verdict unanimously please
18 check that, and the second one is or we, the jury, unanimously
19 find the Defendant, Ryan Edward [sic] Williams not guilty.
20 Whatever your verdict is from this form please turn on the
21 back of the indictment under verdict and write either not
22 guilty or guilty and sign your name. You may now go to the
23 jury room. Give me a few minutes to send this indictment in
24 along with your exhibits to them. Thank you. The alternate
25 juror is released.

Closing Argument by Defense

152

1 (Whereupon, the following takes place outside the
2 presence of the jury.)

3 THE COURT: All right, come forward, counsel, let's
4 agree on what's going into evidence. Mr. McCollum, please
5 come forward.

6 (Exhibits reviewed and approved by all counsel.)

7 THE COURT: Mr. Bailiff. Have you all agreed on
8 what's going in the jury room?

9 MR. MCCOLLUM: Yes, sir, Your Honor.

10 THE COURT: Sir?

11 MR. MCCOLLUM: Yes.

12 MS. BAILEY: Can we keep this out here so the - if they
13 want to watch it they can ---

14 THE COURT: They understand that the video is out here
15 and you've told them that it's available to them. No need to
16 take it in. You don't have the facilities for them to watch
17 in there; do you?

18 MS. BAILEY: No, Your Honor.

19 THE COURT: All right, that's fine.
20 Tell the jury to begin their deliberations.
21 All right, we are in recess.

22 (Deliberations begin at 4:23 p.m.)

23 OFF THE RECORD

24 (On the record.)

25 (Whereupon, a verdict is reached at 4:32 p.m. The

Verdict

153

1 following takes place outside the presence of the jury.)

2 THE COURT: I understand the jury has reached a
3 verdict. Have the jury come in, please.

4 (Whereupon, the following takes place in the presence of
5 the jury.)

6 THE COURT: Mr. Foreman, has your jury reached a
7 unanimous verdict?

8 FOREPERSON: Yes, Your Honor, we have.

9 THE COURT: If this be a unanimous verdict please
10 raise your right hands everybody.

11 (All jurors raise right hand.)

12 THE COURT: The jury has so signified. Madam Bailiff,
13 accept the verdict and hand it to me for inspection, please.

14 (Complies with request and Court reviews.)

15 THE COURT: Who, who reads your verdict here?

16 THE CLERK: Indictment number 2010-GS-22-01320, the
17 State of South Carolina versus Ryan Allen Williams, we, the
18 jury, unanimously find the Defendant Ryan Allen Williams
19 guilty of failure to stop for a blue light.

20 THE COURT: Mr. Foreman, ladies and gentlemen, I have
21 no comment to make except the evidence certainly is justified
22 by the law with regards to failure to stop for a blue light
23 and the evidence presented in this case. I want to thank all
24 of you for your services in this case, recognizing that none
25 of you asked to be here not only this week but today, but as I

Verdict

154

1 told you yesterday jury service is absolutely necessary and
2 proper under our system of justice and I sincerely as
3 presiding judge want to thank all of you for participation in
4 this case and ask that you please return at 9:30 in the
5 morning or call in - no, better than that, we may or may not
6 have a case ready, so call in after six o'clock tonight,
7 please, for further instructions. You are excused.

8 Wait, before I excuse, anything further from the jury
9 before we excuse them?

10 MR. MCCOLLUM: Not from the Defense, Your Honor.

11 THE COURT: All right, you are excused. Thank you.

12 Please call in. I anticipate we'll have a trial and some
13 other issues in the morning but I don't know for sure.

14 (Whereupon, the following takes place outside the
15 presence of the jury.)

16 THE COURT: All right, Mr. McCollum and State, I'll
17 hear any motions at this time regarding this case. Any
18 motions?

19 MS. BAILEY: No post-trial motions from the State, Your
20 Honor. We're ready to be heard as to sentencing when is
21 appropriate.

22 THE COURT: How about the - well, the sentencing will
23 be a sealed sentence which I'm prepared to do in just a
24 moment.

