

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

 ORIGINAL

Appeal from Richland County

Honorable Jocelyn J. Newman, Circuit Court Judge SFP 19 2018

RECEIVED
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

CHRISTOPHER MICHAEL JACKSON,

APPELLANT

APPELLATE CASE NO. 2017-002103

RECORD ON APPEAL

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State of South Carolina) In the Court of General Sessions
) Fifth Judicial Circuit
 County Of Richland) 2017-GS-40-2155
 2017-GS-40-2158

The State of South Carolina,)
)
 Plaintiff,)
)
 vs.) Transcript of Record
)
 Christopher M. Jackson,)
)
 Defendant.)
)
)
)

October 2, 3, 2017
 Columbia, South Carolina

B E F O R E:

The Honorable Jocelyn Newman, Judge, and a jury

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

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 Attorneys for the State

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 Jessica E. Sturgill, Esquire
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 Circuit Court Reporter

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1 MONDAY, OCTOBER 2, 2017

2 THE COURT: Good morning everybody. I will have the
3 state call the case first.

4 MS. WALKER: May it please the court, Your Honor?

5 THE COURT: Yes, ma'am.

6 MS. WALKER: Your Honor, at this time the state calls
7 to trial of the case of *The State vs. Christopher Michael*
8 *Jackson*. Your Honor, those indictment numbers are
9 2017-GS-40-2158 and 2155. Your Honor, this defendant has
10 been charged with domestic violence in the second degree,
11 as well as strong-arm or common-law robbery.

12 THE COURT: All right, ladies and gentlemen, so you've
13 heard the state call the case. That is the case that we
14 are prepared to begin the trial of. It is a criminal case,
15 and I know you were in this courtroom earlier where a judge
16 asked you a number of questions about whether you were --
17 to determine whether you were qualified to serve as jurors
18 in Richland County this week. She should have told you
19 maybe that you'd either be serving on a criminal case or a
20 civil case.

21 This is a criminal case, and so we are here right now
22 for me to ask you a number of questions to determine
23 whether you are fit to serve as jurors on this particular
24 case. So before we do that, I'm going to have you stand up
25 and have the clerk place you under oath one more time.

1 (WHEREUPON, THE JURY PANEL IS DULY SWORN.)

2 THE COURT: All right. Now just by way of
3 introduction, I'll tell you my name is Jocelyn Newman. I
4 am a circuit court judge here in Richland County. There
5 are a number of other court personnel around the room.
6 This is my law clerk, Ivia Smith; she is a recent law
7 school graduate. I also have a current law school student,
8 Chris Hawkins, who is sitting with me and observing, doing
9 an externship.

10 My father also as a circuit court judge, and I tell
11 you that only because he is also Judge Newman, and so just
12 to make sure there is no confusion which courtroom you're
13 supposed to be in -- he is also selecting a jury on the
14 third floor -- I am going to have Ms. Becky call the roll
15 to make sure that you are in the right courtroom.

16 (WHEREUPON, ROLL CALL IS CONDUCTED.)

17 JURY VOIR DIRE

18 THE COURT: All right, folks. Now as I told you, this
19 is a criminal case and criminal cases are, in Richland
20 County, are prosecuted by the Fifth Circuit Solicitor's
21 Office. The solicitor's office is known in other places as
22 the district attorney's office or county attorney's office
23 or something similar to that, but here we call them
24 solicitors. In this case, the state is being represented
25 by Assistant Solicitor Meghan Walker.

1 Ms. Walker, if you would stand and face the jury.
2 panel?

3 Is any member of the jury panel related by blood,
4 connected by marriage, have any close, personal
5 relationship whatsoever with Ms. Walker or any attorney or
6 employee of the Fifth Circuit Solicitor's office? If so,
7 please stand. Now, the Fifth Circuit includes both
8 Richland and Kershaw Counties.

9 Yes, ma'am, stand and, stand and give me your name and
10 jury number, please.

11 JUROR: Ann Stevenson, juror number 257. We went to
12 Heathwood.

13 THE COURT: Okay. The fact that you went to
14 elementary school with Ms. Walker, would that affect your
15 ability to give both the state and the defense and fair and
16 impartial trial in this case?

17 JUROR: I don't think so.

18 THE COURT: Okay. Thank you, ma'am. You may have a
19 seat.

20 Ms. Walker, you may have a seat as well.

21 All right, the defendant in this case is Christopher
22 Michael Jackson.

23 Mr. Jackson, if you would stand and face the jury
24 panel.

25 Mr. Jackson is represented by Jessica Sturgill and

1 Adam Ruffin of the Richland County Public Defender's
2 Office. Is any member of the jury panel related by blood,
3 connected by marriage, or have any close, personal
4 relationship with Mr. Jackson, with Ms. Sturgill, or Mr.
5 Ruffin, or been represented by Mr. Ruffin or Ms. Sturgill
6 either currently or in the past? If so, please stand.

7 (NO ONE STANDS.)

8 THE COURT: Okay. Thank you, folks. You may have a
9 seat.

10 As Ms. Walker told you at the outset, Mr. Jackson is
11 charged in two indictments, one with the crime of domestic
12 violence second degree, and the other with the crime of
13 strong-arm robbery. These indictments are simply charging
14 documents that give Mr. Jackson notice of what he is
15 charged with. And these indictments allege that Mr.
16 Jackson did in Richland County on or about August 5, 2016,
17 cause some physical injury to Jasmine Roberts and also take
18 some property from Jasmine Roberts.

19 So, is any member of the jury panel aware of anything
20 that may relate to these indictments? Do you know anything
21 about this alleged crime? Think you know anything about it
22 or have any reason to believe that, I don't know, that you
23 know something about it one way or another? I don't know
24 how else to say that. If so, please stand.

25 (NO ONE STANDS.)

1 THE COURT: Has any member of the jury panel ever been
2 the victim of a crime, witness to a crime, or been accused
3 of a crime of violence? If so, please stand.

4 Yes, ma'am, give us your name and jury number one more
5 time.

6 JUROR: Ann Stevenson. My juror number is 257. I was
7 in an abusive relation for eight years. I have two
8 restraining orders on my ex, but it's been eight years
9 since we broke up.

10 THE COURT: Okay. The fact that you ---

11 JUROR: He lives in Colorado.

12 THE COURT: He lives in Colorado, okay. The fact that
13 you've had that experience, would that affect your ability
14 to give both by the state and the defendant a fair and
15 impartial trial in this case?

16 JUROR: I don't think so.

17 THE COURT: Okay. Thank you, ma'am. You may have a
18 seat.

19 Now I asked you about specifically the Fifth Circuit
20 Solicitor's Office, but has any member of the jury panel or
21 any member of your family ever been employed by any local,
22 state, or federal prosecutor's office? So, that would
23 include not only the Fifth Circuit Solicitor's Office but
24 the solicitor's office in any county or judicial circuit
25 throughout the state, the US attorney's office or a

1 prosecutor's office in any other state. If so, please
2 stand.

3 (NO ONE STANDS.)

4 THE COURT: All right, has any member of the jury
5 panel or any member of your immediate family ever been
6 employed by any public defender's office? Not just the
7 Richland County Public Defender's Office but the public
8 defender's office in any county of this state, another
9 state, or the federal public defender's office. If so,
10 stand.

11 (NO ONE STANDS.)

12 THE COURT: There are several potential witnesses in
13 this case. Those witnesses include -- and the question
14 will be the same as to each of them, and that is whether
15 you are related by blood, connected by marriage, or have
16 any close, personal relationship with any of these people,
17 and I will ask you to stand. Those potential witnesses are
18 Jasmine Roberts, Harriet Harrell, Deputy Ryan Moore of the
19 Richland County Sheriff's Department, Investigator Michael
20 Laurita of the Richland County Sheriff's Department,
21 Officer Matthew Cudd of the Columbia Police Department,
22 Investigator John Grant of the Columbia Police Department,
23 Sergeant Robert Waters of the Alvin S. Glenn Detention
24 Center, Investigator Chris Truluck of the Richland County
25 Sheriff's Department, Thomas Williard from Richland County

1 EMS, Christopher Jackson, David Jackson. If any member of
2 the jury panel is related by blood, connected by marriage,
3 or has any close, personal relationship with any of those
4 potential witnesses, please stand at this time.

5 (NO ONE STANDS.)

6 THE COURT: Has any member of the jury panel or any
7 member of your immediate family ever been employed by any
8 local, state, or federal law enforcement agency? Examples
9 of those would be the Columbia Police Department, the
10 Richland County Sheriff's Department, the State Law
11 Enforcement Division, the FBI, the South Carolina Highway
12 Patrol, or any law enforcement agency. If so, please stand
13 at this time.

14 Yes, ma'am, give me your name and jury number.

15 JUROR: Kayla Knightner, 156.

16 THE COURT: Okay, and you or your family member?

17 JUROR: Family member.

18 THE COURT: Okay, and which?

19 JUROR: Richland County Sheriff's Office, a police
20 officer.

21 THE COURT: Okay. Is that person currently employed
22 by them?

23 JUROR: Yes, ma'am.

24 THE COURT: And what is your relationship to that
25 person?

1 JUROR: I want to say cousin or uncle. That's my
2 uncle, one of the two.

3 THE COURT: Okay. Would the fact that your cousin or
4 uncle is employed by the Richland County Sheriff's
5 Department, would that affect your ability to give both the
6 state and the defendant a fair and impartial trial in this
7 case?

8 JUROR: No, ma'am.

9 THE COURT: Thank you, ma'am. You may have a seat.
10 Yes, sir, give me your name and jury number.

11 JUROR: Roosevelt Jenkins, juror number 144.

12 THE COURT: Yes, sir.

13 JUROR: My brother-in-law, he works for the Richland
14 County Sheriff's Department.

15 THE COURT: Currently?

16 JUROR: Currently, yes, ma'am.

17 THE COURT: Okay. Would the fact that your
18 brother-in-law works for the Richland County Sheriff's
19 Department affect your ability to give both the state and
20 the defendant ---

21 JUROR: It would not.

22 THE COURT: --- a fair and impartial trial in this
23 case? I've got to get it all out. It would not?

24 JUROR: No, it would not.

25 THE COURT: Okay. Thank you, sir. You may have a

1 seat.

2 Yes, ma'am.

3 JUROR: Prussia George, number 103. My sister was
4 employed with Richland County Sheriff's Department.

5 THE COURT: How long ago?

6 JUROR: It was probably fifteen, twenty years ago.

7 THE COURT: Okay. Would the fact that your sister was
8 employed by the Richland County Sheriff's Department affect
9 your ability to give both the state and the defendant a
10 fair and impartial trial in this case?

11 JUROR: No.

12 THE COURT: Thank you, ma'am. You may have a seat.

13 Yes, sir.

14 JUROR: I'm the communications director for the South
15 Carolina Department of Corrections.

16 THE COURT: Okay.

17 JUROR: My number is 265, Jeff Taillon.

18 THE COURT: Okay. Would that affect your ability to
19 give both the state and the defendant a fair and impartial
20 trial in this case?

21 JUROR: No, ma'am.

22 THE COURT: Okay. Thank you. You may have a seat.

23 Yes, ma'am.

24 JUROR: Me again.

25 THE COURT: Your juror number one more time.

1 JUROR: Ann Stevenson, 257. My first cousin is RCSD.

2 THE COURT: Okay. Would that affect your ability to
3 give both the state and the defendant a fair and impartial
4 trial in this case?

5 JUROR: No.

6 THE COURT: Thank you, ma'am. You may have a seat.

7 All right, is there any member of the jury panel who
8 currently or in the past has been a member of any
9 organization which has as its primary purpose the promotion
10 of law enforcement or to support crime victims or to
11 support victims' rights such as, I don't know, the State
12 Troopers Association, the Innocence Project, or any similar
13 organization? If so, please stand.

14 Yes, sir, give me your name and juror ---

15 JUROR: Eric Scales, 235, State Troopers Association.

16 THE COURT: Are you a current contributor?

17 JUROR: Past.

18 THE COURT: Okay. Would that affect your ability to
19 give ---

20 JUROR: No, ma'am.

21 THE COURT: --- the state and the defendant a fair and
22 impartial trial in this case?

23 JUROR: No, ma'am.

24 THE COURT: Thank you, sir. You have a seat. I've
25 got to put it all on the record, you know. She's got to

1 get the whole thing down.

2 Anyone else? Let's see, Mothers Against Drunk
3 Driving, Students Against Drunk Driving, any of those
4 organizations?

5 (NO ONE STANDS.)

6 THE COURT: Okay. Has any member of the jury panel
7 ever testified as a witness in any case, whether it's a
8 criminal case or civil case in magistrate's court, circuit
9 court, or any federal court? If so, please stand.

10 (NO ONE STANDS.)

11 THE COURT: Does any member of the jury know someone
12 who has been the victim of a domestic violence-related
13 incident or have been accused of a domestic
14 violence-related incident? So please stand.

15 Let's start on the front. Yes, ma'am.

16 JUROR: Ann Stevenson, 257. A bunch of my friends,
17 and I have a restraining order on my ex, and he tried to get
18 one on me because he's an idiot, but it was all eight years
19 ago.

20 THE COURT: Would that affect your ability to give
21 both the state and the defendant a fair and impartial trial
22 in this case?

23 JUROR: No, ma'am.

24 THE COURT: Thank you, ma'am. You may have a seat.

25 Yes, sir.

1 JUROR: Trevor Eddy, juror number 80. I'm an attorney
2 and I've represented civilly a number of victims of
3 domestic abuse.

4 THE COURT: Okay. Would that affect your ability to
5 give both the state and the defendant a fair and impartial
6 trial in this case?

7 JUROR: Absolutely not, Your Honor.

8 THE COURT: Thank you, sir. You may have a seat.
9 Yes, ma'am.

10 JUROR: Bonnie Council, number 57. Accused of
11 domestic violence against my now ex-husband.

12 THE COURT: Okay.

13 JUROR: But it's been over ten years ago.

14 THE COURT: Okay. Would that affect your ability to
15 give both the state and the defendant a fair and impartial
16 trial in this case?

17 JUROR: No, ma'am.

18 THE COURT: Thank you, ma'am. You may have a seat.

19 Is there any member of the jury panel who is inclined
20 to believe that a person is guilty of a crime just because
21 that person was arrested? If so, please stand.

22 (NO ONE STANDS.)

23 THE COURT: Does any member of the jury panel know of
24 any reason whatsoever why they would not be able to give
25 both the state and the defendant a fair and impartial trial

1 in this case? If so, please stand.

2 (NO ONE STANDS.)

3 THE COURT: All right, any additional questions from
4 the state?

5 MS. WALKER: None, Your Honor.

6 THE COURT: From the defendant?

7 MR. RUFFIN: No, Your Honor.

8 THE COURT: All right, Madame Clerk, let's pick a
9 jury.

10 *JURY SELECTION*

11 CLERK OF COURT: Ladies and gentlemen of the jury, as
12 I call your name, please stand up, come down here and get
13 in front of the microphone here, and bring all your
14 belongings with you. You'll be facing both the state and
15 the defense. I need you to give them your occupation.

16 Number 90, Gregory Fisher.

17 THE COURT: It's five and five? Five and ten?

18 CLERK OF COURT: I think it's five and five.

19 MR. RUFFIN: I think it is five and five, Judge.

20 THE COURT: Five and five.

21 MS. WALKER: The state agrees with that, Your Honor,
22 yes.

23 THE COURT: Five and five.

24 CLERK OF COURT: Thank you. Just state your
25 occupation.

1 JUROR: Registered nurse.

2 CLERK OF COURT: What says the state?

3 MS. WALKER: Please present the juror.

4 CLERK OF COURT: What says the defense?

5 MR. RUFFIN: Please seat this juror.

6 CLERK OF COURT: Have a seat in the jury box, please.

7 Number 185, April Moreland.

8 JUROR: US military and logistics technician.

9 CLERK OF COURT: What says the state?

10 MS. WALKER: Please present this juror.

11 CLERK OF COURT: What says the defense?

12 MR. RUFFIN: Please seat this juror.

13 CLERK OF COURT: Have a seat in the jury box, please.

14 Number 156, Kayla Knightner.

15 JUROR: Background verifications associate.

16 CLERK OF COURT: What says the state?

17 MS. WALKER: Please present this juror.

18 CLERK OF COURT: What says defense?

19 MR. RUFFIN: Please seat this juror.

20 CLERK OF COURT: Have a seat in the jury box, please.

21 Number 57, Bonnie Council.

22 JUROR: I'm sorry, my occupation? US Army retired,
23 one hundred percent disabled.

24 CLERK OF COURT: What says the state?

25 MS. WALKER: Please excuse this juror.

1 CLERK OF COURT: Have a seat in the back of the
2 courtroom, please.

3 Number 51, Sekena Coleman.

4 JUROR: My name is Sekena Coleman. I work full time
5 in retail management.

6 CLERK OF COURT: What says the state?

7 MS. WALKER: Please present this juror.

8 CLERK OF COURT: What says the defense?

9 MR. RUFFIN: Please seat this juror.

10 CLERK OF COURT: Have a seat in the jury box, please.

11 Number 144, Roosevelt Jenkins.

12 JUROR: Roosevelt Jenkins, over road truck driver.

13 CLERK OF COURT: What says the state?

14 MS. WALKER: Please present this juror.

15 CLERK OF COURT: What says the defense?

16 MR. RUFFIN: Please excuse this juror.

17 CLERK OF COURT: Have a seat in the back of the
18 courtroom, please.

19 Number 80, Trevor Eddy, Eddy.

20 JUROR: Good morning. I'm an attorney.

21 CLERK OF COURT: What says the state?

22 MS. WALKER: Please excuse this juror.

23 CLERK OF COURT: Have a seat in the back of the
24 courtroom, please.

25 Number 261, Karolyn Stone.

1 JUROR: I make convention sales at the Marriott Hotel.

2 CLERK OF COURT: What says the state?

3 MS. WALKER: Please present this juror.

4 CLERK OF COURT: What says the defense?

5 MR. RUFFIN: Please excuse this juror.

6 CLERK OF COURT: Have a seat in the back of the
7 courtroom, please.

8 Number 257, Ann Stevenson.

9 JUROR: Ann Stevenson. I recently graduated with my
10 second bachelor's, and I just started a temp job doing tax
11 and billing with Recruiting Solutions.

12 CLERK OF COURT: What says the state?

13 MS. WALKER: Please present this juror.

14 CLERK OF COURT: What says the defense?

15 MR. RUFFIN: Please excuse this juror.

16 CLERK OF COURT: Have a seat in the back of the
17 courtroom, please.

18 Number 103, Prussia George.

19 JUROR: I'm a controller.

20 CLERK OF COURT: What says the state?

21 MS. WALKER: Please present this juror.

22 CLERK OF COURT: What says the defense?

23 MR. RUFFIN: Please seat this juror.

24 CLERK OF COURT: Have a seat in the jury box, please.

25 Number 155, Joshua Knauer.

1 JUROR: Joshua Knauer, mechanical design engineer.

2 CLERK OF COURT: What says the state?

3 MS. WALKER: Please present this juror.

4 CLERK OF COURT: What says the defense?

5 MR. RUFFIN: Please seat this juror.

6 CLERK OF COURT: Have a seat in the jury box, please.

7 Number 231, Julee Salisbury.

8 JUROR: I'm a music teacher.

9 CLERK OF COURT: What says the state?

10 MS. WALKER: Please present this juror.

11 CLERK OF COURT: What says the defense?

12 MR. RUFFIN: Please seat this juror.

13 CLERK OF COURT: Have a seat in the jury box, please.

14 Number 101, Yolanda Geiger.

15 JUROR: I'm a bank operations, specialist 3.

16 CLERK OF COURT: What says the state?

17 MS. WALKER: Please present this juror.

18 CLERK OF COURT: What says the defense?

19 MR. RUFFIN: Please seat this juror.

20 CLERK OF COURT: Have a seat in the jury box, please.

21 Number 277, Julie Verver.

22 JUROR: I'm an operating manager.

23 CLERK OF COURT: What says the state?

24 MS. WALKER: Please present this juror.

25 CLERK OF COURT: What says the defense?

1 MR. RUFFIN: Please excuse this juror.

2 CLERK OF COURT: Have a seat in the back of the
3 courtroom, please.

4 Counsel, if I address your strikes, for the state I
5 have two and for the defendant I have four.

6 Number 186, Ashly Morris.

7 JUROR: Customer service rep.

8 CLERK OF COURT: What says the state?

9 MS. WALKER: Please present this juror.

10 CLERK OF COURT: What says the defense?

11 MR. RUFFIN: Please seat this juror.

12 CLERK OF COURT: Have a seat in the jury box, please.

13 Number 82, Neil Ellisor.

14 JUROR: Operations at a power plant.

15 CLERK OF COURT: What says the state?

16 MS. WALKER: Please present this juror.

17 CLERK OF COURT: What says the defense?

18 MR. RUFFIN: Please seat this juror.

19 CLERK OF COURT: Have a seat in the jury box, please.

20 176, David McFarland.

21 JUROR: Social worker with Department of Social
22 Services.

23 CLERK OF COURT: What says the state?

24 MS. WALKER: Please excuse this juror.

25 CLERK OF COURT: Have a seat in the back of the

1 courtroom, please.

2 Number 235, Eric Scales.

3 JUROR: Project manager.

4 CLERK OF COURT: What says the state?

5 MS. WALKER: Please present this juror.

6 CLERK OF COURT: What says the defense?

7 MR. RUFFIN: Please excuse this juror.

8 CLERK OF COURT: Have a seat in the back of the
9 courtroom, please.

10 Number 288, Candice Webb.

11 JUROR: I'm a registered nurse.

12 CLERK OF COURT: What says the state?

13 MS. WALKER: Please present this juror.

14 CLERK OF COURT: Does the defense challenge for cause?

15 MR. RUFFIN: No, ma'am.

16 CLERK OF COURT: Have a seat in the jury box, please.

17 Number 58, Brandon Crater.

18 JUROR: I'm in sales.

19 CLERK OF COURT: What says the state?

20 MS. WALKER: Please present this juror.

21 CLERK OF COURT: What says the defense -- does the
22 defense challenge for cause?

23 MR. RUFFIN: No, ma'am.

24 CLERK OF COURT: Have a seat in the jury box, please.

25 THE COURT: One alternate, please.

1 CLERK OF COURT: Yes, ma'am.

2 Number 258, Kione Stevenson.

3 JUROR: Retail manager.

4 CLERK OF COURT: What says the state?

5 MS. WALKER: Please present this juror.

6 CLERK OF COURT: What says the defense?

7 MR. RUFFIN: Please seat this juror.

8 CLERK OF COURT: Have a seat in the jury box, please.

9 THE COURT: All right, any objections or exceptions to
10 jury selection from the state?

11 MS. WALKER: I beg the court's indulgence, Your Honor.

12 THE COURT: Yes, ma'am.

13 MS. WALKER: None from the state, Your Honor.

14 THE COURT: From the defense?

15 MR. RUFFIN: No, Judge.

16 THE COURT: All right, ladies and gentlemen who were
17 not selected for jury service in this case, I'm going to
18 send you back down to the jury assembly room on the first
19 floor for further instructions. Thank you.

20 (WHEREUPON, THE JURY PANEL EXITS.)

21 THE COURT: All right folks who were selected for jury
22 service on this case, we are actually not going to begin
23 the trial of this case today. We are going to start with
24 opening statements and testimony tomorrow morning. So,
25 what I'm going to have you do now is follow this bailiff in

1 the back. He's going to show you where your jury room is
2 so that you'll know where to come back to in the morning.

3 But overnight I must tell you you are not to discuss
4 the case amongst yourselves or with anyone else. Do not do
5 any research about the case. Don't try to find anything
6 out about the case or any of the parties involved in the
7 case, and that includes the court staff. So, don't go home
8 and Google me or the court reporter or any of the lawyers
9 or anything like that. Just go home and pretend as though
10 you're not on jury duty. You don't know anything about the
11 case yet. You've been given only a brief overview, and you
12 must make your decision based only on what you see and hear
13 in this courtroom. So, you cannot attempt to find out
14 anything about the case outside of this courtroom.

15 I will also tell you that if you happen to see any of
16 the attorneys, witnesses, parties involved in the case out
17 in the hallway and they don't speak to you, they don't say
18 good morning to you tomorrow morning or anything like that,
19 they're not trying to be rude. They will simply be
20 following my instructions that they are not to talk to you
21 as jurors in this case. So, they may say hi to you, and
22 that will be the end of the conversation. They're not
23 going to discuss the weather with you if they're on the
24 elevator or anything like that because it's simply improper
25 for them to try to have any conversations with you outside

1 this courtroom.

2 So, we are going to start tomorrow morning at 9:30.

3 So, that means you will be free for the rest of the day
4 once you follow the bailiff back to find out where you're
5 supposed to be and how you're supposed to get back in in
6 the morning. But we'll have you back in your jury room at
7 9:30 tomorrow morning, and we will begin trial at that
8 time, okay? Thank you.

9 (THE JURY EXITS AT 12:18 P.M.)

10 THE COURT: All right, folks, I know we have several
11 pretrial motions, but let's start those at 2:00. We'll
12 take a lunch break and do those this afternoon so we can
13 get started in the morning.

14 MS. WALKER: Thank you, Judge.

15 MR. RUFFIN: Thank you, Judge.

16 THE COURT: Thank you.

17 MS. WALKER: Your Honor.

18 THE COURT: Yes.

19 MS. WALKER: For purposes of the -- I know he wants to
20 have a Castle hearing. There are some jail phone calls
21 that will be pertinent. Do you mind if I give you a copy
22 of those now, or do you want to just -- or do you want me
23 to just wait?

24 THE COURT: No. I'll take them now. Sure.

25 MS. WALKER: May I approach?

1 THE COURT: Yes, ma'am.

2 MS. WALKER: Thank you.

3 THE COURT: Thank you. All right, I'll see y'all at
4 2:00.

5 MS. WALKER: Thank you, Judge.

6 MR. RUFFIN: Thank you, Judge.

7 (OFF THE RECORD.)

8 (ADVICE OF RIGHTS FORM MARKED AS STATE'S EXHIBIT
9 NUMBER 1 FOR IDENTIFICATION.)

10 MR. RUFFIN: Good afternoon, Your Honor.

11 THE COURT: Good afternoon.

12 MR. RUFFIN: We, I know we had talked about moving to
13 quash the indictment. We are going to withdraw that
14 motion.

15 THE COURT: Okay.

16 MR. RUFFIN: So, we just have the stand your ground
17 motion. We can go ahead and start with that if you're
18 ready.

19 THE COURT: State ready?

20 MS. WALKER: Give me one second for my investigator to
21 come over here, Judge, and we'll be ready to go.

22 THE COURT: Okay.

23 MS. WALKER: I think it's only one witness for the
24 stand your ground.

25 MR. RUFFIN: Yes. That's correct, from us.

C. JACKSON - DIRECT EXAMINATION BY MR. RUFFIN

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1 THE COURT: Okay. Whenever y'all are ready.

2 MR. RUFFIN: The defense would call Christopher
3 Jackson.

4 CHRISTOPHER MICHAEL JACKSON, BEING
5 DULY SWORN, TESTIFIES AS FOLLOWS:

6 CLERK OF COURT: Have a seat in the witness stand,
7 please. State your name for the record.

8 WITNESS: Christopher Jackson.

9 DIRECT EXAMINATION BY MR. RUFFIN:

10 Q. Chris, how are you?

11 A. How are you doing, sir?

12 Q. I just want to go ahead and cut to the chase because
13 you obviously know why we're here. Tell me what happened
14 on August 5th of 2016.

15 A. I was in my room at that time just minding my own
16 business making music.

17 Q. Where were you living?

18 A. At [REDACTED] Fisk Street.

19 Q. Okay. Who else lives there?

20 A. My grandparents and my mother.

21 Q. All right. Go ahead.

22 A. And I was just, you know, just standing there just
23 doing my own thing, making music and walking around my
24 room, and just so happened to turn around. I seen Jasmine
25 just standing there and, you know, I was just wondering why

1 she was just standing there. Prior to that I just asked
2 her don't come around over there.

3 Q. Okay, let me stop you there real quick. Who is
4 Jasmine?

5 A. It was a current girlfriend, girlfriend of mine and we
6 been dating.

7 Q. A current girlfriend?

8 A. No, ex-girlfriend.

9 Q. Okay. How long did y'all date? Do you remember?

10 A. Total, like, eighteen months.

11 Q. Eighteen months. Did you ever live together?

12 A. Yes.

13 Q. And how long had it been since y'all lived together?

14 A. It's about a year.

15 Q. About a year?

16 A. Yes, sir.

17 Q. And where did ---

18 MS. WALKER: Can he speak up, Your Honor? I'm having
19 a hard time hearing.

20 BY MR. RUFFIN:

21 Q. Yeah. Try and speak into the microphone.

22 A. All right.

23 Q. Okay. When you lived with Jasmine, where, where did
24 y'all live?

25 A. First place we stayed at was at Columbia Gardens, West

C. JACKSON - DIRECT EXAMINATION BY MR. RUFFIN

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1 Beltline. The second place was Hamlin Village, and the
2 third place was Hoit Street.

3 Q. And when did you move out?

4 A. I moved out in January of Hoit Street. We was staying
5 at Hoit Street. I moved out. That's when we ---

6 Q. January of ---

7 A. --- we got into a ---

8 Q. --- what year?

9 A. 2016.

10 Q. All right. Where did you move at that time?

11 A. Back to my grandparents' house.

12 Q. Did Jasmine ever live there?

13 A. No, sir.

14 Q. From January to August, were you and Jasmine still a
15 couple or what? What was going on?

16 A. We was still having, like, sexual encounters, just on
17 dates, and we was going out, having a good time, but far as
18 staying together, we wasn't staying together.

19 COURT REPORTER: Repeat that, please.

20 A. We was staying together at the time, but, you know, we
21 was separated, you know. We wasn't staying together.

22 Q. Did you ever move in, move back in with her after
23 June?

24 A. No, sir.

25 Q. Did she ever move into your grandparents' house with

1 you?

2 A. No, sir.

3 Q. Okay. Okay. All right. So, I cut you off earlier.

4 You said that you were in your house in your bedroom.

5 A. Yes.

6 Q. And Jasmine walked in?

7 A. Yes.

8 Q. Tell me what happened then.

9 A. And I turned around and I asked her what she doing
10 here, and I spoke to her friendly, how you doing. She
11 spoke back. Like, what you doing here? Just told her I
12 won't, won't have no relations no more. You know, one
13 thing led to the next and, and...

14 Q. Let me actually stop you real quick. A few days prior
15 to this, did you have interaction with Jasmine?

16 A. No. We had a -- we'd been talking. We had, like, a
17 little disagreement and, like, due to my argument that I
18 brought to her due to the kids that when I went to the
19 fertility specialist, told me I have a low sperm count, you
20 know.

21 Q. Okay.

22 A. I brought that information to her and ---

23 THE COURT: Hold on. Pause.

24 Q. Yeah, yeah. Let me stop you.

25 THE COURT: Because we can't understand you. So, you

C. JACKSON - DIRECT EXAMINATION BY MR. RUFFIN

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1 don't want to put your mouth exactly on the microphone, but
2 you got to be close to it so that we can hear it. So,
3 start over with that answer.

4 WITNESS: Yes, ma'am.

5 BY MR. RUFFIN:

6 Q. I know the answers to these, but none of them do. So,
7 make sure -- so, explain to them what the fight was about a
8 few days prior to August 5th.

9 A. The fight was about this. Basically I was telling her
10 that I had a low sperm count and I had went to the
11 fertility specialist and gotten tested due to the fact that
12 we had children at beginning of the year when she was
13 conceiving children, like, childrens and whatnot, but ---

14 Q. Say that again now.

15 A. She was conceiving childrens at the beginning of the
16 year. You know, that's what the first argument in January
17 was about, but I had got checked then. Trying to work it
18 out. Came back and I told her again that, you know, my
19 sperm count is low, you know. I can't have kids and where
20 did -- we got into a argument. Like, where did these kids
21 come from, whatnot and, you know, that's when I left her
22 house three days prior to being back over at my house.

23 Q. And a few days prior to being at your house on the
24 5th, after that conversation, were y'all still dating?

25 A. No.

1 Q. Who broke it off?

2 A. I did.

3 Q. Okay. From that day, the day that y'all broke up to
4 August 5th, did you have any communication with Jasmine?

5 A. No, sir.

6 Q. There was no calls or anything like that?

7 A. No, sir.

8 Q. And the day of the incident, August 5th, had you
9 invited her over to your house?

10 A. No, sir.

11 Q. Did she have permission to come over to your house?

12 A. No, sir...

13 Q. All right. Now, tell me then what happened after she
14 came into your room.

15 A. I was basically just telling her would you please
16 leave. I asked her countless of times, like, leave my
17 house. I don't want you here. You and me ain't got
18 nothing else to talk about. So, that's when I took it
19 as just -- thought it was right and just took it upon
20 myself ---

21 Q. Let me ask you this. When you asked her to leave,
22 what did she do? Did she leave?

23 A. No, sir. She just stood there and just trying to plea
24 her case.

25 Q. And this was in your bedroom?

C. JACKSON - DIRECT EXAMINATION BY MR. RUFFIN

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1 A. Yes, sir.