25 MS. BAILEY: Yes, Your Honor.

Motions

155

1 MR. MCCOLLUM: May it please the Court, Your Honor

2 THE COURT: Yeah.

3 MR. MCCOLLUM: At this time on behalf of the Defendant,
4 Ryan Williams, the Defense would move - make a motion for a
5 new trial and would also at this time renew the motion for a
6 directed verdict and also renew all motions and objections
7 previously made before the Court.

8 THE COURT: I thank you for your motions and all of
9 which are respectfully denied. All the jurors gone?

10 This case reminds me of a case I tried in Horry County
11 several months ago. The Defendant was charged with failing to
12 register as a sex offender. All the witnesses involved
13 testified that he did not register. He chose not to testify.
14 I sent the case to the jury. They sent me an inquiry that
15 says, "What question are we to decide," because everybody had
16 testified he had failed to register. I note your motions and
17 they are respectfully denied. The evidence is just simply
18 absolutely overwhelming that this was a high speed chase
19 without cause or reason going over 20 minutes in two counties
20 and 20 something miles endangering the lives of so many
21 innocent people, but the jury has made their verdict and I'm
22 comfortable with it. All right, sir, we're - find out what
23 we're going to do next in the morning. Thank you, gentleman
24 and lady.

25 MS. BAILEY: Your Honor, may I be heard as to

1 sentencing briefly?

2 THE COURT: Sure.

3 MS. BAILEY: Okay, I just want to put on the record a
4 couple of things, number one, the Defendant's record, he was
5 convicted of possession of a schedule one through five
6 substance in 2010. For that he received six months suspended
7 on 18 months probation. He did not complete that probation,
8 the full six months was revoked then. He was also convicted
9 of a DUI relating from this offense and he's been convicted of
10 shoplifting both here in the City of Georgetown and in
11 Williamsburg County. I have prosecuted this individual on a
12 variety of different cases since I started here over three
13 years ago and he has a drug problem, and in fact we screened
14 him for drug court but he could never - you have to have a
15 clean drug test before you can actually enter drug court and
16 he could never provide a clean drug test to enter drug court.
17 I would simply ask that whatever - first of all I would ask
18 for the maximum sentence because it was such an egregious case
19 of a high-speed chase, but I would also ask that Your Honor
20 allow him on the sentencing sheet to do the Addiction
21 Treatment Unit at the Department of Corrections while he's
22 there.

23 THE COURT: I will do that. It was obvious to me that
24 he's either got a heavy alcoholic problem or a drug problem or
25 both. His conduct would suggest that. Mr. McCollum, anything

Motions

157

1 you want to tell me, sir?

2 MR. MCCOLLUM: No, Your Honor.

3 THE COURT: All right, I'm - as the law requires I am
4 now going to impose a sentence, sealed sentence. Let me hold
5 the sentencing sheet.

6 MS. BAILEY: I have it, Your Honor. I'm approaching
7 with it now.

8 THE COURT: Mr. McCollum, I am going to follow the
9 advice. I think it appropriate to recommend drug counseling.

10 The record will reflect that I have executed an
11 appropriate sentence in my view under the statute and then
12 sealed the sentence to be opened at such time as the Defendant
13 is apprehended.

14 Now, have you issued that bench warrant that I requested
15 this morning?

16 MS. BAILEY: Your Honor, it's the Clerk's Office that
17 issues bench warrants.

18 THE CLERK: For who?

19 MS. BAILEY: Ryan Williams.

20 THE COURT: Has that been done? Has that been done?

21 THE CLERK: No, sir, I do it when I get back downstairs.

22 THE COURT: Please do that. I'd like to deal with
23 this this week while I'm here if we can find him.

24 THE CLERK: Okay, okay.

25 THE COURT: All right, thank you.

Motions

158

1 MS. BAILEY: Thank you, Your Honor.

2 THE COURT: All right, we are in recess.

3 (Adjourned.)

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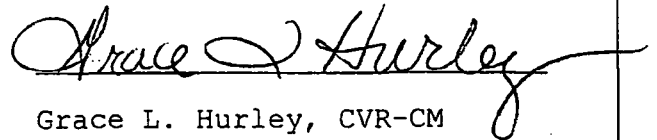
Motions

159

C E R T I F I C A T E

I, the undersigned, Grace L. Hurley, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the trial held in the case of The State versus Ryan Allen Williams, held in the Court of General Sessions for Georgetown County, Georgetown County Courthouse, Georgetown, South Carolina, on October 23, 2012.