2 Q. All right. Go ahead. What happened next?

3 A. And I was just lightly trying to just, just push her
4 out the door, like, just please leave. Honestly leave.
5 She pushed me and that's when I punched her in the face.

6 Q. All right, and what happened after that?

7 A. I stood there in, like, a trance, like, dang, what I
8 just did. She left. I stood in my room. I ain't go
9 anywhere and that was, like, the end of that story, and a
10 couple hours after that, I left the house and went to a
11 friend's house.

12 Q. All right, I want to fast forward now. So, in
13 November you got arrested?

14 A. Yes.

15 Q. And you, you spoke to Investigator Laurita and
16 Investigator Truluck, right?

17 A. Yes.

18 Q. When you talked to them, did you admit to hitting
19 Jasmine?

20 A. No, sir.

21 Q. Why not?

22 A. Because I was, like, scared at that time. I didn't
23 honestly didn't know what to do; I was in a corner. I
24 didn't honestly know what to say. I didn't know what was
25 going to be held against me. I just ain't want to speak.

1 I was just really frightened for my -- at that time.

2 Q. Had you talked to a lawyer before you talked to them?

3 A. No, sir.

4 Q. And are, are you a lawyer?

5 A. No, sir.

6 Q. You ever been to law school?

7 A. No, sir.

8 Q. Can you tell me what the elements are of self-defense?

9 A. No, sir.

10 Q. Can you tell me what the elements are of defense of
11 habitation?

12 A. No, sir.

13 Q. Have you ever heard of the Castle Doctrine?

14 A. No, sir.

15 Q. Have you ever heard of the Protection of Persons and
16 Property Act?

17 A. No, sir.

18 Q. And so you don't know what the elements to those
19 things are?

20 A. No, sir.

21 Q. Just real briefly, when Jasmine came over to your
22 house on August 5th, did you invite her over?

23 A. No, sir.

24 Q. Was she given permission from anyone to come into your
25 house?

C. JACKSON - CROSS-EXAMINATION BY MS. WALKER

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1 A. No, sir.

2 Q. And what was the reason for you punching her in the
3 face?

4 A. I just want her to leave. That's it.

5 MR. RUFFIN: That's all the questions I have right
6 now, Judge.

7 THE COURT: Cross-examination?

8 CROSS-EXAMINATION BY MS. WALKER:

9 Q. So, you have a low sperm count?

10 A. Yes, ma'am.

11 Q. How low is it?

12 A. Honestly I can't pinpoint as of now, but the paper
13 said I wasn't able to have kids at that time. So, I
14 brought it up with ---

15 Q. Which doctor was this?

16 A. I went to Lexington Medical, medical hospital.

17 Q. I didn't ask you where you went. I asked you what
18 doctor told you you had a low sperm count.

19 A. It, it wasn't, like, like, a doctor that I went to. I
20 went to, like, the emergency room and they basically
21 helped, like, helped me, like, get through that, that part.
22 Like, you know, just want to find out what's wrong with my
23 body and whatnot.

24 Q. So, you went to the ER and you said what?

25 A. I, I ---

1 MR. RUFFIN: Objection, Your Honor. This is
2 irrelevant what his sperm count is.

3 THE COURT: Sustained.

4 MS. WALKER: Your Honor, his credibility is at issue
5 at this point. I didn't bring up low sperm count.

6 THE COURT: Sure.

7 MS. WALKER: They brought up low sperm count.

8 THE COURT: Proceed, Ms. Walker.

9 MS. WALKER: Thank you.

10 BY MS. WALKER:

11 Q. What doc -- you went to the ER and said what?

12 A. I just want to get -- check out my sperm count, see if
13 I'm going to be able to have kids or not because I don't
14 think I'll be able to have kids.

15 Q. So, your testimony before this judge is that an ER
16 doctor told you you had low sperm count when you presented
17 at the ER with questions about whether or not you could
18 have kids?

19 A. Yes, ma'am.

20 MS. WALKER: Beg the court's indulgence.

21 THE COURT: Yes, ma'am.

22 (A PAUSE.)

23 BY MS. WALKER:

24 Q. Okay, and so then y'all had an argument because she
25 conceived children and you can't conceive children because

C. JACKSON - CROSS-EXAMINATION BY MS. WALKER

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1 of your low sperm count?

2 A. Yes, ma'am.

3 Q. All right, and at that point in time you left her
4 house?

5 A. Yes, ma'am.

6 Q. Okay, and what time of day was it when you were -- you
7 said you were making music?

8 A. Yes, ma'am. It was, like, late afternoon.

9 Q. You're a music producer of some sort?

10 A. Yes, ma'am.

11 Q. What was the name of the song?

12 A. Just, like, no song. It was, like, a beat, beat that
13 I --- \

14 Q. Well, what was the name of the beat?

15 A. It was no, no title to it. It was just a beat that I
16 had.

17 Q. And you call her Jasmine here, but usually you refer
18 to her as that bitch, right?

19 A. No, ma'am, I don't recall.

20 Q. Do you remember making recorded jail phone calls?

21 A. Yes, ma'am.

22 Q. And you, I think, were calling your current
23 girlfriend?

24 A. Yes, ma'am.

25 Q. Do you remember referring to the victim in this case

1 repeatedly as that bitch?

2 A. Honestly, no, ma'am.

3 Q. If I ---

4 A. I mean, I ---

5 Q. --- played them for you, would it help you?

6 A. I may have, I may have came out my mouth and said
7 that, but no, I -- no.

8 Q. Have your lawyers allowed you to hear the phone calls
9 that we plan on introducing ---

10 A. Yes, ma'am.

11 Q. --- at this trial? Do you remember, after you
12 listened to those phone calls, repeatedly referring to her
13 as that bitch?

14 A. No, ma'am. I don't, I honestly don't remember, like,
15 the phone calls per se.

16 Q. Okay.

17 A. You know, because I, I work all the time, a lot on my
18 mind, you know. Plus this. I just really wasn't too much
19 paying attention to the details. I was in the -- into the
20 phone -- into the phone calls.

21 Q. Okay, and at some point you realized while you're
22 sitting in your room that there is an intruder there,
23 right?

24 A. Yes, ma'am.

25 Q. She's not welcomed?

C. JACKSON - CROSS-EXAMINATION BY MS. WALKER

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1 A. Yes, ma'am.

2 Q. Did she ever touch you in any way?

3 A. When she pushed me.

4 Q. She pushed you. Did she hit you?

5 A. No, ma'am.

6 Q. Did she scratch you?

7 A. No, ma'am.

8 Q. Okay, and tell me how she ended up pushing you.

9 A. I mean, when I was just lightly pushing her out the
10 door telling her to get out, she pushed me.

11 Q. So, you pushed her and she pushed you back?

12 A. No. She pushed me first.

13 Q. Well, you just ---

14 A. I was, I was just lightly ---

15 Q. That's not what you just said. Keep in mind that we
16 can record everything ---

17 A. Yes, ma'am.

18 Q. --- you're saying now like we could on those jail
19 phone calls.

20 A. Yes, ma'am.

21 Q. She pushes you ---

22 A. Yes, ma'am.

23 Q. --- first?

24 A. No, ma'am.

25 Q. Because you just said you pushed her first.

C. JACKSON - CROSS-EXAMINATION BY MS. WALKER

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1 A. Yes, ma'am. No, no, ma'am. I'm telling you that I
2 lightly pushed her first.

3 Q. You pushed first?

4 A. Asking her to get out the room.---

5 MR. RUFFIN: Your Honor, I'd ---

6 A. --- then that's when she ---

7 MR. RUFFIN: --- ask Ms. Walker not to badger my
8 client, please.

9 THE COURT: I think she's ---

10 MR. RUFFIN: She can just ask a question. She's
11 encroaching in his personal space, in my opinion, and
12 getting right up on the witness, getting in his face about
13 it. I think that she can step back and ask the questions
14 that she has to ask.

15 THE COURT: She can.

16 Are you uncomfortable, Mr. Jackson?

17 WITNESS: Yes, ma'am.

18 THE COURT: All right, if you could take a step back,
19 Ms. Walker.

20 MS. WALKER: Is this better?

21 WITNESS: No. You can take a little step back.

22 THE COURT: Step down, Ms. Walker.

23 MS. WALKER: I don't want to frighten him.

24 BY MS. WALKER:

25 Q. You pushed her first?

C. JACKSON - CROSS-EXAMINATION BY MS. WALKER

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1 A. Lightly.

2 Q. It's a yes or no question.

3 A. Yes, ma'am.

4 Q. Did you push her first?

5 A. Yes, ma'am, lightly.

6 Q. Okay, and then she pushed you back?

7 A. Yes, ma'am.

8 Q. And then you [SOUND EFFECT] one good time in the face,
9 right?

10 A. Yes, ma'am.

11 Q. Okay, and at this point, you had to eject an intruder
12 from your home, right?

13 A. Yes, ma'am.

14 Q. When did you call the police?

15 A. I didn't, ma'am.

16 Q. When did you get a restraining order? This crazy
17 woman who's saying that you're the father of her children
18 and has now invaded your home and assaulted you, when did
19 you call the police?

20 A. I didn't, ma'am.

21 Q. What bruises or injuries did you have?

22 A. None.

23 Q. Do you remember writing her a letter from the jail?

24 A. Yes, ma'am, just telling her happy birthday and I
25 apologize what I've done.

1 MS. WALKER: Okay, and the letter that I'll have
2 marked as State's Exhibit Number 2 for identification
3 purposes only at this point in time.

4 (LETTER WITH ATTACHMENTS MARKED AS STATE'S EXHIBIT
5 NUMBER 2 FOR IDENTIFICATION.)

6 BY MS. WALKER:

7 Q. Tell me in this letter ---

8 MS. WALKER: Actually, Your Honor, may the witness
9 publish the letter for you?

10 THE COURT: Yes.

11 BY MS. WALKER:

12 A. I don't, I don't feel comfortable reading it, ma'am.

13 Q. You don't have to feel comfortable. You just have to
14 do it.

15 THE COURT: If you would read the letter, please, sir.

16 A. It reads, it says:

17 Dear Jasmine. Hey, beautiful. How are you doing
18 today on your beautiful birthday? I pray all is
19 well with you. I'm writing you this letter
20 because I have no other way of reaching you and I
21 had to gave up a -- give up in a trade just to
22 make sure this letter gets to you safely. Baby,
23 I truly -- baby, I truly, truly love you from the
24 bottom of my heart. I mean that. I mean that I
25 never intended to hurt you so bad. Baby, please

C. JACKSON - CROSS-EXAMINATION BY MS. WALKER

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1 forgive me and, and give me another, another
2 chance to prove myself. Baby, I truly want your
3 love back in my life. You gave me, you gave me
4 life when I didn't have hope for myself. You
5 showed me true love like no other, and I took
6 that for granted. Baby, I'm so, so sorry. Baby,
7 I can't beg you enough. I can't ask enough for
8 your love back. Baby, I know it's going to take
9 some time, but it will -- but I know it's going
10 to take some time, but I will do anything to make
11 you happy. Before I get -- before I got locked
12 up, I gave you flowers to show you that I still
13 care and I never stopped caring or loving. You
14 are my only true, true love that I didn't want to
15 let go and given that chance again, I promise you
16 that I can make it right. Baby, please, please,
17 baby, please, please. I'm begging you from deep
18 within. Please don't press charges against me.
19 This can end my life, truly. I don't have
20 nothing left, baby, no job, no car, nothing.
21 Baby, I honestly feel your pain when you said
22 you, you lost it all. Baby, please don't take my
23 life away. I've been seeking help since I left,
24 and it's been helpful. I'm even on meds. I hate
25 to take it, but I want to change. Baby, I've

1 changed since I left. Baby, please forgive me,
2 please. I don't want a life sentence behind
3 this. Baby, this is a lot. I never cause hurt,
4 harm. I'll never cause hurt, harm or -- your
5 life ever again. Please give me one more chance
6 to be your husband, your everything. Please,
7 baby, give me my life with -- my life with you
8 back. I miss, I miss my booger butt.

9 Q. You miss your what?

10 A. Booger butt.

11 Q. Booger butt?

12 A. Yeah.

13 I miss you and I love you. Baby, please help.
14 Help me, please. Please, baby, please. I know
15 I'm not going to hear from you through a letter,
16 but when I do get out, can we please go out to a
17 movie and have a nice dinner somewhere? Baby,
18 I'll do anything for you, and I truly need to
19 make it right. I'm lost right now without you.
20 I need you, baby. I miss you so, so much. I
21 love you. PS, I don't have nothing left, baby.
22 Please, please, please don't send me away for
23 life. I love you so much.

24 Q. Where in that letter did you say if you had just left,
25 I wouldn't have had to hit you?

C. JACKSON - CROSS-EXAMINATION BY MS. WALKER

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1 A. Oh. Well, that was just -- nowhere. I was just
2 basically telling her I apologize and happy birthday.

3 Q. You apologized for hitting her in the face?

4 A. Yes, ma'am.

5 Q. Okay. Did you say, hey, this was self-defense?

6 A. That letter?

7 Q. Uh-huh.

8 A. That was just an apology letter.

9 Q. Did you tell law-enforcement officers this is
10 self-defense?

11 A. No, sir -- no, ma'am.

12 Q. And you said that you were -- you're not a lawyer,
13 right?

14 A. No, ma'am.

15 Q. But you are well versed in the criminal justice
16 system, correct?

17 A. Well, what you mean by that?

18 Q. I mean you've been convicted of a lot of stuff.

19 A. Yes, but I been guilty of that stuff.

20 Q. Right. So, it's not like you didn't know that you
21 couldn't have a lawyer present with you to answer
22 questions, right? You knew you could because you've been
23 through this process before.

24 A. Yes, ma'am, I knew that.

25 Q. Okay.

1 A. But...

2 Q. And when was the first time you told anyone at all
3 that this was in self-defense?

4 A. I can't recall, ma'am.

5 Q. Work on it. Think back.

6 A. I can't recall.

7 Q. Well, was it today?

8 A. I may have spoken about it to my grandfather, but
9 other than that, ma'am, just...

10 Q. So, you at some point told your grandfather that it
11 was self-defense?

12 A. Yes, ma'am.

13 Q. Okay. At the point in which you, I guess, got
14 counsel, did you say, hey, I need to tell the cops what
15 really happened now that you're here with me, that it was
16 self-defense?

17 A. I went and I asked them did I have a warrant out for
18 me and they said no. So, I basically just left it alone,
19 just seeking help from a close -- somebody more mature than
20 what I just left from.

21 Q. And did you seek a restraining order against the
22 victim in this case?

23 A. No, ma'am.

24 Q. Did you try to get her put on trespass notice so that
25 she couldn't come back ---

C. JACKSON - CROSS-EXAMINATION BY MS. WALKER

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1 A. She was already ---

2 Q. --- to your house?

3 A. --- on trespass for my grandparents' house.

4 Q. She's on trespass notice for your grandparents' ---

5 A. Yes.

6 Q. --- house right now?

7 A. Yes, ma'am.

8 Q. Okay, and at any point in time -- were your
9 grandparents home during this?

10 A. Yes.

11 Q. Your grandparents were home?

12 A. Yes.

13 Q. And they -- did they let her in the house?

14 A. No. My grandfather was sleeping. My grandmother was
15 asleep at the time.

16 Q. They were both asleep but they were there?

17 A. Yes.

18 Q. Did they hear the commotion?

19 A. No, ma'am.

20 Q. So, y'all get into this tussle and there is no --
21 nothing, none of that wakes them up?

22 A. No, ma'am.

23 Q. Okay. Were you yelling get out, get out, get out?

24 A. No, ma'am. I, I really don't yell when I, when I ---

25 Q. No, I've heard the phone calls. You do.

C. JACKSON - REDIRECT EXAMINATION BY MR. RUFFIN

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1 A. Yes, ma'am.

2 Q. You just weren't yelling then?

3 A. No, ma'am.

4 Q. And again you don't remember when the first time you
5 told anyone that this was self-defense?

6 A. No, ma'am.

7 Q. And you didn't have any injuries?

8 A. No, ma'am.

9 Q. And even after she's come into your home and assaulted
10 you, you write her a letter saying please, baby, please,
11 baby, baby, baby, please, I want to be your husband?

12 A. Because the rest of those charges wasn't true, ma'am.
13 That's the only reason why I did it.

14 Q. Answer the question. You wrote her that letter after
15 she's come into your house and assaulted you?

16 A. Yes, ma'am.

17 (A PAUSE.)

18 MS. WALKER: Your Honor, I don't have any further
19 questions.

20 THE COURT: Anything ---

21 MR. RUFFIN: Redirect, please?

22 THE COURT: Yes, sir.

23 MR. RUFFIN: Thank you.

24 REDIRECT EXAMINATION BY MR. RUFFIN:

25 Q. Chris, Ms. Walker asked you about why you didn't call

C. JACKSON - REDIRECT EXAMINATION BY MR. RUFFIN

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1 the cops, or you never, you never reported Jasmine coming
2 to your house to the cops. Why didn't you, why didn't you
3 call the cops to say Jasmine broke into your house?

4 A. Because I just didn't know what to do at that time,
5 sir.

6 Q. And you wrote her a letter after you got arrested,
7 right?

8 A. Yes, sir.

9 Q. That letter that you wrote was -- what was the date on
10 it?

11 A. It is November, November 22, 2016.

12 Q. November 22nd, that's the envelope. Let me, let me
13 hand you the actual letter. This is when you wrote it,
14 right?

15 A. November 20, 2016.

16 Q. Okay. So, you wrote this letter and when, when did
17 you get arrested? Do you remember?

18 A. I want to say...

19 Q. November 15th sound right? About?

20 A. Yes, sir, sounds about right.

21 Q. And this incident when Jasmine came into your house
22 happened on August 5th, right?

23 A. Yes, sir.

24 Q. Does the letter that you wrote right there to Jasmine,
25 does that change the fact to you that she didn't have

1 permission to come into your house that day?

2 A. No, sir.

3 Q. Did you invite her over that day?

4 A. No, sir.

5 Q. Did anyone invite her over to your house that day?

6 A. No, sir.

7 Q. When she came into your house on August 5th, did she
8 have permission from you or your grandparents to come in
9 there?

10 A. No, sir.

11 MR. RUFFIN: That's all, Judge.

12 THE COURT: Anything further, Ms. Walker?

13 MS. WALKER: No, Your Honor.

14 THE COURT: All right. Thank you, sir. You may step
15 down and go sit back next to lawyer.

16 (THE WITNESS EXITS THE STAND.)

17 THE COURT: Any additional witnesses, Mr. Ruffin?

18 MR. RUFFIN: No, Your Honor.

19 THE COURT: Ms. Walker?

20 MS. WALKER: Your Honor, yes. The state calls Jasmine
21 Roberts.

22 (PHOTOGRAPH MARKED AS STATE'S EXHIBIT NUMBER 3 FOR
23 IDENTIFICATION.)

24 (PHOTOGRAPH MARKED AS STATE'S EXHIBIT NUMBER 4 FOR
25 IDENTIFICATION.)

J. ROBERTS - DIRECT EXAMINATION BY MS. WALKER

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JASMINE ROBERTS, BEING DULY SWORN,

TESTIFIES AS FOLLOWS:

CLERK OF COURT: Have a seat in the witness stand,
please. State your name for the record.

WITNESS: Jasmine Roberts.

DIRECT EXAMINATION BY MS. WALKER:

Q. Ms. Roberts, how do you know the defendant?

A. We dated for some years.

Q. Okay, and where was he when y'all first started
dating?

A. At █ Fisk -- no, prison.

Q. He was in prison when y'all started dating?

A. Yeah.

Q. And once he was released from prison, did he come to
live with you?

A. Not soon after. Some time later.

Q. And how long did y'all -- had y'all been dating up
until August 4th of last year?

A. Eight years.

Q. And at some point on August 5th, did you end up going
to his grandparents' house?

A. I did.

Q. And how did you end up getting over there?

A. I had just left my mom's house, and he had sent me a

1 text, and told him I was on my way over. He was waiting on
2 me. I went to my mom's house after I got off work that
3 day. So, he was waiting for me to arrive at [REDACTED] Fisk.

4 Q. And I guess he said that at some point y'all -- even
5 though y'all had broken up, y'all were continuing to see
6 each other and hang out?

7 A. Yes, ma'am. He was staying with me at my address on
8 Hoit Street. We'd been having problems since back Columbia
9 Gardens, so I had asked him to leave my residence because
10 he was damaging my property. So, I had asked him to leave.
11 So -- but we continued to date. I just told him that as
12 far as us living together, we couldn't do that.

13 Q. Okay, and on August 5th of 2016, did he invite you
14 over to not his house but to his grandparents' house?

15 A. He did.

16 Q. And did you accept that invitation?

17 A. I did.

18 Q. Please tell the judge about what happened once you got
19 there.

20 A. When I arrived there at the house, he was in the room
21 listening to music. He was on his computer. I went in and
22 he gave me a hug and he gave me a kiss, and we began to
23 talk. I had sat on his bed. His bed was, like, this and
24 his -- the computer was, like, right here and he was
25 sitting at the desk. So, like, it's, like, pretty much

J. ROBERTS - DIRECT EXAMINATION BY MS. WALKER

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1 sitting right face from each other. So, I sat across from
2 him and as -- he sat in the chair.

3 And he began asking me how my day was and I told him,
4 and then he got on the subject about I thought you said
5 that you didn't have anything to eat today because I had --
6 he text me throughout the day because usually we have lunch
7 together. Usually he'll come to my job and we'll have
8 lunch together. This particular day we didn't have lunch
9 together, so -- and I have told him that I didn't eat
10 anything. But he went on my Facebook account, which I had
11 unfriend him, but he could still see some things. So, he
12 knew that I had Zaxby's and he was, like, I thought you say
13 you didn't have nothing to eat.

14 He was, like, you always lying. You always up to
15 something, and I said what. I had this look on my face,
16 like, what. I was, like, oh yeah, I did eat. I went to
17 Zaxby's when I was coming back from HR. He didn't want to
18 hear that. He was thinking that I had done met up with a
19 guy. Me and the guy went to lunch. So, that's how I end
20 up eating Zaxby's. So, I'm sitting here, like, what? And
21 he had done turn around and he close fisted me, and I fell
22 back on the bed.

23 Q. When you say he close fisted you, tell me what you
24 mean by that.

25 A. He had his first closed, and he punched me in the face

1 where it took me off guard. I fell back immediately. At
2 that point, Christopher got on top of me and start beating
3 me with his fists again. He beat me until my eye was
4 closed, and he grabbed my eye and said look what you made
5 me do. Then he start strangling me to the point where I
6 couldn't breathe and I was just gasping for air. I was,
7 like, trying to get him off of me. If I didn't fight him
8 back, I felt like I was not going to make it out that room.

9 He continued to choke me. I was trying to get him,
10 hit him any kind of way to get him off me. And then at
11 that time he finally got off of me, and when he got off of
12 me, he told me you better leave before something else bad
13 happen. You think something bad just happened to you. I
14 said where's my phone? He said you better leave. You
15 better get the fuck out from out of my house.

16 At that time, he threw me my keys because I couldn't
17 see. It was pitch black dark at the time. He threw me my
18 keys and he dug in my chest and took my cash out my chest
19 because he knew that's where I kept my, my money and
20 things, and he told me to leave. So, I left because I
21 didn't want nothing else, else that just happened to me. I
22 just couldn't believe that particularly just happened.

23 So, at the time I was parked in his people's driveway.
24 I had to back out. I could not see because I was only
25 looking out of one eye. My other eye was closed. So, I'm

J. ROBERTS - DIRECT EXAMINATION BY MS. WALKER

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1 backing out. I could barely see anything, and I just drove
2 down Fisk Street towards, like, North Main to where I seen
3 blue lights and I went in that direction of the blue lights
4 and I was, like, sir, please help me, and at that time he
5 called EMS.

6 Q. The officer called EMS?

7 A. He did, and he just told me to have a seat.

8 Q. And at some point, were you transported to the
9 hospital?

10 A. I was.

11 Q. Is this the way your eye looked on State's Exhibits 3
12 and 4 that day?

13 A. Yes, ma'am.

14 MS. WALKER: Your Honor, may I approach?

15 THE COURT: Yes, ma'am. Actually, bring that letter
16 unless you need it.

17 MS. WALKER: No, Your Honor. There are just three
18 parts to it.

19 (A PAUSE.)

20 BY MS. WALKER:

21 Q. And at some point, did you speak to Investigator
22 Laurita about what happened?

23 A. I did.

24 Q. And just for this specific incident it was
25 Investigator Laurita, and did you tell him the same thing

1 that you just told us?

2 A. Yes, ma'am.

3 Q. At any point before he punched you in the face, did
4 Mr. Jackson ask you to leave the house?

5 A. He did not; he did not.

6 Q. Did he, did he give you any indication that you were
7 not welcome there at that point?

8 A. No, ma'am.

9 Q. You did say that you were on trespass notice from a
10 previous incident?

11 A. I am.

12 Q. From his grandparents' house?

13 A. I am.

14 Q. Even though you're on trespass notice -- and who put
15 you on trespass notice?

16 A. His grandfather after numerous occasions of police
17 officers had to be called there about us.

18 Q. Okay.

19 A. But I was still welcome back there on numerous
20 occasions.

21 Q. And ---

22 A. He just never took, took it off.

23 Q. And on August 5, 2016, did this defendant invite you
24 to his home?

25 A. He did.

J. ROBERTS - DIRECT EXAMINATION / CROSS-EXAMINATION

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1 Q. And did you touch him in any way before he punched you
2 in the face?

3 A. No, ma'am.

4 Q. The man who punched you in the face, do you see him
5 here?

6 A. Yes, ma'am.

7 Q. Will you point him out for me? What's he wearing?

8 A. He's wearing a black, black shirt and a gray vest.

9 MS. WALKER: Thank you, Your Honor. I don't have any
10 other questions.

11 THE COURT: Yes, ma'am.

12 CROSS-EXAMINATION BY MS. STURGILL:

13 Q. You said you were on trespass notice from their house?

14 A. Yes, ma'am.

15 Q. When was that? When was that trespass notice put on?

16 A. I don't recall.

17 Q. Was it before August 5, 2016?

18 A. It was, it was some time ago.

19 Q. You said the cops had to be called multiple times.

20 A. Uh-huh.

21 Q. Was that on you?

22 A. No, ma'am.

23 Q. Okay. The grandfather put it on ---

24 A. Yeah.

25 Q. --- you?

1 A. Yes, ma'am.

2 Q. Okay. You mentioned that you were arguing about
3 Facebook. Is that right?

4 A. Uh-huh.

5 Q. Facebook. You said that you had unfriended him?

6 A. I did.

7 Q. You guys were still dating, but you had unfriended
8 him?

9 A. No. Actually, he always get to the point where, you
10 know, he's being extra on Facebook. He'll either unfriend
11 me or I just thought -- I kept him unfriend because he was
12 being very petty on, on Facebook.

13 Q. Okay, but you were still dating?

14 A. Yeah.

15 Q. And so he accused you of lying?

16 A. Uh-huh.

17 Q. And cheating on him?

18 A. Uh-huh.

19 Q. And is that why you had broken up earlier on?

20 A. No. The reason why we'd broken up earlier was because
21 he used to like to damage my stuff, steal my car, do stuff
22 to try to control me.

23 Q. But you still dated him?

24 A. Yeah, I did.

25 Q. And you said that you had put him out three days

J. ROBERTS - CROSS-EXAMINATION BY MS. STURGILL

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1 before this. Is that when you put him out?

2 A. Yeah, days prior to it.

3 Q. But you wanted to go over to see him?

4 A. Uh-huh, because we were still dating.

5 Q. Okay.

6 A. We just couldn't live together.

7 Q. Okay. You said that he texted you to come over. Do
8 you have those -- did you provide those text messages to
9 the state?

10 A. I have to look in my phone and see because he was
11 texting me from numerous numbers, but I don't erase
12 messages, so.

13 Q. Would you be able to look in your phone today and see
14 if you have those text messages?

15 A. I can.

16 Q. Okay. So when you got to his house, you walked up to
17 the front porch?

18 A. Uh-huh.

19 Q. You walked right in?

20 A. Uh-huh.

21 Q. And ---

22 THE COURT: I need you to use words, yes or no.

23 WITNESS: Yes, ma'am.

24 BY MS. STURGILL:

25 Q. You walked right into the house and then into his

1 bedroom?

2 A. Yes, ma'am.

3 Q. Okay. So, you guys dated for some time?

4 A. Yes, ma'am.

5 Q. On and off. Today you said eight years. Would it
6 surprise you that when you spoke with Investigator Laurita
7 you said six years?

8 A. Perhaps I did.

9 Q. Okay. Now, you also said today that he had texted.
10 Why -- you didn't tell Investigator Laurita he had texted
11 you to invite you over that day.

12 A. I probably didn't recall.

13 Q. Would it ---

14 MS. STURGILL: May I approach, Your Honor?

15 THE COURT: Yes.

16 BY MS. STURGILL:

17 Q. You remember giving a statement in this case? Do you
18 remember giving a statement in this case?

19 A. I do.

20 Q. Okay. Is this a copy of your statement?

21 A. Uh-huh.

22 Q. Okay.

23 A. Yes, ma'am.

24 Q. And you signed the second page?

25 A. Yes, ma'am.

J. ROBERTS - CROSS-EXAMINATION / REDIRECT EXAMINATION

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1 Q. After reviewing it?

2 A. Yes, ma'am.

3 Q. And in this statement, they asked what happened on
4 8/5/16, and you say: I pulled up to Christopher's house and
5 walked into the room.

6 A. Uh-huh.

7 Q. Yes?

8 A. Yes, ma'am.

9 Q. So, you didn't mention anything about text messages
10 that day?

11 A. No, ma'am.

12 Q. You didn't mention that you had the text messages to
13 show them?

14 A. No, ma'am.

15 Q. Okay.

16 MS. STURGILL: Beg the court's indulgence?

17 THE COURT: Yes, ma'am.

18 (A PAUSE.)

19 MS. STURGILL: No further questions. Thank you.

20 MS. WALKER: One more?

21 THE COURT: Yes.

22 REDIRECT EXAMINATION BY MS. WALKER:

23 Q. Do you see Christopher's grandparents here in the
24 courtroom?

25 A. No, ma'am.

1 MS. WALKER: No other questions.

2 THE COURT: Thank you, ma'am. You may step down.

3 WITNESS: Thank you.

4 (THE WITNESS EXITS THE STAND.)

5 THE COURT: Anything else, Ms. Walker?

6 MS. WALKER: One more witness, Your Honor.

7 THE COURT: Yes, ma'am.

8 MS. WALKER: Your Honor, the state calls Investigator
9 Michael Laurita.

10 MICHAEL LAURITA, BEING DULY SWORN,
11 TESTIFIES AS FOLLOWS:

12 CLERK OF COURT: Have a seat in the witness stand,
13 please. State your name for the record.

14 WITNESS: Michael Laurita.

15 DIRECT EXAMINATION BY MS. WALKER:

16 Q. Just a very narrow scope for the purposes of this
17 hearing. Did you at some point make contact with the
18 defendant in this case?

19 A. The defendant, yes.

20 Q. I want to show you what's been marked as State's
21 Exhibit Number 1 and ask you if you recognize this?

22 A. This is the standard Advice of Rights form we use
23 wherever we question suspects.

24 Q. And did you advise -- did you and Investigator Truluck
25 together advise him of his rights?

M. LAURITA - DIRECT EXAMINATION BY MS. WALKER

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1 A. Yes, ma'am.

2 Q. Did he waive those rights?

3 A. He did.

4 MS. WALKER: Your Honor, may I approach?

5 THE COURT: Yes.

6 BY MS. WALKER:

7 Q. Did you ask him about what happened on the August 5th
8 incident?

9 A. I did.

10 Q. And what, what information was he able to relate to
11 you about what happened on August 5th?

12 A. He stated that, that he did not hit the victim that
13 day. He states that she actually came to the location with
14 the swollen eye in reference to a fight that happened the
15 day before with two unknown people. He did say that the
16 victim was at his house that day, and he states that he
17 didn't take her money.

18 Q. Did he put that in writing?

19 A. No.

20 Q. Was he offered the opportunity to put that in writing?

21 A. Yes.

22 Q. And did he indicate whether or not he wanted to do so?

23 A. He said he did not.

24 Q. Did he at any point in time ever tell you that he was
25 the victim of some sort of home invasion?

1 A. No.

2 Q. Did he tell you that he asked the victim in this case
3 to leave his home?

4 A. No.

5 Q. Did he tell you that he had to hit her in
6 self-defense?

7 A. No.

8 Q. Did he tell you that he was trying to eject an
9 intruder from his property?

10 A. No.

11 Q. Did he tell that you she wasn't welcome at his home
12 when he was there?

13 A. He didn't make that statement to me.

14 MS. WALKER: Thank you, Investigator Laurita. I don't
15 have any other questions.

16 THE COURT: Any cross-examination?

17 MR. RUFFIN: Briefly, Judge.

18 CROSS-EXAMINATION BY MR. RUFFIN:

19 Q. You were aware that this happened at [REDACTED] Fisk Street,
20 right?

21 A. Yes.

22 Q. The incident?

23 A. Yes.

24 Q. Which is where Chris lives?

25 A. Yes.

M. LAURITA - CROSS-EXAMINATION BY MR. RUFFIN

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1 Q. So, you knew that's where Chris lived, right?