I do hereby certify that I am neither of kin, counsel, nor interest to any party hereto.



Grace L. Hurley, CVR-CM

Official Reporter

March 28, 2013

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS

COUNTY OF GEORGETOWN) 2010-GS-22-1320

The State,)

Plaintiff,)

vs.,)

Ryan Allen Williams,)

Defendant.)

Transcript of Record

Hearing

October 29, 2012

B E F O R E :

Honorable Edward B. Cottingham
Georgetown County Courthouse
Georgetown, South Carolina

A P P E A R A N C E S:

Erin Bailey, Esquire
Attorney for Plaintiff

M. Gregory McCollum, Esquire
Attorney for Defendant

Grace L. Hurley, CVR-CM-M
Circuit Court Reporter

State v. Williams

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1 (There were no exhibits marked during the hearing.)

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1 (On the record, October 29, 2012.)

2 THE COURT: You asked that I open the sentence on the
3 trial held last week at two o'clock today. Is the Defendant
4 in the courtroom?

5 MR. MCCOLLUM: Not yet, Your Honor.

6 THE COURT: Bring him in.

7 Does the State have his prior record?

8 MS. BAILEY: Yes, Your Honor. The Defendant has ---

9 THE COURT: Wait, wait, wait, let's wait till the
10 Defendant gets here.

11 (Mr. Williams enters courtroom.)

12 THE COURT: Yes, ma'am.

13 MS. BAILEY: Thank you, Your Honor. Mr. Williams was
14 convicted of a possession with intent or, I'm sorry, of
15 distribution of a controlled substance back in 2010. He was
16 placed on probation. He violated that probation and it was
17 revoked in full. He got six months active time for that.
18 He's also been convicted of shoplifting and a variety of
19 magistrate court offenses both here and in Williamsburg
20 County.

21 THE COURT: Okay, Mr. Defendant, you were notified to
22 be present for your trial last Tuesday. You were in court on
23 that Monday when it was set and you were advised further at
24 the time of bond setting that in your absence and failure to
25 appear you would be tried in your absence. On last week you

State v. Williams

4

1 were tried in your absence and the jury took exactly seven
2 minutes to unanimously convict you of failure to stop for a
3 blue light. Based on the egregious circumstances that the
4 evidence presented which were, among other things, that you
5 failed to stop for a blue light, had a chase lasting more than
6 20 minutes, caused several people to have to leave the road
7 and endangered everybody at speeds up to 120 miles an hour,
8 based on those circumstances it was the sentence and judgment
9 of the Court and I now confirm it that you be sentenced in the
10 state penitentiary for a period of three years, which is the
11 maximum permitted under statute. Anything further, Mr.
12 McCollum?

13 MR. MCCOLLUM: Your Honor, in terms of - just the
14 previous discussion I had with the Court about him being tried
15 in his absence, you know, we had some discussion about that,
16 Your Honor, and you know ---

17 THE COURT: All that's in the record and you are
18 protected on that issue.

19 MR. MCCOLLUM: I would point out, Your Honor, that he was
20 arrested in Choppee within a few days of being convicted. He
21 had not left the area and he didn't - there was no resisting
22 or anything at that arrest. I would point out, Your Honor,
23 that his family is in the courtroom. They were present, they
24 saw the trial. His mother and his father are here and his, I
25 think his grandmother, and of course they - he, he - they love

1 him. He's very dear to them. They were concerned about this
2 case and other matters that were affecting his life.

3 I would ask, Your Honor, and just I'm sure that they
4 would like for me to ask Your Honor to reconsider the
5 sentence. I think that the most he's ever served is I think a
6 six-month sentence. He's small in stature. He was afraid,
7 you know, as a lot of people would be of being sent to SCDC.
8 I understand Your Honor's position but I would ask Your Honor
9 at least to consider maybe even not at this moment but over
10 the next day or so consider some type of reduction in
11 sentence. He's going to SCDC. There's no question about that
12 and we understand that and respect that, but we would ask Your
13 Honor for some mercy there if there's any available and also,
14 Your Honor, at this time I would since the sentence has been
15 unsealed and Your Honor has passed sentence on him I would
16 just renew the motions made previously, renew the motion for a
17 directed verdict, renew the objections and make another motion
18 for a new trial, Your Honor.