2 A. Yes.

3 Q. And you knew that Jasmine did not live there?

4 A. Yes.

5 Q. And you also must have known that she was on trespass
6 there, right?

7 A. I did not know that.

8 Q. You didn't know that she was on trespass notice?

9 A. No.

10 MR. RUFFIN: No further questions.

11 THE COURT: All right, anything further, Ms. Walker?

12 MS. WALKER: No, Your Honor.

13 THE COURT: Thank you. You may step down.

14 (THE WITNESS EXITS THE STAND.)

15 THE COURT: Anything else from the state?

16 MS. WALKER: Nothing, Your Honor.

17 THE COURT: All right, Mr. Ruffin, Ms. Sturgill.

18 MR. RUFFIN: Thank you, Your Honor. May it please the
19 court?

20 THE COURT: Yes.

21 MR. RUFFIN: So, at this point we would ask that you
22 find Christopher Jackson is immune from prosecution for the
23 domestic violence charge in this case pursuant to
24 16-11-440. I know Your Honor is probably familiar with the
25 statute. If a person unlawfully enters your home, then you

1 are presumed to have a fear of imminent death or great
2 bodily injury, and you can essentially respond in kind to
3 remove that person from your home.

4 I take the position in this case that once she
5 unlawfully enters Chris's house, he can kill her; that is
6 my reading of the Protection of Persons Property Act. Most
7 of the cases -- in fact, I think all of the cases that I've
8 seen that have been recorded on this involve the use of
9 deadly force. When someone unlawfully comes into another
10 person's residence, then the occupant of that residence can
11 respond with deadly force. Of course Chris did not respond
12 with deadly force but in my opinion, he could have. He
13 responded with non-deadly force by punching her in the
14 face.

15 You've heard that the testimony here was Ms. Roberts,
16 by her own admission, was on trespass notice at this
17 residence, so she was not permitted to go there. So as far
18 as I can tell, even if she was invited, her being on
19 trespass notice would still make her unlawfully entering
20 the property. If she's on trespass notice, whether she's
21 invited or not and she's being -- she's on trespass notice
22 by the -- my client's grandfather. So, she can't go to
23 that house. Even if Chris invites her, she just can't go.

24 And her statement to law enforcement is not that she
25 was invited, as she admitted. She didn't tell Investigator

1 Laurita that she was invited over there. She didn't him
2 that Christopher texted her and said it was okay for her to
3 come over. She never told them that. What she told
4 Investigator Laurita was I went over to Chris's house and
5 went inside. Investigator Laurita, by his own admission,
6 wasn't aware that she was on trespass notice. That makes
7 sense in his analysis as to whether or not to charge
8 Christopher Jackson or not. Had he known that Jasmine was
9 on trespass notice and that she was trespassing at his
10 house at the time this happened, then maybe he wouldn't
11 have charged him. I don't know.

12 THE COURT: I don't know either.

13 MR. RUFFIN: But in my opinion ---

14 THE COURT: I don't know either. That wasn't a
15 question posed to him.

16 MR. RUFFIN: No, but, but -- because I don't think it
17 really matters, actually. As long as -- I believe that
18 we've shown by a preponderance, which is the standard in a
19 stand your ground hearing, that we have shown by a
20 preponderance that Jasmine was unlawfully on this property,
21 ■■■ Fisk Street, and it is uncontested that that is where
22 my client resides. That is his dwelling where he lives.
23 That is not being contested by the state. And by the
24 state's witness's own admission, she was on trespass notice
25 at that residence. So, for her to be inside, she is

1 unlawfully entering that residence. Once that happens, the
2 resident is permitted to use deadly force. He didn't use
3 deadly force. He could have, but I think at this point he
4 clearly is immune from prosecution because she was
5 unlawfully entering his residence.

6 THE COURT: Ms. Walker.

7 MS. WALKER: Thank you, Your Honor. Part of this that
8 Your Honor is tasked with, as you well know, is looking at
9 the credibility of what the witnesses are saying. For the
10 first time ever to my knowledge -- and this defendant
11 doesn't know when he told someone. This defendant said I
12 asked her to leave and she wouldn't, that he didn't invite
13 her over. What he said when he spoke to law enforcement
14 was, yeah, she was there. I never touched her. She showed
15 up with a black eye. As Your Honor can see in State's
16 Exhibits maybe 3 and 4, I think, are pictures of her.
17 That's fresh blood, which would be inconsistent with her
18 having been in a fight with two people in the days prior to
19 this.

20 What this is at this point, Your Honor, in terms of a
21 preponderance of evidence is who do you believe? Whose
22 story is corroborated by other facts? In this case, that
23 letter -- I don't know if Your Honor had the chance to
24 review the jail phone calls that we submitted before lunch.
25 In none of those jail phone calls does he say that he had

1 to eject her, that he was acting in self-defense. What he
2 says is I can own up to punching that bitch in the eye.
3 Now at this point he doesn't want to own up to it, but he
4 makes that clear statement.

5 In the terms of the trespass notice, Your Honor, no,
6 Investigator Laurita did not know that she was on trespass
7 notice, partly because this defendant spent most of his
8 time while he was talking to Investigator Laurita lying to
9 him about what happened as opposed to offering helpful,
10 truthful statements that may have been able to aid him in
11 making that charging decision.

12 At this point, Your Honor, once she's on trespass
13 notice, she is subsequently invited over to the home, by
14 her testimony. So, it comes into an issue of credibility,
15 Your Honor.

16 And there's one more issue that I would like to
17 research if you'd give me a five-minute break. But at this
18 point, Your Honor, I think it's just an issue of
19 credibility. Who do you believe? Do you believe the
20 witness's statement that is consistent with her previous
21 statement and that's corroborated by the physical evidence
22 or the pictures in this case, as well as the letter and
23 jail phone calls made by this defendant? Or do you believe
24 this defendant, came up with this story randomly the week
25 of trial? But there is one issue on the trespass notice

1 I'd just like to confirm. If I could take a five-minute
2 recess, I'd appreciate that.

3 THE COURT: Okay. Let's take five minutes.

4 MS. WALKER: Thank you.

5 (OFF THE RECORD.)

6 THE COURT: All right, Ms. Walker.

7 MS. WALKER: Thank you, Your Honor. Under statute
8 16-11-620, entering premises after warning or refusing to
9 leave on request, it says:

10 Any person who without legal cause or good excuse
11 enters into the dwelling house, place, or
12 business, or on the premises of another person
13 after having been warned not to do so.

14 And it goes on from there, but I think the pertinent
15 part of that, Your Honor, is good excuse. At this point in
16 time, according to the testimony, and I think the only
17 reliable, credible testimony that we've heard over the
18 course of this hearing, is that she's been invited at that
19 point.

20 In order to further that, Your Honor, there is an
21 attorney general's opinion that supports that premise. It
22 is written to Judge Singleton in the City of Seneca, and it
23 relates to trespassing and when a person who has been put
24 on trespass notice is allowed to go back to a home, and it
25 says:

1 A legitimate invitation from a tenant provides a
2 guest with a defense to the offense of trespass
3 after notice only to the extent that his or her
4 presence is in ---

5 This is about an apartment complex, is not in the
6 common areas of the apartment complex or the housing
7 project, although a person on trespass notice as to an
8 apartment complex or housing projects may lawfully enter
9 the property at the invitation of the tenant.

10 So, at this point, Your Honor, at the invitation of
11 this defendant, it is the state's position that she is
12 allowed to enter that property because she is then -- she's
13 there for good excuse because she's been invited, and she
14 is also there at his invitation.

15 A person put on trespass notice, but if she:

16 Loiters, lingers, or enters the common areas of
17 the property which are not necessary for the
18 purpose of gaining access to the residence of the
19 invited tenant.

20 So, even if it is his grandfather that puts her on
21 trespass notice, it's the state's position, Your Honor,
22 that once she enters into his bedroom where he was
23 residing, that would be tantamount to allowing a person at
24 an apartment complex to invite someone into their
25 apartment. If she's in the common areas of the home only

1 for the purpose of ingressing from outside of the residence
2 to inside this defendant's bedroom, so she was in the place
3 where she was actually invited at that point in time by
4 this defendant.

5 So I think, Your Honor, while understanding their
6 position, but under 16-11-620 she's entering the premises
7 with good excuse because she is invited. According to her
8 testimony, she was never asked to leave before the assault
9 began, which would also be required under 16-11-620. And
10 according to the attorney general's opinion, Your Honor, a
11 person who is residing at the residence can invite, even
12 after trespass notice has been issued, can invite the
13 trespasser onto the property, which is what happened in
14 this case.

15 THE COURT: Okay.

16 Yes, sir.

17 MR. RUFFIN: May it please the court? The tenant who
18 Ms. Walker is saying invited Ms. Roberts testified and said
19 that he did not invite her and that she did not have
20 permission to be there. It sounds like the state now
21 concedes that Ms. Roberts was, in fact, on trespass notice
22 and that it was unlawful for her to go there.

23 Now, I understand that there is conflicting testimony
24 about whether she was invited or not. And Ms. Walker
25 pointed out that this was the first time ever that it's

1 been disclosed -- that she's heard -- that this was a --
2 there was going to be a stand your ground, that he was
3 saying she unlawfully entered. The same is true of Ms.
4 Roberts. She never told the investigators that she was
5 invited over. She never told the investigators that Chris
6 texted her to tell her to come over. She testified that
7 she kicked Chris out of her house three days earlier, and
8 then that he texted her and invited her over. She also
9 said that she saves every text message and that maybe she
10 has it.

11 None of that has been put forth before the court, in
12 my opinion, because it's not true. And as a finder of
13 fact, Your Honor can find that that is not credible, her
14 saying she was invited by text that doesn't exist. That
15 was not disclosed to the court.

16 We've put up evidence that she was not invited, she
17 was on trespass notice, and that she came over anyway. In
18 my opinion, that makes her an unlawful -- she is unlawfully
19 entering his residence. He told her to leave, and she
20 refused to leave. At that point, I believe that -- I don't
21 even think he has to tell her to leave. Just once she
22 steps through the door without permission, once you
23 unlawfully enter another person's house, which would be
24 walking through the door without permission, the occupant
25 of that dwelling can kill you under this statute.

1 Obviously, again, we don't go nearly that far in this
2 case, but I think clearly Chris is immune from this
3 domestic violence charge because he was responding to a, to
4 a person who was unlawfully entering his residence.

5 THE COURT: If the court were to accept the victim's
6 testimony that she was invited there, she would be there
7 pursuant to a good excuse for the purposes only of her
8 limited invitation and, therefore, would not unlawfully be
9 on the premises. Even if the court were to reject that
10 testimony and accept the defendant's testimony, the statute
11 does provide for a presumption of reasonable fear of
12 imminent peril.

13 However, that is a rebuttable presumption and in this
14 case I find that it's rebutted by the lack of evidence or
15 testimony that there was any fear of imminent peril. The
16 relationship between the parties, whether they dated for
17 eighteen months as the defendant indicated or for six or
18 eight years as the victim indicated, the circumstances here
19 provide no justification or no reasonable suspicion, I
20 guess, if this fear of imminent peril.

21 So, to the extent that it is a rebuttable presumption,
22 the presumption has been rebutted in this case and,
23 therefore, the defendant's motion for immunity from
24 prosecution is denied.

25 MS. WALKER: Thank you, Your Honor.

C. TRULUCK - DIRECT EXAMINATION BY MS. WALKER

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1 THE COURT: What else do we have, folks, before?

2 MS. WALKER: Your Honor, the only other thing that we
3 have, and I went into this a little bit during this
4 hearing, but I think probably for purposes of the record it
5 has to be separated out, is the *Denno* hearing.

6 THE COURT: Okay.

7 MS. WALKER: Your Honor, the state calls Investigator
8 Chris Truluck.

9 CHRIS TRULUCK, BEING DULY SWORN,
10 TESTIFIES AS FOLLOWS:

11 CLERK OF COURT: Have a seat in the witness stand.
12 State your name for the record.

13 WITNESS: Chris Truluck.

14 DIRECT EXAMINATION BY MS. WALKER:

15 Q. Investigator Truluck, did you become involved in the
16 investigation of Christopher Michael Jackson?

17 A. Yes, ma'am, I did.

18 Q. And they weren't on these charges, but they were on a
19 different set of charges?

20 A. Yes.

21 Q. Did those -- both sets of charges have the same victim
22 in common?

23 A. Yes, they did.

24 Q. Once -- I guess it was the Fugitive Task Force that
25 brought this victim in?

1 A. Yes.

2 Q. Or, sorry, the defendant in?

3 A. Yes, ma'am.

4 Q. And at some point, did you and Investigator Laurita
5 sit down in order to speak with the defendant?

6 A. Yes, we did.

7 Q. I want to show you what's been marked State's Exhibit
8 Number 1. Where were you when you spoke to him?

9 A. We were in the interview room at the Richland County
10 Sheriff's Department, Pine View office location.

11 Q. And who all was in there?

12 A. Myself, Investigator Laurita, and Mr. Christopher
13 Jackson.

14 Q. And before speaking to him, did you advise him of his
15 rights?

16 A. Yes, ma'am, I did.

17 Q. And please read the Advice of Rights that were read to
18 this defendant.

19 A. Before we ask you any questions, you must
20 understand your rights. You have the right to
21 remain silent. Anything you say can be used
22 against you in court. You have the right to talk
23 to a lawyer for advice before we ask you any
24 questions and to have a lawyer with you with
25 during any questions. If you cannot afford a

C. TRULUCK - DIRECT EXAMINATION BY MS. WALKER

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1 lawyer, one would be appointed for you before any
2 questioning if you wish. If you decide to answer
3 questions now without a lawyer present, you still
4 have the right to stop answering at any time.

5 You also have the right to stop answering at any
6 time until you talk to a lawyer.

7 Once I read that for your Miranda rights, I ask the
8 person do they understand those rights and if so, I'll have
9 them sign. Then I explain this second part of this waiver
10 of rights is your waiver of rights, and it states that:

11 I have read this statement of my rights, and I
12 understand what my rights are. I am willing to
13 talk and answer questions. I understand and know
14 what I am doing. No promises have been made to
15 me. No pressure or coercion of any kind has been
16 used against me.

17 I will then ask the person do they understand what
18 coercion means because a lot of people don't. Explaining
19 coercion, I explain that I am not going to use or you
20 cannot use any type of force to force that person to say
21 anything that they don't want to say or was not true.

22 Prior to reading these advisement of rights, the
23 additional things I will do is ask where they went to high
24 school. Mr. Jackson said he went to Keenan High School,
25 and I asked what grade. He explained the twelfth grade.

1 The second thing I ask, can you read and write, and I
2 answer what their quote was, which was yes, sir. Once he
3 agrees to all that, I have him initial each one of these
4 rights and sign both locations that he understood those
5 rights.

6 Q. While you were advising him of his rights, was he
7 threatened in any way?

8 A. No, ma'am, he wasn't.

9 Q. Did you deprive him of food or water?

10 A. No, ma'am.

11 Q. Did you tell him that he had to talk to you?

12 A. No, ma'am.

13 Q. Did you make him any promises if he talked to you?

14 A. I did not.

15 Q. Did you hear Investigator Laurita do any of those
16 things?

17 A. No, he did not.

18 Q. And at some point, did Investigator Laurita ask him
19 questions about the case we're here for today?

20 A. Yes.

21 Q. You don't have to tell me what his answers were for.
22 I'll call Investigator Laurita to the stand to do that.
23 Did he appear to understand what you were saying?

24 A. Yes. He initialed each one of his rights and signed
25 both locations and also initialed at the bottom, the two

M. LAURITA - DIRECT EXAMINATION BY MS. WALKER

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1 additional things I added.

2 Q. Okay, and we know he can read and write because he
3 read aloud today a letter that himself wrote.

4 A. Yes.

5 MS. WALKER: Your Honor, did you want to see this
6 again?

7 THE COURT: No.

8 MS. WALKER: Okay.

9 Thank you, sir. I don't have any other questions.

10 THE COURT: Cross-examination?

11 MR. RUFFIN: No questions, Judge.

12 THE COURT: All right. Thank you. You may step down.

13 (THE WITNESS EXITS THE STAND.)

14 MS. WALKER: Your Honor, the state calls Investigator
15 Michael Laurita.

16 MICHAEL LAURITA, BEING DULY SWORN,
17 TESTIFIES AS FOLLOWS:

18 CLERK OF COURT: Have a seat in the witness stand and
19 state your name for the record.

20 WITNESS: Michael Laurita.

21 DIRECT EXAMINATION BY MS. WALKER:

22 Q. Investigator Laurita, were you present for the Advice
23 of Rights that Investigator Truluck read to this defendant?

24 A. I was.

25 Q. And did you at any point in time yourself threaten

1 him?

2 A. No.

3 Q. Did you coerce him in any way?

4 A. No.

5 Q. Did you make him any promises in order for him to give
6 you a statement?

7 A. No.

8 Q. Did you deprive him of creature comforts such as food
9 or water, access to the bathroom?

10 A. No.

11 Q. After he was read and advised his rights, did it
12 appear to you as though he understood what was going on?

13 A. Yes.

14 Q. And at some point in time, did you then ask him about
15 the incident we're here for today?

16 A. I did.

17 Q. And what was his response when asked about the assault
18 of Jasmine Roberts that took place on August 5th of 2016?

19 A. Basically said he was -- that she was there. He did
20 not hit her. He didn't take any of her money, and actually
21 said that the incident -- he came to the -- she came to the
22 location with the black eye from a fight that happened the
23 day before with two unknown people.

24 MS. WALKER: Thank you, sir. I don't have any other
25 questions.

M. LAURITA - DIRECT EXAMINATION BY MS. WALKER

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1 THE COURT: Any cross-examination?

2 MS. WALKER: I'm sorry, one more question.

3 THE COURT: Okay.

4 BY MS. WALKER:

5 Q. The person who gave you that statement, do you see him
6 sitting here in the courtroom?

7 A. I do.

8 Q. Can you point him out for me?

9 A. Right over there.

10 Q. What is he wearing?

11 A. A black shirt and a gray vest with a black tie.

12 MS. WALKER: Okay. Thank you, sir. Now I don't have
13 any more questions.

14 MR. RUFFIN: I don't have any questions, Judge.

15 THE COURT: Okay. You may step down.

16 (THE WITNESS EXITS THE STAND.)

17 THE COURT: Anything further from the state?

18 MS. WALKER: No witnesses, Your Honor.

19 THE COURT: Any witnesses or motions from the defense?

20 MR. RUFFIN: No, Your Honor. We will leave it in your
21 discretion here.

22 THE COURT: All right, and do I need to make a finding
23 since there is no motion?

24 MR. RUFFIN: I think yes.

25 THE COURT: Yes.

1 MR. RUFFIN: You do have to make a finding.

2 THE COURT: All right.

3 MS. WALKER: Yes, Your Honor.

4 THE COURT: Based on the totality of the
5 circumstances, I find that the statement given to law
6 enforcement was voluntarily made by the defendant,
7 Christopher Michael Jackson. Considering his age, his
8 level of education, his apparent intelligence, the advice
9 law enforcement gave to the defendant regarding his
10 constitutional rights, and the absence of any contradictory
11 testimony regarding him being given food, water, or
12 creature comforts, the statement was voluntarily made and
13 is, therefore, admissible.

14 MS. WALKER: Thank you, Your Honor.

15 THE COURT: Anything further in pretrial, Mr. Ruffin?

16 MR. RUFFIN: I think that by tomorrow, Ms. Walker and
17 I should have agreed on the jail calls, so I don't think
18 that's a problem.

19 Just for the record, again, Mr. Jackson does have
20 other pending charges that are not part of this trial. So,
21 we would ask pretrial that those not be mentioned. I
22 understand that, you know, we could open the door. I know
23 how that works, but I would just ask that at least on
24 direct that no testimony be elicited about those pending
25 charges.

1 There also, Your Honor, was a police report made by
2 Ms. Roberts the day after August -- on August 6th about --
3 I don't recall exactly what the words -- but basically that
4 he was allegedly texting her and that he tried to break
5 into her house, I think, was her thought. That was her
6 belief at the time; that is what she reported. He was
7 never charged for that, and we would just ask that
8 testimony about that be excluded as well.

9 THE COURT: Ms. Walker.

10 MS. WALKER: Your Honor, I have advised all of my
11 witnesses, these two investigators as well as the victim in
12 this case, not to talk about all the other times that he
13 has been violent towards her even before and after this
14 incident. So, they are aware of that. I don't intend on
15 going into it. However, if the door is opened, I intend to
16 walk through the door, Your Honor.

17 And the other thing is, and I said this in chambers.
18 I said we were going to put it on the record. The text
19 messages. In the police report on August 6th, she said
20 there are text messages. The police report reads that
21 there were text messages being sent to her. She says those
22 text messages had been since they broke up and he moved
23 out, and he'd been going around the area saying I know
24 who's at your house. I know who's there. But we're
25 keeping out anything that happened before -- the only thing

1 we're focused on, Your Honor, is August 5th of 2016 unless
2 the door is opened to other things.

3 Your Honor, Your Honor, for the record also, there was
4 a plea offer in this case for the defendant to plead to
5 domestic violence in the second degree and strong-arm
6 robbery. The state would take no position at sentencing.
7 The defendant -- in exchange for that, we would dismiss the
8 armed robbery, the burglary in the first degree, domestic
9 violence first degree. I think it's possession of a weapon
10 during the commission of a violent crime. We would dismiss
11 those four charges. I would just ask that for purposes of
12 a clean record the defendant reject that on the record
13 himself, not through his attorney.

14 MR. RUFFIN: And just to respond to just that point,
15 we also offered for Mr. Jackson to plead guilty to a
16 negotiated probationary sentence. The state was not
17 inclined to go along with that.

18 So, Mr. Jackson, if you would stand?

19 I'm fine with it if you want to ask him.

20 THE COURT: Place Mr. Jackson under oath, please.

21 CHRISTOPHER MICHAEL JACKSON, BEING

22 DULY SWORN, TESTIFIES AS FOLLOWS:

23 THE COURT: All right, Mr. Jackson, you understand
24 that the state -- I understand that you have a separate set
25 of charges: a burglary charge, armed robbery, possession of

1 a weapon during the commission of a violent crime, and a
2 domestic violence.

3 DEFENDANT: Yes, ma'am.

4 THE COURT: Is that correct? Okay. Do you understand
5 that the state has made you a plea offer to dismiss all of
6 those charges if you would plead guilty to the charges
7 pending here today? That is the domestic violence second
8 degree and strong-arm robbery. You understand that?

9 DEFENDANT: Yes, ma'am.

10 THE COURT: All right, and I understand that you have
11 rejected that plea offer. Is that correct?

12 DEFENDANT: Yes, ma'am.

13 THE COURT: Okay. Have you had enough time to talk to
14 your attorneys about whether you want to reject that plea
15 offer?

16 DEFENDANT: Yes, ma'am.

17 THE COURT: Or accept that plea offer?

18 DEFENDANT: Yes, ma'am.

19 THE COURT: Okay, and it's your decision here today to
20 reject that plea offer?

21 DEFENDANT: Yes, ma'am.

22 THE COURT: So, you understand that means that even if
23 you're convicted of these charges, the strong-arm robbery
24 and domestic violence second degree, that the remaining
25 charges will still be pending, and that you may plead

1 guilty or go to a jury trial or a bench trial, some trial
2 on those other charges still. You understand that?

3 DEFENDANT: Yes, ma'am.

4 THE COURT: Okay, and you understand that if you are
5 convicted of these charges and sentenced on these charges,
6 that there is a potential if you're convicted of the second
7 set of charges that you could get prison time consecutive
8 to the time that you are serving on these?

9 DEFENDANT: Yes, ma'am.

10 THE COURT: You understand that?

11 DEFENDANT: Yes, ma'am.

12 THE COURT: Okay, and you wish to reject the plea
13 offer. Is that correct?

14 DEFENDANT: Yes, ma'am.

15 THE COURT: All right. Thank you, sir. You may have
16 a seat.

17 MS. WALKER: Lastly, Your Honor, the defendant is out
18 on bond. The jury hasn't been sworn yet, so I don't have a
19 problem with it at this point. But I would ask that the
20 court advise him that should he not come to court tomorrow,
21 we're still going to proceed with the trial.

22 MR. RUFFIN: Yes and, Your Honor, he is currently on
23 ankle monitoring with Offender Management Services. He has
24 an ankle monitor on, so I think that should be sufficient
25 that he'll be here tomorrow. And of course I understand we

1 would go forward in his absence were he to not come, so.

2 THE COURT: You understand that, sir?

3 DEFENDANT: Yes, ma'am.

4 THE COURT: You are to be here tomorrow morning at
5 9:30. You understand that?

6 DEFENDANT: Be here at 8:30, ma'am.

7 THE COURT: Okay, but if you're not, then we're going
8 forward with the trial, even without you here. You
9 understand that?

10 DEFENDANT: Yes, ma'am.

11 THE COURT: You understand that, and if we were to
12 have to go forward with the trial in your absence, that
13 means that you would give up your right to be able to
14 defend yourself against these charges. You understand
15 that?

16 DEFENDANT: Yes, ma'am.

17 THE COURT: I mean, your attorneys would be here, and
18 they would do the best job they could do, but you wouldn't
19 be here, and the trial would go on without you. You
20 understand that?

21 DEFENDANT: Yes, ma'am.

22 THE COURT: Okay. All right. Anything else?

23 You can have a seat.

24 MR. RUFFIN: Yes, Your Honor.

25 THE COURT: Yes.

1 MR. RUFFIN: If I understand Ms. Walker correctly
2 about the report that was made on August 6th, my
3 understanding is that, you know, she said -- I say she.
4 Jasmine said that when she returned home on August 6th, she
5 received a text message from Jackson stating I see who you
6 have at your house.

7 Ms. Walker disclosed to us earlier in chambers and
8 just put on the record that Ms. Roberts is now saying that
9 those text messages came on prior occasions. I think they
10 still would be inadmissible, and I don't see what they
11 would have anything to do with case. And if she then gets
12 into it, I think that that does open, open it up to her
13 being impeached with the report that it says that she says
14 it was on August 6th that the text messages were made. I
15 don't want to get into it at all.

16 MS. WALKER: I've said five times that I'm not getting
17 into anything that happened before or after August 5th.

18 MR. RUFFIN: Okay. Okay. I'm sorry. I misunderstood
19 that.

20 My last request, and I hope Ms. Walker may join me in
21 this request, and I hope it's not too much of a pain for
22 the court reporter. We thought maybe we would request a
23 transcript of the Castle hearing testimony from Mr. Jackson
24 and the testimony of Ms. Roberts in case either of them
25 would need to be impeached during trial.

1 In the past, my understanding has been a lot of times
2 these Castle hearings happen and the trial is continued so
3 that people can get a transcript. I am -- I don't want to
4 ask for a continuance. I want us to go ahead and go
5 forward tomorrow, but I would ask if Your Honor is willing
6 to provide funding to get a transcript, even if it's just a
7 rough transcript, just something in the ballpark that we
8 could both work with. That's my request.

9 MS. WALKER: Transcripts are always helpful. It's
10 also helpful not to file the Castle hearing the day the
11 trial starts, so he kind of wants to have it both ways,
12 Your Honor. I would love to have a transcript. That's
13 putting a huge burden on the court reporter -- because I
14 think this is a one-day trial -- to turn the transcript
15 around that fast. We can always go and play back testimony
16 perhaps but, I mean, this is why you don't file Castle
17 hearings the day the trial starts.

18 THE COURT: Right.

19 MR. RUFFIN: And if, if that is an option, that would
20 be fine. I think that would be sufficient.

21 THE COURT: I don't know that that is. We're going to
22 go off the record briefly so that Ms. Harris can speak.

23 (OFF THE RECORD.)

24 MR. RUFFIN: So, Your Honor, based on those answers,
25 if the court reporter is able to play back audio of the

1 testimony ---

2 THE COURT: She has not offered that. No.

3 MR. RUFFIN: I thought she said she had the ability
4 to.

5 THE COURT: Did I hear that?

6 COURT REPORTER: If he wants a transcript, he will get
7 a transcript.

8 THE COURT: Exactly.

9 COURT REPORTER: Wednesday.

10 MR. RUFFIN: Well, I said if ---

11 THE COURT: That's what she's saying without saying
12 she's not playing back any audio.

13 MR. RUFFIN: Okay. What I was going to say is that if
14 she can play back audio in the event we needed it, we would
15 not request the transcript to save her the time if, if
16 that's -- if she's able to do that, we wouldn't ask for a
17 transcript.

18 COURT REPORTER: I'd rather do the transcript,
19 frankly.

20 MR. RUFFIN: Okay.

21 THE COURT: Yes. You have to understand -- I
22 understand, but y'all have to understand that we don't
23 understand what equipment she has and how it works.

24 MR. RUFFIN: Right.

25 THE COURT: And so apparently it would be different to

1 just play back audio. No complaints against Richland
2 County but if this sound system were a bit better, that
3 might be a bit easier. But as you see, there are
4 microcassette recorders -- or I guess they are digital
5 recorders all over the place. And so to get everyone's
6 speech together in one place may not even be possible
7 because of the way it has to be recorded. So, it would be
8 far simpler to do a transcript for which I am hesitant to
9 authorize funds but may do that. The reality, though, is
10 that if it's not even available until Wednesday morning, we
11 may be finished.

12 MR. RUFFIN: I agree with that, Judge. I mean, if
13 it's not going to be available until Tuesday -- I mean
14 until Wednesday, it will be of no use to us. So, I think
15 I'll just withdraw. I'm not going to ask her to ruin her
16 night tonight, her plans tonight for this. So, I
17 understand.

18 THE COURT: Even if you asked, it would be declined.

19 MR. RUFFIN: Thank you.

20 THE COURT: She would decline it, as would Court
21 Administration and so would I.

22 MR. RUFFIN: Understood, Your Honor.

23 THE COURT: All right, yes. Anything else?

24 MS. WALKER: Nothing from the state.

25 MR. RUFFIN: We have some 403s in the room. Just,

1 just wanted to point that out, Your Honor. So, there,
2 there's a couple law students -- or they're graduates
3 actually.

4 THE COURT: Right.

5 MR. RUFFIN: Graduates waiting on bar results and
6 they're here to get 403s.

7 THE COURT: Understood. All right, do we need to
8 handle anything else?

9 MS. WALKER: I don't have anything else, Your Honor.

10 THE COURT: Before we begin tomorrow, y'all are going
11 to talk about jail phone calls and the redactions this
12 evening or first things tomorrow and be ready to roll
13 unless there is some disagreement between you.

14 MS. WALKER: I don't, I don't think there will be a
15 disagreement. We're just -- it's just the technical
16 aspects now of taking the stuff out. We've agreed on what
17 needs to come out.

18 THE COURT: Wonderful. All right. So, Mr. Jackson
19 will stay on bond today. If we are unable to finish trial
20 tomorrow, then he will be in custody tomorrow night because
21 bond ends when the trial begins once the jury is sworn.
22 So, we'll cross that bridge when we get to it.

23 MS. WALKER: Thank you.

24 MR. RUFFIN: Thank you, Judge.

25 THE COURT: 9:30.

1 (WHEREUPON, THE CASE IS AT EASE.)

2 TUESDAY, OCTOBER 3, 2017

3 (COURT RESUMES AT 9:39 A.M.)

4 (ENLARGED AERIAL MAP MARKED AS STATE'S EXHIBIT NUMBER
5 5 FOR IDENTIFICATION.)

6 (ENLARGED PHOTOGRAPH MARKED AS STATE'S EXHIBIT NUMBER
7 6 FOR IDENTIFICATION.)

8 (PHOTOGRAPH MARKED AS STATE'S EXHIBIT NUMBER 7 FOR
9 IDENTIFICATION.)

10 THE COURT: A lawyer who is standing before I even sit
11 down. Yes, ma'am.

12 MS. WALKER: It's innocuous, Judge.

13 THE COURT: Okay.

14 MS. WALKER: I just learned from Ms. Outen that
15 Sergeant Waters with Alvin S. Glenn Detention Center is
16 unavailable. Lieutenant Margita Freely will be the person
17 who comes and testifies about that. I just wanted to make
18 defense counsel aware of that and the court.

19 MR. RUFFIN: That's fine with us, Judge.

20 THE COURT: Okay.

21 MS. WALKER: We've agreed to the redactions.

22 MR. RUFFIN: Yes, Your Honor. The three calls that
23 Ms. Walker sent us, she sent us three jail calls that were
24 -- we agreed to redactions, so we agree that -- we are not
25 going to have objections to those in their redacted form.

1 THE COURT: All right.

2 MS. WALKER: And we've also been discussing some of
3 the issues with the trespass notice issue. I've agreed not
4 to go into that, as has defense counsel.

5 MR. RUFFIN: That's correct. We're not going to get
6 into it; we're not planning on getting into it.

7 THE COURT: Anything else before we bring the jury?

8 MS. WALKER: Nothing from the state, Judge.

9 THE COURT: Who's going to open?

10 MR. RUFFIN: Ms. Sturgill.

11 THE COURT: Okay.

12 MS. WALKER: I will, Judge.

13 THE COURT: Unless you want Ms. Outen to do it. She's
14 ready.

15 MS. WALKER: She has way more experience than I do.

16 THE COURT: That might be true actually.

17 All right, bring the jury.

18 (THE JURY ENTERS AT 9:43 A.M.)

19 THE COURT: Well, good morning. We are now ready to
20 begin the trial of this case. I will start with some
21 preliminary remarks before we get started.

22 Just so that you know when you come into the jury box,
23 there are no special seats. You sit wherever you feel most
24 comfortable, but the first twelve jurors have to sit on
25 these first three rows, but any seat on those first three

1 rows is fine. The only one that has a special seat is our
2 alternate juror, and she sits up there on the back row.
3 Whether it's that seat or closer in is up to you, just
4 wherever you feel most comfortable.

5 Now before I give you my preliminary remarks, I am
6 going to have the clerk place you under oath once again.
7 This oath is specific to your duties as jurors in the trial
8 of this case.

9 (WHEREUPON, THE JURY IS SWORN.)

10 THE COURT: All right, ladies and gentlemen of the
11 jury, the case we are about to try is the case of *The State*
12 *vs. Christopher Michael Jackson*. Now before we begin this
13 trial, I want to tell you that this trial will probably be
14 different from what you might expect. Many people do not
15 have the chance to attend actual court sessions as you are
16 doing now and may think from watching television or movies
17 or reading books that trials are always full of high trauma
18 and tense action and riveting circumstances.

19 While all of these things may be true at times, this
20 trial is not for entertainment. It is a fundamental part
21 of our democracy, an effort to make sure that justice is
22 done between the parties before the court. Making sure
23 that justice is done is often slow, deliberate, and
24 repetitive, the opposite of what you may have seen on
25 television or in movies or read it books. This courtroom

1 is a place of honor dedicated to the protection and
2 preservation of citizens' rights through what many have
3 called the greatest justice system ever created.

4 The attorneys appearing before you are advocates for
5 the parties they represent, but first and foremost they are
6 officers of the court sworn to uphold the integrity and
7 fairness of our judicial system and to help you in
8 understanding the evidence. You should expect them to be
9 professional, competent, and ethical in the representation
10 of their clients' interests. Remember that you have just
11 taken an oath to try this case and reach a fair and just
12 verdict, and you are also expected to be professional,
13 reasonable, and ethical.

14 What I would now say is intended to serve as an
15 introduction to the trial of this case. These remarks are
16 not a charge on the law in the case. I will instruct you
17 on the law applicable to the case at the end of the trial
18 before you retire to consider your verdict. This is merely
19 an explanation of the procedure that we follow in the trial
20 of this case so that you may better understand what may be
21 happening.

22 Now, you will not be permitted to take notes during
23 this trial. I simply don't think it's necessary. It's not
24 going to be a lengthy trial and nothing overly complicated.

25 So, the defendant is charged in two indictments filed

1 in the court with the crimes of domestic violence and
2 strong-arm robbery, the elements of which will be explained
3 to you later. The indictments are simply the charges by
4 which the case is brought into court, and they are not in
5 any sense evidence of the allegations they contain. The
6 defendant has pled not guilty to each of these indictments.
7 The state, therefore, has the burden of proving each of the
8 elements of the indictments beyond a reasonable doubt, and
9 it will be your duty, ladies and gentlemen, to decide
10 whether the state has met that burden.

11 Your purpose as jurors is to find and determine the
12 facts; you are the sole judges of the facts. If at any
13 time I make any comment regarding the facts, you must
14 disregard it. You are to determine the facts from the
15 testimony you hear and the other evidence introduced in
16 court. It is up to you to determine the inferences which
17 you feel may be properly drawn from this evidence. It is
18 especially important that you perform your duty of
19 determining the facts diligently and conscientiously
20 because ordinarily there is no way to correct an erroneous
21 determination of the facts by a jury.

22 On the other hand and with equal emphasis, the same
23 law that makes you the judges of the facts makes me the
24 judge of the law. The law as given to you by the court is
25 the only law you may consider. You must accept it and

1 follow it even if you disagree with it. I cannot tell you
2 what the facts are, and you cannot disagree with me about
3 what the law is or what the law ought to be. Your job is
4 to take the law as I give it to you and apply it to the
5 facts as you find them from the testimony of witnesses and
6 any other evidence that is introduced. After doing that,
7 you will render your verdict under the solemn oath that you
8 just took as jurors.

9 Now until I advise you to begin your deliberations,
10 you must not discuss the case with anyone, including your
11 fellow jurors, friends, family members, and anyone involved
12 in the case. This includes discussions face-to-face and
13 those by telephone, email, text, blogs, or any other method
14 of communication. You may not use a computer, cell phone,
15 or other electronic device with communication capabilities
16 at any time while in the courtroom or during deliberations.
17 During your breaks for meals or overnight if necessary, of
18 course you may use these devices. However, you may not at
19 any time use the devices to send or receive information
20 about the case. This includes information about a party, a
21 witness, an attorney, a court officer, news accounts about
22 the case, research on any topics raised in the case, or any
23 topics you think would be helpful in deciding the case, or
24 any testimony presented by any witness.

25 During the trial do not read, listen to, or watch any

1 news reports about this case. That includes anything that
2 may be in the newspapers or on the internet, radio, or
3 television, although I don't expect there to be any. You
4 must not consider anything you may have read or heard about
5 the case outside the courtroom, whether before or during
6 the trial.

7 After the case is submitted to you, you must discuss
8 it only in the jury room with your fellow jurors.

9 The attorneys and parties in this case have been
10 advised that they are not to talk to you at all. So, if
11 you see anyone involved in the case and they do not even
12 say hello, they are not being unfriendly. They are simply
13 following my instructions.

14 It is important that you keep an open mind and not
15 decide any issue in the case until all of the evidence has
16 been presented, the parties have made their closing
17 arguments, and I have instructed you on the law in the
18 case. It is your solemn responsibility to determine the
19 guilt or innocence of the defendant, and your verdict must
20 be based solely on the evidence as it is presented to you
21 in this trial and on the laws as I instruct you during and
22 at the close of the trial.

23 Now, in just a moment the solicitor will make what is
24 called an opening statement in which the solicitor will
25 explain to you the issues in the case, or at least what the

1 solicitor thinks that the issues are in this case. The
2 attorney for the defendant may also make an opening
3 statement, although they are not required to do so. What
4 the attorneys tell you during their opening statements is
5 not evidence in the case. It is only their contention as
6 to what the issues are. The evidence in this case will be
7 presented to you by the testimony of sworn witnesses from
8 the witness stand and by exhibits that may be introduced
9 into evidence.

10 Now, from time to time during the trial, you may hear
11 one of the lawyers say something like Your Honor, I believe
12 we have a question of law or a matter of law to discuss
13 with you, or Your Honor may we approach the bench. Or
14 sometimes I myself might find it necessary to excuse you
15 from the courtroom for a short while so that the attorneys
16 and I can discuss a matter of law.

17 The reason for this is because you are the judges of
18 the facts in this case and sometimes when I'm discussing a
19 matter of law with the attorneys, it may be necessary for
20 me to make some comment as to the facts in connection with
21 a ruling as to whether or not a particular law applies. I
22 am not supposed to tell you what I believe the facts are,
23 so I will excuse you from the courtroom while these
24 discussions take place so that in no way will you be
25 influenced by anything that I say or do in connection with

1 the facts.

2 Now in determining what the facts are in this case,
3 you must decide whether or not the testimony of the witness
4 is believable. It will be my responsibility to rule as a
5 matter of law as to whether certain testimony is admissible
6 at all or not. But once the testimony is admitted, whether
7 or not you believe it is solely for you to determine.

8 In deciding whether to believe a witness, you have the
9 right to consider the interest of any witness, the bias of
10 any witness, the prejudice of any witness, the opportunity
11 for the witness to have seen the matters and things about
12 which the witness may testify, and the way the witness acts
13 on the witness stand. You have the right to consider
14 anything that is in the record that will help you evaluate
15 the testimony of the witnesses. That means that it is your
16 duty to pay close attention to these witnesses, to observe
17 the witnesses, to listen to the witnesses, and to pay close
18 attention to the attorneys and to the court. Do not let
19 your thoughts wander, but give strict attention to the
20 testimony in the case so that at the end of all of the
21 testimony, after the arguments of counsel, and the charge
22 on the law by the court, you will then be in a position to
23 determine what the facts are and to apply the law to those
24 facts and render your verdict.

25 Now, in order to preserve everyone rights, I will give

1 the parties an opportunity to object to anything I have
2 said.

3 Any objections from the state?

4 MS. WALKER: No, Your Honor.

5 THE COURT: From the defense?

6 MR. RUFFIN: No, Your Honor.

7 THE COURT: All right. We are now ready to begin the
8 trial of the case, and I will call on Ms. Walker for her
9 opening statement.

10 MS. WALKER: May it please the court?

11 THE COURT: Yes, ma'am.

12 MS. WALKER: Good morning. My name is Meghan Walker.
13 I'm one of the assistant solicitors here in Richland
14 County, and today we are talking about things that are
15 often uncomfortable to talk about. We don't like to get
16 into other people's business; we don't like to meddle in
17 people's relationships. What happens in somebody else's
18 house oftentimes stays in there. But there are times when
19 law enforcement, my office, and eventually juries and
20 jurors like yourselves have to get involved. There are
21 times when romantic relationships turn violent and
22 criminal. When someone's heart is broken, that's their
23 business. When someone's eye is swollen shut, it becomes
24 the business of the State of South Carolina.

25 The victim in this case is Jasmine Roberts. You will

1 hear from her shortly. She had been dating the defendant,
2 Christopher Michael Jackson, for a period of years. They
3 even lived together. They got to the point when they
4 realized they could no longer live together, and he went to
5 live with his grandparents.

6 They were still seeing each other, and on August 5th
7 of last year, she went to his grandparents' home, was
8 sitting in his bedroom when he asked her something about a
9 Facebook posting she'd made. Her answers weren't good
10 enough for him, and he hit her in the face repeatedly,
11 causing her eye to swell. He choked her and he hit her
12 some more. He was sick of her shit. He then reached into
13 her bra and took money out; he took her cell phone from
14 her. He threw her keys at her and said get out of here
15 before something else happens to you.

16 She fled the home, and she saw blue lights at a Dollar
17 General on North Main Street where she ran into a CPD
18 police officer, who you will also hear from. He called
19 EMS, who you will hear from, and they got her medical
20 assistance. And then she spoke with law enforcement and
21 told them what happened to her.

22 The same law-enforcement investigators, Investigator
23 Michael Laurita and Investigator Christ Truluck with the
24 Richland County Sheriff's Department, spoke with the
25 defendant, who had told them that he never touched her.

1 That she showed up like that. She showed up with a black
2 eye to his house.

3 The most important person that you will hear from
4 today over the course of this trial is the defendant on
5 recorded phone calls to not only the victim but his current
6 girlfriend seated on the second row behind him. Yeah, I
7 hit her. I can own up to hitting that bitch in the face,
8 but I didn't admit it to police. I'm not going to tell on
9 myself.

10 So, today during this trial it's my job to make sure
11 he does own up to that, and I have to do that by proving
12 his guilt to you beyond a reasonable doubt. I'll do that
13 through exhibits, through witnesses on the witness stand.

14 The defendant has been charged with two crimes:
15 domestic violence in the second degree and strong-arm
16 robbery. Domestic violence in the second degree means that
17 there was a physical altercation between household members,
18 and household members basically means people like Chris and
19 Jasmine who used to live together or do live together.
20 That's what a household member is. And it's in the second
21 degree because while he was beating her, he took things
22 from her. So, it occurred during a theft or a strong-arm
23 robbery. He took her cell phone so she couldn't call. He
24 took money from her. It's also domestic violence in the
25 second degree because he tried to choke the life out of

1 her.

2 Strong-arm robbery means that when he took something
3 from her -- you have armed robbery and strong-arm robbery.
4 He's not charged with armed robbery. That means he had
5 like a gun or knife or something. You go into a bank, put
6 the gun in the teller's face, and say give me all the
7 money, that's an armed robbery. A strong-arm robbery means
8 I beat you up and I take what I want, which is what
9 Christopher Michael Jackson did on August 5th of 2016.

10 So, there are two charges that you will be considering
11 in this trial, strong-arm robbery, domestic violence in the
12 second degree, and later on today or maybe in the morning,
13 the judge will give you the instructions on what those
14 crimes mean. So, I just ask that you pay attention to the
15 witnesses and at the end of the witness testimony, I'm
16 going to come back before you, and I'm going to ask you for
17 a verdict that speaks the truth, for a verdict that holds
18 Christopher Michael Jackson responsible for what he did on
19 August 5, 2016, a verdict of guilty for strong-arm robbery
20 and criminal domestic violence in the second degree. Thank
21 you.

22 THE COURT: Ms. Sturgill.

23 MS. STURGILL: Thank you. May it please the court?

24 Please forgive me. I'm recovering from a cold, but I
25 am not contagious.

1 Was Jasmine hit in the face on August 5, 2016? Yes.
2 No one here is denying that, and it's understandable why
3 she was angry and upset and hurt. Anybody would be, but to
4 take that anger and that frustration and then to also
5 accuse Chris of also taking her phone and her money and ask
6 for the government to try to convict him also of strong-arm
7 robbery, that is overreaching. That is overcharging, and
8 that is simply untrue.

9 So, throughout this trial I ask you to keep in mind
10 the questions you have about what happened on August 5,
11 2016, and what evidence the government does or does not
12 have. You'll hear how Jasmine after the incident drove a
13 short way, about a block away where she encountered the
14 Columbia Police Department Officer Cudd. He called EMS for
15 her. He also called Richland County Sheriff's Department
16 because as it turns out, it was their jurisdiction and not
17 CPD's jurisdiction.

18 So, you have the Columbia Police Department and
19 Richland County Sheriff's Department both involved in this
20 case at various points, and ask you to keep in mind the
21 following questions. Did either of them conduct an
22 investigation, a true investigation? Did either of them go
23 to the house where Jasmine said this just happened one
24 block away? Did either of them go try to speak with Chris
25 and get a statement, see what happened one block away? Did

1 either of them go try to find the phone and the money that
2 Jasmine said Chris took one block away? The list goes on,
3 but I ask that you keep these in mind, these questions in
4 mind throughout the trial and the ones you still have at
5 the end.

6 But before we move on with the trial, I'd like to
7 review some important legal principles that make our system
8 what it is. Now, you may hear more about them in closing
9 argument, and the judge will absolutely instruct you on
10 them before you go back to deliberate. But they are so
11 important to our system that they deserve some attention
12 now, and I ask you to keep them in mind throughout the
13 whole trial.

14 First, the presumption of innocence. Every person
15 charged with a crime is presumed innocent. Chris is
16 presumed innocent of strong-arm robbery and domestic
17 violence in the second degree. He was presumed innocent on
18 August 5, 2016. He was presented innocent when he was
19 arrested on these charges over three months later in
20 November of 2016. He was presumed innocent when he walked
21 in that door today. He sits there right now presumed
22 innocent, innocent throughout this trial, presumed
23 innocent. When you go back in the deliberation room at the
24 end of the trial, he is still presumed innocent. That
25 means that if -- sitting here right now you guys cannot be

1 thinking there's a chance he's innocent and there's a
2 chance he's guilty. He is innocent. He is innocent unless
3 and until all twelve of you decide otherwise at the end of
4 the trial.

5 The second principle is burden of proof. In our
6 system, the burden lies with the government. We won't
7 require someone accused of a crime to prove their
8 innocence. The government has to prove each and every
9 element of each charge against the defendant. So, that
10 means if at the end of this trial there are any questions
11 about what happened on August 5, 2016, or where the
12 evidence is, you cannot look to Chris for those answers.
13 You must look to the government. It's their duty to answer
14 those questions for you, and they will fail to do so. That
15 must result in a not guilty verdict because Chris did not
16 choke Jasmine and he certainly did not take her phone or
17 her money.

18 The third and final principle is beyond a reasonable
19 doubt. Now, this is the highest standard in our legal
20 system. It's what makes our system in our country what it
21 is. Beyond a reasonable doubt is any doubt that would
22 cause a reasonable person to hesitate to act. It doesn't
23 mean the person doesn't ultimately act, just that they
24 hesitate before doing so. It is any doubt that a person
25 give -- any reason a person can give -- sorry, any doubt

1 that a person can give reason for.

2 And you guys don't have to have all the same reasons
3 or the same hesitations. They can all be different, but
4 again it is so fundamental to our system. It is the
5 cornerstone of our legal system, and it makes our country
6 what it is. The government cannot take away a person's
7 liberty by doing any less.

8 So on August 5, 2016, Chris did hit Jasmine, and that
9 is a crime for good reason, but that is all he did, and it
10 is your sworn duty as jurors not to let emotion overtake
11 your reason and logic. Just because somebody commits one
12 crime doesn't mean they committed all the crimes. Just
13 because little Johnny stole a cookie from the cookie jar
14 doesn't mean he also ate his sister's birthday cake even if
15 she said he did. We wouldn't be here today if Chris was
16 only charged with the one crime he did commit.
17 Overreaching, overcharging, and simply untrue.

18 THE COURT: Call your first witness.

19 MS. WALKER: Your Honor, the state calls Jasmine
20 Roberts.

21 JASMINE ROBERTS, BEING DULY SWORN,
22 TESTIFIES AS FOLLOWS:

23 CLERK OF COURT: Have a seat in the witness stand, and
24 state your name for the record.

25 WITNESS: Jasmine Roberts.

1 DIRECT EXAMINATION BY MS. WALKER:

2 Q. Good morning, Jasmine.

3 A. Good morning.

4 Q. All right, I want you to speak up so that the jury can
5 hear you, okay?

6 A. Good morning.

7 Q. All right. Thank you. Jasmine, where do you live?
8 You don't have to give me your address. Just what city?

9 A. Columbia.

10 Q. How long have you lived here?

11 A. Forever.

12 Q. Forever?

13 A. Yes, ma'am.

14 Q. Okay. What is it that you do for a living?

15 A. I'm a medical assistant.

16 Q. Tell me how you know Christopher Michael Jackson.

17 A. Well, I've known him since elementary and middle
18 school and we dated.

19 Q. Do you remember how long y'all dated?

20 A. About six to eight years. It's been some time.

21 Q. Was it consistent dating, or was it kind of on and
22 off?

23 A. It was kind of on and off.

24 Q. At some point in time, did y'all live together?

25 A. Yes, ma'am.

J. ROBERTS - DIRECT EXAMINATION BY MS. WALKER

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1 Q. Where did y'all live together?

2 A. We stayed together on Columbia Gardens, Marlboro, and
3 Hoit.

4 Q. And?

5 A. Hoit.

6 Q. Spell that for the court reporter, please.

7 A. H-o-i-t.

8 Q. H-o-i-t. At some point, did y'all break up?

9 A. Yes, ma'am, numerous occasions.

10 Q. And don't tell me the final time y'all broke up, don't
11 tell me why, but were y'all living together at that point?

12 A. No, ma'am. I put him out.

13 Q. Okay. Don't, don't say why, but you put him out of
14 your house?

15 A. Yes, ma'am.

16 Q. And where did he go live?

17 A. Fisk Street with his grand peoples.

18 Q. With his grandparents?

19 A. Yes, ma'am.

20 Q. After you put him out, did y'all continue to
21 communicate, or did y'all cease all communication?

22 A. Yes, ma'am, we continued to date. We just couldn't
23 live together.

24 Q. On August 15th of 2016, tell me. Did you see
25 Christopher that day?

1 A. Yes, ma'am.

2 Q. I'm sorry, August 5th of 2016, did you see Christopher
3 that day?

4 A. Yes, ma'am.

5 Q. How did you end up seeing him?

6 A. I went over to his grand people's house after
7 receiving a text from him. I was leaving my mom's house,
8 and he told me to pull up. So, I proceeded over there.

9 Q. When you say he told you to pull up, what does that
10 mean?

11 A. He wanted me to come see him because that the only way
12 that we were seeing each other after I put him out, and we
13 were still seeing each other.

14 Q. And did you, in fact, go to his grandparents' house?

15 A. I did.

16 Q. And that's [REDACTED] Fisk Street?

17 A. Yes, ma'am.

18 Q. And when you went to his, when you went to his
19 grandparents' house, tell me what happened.

20 A. When I arrived, he was sitting at his computer and his
21 bed is, like, literally right across. Like, this is his
22 bed, this is his desk, and he was facing the computer, but
23 he turned around, and I had walked in. And he had gave me
24 a hug and kiss, and I had sat on the bed, which is just
25 across from where he was sitting. And he was asking me how

1 my day was, and I told him.

2 And then he goes to say -- he looked at me weird and
3 goes to say I thought you say you didn't have nothing to
4 eat today. And I was, like, I didn't. He was, like, well,
5 I seen your Facebook post. You posted that you ate at
6 Zaxby's. Usually me and him -- usually he comes up to my
7 job to bring me lunch. So, usually he comes to bring me
8 lunch. On this occasion, I had told him when he text me
9 that I didn't have anything to eat, but he seen me post
10 food. So, he told me that I was lying. I lie about simple
11 stuff, and then he just gave me this look and I was
12 looking, like, oh yeah. I did eat. I ate Zaxby's. I just
13 forgot.

14 He wasn't going for that. He just felt like no, you
15 lying. Ain't no telling who else -- what else you lying
16 about. What nigga had you, brought you food or what nigga
17 took you out to lunch?

18 Q. Is that what he said to you?

19 A. Yes, ma'am.

20 Q. Okay.

21 A. So, I was, like, what? And as soon I make the look,
22 it's like what, I was close fisted and I fell back on the
23 bed.

24 Q. When you say you were close fisted, tell me what you
25 mean by that.

1 A. He closed his fist and he punched me in the face.

2 Q. Okay.

3 A. At that time, I fell back on the bed, and he climbed
4 on top of me and started beating me repeatedly, and I'm
5 trying to get him up off of me. That's my main thing, and
6 he just continued to, to punch me in my face until my eye
7 closed. And then he grabbed my eye and was, like, look
8 what you made me do. He was looking at the eye that he
9 pretty much beat close.

10 Q. What do mean? Like he grabbed your face?

11 A. Yeah, like he grabbed my face.

12 Q. Grab my face the way he grabbed your face. I'm going
13 to stand right here so that they can see. How did he grab
14 your face?

15 A. He grabbed my face like this. Look what you made me
16 do.

17 Q. Okay. Were you saying anything?

18 A. I was trying to get him up off me. I was, like,
19 please stop, please stop because I'm trying to get him up
20 off me. At that time he grabbed my, my neck and started to
21 strangle me. Like, I could not breathe. I'm trying to
22 clean the -- my breath but I just couldn't. I was, like,
23 trying to get him up off me, trying to hit him in his
24 genitals, just trying to get him off of me because he was
25 literally on top of me and strangling me.

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1 And eventually I end up getting him off of me and when
2 I got up off of him, he, he told me you need to get up out
3 my house before something else bad happen to you. And he
4 just gave me this, this evil look, and he dug into my bra
5 and took my money, and he threw my keys and said you need
6 to get the fuck from out my house. You think something bad
7 just happened to you. Something bad is really about to
8 happen to you. And I was, like, Chris, where is my phone?
9 He was, like, didn't I say get the fuck from out of here?

10 So at that time, it was pitch black dark outside and I
11 couldn't see anything. He had just done beat my eye
12 closed, and I just knew if I didn't leave, that he was
13 going to do something else. So, at that time I proceeded
14 to -- I got out of there and went to my car, and I had
15 tried to back out of there. I couldn't see worth nothing,
16 but I tried and I, I got out of there, and I went down the
17 road just little bit, and I was just trying to look for
18 lights because I couldn't really see out my eye, but I was
19 attempting because I was trying to get away.

20 And I went to down further down the road, and I just
21 seen blue lights, and I just went in that direction. And I
22 drove down and I was, like, sir, please help me, and he
23 called EMS for me.

24 Q. Do you remember at what point your cell phone was
25 taken from you?

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1 A. When I arrived there, I had on my scrub clothes
2 because I had just left work prior to me arriving to my mom
3 house. I still had on my scrub uniform.

4 Q. So, you wear scrubs to work?

5 A. Yes. Yes, ma'am, so I had two pockets in my scrubs.
6 That's where my phone was. And while we were tussling, I
7 was trying to get him up off of me, my phone fell out my
8 pocket at that time. Where it landed, I don't know. I
9 asked him for my phone before I left, and he told me to get
10 the fuck out his house and he -- I was not going to get my
11 phone back.

12 Q. Once you -- once EMS was called, did they take you to
13 the hospital?

14 A. Yes, ma'am.

15 Q. And once you were at the hospital, did someone from
16 Richland County Sheriff's Department also come there?

17 A. Yes, ma'am.

18 Q. I want to show you what's been marked as State's
19 Exhibits Numbers 3, 4, and 7 and ask you if you remember
20 these photos being taken.

21 A. Yes, ma'am. Yes, ma'am.

22 MS. WALKER: Your Honor, at this point the state seeks
23 to move Exhibits 3, 4, and 7 into evidence.

24 THE COURT: Any objection?

25 MS. STURGILL: No objection, Your Honor.

J. ROBERTS - DIRECT EXAMINATION BY MS. WALKER

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1 THE COURT: Admitted without objection.

2 (PHOTOGRAPHS MARKED INDIVIDUALLY INTO EVIDENCE AS

3 STATE'S EXHIBITS 3, 4, 7.)

4 BY MS. WALKER:

5 Q. At some point, did you speak with both Investigators
6 Truluck and Investigator Laurita with the Richland County
7 Sheriff's Department?

8 A. I did.

9 Q. How long was your eye swollen shut?

10 A. My eye was swollen shut I'd say a good two weeks. I
11 couldn't even perform my, my duties at work. I couldn't go
12 to work like that. I end up losing my job behind this
13 because I wasn't able to qualify for FMLA.

14 Q. Do you remember how much money you had on you that was
15 taken from your bra?

16 A. \$100.

17 Q. The man who punched you in the face until your eye was
18 swollen shut, choked you, stole your money from you, and
19 when you attempted to get your cell phone back told you to
20 get the fuck out of his house, do you see him here in the
21 courtroom?

22 A. Yes, ma'am.

23 Q. Can you point him out for me? What's he wearing?

24 A. He's wearing a pink shirt and a gray vest.

25 MS. WALKER: Your Honor, can the record reflect that

1 she's identified the defendant?

2 THE COURT: So noted.

3 MS. WALKER: Your Honor, beg the court's indulgence?

4 THE COURT: Yes, ma'am.

5 (A PAUSE.)

6 MS. WALKER: I don't have any further questions at
7 this time.

8 THE COURT: Cross-examination?

9 MS. STURGILL: Thank you, Your Honor.

10 CROSS-EXAMINATION BY MS. STURGILL:

11 Q. So, Ms. Roberts, you said that on August 5th, you went
12 to his grandparents' house?

13 A. I did.

14 Q. You're saying that he texted you to come over?

15 A. He did.

16 Q. You gave a statement in this case, right?

17 A. I did.

18 Q. About ten days after the incident?

19 A. I did.

20 Q. And in that statement, you never told the investigator
21 that he had texted you to come over. Is that right?

22 A. No, ma'am, but I wouldn't just show up to someone
23 house unannounced.

24 Q. You reviewed that statement after it had been typed
25 up?

1 A. I have.

2 Q. And you swore that it was everything relevant to the
3 case?

4 A. I did.

5 Q. Okay, and then you signed it, right?

6 A. Yes, ma'am.

7 Q. Okay. You still have that text?

8 A. When my phone was dropped out my, my pocket, it was in
9 that particular phone.

10 Q. Do you remember yesterday testifying that you still
11 had that text message?

12 A. I do.

13 Q. So, you do have that text message?

14 A. I don't.

15 Q. Okay.

16 A. It's in the phone that he wouldn't let me get back.

17 Q. So, yesterday when you were -- you were put under
18 oath. Is that correct?

19 A. Yes, ma'am.

20 Q. And you testified that you still had that text
21 message?

22 A. Yes, ma'am.

23 Q. Okay. Now you say that on August 5th, you had money
24 in your bra?

25 A. I did.

1 Q. You normally kept your money there?

2 A. Yes, ma'am.

3 Q. And you said it was about \$100?

4 A. Yes, ma'am.

5 Q. Do you remember what bills that was in?

6 A. I had, like, twenties.

7 Q. Okay. Okay. So, you said the phone was still in his
8 room when you left?

9 A. Yes, ma'am, because it was in my pocket when I ---

10 Q. And it was -- I'm sorry.

11 A. --- first arrived.

12 Q. It was an LGT Mobile phone?

13 A. It was.

14 Q. Okay, and you drove away after that?

15 A. Yes, ma'am.

16 Q. Found a CPD officer?

17 A. Yes, ma'am.

18 Q. And that was about a block away?

19 A. Yes, ma'am.

20 Q. From there you went to the hospital, right?

21 A. I did.

22 Q. And EMS took you?

23 A. Yes, ma'am.

24 Q. Okay, and then you were released a few hours later?

25 A. Yes, ma'am.

J. ROBERTS - CROSS-EXAMINATION BY MS. STURGILL

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1 Q. Okay. You stayed the night at your sister's house?

2 A. I did.

3 Q. And she took you back to your house the next day?

4 A. She did.

5 Q. You said that your dad gave you the money to get a new
6 cell phone?

7 A. He did.

8 Q. Okay. About how much money was that?

9 A. \$100.

10 Q. When did he give that to you?

11 A. My dad gave me the money to go get my phone the next
12 day.

13 Q. Okay.

14 A. Because he didn't want me to be without a phone with

15 ---

16 Q. So, the 6th?

17 A. --- with everything going on.

18 Q. So, the 6th?

19 A. Yes, mām.

20 Q. Okay. When did you go get a new cell phone?

21 A. Once I paid the money, they gave me my phone that same
22 day.

23 Q. So on the same day, the 6th?

24 A. Uh-huh.

25 Q. Okay. What type of cell phone was this?

J. ROBERTS - CROSS-EXAMINATION BY MS. STURGILL

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1 A. Because I had insurance on the phone, I was given the
2 same phone.

3 Q. Okay. Now in that same statement on the 15th that you
4 gave -- you remember giving that?

5 A. Yes, ma'am.

6 Q. You didn't say in that statement -- anything in that
7 statement about getting a new phone, did you?

8 A. I don't recall.

9 Q. Would seeing your statement help refresh your
10 recollection?

11 A. Yes, ma'am.

12 MS. WALKER: Your Honor, may I see what she's handing
13 the witness before she hands it to her?

14 MS. STURGILL: Of course.

15 MS. WALKER: Thank you. Thank you.

16 BY MS. STURGILL:

17 Q. This is your statement?

18 (A PAUSE.)

19 Q. And is that your signature at the bottom?

20 A. Yes, ma'am.

21 Q. Okay, and where in that statement did you tell the
22 officer you got a new cell phone?

23 A. Nowhere in the statement.

24 Q. Okay. Thank you.

25 MS. STURGILL: Court's indulgence.

M. CUDD - DIRECT EXAMINATION BY MS. WALKER

125

1 THE COURT: Yes, ma'am.

2 (A PAUSE.)

3 MS. STURGILL: Nothing further. Thanks, Ms. Roberts.

4 THE COURT: Any redirect?

5 MS. WALKER: No, Your Honor.

6 THE COURT: Any redirect?

7 MS. WALKER: No, Your Honor.

8 THE COURT: Thank you, ma'am. You may step down.

9 (THE WITNESS EXITS THE STAND.)

10 THE COURT: Call your next witness.

11 MS. WALKER: Your Honor, the state would call Officer
12 Matthew Cudd.

13 MATTHEW CUDD, BEING DULY SWORN,
14 TESTIFIES AS FOLLOWS:

15 CLERK OF COURT: Have a seat in the witness stand,
16 please. State your name for the record.

17 WITNESS: Matthew Cudd.

18 DIRECT EXAMINATION BY MS. WALKER:

19 Q. Office Cudd, could you tell me where you're currently
20 employed?

21 A. City of Columbia Police Department.

22 Q. How long have you been with CPD?

23 A. Two and a half years.

24 Q. And what do you do for the police department?

25 A. Regular patrol, respond to service calls.

1 Q. And what -- I guess are y'all assigned to different
2 areas of the city?

3 A. That's correct.

4 Q. In August of 2016, what area were you assigned to?

5 A. The north region.

6 Q. And what does that encompass?

7 A. Everything from Elmwood up to 20.

8 Q. Does that include North Main Street?

9 A. That does.

10 Q. On August 5th of 2016, were you on patrol?

11 A. Yes, ma'am, I was.

12 Q. And I guess at some point, were you in the North Main
13 Street area?

14 A. Yes, I was.

15 Q. And did you ever go to the Dollar General that's there
16 on North Main Street?

17 A. Yes, I did.

18 Q. Okay. I want to show you what's been marked as
19 State's Exhibit Number 6 and ask you if you recognize this.

20 A. Yes, ma'am. That's the Dollar General on North Main.

21 MS. WALKER: Your Honor, at this point the state seeks
22 to move Exhibit Number 6 into evidence.

23 THE COURT: Any objection?

24 MS. STURGILL: No objection, Your Honor.

25 THE COURT: Admitted without objection.

M. CUDD - DIRECT EXAMINATION BY MS. WALKER

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1 (ENLARGED PHOTOGRAPH MARKED INTO EVIDENCE AS STATE'S
2 EXHIBIT NUMBER 6.)

3 BY MS. WALKER:

4 Q. So, you have State's Exhibit Number 6 here. Where in
5 this parking lot were you parked? Do you remember?

6 A. Yes. I was doing a -- there was a recent robbery. I
7 was doing a special property check, and I parked, I was
8 parked right about here.

9 MS. WALKER: Let the record reflect he's pointing to
10 the middle of State's Exhibit Number 6, the middle of the
11 Dollar General parking lot.

12 BY MS. WALKER:

13 Q. And what, if anything, of significance happened while
14 you were parked in that parking lot?

15 A. While I was there talking to people on the property, a
16 vehicle pulled up and the victim right there hopped out.
17 She had damage over -- on her face and looked like she had
18 been beaten up, and she was crying. She was hysterical.
19 She said that her boyfriend had just ---

20 MS. STURGILL: Objection, Your Honor.

21 A. --- beaten her up.

22 MS. WALKER: Excited utterance, Your Honor.

23 THE COURT: Overruled.

24 BY MS. WALKER:

25 Q. You may proceed.

M. CUDD - DIRECT EXAMINATION BY MS. WALKER

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1 A. And said someone had just beat her up.

2 Q. Who did she say had just beat her up?

3 A. She said her boyfriend had beat her up.

4 Q. Okay.

5 A. And I said, well, where did this happen, and she
6 pointed off behind the Dollar General and she said back
7 that way. His house is back that way.

8 Q. I want to show you State's Exhibit Number 5 and ask if
9 you recognize that, if you recognize this.

10 A. Yes, ma'am.

11 Q. Okay.

12 MS. WALKER: Your Honor, at this point the state seeks
13 to move Exhibit Number 5 into evidence.

14 THE COURT: Any objection?

15 MS. STURGILL: No objection.

16 THE COURT: It's admitted without objection.

17 (ENLARGED AERIAL MAP MARKED INTO EVIDENCE AS STATE'S
18 EXHIBIT NUMBER 5.)

19 BY MS. WALKER:

20 Q. Now, do you see the Dollar General on Exhibit Number
21 5?

22 A. Yes, ma'am, right here.

23 Q. Okay, and which way did she point?

24 A. She pointed back this way right here.

25 Q. Towards Fisk Street?

M. CUDD - DIRECT EXAMINATION / CROSS-EXAMINATION

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1 A. That's correct.

2 Q. Once you -- what did you do at that point?

3 A. At that point, I mean, it was -- obviously she needs
4 to go to the hospital, so I called EMS. We got her in the
5 ambulance, followed her to the hospital, and kind of got
6 some more information. Determined that the incident
7 location where it all went down was in the county's
8 jurisdiction. At that point, I asked for dispatch to send
9 a deputy out, and they took over the investigation.

10 Q. So, [REDACTED] Fisk Street is in Richland County?

11 A. That's correct.

12 Q. And giving her medical assistance, was that the extent
13 of your involvement in this case?

14 A. Yes, ma'am.

15 Q. Did you go with her to the hospital?

16 A. I followed the ambulance out there, yes, ma'am.

17 Q. And then turned it over to Richland County?

18 A. That's correct.

19 MS. WALKER: Thank you, sir. I don't have any further
20 questions.

21 THE COURT: Cross-examination?

22 MS. STURGILL: Thank you, Your Honor.

23 CROSS-EXAMINATION BY MS. STURGILL:

24 Q. Good morning. So, you stated that Ms. Roberts came up
25 to you while you were in the parking lot. She pointed in

1 the direction of Fisk Street?

2 A. Yes, ma'am.

3 Q. She give you the address?

4 A. No. She pointed down that way. We didn't get the
5 address until we got to the hospital.

6 Q. You didn't go down Fisk Street, Street to investigate?

7 A. No, ma'am.

8 Q. Okay. Now, were you wearing body cam at that time?

9 A. Yes, I was.

10 Q. Was it activated?

11 A. Probably, yes, ma'am.

12 Q. Okay. What about dash cam?

13 A. It probably was not activated at the time.

14 Q. Did you provide that body cam to the state?

15 A. We didn't really get a case number to report on it
16 because I just made sure she got transported. So, the body
17 cam was probably not saved and there's probably not --
18 there definitely wasn't a report done.

19 Q. So, you didn't go down to look for the person who had
20 allegedly assaulted her?

21 A. No, ma'am. Once she made contact with me, I just got
22 her the, you know, medical attention she needed. Followed
23 her to the hospital. Then when I started getting
24 information about what happened, I realized we couldn't
25 proceed forward, so we called the county out.

M. CUDD - CROSS-EXAMINATION / REDIRECT EXAMINATION

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1 Q. Because it was Richland County?

2 A. Correct.

3 Q. Did you let them know what you had learned and
4 observed?

5 A. Just her information and where she said it happened,
6 yes, ma'am.

7 MS. STURGILL: Court's indulgence?

8 THE COURT: Yes, ma'am.

9 MS. STURGILL: Nothing further. Thank you.

10 THE COURT: Any redirect?

11 MS. WALKER: Yes, Your Honor. It will be quick. I
12 promise.

13 REDIRECT EXAMINATION BY MS. WALKER:

14 Q. At the point in which a woman shows up to you in
15 obvious need of medical attention, what is the first thing
16 you need to do at that point?

17 A. All I was worried about was getting her some help to
18 make sure she wasn't -- any further injuries than what I
19 saw.

20 Q. Right, and in terms of your body camera, if there
21 isn't a report that you made, is there a way for you to
22 store that?

23 A. There is, but this wasn't deemed something that needed
24 to be saved for us because we weren't doing the report.

25 Q. Because it wasn't a City of Columbia case?

M. CUDD - REDIRECT EXAMINATION BY MS. WALKER

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1 A. Correct.

2 Q. Okay.

3 A. Now I believe there's a new policy that says that we
4 save everything, but at this point it wasn't.

5 Q. At that point, were the body cameras relatively new?

6 A. Yes, ma'am.

7 MS. WALKER: Thank you, sir. I don't have any other
8 questions.

9 THE COURT: Anything else, Ms. Sturgill?

10 MS. STURGILL: No, Your Honor. Thank you.

11 THE COURT: Thank you, sir. You may step down.

12 (THE WITNESS EXITS THE STAND.)

13 THE COURT: Excuse this witness?

14 MS. WALKER: Yes, Your Honor.

15 THE COURT: Any objection to him being excused from
16 the defense?

17 MS. STURGILL: No objection.

18 THE COURT: Okay, you're free to go. Thank you, sir.

19 MS. WALKER: Your Honor -- oh, I'm sorry.

20 THE COURT: Call your next witness.

21 MS. WALKER: Thank you, Judge. The state calls Thomas
22 Williard.

23 THOMAS WILLIARD, BEING DULY SWORN,
24 TESTIFIES AS FOLLOWS:

25 CLERK OF COURT: Have a seat in the witness stand,

T. WILLIARD - DIRECT EXAMINATION BY MS. WALKER

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1 please. State your name for the record.

2 WITNESS: Thomas Williard.

3 DIRECT EXAMINATION BY MS. WALKER:

4 Q. Sir, where are you currently employed?

5 A. Richland County EMS.

6 Q. And how long have you been with EMS?

7 A. March of 2014.

8 Q. So, you were with EMS in August of 2016?

9 A. Yes, ma'am.

10 Q. In terms of Jasmine Roberts, did you ever provide
11 treatment for her?

12 A. Yes, ma'am.

13 Q. On what date did EMS provide treatment for ---

14 A. August ---

15 Q. --- Ms. Roberts?

16 A. --- 5, 2016.

17 Q. And tell me how you became involved in her care.

18 A. We were summoned by law enforcement to come out for a
19 laceration, which was our dispatch code. So, we arrived on
20 the scene and made patient contact.

21 Q. I'm sorry?

22 A. We made patient contact.

23 Q. Okay, and where was that? Do you remember?

24 A. The Dollar General on North Main Street.

25 Q. And once you made contact with her, what, if anything,

1 did you observe?

2 A. Initially observed a swollen eye. She was upset,
3 crying, and that was about it as far as our first
4 assessment walking up to her.

5 Q. Did she make any other complaints of injuries?

6 A. Once we got her in the ambulance, we noticed bleeding
7 under her eye, also where the swelling was, and then she
8 complained that her throat hurt.

9 MS. STURGILL: Objection, Your Honor. Hearsay.

10 THE COURT: Overruled.

11 BY MS. WALKER:

12 Q. I'm sorry. Continue.

13 A. She also complained that her throat hurt.

14 Q. Did she tell you what was causing her throat to hurt?

15 A. She said during an assault, that she was choked and
16 grasped around the neck tightly.

17 MS. WALKER: Beg the court's indulgence, Your Honor.

18 THE COURT: Yes, ma'am.

19 BY MS. WALKER:

20 Q. Were those is the extent of the injuries that you
21 noted?

22 A. Yes, ma'am.

23 Q. And did you transport her to the hospital?

24 A. Yes, ma'am.

25 Q. Was that the extent of your involvement in the

1 treatment of Ms. Roberts?

2 A. Yes, ma'am.

3 MS. WALKER: Thank you, sir. I don't have any other
4 questions.

5 THE COURT: Cross-examination?

6 MS. STURGILL: No questions, Your Honor.

7 THE COURT: Thank you, sir. You may step down.

8 (THE WITNESS EXITS THE STAND.)

9 THE COURT: This would be a good time to take a
10 midmorning break. I'm going to send you back to the jury
11 room for just a few minutes. Do not discuss the case
12 amongst yourselves. Have some snacks, coffee, whatever is
13 back there, and we'll have you back.

14 (THE JURY EXITS AT 10:33 A.M.)

15 THE COURT: Do we need to excuse Mr. Williard?

16 MS. WALKER: Yes, Your Honor.

17 THE COURT: Any objection to him being excused?

18 MS. STURGILL: No, Your Honor.

19 THE COURT: Okay, you're free to go, sir. Thank you.

20 All right, let's take a break, folks, for a few
21 minutes.

22 (OFF THE RECORD.)

23 (DVD OF JAIL PHONE CALLS MARKED AS STATE'S EXHIBIT
24 NUMBER 8 FOR IDENTIFICATION.)

25 THE COURT: All right, folks, we have a note from a

1 juror who thinks that she has a medical condition for which
2 she needs to see a doctor today and would like to be
3 excused from the jury. What says the state on that issue?

4 MS. WALKER: I don't say anything, Judge. If she
5 needs to see the doctor, she needs to see the doctor.

6 THE COURT: Any objection from the defense?

7 MR. RUFFIN: I tend to agree with that.

8 THE COURT: Okay. So then while we're waiting on
9 Investigator Truluck, I'm going to -- actually, we'll bring
10 her in.

11 Yes, bring in number 231, please.

12 (JURY NOTE MARKED INTO EVIDENCE AS COURT'S EXHIBIT
13 NUMBER 1.)

14 (JUROR NUMBER 231 ENTERS THE COURTROOM.)

15 THE COURT: You can stand right there. That's fine.

16 Ms. Salisbury, I received your note this morning, and
17 I've discussed it with the attorneys, not in detail, but we
18 all agree that if you need to see a doctor, you need to see
19 a doctor. So, you will be excused from this jury panel,
20 and you'll be free to go, okay?

21 JUROR: Okay. Thank you.

22 THE COURT: Thank you.

23 (THE JUROR EXITS THE COURTROOM.)

24 THE COURT: All right, bring the jury.

25 (THE JURY ENTERS AT 11:01 A.M.)

R. MOORE - DIRECT EXAMINATION BY MS. WALKER

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1 THE COURT: All right, ladies and gentlemen of the
2 jury, I have had to release one of your fellow jurors,
3 which means that the alternate is now a member of the jury
4 panel. So, come on down and take that seat, and we are
5 prepared to resume the trial of the case.

6 Ms. Walker, call your next witness.

7 MS. WALKER: Thank you, Your Honor. The state calls
8 Deputy Ryan Moore.

9 RYAN MOORE, BEING DULY SWORN,
10 TESTIFIES AS FOLLOWS:

11 CLERK OF COURT: Have a seat in the witness stand,
12 please. State your name for the record.

13 WITNESS: Deputy Ryan Moore, Richland County Sheriff's
14 Department.

15 DIRECT EXAMINATION BY MS. WALKER:

16 Q. Deputy Moore, how long have you been with the
17 sheriff's department?

18 A. I was hired in June of 2015. So, it's been almost two
19 years, four months.

20 Q. And what is your role with the sheriff's department?

21 A. I work in the patrol division. We're responsible for
22 answering calls for service, answering citizen complaints,
23 and traffic enforcement.

24 Q. On August 15th of 2016, were you called out to the
25 case that we're here for today?

R. MOORE - DIRECT EXAMINATION BY MS. WALKER

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1 A. I was.

2 Q. What time was that?

3 A. I was called out at approximately 8:50 p.m.

4 Q. And where did you respond?

5 A. I responded to Palmetto Richland Hospital on Harden
6 Street.

7 Q. When you got to the hospital, what, if anything, did
8 you observe?

9 A. I first made contact with Officer Cudd. He briefly
10 explained the situation to me, and I made contact with Ms.
11 Roberts. And upon making contact with her, the first thing
12 I observed was the injuries to her face.

13 Q. I want to show you State's Exhibits Number 3, 4, and
14 7. Is this how she appeared when you saw her at the
15 hospital that day?

16 A. Yes, ma'am, it is.

17 THE COURT: Your Honor, permission to publish to the
18 jury?

19 THE COURT: Yes, ma'am.

20 (A PAUSE.)

21 BY MS. WALKER:

22 Q. And was her eye swollen shut?

23 A. Yes, ma'am, it was.

24 Q. Was she able to speak with you when you made contact?

25 A. Yes, ma'am, she was able to speak with me.

R. MOORE - DIRECT EXAMINATION BY MS. WALKER

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1 Q. And at that point, did you realize that you had a
2 domestic situation?

3 A. Yes, ma'am.

4 Q. Did you ask her what happened?

5 A. I did.

6 Q. And was she able to respond to you?

7 A. She was.

8 Q. The incident location, did you -- were you able to
9 figure out where the incident location was?

10 A. We were. Officer Cudd had informed me, as well as Ms.
11 Roberts upon speaking with her, that the incident occurred
12 at [REDACTED] Fisk Street.

13 Q. And that's here in Richland County?

14 A. It is.

15 Q. In terms of your role in the investigation in this
16 case, once you realized the severity of the injuries, was
17 that something that needed to be handled by an
18 investigator?

19 A. Yes, it was.

20 Q. And did you do a report so that could be turned over
21 to the investigator?

22 A. I did. I completed a incident report based on the
23 information that I was given from Ms. Roberts, and that
24 information was turned in to be forwarded to an
25 investigator.

R. MOORE - DIRECT EXAMINATION / CROSS-EXAMINATION

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1 Q. Okay. Did you have -- did she have money? Did you
2 talk about money being stolen?

3 A. She did.

4 MR. RUFFIN: Objection, Judge. Hearsay.

5 THE COURT: Overruled.

6 BY MS. WALKER:

7 Q. We won't go into the details of what was said. What
8 did she complain about in -- a robbery in conjunction with
9 the assault?

10 A. Yes, she did.

11 Q. And was that the extent of your involvement in this
12 case?

13 A. Yes, it was.

14 MS. WALKER: Thank you, sir. I don't have any other
15 questions.

16 THE COURT: Cross-examination?

17 MR. RUFFIN: Yes, Your Honor. May it please the
18 court?

19 CROSS-EXAMINATION BY MR. RUFFIN:

20 Q. Hey, Deputy Moore.

21 A. Good morning.

22 Q. How are you doing?

23 A. Good.

24 Q. When you got to the hospital, Jasmine was being
25 treated by physicians, right?

R. MOORE - CROSS-EXAMINATION BY MR. RUFFIN

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1 A. Yes. She was under the care of physicians at the
2 hospital.

3 Q. She was already being taken care of by the hospital?

4 A. Yes.

5 Q. You found out the incident location was [REDACTED] Fisk
6 Street?

7 A. Yes, sir.

8 Q. And you were under the impression that a robbery had
9 occurred at that location, right?

10 A. Yes, based on her ---

11 Q. Right.

12 A. --- her information to me.

13 Q. And that an assault have occurred at that location,
14 right?

15 A. Yes.

16 Q. You never went there, did you?

17 A. I did not.

18 Q. You didn't go looking for the suspect, right?

19 A. No, sir.

20 Q. Okay, and you did document all that in an incident
21 report that you were just saying, right?

22 A. Yes. The information ---

23 Q. And everything ---

24 A. The information that she gave me was documented in the
25 incident report.

R. MOORE - REDIRECT EXAMINATION BY MS. WALKER

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1 Q. And that was made available to Investigator Laurita
2 and Investigator Truluck, right?

3 A. Yes. They do have access to our incident reports.

4 MR. RUFFIN: No further questions.

5 THE COURT: Any redirect?

6 REDIRECT EXAMINATION BY MS. WALKER:

7 Q. You didn't go to those locations. Because of the
8 severity of the injuries, an investigator needed to be
9 involved, correct?

10 A. Correct.

11 MS. WALKER: Thank you, sir.

12 THE COURT: All right, sir, you may step down.

13 (THE WITNESS EXITS THE STAND.)

14 THE COURT: Any objection to Deputy Moore being
15 released?

16 MS. WALKER: None from the state.

17 MR. RUFFIN: None from us.

18 THE COURT: Thank you. You are free to go, sir.

19 Thank you.

20 WITNESS: Thank you, Your Honor.

21 THE COURT: Call your next witness.

22 MS. WALKER: The state calls Lieutenant Freely.

23 MARGITA FREELY, BEING DULY SWORN,

24 TESTIFIES AS FOLLOWS:

25 CLERK OF COURT: Have a seat in the witness stand,

M. FREELY - DIRECT EXAMINATION BY MS. WALKER

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1 please, and state your name for the record.

2 WITNESS: Lieutenant Margita Freely.

3 DIRECT EXAMINATION BY MS. WALKER:

4 Q. Ma'am, where are you currently employed?

5 A. The Alvin S. Glenn Detention Center.

6 Q. How long have you been there?

7 A. Almost twenty-five years.

8 Q. Okay, and the detention center, are there phones
9 available for inmates at the detention center to call?

10 A. Yes, ma'am.

11 Q. Those phone calls, are they recorded?

12 A. Yes.

13 Q. Are the inmates aware that they are being recorded?

14 A. Yes.

15 Q. I want to show you State's Exhibit Number 8. Have you
16 had the opportunity to listen to these phone calls?

17 A. Yes.

18 Q. And are these stored by Alvin S. Glenn in the regular
19 course of business?

20 A. Yes.

21 MS. WALKER: Your Honor, at this point the state seeks
22 to move Exhibit Number 8 into evidence.

23 THE COURT: Any objection?

24 MR. RUFFIN: No objection, Judge.

25 THE COURT: Admitted without objection.

M. FREELY - DIRECT EXAMINATION BY MS. WALKER

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1 MS. WALKER: Permission to publish, Your Honor?

2 THE COURT: Yes, ma'am.

3 (DVD OF JAIL CALLS MARKED INTO EVIDENCE AS STATE'S
4 EXHIBIT NUMBER 8.)

5 MS. WALKER: If at any time y'all can't hear, just let
6 me know and we'll turn it up, okay?

7 (WHEREUPON, STATE'S EXHIBIT NUMBER 8 IS PLAYED FOR THE
8 COURT. AUDIO IS NOT TRANSCRIBED.)

9 MS. WALKER: Please play the next call.

10 (PLAY OF STATE'S EXHIBIT NUMBER 8 CONTINUES. AUDIO IS
11 NOT TRANSCRIBED.)

12 MS. WALKER: Thank you. Thank you, Lieutenant. I
13 don't have any further questions. They may.

14 THE COURT: Cross-examination?

15 MR. RUFFIN: No, Judge.

16 THE COURT: Okay. Thank you, ma'am. You may step
17 down.

18 Any objection to her being excused?

19 MS. WALKER: None from the state, Judge.

20 MR. RUFFIN: No, Your Honor.

21 THE COURT: Thank you, ma'am. You are free to go.

22 (THE WITNESS EXITS THE STAND.)

23 THE COURT: Call your next witness.

24 MS. WALKER: Your Honor, the state calls Investigator
25 Chris Truluck.

C. TRULUCK - DIRECT EXAMINATION BY MS. WALKER

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1 CHRIS TRULUCK, BEING DULY SWORN,
2 TESTIFIES AS FOLLOWS:

3 CLERK OF COURT: Have a seat in the witness stand.
4 Please state your name for the record.

5 WITNESS: Chris Truluck.

6 DIRECT EXAMINATION BY MS. WALKER:

7 Q. Investigator Truluck, where are you currently
8 employed?

9 A. Richland County Sheriff's Department.

10 Q. And how long have you been there?

11 A. I've been with Richland County going on eight years,
12 law enforcement total twenty-three and a half years.

13 Q. Have you investigated domestic violence cases before?

14 A. Yes, ma'am, I have.

15 Q. The call that we just listened to where the defendant
16 tries to persuade the victim to drop the charges, is that
17 uncommon?

18 A. No, it is not.

19 Q. Don't give me specifics, but did you need to talk
20 Christopher Michael Jackson?

21 A. Yes, I did.

22 Q. And on November 15th of 2015, were you able to make
23 contact with him?

24 A. Yes, I was.

25 Q. Where were you, where were you when made contact with

1 him?

2 A. We were at the Richland County Sheriff's Department at
3 the Pine View location, which is at Pine View and Garner's
4 Ferry. It's one of our off-site locations where we keep
5 most of the investigators down there, or at least half of
6 them are down there.

7 Q. And who was with you when you spoke with the
8 defendant?

9 A. Investigator Laurita.

10 Q. And did he also need to speak with the defendant?

11 A. Yes, he did.

12 Q. Before speaking with him -- I guess tell me where,
13 where in that sheriff's department location y'all were.

14 A. In one of our interview rooms.

15 Q. Before -- who all was in that room?

16 A. Myself, Investigator Laurita, and Mr. Jackson.

17 Q. And before speaking with him, was he advised of his
18 rights?

19 A. Yes, he was.

20 Q. I want to show you what's been marked as State's
21 Exhibit Number 1 and ask if you recognize this.

22 A. Yes, I do.

23 Q. And what is that?

24 A. This is his Advisement of Rights Form, which is better
25 known as your Miranda rights.

C. TRULUCK - DIRECT EXAMINATION BY MS. WALKER

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1 MS. WALKER: At this point, Your Honor, the state
2 seeks to move Exhibit Number 1 into evidence.

3 THE COURT: Any objection?

4 MR. RUFFIN: No objection.

5 THE COURT: It's admitted without objection.

6 (ADVICE OF RIGHTS FORM MARKED INTO EVIDENCE AS STATE'S
7 EXHIBIT NUMBER 1.)

8 BY MS. WALKER:

9 Q. And were you the one actually reading those Miranda
10 Rights to him?

11 A. Yes, ma'am, I was.

12 Q. Okay, and can you publish that document for the jury,
13 please?

14 A. Yes. I asked him to start with:

15 Before I ask you any questions, you must
16 understand your rights. You have the right to
17 remain silent. Anything you say can be used
18 against you in court. You have the right to talk
19 to a lawyer for advice before we ask you any
20 questions and to have a lawyer with you during
21 any questioning. If you cannot afford a lawyer,
22 one will be appointed for you before any
23 questioning if you wish. If you decide to answer
24 questions now without a lawyer present, you still
25 have the right to stop answering at any time.

1 You also have the right to stop answering at any
2 time to talk to a lawyer.

3 At that point, I would ask him did he understand those
4 rights, which is the first portion of this form. He
5 advised he did, and I continued to what is called your
6 Waiver of Rights, and that says that:

7 I have read this statement of my rights, and I
8 understand what my rights are. I'm willing to
9 talk and answer questions. I understand and know
10 what I'm doing. No promises have been made to
11 me. No pressure or coercion of any kind has been
12 used against me.

13 At that point, I asked him did he understand coercion
14 because a lot of people don't. Coercion would be basically
15 me forcing you to say something that you did or just
16 forcing you to say something that you didn't do. So, there
17 was no force there, which he understood that.

18 I also asked in -- on this form before I read the
19 rights to them their educational level, and I ask, usually
20 ask where did they go to high school. He had gone to
21 Keenan High School and had made it to the twelfth grade or
22 completed the twelfth grade. And I also asked if he could
23 read or write, and his answer to me was yes, sir.

24 At that point, I had him initial each one of these
25 rights that I explained to him, including where he went to

C. TRULUCK - DIRECT EXAMINATION / CROSS-EXAMINATION 149

1 school and that he could read and write, and then sign in
2 both spots his actual rights and his waiver of rights.

3 Q. Did he, in fact, initial each right?

4 A. Yes, ma'am, he did.

5 Q. I guess the CJ, would those be his initials?

6 A. Yes, ma'am.

7 Q. And this was done before both of you talked to him
8 about what you wanted to talk to him about?

9 A. Yes.

10 MS. WALKER: Thank you, Investigator Truluck. I don't
11 have any other questions.

12 THE COURT: Cross-examination?

13 MR. RUFFIN: May it please the court?

14 THE COURT: Yes, sir.

15 CROSS-EXAMINATION BY MR. RUFFIN:

16 Q. You didn't write a report in this case, did you, for
17 this case?

18 A. No. For this case, I did not.

19 Q. And that's because Investigator Laurita was the lead,
20 right?

21 A. That's correct.

22 MR. RUFFIN: No questions, Your Honor, no further
23 questions.

24 MS. WALKER: Your Honor, may we approach?

25 THE COURT: Yes, sir -- ma'am. Sorry.

1 MS. WALKER: That's okay.

2 (OFF-THE-RECORD BENCH CONFERENCE.)

3 MS. WALKER: Thank you, Judge. I don't have any
4 questions on redirect.

5 THE COURT: All right, any objection to -- well, I'm
6 sorry. He's going to stay with us.

7 You can step down, though. Thank you.

8 WITNESS: Okay. Thank you.

9 (THE WITNESS EXITS THE STAND.)

10 THE COURT: Is Investigator Laurita your next witness?

11 MS. WALKER: Yes.

12 THE COURT: All right, let's take just a five-minute
13 break, ladies and gentlemen. I'm going to send you back to
14 your jury room. Do not discuss the case. We'll have you
15 back shortly.

16 (THE JURY EXITS AT 11:29 A.M.)

17 THE COURT: All right, take a five-minute break.

18 (OFF THE RECORD.)

19 THE COURT: Do we have everybody?
20 Bring the jury.

21 (THE JURY ENTERS AT 11:37 A.M.)

22 THE COURT: Call your next witness.

23 MS. WALKER: The state calls Michael Laurita.

24 MICHAEL LAURITA, BEING DULY SWORN,

25 TESTIFIES AS FOLLOWS:

M. LAURITA - DIRECT EXAMINATION BY MS. WALKER

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1 CLERK OF COURT: Have a seat in the witness stand,
2 please. State your name for the record.

3 WITNESS: Michael Laurita.

4 DIRECT EXAMINATION BY MS. WALKER:

5 Q. Investigator Laurita -- I'm sorry. I'll wait.

6 Investigator Laurita, where are you currently employed?

7 A. At the Richland County Sheriff's Department.

8 Q. And how long have you been there?

9 A. Just over ten years.

10 Q. And what is your role at the sheriff's department at
11 this point?

12 A. Currently I am assigned to Investigation Unit, robbery
13 at this time. At this report, I was assigned to assault
14 unit. I've also worked on the road and I have been
15 assigned to narcotics and burglary as well.

16 Q. In August of 2016, did you become involved in the case
17 that we are here for today?

18 A. I did.

19 Q. And how did you become involved?

20 A. I was assigned the report. Actually on the 8th, I
21 believe, is when I got the report.

22 Q. Okay, and once you were assigned a report -- I guess
23 what report? What do you do when you're assigned a case?

24 A. We get what we call yellow copies, which is just a
25 yellow copy of the actual incident report that was written

M. LAURITA - DIRECT EXAMINATION BY MS. WALKER

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1 by the deputy, by the road deputy the day of the incident.

2 Q. And that would have been Deputy Moore who was here
3 earlier?

4 A. Yes.

5 Q. Okay, and once you -- do you review that document?

6 A. Yes.

7 Q. Once you reviewed that document, what did you do?

8 A. I would have then tried to make contact with the
9 victim by phone to have them come in and give a statement
10 as far as what happened.

11 Q. And were you initially able to get Ms. Roberts on the
12 phone?

13 A. Initially no.

14 Q. But at some point, were you able to make contact with
15 her?

16 A. Yes.

17 Q. And when was that?

18 A. I believe it was the 11th of August. I actually spoke
19 with her over the phone.

20 Q. Did you ask her to come in and give a statement?

21 A. I did.

22 Q. Did she do so?

23 A. She did. On the 15th is when she came in and gave me
24 a statement.

25 Q. In your experience of law enforcement, Officer, is it

M. LAURITA - DIRECT EXAMINATION BY MS. WALKER

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1 difficult to get domestic violence victims to give
2 statements?

3 A. Yes.

4 Q. But she was willing to?

5 A. She was.

6 Q. And when did she actually come in?

7 A. On the 15th.

8 Q. And on the 15th when you spoke to her, did you realize
9 that there was -- what did you do after speaking to her?

10 A. After speaking with her, I then reviewed the photos
11 that were taken by Deputy Moore in the hospital. Based on
12 her statement she gave me, as well as the photos that were
13 taken, I could look at the photos. I saw that, that the
14 wound was actually fresh. There was actually blood
15 underneath her eye in the photo. I then determined that
16 there was enough probable cause to arrest Mr. Jackson for
17 the offenses.

18 Q. Did you, upon speaking to her, did you realize that it
19 was more than just an assault?

20 A. I did.

21 Q. So, what warrants did you take out at that point?

22 A. Assault and -- sorry, domestic violence second degree
23 and the strong-arm robbery due to the fact that her
24 statement stated that there was some money taken from her
25 bra area.

M. LAURITA - DIRECT EXAMINATION BY MS. WALKER.

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1 Q. When did you take those warrants out?

2 A. The warrants were signed by the judge on the 18th.

3 Q. At any point, did you try to contact the defendant in
4 this case to get him to make a statement?

5 A. I did not. Based off of what was given to me, I
6 believed that there was enough probable cause for the
7 warrant at the time. So, I issued the warrants out. They
8 were sent to out Fugitive Task Force, who would have then
9 been tasked with trying to find him.

10 Q. And in terms of looking for the items that -- the
11 money that was stolen from her or the cell phone that was
12 left at the incident location, did you ever execute a
13 search warrant to try to recover those items?

14 A. I didn't based on the fact that this incident actually
15 occurred on the 5th and that I wasn't able to get a
16 statement from her until the 15th. I didn't believe that
17 the search warrant would have been fruitful to go over
18 there and try to recover the items. I believe he would
19 have already gotten rid of those items.

20 Q. And at some point, did you make contact with this
21 defendant?

22 A. I did.

23 Q. And when was that?

24 A. When he was arrested by the Fugitive Task Force on the
25 15th of November.

M. LAURITA - DIRECT EXAMINATION BY MS. WALKER

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1 Q. And were you present when Investigator Truluck read
2 him his Miranda rights?

3 A. I was.

4 Q. Did he appear to understand these rights?

5 A. He did.

6 Q. And did he speak to y'all freely?

7 A. He did.

8 Q. Before speaking to him, did you threaten him in any
9 way?

10 A. I did not.

11 Q. Did you use intimidation?

12 A. I did not.

13 Q. Did you make this defendant any promises before you
14 spoke to him?

15 A. I didn't.

16 Q. And you wanted to speak to him about the incident that
17 happened on the 5th of August?

18 A. I did not.

19 Q. Did you want to speak to him about ---

20 A. Oh, I'm sorry.

21 Q. --- about the incident that happened on the ---

22 A. Yes, I did.

23 Q. --- 5th of August?

24 A. I'm sorry.

25 Q. And what did he say to you about that incident?

1 A. He told me that he didn't hit her. He actually told
2 me that she came to the location that day with her eye
3 already swollen. She -- he stated that she had gotten into
4 a fight with two unknown people the day before the
5 incident, and then he stated that he did not take her
6 money.

7 Q. Never hit her. She showed up like that. Didn't take
8 her money.

9 A. Yes.

10 Q. His statement that she'd been hit the day before, did
11 the pictures in this case cause you to doubt the
12 truthfulness of that statement?

13 A. They did.

14 Q. And what exactly about this picture?

15 A. Just looking at the picture, you can see that there
16 appears to be fresh blood just underneath her eye there,
17 which would not be there if it happened a day or two
18 before.

19 Q. Did you review the jail phone calls that were played?

20 A. I did.

21 Q. And did those cause you to doubt the truthfulness of
22 his statement?

23 A. They did.

24 Q. Did you learn from the victim that she'd also been
25 choked during this assault?

M. LAURITA - DIRECT EXAMINATION / CROSS-EXAMINATION

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1 A. She did make that statement.

2 Q. Okay. The man who you interviewed who said that he
3 didn't touch her but that she showed up with a black and
4 bloody eye, do you see him standing -- or seated, seated
5 here in the courtroom today?

6 A. I do.

7 Q. Can you point him out for me?

8 A. He's seated right over there.

9 Q. What is he wearing?

10 A. He's wearing a purple shirt, blue tie, and a gray
11 vest.

12 MS. WALKER: Your Honor, at this point may the record
13 reflect that he's identified the defendant?

14 THE COURT: Yes, ma'am.

15 MS. WALKER: Beg the court's indulgence.

16 (A PAUSE.)

17 MS. WALKER: I don't have any other questions.

18 THE COURT: Cross-examination.

19 MR. RUFFIN: May it please the court?

20 CROSS-EXAMINATION BY Mr. RUFFIN:

21 Q. All right, Investigator Laurita, you've been at
22 Richland County for ten years?

23 A. Yes, sir.

24 Q. And you have worked -- I guess you started on the
25 road, right?

1 A. Yes, sir.

2 Q. And you went to narcotics after that?

3 A. No. When I first got assigned to investigations, I
4 was assigned burglary.

5 Q. Burglary?

6 A. Yes.

7 Q. And then you went to the narcotics ---

8 A. Yes, sir.

9 Q. --- after that?

10 A. Yes, sir.

11 Q. And then you went to robbery or ---

12 A. Then I ---

13 Q. --- to assaults?

14 A. --- went to assaults, yes.

15 Q. As an investigator?

16 A. Yes.

17 Q. Okay. So, the way Richland County breaks it up is,
18 like, you're an investigator for sort of a particular class
19 of crimes?

20 A. Yes, sir.

21 Q. Particular group of ---

22 A. Yes, sir.

23 Q. --- crimes? Okay. All right.

24 COURT REPORTER: Cross talk.

25 THE COURT: I'm sorry?

M. LAURITA - CROSS-EXAMINATION BY MR. RUFFIN

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1 COURT REPORTER: Too much cross talk.

2 THE COURT: Okay, y'all have to talk ---

3 MR. RUFFIN: I'm ---

4 THE COURT: --- one at the time.

5 WITNESS: Sorry, Your Honor.

6 THE COURT: She can't take down both of you talking
7 simultaneously.

8 MR. RUFFIN: I apologize, Judge.

9 BY MR. RUFFIN:

10 Q. Now, part of being an investigator with Richland
11 County means you get training, right?

12 A. Yes.

13 Q. You went to the Criminal Justice Academy, right?

14 A. Yes.

15 Q. And you've gotten training in various types of crimes
16 like how to investigate narcotics, correct?

17 A. Yes.

18 Q. And there would be different training for how to
19 investigate burglaries?

20 A. I would say that any -- you -- any crime you can
21 investigate, I mean, whether burglary, robbery, homicide, I
22 mean, pretty standard the way you ---

23 Q. So, there's ---

24 A. --- investigate.

25 Q. --- overlap is what you're saying?

1 A. Yes, sir.

2 Q. Okay. Now, one of the things that you're trained on
3 is interviewing witnesses, right?

4 A. Yes.

5 Q. How to interview a witness?

6 A. Yes.

7 Q. You also get trained on how to interview victims?

8 A. Yes.

9 Q. And you also get trained on how to interview suspects
10 or defendants?

11 A. Yes.

12 Q. You get trained on collection of evidence from crime
13 scenes, right?

14 A. I personally do not get trained in that. That is done
15 by our crime -- criminals -- or Crime Scene Investigation
16 Unit.

17 Q. So, like taking pictures and stuff like that, you
18 don't do that?

19 A. Not normally, no.

20 Q. Not normally but sometimes do you, do you do it?

21 A. It could happen.

22 Q. Okay. I mean, you know how to take a photograph?

23 A. Yes.

24 Q. Okay. You also are trained, and you know how to issue
25 an arrest warrant?

M. LAURITA - CROSS-EXAMINATION BY MR. RUFFIN

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1 A. Yes.

2 Q. Which you did in this case?

3 A. Yes, sir.

4 Q. You also know how to issue and write up a search
5 warrant?

6 A. I do.

7 Q. And you've done that before?

8 A. Yes, sir.

9 Q. Let me ask you. In ten years, how many cases do you
10 think you have investigated?

11 A. Ten years, I've been with the Criminal Investigation
12 Unit. For the past five years of that, I would say it's
13 probably well over 200.

14 Q. Well over 200?

15 A. Yeah.

16 Q. And you've done search warrants before? You've gotten
17 search warrants before?

18 A. I have.

19 Q. Of houses?

20 A. Yes.

21 Q. You've got search warrants of houses? You've gotten
22 search warrants of vehicles?

23 A. Yes.

24 Q. And you've probably gotten search warrants for cell
25 phones, haven't you?

1 A. I have.

2 Q. Okay. So, certainly you know how to do those things?

3 A. Yes.

4 Q. And you also know how to write an incident report?

5 A. Yes.

6 Q. And you also know how to write an investigative
7 report?

8 A. Yes.

9 Q. Which you did in this case?

10 A. Yes, sir.

11 Q. And that's it right there, right? Does that look like
12 it?

13 A. Yes, sir, that is it.

14 Q. All right. Now, when you write an investigative
15 report, like when you're investigating a case and you're
16 going to document what you do, correct?

17 A. Yes, sir.

18 Q. The action that you take in a case, you want to make
19 sure that that's documented?

20 A. Yes, sir.

21 Q. Okay, and it's important that your documentation of
22 your investigation is accurate, right?

23 A. Yes, sir.

24 Q. And it's important that it is complete?

25 A. Yes, sir.

M. LAURITA - CROSS-EXAMINATION BY MR. RUFFIN

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1 Q. Right? And one of the reasons for that is because
2 there will be a long period of time between the commission
3 of a crime and the trial day, right?

4 A. Yes, sir.

5 Q. And this case, it's been about fourteen months, right?

6 A. Yes, sir.

7 Q. Give or take. Another reason it's important that your
8 report be complete and accurate is because you're also
9 working on other cases, right?

10 A. Yes, sir.

11 Q. And since August 5th of 2016 when this incident
12 happened, you've investigated numerous other cases since
13 then, right?

14 A. Yes, sir.

15 Q. So, having a report helps you make sure that you can
16 refresh your memory when it comes time for trial?

17 A. Yes, sir.

18 Q. Now, your goal in investigating a case is to arrest
19 the right person, right?

20 A. Yes, sir.

21 Q. And to arrest them for the right crimes?

22 A. Yes, sir.

23 Q. The crimes that they actually committed?

24 A. Yes, sir.

25 Q. That's your goal, right?

1 A. Yes, sir.

2 Q. Okay, and you're familiar with corroboration, aren't
3 you, the term corroboration?

4 A. Yes, sir.

5 Q. In other words, you might have different pieces of
6 evidence that line up with one another, right? That's what
7 corroboration is?

8 A. Yes, sir.

9 Q. So, if you have a witness that says something, the
10 shooter was wearing a white shirt, and then you talk to
11 another witness that says the shooter was wearing a white
12 shirt, those things corroborate one another?

13 A. Yes, sir.

14 Q. And if there's a third witness that says the shooter
15 was wearing an orange shirt, now you have a problem. You
16 have, you have conflicting statements, right?

17 A. Yes, sir.

18 Q. So, you want to, when you're investigating a crime,
19 you want to try to get evidence that corroborates what
20 people say, right?

21 A. You want to get evidence that corroborates the truth
22 that -- what happened.

23 Q. Corroborates the truth, absolutely, and you want to
24 have as much evidence as you can to make sure that you get
25 the right person, right?

M. LAURITA - CROSS-EXAMINATION BY MR. RUFFIN.

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1 A. Yes, sir.

2 Q. All right. In this case, you got the case on August
3 8th, I believe?

4 A. Yes, sir.

5 Q. That was a Monday morning, wasn't it?

6 A. I take your word for that; I don't know offhand.

7 Q. All right. The incident date was August 5th?

8 A. Yes, sir.

9 Q. Friday night?

10 A. Yes, sir.

11 Q. So, you came in Monday morning and got the case. Does
12 that sound right?

13 A. Sounds right.

14 Q. And you got in touch with Ms. Roberts, and she came in
15 a week later or so, I guess?

16 A. Yeah.

17 Q. All right, and when you interviewed Ms. Roberts, she
18 told you that Chris punched her in the face repeatedly,
19 right?

20 A. Yes, sir.

21 Q. That Chris choked her?

22 A. Yes, sir.

23 Q. She told you that. She told you that Chris stole her
24 cell phone, right?

25 A. Yes.

1 Q. And she told you that Chris stole money from her,
2 right?

3 A. Yes, sir.

4 Q. All right, and three days after that conversation --
5 so, then you looked at the pictures, right? There's
6 pictures of Ms. Roberts where clearly she was assaulted?

7 A. Yes, sir.

8 Q. Right?

9 A. Yes, sir.

10 Q. And that was your investigation, right?

11 A. Yes, sir.

12 Q. Three days later, you got arrest warrants for
13 strong-arm robbery, right?

14 A. Yes, sir.

15 Q. And domestic violence second degree, right?

16 A. Yes, sir.

17 Q. Can you show me in this picture where there's evidence
18 of a stolen cell phone?

19 A. There is not one in this picture.

20 Q. Can you show me evidence where there's stolen money in
21 that picture?

22 A. There is not one in that picture.

23 Q. All right, but you issued the warrants because Ms.
24 Roberts told you that those things happened, right?

25 A. She gave me in a sworn statement, yes, sir.

M. LAURITA - CROSS-EXAMINATION BY MR. RUFFIN

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1 Q. She gave a sworn statement?

2 A. Yes, sir.

3 Q. Saying that those things happened?

4 A. Yes, sir.

5 Q. And that was enough for you to write those warrants
6 for robbery or strong-arm robbery, right?

7 A. Generally most robbery cases, that's all you're going
8 to get.

9 Q. Really? In most robbery cases, the only thing you are
10 going to get as an investigator is the victim says the
11 robbery happened?

12 A. You may have video. You may have other stuff.

13 Q. Okay. So, there may be video. There may be other
14 witnesses?

15 A. Yes, sir.

16 Q. Okay. So, you may well have other stuff?

17 A. Yes, sir.

18 Q. Ms. Roberts told you that this incident happened at
19 Chris's grandparents' house, right?

20 A. Yes, sir.

21 Q. ■■■ Fisk Street. You were aware that was the address?

22 A. Yes, sir.

23 Q. So, when did you go to that address?

24 A. I did not go to that address.

25 Q. You never, you never went to ■■■ Fisk Street, did you?

1 A. No, sir.

2 Q. Now, today is fourteen months since this, since this
3 incident happened?

4 A. Yes, sir.

5 Q. To this day, you have never been to [REDACTED] Fisk Street in
6 your life, have you?

7 A. I, I don't know if I've ever been there at any other
8 incident, but I did not go for this incident.

9 Q. You never went for this incident?

10 A. No, sir.

11 Q. All right. Now, you know how to write a search
12 warrant, right?

13 A. I do.

14 Q. You just choose not to, to write a search warrant for
15 [REDACTED] Fisk Street, right?

16 A. In this case, I chose not to.

17 Q. You chose not to, and you said that you chose not to
18 because, you know, it'd been a few days, so probably wasn't
19 -- if the cell phone was there, it wasn't there anymore?

20 A. I believed that the items would not be there. I
21 believed that the search warrant would not have been
22 fruitful.

23 Q. You just assumed that the evidence would have been
24 gone, right?

25 A. Well, it's not standard practice for us to issue

M. LAURITA - CROSS-EXAMINATION BY MR. RUFFIN

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1 search warrants if we don't believe items are going to be
2 recovered at a particular residence.

3 Q. You're saying that it's not fruit -- so you're -- it's
4 not standard practice to search a house where a robbery has
5 occurred, allegedly occurred? It's not standard practice
6 for you to then search the house?

7 A. I wouldn't say it was standard practice. We believe
8 items would be recovered in the house, then yes, we would
9 obviously get a search warrant for it.

10 A. You know that's where Chris lives, right? You know
11 that that was where he was living, right?

12 A. That's where she made a statement he was living, yes.

13 Q. So, she told you that he lived there?

14 A. Yes, sir.

15 Q. Did you believe that?

16 A. Yes.

17 Q. But you weren't going to go look in the house to see
18 if you could find a cell phone, right?

19 A. I didn't believe that their items would be there.

20 Q. And you didn't look for her money, right?

21 A. Did not.

22 Q. Okay. Now let me ask you this. Another thing that
23 you've probably done as an investigator is gotten cell
24 phone records, right?

25 A. Yes, sir.

1 Q. And sometimes you can get those directly from the cell
2 phone company, can't you?

3 A. Sometimes, yes.

4 Q. You can get a court order, search warrant, subpoena.
5 There's ways for you to do it, right?

6 A. Yes, sir.

7 Q. All right. When you talked to Jasmine, she told you
8 what her cell phone number was, right?

9 A. Yes, sir.

10 Q. Okay, and she told you that T-Mobile was her cell
11 phone provider?

12 A. I'd have to refer back to her statement, if that,
13 that ---

14 Q. Sure, sure. Yeah, if you need to refer back to it is
15 fine.

16 A. Yes, sir, she did.

17 Q. So, she says this is my cell phone number. It's
18 T-Mobile?

19 A. Yes, sir.

20 Q. So, you have that information?

21 A. I do.

22 Q. Okay. So, when did you contact T-Mobile to get her
23 cell records?

24 A. I did not.

25 Q. Right. You never -- to this day, you have never

M. LAURITA - CROSS-EXAMINATION BY MR. RUFFIN

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1 picked up the phone and called T-Mobile to ask for her cell
2 phone records, have you?

3 A. I have not.

4 Q. Right. You've never tried to get a search warrant to
5 get her cell phone records, have you?

6 A. I did not.

7 Q. And you've never seen her cell phone records?

8 A. I have not.

9 Q. To this day?

10 A. I have not.

11 Q. So, I just want to recap real quick what you did in
12 this case. You interviewed Ms. Roberts, right?

13 A. Yes, sir.

14 Q. And you looked at those pictures?

15 A. Yes, sir.

16 Q. Right, and then you issued arrest warrants for Chris?

17 A. Yes, sir.

18 Q. Okay, and the arrest warrants were issued on August
19 18th of 2016. Does that sound right?

20 A. Yes, sir.

21 Q. Okay. Now let me ask you this. Once a judge -- so, a
22 judge signed those arrest warrants, right?

23 A. Yes, sir.

24 Q. And at that point, when Chris gets picked up, he's
25 going to jail, isn't he?

1 A. Yes, sir.

2 Q. So, he got picked up on November 15th, right?

3 A. Yes, sir.

4 Q. And you talked to him?

5 A. I did.

6 Q. He denied that this happened?

7 A. Yes, sir.

8 Q. And you still took him to jail?

9 A. Yes, sir.

10 Q. Because you were going to take him to jail no matter
11 what he said?

12 A. Well, yeah.

13 Q. The arrest warrants had already been signed?

14 A. Yes, sir.

15 Q. It didn't matter what he said. You were taking him to
16 jail, right?

17 A. He has arrest warrant.

18 Q. That's right.

19 A. Yes, sir.

20 Q. That you produced. You wrote the search warrant,
21 right -- I mean, the arrest warrant?

22 A. Yes, sir.

23 Q. And you were taking him to jail no matter what he
24 said?

25 A. He had an arrest warrant, yes, sir.

M. LAURITA - REDIRECT EXAMINATION BY MS. WALKER

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1 MR. RUFFIN: That's all I have, Judge.

2 THE COURT: Any redirect?

3 MS. WALKER: Yes, Your Honor.

4 REDIRECT EXAMINATION BY MS. WALKER:

5 Q. Mr. Ruffin asked you questions about corroborating
6 evidence.

7 A. Yes, sir -- yes, ma'am. Sorry.

8 Q. Corroborating evidence. Does a swollen black eye with
9 blood dripping from it corroborate that someone was punched
10 in the eye?

11 A. Yes, ma'am.

12 Q. Does the defendant say -- or the victim say were you
13 thinking about this when you were punching me in the face,
14 and the defendant saying yes, I was, does that corroborate
15 that he punched her in the eye?

16 MR. RUFFIN: Objection. Leading.

17 THE COURT: Sustained.

18 BY MS. WALKER:

19 Q. Tell me about what corroborates that she was punched
20 in the eye.

21 A. Totality of everything between the photo that she was
22 -- that had the swollen eye, between the statements she
23 provided, and now even between the phone records that were
24 given from the jail with the defendant.

25 Q. From what she told you when you made contact with her

M. LAURITA - REDIRECT EXAMINATION BY MS. WALKER

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1 to what she testified to here today, has she been
2 consistent in her statements?

3 A. Yes, one hundred percent.

4 Q. When she finally fled the home, did she pull over to
5 call 911 from her cell phone?

6 A. No. She couldn't.

7 Q. Why couldn't she?

8 A. Because her cell phone was taken at the location.

9 Q. Who did he say caused her black eye? Who did the
10 defendant say caused her black eye?

11 A. Himself.

12 Q. When you first talked to him.

13 A. Oh, when I first talked to him? No. He, he said that
14 it was two people, that she got in a fight with the day
15 before.

16 Q. And here today he on these jail phone calls
17 corroborates the charges in this case?

18 A. Yes, ma'am.

19 MS. WALKER: Thank you, sir. I don't have any further
20 questions.

21 MR. RUFFIN: Now wait a second now. I've got to get
22 back and cross.

23 THE COURT: Yes, sir.

24 MR. RUFFIN: May it please the court?

25 THE COURT: Yes, sir.

M. LAURITA - RECROSS-EXAMINATION BY MR. RUFFIN

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1 RECROSS-EXAMINATION BY MR. RUFFIN:

2 Q. You listened to those calls, right?

3 A. I did.

4 Q. And on it, do you ever hear Chris say that he stole a
5 cell phone?

6 A. I don't believe he does.

7 Q. Do you ever hear him say he stole money?

8 A. I don't believe he does.

9 Q. Do you ever hear him saying that he choked her?

10 A. I don't believe he does.

11 Q. Right. Yeah. Sure doesn't, and show me -- again this
12 picture, does this corroborate that a cell phone got stolen
13 right here?

14 A. That picture? No.

15 Q. Does this show a cell phone stolen?

16 A. This picture? No.

17 Q. No. Does this show money that was stolen?

18 A. Not in that picture, no.

19 Q. Those things weren't corroborated, were they?

20 A. Cell phone was corroborated, yes, sir.

21 Q. The cell phone was collaborated?

22 A. Due to the fact that she couldn't call 911 that ---

23 Q. Hold up. Hang on.

24 A. --- night.

25 MS. WALKER: Objection, Your Honor. He gets to answer

1 the question.

2 THE COURT: Sustained.

3 BY MR. RUFFIN:

4 Q. Go ahead.

5 A. Due to the fact that she couldn't call 911 that night.

6 Q. And you weren't there, right?

7 A. I was not there that night, no.

8 Q. And you never looked for the cell phone?

9 A. No.

10 Q. Right? You never looked for cell phone records?

11 A. No.

12 MR. RUFFIN: That's all, Judge.

13 THE COURT: All right, thank you. You may step down.

14 (THE WITNESS EXITS THE STAND.)

15 THE COURT: Call your next witness.

16 MS. WALKER: At this point, Your Honor, the State of
17 South Carolina rests.

18 THE COURT: All right, ladies and gentlemen of the
19 jury, you have heard all the evidence that you are going to
20 hear from the State of South Carolina in this case. The
21 state has rested their case. All that remains, if the
22 defendant chooses to present a case, we may hear that,
23 closing arguments, and the charge on the law.

24 Because it's noon, now is a good time to take a lunch
25 break, so I'm going to excuse you to lunch until 1:45. Do

1 not discuss the case amongst yourselves or with anyone
2 else. Don't do any research about the case or the parties
3 or the court personnel, and be back in your jury room at
4 1:45.

5 (THE JURY EXITS AT 12:02 P.M.)

6 THE COURT: All right. Yes, sir.

7 MR. RUFFIN: Your Honor, at this point we'd move for a
8 directed verdict. I don't believe that the state has met
9 its burden in this case. So, we would ask that the charges
10 of strong-arm robbery and domestic violence second degree,
11 that you enter a directed verdict in this case. And of
12 course I also renew all our previous pretrial motions and
13 our objections during trial.

14 THE COURT: All right, my rulings as to any pretrial
15 motions or during the state's case remain the same, and
16 your motion for a directed verdict is respectfully denied.
17 Yes, sir.

18 MR. RUFFIN: Thank you, Your Honor. At this point, we
19 will not be presenting, we will not be presenting a case.

20 THE COURT: Okay.

21 MR. RUFFIN: I understand that you need to advise my
22 client his rights.

23 THE COURT: I do. One moment, please. Place him
24 under oath, please.

25 CHRISTOPHER MICHAEL JACKSON, BEING

1 DULY SWORN, TESTIFIES AS FOLLOWS:

2 THE COURT: All right, Mr. Jackson, at this time I'm
3 going to explain to you certain of your rights. If you do
4 not understand anything I say, please let me know. If you
5 want me to explain anything in more detail, please let me
6 know. Do you understand?

7 DEFENDANT: Yes, ma'am.

8 THE COURT: We have now reached the stage of the trial
9 where you may present your defense. You have the right to
10 claim the protections given to you by the Fifth Amendment
11 to the Constitution of the United States. This amendment
12 states, in part: No person shall be compelled in any
13 criminal case to be a witness against himself. This means
14 that you cannot be required to testify in this case. You
15 have the right to testify on your own behalf. However, no
16 one can make you testify. This is a personal right, and no
17 one can waive this right except you.

18 If you decide to testify, you will be subject to the
19 same rules that govern other witnesses, and you may be
20 examined and cross-examined on any relevant issue in this
21 case.

22 In addition, if you have any convictions involving
23 dishonesty or false statement or for crimes punishable by
24 imprisonment for more than one year and this court
25 determines that the probative value of admitting this

1 evidence outweighs its prejudicial effect to you, the
2 solicitor will be able to introduce your record to attack
3 your credibility.

4 If you decide to testify, this decision on your part
5 must be freely, voluntarily, and intelligently made with
6 knowledge of the protections given to you by the Fifth
7 Amendment and the consequences of your decision to testify.

8 If you decide not to testify, I will instruct the
9 jurors that they cannot give the fact that you did not
10 testify any consideration whatsoever, and that there is to
11 be absolutely no prejudice to you because you did not
12 testify. It is left entirely up to you whether or not you
13 testify.

14 You may talk with your attorney, your family and
15 friends, or anyone else, but the final decision will be
16 left entirely up to you. Do you understand what I've
17 explained to you?

18 DEFENDANT: Yes, ma'am.

19 THE COURT: Do you have any questions about what I
20 have explained to you?

21 DEFENDANT: No, ma'am.

22 THE COURT: You don't have any questions?

23 DEFENDANT: No, ma'am.

24 THE COURT: Okay. Do you need time to talk to your
25 lawyers about whether you should testify?

1 DEFENDANT: No, ma'am.

2 THE COURT: Do you need time to talk to anyone else
3 about that decision?

4 DEFENDANT: No, ma'am.

5 THE COURT: Okay. Do you wish to testify in this
6 case?

7 DEFENDANT: No, ma'am.

8 THE COURT: Okay. Thank you, sir. You may have a
9 seat.

10 MR. RUFFIN: Just maybe we bring the jury back, we'll
11 rest on the record, and then we'll have closings after
12 lunch or whatever, whatever, Your Honor wants to do.

13 THE COURT: It's up to you. Well, the jury is gone to
14 lunch, so they would have to...

15 MR. RUFFIN: Oh. Okay.

16 THE COURT: You'd have to rest on the record after
17 lunch if you'd like to do that, or I can tell them that in
18 their absence you rested. It's up to you.

19 MR. RUFFIN: Either way it's fine.

20 THE COURT: All right.

21 MR. RUFFIN: So, we'll just wait until they get back.

22 THE COURT: So, you do want to rest in front ---

23 MR. RUFFIN: I'm, I'm fine ---

24 THE COURT: --- of the jury?

25 MR. RUFFIN: --- with you telling them. I'm fine with

1 you telling them.

2 THE COURT: Okay. Perfect.

3 Did you have something, Ms. Walker?

4 MS. WALKER: No. I was trying to remember if they
5 have to rest on the record. I think they do.

6 MR. RUFFIN: We'll, we'll rest on the ---

7 THE COURT: Well, it is on the record.

8 MS. WALKER: Well, no. I think they may actually have
9 to ---

10 THE COURT: In front of the jury?

11 MS. WALKER: Yes, Your Honor.

12 THE COURT: You may be right.

13 MR. RUFFIN: I'm happy to do that, Judge.

14 THE COURT: I'm not sure. Okay.

15 MR. RUFFIN: Just so it's clean and simple, we can do
16 that.

17 THE COURT: Okay. Does anyone have any proposed jury
18 charges?

19 MS. WALKER: Your Honor, the standard charge just with
20 the addition of domestic second degree and strong-arm
21 robbery is fine with the state. The only other thing that
22 -- I think there are no expert witnesses, so I think it's a
23 pretty standard charge.

24 MR. RUFFIN: We would request a charge on domestic
25 violence third degree, the lesser included.

1 MS. WALKER: The state has no objection to that.

2 THE COURT: All right.

3 MR. RUFFIN: And I can write one for Your Honor, if
4 you would like. I was just going to basically write the
5 statute, you know, what the language of the statute is.

6 THE COURT: Not necessary..

7 MR. RUFFIN: Okay.

8 THE COURT: I think we've got that covered.

9 All right; then I will see y'all at 1:45.

10 MS. WALKER: Your Honor, will your law clerk print us
11 or send us a copy of your charge or no?

12 THE COURT: Would you like that?

13 MS. WALKER: I would love that.

14 MR. RUFFIN: We would like that, too, if it's not too
15 much of a problem.

16 THE COURT: Since you asked, yes, we can give that to
17 you. It will be right at the end of lunch, like right when
18 we come back because it's not finished yet.

19 MR. RUFFIN: That's okay.

20 MS. WALKER: Okay.

21 THE COURT: We'll print them for you then since you
22 will be in the courtroom, okay?

23 MS. WALKER: Thank you.

24 THE COURT: Thank you.

25 MR. RUFFIN: Thank you, Judge.

1 THE COURT: All right, 1:45.

2 (OFF THE RECORD.)

3 THE COURT: He needs to be taken into custody over
4 lunch.

5 MR. RUFFIN: We'd ask that that not happen. He is on
6 ankle monitoring and he's been here throughout the trial.
7 I think he's been -- behaved fine. He was here all day
8 yesterday.

9 THE COURT: Do you have a legal reason or just a
10 humanitarian reason?

11 MR. RUFFIN: Just a humanitarian reason really and,
12 you know, he is on ankle monitoring. So, I don't think
13 that flight is really a concern.

14 THE COURT: Bond ends when trial begins. Take him
15 into custody over lunch.

16 MR. RUFFIN: Okay, Judge.

17 THE COURT: Okay.

18 (OFF THE RECORD.)

19 THE COURT: Any problems with the verdict from the
20 state?

21 MS. WALKER: No, Your Honor.

22 THE COURT: From the defense?

23 MR. RUFFIN: No, Judge.

24 THE COURT: Okay, and I made the one change that we
25 discussed in chambers as to the domestic violence second

1 degree statute, adding that element of the crime or
2 alternative element of the crime.

3 MS. WALKER: Thank you.

4 THE COURT: All right, y'all ready? Yes, sir.

5 MR. RUFFIN: For order of closing arguments, I think
6 Ms. Walker and I agree that I will open first fully on the
7 law and the facts. Then Ms. Walker will go, and I will get
8 to reply to her.

9 THE COURT: Is that correct?

10 MS. WALKER: Yes. I agree that's the way we will
11 proceed.

12 THE COURT: All right.

13 MR. RUFFIN: Thank you, Your Honor.

14 THE COURT: Bring the jury.

15 MR. RUFFIN: Your Honor, I need to rest on the record
16 before we start closing.

17 (THE JURY ENTERS AT 12:12 P.M.)

18 THE COURT: Ladies and gentlemen, I hope you enjoyed
19 your lunch. We are now ready to complete the trial of the
20 case.

21 I'll call Mr. Ruffin.

22 MR. RUFFIN: Your Honor, the defense rests.

23 THE COURT: Okay. Now the defense has rested, which
24 means that you have heard all the testimony that you are
25 going to hear in this case. All that remains is closing

1 arguments of the attorneys and my charge to you on the law
2 that is applicable to this case.

3 Is the state prepared for closing arguments?

4 MS. WALKER: The state is prepared, Your Honor.

5 THE COURT: Defense?

6 MR. RUFFIN: Yes, Your Honor.

7 THE COURT: All right.

8 MR. RUFFIN: May it please the court?

9 THE COURT: Yes, sir.

10 MR. RUFFIN: Good afternoon, y'all. Hope y'all are
11 doing all right.

12 On August 5, 2016, Chris was hanging out at his
13 grandparents' house where he lived and his girlfriend,
14 Jasmine Roberts, came over to his house. They had sort of
15 been in an on again, off-again relationship for a long
16 period of time, and she had recently kicked him out of her
17 house and he was back at his grandparents' house. She came
18 over that day, and they got into a fight. They got into an
19 argument about, according to her, about a Facebook post
20 about some food.

21 Chris got mad and he punched Jasmine in the face, and
22 there's absolutely no excuse for that. He's sorry for
23 that, and he's guilty of that. He should not have done
24 that. That's really not why we're here today about the --
25 about Chris punching Jasmine in the face. He admits to

1 that. We're here about the other stuff about Ms. Roberts's
2 story. When she met with the police after she left Chris's
3 house, her story ultimately became Chris punched me, he
4 choked me, he stole my cell phone, and he stole my money.
5 That's the story that the state wants you to believe.

6 Now at the end of a criminal trial, jurors are
7 basically asked one question: has the state proven to you
8 its case beyond a reasonable doubt. They've told you what
9 they believe happened. The question for you to answer is
10 have they proven to you that what they say happened
11 actually is what did, in fact, happen. Have they proven to
12 you that what they say happened is actually the truth, and
13 the answer in this case is no, they haven't.

14 Now, Ms. Walker is going to get up here after me, and
15 she's going to ask you to find Chris guilty of strong-arm
16 robbery and domestic violence second degree. The judge is
17 going to get into the exact definition of those crimes, but
18 the reason that Ms. Walker wants you to find Chris guilty
19 of strong-arm robbery is because they say that Chris stole
20 a cell phone from Jasmine and stole money from Jasmine.
21 There is not a single shred of evidence or proof that that
22 happened, and ask yourself. Why is there no evidence? Why
23 is there no proof that a cell phone was stolen? Why is
24 there no proof that money was stolen? It's because it
25 didn't happen; it just didn't happen. They can't prove

1 that Chris is guilty of those things. They can't prove
2 that a cell phone was stolen. They can't prove that money
3 was stolen, and that's why he's not guilty, but it's more
4 than that. He is literally innocent. He just didn't do
5 it; it didn't happen.

6 You know, and as I'm sitting here listening to these
7 investigators testify, I'm kind of wondering to myself.
8 Does Investigator Laurita, does he even believe that Chris
9 stole something from Jasmine? I don't think he does. I
10 mean, think about the investigation that he did in this
11 case. This is it right here.

12 MS. WALKER: Objection, Your Honor. May we approach?

13 (OFF-THE-RECORD BENCH CONFERENCE.)

14 THE COURT: Sustained.

15 MS. WALKER: Thank you, Your Honor.

16 MR. RUFFIN: So, what did Investigator Laurita do, all
17 right? What did he do in this case? He went and
18 interviewed Ms. Roberts. She told him what she said
19 happened, and that was it. That was the end of his
20 investigation. That's supposed to be the beginning of an
21 investigation. A witness comes and says this happened, so
22 then as an investigator you go and try to confirm if that
23 stuff is true or not through other evidence, and he didn't
24 do that. Why not?

25 You know, it's a typical law-enforcement practice to

1 overcharge people. They overcharge people, hoping that
2 they'll plead out to something later. He didn't think it
3 was going to be a trial. And after he talked to Jasmine,
4 right after he talked to Jasmine, he got arrest warrants
5 just based on her word and the picture. Got arrest
6 warrants and they threw Chris in jail. Not immediately,
7 though, of course. I mean, it wasn't so important to them
8 that Chris needed to be immediately incarcerated after this
9 happened. He wasn't arrested for three months. Where? At
10 his job. Where he had been for those months? Living at
11 his house, working in Columbia. They never went looking
12 for him, not for three months. The case was so serious and
13 so important that they waited three months.

14 How about Investigator Laurita with the search warrant
15 stuff? He's been in law enforcement for ten years.
16 Investigator Truluck has been in law enforcement
17 twenty-three and a half years. He knows how to do search
18 warrants. He worked narcotics. That's all they do.
19 That's all they do is search. He knows how to get search
20 warrants. He knows how to get cell phone records. He's
21 done them for houses, for cars, for cell phones. He's
22 gotten cell phone records before, but he just chose not to
23 do it in this case.

24 Why? Why would he not do it? I think it's because he
25 doesn't believe Jasmine; he doesn't believe she was telling

1 the truth. He said it would be a waste of his time to go
2 search Chris's house, he said because it was, like, ten
3 days later. That's why it would be a waste. The cell
4 phones probably wasn't there anymore. The real reason it
5 would have been a waste of his time was because the cell
6 phone wasn't at Chris's house. Jasmine had it because the
7 cell phone never got stolen. That's why he didn't look for
8 it.

9 Why would he call T-Mobile? He could -- think about
10 it. We're fourteen months after this happened and
11 Investigator Laurita in fourteen months didn't pick up the
12 phone and call T-Mobile. Hey, T-Mobile, one of your
13 customers says her cell phone got stolen. We're trying to
14 track it down. Can you give us those records? He could
15 have gotten a subpoena, court order, search warrant, or he
16 could have just picked up the phone and called them. He
17 chose not to do those things, and why would he choose not
18 to do these things? Because he know -- he knows that if he
19 looked at those cell phone records, it would have verified
20 the exact opposite of what they're telling you: Jasmine had
21 the cell phone the whole time.

22 I'll bet you she's got it in her pocket right now
23 because when she took the stand -- this is a real kicker in
24 my opinion about the cell phone. She said that on August
25 5th, the day that this happened, Chris texted her and

1 invited her over to his house. Okay, yesterday when she
2 testified -- y'all weren't here. She was under oath, and
3 she testified in front of us and the judge and she admitted
4 to this on the stand. She says she still had that text
5 message from August 5th when Chris invited her over to her
6 -- house. She still had the text on her phone because it
7 wasn't stolen. She still has the phone.

8 Now, she realized that she messed up when she said
9 that yesterday, so she came in today, she took the stand,
10 and she lied. She said no ---

11 MS. WALKER: Objection, Your Honor.

12 THE COURT: Sustained. Ladies and gentlemen of the
13 jury, please disregard counsel's last comment.

14 MR. RUFFIN: She got up here on this witness stand and
15 she told you something that wasn't true.

16 MS. WALKER: Your Honor.

17 THE COURT: Sustained. Please disregard that comment
18 as well.

19 MR. RUFFIN: She changed her story from yesterday
20 because she knew she'd screwed up. That's why she did
21 that, right? She said that her dad gave her \$100 to buy a
22 new phone and that she bought a new phone on August 6th,
23 okay? She didn't tell Investigator Laurita that. She
24 didn't tell Investigator Truluck that, that she bought a
25 new phone. Think about it. No one's ever gone and talked

1 to her dad to see, hey, did you give your daughter \$100 to
2 buy a new cell phone because it was stolen? No. Nobody
3 talked to her dad. Nobody checked her cell phone records
4 to see can we confirm that what she's saying is true. Can
5 we verify that she actually bought a new phone? No, they
6 can't and you know why they can't? Because she didn't buy
7 a new phone. Chris didn't steal that cell phone. He
8 didn't steal her money. He didn't steal anything from her.
9 He is not guilty. He is not guilty of strong-arm robbery.
10 Those things just did not happen.

11 So, I want to talk about the domestic violence. You
12 know, it's not easy for me to get up here and go to bat for
13 a guy who punched his girlfriend in the face, all right?
14 You might be surprised to learn this about me but, you
15 know, I don't support men punching their wives or their
16 girlfriends in the face, okay? He's guilty of that; he did
17 that. You know, I have a mom and a wife and a
18 mother-in-law and a sister-in-law. I have female coworkers
19 and friends. I don't support domestic violence, all right,
20 and Chris is guilty of that because that's what he did.
21 The real question for you is is it domestic violence second
22 degree or it is domestic violence third degree?

23 Now, what makes it domestic violence third or second
24 degree? Well, punching, punching Jasmine in the face, that
25 was domestic violence third degree. Ms. Walker is going to

1 get up here and says it's domestic violence second degree
2 because she says he stole a cell phone. That's not true.
3 She says that Chris choked Jasmine. That is not true.
4 Those things didn't happen. That's why it's domestic
5 violence third degree and not domestic violence second
6 degree.

7 You know, so I'm thinking. I try to think about how
8 is Ms. Walker going to convince you of this. How? You
9 know she has the burden of proof; she's supposed to prove
10 to you that what she says happened is the truth. So, how
11 is she going to prove it to you? How is she going to try
12 to convince you that what she says is the truth? I bet you
13 she's going to use foul language like she did in her
14 opening statement. She's going to quote Chris on the jail
15 calls, maybe drop a F-bomb or a B-bomb or an S-bomb, yeah.
16 I wonder if she's going to quote Jasmine with all the F-
17 bombs that she dropped.

18 You got to understand that on those jail calls, he's
19 just been arrested and thrown in jail for some things that
20 he didn't do. One of the things he did, which is punch
21 Jasmine in the fact. The other stuff he didn't do, so he
22 was mad and so was she. She was mad, so they're yelling at
23 each other.

24 You listen to those jail phone calls. Does Chris ever
25 say that he choked Jasmine? No. Does he ever say that he

1 stole Jasmine's cell phone? No. Does he ever say that he
2 stole money? No. And what about what Jasmine says? If
3 you listen to the end of that call with Jasmine, she says
4 were you thinking about that when you were punching me in
5 the face? She never says anything about him choking her.
6 She never says anything about him taking her phone. She
7 never says anything about him taking her money because
8 those things didn't happen.

9 And I know it sounds crazy. Like, why would she lie
10 about that? Why would she lie about it? Well, listen to
11 the jail calls. She is so angry and she is devastated.
12 She says on the jail calls he was her first love. This has
13 broken her heart that he punched her in the face, and she
14 wants him to go down as hard as possible.

15 This is what I think Ms. Walker will do, too. You've
16 seen it already, and you'll see it again when Ms. Walker
17 speaks to you. Chris punched Jasmine in the face. He
18 should've have done that, all right? There is absolutely
19 no excuse for it, and you should find him guilty of that.
20 On the jail calls when he talked to Jasmine, he apologized
21 for it. Sorry doesn't cut it. I know that. Saying sorry
22 for punching your girlfriend in the face, that's not good
23 enough. He should be held responsible; he should be held
24 accountable for that. You should find him guilty of
25 domestic violence third degree because that's what he did.

1 That's what he did.

2 And that's not a not serious charge. I mean, I'm not
3 asking you let him off easy. I'm asking you to convict him
4 of what he's actually guilty of. He's guilty of punching
5 Jasmine in the face. That's domestic violence third
6 degree, but he is not guilty, he is not guilty of taking
7 Jasmine's cell phone, he is not guilty of taking Jasmine's
8 money, and he is not guilty of choking her. Thank you.

9 THE COURT: Ms. Walker.

10 MS. WALKER: Perhaps Mr. Ruffin should have been a
11 fortune-telling as he likes to predict what I am about to
12 say or do. The good thing is he is right about some of
13 those things that I'm going to say and do. I'm going to
14 use foul language because -- not because it's the way that
15 I like to talk to a group of strangers. Because that's the
16 way that Christopher Jackson likes to talk to the women in
17 his life. I'm going to use foul language because in Ms.
18 Roberts's emotions, that's the words that she uses. These
19 aren't my words.

20 And as I was preparing for this trial, I thought about
21 some of the possible defenses that Mr. Ruffin and Ms.
22 Sturgill could use for Christopher Michael Jackson. What
23 do you say about a man who will stand over a woman and
24 punch her in the face? What do you say about a man who
25 will choke her? What do you say about a man who, when she

1 says give me my phone back so I can leave, he tells her to
2 get the fuck out before something else happens to her?

3 Foul language, yes. Your client's language, not mine.

4 Right, and at first, remember when he talks to law
5 enforcement? I didn't do it. She showed up like that.
6 Two people jumped her the day before. And he admits that
7 when he talked a lot to law enforcement, he didn't tell
8 them the truth. He's not about to tell on himself. Does
9 he look dumb enough to tell on himself? Remember his words
10 on that jail phone call? Because what he didn't think,
11 Mr. Ruffin, and what Ms. Sturgill didn't think was that
12 there was anyone who would care enough to go and listen to
13 those calls. She got punched in the eye. Suck it up; walk
14 it off. We'll let him plead to something.

15 But we cared enough. We went and listened, and we
16 found the calls, right? So, now it can't be I didn't do
17 it. Somebody else punched her in the face, and she showed
18 up with a swollen eye with blood dripping from it. That
19 can't be the defense, so now we have the theory of
20 evolution. This defense doesn't work. This I-didn't-do-it
21 defense that she showed up like that doesn't work because
22 he's confessed to it on the jail phone calls.

23 So, now he confesses or admits during this trial to a
24 little bit of what he did. Yeah, he punched her in the
25 face, and he shouldn't have done it. He's sorry for it,

1 but he didn't take her money. He didn't stop her from
2 using the cell phone.

3 So, that begs the next question, right, and it's a
4 question that he asked. Why would she make it up? Because
5 she's mad and hurt, right? If she was mad and hurt and
6 wanted to make something up, she should have said you know
7 what? He pulled a gun on me, he held it to my head, and
8 then he raped me. Make that up. He kidnapped me and he
9 wouldn't let me leave for days; he starved me. Make that
10 up. She makes up that he took her cell phone and her
11 money?

12 And in the heat of passion, right, while she's just
13 been beaten and choked and she's running from the house,
14 her eye swollen shut and she can't see, she has enough
15 foresight at that moment and that pain to know she can't
16 call 911 because she's not supposed to have her cell phone,
17 so she's got to keep that lie going. And then she goes and
18 flags down an officer to get help. Does that make sense
19 does? Does that ring of the truth, or does it sound like a
20 defense attorney with the guilty client who is desperate
21 for a defense? Why would she make it up? She's so mad
22 that she makes up that a \$100 was taken and her cell phone?
23 That doesn't even make any sense.

24 Domestic violence is a very real and prevalent issue,
25 right? What Mr. Ruffin wants you to think is it's not that

1 bad, right? Because some people, in order to think it's
2 real, have to actually see the woman get punched in the
3 face and dragged unconscious onto an elevator. That's what
4 it takes. Because what batterers do, what men who will
5 beat women do, what men who will choke women count on is
6 that this woman is going to be too afraid, too intimidated
7 to come in here and testify under oath as to what happened.
8 That law enforcement won't care about her. That the
9 prosecutor won't care about her, and if all of those things
10 go right -- or go wrong for him, if she will testify, if I
11 do care, if they do care, that you won't care.

12 She got hit in the face. They want you to take the
13 easy way out. They want you to find him guilty of domestic
14 violence third degree. But there is corroboration. As the
15 investigator told you when he testified, her story was
16 consistent from the time she spoke to the deputy, the time
17 she spoke to law enforcement -- sorry, to Mr. Laurita
18 himself, and to the time that she spoke to you guys in the
19 stand. He choked me, stole my money, took my cell phone,
20 and he told me to get out.

21 For those charges -- and they like to say that we
22 overcharged in this case. They say that's difficult with
23 law enforcement: overcharge and hope the person pleads
24 guilty to something else. If I wanted to overcharge in
25 this case, what I would have done is charged him with

1 attempted murder because that's what you can charge
2 somebody with when they try to choke the life out of
3 someone. But we thought you know what? Maybe he wasn't
4 trying to kill her. Maybe that was part of the assault.
5 So, we didn't charge him with attempted murder. We charged
6 the conservative offense, which is domestic violence in the
7 second degree, and they still whine and complain about
8 overcharging. It's the accurate and correct charge. They
9 just don't like it.

10 If we wanted to overcharge, courts have held that
11 fists are deadly weapons. We could have charged him with
12 armed robbery, but we didn't do that. We charged him with
13 strong-arm robbery. It's the conservative and appropriate
14 offense in this case.

15 I want to talk to y'all a little bit about the
16 offenses for which the defendant has been charged. The
17 first offense is criminal domestic violence in the second
18 degree. Okay, can y'all see that? Criminal domestic
19 violence means the defendant inflicted physical harm to a
20 household member.

21 Let me stop there because we can define household
22 member. It's a spouse, former spouse, or person who has a
23 child in common, or male and female who are living together
24 or have cohabitated, which means they were living together
25 now or they used to live together.

1 In this case, the testimony was they used to live
2 together, and that's uncontroverted testimony. At some
3 point they lived together. She realized that she couldn't
4 be in a relationship with him, with them living together,
5 and she kicked him out. So, he is a household member.

6 Defendant inflicted that physical harm to a household
7 member or attempted to cause such, with the apparent
8 present ability under the circumstances reasonably creating
9 fear of imminent peril. So, we don't -- she's a household
10 member, and he inflicted the physical harm. That's the
11 injury to her eye, okay?

12 In the process of committing domestic violence in the
13 second degree, one of the following also results. Okay,
14 the offense is committed in the presence or while being
15 perceived by a minor. That's not the case here. There are
16 no minors there, okay, and these are all ors, which means
17 that we have to prove the injury plus one other thing,
18 okay? The offense is committed against a person known or
19 reasonably should have been to been known by the offender
20 to be pregnant. That's not the case here.

21 The offense is committed during the commission of a
22 robbery, burglary, kidnapping, or theft. When he went into
23 her bra and took the \$100, that's a theft or, in this case,
24 a strong-arm robbery. That's how you get to domestic
25 violence in the second degree. So, we have one.

1 The offense is committed by impeding the victim's
2 breathing or airflow. Remember when he said that she
3 grabbed -- he grabbed her by the throat, and that she was
4 grasping for air while he choked her? That would be
5 impeding her airflow.

6 And why would she lie about that part? Just to stick
7 it to him? So, I guess under Mr. Ruffin's theory, she got
8 up that morning, read the domestic violence statutes, and
9 figured out which one she was going to tell the police
10 happened? Does that make any sense? It doesn't because
11 it's the desperate grasp of a criminal defense attorney
12 looking for a defense for his client.

13 The offense is committed using physical force or
14 threatened use of force against another to block the
15 person's access to any cell phone, telephone, or electronic
16 communication device with the purpose of preventing,
17 obstructing, or interfering with the report of a criminal
18 offenses such as the actual domestic violence, or a request
19 for an ambulance. Remember the first thing she does when
20 she gets to a law enforcement officer? She needs medical
21 attention, and they call an ambulance.

22 When he tells her -- when she asks for her phone and
23 he tells her to get the fuck out before something bad
24 happens to her, that's the threatened use of force against
25 another to block her access to the cell phone. So, that's

1 how we got to criminal domestic violence in the second
2 degree. We didn't reach into a grab bag of criminal
3 defenses and pull out one to charge the defendant. We
4 looked at the statute, and we figured out which crime fit.

5 Now, what he wants to do and what he's going to want
6 to do is get y'all to find her -- his client, Mr. Jackson,
7 guilty of domestic violence in the third degree: defendant
8 inflicted physical harm, injury to a household member, or
9 offered or attempted to cause such with the present -- with
10 the apparent present ability under circumstances reasonably
11 creating fear of imminent peril.

12 He pushes her. He shoves her. Slaps her in the face.
13 Domestic violence third degree. In this case, we have more
14 than that. We have the injury that happened while he was
15 taking something from her, while he was impeding her
16 airflow, and while he was refusing to allow her access to a
17 cell phone so that she could call for help, whether it be
18 law enforcement or medical help.

19 The defendant is also charged with strong-arm robbery,
20 also known as common-law robbery. Strong-arm robbery is
21 the felonious taking away of the goods of another --
22 someone else's money, someone else's cell phone -- against
23 the owner's will -- they don't want to give it to you --
24 and without his or her consent by force, intimidation, or
25 violence.

1 This is violent, and I'm not showing it to you to
2 shock you. I'm showing it to you because this is what
3 happened. We can't hide this behind dark glasses or bangs.
4 This is what domestic violence looks like. While he was
5 causing that injury, he went into her bra, took her money.
6 When she asked for her cell phone back, he told her to
7 leave. That's a strong-arm robbery.

8 And Mr. Ruffin, the one thing he got right was that
9 the burden is mine, and that that burden is proof beyond a
10 reasonable doubt. And if you're not familiar with the
11 criminal justice system, that can seem kind of like a weird
12 concept. So, our courts actually define reasonable doubt
13 for you, here's how they define it. Proof beyond a
14 reasonable doubt is proof that leaves you firmly convinced
15 of the defendant's guilt.

16 There are very few things in life that we know with
17 absolute certainty, and in criminal cases the law does not
18 require proof that overcomes every possible doubt.. If,
19 based on your consideration of the evidence, you are firmly
20 convinced that the defendant is guilty of the crime
21 charged, you must find him guilty. If, on the other hand,
22 you think there is real possibility that he is not guilty,
23 you must give him the benefit of the doubt and find him not
24 guilty.

25 It comes down to credibility. Who do you believe?

1 Who has something to gain? What does Jasmine gain by
2 coming into this courtroom, placing her hand on the Bible,
3 promising to tell the truth, and then making up a series of
4 events that never happened?

5 What does she have to gain by saying that to Deputy
6 Moore, who met her at the hospital and took these pictures?
7 What does she have to gain by saying that to Investigator
8 Laurita? And remember she broke up with him. She put him
9 out. She's sitting there with a new boyfriend; she's moved
10 on.

11 But in these domestic violence cases, a lot of times
12 defense attorneys like to paint the picture of the bitter
13 woman scorned, right? A woman who will lie. I mean, he's
14 literally called her a liar. Lie and make up stuff because
15 they are so upset and bitter. About Chris Jackson? She
16 can't find another Chris Jackson? She's going to perjure
17 herself because she's upset that she's not with him, the
18 man who punched her in the face and took her money? That's
19 a stretch.

20 If you're firmly convinced of his guilt, if you don't
21 think she came into this courtroom simply to lie to you,
22 find him guilty. If, on the other hand, you agree with Mr.
23 Ruffin that she came in here, proved herself to be a liar,
24 find him not guilty.

25 There are a couple of types of -- there are two

1 different types of evidence that we can use to prove our
2 case: direct evidence and circumstantial evidence. Let me
3 define circumstantial evidence, or how the courts have
4 defined circumstantial evidence.

5 Now, direct evidence is something that someone saw
6 with their own two eyes, that they heard with their own
7 ears, that they could come in and say this is what I saw,
8 this is what I heard. That's direct evidence.

9 There are two types of evidence which are generally
10 presented during a trial: direct evidence and
11 circumstantial evidence. Direct evidence is the testimony
12 of a person who asserts or claims to have an actual
13 knowledge of a fact, such as an eyewitness. Circumstantial
14 evidence is proof of a chain of facts and circumstances
15 indicating the existence of a fact. The law makes
16 absolutely no distinction between the weight or value to be
17 given to either direct or circumstantial evidence, nor is a
18 greater degree of certainty required of circumstantial
19 evidence than of direct evidence. You should weigh all the
20 evidence in the case.

21 So, the way circumstantial evidence was explained to
22 me when I was in law school is you go to bed one night.
23 When you wake up in the morning, you're ready to go to
24 work, the grass is wet, your driveway's wet, your car has
25 raindrops on it. You didn't see it rain, but that's

1 circumstantial evidence that it rained the night before.
2 So in this case, circumstantial evidence of her not having
3 her cell phone is that she didn't pull over when she got
4 out of his driveway and call 911 because that's what she
5 would have done had she had a cell phone. Circumstantial
6 evidence is that she had to drive with one eye down Fisk
7 Street. This is where it happened. Drove with one eye
8 down Fisk Street all the way to North Main, which it says
9 is 3/10 of a mile, turn left and find the officer so that
10 she could get medical assistance. That's circumstantial
11 evidence that you're allowed to consider that what she's
12 saying is true that the evidence is -- that her testimony
13 is corroborated. And the direct evidence of that is her
14 testimony.

15 Now, Mr. Ruffin wants you find this defendant guilty
16 only for the thing that he's confessed to, but that's what
17 sometimes people do. They confess to something little to
18 get away with something bigger. I'm just asking you to
19 weigh the evidence, to weigh Ms. Roberts's credibility, and
20 to see if you believe her. If you don't, find him not
21 guilty. He spent a lot of time investigating -- not
22 investigating. He spent a lot of time attacking
23 Investigator Laurita's investigation of the case, which is
24 also typical in all cases. Why didn't he execute a search
25 warrant on the house? He said at that point in time it had

1 been a week. He assumed that stuff wasn't going to go
2 anywhere or that the stuff was gone at that point in time.
3 Mr. Ruffin said it's because he didn't believe her. So,
4 Mr. Ruffin wants you to believe that he took the time to
5 swear out arrest warrants based upon something he didn't
6 even believe happened.

7 Why would he do that? Why would he just not take out
8 the arrest warrants? Wouldn't that have been the more
9 sensible thing to do than to just charge someone with a
10 crime he didn't think happened? But when the facts are
11 against you and the law is against you, attack law
12 enforcement, attack the investigators, and I understand
13 that. That's kind of the only move he has at this point.
14 Investigator Laurita took out arrest warrants because those
15 are the crimes he thought he had, as he said, probable
16 cause at that point of the defendant's guilt. And as this
17 trial took place, the defendant's own admissions.

18 Jasmine's willing to come and testify in front of you,
19 a lack of a motive to lie. Ask you to judge her
20 credibility. It's as simple as that. If you think she's
21 telling the truth, then the defendant is guilty of domestic
22 violence in the second degree and strong-arm robbery. If
23 you think she came in here today and lied to you, let him
24 go. Find him not guilty. Thank you for your time. I
25 appreciate it.

1 THE COURT: Mr. Ruffin.

2 MR. RUFFIN: May it please the court?

3 I'm not surprised by most of that Ms. Walker said, but
4 I'm surprised about a couple of things. I'm desperate, I'm
5 desperate, begging you to let my client off easy. Typical
6 defense attorney. Also, I don't think domestic violence is
7 serious. I'm okay with men beating women or women beating
8 men. I guess that's what she thinks.

9 Where is the proof of what they're talking about,
10 okay? We've seen the picture. She was punched in the
11 face. That's what Chris said he did; that is what he did.
12 I didn't say that's not serious. It's extremely serious,
13 and I'm not asking you to let him go. Ms. Walker says if
14 you don't believe her, let him go. Just let him go.

15 I'm not asking you to let him go. I'm asking you to
16 find him guilty of what he's actually guilty of, and I'm
17 asking you to hold them to their burden. They're supposed
18 to prove to you that what they say happened is the truth.

19 I mean, okay, she, she talked about the search
20 warrant. He didn't search Chris's house because it had
21 been, it had been too long. Evidence was gone. Well, what
22 about the cell phone records? What about the cell phone
23 records? He didn't call T-Mobile ---

24 MS. WALKER: Your Honor, this is outside the scope of
25 my closing argument.

1 MR. RUFFIN: No, it's not, Judge.

2 THE COURT: Overruled.

3 MR. RUFFIN: He didn't call T-Mobile, not even an
4 attempt, not even an attempt to verify what she says about
5 the cell phone or the money. That's not proof, and you
6 know why they can't prove it? Because it didn't happen.
7 It's not because I'm desperate, because I'm trying to let
8 -- I'm trying to get you to let Chris off easy. That's not
9 it. The reason is because it didn't happen.

10 You know, people don't serve in juries very often.
11 I'll bet for most of y'all, maybe for most of y'all,
12 probably your first time. I'll bet you for some of y'all,
13 this will be the only time you're on a jury your entire
14 life. It is that real. It really is a once-in-a-lifetime
15 experience for most people. And I bet you that you'll
16 remember this case for the rest of your lives. And this is
17 going to happen to you. Probably months from now, maybe
18 years from now, you'll be at your family's for the
19 holidays, or you'll be out to dinner with your friends, and
20 someone will say I got called for jury duty. One of your
21 friends or family members will say I got called for jury
22 duty. How do I get out of it? People don't want to be on
23 juries. Of course, y'all won't be able to help with that
24 because y'all are here.

25 But seriously, joking aside, okay, when you think back

1 on that case, when that happens to you, you're going to
2 think back on Chris Jackson's case, and you're going to ask
3 yourself. Did I do Christopher Jackson justice in that
4 case? Did I hold the state to their burden? Did we get it
5 right?

6 Y'all, if you are going to have doubts about this
7 case, then have them right now. Have them today. If there
8 is a doubt in your mind about what they say happened,
9 whether it's the truth or whether it's not the truth, have
10 those doubts right now because for Chris, there's no
11 tomorrow or weeks from now or years from now. Today is his
12 day where the twelve of you residents of Richland County
13 sit in judgment of him, a resident of Richland County, one
14 of your peers who made a horrible, horrible mistake.

15 I'm not asking you to let him go. I'm asking you to
16 find him guilty of punching Jasmine in the face because
17 that's what he did. He's not guilty of stealing her phone,
18 he's not guilty of stealing her money, and he is not guilty
19 of choking her. Thank you.

20 THE COURT: All right, folks, it is now time for me to
21 charge you the law applicable to this case. I remind you
22 that during this trial, you and I have certain duties to
23 perform. As the trial judge, it is my responsibility to
24 preside over the trial of this case, and I also have the
25 duty to rule on the admissibility of evidence offered

1 during this trial. You are to consider only the evidence
2 before you. If there was any testimony which was stricken
3 from the record during this trial, you must disregard that
4 testimony. You are to consider only the testimony which
5 has been presented from this witness, any exhibits which
6 have been made part of the record, of the record in this
7 case, and any stipulations of the parties.

8 I have the additional duty to charge you the law
9 applicable to this case. It is your duty as jurors to
10 accept and apply the law as I now state it to you. If you
11 think you have any idea as to what the law is or what the
12 law ought to be and it does not agree with what I tell you
13 the law is, you must forget that idea because you are sworn
14 to accept the law and apply the law exactly as I state it
15 to you.

16 In every case tried in this court before a jury, the
17 jury becomes the sole and exclusive judge of the facts. A
18 trial judge cannot comment on or make any statement about
19 the facts in a case. Since you are the sole judges of the
20 facts, do not think by anything I have said during the
21 trial that I had any opinions about the facts in this case.
22 The law does not allow me to have an opinion about the
23 facts.

24 The indictments charge the defendant with strong-arm
25 robbery and domestic violence second degree. I remind you

1 that the fact that the defendant was arrested, charged, and
2 indicted in this case is not evidence in this case and
3 cannot be considered by you as evidence of guilt in this
4 case. Nor does it create any presumption or inference of
5 guilt. Those documents are simply the formal, written
6 instruments which contain the charges made against the
7 defendant. They are the formal documents by which this
8 case is brought into this court.

9 The indictments in this case allege several different
10 offenses against the defendant. The charges are strong
11 arm-robbery and domestic violence in the second degree.
12 Each indictment charges a separate and distinct offense.
13 You must decide each indictment separately on the evidence
14 and the law applicable to it, uninfluenced by your decision
15 as to any other indictment.

16 The defendant may be convicted or acquitted on either
17 or both of the offenses charged. You will be asked to
18 write a separate verdict of guilty or not guilty for each
19 indictment.

20 The defendant has pled not guilty to these
21 indictments, and that plea puts the burden on the state to
22 prove the defendant guilty. A person charged with
23 committing a criminal offense in South Carolina is never
24 required to prove himself innocent. I charge you that it
25 is an important rule of law that the defendant in a

1 criminal trial, no matter what the seriousness of the
2 charge may be, will always be presumed to be innocent of
3 the crime for which the indictment was issued unless guilt
4 has been proven by evidence satisfying you of that guilt
5 beyond a reasonable doubt.

6 This presumption of innocence does not end when you
7 begin your deliberations, but it accompanies the defendant
8 throughout the trial until you reach a verdict of guilt
9 based on evidence satisfying you of that guilt beyond a
10 reasonable doubt. The presumption of innocence is like a
11 robe of righteousness placed about the shoulders of the
12 defendant which remains with the defendant until it has
13 been stripped from the defendant by evidence satisfying you
14 of the defendant's guilt beyond a reasonable doubt. The
15 presumption of innocence is not a mere legal theory; it is
16 not just a legal phrase. It is a substantial right to
17 which every defendant is entitled unless you, the jury, are
18 satisfied from the evidence of the defendant's guilt beyond
19 a reasonable doubt.

20 Now, what is a reasonable doubt in the law? A
21 reasonable doubt is the kind of doubt that would cause a
22 reasonable person to hesitate to act. The state has the
23 burden of proving the defendant guilty by beyond a
24 reasonable doubt. Some of you may have served as jurors in
25 civil cases where you were told that it is only necessary

1 to prove that a fact is more likely true than not true,
2 such as by the greater weight or preponderance of the
3 evidence. In criminal cases, the state's proof must be
4 more powerful than that. It must be beyond a reasonable
5 doubt. Proof beyond a reasonable doubt is proof that
6 leaves you firmly convinced of the defendant's guilt.

7 There are very few things in this world that we know
8 with absolute certainty, and in criminal cases the law does
9 not require proof that overcomes every possible doubt. If,
10 based on your consideration of the evidence, you are firmly
11 convinced that the defendant is guilty of the crime
12 charged, you must find the defendant guilty. If, on the
13 other hand, you think there is a real possibility that the
14 defendant is not guilty, you must give the defendant the
15 benefit of the doubt and find him not guilty.

16 Now, there are two types of evidence which are
17 generally presented during a trial: direct evidence and
18 circumstantial evidence. Direct evidence is the testimony
19 of a person who claims to have actual knowledge of a fact,
20 such as an eyewitness. It is evidence which immediately
21 establishes the main fact to be proved.

22 Circumstantial evidence is a proof -- is proof of a
23 chain of facts and circumstances indicating the existence
24 of a fact. It is evidence which immediately establishes
25 collateral facts from which the main fact may be inferred.

1 Circumstantial evidence is based on inference and not on
2 personal knowledge or observation.

3 The law makes absolutely no distinction between the
4 weight or value to be given to either direct or
5 circumstantial evidence, nor is a greater degree of
6 certainty required of circumstantial evidence than of
7 direct evidence. You should weigh all of the evidence in
8 the case. After weighing all of the evidence, if you are
9 not convinced of the guilt of the defendant beyond a
10 reasonable doubt, you must find the defendant not guilty.

11 Necessarily, you must determine the credibility of
12 witnesses who have testified in this case. Credibility
13 simply means believability. It becomes your duty as jurors
14 to analyze and to evaluate the evidence and determine which
15 evidence convinces you of its truth.

16 In determining the believability of witnesses who have
17 testified in this case, you may believe one witness over
18 several witnesses or several witnesses over one witness.
19 You may believe a part of the testimony of a witness and
20 reject the remaining part of the testimony of that same
21 witness. You may believe the testimony of a witness in its
22 entirety or reject the testimony of a witness in its
23 entirety. You may consider whether a witness has exhibited
24 to you any interest, bias, prejudice, or other motive in
25 this case. You may also consider the appearance and manner

1 of a witness while on the witness stand.

2 In order to establish criminal liability, criminal
3 intent is required. For example, the mental state required
4 to be proven by the state for a particular crime might be
5 purpose, intent, knowledge, recklessness, or criminal
6 negligence. Criminal intent must be proven by the state
7 beyond a reasonable doubt.

8 Criminal intent is always a matter that must be
9 determined by the jury from the circumstances surrounding
10 the situation. There is no way to prove intent to a
11 mathematical certainty; there is no way medical science can
12 dissect a person's brain and determine what the person had
13 in mind. So, the law says that criminal intent may be
14 inferred from the circumstances shown to have existed.

15 This is how you make a determination of whether or not
16 the element requiring intent was present. It is not
17 necessary to establish intent by direct and positive
18 evidence, but intent may be established by inference in the
19 same way as any other fact: by taking into consideration
20 the acts of the parties and all the facts and circumstances
21 of the case.

22 Criminal intent is a mental state, a conscious
23 wrongdoing. It is up to you to determine what the
24 defendant intended to do based on the circumstances shown
25 to have existed. Criminal intent can arise from action or

1 a failure to act. It may arise from negligence,
2 recklessness, or an indifference to duty, or to
3 consequences that is considered by the law to be the
4 equivalent of criminal intent.

5 It's a lot to read. All right, stay with me.

6 All right, the defendant is charged with strong-arm
7 robbery. In order to prove strong-arm robbery, the state
8 must prove beyond a reasonable doubt that the defendant
9 took the personal property from the person or presence of
10 another person without that person's consent and carried it
11 away. Property is in the presence of a person if it is
12 within the person's reach, inspection, observation, or
13 control so that the person could, if not overcome with
14 violence or prevented by fear, retain possession of the
15 property.

16 The state must also prove beyond a reasonable doubt
17 that the defendant carried the property away with the
18 intent to permanently deprive the owner of the property and
19 to convert the property to the defendant's own use. The
20 slightest removal of the property or the complete
21 possession of the property even for instant by the
22 defendant is sufficient to show a taking and carrying away
23 of the property.

24 Finally, the state must prove beyond a reasonable
25 doubt that the taking and carrying away of the property was

1 done with violence, the use of force, threats of force,
2 intimidation, or by putting the owner of the property in
3 fear of violence.

4 The defendant is also charged with domestic violence
5 in the second degree. The state must prove beyond a
6 reasonable doubt that the defendant caused physical harm or
7 injury to a member of the defendant's own household, or
8 that the defendant offered or attempted to cause physical
9 harm or injury to a member of the defendant's own household
10 with the apparent present ability to cause harm or injury
11 under circumstances creating or reasonably creating a fear
12 of imminent danger.

13 A household member is a spouse, a former spouse, a
14 parent, a child, a grandparent, a brother or sister, a
15 grandchild, a person with whom the defendant has a child in
16 common, and a person of the opposite sex with whom the
17 defendant is living or has lived in the past.

18 The state must also prove one of the following.
19 Number one, moderate bodily injury to the person's own
20 household member results, or that act is accomplished by
21 means likely to result in moderate bodily injury to the
22 person's own household member. Or, two, in the process of
23 committing domestic violence, one of the following also
24 results: the offense is committed during the commission of
25 a robbery, burglary, kidnapping, or theft; the offense is

1 committed by impeding the victim's breathing or airflow; or
2 the offense is committed using physical force or the
3 threatened use of force against another to block that
4 person's access to any cell phone, telephone, or electronic
5 communication device with the purpose of preventing,
6 obstructing, or interfering with the report of any criminal
7 offense, bodily injury, or property damage to a law
8 enforcement agency; or a request for an ambulance or
9 medical -- emergency medical assistance to any law
10 enforcement agency, or emergency medical provider.

11 If you find that the state has proved some but not all
12 of the elements of domestic violence in the second degree
13 beyond a reasonable doubt, you may then consider whether
14 the state has proved beyond a reasonable doubt that the
15 defendant committed domestic violence in the third degree.
16 In order to prove domestic violence of the third degree,
17 the state must only prove beyond a reasonable doubt that
18 the defendant caused physical harm or injury to a member of
19 the defendant's own household, or that the defendant
20 offered or attempted to cause physical harm or injury to a
21 member of the defendant's own household with the apparent
22 present ability to cause harm or injury under circumstances
23 reasonably creating a fear of imminent danger.

24 Now, I instruct you and emphasize that the fact that
25 the defendant did not testify is not a factor to be

1 considered by you in any way in your deliberation and in
2 your consideration of the question of the guilt or the
3 innocence of the defendant. It must not be considered by
4 you in any manner whatsoever. A defendant has the
5 constitutional right to remain silent, and the assertion of
6 this right must not be considered by you in your
7 deliberations. I repeat. Under your oath, you are to draw
8 no conclusion whatsoever from the fact that the defendant
9 in this case did not testify. The fact that this defendant
10 did not testify should not even be discussed in the jury
11 room.

12 The burden of proof, as I have stated to you, is on
13 the state. The defendant is required to prove his
14 innocence. The burden of proof remains on the state to
15 prove guilt beyond a reasonable doubt.

16 Now, ma'am right here in front, give me your juror
17 number, please.

18 JUROR: 103.

19 THE COURT: 103, you are this jury's foreperson. So,
20 Madame Foreperson and members of the jury, I am required to
21 charge you the law, as I have done through these
22 instructions now being given, to help guide you to a just
23 and lawful verdict. Whether some of these instructions
24 will apply will depend upon what you find to be the facts.
25 The fact that I have instructed you on various subjects in

1 this case must not be considered as indicating an opinion
2 of this court as to what you should find to be the facts or
3 what your verdict should be.

4 Now, you have been chosen and sworn to give the
5 parties in this case a fair and impartial trial. When you
6 have done so, you will have complied with your oath, and no
7 one will have the right to criticize your verdict. You
8 must not be influenced by opinions or expressions of
9 opinion you may heard outside of the courtroom, but rather
10 should base your verdict solely on the testimony of the
11 sworn witnesses who took the stand, the exhibits received
12 into evidence, and the law which I have stated. You should
13 not be swayed by caprice, passion, prejudice, or improper
14 sympathy for or against anyone in this case. Remember you
15 have no friends to reward or enemies to punish, and all
16 parties are entitled to a fair and impartial trial.

17 It is your duty as jurors to consult with one another
18 and to deliberate in an effort to reach an agreement. Each
19 of you must decide this case for yourself, but only after
20 impartial consideration of all the evidence with your
21 fellow jurors.

22 In the course of your deliberations, do not hesitate
23 to reexamine your views and change your opinion if you
24 become convinced it is erroneous. However, do not
25 surrender your honest conviction as to the weight or effect

1 of the evidence solely because of the opinion of your
2 fellow jurors, or for the mere purpose of returning a
3 verdict.

4 As I stated earlier, you are judges, judges of the
5 facts. Your verdict must represent the considered judgment
6 of each juror. In other words, your verdict must be
7 unanimous.

8 Now, there are two possible verdicts which you may
9 find as to each indictment in this case: guilty or not
10 guilty. And there is no significance whatsoever in the
11 order in which I state these possible verdicts. It's
12 simply that one must be stated first.

13 Now, you may have noticed that I have read these
14 instructions to you. I do so to give you the law as
15 accurately as possible. I will give you a copy of these
16 instructions to have in the jury room. You may refer to
17 these instructions to assist you in your deliberations.
18 You must consider the instructions as a whole and may not
19 follow some and ignore others.

20 Now, Madame Foreperson, it will be your duty to
21 preside over the deliberations of the jury. If during your
22 deliberations you should desire to communicate with the
23 court, please reduce your message or question to writing
24 signed by the foreperson and the foreperson only, and pass
25 the note to the bailiff, who will bring it to my attention.

1 I will then respond as promptly as possible, either by
2 writing or having you return to the courtroom. I caution
3 you, however, with regard to any message or question you
4 might send: that you should never state or specify your
5 numerical division at the time.

6 Now, you have heard the evidence and you have heard
7 the law. Whatever your verdict, Madame Foreperson, you
8 will indicate it on the verdict form and then sign and date
9 your verdict.

10 Remember that although the foreperson is the only
11 juror who writes the verdict, it is not hers alone. The
12 verdict has to be unanimous. Madame Foreperson, you are
13 not authorized to write the verdict until all of you have
14 agreed on the verdict.

15 Now, ladies and gentlemen, I'm going to send you to
16 your jury room, but do not begin to discuss the case until
17 you have received a copy of this jury charge, the verdict
18 form, and the exhibits. Once you receive these things,
19 that will be your signal to begin your deliberations. Once
20 you begin your deliberations, you will deliberate until you
21 have reached a verdict, at which time you will knock on the
22 door, advise the bailiff, and we will bring you back into
23 the courtroom to receive your verdict.

24 Now at this time I'm going to dismiss you to your jury
25 room. It should only be two or three minutes before you

1 receive the jury charge, the evidence, and the verdict
2 form. As soon as you receive that, you will begin to
3 deliberate. So, I will excuse you now.

4 (THE JURY EXITS AT 3:14 P.M.)

5 THE COURT: Any objections to my charges from the
6 state?

7 MS. WALKER: Your Honor, did you explain the verdict
8 form and how to fill it out, or you think it's not
9 necessary? I'm just trying too...

10 THE COURT: I don't think that it's necessary.

11 MS. WALKER: Okay.

12 THE COURT: Would you like me to explain it?

13 MR. RUFFIN: I don't think it's necessary, but I'm not
14 opposed to you explaining it. I mean, it's pretty
15 self-explanatory, I thought.

16 THE COURT: I think so, too.

17 MS. WALKER: I understand, Your Honor. I once had a
18 jury ask if they had to be unanimous, so I don't know if
19 anything is self-explanatory, but whatever Your Honor wants
20 to do.

21 MR. RUFFIN: I mean, it says the word unanimously on
22 each of the charges that they're considering. It's written
23 on the form.

24 THE COURT: I don't think it's necessary to explain
25 the verdict form.

1 MS. WALKER: Okay.

2 THE COURT: Any objections to the jury charges?

3 MR. RUFFIN: Well, we have one. Not really to the
4 charge, but we would object to the indictments going into
5 this deliberation room.

6 THE COURT: They're not.

7 MR. RUFFIN: They're not ---

8 THE COURT: I don't plan to send them back anyway.

9 MR. RUFFIN: Okay. I'm sorry.

10 THE COURT: I initially did and I did tell Ms.
11 Sturgill that, but now that I've done a verdict form, I
12 will not send the indictments back.

13 MR. RUFFIN: Thank you, Judge.

14 THE COURT: All right, thank you, folks. If you'll

15 ---

16 MR. RUFFIN: Your Honor.

17 THE COURT: Yes.

18 MR. RUFFIN: I guess I should renew ---

19 THE COURT: Yes.

20 MR. RUFFIN: --- all of my prior objections and
21 motions for the record, and that's it. Now I'm done.

22 THE COURT: All right, and the rulings remain the
23 same.

24 Okay, y'all check the evidence, and then we'll be at
25 ease while we wait for the jury.

1 (WHEREUPON, COUNSEL FOR BOTH SIDES REVIEW EXHIBITS
2 WITH COURT REPORTER.)

3 (OFF THE RECORD AS JURY DELIBERATIONS BEGIN AT 3:19
4 P.M.)

5 THE COURT: All right, folks, we have a verdict.
6 Mr. Dye, if you would bring the jury, please.

7 (THE JURY ENTERS AT 4:32 P.M.)

8 THE COURT: All right, Madame Foreperson, I understand
9 the jury has reached a verdict. Is that correct?

10 FOREPERSON: Yes, ma'am.

11 THE COURT: Is your verdict unanimous?

12 FOREPERSON: Yes.

13 THE COURT: If you would please hand that verdict form
14 to the bailiff?

15 (A PAUSE.)

16 THE COURT: All right, Madame Clerk, if you would
17 publish the verdict, please.

18 VERDICT

19 CLERK OF COURT: State of South Carolina and the
20 County of Richland in the Court of General Sessions for the
21 Fifth Judicial Circuit, on indictment numbers
22 2017-GS-40-2155 and 2017-GS-40-2158 on the matter of *The*
23 *State of South Carolina vs. Christopher Michael Jackson*, as
24 to the charge of strong-arm robbery, we, the jury,
25 unanimously find the defendant guilty. To the charge of

1 domestic violence in the second degree, we, the jury,
2 unanimously find the defendant guilty. And it's signed by
3 the forelady, and it's dated October 3, 2017.

4 Madame Forelady, is this your verdict and the verdict
5 of the entire jury?

6 FOREPERSON: Yes, it is.

7 CLERK OF COURT: Thank you.

8 THE COURT: Anything before we dismiss the jury?

9 MR. RUFFIN: I'd ask ---

10 MS. WALKER: Nothing from the state, Your Honor.

11 MR. RUFFIN: I'd ask the jury be polled.

12 THE COURT: Poll the jury, Madame Clerk.

13 CLERK OF COURT: Yes, Your Honor.

14 Ladies and gentlemen of the jury, Madame Forelady, I'm
15 going to call each of your names out, and I'm going to ask
16 you two questions, and I need you to answer both of those
17 questions.

18 Prussia George, was this your verdict?

19 JUROR: Yes.

20 CLERK OF COURT: Is it still your verdict?

21 JUROR: Yes.

22 CLERK OF COURT: Gregory Fisher, was this your
23 verdict?

24 JUROR: Yes.

25 CLERK OF COURT: Is it still your verdict?

1 JUROR: Yes.

2 THE COURT: April Moreland, was this your verdict?

3 JUROR: Yes.

4 CLERK OF COURT: Is it still your verdict?

5 JUROR: Yes.

6 CLERK OF COURT: Kayla Knightner, was this your
7 verdict?

8 JUROR: Yes.

9 CLERK OF COURT: Is it still your verdict?

10 JUROR: Yes.

11 CLERK OF COURT: Sekena Coleman, was this your
12 verdict?

13 JUROR: Yes.

14 CLERK OF COURT: Is it still your verdict?

15 JUROR: Yes.

16 CLERK OF COURT: Joshua Knauer, was this your verdict?

17 JUROR: Yes.

18 CLERK OF COURT: Is it still your verdict?

19 JUROR: Yes.

20 CLERK OF COURT: Yolanda Geiger, was this your
21 verdict?

22 JUROR: Yes.

23 CLERK OF COURT: Is it still your verdict?

24 JUROR: Yes.

25 CLERK OF COURT: Ashly Morris, was this your verdict?

1 JUROR: Yes.

2 CLERK OF COURT: Is it still your verdict?

3 JUROR: Yes.

4 CLERK OF COURT: Neil Ellisor, was this your verdict?

5 JUROR: Yes.

6 CLERK OF COURT: Is it still your verdict?

7 JUROR: Yes.

8 CLERK OF COURT: Candice Webb, is this your verdict?

9 JUROR: Yes.

10 CLERK OF COURT: It is still your verdict?

11 JUROR: Yes.

12 CLERK OF COURT: Brandon Crater, was this your
13 verdict?

14 JUROR: Yes.

15 CLERK OF COURT: Is it still your verdict?

16 JUROR: Yes.

17 CLERK OF COURT: Kione Stevenson, was this your
18 verdict?

19 JUROR: Yes.

20 CLERK OF COURT: Is it still your verdict?

21 JUROR: Yes.

22 CLERK OF COURT: The jury is polled, Your Honor.

23 THE COURT: All right, anything further from defense?

24 MR. RUFFIN: No, Your Honor.

25 THE COURT: From the state?

1 MS. WALKER: No, Your Honor.

2 THE COURT: All right, ladies and gentlemen, thank you
3 very much for your service on this case. As I told you at
4 the end, once you have rendered your verdict after careful
5 consideration, no one will have the right to criticize your
6 verdict, and I think that holds true. That holds true in
7 any case.

8 I say that -- want to thank you for your hard work on
9 this case and for being attentive today. We can't do what
10 we do unless we have citizens willing to do what you do.
11 But I also tell you that because some of these attorneys or
12 the parties or someone may want to talk to you about how
13 you reached your verdict. I don't know if that's true in
14 this case. Sometimes they do; sometimes they don't. You
15 can talk to whoever you want to about this case at this
16 point. I've told you several times do not discuss the
17 case. That's over now that you've rendered your verdict;
18 you can talk to whoever you'd like, and that includes the
19 attorneys, law enforcement, parties, people sitting out
20 here in the gallery, or whoever.

21 If you don't want to talk to them, you don't have to
22 talk to them. None of these people should be calling you,
23 harassing you, asking you for your opinion, or anything
24 like that, or harassing you in any way. If they do, if you
25 have a problem with that -- I wouldn't expect that of any

1 of these attorneys, but if you have a problem, call with
2 that. Call the clerk of court's office or the jury
3 coordinator, and I'll see that a stop is put to it.

4 Also when you leave the courtroom -- I'm going to
5 dismiss you in just a second and allow you to go out the
6 way you've been coming in sort of through the back way. If
7 you want to hang around and talk to folks, or the next step
8 with this case would be sentencing of the defendant. If
9 you're interested in any of that, then when you go back out
10 that hallway, that door down there, you can come on back in
11 the courtroom and have a seat back there.

12 In South Carolina, unless there's some reason not to,
13 we usually do sentencing immediately. I know if you watch
14 *Dateline* or *20/20* or any of those shows, in a lot of other
15 states there's a lengthy delay, or even in federal cases
16 there is a delay of some weeks or months between conviction
17 and sentencing, but we don't do that here. Mr. Jackson
18 will be sentenced in just a few minutes on these charges.
19 So if you're interested in that, you're welcome to come
20 back in the courtroom.

21 We're actually going to take a short three minutes or
22 so before that happens, and I'm going to excuse you now and
23 thank you and tell you that your jury service is done. You
24 cannot serve on another circuit court jury for the
25 remainder of this year. I can't help you with magistrate's

1 court or federal court or any of those other courts, but at
2 least for circuit court you're not qualified to serve for
3 the rest of the year, and you can choose not to serve in
4 2018 or 2019 if you don't want to and you are summonsed to
5 serve. But thank you so much, and I will let you go at
6 this point. Go on right outside.

7 (THE JURY EXITS AT 4:37 P.M.)

8 THE COURT: All right, anything from the state before
9 sentencing?

10 MS. WALKER: No, Your Honor. We just need to get the
11 sentencing sheets together and we'll be ready.

12 THE COURT: Absolutely.

13 Anything from the defense?

14 MR. RUFFIN: Yes, Your Honor. I move for you to enter
15 a judgment notwithstanding the verdict on the charge of
16 strong-arm robbery at this time. It's our contention that
17 the evidence presented by the state does not support the
18 jury's decision on that charge. So, we would ask that you
19 set aside the jury's finding of guilt on strong-arm robbery
20 and find the defendant not guilty on strong-arm robbery.

21 THE COURT: Okay. Your motion is denied, sir.

22 All right, let's take just five minutes or so for
23 y'all to get things together, reposition yourself for
24 sentencing.

25 MS. WALKER: Thank you, Your Honor.

1 (OFF THE RECORD.)

2 THE COURT: Come on around, sir.

3 Do you have the sentencing sheet? Thank you.

4 All right, Ms. Walker.

5 MS. WALKER: Thank you, Your Honor. The victim in
6 this case asked me to speak on her behalf; she didn't want
7 to address the court.

8 Your Honor, yesterday the defendant testified that he
9 was attacked in his home and that he had to eject her from
10 his home using force. So, not only did he beat her, not
11 only did he steal from her, but then he got up on the stand
12 and swore under oath to slander her name for no good
13 reason.

14 Your Honor, the defendant has a lengthy prior record
15 which I'm going to get into, and after this, Your Honor,
16 there are pending charges in my office that will remain
17 pending until I speak with the victim and law enforcement.
18 It's the same victim.

19 In September she called 911 again, and he was charged
20 in that case with armed robbery, burglary in the first
21 degree, criminal domestic violence in first degree, and
22 possession of a weapon during the commission of a violent
23 crime. I know you're not going to take those into
24 consideration in sentencing on this case. I just wanted to
25 let you know that those charges are still pending and will

1 remain pending until I make a decision about what to do
2 with those.

3 Your Honor, this defendant's prior record includes
4 dating back to 2010 a conviction for burglary in the second
5 degree. He was given probation on that, but his probation
6 on that looks like was revoked because he was arrested for
7 burglary tools, and he was sentenced to five years in terms
8 -- as far as his probation revocation and the new
9 conviction of burglary tools. He was ---

10 THE COURT: What year was that?

11 MS. WALKER: That's 2012.

12 THE COURT: Okay.

13 MS. WALKER: Your Honor, there was a property crime
14 third offense there as well. Then in two thousand --
15 before that in 2009, there was a marijuana charge and a
16 possession of a stolen vehicle charge. In 2009 he was sent
17 to the Department of Corrections for eighteen months for a
18 property crime third offense. 2010 there was a breach of
19 peace conviction.

20 Your Honor, the reason I tell you the sentences is
21 because his revocation and sentence of five years clearly
22 did not teach him a lesson. He still thinks that, for
23 whatever reason, he has the right to victimize the people
24 of Richland County, and at some point some judge --
25 hopefully you -- will tell him that he doesn't and will

1 give him a sentence that gets his attention.

2 Your Honor, I don't know the number of years. The
3 legislature didn't choose me to choose a number of years.
4 They chose you. What I'm asking for, Your Honor, is a
5 sentence that reflects the harm he did in this case and his
6 prior record that he clearly hasn't learned from. Thank
7 you.

8 THE COURT: All right. Yes, sir, Mr. Ruffin.

9 MR. RUFFIN: Thank you, Your Honor. Thank you, Your
10 Honor. May it please the court? As to the testimony
11 yesterday, obviously we were raising a defense which I
12 still believe is totally applicable in this case, the
13 Protection of Persons and Property Act, that Ms. Roberts
14 did unlawfully enter Chris's home that day. That's not a
15 defense we raised in front of the jury, which was a
16 strategic move on our part to accept guilt on the domestic
17 violence in front of the jury, but not to argue that it was
18 self-defense because -- and, you know, the reason we did
19 that is because he did admit to punching Jasmine, and we
20 were fearful that, you know, a jury would not be receptive
21 to the argument that punching her to remove her from her --
22 from his house would have been justified. We didn't think
23 a jury would think it was justified, and that's why we
24 didn't take that position in front of the jury.

25 So, I just wanted to explain to you that that was a

1 decision on our part. Maybe it was a mistake but, you
2 know, we, we thought that we would be better off owning the
3 punching of the face in front of a jury instead of arguing
4 that it was defense of habitation. So, the jury still
5 convicted him, obviously, anyway.

6 Just a little bit about Chris. He, he was in jail for
7 fifty-two days and since he's bonded out, he's been on the
8 ankle monitor and been on house arrest, and that's been for
9 270 days. So, that's a total of 322 days that he's
10 essentially being detained.

11 Your Honor, he works right now at Sea Hunt Boats over
12 on Bluff Road and has been working there for the last
13 several months. Before that, he was working at Columbia
14 Farms. So, he left Columbia Farms to go to Sea Hunt Boats
15 because they paid more and it was a better job. He works
16 long hours during the week and also sometimes during the
17 weekends.

18 He does live with his current girlfriend, who's seated
19 in the courtroom. She's been here throughout the trial.
20 She's been here throughout the entire representation, of my
21 representation of Chris. She's come -- she came to the
22 bond motion. She's met with me in my office before, and
23 she is dedicated to him.

24 They live together with her children, and he helps
25 take care of those children. He pays -- Chris actually

1 pays the rent there. He also pays the electricity bill, I
2 believe, and he helps pay food, provide food for the kids,
3 and he's been doing that ever since he's been out on bond.

4 Your Honor, Ms. Harrell and my client would like to
5 address Your Honor. Before I let them do that, I just want
6 to say that, you know, I understand he does have a prior
7 record and that the charges here are serious. However, I
8 think a probationary sentence is appropriate. I think that
9 Chris over the last 270 days he's been on ankle monitor,
10 which in my opinion is much more stringent than being on
11 probation. It requires him to report weekly. It's much
12 more expensive than probation is. He's on much tighter
13 supervision because they are literally monitoring every
14 single -- where he goes at all times of the day, and he's
15 done fine on that. So, I think that he could be successful
16 on probation, Judge.

17 If you're not inclined to do that, I would request
18 that the court give him a split sentence of some sort with
19 time hanging over his head. He has to serve some now and
20 with probation to follow. So, that's what I'm requesting,
21 Your Honor, and of course I'm requesting that you give him
22 the 322 days credit, and I'll turn it over to Ms. Harrell
23 and let her speak, and then I'll let Mr. Jackson address
24 you.

25 THE COURT: Ms. Harrell, yes, ma'am. You can stay

1 there. Just speak loudly and tell me your first name,
2 please.

3 MS. HARRELL: It's Harriet.

4 THE COURT: Harriet Harrell?

5 MS. HARRELL: Yes, ma'am.

6 THE COURT: Yes, ma'am.

7 MS. HARRELL: I know Chris for several years and,
8 like, last year, we began to be closer than friends, and
9 he's been helping with my, my grandson. He's been having
10 problems in school. Chris's been teaching him and, you
11 know, do his work, help on his course and stuff, and now my
12 grandson is on the A and B honor roll. And he helps pay
13 the bill. I come depend, you know, depend on him because
14 my job is, like, part-time work and he's full-time. And he
15 also, you know, check on his grandparents which, you know,
16 his grandpa has, you know, cancer and his grandmomma not
17 doing too good with her, her feet and health. So, we --
18 you know, Chris goes over to check on them every day, so.

19 THE COURT: How old is your grandson that he helps
20 out?

21 MS. HARRELL: At the time he was ten, between nine
22 and ten.

23 THE COURT: And how long have y'all been dating?

24 MS. HARRELL: We've been dating, like, a year and some
25 change.

1 THE COURT: You remember what month last year you
2 started dating?

3 MS. HARRELL: Yes, ma'am.

4 THE COURT: What month was it?

5 MS. HARRELL: It was August, September.

6 THE COURT: August or September of 2016?

7 MS. HARRELL: Yes, ma'am.

8 THE COURT: Okay. All right. Thank you, ma'am.

9 MS. HARRELL: You're welcome.

10 THE COURT: Yes, sir, Mr. Jackson.

11 DEFENDANT: I know that I, I did wrong to the, the
12 victim, whatnot, I mean, by putting my hands on her. I
13 know you're not supposed to put your hands on a woman and
14 whatnot. It's wrong just doing it by any means. My
15 grandma taught me better that, and I apologize, like,
16 deeply and I apologize to my girlfriend. I apologize to
17 myself just for allowing myself, just for allowing myself
18 just to steep down that low.

19 But I'm not a bad person, ma'am. I'm really not. I
20 work full time, and only thing I just do is live my life in
21 peace, and that's what I find with me and Harriet and her
22 kids, and I just want to live my life in peace. I don't
23 want any problems; I don't want no problems. Any problem
24 that comes by, I just don't, I don't deal with them. I
25 just turn the other cheek and walk away. That's how --

1 what I been doing. That's what she has been teaching me
2 for the last couple of months.

3 And I don't want to see myself behind bars again
4 because I've learned so much. I've spent the last eighteen
5 months behind, behind brick walls and in a room, and once
6 when I went back down to, to, to under the stairs and
7 whatnot and been in that room just for thirty minutes, it
8 just -- everything just came back like I been in that room
9 eighteen months again. It hurt. I don't want to do it all
10 over again, but I, I did wrong by the law of South
11 Carolina. I accept what I've done, but I'm not that
12 person. I'm not, I'm not an evil person. I'm not. I
13 don't have nothing against no one. Only thing I want to do
14 is just live my life.

15 Now I'm living, going to work every day, taking care
16 of the kids even though I don't have any kids myself. I
17 want kids. I been wanting kids since I was twenty-three
18 years old and I just couldn't conceive them. But I just
19 want to live and just live out here like a upstanding
20 citizen, ma'am. That's it. I don't want no problems with
21 anybody. I don't cause problems. I just go to work, come
22 back home. That's my everyday schedule. I put on ankle
23 monitor last couple months, and it's really taught me just
24 to keep, keep pushing harder. That's all I want is just
25 keep pushing harder and be the, be the best that I can.

1 I'm not a bad person, ma'am; I'm really not. I just
2 make bad mistakes in my life that has, that has really just
3 gotten me in this predicament right now. That's it, just
4 choices, ma'am, but my choices now is better as a man.

5 THE COURT: When did you get out of SCDC after that
6 five-year sentence?

7 DEFENDANT: I got out October 31st of 2014.

8 THE COURT: Okay, anything else?

9 MR. RUFFIN: Nothing further.

10 THE COURT: From the state?

11 MS. WALKER: No, Your Honor. Oh.

12 THE COURT: Are you sure?

13 MS. WALKER: Hold on one second.

14 THE COURT: Check on Ms. Brown, please.

15 (A PAUSE.)

16 MS. WALKER: I'm sorry, Your Honor. I was mistaken.

17 THE COURT: Yes, ma'am.

18 MS. ROBERTS: Okay. My name is Jasmine Roberts.

19 MS. WALKER: Speak up.

20 MS. ROBERTS: My name is Jasmine Roberts. How this
21 impacted me, I lost my job because of this. I couldn't
22 provide. I almost lost my house behind this. And mentally
23 and physically, emotionally it really messed me up, and it
24 took me a while to get to the point I am now, but I almost
25 didn't. I just hope that he seeks help, and in the future

1 that I can get to the point where I want to be in life, and
2 I can overcome this. Thank you.

3 THE COURT: Thank you.

4 *SENTENCE OF THE COURT*

5 THE COURT: All right, as I see things, Mr. Jackson,
6 your criminal record began when you were only twenty years
7 old. Actually, it must have begun before that because at
8 the age of twenty you were convicted of a property crime
9 enhancement, which means you had two previous property
10 crimes, whether they were shopliftings or something else.
11 So, clearly your record dates back before you were twenty
12 years old.

13 Did an eighteen-month sentence on some of those
14 charges. Were released at the age of twenty-one. More
15 criminal charges, including burglary. You were placed on
16 probation at that time and that probation was revoked,
17 which tells me you are not a suitable candidate for
18 probation.

19 Then at the age of twenty-three, there are additional
20 criminal convictions which landed you in the Department of
21 Corrections until October 31, 2014. Then in August of
22 2016, this occurs. I'm not sure. Hopefully you were not
23 in any trouble in the interim. I don't know..

24 But then this occurs on August 5th of 2016, someone
25 that you've been dating for some time. She says since

1 before you were released from the Department of
2 Corrections. You get into an argument with -- whatever the
3 argument was, and punch her in the face such that she ends
4 up hospitalized for her injuries. Frankly, I think it's
5 fortunate that you were not charged with domestic violence
6 of a high and aggravated nature or attempted murder or some
7 other more serious charge, but that happens August 5, 2016.

8 And then at some point shortly thereafter, after
9 you've put one woman in the hospital, then you've
10 immediately moved on to another woman, which is absolutely
11 your choice, but it just doesn't paint a great picture of
12 what's been going on in your adult life.

13 There's no need to add anything at this point, sir.

14 In any event, on the charge of domestic violence
15 second degree, the sentence is three years in Department of
16 Corrections, and on the charge of strong-arm robbery the
17 sentence is that you be committed to State Department of
18 Corrections for a period of ten years, both sentences to
19 run concurrent. And he will certainly get credit for the
20 fifty-two days that he served.

21 As to the house arrest time, give me proof that he
22 was, in fact, on house arrest. And is he managed through
23 Offender Management or some other ---

24 MR. RUFFIN: That's ---

25 MS. WALKER: I think he was, Your Honor.

1 MR. RUFFIN: Correct.

2 THE COURT: Get me a report from Offender Management.

3 MR. RUFFIN: Sure.

4 THE COURT: And some proof that it was, in fact, house
5 arrest pursuant to the statute, and I will consider
6 allowing credit for that time as well.

7 MR. RUFFIN: Okay.

8 THE COURT: Okay.

9 MR. RUFFIN: Thank you, Judge.

10 MS. WALKER: Thank you, Your Honor.

11 THE COURT: Good luck to you, sir.

12 And with that, this matter is adjourned.

13 (JURY CHARGE MARKED INTO EVIDENCE AS COURT'S EXHIBIT
14 NUMBER 2.)

15 --- END OF TRANSCRIPT OF RECORD ---

CERTIFICATE

I, THE UNDERSIGNED ELIZABETH B. HARRIS, CERTIFIED
VERBATIM OFFICIAL COURT REPORTER FOR THE FIFTH
JUDICIAL CIRCUIT OF THE STATE OF SOUTH CAROLINA, DO
HEREBY CERTIFY THAT THE FOREGOING IS A TRUE, ACCURATE
AND COMPLETE TRANSCRIPT OF RECORD OF ALL THE
PROCEEDINGS HAD AND EVIDENCE INTRODUCED IN THE HEARING
OF THE CAPTIONED CAUSE, RELATIVE TO APPEAL, IN THE
CIRCUIT COURT FOR RICHLAND COUNTY, SOUTH CAROLINA, ON
THE 2ND AND 3RD DAYS OF OCTOBER, 2017.

I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN,
COUNSEL, NOR INTEREST IN ANY PARTY HERETO.

/S/ELIZABETH B. HARRIS, CVR-M-CM

COLUMBIA, SOUTH CAROLINA

FEBRUARY 18TH, 2018

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on SEPTEMBER 9, 2017,
the Grand Jurors of Richland County present upon their oath:

ROBBERY/STRONG ARM ROBBERY

That Christopher Michael Jackson did in Richland County on or about August 5, 2016, take personal property from or in the immediate presence of JASEMINE ROBERTS with the intent to deprive her of possession through the use of force, threats of force, or intimidation, and did carry away the property taken, in violation of the Common Law crime of Strong Arm Robbery.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

A handwritten signature in black ink, appearing to read 'D. Johnson', written over a horizontal line.

DAN JOHNSON, SOLICITOR

WITNESSES

(S) Michael Laurita
- Richland County Sheriff Dept

ARREST WARRANT NUMBER

2016A4010600474

**ACTION OF GRAND JURY
TRUE BILL**

Keith Bl
Foreperson of Grand Jury
Date: **SEP 14 2017**

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2017GS4002155

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2017
101

**THE STATE
vs.**

Christopher Michael Jackson

**Indictment for
ROBBERY / COMMON LAW ROBBERY,
STRONG ARM ROBBERY**

**SC Code: 16-11-0325
CDR Code: 0137**

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on SEPTEMBER 9, 2017,
the Grand Jurors of Richland County present upon their oath:

DOMESTIC VIOLENCE 2ND DEGREE

That Christopher Michael Jackson did in Richland County on or about August 5, 2016, cause physical harm or injury to a household member, JASEMINE ROBERTS, or did offer or attempt to cause physical harm or injury to a household member, JASEMINE ROBERTS, with apparent present ability under circumstances reasonably creating fear of imminent peril and the offense was committed during a robbery and/or burglary and/or the victim's access to a cell phone was blocked in violation of Section 16-25-20(A-D), S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



DAN JOHNSON, SOLICITOR

WITNESSES

(S) Michael Laurita
- Richland County Sheriff Dept

ARREST WARRANT NUMBER

2016A4010600475

**ACTION OF GRAND JURY
TRUE BILL**

Kedall BL
Foreperson of Grand Jury
Date:

SEP 14 2017

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2017GS4002158

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2017

101

**THE STATE
vs.**

Christopher Michael Jackson

**Indictment for
DOMESTIC/DOMESTIC VIOLENCE 2ND
DEGREE**

**SC Code: 16-25-0020(A)
CDR Code: 3812**

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

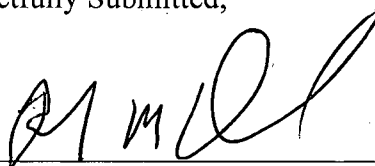
Witness:

C.C.C. PLS. AND G.S.

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Robert M. Dudek
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 19th day of September, 2018.

RECEIVED

SFP 19 2018

SC Court of Appeals