19 THE COURT: The record will reflect your previous
20 motions. I again deny your motion for a new trial and I
21 respectfully decline to change the sentence. He jeopardized
22 the life of everybody on a 20-minute trip through two
23 counties. The testimony was that several of them had to get
24 out of his way to keep from running over them. I'm glad that
25 his family and his grandmother were not in his path of speed

State v. Williams

6

1 that night at up to 120 miles an hour. No, sir, I want him to
2 go to jail this day and I want him to serve the three-year
3 sentence but I note your record. Thank you. I specifically
4 decline to change the sentence.

5 MR. MCCOLLUM: Understood, Your Honor.

6 THE COURT: Thank you, Mr. McCollum.

7 (Adjourned.)

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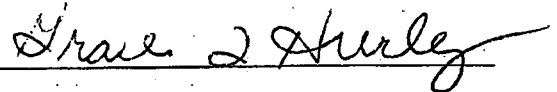
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C E R T I F I C A T E

I, the undersigned, Grace L. Hurley, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the hearing held in the case of The State versus Ryan Allen Williams, held in the Court of General Sessions for Georgetown County, Georgetown County Courthouse, Georgetown, South Carolina, on October 29, 2012.

I do hereby certify that I am neither of kin, counsel, nor interest to any party hereto.



Grace L. Hurley, CVR-CM-M

Official Reporter

March 28, 2013.

WITNESSES

Georgetown County Sheriff's Office

ARREST WARRANT NUMBER

J525822

CDR: 0065 §56-05-0750(B)(1)

DOI: July 17, 2010

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

3: 10-13-10

VERDICT

GUILTY

Danny K Dawson, Jr.

Foreperson of Petit Jury

Date: 10/23/12

DOCKET NO. 2010-GS22-01320

The State of South Carolina**County of Georgetown**

Erin Bailey

10G00881

COURT OF GENERAL SESSIONS**OCTOBER, 2010 TERM****THE STATE**

vs.

RYAN ALLEN WILLIAMS

SSN:

W/M

ATTORNEY:**Indictment for****FAILURE TO STOP FOR A BLUE
LIGHT****J. Gregory Hembree, Solicitor**

STATE OF SOUTH CAROLINA)
COUNTY OF GEORGETOWN)

INDICTMENT

At a Court of General Sessions, convened on October 13, 2010, the Grand Jurors of Georgetown County present upon their oath:

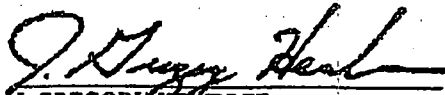
FAILURE TO STOP FOR BLUE LIGHT/SIREN

CDR: 0065 56-05-0750(B)(1)

That Ryan Allen Williams did in Georgetown County on or about July 17, 2010, while operating a motor vehicle on a road, street, or highway of the State of South Carolina, did refuse and fail to stop his motor vehicle when signaled to do so by a law enforcement vehicle, by means of a siren and/or flashing light, in violation of Section 56-05-0750(B)(1), S. C. Code of Laws, 1976, as amended.

CERTIFIED COPY
2012 NOV -2 AM 10: 01
CLERK OF COURT
GEORGETOWN COUNTY

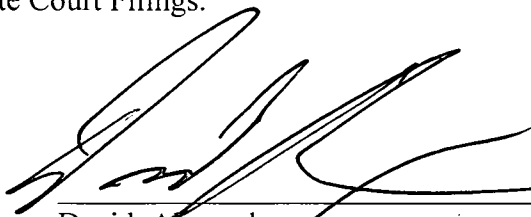
Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


J. GREGORY HEMBREE
FIFTEENTH CIRCUIT SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability, with the 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."

November 8th, 2013



David Alexander
Appellate Defender**RECEIVED**

NOV 08 2013

SC Court of Appeals

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT