

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Saluda County

Honorable Walton J. McLeod, IV, Circuit Court Judge

THE STATE,

v.

JOHNNY TYLER PADGETT,

RESPONDENT,

RECEIVED

MAR 04 2020

SC Court of Appeals

APPELLANT

APPELLATE CASE NO 2019-000902

RECORD ON APPEAL

ADAM SINCLAIR RUFFIN  
Appellate Defender

ALAN WILSON  
Attorney General

South Carolina Commission on Indigent  
Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, SC 29211-1589  
(803) 734-1330

WILLIAM M. BLITCH, JR.  
Senior Assistant Deputy Attorney General  
Rembert Dennis Building  
1000 Assembly Street, Room 519  
Columbia, SC 29201

ATTORNEY FOR APPELLANT

ATTORNEYS FOR RESPONDENT

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:  
STATE'S EXHIBIT NO. 1 (BODY-WORN CAMERA FOOTAGE)  
STATE'S EXHIBIT NO. 2 (CAMERA FOOTAGE)**

STATE OF SOUTH CAROLINA	)	GENERAL SESSIONS
	)	
County of Saluda	)	2019-GS-41-00058
	)	
	)	
State of South Carolina,	)	
	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
John T. Padgett.	)	
	)	

May 21, 2019  
 Saluda, South Carolina

BEFORE:

The Honorable Walton J. McLeod, IV, Judge; and a jury.

APPEARANCES:

Brian McBride Eckstrom, Assistant Solicitor  
 Robert E. McNair, III, Assistant Solicitor  
 Attorneys for the State

John T. Padgett, pro se

Bennett E. Casto, Assistant Public Defender  
 Standby Counsel

Maryann S. Nevers, CVR-M-CM, RVR  
 Circuit Court Reporter  
 Certified Verbatim Reporter - Master  
 Certificate of Merit  
 Realtime Verbatim Reporter

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(No exhibits were marked.)

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THE COURT: Hi. Good morning, ladies and gentlemen. Please be seated. All right, ladies and gentlemen, first of all, thank you for being here on time this morning. I want to be clear that I know you're sitting out there in the courtroom, but let me just assure you there's plenty of work that's going on right now. I've got some matters that I have to take up outside of your presence, and I don't want to just have you wait outside the courtroom for a time that I'm not sure how long it will take. So what I'm going to actually do is we'll -- I'll let you -- we'll go into recess for you and ask you to be back in the room at 1 p.m. So consider it an early lunch, and when you get back, we should be ready to proceed at that point. All right. Thank you.

(The jury panel left open court at 11:53 p.m.)

THE COURT: Mr. Casto, is your client here?

MR. CASTO: Yes, sir, he is.

THE COURT: All right. Mr. Eckstrom, you ready to go?

MR. ECKSTROM: Yes, Your Honor.

THE COURT: All right. I'll -- the floor is yours.

MR. CASTO: Yes, sir. Thank you very much. Judge, if we could approach?

THE COURT: Just to be clear, everyone from the jury

1 is out of here, right? Those are family members, or...

2 MR. CASTO: Yes, sir, Your Honor.

3 THE COURT: Okay.

4 MR. CASTO: Everybody -- so the record reflects it,  
5 the jury panel has been removed from the courtroom. There  
6 is nobody that's in attendance here. They're all outside.

7 Your Honor, this motion that we have is my client's  
8 request to relieve me of counsel. We'd ask the Court to  
9 take that matter up at this time.

10 THE COURT: Okay.

11 JOHNNY TYLER PADGETT, after having first being duly  
12 sworn, testified under oath as follows:

13 THE COURT: All right. Can you tell me your name for  
14 the record, please?

15 THE DEFENDANT: My name is Johnny Tyler Padgett.

16 THE COURT: Mr. Padgett, okay.

17 THE DEFENDANT: Yes, sir.

18 THE COURT: How old are you, Mr. Padgett?

19 THE DEFENDANT: Well, I'm fifty -- 63. I'll be 64 on  
20 my birthday, [REDACTED].

21 THE COURT: Okay. It's my understanding that you  
22 want to represent yourself; is that correct?

23 THE DEFENDANT: Yes, sir. Wait a minute, say what  
24 now? What did he say?

25 MR. CASTO: He's asking you if you want to represent

1 yourself.

2 THE DEFENDANT: No, no, I'm not -- I'm not going  
3 represent myself on this case because I want a lawyer to  
4 help me in this case. The -- the indictment is screwed up  
5 and the arrest warrant is screwed up, so -- I'm not going  
6 to take the chance of represent -- I want a lawyer to help  
7 me. So far, I ain't got no lawyer to helping me. I want  
8 a lawyer to put this before the Court and show the Court  
9 these -- the Court should not have jurisdiction over these  
10 charges.

11 THE COURT: Okay. Mr. Casto is your lawyer of  
12 record, right? Isn't that correct?

13 THE DEFENDANT: Sir?

14 THE COURT: Mr. Casto is your lawyer of record right  
15 now. He's your attorney.

16 THE DEFENDANT: Who? Mr. Casto not -- Mr. Casto not  
17 doing what I want him to do.

18 THE COURT: All right.

19 THE DEFENDANT: And it's about the affidavit  
20 statement attest to the warrant. It's about the affidavit  
21 statement attest to the warrant. The warrant were never  
22 signed by no person. And they want to bring me here and  
23 try me for it.

24 THE COURT: Well ---

25 THE DEFENDANT: That is wrong.

1 THE COURT: You have an attorney --

2 And you were appointed, Mr. Casto; is that correct?

3 MR. CASTO: Yes, sir.

4 THE COURT: And so you have an attorney that's been  
5 appointed to you ---

6 THE DEFENDANT: Okay.

7 THE COURT: --- but what you're saying, though, you  
8 want an attorney; you just want an attorney different from  
9 Mr. Casto; is that correct?

10 THE DEFENDANT: I want attorney to represent me and  
11 be fair with me about my case. I don't want no attorney  
12 to tell me that the -- the warrant -- the warrant haven't  
13 never been signed by a judge, but I don't want no lawyer  
14 to tell me it can be done. But it can't be done. Do you  
15 understand what I'm saying?

16 THE COURT: Well ---

17 THE DEFENDANT: Where I got a copy of the warrant ---

18 THE COURT: --- my understanding coming into here was  
19 that you wanted to represent yourself and you wanted to  
20 let Mr. Casto go ---

21 THE DEFENDANT: I'm not going to take that risk of  
22 representing myself.

23 THE COURT: All right, sir. You acknowledge to me  
24 that you need a lawyer to represent you; is that correct?

25 THE DEFENDANT: I'm not going to represent myself.

1 THE COURT: Okay. Again, are you acknowledging to me  
2 that you understand you need an attorney to help you  
3 defend this case; is that correct?

4 THE DEFENDANT: I want the Court to appoint me an  
5 attorney who willing to help me with my case and be honest  
6 with me about my case. So far, they not being honest  
7 about my case. I know for a fact that they not being  
8 honest about it.

9 THE COURT: I mean, your attorney is ---

10 THE DEFENDANT: He's not being honest with me.  
11 Matter of fact, when I was charged with attempted murder  
12 in 2015, it was about him and about seven other lawyer  
13 were involved in my case, and all of them wanted me to  
14 represent myself so the prosecutor can put me away for a  
15 long time, but I decided not to represent myself in that  
16 case, so I had to get a lawyer from Columbia. The Court  
17 appointed me a lawyer from Columbia to represent me and  
18 free me from those lies that the prosecutor and so-called  
19 victim had against me. So like these prosecutors here  
20 just the more corrupt than the ones they got rid of ---

21 THE COURT: Okay.

22 THE DEFENDANT: --- because they want to try me with  
23 a warrant haven't never been notarized or signed by any  
24 person. Not even by a magistrate.

25 THE COURT: Okay. Just let me -- so just to be

1 clear, you're not waiving your right to counsel? You just  
2 want another attorney.

3 THE DEFENDANT: I raise my right hand and I'm telling  
4 nothing but the truth, this man not in my favor ---

5 THE COURT: He does not have your ---

6 THE DEFENDANT: This lawyer -- this lawyer not in my  
7 favor. Mr. Casto not in my favor. He in the state favor.  
8 If he were in my favor, he'd do the right thing by law,  
9 get these -- get the warrant dismissed before you.

10 THE COURT: All right. Well, Mr. Casto, you're still  
11 the attorney of record, and just so I understand what's  
12 going on here, he's not wishing to represent himself or  
13 proceed pro se, so I don't think *Faretta* is really an  
14 issue here.

15 MR. CASTO: The Court is correct.

16 THE COURT: All right.

17 MR. CASTO: It sounds like to me based on what he is  
18 saying he wishes to get another attorney -- he -- other  
19 than myself. Judge, I'll just tell you I'm pleased as I  
20 can be to do whatever you -- whatever you order.

21 THE COURT: How long have you been on this case?

22 MR. CASTO: So this case stems from January 9th of  
23 this year. So it's not very old. And I assume that this  
24 case came into my office, you know, some weeks after.  
25 That was the incident date, January 9th. This case

1 probably came into my office couple weeks after that.

2 THE COURT: Did he file a motion for speedy trial, or  
3 did you?

4 MR. CASTO: He did not. That's the other case.

5 THE COURT: All right.

6 MR. CASTO: There hasn't been a motion of any sort  
7 like that in this case.

8 THE COURT: All right. So the case is really five  
9 months old.

10 MR. CASTO: Yes.

11 THE COURT: Is that accurate?

12 MR. CASTO: He -- yes. It's from this year.

13 THE COURT: Okay. All right, sir. As it's clear  
14 that he has not waived his right to counsel and he does  
15 not wish to proceed pro se, is there any other motion that  
16 needs to be entertained here?

17 MR. CASTO: Your Honor, the only thing that he had  
18 expressed to me was hey, you know, he thought he might be  
19 able to find another lawyer. He was asking for time to  
20 try to secure that. But I informed him we would let the  
21 Court know about that if ---

22 THE COURT: Okay. He's out on a bond, isn't he?

23 MR. CASTO: Yes, sir. And I believe he only did just  
24 a couple of days. He's been out basically the whole time.

25 THE DEFENDANT: Four.

1 MR. CASTO: Four days.

2 THE COURT: Anything else you want to tell me, Mr.  
3 Padgett?

4 MR. CASTO: Is there anything else?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: I mean related to your lawyer. I don't  
7 you to argue your case right now. We're not there,  
8 but ---

9 THE DEFENDANT: First of all, do you understand what  
10 I was saying about the arrest warrant?

11 THE COURT: I'm sorry?

12 THE DEFENDANT: Do you understand what I was saying  
13 about the arrest warrant?

14 THE COURT: I'm not going to give you legal advice on  
15 what I understand or don't understand. You have a  
16 retained attorney right now ---

17 THE DEFENDANT: But ---

18 THE COURT: You don't want to go without an attorney,  
19 so, you know, I'm not going to let you argue your case  
20 before -- before we even begin the case. Okay?

21 Y'all can go ahead and have a seat.

22 MR. CASTO: Yes, sir.

23 THE COURT: Y'all come up here.

24 MR. CASTO: Yes, sir.

25

1 (Whereupon, a bench conference was held.)

2 THE COURT: All right. I've talked with the lawyers  
3 of record on state versus Padgett. The way I see it, Mr.  
4 Casto and Mr. Padgett is you've got a lawyer who has been  
5 assigned to your case. The case has been called for  
6 trial. A jury is here. You are here. The state's  
7 attorney is here. Your defense -- your attorney is here.  
8 You have the right to represent yourself, or you can  
9 proceed forward with Mr. Casto. I'll let you speak with  
10 Mr. Casto and decide what you're going to do, but we'll  
11 pick up with jury selection in about an hour in this case.  
12 All right. Thanks.

13 Let's find out what the other situation is.

14 (A recess was taken from 11:53 a.m. to 12:49 p.m.)

15 THE COURT: Okay. Mr. Eckstrom, have you seen the  
16 defendant's voir dire?

17 MR. ECKSTROM: I am in receipt of a copy of that,  
18 Judge. Without objection.

19 THE COURT: Okay. All right. So we have the jury,  
20 who is, I think, back. Is there anything we need to take  
21 up before we bring the jury up here?

22 MR. CASTO: Just briefly, to place our objection ---

23 THE COURT: Okay ---

24 MR. CASTO: --- on the record prior to them coming  
25 in.

1 THE COURT: Okay. Go for it.

2 MR. CASTO: Thank you very much. May it please the  
3 Court. Ultimately, today we're going to move forward with  
4 the trial of state versus Johnny Padgett, my client. Just  
5 to put on the record, yesterday the jury showed up. There  
6 was a court reporter that had called out. We were able to  
7 take the roll, but then I believe the Court asked the  
8 qualifications in order to qualify the jury pool. We  
9 believe since this is a court of record that it should  
10 have been conducted with a court reporter present. We  
11 think that certain rights of Mr. Padgett are implicated,  
12 statutory, and under the applicable provisions of the U.S.  
13 Constitution, state constitution, Your Honor, it's our  
14 understanding the Court wants to proceed to picking a jury  
15 in the case. And we just object to not putting  
16 yesterday's qualifications questions on the record at this  
17 time. We just place our objections on the record, Judge.

18 THE COURT: Okay. Thank you. Anything from the  
19 state?

20 MR. ECKSTROM: Nothing from the state, Your Honor.

21 THE COURT: And just -- and the only thing I would  
22 note is we did do roll call yesterday. We also did the  
23 statutory exclusions and exemptions which deal with -- you  
24 know, whether a juror -- anyone on the jury panel is a  
25 citizen or not a citizen of this county and state, whether

1 they have any physical or mental infirmities that would  
2 keep them from serving as jurors, whether they have any  
3 sort of extreme hardships with scheduling this week or  
4 have the care of small children or person over the age of  
5 65. We also did the other statutory exemptions, whether  
6 anyone was a county -- worked in a penitentiary or worked  
7 in a courthouse. None of the indictments were read to the  
8 jury pool yesterday. Nothing about the cases was  
9 discussed. It was simply to determine whether a juror was  
10 qualified or would be excluded for statutory reasons  
11 provided by state law or exempted due to age or other  
12 infirmities. All right? Thank you.

13 MR. CASTO: Yes, sir. And so our objection is ---

14 THE COURT: Your objection is noted.

15 MR. CASTO: Yes, sir.

16 THE COURT: I've got defendant's voir dire. Do I  
17 have state voir dire or you fine with the standard?

18 MR. ECKSTROM: Standard voir dire.

19 THE COURT: All right. Let me see if I got your  
20 witness list.

21 (A discussion was held off the record.)

22 THE COURT: All right. We'll let the jury get back  
23 in here and I'll come back out when everybody's seated.  
24 Okay? Anything else before we bring the panel back in the  
25 courtroom?

1 MR. ECKSTROM: Your Honor, briefly -- I would ask  
2 Your Honor to order the defendant not to have any mention  
3 of prior dealings with our office with regard to the jury  
4 panel.

5 THE COURT: Okay, Mr. Padgett, you can come on up to  
6 counsel's table. That's a good idea. We can at least  
7 discuss a few things before we bring the panel in.

8 MR. CASTO: The only thought I have is that might not  
9 be ripe. They can certainly object as things go on as  
10 they see fit, but...

11 THE COURT: Well -- all right. Mr. Padgett, we're  
12 about to bring the panel back in here, but as you'll  
13 recall, we did a hearing earlier where we determined --  
14 you explained to the Court that you did not want to  
15 represent yourself. You weren't happy with your current  
16 lawyer, but I told you you either can represent yourself  
17 or you can have an attorney. So you're going to have an  
18 attorney today. There are -- you can't hear me?

19 THE DEFENDANT: No, sir.

20 THE COURT: You have ---

21 THE DEFENDANT: I got hearing problems.

22 THE COURT: Hearing problems? Well, Mr. Padgett,  
23 though you have an attorney, you're also -- your attorney  
24 is going to be following the rules of civil procedure and  
25 the rules of criminal procedure. You'll also be following

1 those same rules.

2 THE DEFENDANT: Look, it's only fair I let you know,  
3 I don't trust him in my case. I'm going to have to take a  
4 chance and do it myself.

5 THE COURT: Well ---

6 THE DEFENDANT: But I got material that I want to put  
7 up.

8 THE COURT: You can talk to your attorney about what  
9 you'd like to put up during your case. Okay?

10 THE DEFENDANT: But I don't want him to stand as my  
11 attorney neither.

12 THE COURT: He's your lawyer.

13 THE DEFENDANT: I'll take ---

14 THE COURT: You want to represent yourself now?

15 THE DEFENDANT: Yes, sir, I do.

16 THE COURT: I don't know -- you've already told me  
17 you didn't want to represent yourself. You just wanted  
18 another lawyer, and you've been appointed an attorney ---

19 THE DEFENDANT: Well ---

20 THE COURT: --- through the public defender's office,  
21 and I, you know, you know, the state -- the constitutional  
22 rights.

23 THE DEFENDANT: I had did it before and I had won  
24 before and I had lost. The fight is I'm going to have to  
25 take this risk because I don't have a lawyer that's really

1 in my defense can put a motion before the Court to have  
2 the charge dismissed, okay? So I'm going to have to take  
3 this risk to representing myself and show the jurors and  
4 explain to the jurors about the arrest warrant. Where you  
5 see what the judge supposed to sign at below -- at the  
6 bottom of the arrest warrant, there's nobody appear before  
7 the notary public to get the warrant signed. The charging  
8 officer signed the warrant out of the judge presence and  
9 put the one in the judge mailbox and the judge came in the  
10 next morning, picked the warrant up, and signed off on it.  
11 The warrant were never sworn in to.

12 MR. ECKSTROM: Briefly, these are all matters that  
13 should have been taken up at the preliminary hearing.  
14 This case is past the preliminary hearing and it has been  
15 indicted, which would cure the alleged defects in the  
16 warrant.

17 THE DEFENDANT: Your Honor, I never had a preliminary  
18 hearing.

19 THE COURT: Anything, Mr. Casto?

20 MR. CASTO: No, sir, Your Honor. We'll ---

21 THE DEFENDANT: The preliminary hearing is still  
22 pending.

23 MR. CASTO: So that issue is best taken up probably  
24 during pretrial motions and that. It might be best suited  
25 for that part. We could raise that briefly during

1 pretrial matters, but I -- I think what might be  
2 appropriate is to inquire of this defendant -- there's a  
3 lot of case law with this narrow point,  
4 self-representation and *Faretta* and that kind of thing,  
5 and I want to make sure we get it right so that it won't  
6 come back, whether in appeal form or post-conviction  
7 relief, that type of thing.

8 THE COURT: You mean a full *Faretta* hearing, is what  
9 you're saying?

10 MR. CASTO: Yes, sir. And we're happy to approach on  
11 that issue too, Judge.

12 THE COURT: Approach?

13 MR. CASTO: Yes, sir.

14 THE COURT: You mean come up here?

15 MR. CASTO: Just to talk that aspect of things over  
16 with the Court, if the Court was interested.

17 THE COURT: All right. Y'all come up, please.  
18 Madame Clerk, you can listen in too.

19 MR. CASTO: Yes, sir.

20 (Whereupon, a bench conference was held.)

21 THE COURT: All right. Mr. Casto -- or Mr. Padgett,  
22 I guess. We're going to go through this again.

23 MR. CASTO: Yes, sir, Your Honor. Just to place on  
24 the record, my client indicates that he would like to  
25 represent himself and I request the Court to inquire about

1 that.

2 THE COURT: All right. All right. Come on up closer  
3 so I can hear. Come on up. Is that a recorder?

4 THE DEFENDANT: Yeah, my tape recorder. I can't have  
5 my tape recorder on?

6 THE COURT: I got three other ones for you.

7 THE DEFENDANT: But I'm -- I -- it's for my records.  
8 Y'all got your record; I want my record.

9 THE COURT: Turn it off.

10 THE DEFENDANT: So you denying me having my tape  
11 recorder ---

12 THE COURT: I'm telling you this courtroom has a  
13 court reporter and she's taking down everything we're  
14 saying, and that's sufficient.

15 THE DEFENDANT: Do I got to take it out or cut it  
16 off?

17 THE COURT: Turn it off.

18 All right, Mr. Padgett, how old are you, sir?

19 MR. CASTO: How old are you?

20 THE DEFENDANT: 63. I'll be 64 July the 6th.

21 THE COURT: Okay. And you want to represent  
22 yourself?

23 THE DEFENDANT: Well, Your Honor, like I said, I  
24 didn't have no choice but to representing myself  
25 because ---

1 THE COURT: Well, let me just ask the question ---

2 THE DEFENDANT: I do.

3 THE COURT: Tell you what. I'm going to ask the  
4 questions for a while, so all you got to do is answer.

5 THE DEFENDANT: I do.

6 THE COURT: Okay? So do you want to represent  
7 yourself?

8 THE DEFENDANT: I do.

9 THE COURT: All right. So you understand that by  
10 representing yourself, you will not have an attorney be  
11 your retained representative; do you understand that?

12 THE DEFENDANT: Yeah, I do.

13 THE COURT: All right. How far did you go in school,  
14 Mr. Padgett?

15 THE DEFENDANT: Well, I went to sixth grade in the  
16 public schools and ---

17 THE COURT: Okay. What kind of work do you do?

18 THE DEFENDANT: I'm disabled, sir.

19 THE COURT: What is your disability?

20 THE DEFENDANT: I get social security.

21 THE COURT: For what disability? What is your  
22 condition?

23 THE DEFENDANT: Back, chest, and a heart condition.

24 THE COURT: Okay. Have you ever been treated for  
25 alcohol abuse or drug abuse ---

1 THE DEFENDANT: No, sir.

2 THE COURT: --- or mental illness?

3 THE DEFENDANT: No, sir.

4 THE COURT: So you haven't had any mental health  
5 treatment; is that correct?

6 THE DEFENDANT: That's right.

7 THE COURT: All right. Have you taken any drugs or  
8 medications or alcohol in the last 24 hours?

9 THE DEFENDANT: I don't take no drugs -- I don't take  
10 no kind of medication for any health problems or nothing.  
11 I'm in great health.

12 THE COURT: Okay. Okay. You're in great health, but  
13 as to your disability, you have back, chest, and heart.  
14 Do you take any medications for that?

15 THE DEFENDANT: No.

16 THE COURT: You don't take any medications for your  
17 disability?

18 THE DEFENDANT: Well, the doctor prescribed it to me  
19 to take medicine for my back, and I got a knot in my side,  
20 but they told me to take medication for that, but I only  
21 take medication when I feel pain from it. When I don't  
22 feel pain, I don't take it.

23 THE COURT: Did you take any in the last 24 hours?

24 THE DEFENDANT: No, sir.

25 THE COURT: So you're not in pain right now?

1 THE DEFENDANT: No, sir.

2 THE COURT: All right. When you do take medication,  
3 does it affect your ability to understand your  
4 surroundings or what's going on around you?

5 THE DEFENDANT: Yes, sir, I don't ---

6 THE COURT: Okay, so if you get a backache during  
7 this trial, if you take medication, will it affect your  
8 ability to understand ---

9 THE DEFENDANT: Yes, sir.

10 THE COURT: --- what's going on? Okay. Well, if you  
11 start to take medication, that's something we'll need to  
12 know about. Do you understand that?

13 THE DEFENDANT: Yeah, I understand.

14 THE COURT: You understand?

15 MR. CASTO: He's asking if you understand.

16 THE DEFENDANT: I understand the things you're  
17 telling me.

18 THE COURT: Have you ever been examined by a doctor  
19 to determine -- to determine your mental competency to  
20 stand trial?

21 THE DEFENDANT: Well, in my mind -- yes, I think I  
22 can stand trial.

23 THE COURT: My question is: Have you ever been  
24 examined by a medical doctor ---

25 THE DEFENDANT: No, never.

1 THE COURT: --- to determine whether you're competent  
2 to stand trial?

3 THE DEFENDANT: I can stand trial. I don't need...

4 THE COURT: My question is: Have you ever been ---

5 THE DEFENDANT: No, no, no, never in my life.

6 THE COURT: --- seen by a medical doctor to determine  
7 your ---

8 THE DEFENDANT: No.

9 THE COURT: --- competency ---

10 THE DEFENDANT: No.

11 THE COURT: --- to stand trial?

12 THE DEFENDANT: No, I haven't never.

13 THE COURT: Okay. Have you ever studied the law?

14 THE DEFENDANT: Yes, I have.

15 THE COURT: What did you do?

16 THE DEFENDANT: Well, I did a little bit of criminal  
17 law studying for like -- I want to say four and a half  
18 years when I were locked up.

19 THE COURT: Okay.

20 THE DEFENDANT: And since I been in the -- I still  
21 try to learn a lot about it.

22 THE COURT: Okay. Obviously you've been in criminal  
23 court before; is that correct?

24 THE DEFENDANT: That is correct..

25 THE COURT: What charges have you been on -- in

1 criminal court before?

2 THE DEFENDANT: Well, the main charge I had were on  
3 attempted murder and possession of a firearm. That's  
4 about it.

5 THE COURT: Okay. Other than attempted murder, what  
6 have you been in criminal court for?

7 THE DEFENDANT: That's what I were in the last trial  
8 for, attempted murder.

9 THE COURT: Okay. Prior to attempted murder, what  
10 other ---

11 THE DEFENDANT: No, I were not, prior to it. It were  
12 a bunch of false information were gave and I overcome it  
13 and got my freedom.

14 THE COURT: Okay. When you were -- spent time in  
15 jail, what were you in jail for?

16 THE DEFENDANT: I spent a whole lot of years in jails  
17 and prison on false information.

18 THE COURT: Okay. But you were convicted.

19 THE DEFENDANT: From people like those here.

20 THE COURT: So you were convicted of previous  
21 charges; is that correct?

22 THE DEFENDANT: What were that?

23 THE COURT: You were convicted of charges, criminal  
24 charges in the past, correct?

25 THE DEFENDANT: Well, as you look back on my record,

1 you see every time I have a trial, I always plead not  
2 guilty, because they never had facts. If they had facts  
3 against me, then I would have cooperate and pleaded guilty  
4 when I know that I did something wrong.

5 THE COURT: Okay. So you've been convicted of  
6 criminal trials before?

7 THE DEFENDANT: Yes, I have.

8 THE COURT: You have. Okay. So you've been in the  
9 criminal courts in the past; is that correct?

10 THE DEFENDANT: Yes, sir. Yes, sir.

11 THE COURT: Do you understand you're charged with the  
12 crime of failure to stop? Do you understand that?

13 THE DEFENDANT: I most -- yes, I do.

14 THE COURT: Do you understand the elements of the  
15 charge of failure to stop?

16 THE DEFENDANT: That's the first one I ever had in my  
17 life.

18 THE COURT: You want to tell me what you know about  
19 the charge, failure to stop?

20 THE DEFENDANT: That's when the police pull up behind  
21 you, when you see blue lights, you supposed to stop and  
22 see what they want.

23 THE COURT: Do you understand if you're found guilty  
24 of the charge of failure to stop, the Court could pose --  
25 could impose a sentence of up to three years in prison.

1 Do you understand that?

2 THE DEFENDANT: I understand.

3 THE COURT: The only charge we're dealing with is the  
4 failure to stop; is that correct?

5 MR. CASTO: That's correct.

6 THE COURT: You understand if you represent yourself,  
7 you're on your own. I cannot tell you how you should try  
8 your case or even advise you as to how you should try your  
9 case.

10 THE DEFENDANT: I got to follow the rules and  
11 everything of the court.

12 THE COURT: Right.

13 THE DEFENDANT: Follow the rules of the court when  
14 I'm representing myself. I understand.

15 THE COURT: But neither the state nor the Court can  
16 give you advice on what to do during trial. Do you  
17 understand that?

18 THE DEFENDANT: Well, I'll let the Court -- I would  
19 not let the state give me advice.

20 THE COURT: Well, I'm -- I can't give you legal  
21 advice ---

22 THE DEFENDANT: I'm not going to let the state give  
23 me. I'll take my own ---

24 THE COURT: --- on how to do your defense. So you  
25 understand that, the Court can't give you any advice.

1 Okay? Are you familiar with the South Carolina rules of  
2 evidence?

3 THE DEFENDANT: Yes, sir. Rules of evidence. Yes,  
4 I -- I -- I'm...

5 THE COURT: You understand that the rules of evidence  
6 cover what evidence may or may not be introduced at trial,  
7 and that in representing yourself, you must follow those  
8 rules?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: One of the rules of evidence is the rule  
11 against hearsay. Can you explain to me what hearsay is?  
12 Can you explain to me what hearsay is?

13 THE DEFENDANT: Really, I can't even hear what you  
14 say.

15 THE COURT: Okay. There's -- do you understand that  
16 the rule -- there's a rule of evidence against hearsay.  
17 Can you explain to me ---

18 THE DEFENDANT: That mean ---

19 THE COURT: --- what hearsay is?

20 THE DEFENDANT: That mean that hearsay is not allowed  
21 in court, and that hearsay is for hearsay -- or rule in  
22 that person is not here to answer that hearsay, then it's  
23 not used.

24 THE COURT: I think I heard you, but ---

25 MR. CASTO: He said hearsay is not allowed and that

1 means the person who did hearsay, they're not here in  
2 court.

3 THE COURT: So your answer is that ---

4 THE DEFENDANT: I got all that -- excuse me. I got  
5 all that prepared over there already written down. I got  
6 it in writing about hearsay and all that.

7 THE COURT: You feel comfortable you understand what  
8 hearsay is?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Okay. Are there any exceptions that you  
11 know of to the hearsay rule?

12 THE DEFENDANT: Sections?

13 THE COURT: Are there any exceptions to the hearsay  
14 rule, where hearsay may be admissible?

15 THE DEFENDANT: I have never run into any hearsay  
16 rule in this case yet. I'm pretty sure I will. But I  
17 would object to it if I hear it.

18 THE COURT: Okay. Do you understand you can't  
19 testify ---

20 THE DEFENDANT: Yes.

21 THE COURT: --- about what somebody else said?

22 THE DEFENDANT: Yes. Yes. I will make object to it.

23 THE COURT: Are you familiar with the South Carolina  
24 rules of criminal procedure?

25 THE DEFENDANT: Yes, I'm -- yeah.

1 THE COURT: Do you understand that some of those  
2 rules govern the way a criminal action is tried in state  
3 court?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Okay. Do you understand that under  
6 the -- that under certain rules, motions can be made  
7 during and after trial?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Can you name one of the motions that can  
10 be made?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: What would one be? Name a motion that  
13 can be ---

14 THE DEFENDANT: That I can make?

15 THE COURT: Yeah, what's a motion you can make during  
16 trial?

17 THE DEFENDANT: I can make a motion to have the  
18 indictment and warrant dismissed.

19 THE COURT: Okay. What about during or after trial?

20 THE DEFENDANT: Yes, I can -- same -- ask you to send  
21 the jurors out and make a motion out of the jury presence.

22 THE COURT: Okay. Do you understand that you have a  
23 right to testify or not to testify in this case?

24 THE DEFENDANT: Yeah, I have a right to testify and I  
25 have a right not to testify, but in this case here, I

1 don't think I'm going to take the witness stand since I'm  
2 representing myself. Only thing I'm going to put up is  
3 the fact about the warrant. But I'm not denying the  
4 allegation, it's not true against me, but the fact is I'm  
5 fighting the warrant and the indictment.

6 THE COURT: Say that again?

7 THE DEFENDANT: I'm not saying that the allegation in  
8 the arrest warrant is not true. Okay? But in order for  
9 the allegation can be true, any indictment, this lady got  
10 to swear -- this charging officer got to swear into the  
11 allegations. South Carolina -- South Carolina law says  
12 that in order for you can submit an affidavit in court,  
13 you got to sworn in before a notary public, and the notary  
14 public got to see you raise your hand and sworn in the  
15 allegations, and the judge got to sign.

16 THE COURT: Do you understand the motions you can  
17 make during trial and after trial?

18 THE DEFENDANT: Well, I'm going to make a motion  
19 to -- and try to get it dismissed before my judge is like  
20 that. That's what I wanted.

21 THE COURT: All right.

22 THE DEFENDANT: I'm thinking about the arrest  
23 warrant.

24 THE COURT: If you decide to testify, Mr. Padgett ---

25 THE DEFENDANT: Sir?

1 THE COURT: If you decide to testify, you may be  
2 asked about other convictions which involve dishonesty or  
3 false statements or any convictions that carry a sentence  
4 of more than one year. These convictions may be used to  
5 attack your credibility. Do you understand that?

6 THE DEFENDANT: Yes, sir, I do.

7 THE COURT: If you decide not to testify, I'll  
8 instruct the jury that they cannot hold the fact that you  
9 did not testify against you. Do you understand that?

10 THE DEFENDANT: I'm not going to testify.

11 THE COURT: Okay. But do you understand that if you  
12 do not, I'll instruct the jury not to hold that against  
13 you?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Are you aware of any possible defenses to  
16 the charges against you?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: I think you made that abundantly clear  
19 earlier. Any other defenses you're aware of?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Do you understand that an attorney could  
22 help you with many of the things that I've discussed with  
23 you, including the rules of evidence, the rules of  
24 criminal procedure, and presenting a defense?

25 THE DEFENDANT: Yes, I understand.

1 THE COURT: Do you understand that a lawyer can help  
2 you with that?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Okay. Now, I must advise you that in my  
5 opinion, you would be far better defended by a trained  
6 lawyer than you can be by yourself. I think it is unwise  
7 of you to try to represent yourself. You are not familiar  
8 with the law. You're not familiar with the court  
9 procedures. You're not familiar with the rules of  
10 evidence. I'd strongly encourage you not to try to  
11 represent yourself.

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Do you understand what I just told you?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: In light of the penalty you might suffer  
16 if you are found guilty, and in light of all the  
17 difficulties of representing yourself, is it still your  
18 desire to represent yourself and give up your right to be  
19 represented by an attorney?

20 THE DEFENDANT: Yes, sir. Yes, sir.

21 THE COURT: Is your decision entirely voluntary on  
22 your part?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Well, the defendant has knowingly and  
25 voluntarily waived the right to counsel. The trial will

1 proceed with the defendant representing himself. However,  
2 in an abundance of caution, I am going to appoint  
3 Mr. Casto as your standby counsel. If you have a  
4 question, he's there for you. But it's not his job to try  
5 the case for you. But he's there as a -- a tool should  
6 you have a question during trial. Again, he's not here to  
7 be your advocate ---

8 THE DEFENDANT: Well, I'm going to request only two  
9 people.

10 THE COURT: Well, Mr. Casto is here. What do you  
11 want to say?

12 THE DEFENDANT: I'm going to request the charge  
13 office, and I'm going to request the judge.

14 THE COURT: What? Request what?

15 THE DEFENDANT: I'm going to request the charge  
16 office.

17 THE COURT: Charge what?

18 (A sotto voce discussion was held between Mr. Casto  
19 and the defendant.)

20 THE DEFENDANT: Well, I don't want ---

21 THE COURT: I'm just having a hard time  
22 understanding ---

23 MR. CASTO: Yeah, we're trying to understand what  
24 you're asking. So say it louder. What are you asking  
25 for?

1 THE DEFENDANT: Well, I'm asking for the magistrate  
2 judge to come here and answer questions.

3 THE COURT: I imagine when the trial starts, that  
4 will be the case.

5 THE DEFENDANT: Well, she weren't in here this  
6 morning, and she weren't in here yesterday.

7 THE COURT: This is pretrial.

8 THE DEFENDANT: I understand that. But when it's  
9 time for my trial to begin, I would like for her to come  
10 in and answer questions for me.

11 THE COURT: Okay.

12 THE DEFENDANT: That's all I want.

13 THE COURT: I imagine the state will have some  
14 witnesses, but you'll have the option to question. All  
15 right. Anything else?

16 THE DEFENDANT: And -- and the charge officer.  
17 That's it.

18 THE COURT: The what?

19 THE DEFENDANT: The charge officer.

20 MR. CASTO: Like the ---

21 THE DEFENDANT: And another thing I want ---

22 THE COURT: What are you saying?

23 MR. CASTO: Is it the charging officer?

24 THE DEFENDANT: Yeah.

25 MR. CASTO: Yeah, yeah, I think he's coming.

1 THE DEFENDANT: And another thing. I don't want any  
2 witness involved in the state case to be inside this  
3 courtroom when the other witness is being questioned.

4 THE COURT: We can deal with this after the jury.

5 THE DEFENDANT: Because I don't want them to pick up  
6 questions from the witness's testimony.

7 MR. CASTO: It's fine. We -- I know what you're  
8 asking. We'll ask -- he'll likely grant that because  
9 that's Rule 615.

10 THE COURT: What we're going to do now, Mr. Padgett,  
11 is we're going to pick a jury in the case. Now, your  
12 standby counsel will be there on the bench next to you.

13 THE DEFENDANT: Okay.

14 THE COURT: He's there to try to help if you want  
15 some help. But it will be up to you to choose to seat or  
16 strike a juror when they come up. Do you understand that?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: I'm going to go through a process known  
19 as voir dire, and I'm going to ask a series of questions,  
20 and I'll get some responses from the jurors and we'll make  
21 sure -- the goal is to ensure you have a fair and  
22 impartial jury for your case. At the end of all the  
23 questions, the clerk will -- I believe have a list of  
24 people who will be called up and they'll stand before you  
25 and the state, and at that point, you'll be allowed to

1 implement your strikes. Do you understand how many jury  
2 strikes you get?

3 THE DEFENDANT: How many jury strike what?

4 MR. CASTO: How many strikes on your jury?

5 THE DEFENDANT: Six? Seven? 11? Ten, whatever.

6 (A sotto voce discussion was held between Mr. Casto  
7 and the defendant.)

8 THE COURT: Let me see if I've got an extra sheet.  
9 You've got the sheet there, so he can...

10 MR. CASTO: Yes, sir, I do.

11 THE DEFENDANT: I don't want him in my case.

12 THE COURT: I'm going to have him there as standby  
13 counsel. That's on me. So he's going to sit there.  
14 That's happening. Okay?

15 THE DEFENDANT: You going to let --

16 THE COURT: You don't have to talk to him.

17 THE DEFENDANT: You going to let --

18 THE COURT: You don't have to talk to him, but I'm  
19 going to appoint him as standby counsel. All right?

20 THE DEFENDANT: You going to let him represent me?

21 THE COURT: No. He is not your lawyer. He's going  
22 to be sitting on the bench behind you. You don't have to  
23 say a word to him the entire time, but if you have a  
24 question, he can help you as far as ---

25 THE DEFENDANT: So ---

1 THE COURT: --- he's not going to ask questions on  
2 your behalf. He's not going to question witnesses. But  
3 he's there as your standby counsel if you want to turn  
4 around and ask a lawyer a question about something  
5 procedurally, for example. And that's just -- that's my  
6 discretion to do, and that's what I've done.

7 THE DEFENDANT: Okay. Let me put this to the record.  
8 I remember -- I had a standby attorney when I were  
9 representing myself on the last case, but that last  
10 attorney, the standby attorney led me wrong.

11 THE COURT: Well, you don't have to ---

12 THE DEFENDANT: And I don't want to take this  
13 opportunity again with another state attorney.

14 THE COURT: You don't have to talk to him.

15 THE DEFENDANT: Okay. Thank you.

16 THE COURT: All right. So defendant will have --  
17 okay, five and five.

18 MR. ECKSTROM: Your Honor, may I have the indictment  
19 back?

20 THE COURT: Sure. I need a copy myself to read at  
21 some point. All right. You ready to bring the jury in?

22 MR. ECKSTROM: State is ready to proceed.

23 THE COURT: All right. I'm going to step off the  
24 bench while the jury comes in, just to allow them to --  
25 ma'am?

1 (A discussion was held off the record.)

2 (The jury panel entered the courtroom at 1:29 p.m.)

3 THE COURT: All right. State ready to proceed?

4 MR. ECKSTROM: Yes, Your Honor.

5 THE COURT: Call your case.

6 MR. ECKSTROM: State calls state versus Johnny Tyler  
7 Padgett, docket number 2019-GS-46-41-00058, indictment for  
8 failure to stop for a blue light. It has been true billed  
9 by the grand jury. We are hereby calling this case for  
10 trial.

11 THE COURT: All right. All right. Ladies and  
12 gentlemen of the jury, we're preparing to select the jury  
13 for the state of South Carolina versus Johnny Tyler  
14 Padgett. The indictment in this case charges the  
15 defendant with failure to stop for a blue light. I want  
16 to remind you, the fact that the defendant was arrested,  
17 charged, and indicted in this case is not evidence in this  
18 case, and cannot be considered as evidence in this case by  
19 you. Nor does it create any presumption or inference of  
20 guilt. This document is simply the formal, written  
21 instrument which contains the charges made against the  
22 defendant. It is the formal document by which the case is  
23 brought into this court.

24 Now, the defendant has pled not guilty to this  
25 indictment. That plea puts the burden on the state to

1 prove the defendant guilty. A person charged with  
2 committing a criminal offense in South Carolina is never  
3 required to prove himself innocent. No matter what the  
4 seriousness of the charge may be, the defendant will  
5 always be presumed to be innocent of the crime for which  
6 the indictment was issued, unless guilt has been proven by  
7 evidence satisfying you of that guilt beyond a reasonable  
8 doubt.

9 At this point, ladies and gentlemen, I'm going to  
10 have some questions to ask you about -- in order to go  
11 through the jury selection process.

12 They were sworn this morning, correct? Have they  
13 been sworn today?

14 THE CLERK: Yesterday.

15 THE COURT: Do it again.

16 THE CLERK: Sure.

17 THE COURT: Do it one more time.

18 (Whereupon, the jury panel was sworn.)

19 THE COURT: All right. Before I ask you any  
20 questions, I do want to allow the opportunity for the  
21 parties to stand up and just briefly introduce themselves  
22 by telling you their name and who they are very briefly.  
23 State may proceed first.

24 MR. ECKSTROM: Ladies and gentlemen, my name is Brian  
25 Eckstrom. I'm a solicitor here in Saluda county. Seated

1 beside me is my assistant solicitor Robert McNair.  
2 Officer Jacquelyn Roberson with the Saluda Police  
3 Department, and Corporal George Schult with the Saluda  
4 Sheriff's Office.

5 THE COURT: Mr. Padgett, if you could just stand and  
6 introduce yourself to the pool as well.

7 THE DEFENDANT: Ladies and gentlemen, my name is  
8 Johnny Padgett, I was born and raised in Saluda county,  
9 and I am representing myself and I want to show you all  
10 the evidence concern the case.

11 THE COURT: All right. Is there anyone related by  
12 blood or marriage or has a close personal, business, or  
13 financial relationship with any of the parties who you've  
14 just been introduced to? If so, please stand.

15 Yes, sir. Your juror number?

16 JUROR: 201.

17 THE COURT: 201. And what's your relationship?

18 JUROR: I done picked up -- I picked up his car  
19 before down -- he was out of town before.

20 THE COURT: You picked up what?

21 JUROR: I know who he is. I picked his car up  
22 before.

23 THE COURT: You know the defendant; is that correct?

24 JUROR: I do.

25 THE COURT: Okay. And the fact that you know who the

1 defendant is, would that affect your ability to be fair  
2 and impartial if you were selected as a juror in this  
3 case?

4 JUROR: I ain't going to lie to you, yes, sir.

5 THE COURT: Okay. You're Number 201?

6 JUROR: That's right.

7 THE COURT: Yes, ma'am, in the back.

8 JUROR: He does my yard work, Your Honor.

9 THE COURT: What is your juror number?

10 JUROR: 95.

11 THE COURT: 95. The fact that he does your yard  
12 work, does that affect your ability to be fair and  
13 impartial? Is that a yes? Okay.

14 Following is a list of potential witnesses in this  
15 case: Jacquelyn Beth Roberson, Corporal George Schult.

16 Anybody else?

17 MR. ECKSTROM: None from the state.

18 THE COURT: All right. As to those potential  
19 witnesses, is anyone in the jury pool related by blood or  
20 marriage or have any social, business, or financial  
21 relationship with the two witnesses I just called out? If  
22 so, please stand. All right.

23 Has any member of the jury panel formed or  
24 expressed -- formed or expressed an opinion about any  
25 issue involving this case? If so, please stand.

1           If any member of the jury panel is aware of any bias  
2 or prejudice towards either the state or the defendant in  
3 this case?

4           Is there any member of the jury panel that was a  
5 member of the grand jury which issued the indictment in  
6 this case?

7           Is there any member of the jury panel who is a member  
8 of or a contributor to any group which has as its primary  
9 concern the promotion of law enforcement or victim's  
10 rights? These groups would include, but certainly not be  
11 limited to: MADD, SADD, or CAVE? If so, please stand.

12           Is any member of the jury panel related by blood or  
13 marriage or a friend or acquaintance of anyone employed  
14 with the attorney general's office, the solicitor's  
15 office, or any prosecuting attorney's office? If so,  
16 please stand.

17           Is any member of your family or any close personal  
18 friend ever been the victim of or accused of a crime? If,  
19 so, what were their circumstances, and would that create a  
20 bias or prejudice in your mind against Mr. Padgett? If  
21 this applies to anyone, please stand.

22           Does any member of the jury panel have such strong  
23 feelings for or against the allegations or charges in this  
24 case that it would prevent him or her from giving Mr.  
25 Padgett or the state a fair and impartial trial?

1           Has any member of the jury panel been exposed to any  
2 kind of news reports regarding this case? If so, please  
3 stand.

4           Does any member of the jury panel know of any reason  
5 whatsoever why he or she should not serve as a juror in  
6 this case with particular emphasis being placed on your  
7 ability to be fair and impartial to both the state and the  
8 defendant?

9           That concludes voir dire. Anything else, Counsel?  
10 Any other voir dire from the state?

11           MR. ECKSTROM: Nothing from the state.

12           THE DEFENDANT: Nothing.

13           THE COURT: All right. Thank you.

14           All right. Do we have a sheet prepared, Madame  
15 Clerk? Do they have a jury list already?

16           (A sotto voce discussion was held between the Court  
17 and the Clerk.)

18           THE COURT: Would the state be okay with one  
19 alternate?

20           MR. ECKSTROM: Yes, Your Honor.

21           THE COURT: Okay. Mr. Padgett? Prior to selecting  
22 the jury, I would like to determine how many alternates  
23 we're going to have. Are you okay with one alternate  
24 juror?

25           THE DEFENDANT: Yeah, I'm able for one. Man, I can't

1 even hear you. What?

2 THE COURT: I'm going to assign either one or two  
3 alternates for this case. The state has made a  
4 recommendation for one. Are you okay with one alternate?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Okay. One alternate.

7 Is the state ready to proceed?

8 MR. ECKSTROM: Yes, Your Honor.

9 THE COURT: Okay. And is the defendant ready to  
10 proceed?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: The clerk will call the name. The  
13 response will either be seat this juror or excuse this  
14 juror. Do you understand that, Mr. Padgett? Do you  
15 understand?

16 THE DEFENDANT: Yeah, I understand.

17 THE COURT: All right. Madam Clerk.

18 THE DEFENDANT: Hold, hold, hold. Who putting the --  
19 who putting the list of the jury? The clerk?

20 THE COURT: Computer.

21 THE DEFENDANT: Well, could you mix all the names up  
22 in the box so it won't be no race being called? Because,  
23 you know, from reading the list, I'm pretty sure they will  
24 read it based on ---

25 THE COURT: Hold on, hold on, Mr. -- Mr. Eckstrom?

1 Actually --

2 (Whereupon, a bench conference was held in the  
3 presence but not within the hearing of the jury panel.)

4 THE COURT: Okay. Madam Clerk, are we ready to  
5 proceed? All right? All right, strikes will be five and  
6 five.

7 THE CLERK: Okay. I'm going to call y'all up here.  
8 I want you to stand in front of me and you're going to  
9 face the state and defense. And if you're a woman, if you  
10 have anything with you, bring it with you because that  
11 might be your last time you're in that seat. You might be  
12 over here. All right? With that being said, we'll start.

13 Juror number 72, Pamela Goff. What say you for the  
14 state?

15 MR. ECKSTROM: Please present this juror.

16 THE CLERK: What say you for the defense?

17 THE DEFENDANT: Excuse.

18 THE COURT: Excuse? Was that excuse?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Okay.

21 THE CLERK: Just take your seat. Juror number 181,  
22 Robin Taylor. What say you for the state?

23 MR. ECKSTROM: Please present this juror.

24 THE CLERK: What say you for the defense?

25 THE DEFENDANT: I'll accept her.

1 THE COURT: I can't hear you.

2 THE CLERK: Okay. Have a seat in the jury box.

3 Brian Taylor, 180. What say you for the state?

4 MR. ECKSTROM: Please present this juror.

5 THE CLERK: What say you for the defense?

6 THE DEFENDANT: I'll accept him.

7 THE CLERK: Take your seat in the jury box.

8 THE COURT: What word are you saying, Mr. Padgett? I  
9 need to be able to hear you.

10 MR. ECKSTROM: He's saying "I accept."

11 THE COURT: I accept? Okay.

12 THE DEFENDANT: Uh-huh, yeah.

13 THE CLERK: Juror number 34, Ralph Cobia. What say  
14 you for the state?

15 MR. ECKSTROM: Please present this juror.

16 THE CLERK: What say you for the defense?

17 THE DEFENDANT: Excuse.

18 THE CLERK: Take your seat back in the audience.

19 Juror number 20, Ashley Trammell. What say you for  
20 the state?

21 MR. ECKSTROM: Please excuse this juror.

22 THE CLERK: Take your seat back.

23 Juror Number 41, Ralph Cooper. What say you for the  
24 state?

25 MR. ECKSTROM: Please present this juror.

1 THE CLERK: What say you for the defense?

2 THE DEFENDANT: I swear him on.

3 THE CLERK: Take your seat in the jury box, please.

4 Juror number 42, Richie Corley. What say you for the  
5 state?

6 MR. ECKSTROM: Please present this juror.

7 THE CLERK: What say you for the defense?

8 THE DEFENDANT: I'll swear him on.

9 THE COURT: Say again, Mr. Padgett?

10 THE DEFENDANT: Yes, ma'am.

11 THE CLERK: You accept?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT REPORTER: Your Honor, I can't hear ---

14 THE DEFENDANT: I accept.

15 THE COURT: Okay. I know you can hear yourself. The  
16 acoustics in here are a little tough for me to hear. So  
17 it's important for me, I need to be able to hear you say  
18 accept ---

19 THE DEFENDANT: Okay.

20 THE COURT: --- or seat the juror or excuse or strike  
21 the juror. I just need to know what you're saying and the  
22 court reporter needs to be able to hear what you're  
23 saying.

24 THE DEFENDANT: All right.

25 THE COURT: Okay. Thank you.

1 THE CLERK: Juror number 18, Patricia Best. What say  
2 you for the state?

3 MR. ECKSTROM: Please present this juror.

4 THE CLERK: What say you for the defense?

5 THE DEFENDANT: I don't want her. I don't accept  
6 her.

7 THE COURT: Excuse?

8 THE DEFENDANT: Yeah.

9 THE COURT: Okay. I need you to say excuse, okay ---

10 THE DEFENDANT: All right.

11 THE COURT: --- Mr. Padgett?

12 THE CLERK: Juror number 182, Crystal West. What say  
13 you for the state?

14 MR. ECKSTROM: Please present this juror.

15 THE DEFENDANT: I swear her on.

16 THE COURT: What?

17 THE DEFENDANT: I swear her on to the jury.

18 THE COURT: Okay. You accept her?

19 THE DEFENDANT: Yeah.

20 THE COURT: Okay.

21 THE CLERK: Juror number 46, Erin Crouch. What say  
22 you for the state?

23 MR. ECKSTROM: Please present this juror.

24 THE CLERK: What say you for the defense?

25 THE DEFENDANT: Excuse.

1 THE COURT: Excuse? Thank you.

2 THE CLERK: Juror number 10, Wendy Hopkins. What say  
3 you for the state?

4 MR. ECKSTROM: Please excuse this juror.

5 THE CLERK: You may take a seat back in the audience.

6 Juror number 148, Jason Riley. What say you for the  
7 state?

8 MR. ECKSTROM: Please present this juror.

9 THE CLERK: What say you for the defense?

10 THE DEFENDANT: I -- I accept.

11 THE COURT: You accept?

12 THE DEFENDANT: I accept.

13 THE CLERK: Have a seat in the jury box.

14 Juror number 15, Frank Banks. What say you -- say  
15 you for the state?

16 MR. ECKSTROM: Please present this juror.

17 THE CLERK: What say you for the defense?

18 THE DEFENDANT: I accept. I accept.

19 THE CLERK: Please have a seat in the jury box.

20 Juror number 107, Benjamin Leaphart. What say you  
21 for the state?

22 MR. ECKSTROM: Please present this juror.

23 THE CLERK: What say you for the defense?

24 THE DEFENDANT: I'll accept him.

25 THE CLERK: Have a seat in the jury box.

1 Juror number 8, Kay Alford. What say you for the  
2 state?

3 MR. ECKSTROM: Please present this juror.

4 THE CLERK: What say you for the defense?

5 THE DEFENDANT: Excuse.

6 THE CLERK: Thank you. Have a seat back in the  
7 audience.

8 THE COURT: Mr. Padgett, you've used your five  
9 strikes.

10 THE DEFENDANT: Yeah.

11 THE CLERK: Juror number 49, Oscar Daniel. What say  
12 you for the state?

13 MR. ECKSTROM: Please present this juror.

14 THE CLERK: What say you for the defense?

15 THE DEFENDANT: I accept him.

16 THE COURT: Please have a seat in the jury box.

17 Juror number 51, Deborah Davis. What say you for the  
18 state?

19 MR. ECKSTROM: Please present this juror.

20 THE DEFENDANT: I accept her.

21 THE CLERK: Have a seat in the jury box.

22 Juror number 69, Megan Gilliland. What say you for  
23 the state?

24 MR. ECKSTROM: Please present this juror.

25 THE CLERK: What say you for the defense?

1 THE DEFENDANT: Excuse.

2 THE COURT: Mr. Padgett, you used your five strikes.

3 THE DEFENDANT: I accept her.

4 THE CLERK: Juror number 167, Dakota Sheppard. What  
5 say you for the state?

6 MR. ECKSTROM: Please excuse this juror.

7 THE CLERK: Juror number 97, Deborah Kanellos. What  
8 say you for the state?

9 MR. ECKSTROM: Please seat the juror.

10 THE CLERK: Cause?

11 THE DEFENDANT: I accept her. I accept her.

12 THE CLERK: Please have a seat in the jury box.

13 THE COURT: All right. So the alternates -- next is  
14 we will select the alternates. State will have one  
15 strike, you will have two. Okay? All right.

16 THE CLERK: Juror number 156. Brittany Rowe. What  
17 say you for the state?

18 MR. ECKSTROM: Please present this juror.

19 THE CLERK: What say you for the defense?

20 THE DEFENDANT: Accept her.

21 THE COURT: Accept her? That's it. All right.

22 All right, ladies and gentlemen of the jury, thank  
23 you for serving on jury duty this week. First thing I'm  
24 going to do, is I'm going to send you back to your  
25 deliberation room for a brief moment. I'll get you back

1 out here as soon as possible.

2 Although you've heard only the indictment about this  
3 case, I want to remind you please don't discuss this case  
4 in any way while you're back in your deliberation room.  
5 You will see and hear evidence that will come from this  
6 witness stand at the appropriate time, but I want to  
7 ensure the only evidence, the only things you get  
8 regarding this case come from the courtroom and you don't  
9 discuss it prior to beginning your deliberations. So  
10 please retire to the jury room at this -- at this moment,  
11 and I'll get you back out here as soon as possible. Don't  
12 discuss the case in any way. Thanks.

13 (The jury left open court at 2:08 p.m.)

14 THE COURT: All right, ladies and gentlemen, if  
15 you'll recall yesterday, I mentioned we had two trials  
16 this week. I can report to you that we now only have one  
17 trial this week. So you have not been selected for this  
18 jury. So now you're free to stay; you're also free to go.  
19 You will have satisfied your jury service for the week,  
20 and thank you very much.

21 (The unselected jury panel left open court at 2:10  
22 p.m.)

23 THE COURT: All right, Mr. Padgett. Sit at the  
24 table. I'm just going to bring the jury panel back in and  
25 let them go for the day, and inform them that we'll start

1 at 9:30 tomorrow morning, okay? All right?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: All right. Let's bring them back in real  
4 quick.

5 (The jury entered the courtroom at 2:11 p.m.)

6 THE COURT: All right. 12 jurors. Where's  
7 Mr. Riley, Number 6? I congratulate you. I'm appointing  
8 you foreperson for this jury. So what I'm going to do is  
9 I've got some other matters to take up this afternoon.  
10 We're going to start your trial tomorrow morning at 9:30.  
11 I'd like you to be in your deliberation room at  
12 9:15 tomorrow morning so we can start at 9:30. I -- well,  
13 please don't discuss the case while you're at home  
14 tonight. Please don't research the case. Please don't do  
15 any social media research or publications about this case.  
16 It's very important that tomorrow is both the state and  
17 the defendant's day in court. We need to ensure their  
18 jury has a completely fair and impartial mindset and  
19 hasn't done any independent research in excess of the  
20 evidence that they're going see in trial tomorrow. So  
21 we'll see you tomorrow morning at 9:15. Please don't  
22 discuss the case while you're at home tonight, and have a  
23 good evening. Thank you.

24 (The jury left open court at 2:14 p.m.)

25 THE COURT: I'll try to be here by 9:00 if y'all need

1 me in the morning or something comes up this afternoon,  
2 I'll be here for a while, I think, handling some other  
3 matters. Mr. McNair, you ready to go on some other pleas?

4 MR. McNAIR: I can sign some up.

5 THE COURT: We'll take a recess, but let's try to get  
6 cracking over the next few minutes.

7 (Whereupon, the proceedings were adjourned.)

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State of South Carolina  
 County of Saluda

Court of General Sessions

State )

v. )

John T. Padgett )

Defendant. )

)  
 )  
 ) Transcript of Record  
 ) 2019-GS-41-00058  
 )

May 22, 2019  
 Saluda, South Carolina

B E F O R E:

The Honorable Walton J. McLeod, IV, Judge; and  
 a jury.

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

Brian McBride Eckstrom, Assist. Solicitor  
 Attorney for the State

John T. Padgett,  
 appearing pro se

Bennet E. Casto, Assist. Public Defender  
 Standby Counsel for the Defendant

Bethanie K. Creppon  
 Circuit Court Reporter

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## E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
STATE EXH. 1	Video	47	47
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## P R O C E E D I N G S

\* \* \*

1 THE COURT: Good morning, Mr. Padgett.

2 Good morning, Mr. Eckstrom.

3 MR. PADGETT: Good morning.

4 MR. ECKSTROM: Good morning.

5 THE COURT: All right. So yesterday we picked  
6 the jury. They haven't been sworn yet. They're  
7 all -- I just received word they're all here. So  
8 anything we need to take up before we get the jury  
9 out?  
10

11 MR. PADGETT: Your Honor, I'd like to make a  
12 pretrial motion.  
13

14 THE COURT: What is your pretrial motion?

15 MR. PADGETT: For?

16 THE COURT: What is your motion?

17 MR. PADGETT: Your Honor, I was arrested on  
18 January the 9th, 2019, by officer -- Ms. Roberson.  
19 She was a law enforcement officer. She still is.  
20 And she charged me fail to stop for a blue light.

21 THE COURT: Say -- I'm -- I'm having a tough  
22 time understanding. If you need to come closer,  
23 that's fine.

24 MR. PADGETT: She charged me with fail to stop  
25 for blue light. Now, everything in the indictment

1 and everything in the warrant, I'm not going to deny  
2 it and I'm not going to call her a liar. But  
3 everything she said what I done is true.

4 Now, I plead not guilty to the charge because  
5 the fact that she did in an affidavit attached to  
6 the arrest warrant and that on the arrest warrant,  
7 below it, she said see attachment affidavit. And  
8 that attachment affidavit, only one name on there is  
9 the charge officer who charged me. There is no  
10 notary public notarize her statement and there is no  
11 evidence that she sworn before any person in the  
12 warrant.

13 Now, the prosecutor -- the prosecutor did not  
14 direct indict me on the indictment because the fact  
15 that he put the arrest warrant number on the  
16 indictment. So, to me, the indictment is invalid,  
17 it's not legal; not even the warrant, because no  
18 judge signed it, no certain person she appeared  
19 before to. But the allegation in the warrant is  
20 true.

21 THE COURT: Now, you were arrested by the  
22 officer while at your vehicle; isn't that right?

23 MR. PADGETT: Sir?

24 THE COURT: Weren't you arrested at the scene  
25 after the officer was coming behind you?

1 MR. PADGETT: Well --

2 THE COURT: Isn't that right?

3 MR. PADGETT: Well, at first, I didn't believe  
4 that was law enforcement behind me.

5 THE COURT: Weren't you taken into custody  
6 after you pulled over?

7 MR. PADGETT: Oh, I pulled over. They asked me  
8 questions and told me to get down. One of the  
9 officers told me -- first, I put my inside light on  
10 in my car. I put both hands on the steering wheel.  
11 But when I seen them getting out with guns, I stuck  
12 both hands outside. They said, put it back in.

13 THE COURT: Okay. It's okay.

14 MR. PADGETT: Okay.

15 THE COURT: You were arrested there at the  
16 scene, were you not?

17 MR. PADGETT: Sir?

18 THE COURT: Weren't you arrested at the scene?

19 MR. PADGETT: Yes, sir.

20 THE COURT: Okay. All right.

21 MR. PADGETT: I was arrested at the scene. I  
22 was stopped by another law enforcement officer where  
23 all the lights at and where a lot of people was --

24 THE COURT: So you're making an argument that  
25 there's technicality issues --

1 MR. PADGETT: Yes, sir. And the indictment  
2 should be quashed and dismissed.

3 THE COURT: All right. Anything else for the  
4 moment?

5 MR. PADGETT: That's all at this time.

6 THE COURT: All right. Mr. Eckstrom?

7 MR. ECKSTROM: Your Honor, the warrant was  
8 referencing a warrant affidavit, which was signed by  
9 the officer --

10 THE COURT: Can somebody show me these  
11 documents, since I've been hearing about them? Does  
12 anyone have an extra copy for me?

13 MR. PADGETT: You talking about right here  
14 below where the judge is supposed to sign. The  
15 judge never signed this. She only signed it --

16 MR. ECKSTROM: He's asking to see it. I'm  
17 showing --

18 THE COURT: Yeah. I just want to see a copy.  
19 He's just showing you what he's showing me, which  
20 he's supposed to do.

21 MR. PADGETT: Okay.

22 THE COURT: Okay. We'll look at this. Is this  
23 my copy for the moment?

24 MR. PADGETT: Um --

25 THE COURT: Just a second. I'm making a copy

1 for myself. Okay?

2 Okay. Mr. Eckstrom?

3 MR. ECKSTROM: Looking at the copy of the  
4 warrant, it has been signed by the magistrate judge.  
5 The warrant, on its face, references an attached  
6 affidavit that's been signed by the officer that  
7 includes the factual summary of the case. And that,  
8 by being and signed and referenced in the warrant,  
9 is incorporated into the arrest warrant.

10 The fact that the magistrate did not notarize  
11 the affidavit is of no consequence. And even if we  
12 were to go as far as to say that's a defect with the  
13 warrant, the fact that this case has been presented  
14 and true-billed by the grand jury would cure any  
15 defect in that arrest warrant.

16 THE COURT: Okay.

17 MR. PADGETT: Your Honor, the arrest warrant --  
18 the top face of the arrest warrant is supposed to be  
19 affidavit. The affidavit -- the top face arrest  
20 warrant does not state anything of the allegation in  
21 the indictment. The arrest warrant only say on top,  
22 you'll see, attachment affidavit. Now I want to  
23 show you something for your copy what the law says.  
24 I don't have a copy. But --

25 THE COURT: Okay. What are you trying to tell

1 me?

2 MR. PADGETT: I'll let him take a look at this.

3 Okay. I'm just showing examined by the lawyer,  
4 same thing I had dismissed, the charge with the same  
5 thing with the affidavit attached to the arrest  
6 warrant. And that says the same thing here, all  
7 that. I got the law out my brown book talking about  
8 the affidavit where I let the judge decide whether  
9 or not -- pass that to him. Thank you, ma'am.

10 THE COURT: And I'll have this right back to  
11 you.

12 MR. PADGETT: Yes, sir.

13 THE COURT: Mr. Padgett, to the extent that,  
14 you know, you were also arrested while you were  
15 driving your vehicle, not stopping for a blue light  
16 in view of the arresting officer, you agree with  
17 that don't you? You would agree with me --

18 MR. PADGETT: Sir?

19 THE COURT: You would agree with me that when  
20 you were arrested on January 9th --

21 MR. PADGETT: Yes, sir.

22 THE COURT: Okay. That was for failure to stop  
23 for blue light. You were in the presence of the  
24 officer. The officer was behind you, the blue  
25 lights were flashing, and you failed to stop. You

1 agree with that, right?

2 MR. PADGETT: Okay. I --

3 THE COURT: You agree with that, right?

4 MR. PADGETT: Yes, sir.

5 THE COURT: Okay. So you would also agree

6 that --

7 MR. PADGETT: The fact is --

8 THE COURT: Hold on. Hold on. I'm going to  
9 ask a few questions now. So that happened in the  
10 officer's presence. You'd agree with that?

11 MR. PADGETT: Well, at times --

12 THE COURT: Was there an officer behind you?

13 MR. PADGETT: Can I tell you --

14 THE COURT: Well --

15 MR. PADGETT: -- what made --

16 THE COURT: -- I'll let you explain at the end.  
17 But I want to ask the questions.

18 MR. PADGETT: Yes. The officer -- the officer,  
19 I guess, at times, was behind me.

20 THE COURT: So there was an officer behind you  
21 with the blue lights flashing? Okay? That  
22 happened --

23 MR. PADGETT: There was a blue light behind me.  
24 I'll put it that way.

25 THE COURT: And when you pulled over for the

1 blue light after not pulling over for -- I don't  
2 know how long, but some period of time, you were  
3 arrested on the scene. Isn't that right?

4 MR. PADGETT: Yes, sir.

5 THE COURT: Okay. So it was a warrantless  
6 arrest because it happened in the presence of the  
7 arresting officer?

8 MR. PADGETT: But that still does not support  
9 the affidavit for --

10 THE COURT: What?

11 MR. PADGETT: What you just asked me, that  
12 still does not support the affidavit that she  
13 screwed up on. No judge -- nobody signed her  
14 statement. She never swore before nobody. And the  
15 prosecutor want to bring me in this court and have  
16 me prosecuted of it and by an attachment and the  
17 warrant ain't good, not even legal against me.

18 Now, if the judge would have signed off on it,  
19 then it would have been different. But she never  
20 signed off on it. And I gave you the evidence of  
21 that about the affidavit. That would be a direct  
22 error if this case goes forward.

23 THE COURT: Okay. Anything else you want to  
24 tell me?

25 MR. PADGETT: I want to introduce that, Your

1 Honor, to the jury at my trial. That's my evidence.

2 THE COURT: Well -- but you'd agree with me  
3 also that a police officer has the authority to  
4 arrest a person without a warrant if a failure to  
5 stop is committed in his presence?

6 MR. PADGETT: I understand -- I understand they  
7 get arrested. But, in fact, if you bring charges  
8 against any person and you do an attachment  
9 affidavit to anyone and the front face of the  
10 warrant does not state nothing about what's in the  
11 attachment of the affidavit and the top face of the  
12 warrant was notarized, it's not supposed to be  
13 the -- the notary at the bottom of the attachment of  
14 the affidavit. It's supposed to be on the front  
15 face of the warrant, not the attachment.

16 THE COURT: All right.

17 MR. PADGETT: You know, Your Honor, it's just  
18 only -- I'm only saying what's fair and what's right  
19 and what's wrong.

20 THE COURT: Is the officer who -- I mean, it  
21 went to a grand jury indictment where it was  
22 true-billed.

23 MR. ECKSTROM: That's correct, Your Honor.

24 THE COURT: Was the officer there at the grand  
25 jury?

1 MR. ECKSTROM: There to present the indictment  
2 to the grand jury.

3 THE COURT: Well, the officer who is here  
4 today, did he go to the grand jury --

5 MR. ECKSTROM: She is -- she is not the one  
6 that went to the grand jury. But --

7 THE COURT: All right. I'm going to deny your  
8 motion to dismiss. Ultimately, this involved an  
9 arrest -- or it was a warrantless arrest because it  
10 happened in the view of the arresting officer on the  
11 streets here in Saluda County, South Carolina.

12 To address his argument though, you know, if  
13 the warrant were, as he even argued, invalid, the  
14 invalidity of the warrant is immaterial where an  
15 arrest would be a valid one for an offense committed  
16 in the officer's presence, which is what we have  
17 here. All right?

18 It happened in broad daylight -- actually, I  
19 don't know if it was in broad daylight. But it  
20 happened in broad daylight. My understanding is  
21 there's video which shows the failure to stop. So  
22 we can discuss this again, if need be, depending on  
23 what the evidence shows.

24 But we've got an arrest that was made where a  
25 warrant was not necessary because it happened in the

1 officer's presence and which was later true-billed  
2 indictment -- a true-billed indictment was issued by  
3 the Saluda County Grand Jury. So, for those  
4 reasons, your motion to dismiss is denied. All  
5 right?

6 Let's talk trial schedule here. So we'll bring  
7 the jury out. Mr. -- and I understand you've  
8 represented yourself before. Is that correct?

9 MR. PADGETT: (Nods head.)

10 THE COURT: All right. So you're familiar that  
11 we'll have an opening statement where both sides can  
12 summarize whatever evidence they want to summarize.  
13 The State's case will go first. They'll have their  
14 witnesses and whatever evidence they put up. You'll  
15 have the opportunity to put up any evidence or  
16 testify on your own behalf.

17 You're sort of in a dual role here because  
18 you're acting as your own counsel. So you'll have  
19 the opportunity to cross-examine the State's  
20 witnesses. You don't have to testify in your case  
21 in chief. But, also, you'll certainly have the  
22 opportunity to close and argue to the jury, if you  
23 choose not to testify.

24 MR. PADGETT: Would you think -- would you  
25 think it's right and fair that you let an unsworn

1 affidavit --

2 THE COURT: I've ruled. Your motion to dismiss  
3 is denied.

4 MR. PADGETT: I've never seen nothing like  
5 this, never.

6 THE COURT: Okay. Thank you.  
7 Any other pretrial motions?

8 MR. ECKSTROM: Your Honor, I have a pretrial  
9 motion to preclude any of these conversations about  
10 the warrant in front of the jury. These are legal  
11 arguments that should only be taken up in front of  
12 you and not in front of the jury. I'd ask you to  
13 preclude him from mentioning that to the jury.

14 THE COURT: Okay. Well, the only document here  
15 is the indictment, the true-billed indictment  
16 against Mr. Padgett for failure to stop for a blue  
17 light. The jury does not need to -- well, I'm not  
18 going to allow any testimony or questions about the  
19 warrant itself.

20 MR. PADGETT: Well, I'm still going -- I'm  
21 still going to object to the indictment on the  
22 record; I'm going to object to the arrest warrant  
23 and I'm going to object to the affidavit attachment  
24 to the arrest warrant because I feel all of it is  
25 illegal.

1 THE COURT: Your objection is noted. Okay?

2 But just for the trial of this case, there's not

3 going to be any testimony or questions about --

4 MR. PADGETT: That's not a fair trial.

5 THE COURT: -- the validity or invalidity of

6 this warrant. Okay?

7 MR. PADGETT: It's not a fair trial.

8 THE COURT: That's your opinion, but you're

9 welcome to have it.

10 MR. PADGETT: It's not.

11 THE COURT: Okay. We'll allow the State to

12 present their case. They'll go first. And then

13 we'll take a break and --

14 MR. PADGETT: I understand. But wrong is

15 wrong, right is right. They is wrong; what I say is

16 right.

17 THE COURT: Okay. So I've allowed you to make

18 your motion to dismiss, okay, and I've denied your

19 motion to dismiss. I'll tell you what I told you

20 yesterday, and this goes for everyone: Obviously,

21 when you're in the court, we have to abide by rules

22 of procedure; we have to abide by, frankly, rules of

23 civility and decorum. As a pro se -- as somebody

24 who is representing themselves, I'm trying to --

25 MR. PADGETT: Yes, sir.

1 THE COURT: -- give you a certain amount of  
2 latitude, because while you told me you're familiar  
3 with the rules of procedure, I want to try to give  
4 you as much opportunity to do things to give you,  
5 you know, the fairest shake you can have. But I'll  
6 expect you to not have any outbursts, particularly  
7 in front of the jury, but any time. You've stated  
8 your objections to my ruling. It's noted. Nothing  
9 more needs to be said about it.

10 MR. PADGETT: I got it.

11 THE COURT: Do you have any evidence that you  
12 want to discuss with the solicitor pre --

13 MR. PADGETT: What I just gave you.

14 THE COURT: Oh, I'm sorry. I need to give this  
15 back to you.

16 MR. PADGETT: And I have a motion right here.  
17 I'd like you to make a rule on it. I'm sorry I  
18 didn't have a copy machine. That's a motion for the  
19 Court.

20 THE COURT: What is this a motion of? You  
21 brought this in this morning?

22 MR. PADGETT: Yes, sir. That's the motion I  
23 made about the indictment.

24 THE COURT: This is what we already discussed,  
25 isn't it? You got another motion?

1 MR. PADGETT: That's the only copy I have. I  
2 didn't have a way to make a copy of it.

3 THE COURT: It hasn't been filed yet,  
4 obviously?

5 MR. PADGETT: No, sir. I just wrote it and it  
6 hasn't been filed. I been going back and forth to  
7 the doctor for my side.

8 THE COURT: Make two copies, please; one for me  
9 and the State and one for the clerk that she can  
10 file.

11 Mr. Padgett, we're going to keep the original  
12 but give you a copy.

13 MR. PADGETT: Yes, sir.

14 MR. ECKSTROM: Your Honor, if you recall,  
15 yesterday you had advised Mr. Padgett not to use his  
16 own recording device.

17 THE COURT: Yeah. I --

18 MR. PADGETT: I was told don't record no other  
19 case in the court. But I think I'm entitled to  
20 record my case.

21 THE COURT: I think it's Rule 605.

22 MR. PADGETT: Yeah.

23 THE COURT: But, no, we have a court reporter  
24 with court reporter technology here.

25 MR. PADGETT: I want to pick up what we said

1 from me to him.

2 THE COURT: Again, turn the device off. I'm  
3 directing you to turn the device off.

4 MR. PADGETT: Yes, sir.

5 THE COURT: Your record is right over here.  
6 Okay?

7 MR. PADGETT: Yes, sir.

8 THE COURT: All right. Mr. Padgett, in looking  
9 through this, it appears that this motion is  
10 basically a written form of the motion we've already  
11 discussed. Is that correct?

12 MR. PADGETT: Yes, sir.

13 THE COURT: Okay.

14 MR. PADGETT: This motion was written on May  
15 the 6th.

16 THE COURT: What?

17 MR. PADGETT: This motion was written on May  
18 the 6th.

19 THE COURT: Well, it was filed on May 22nd. If  
20 you wrote it on May 6th, why didn't you file it on  
21 May 7th?

22 MR. PADGETT: May the 7th?

23 THE COURT: Well, you said you wrote the motion  
24 on May 6th. Is that right?

25 MR. PADGETT: Yes, sir.

1 THE COURT: Okay. Well, today is what?

2 MR. PADGETT: 22nd.

3 THE COURT: So two weeks, right?

4 MR. PADGETT: Yes, sir.

5 THE COURT: So you didn't file it until today.

6 You understand that?

7 MR. PADGETT: Yes, sir.

8 THE COURT: So nobody from the court system has  
9 seen it until five minutes ago. Do you understand  
10 that?

11 MR. PADGETT: (Nods head.)

12 THE COURT: All right. And it's about ten  
13 pages long or so. But this is just a  
14 memorialization of the motion you've already made  
15 this morning regarding the warrant. Is that  
16 correct?

17 MR. PADGETT: Yes, sir.

18 THE COURT: Okay. So this motion was denied  
19 and, obviously, there will be no testimony about the  
20 warrant during the case. Do you understand that?

21 MR. PADGETT: Yes, sir.

22 THE COURT: There will be no questions about  
23 the warrant. Do you understand that?

24 MR. PADGETT: (Nods head.)

25 THE COURT: Is the State ready to proceed?

1 MR. ECKSTROM: Yes, Your Honor.

2 THE COURT: Mr. Padgett, are you ready to  
3 proceed?

4 MR. PADGETT: Yes, sir.

5 THE COURT: All right. We've said this  
6 already, but we'll swear the jury, I'll do kind of a  
7 general charge, Mr. Padgett, to let them know how  
8 the trial will proceed, and we'll kick off with the  
9 State going first. Then whoever State witnesses  
10 they put up, you'll have the opportunity to  
11 cross-examine them, if you so choose. But, again,  
12 your cross-examination questions also will not be  
13 delving into the warrants. Okay? Do you  
14 understand?

15 MR. PADGETT: Yes, sir.

16 THE COURT: All right.

17 All right. Let's bring the jury out.

18 (The jury enters the courtroom at 9:53 AM.)

19 THE COURT: Mr. Foreman, ladies and gentlemen,  
20 welcome back. I hope you had a nice evening. We're  
21 about to begin the case of State of South Carolina  
22 vs. Jeffrey T. Williams. I have some opening  
23 remarks I need to give you, but -- I'm sorry;  
24 Johnny T. Padgett. I'm sorry. Before we do that,  
25 I'm going to ask the clerk of court to swear y'all

1 in. Okay?

2 THE CLERK: Mr. Foreman, ladies and gentlemen,  
3 please stand and raise your right hand.

4 THE JURY (collectively): I do.

5 (Jury sworn.)

6 THE COURT: All right. Ladies and gentlemen,  
7 once again, I told you this yesterday and I'll tell  
8 you several times today: Thank you for your service  
9 as jurors this week. Your service is vitally  
10 important to ensuring our justice system works  
11 efficiently. And we very much appreciate your  
12 service.

13 Before we begin the actual trial of the case, I  
14 thought it might be helpful if I explain to you  
15 basically how the trial proceeds. First, the State  
16 will make an opening statement. An opening  
17 statement is not evidence; it is simply an outline  
18 to help you understand what that party expects the  
19 evidence will show. The defendant may, if he  
20 wishes, present an opening statement, but he does  
21 not have to for reasons that I will explain.

22 Following the opening statements, you will hear  
23 testimony and evidence in this case. This will  
24 consist of testimony from the State's witnesses, as  
25 well as any physical exhibits which will be

1 introduced into evidence. Following the completion  
2 of the testimony, the attorneys will again have the  
3 opportunity to make what is called a closing  
4 statement or summation to you. This is an  
5 opportunity for the parties to summarize the case  
6 from their respective points of view. Again, these  
7 arguments will not be evidence.

8 Following the closing statements by the  
9 attorneys, I will instruct you on the law of South  
10 Carolina as it pertains to the issues that have  
11 arisen in this case. When I have completed my  
12 instructions to you, you will be permitted to begin  
13 your deliberations in order to reach a verdict.

14 Ladies and gentlemen, you are now the jury in  
15 this case. And I want to explain to you some of  
16 your duties as jurors and give you some instructions  
17 thereby. At the end of the trial, I will give you  
18 more detailed instructions. Those instructions will  
19 control your deliberations. It will be your duty to  
20 decide, from the evidence, what the facts are. You  
21 and you alone are the judges of the facts.

22 You will hear the evidence, decide what the  
23 facts are, and then apply those facts to the law  
24 which I'll give you. That's how you will reach a  
25 verdict. In doing so, you must follow that law,

1           whether you agree with it or not. The evidence will  
2           consist of the testimony of the witnesses,  
3           documents, and other things received into evidence  
4           as exhibits, and any facts which lawyers agree or  
5           which I may instruct you to accept. You should not  
6           take anything I may say or do during the trial as  
7           indicating what I think of the evidence or what your  
8           verdict should be.

9           This criminal case, brought by the State of  
10          South Carolina, charges the defendant with failure  
11          to stop for a blue light. The charge against the  
12          defendant is contained in the indictment. The  
13          indictment is not evidence of anything; it's simply  
14          the description of the charge made by the State  
15          against the defendant.

16          The defendant has pled not guilty to the charge  
17          and is innocent unless proven guilty beyond a  
18          reasonable doubt. Proof beyond a reasonable doubt  
19          is proof that leaves you firmly convinced of the  
20          defendant's guilt. The defendant has the right not  
21          to testify and never has to prove innocence or  
22          present any evidence. The burden of proof is always  
23          upon the State of South Carolina.

24          Now, the following things are not evidence and  
25          you must not consider them as evidence in deciding

1 the facts of this case: Statements and arguments of  
2 the attorneys or parties, questions and objections  
3 of the attorneys or parties, testimony that I  
4 instruct you to disregard.

5 Now, evidence here may be direct or  
6 circumstantial. Direct evidence is testimony by a  
7 witness about what the witness personally saw,  
8 heard, or did. Circumstantial evidence is indirect  
9 evidence; that is it is proof of one or more facts  
10 from which one can find another fact. You are to  
11 consider both direct and circumstantial evidence.  
12 The law permits you to give equal weight to both,  
13 but it is for you to decide how much weight to give  
14 to any evidence.

15 There are rules of evidence which control what  
16 can be received into evidence. When a lawyer asks a  
17 question or offers an exhibit into evidence and a  
18 lawyer on the other side thinks that it is not  
19 permitted by the rules of evidence, that lawyer may  
20 object.

21 If I overrule the objection, the question may  
22 be answered or the exhibit may be received. If I  
23 sustain the objection, the question cannot be  
24 answered and the exhibit cannot be received.  
25 Whenever I sustain an objection to a question or

1 deny a motion to admit an exhibit into evidence, you  
2 must ignore this question or the existence of the  
3 exhibit and you must not guess what the answer would  
4 have been or what the exhibit would have shown.

5 Sometimes it may be necessary for me to request  
6 that you leave the courtroom while I discuss with  
7 the attorneys and parties legal questions that come  
8 up during the trial. If this occurs, you should not  
9 speculate about our discussions or the reason you  
10 were asked to leave the room. This is simply a  
11 procedure that the law requires when certain legal  
12 issues arise.

13 There also may be occasions where I ask the  
14 attorneys or parties to approach the bench so that I  
15 can discuss a legal issue with them in private. I  
16 will do this as often as possible so that you will  
17 not be required to leave the courtroom more than  
18 what is absolutely necessary.

19 Again, if I ask the attorneys to step up to the  
20 bench or if I ask you to leave the courtroom, please  
21 don't think that anybody is trying to hide anything  
22 from you or keep any evidence from you. This is  
23 simply a procedure used by all lawyers or parties  
24 and by all Courts to decide legal issues.

25 In deciding the facts of this case, you have to

1       decide which witnesses to believe and which  
2       witnesses not to believe. You may believe  
3       everything a witness says or only part or none of  
4       it. In deciding what to believe, you may consider a  
5       number of factors, including the following: The  
6       witness' ability to see, hear, or know the things  
7       testified to; the quality of the witness' memory,  
8       the witness' manner while testifying; whether the  
9       witness has an interest of the outcome of the case  
10       or any motive, bias, or prejudice; whether the  
11       witness was contradicted by anything the witness  
12       said or wrote before the trial or by other evidence,  
13       or how reasonable the witness' testimony -- how  
14       reasonable was the witness' testimony when  
15       considered in light of other witnesses which you  
16       believe.

17               And until I advise you to begin your  
18       deliberations, you must not discuss this case with  
19       anyone, including your fellow jurors, friends,  
20       family members, or anyone involved in the case.  
21       This includes discussions face to face, by  
22       telephone, e-mail, text, blogs, social media, or  
23       anything of that like.

24               You may not use a computer, cell phone, or  
25       other electronic device with communication

1 capabilities at any time while in the courtroom or  
2 during deliberations. And you also may not use  
3 these devices to get or send information about the  
4 case. This includes information about a party, a  
5 witness, an attorney, a court officer, news accounts  
6 about the case, research on any topics, any topics  
7 you think would be helpful in deciding the case or  
8 any testimony presented by any witness.

9 During the trial, do not read, listen to, or  
10 watch any news reports about this case. This  
11 includes anything that may be in the newspapers or  
12 on the internet, radio, or television. You must not  
13 consider anything you may have read or heard about  
14 the case outside the courtroom either before or  
15 during the trial.

16 After the case is submitted to you, you must  
17 discuss it only in the jury room with your fellow  
18 jurors. The attorneys and parties in this case have  
19 been advised that they are not to talk to you at  
20 all. So if you see anyone involved with the case  
21 and they do not even say hello, they are not being  
22 unfriendly; they're just following my instructions.

23 It's important that you keep an open mind and  
24 do not consider any issues in this case until all  
25 the evidence has been presented, the parties have

1       made their closing arguments, and I've instructed  
2       you on the law in this case. It's your sole  
3       responsibility to determine the guilt or innocence  
4       of the defendant, and your verdict must be based  
5       solely on the evidence as it is presented to you in  
6       this trial and on the law as I instruct you at the  
7       close of this trial. I don't see anyone with any  
8       notepads out there. But if you have something,  
9       please don't take any notes during the case. I want  
10      you to just focus on the testimony that you see and  
11      hear during the trial.

12             Ordinarily we'll take a break after about an  
13      hour and a half, somewhere in that range, hour and a  
14      half or two hours. We'll play that by ear as well.  
15      I don't want to keep you seated any longer than is  
16      necessary. I will make sure I give you breaks. So  
17      please know that breaks will be on the horizon.  
18      You're not expected to sit in here all day long.

19             But, at this point, we're prepared to begin the  
20      trial. The State will proceed first with the  
21      State's opening statement.

22             MR. ECKSTROM: May it please the Court?

23             THE COURT: Yes, sir.

24             MR. ECKSTROM: Ladies and gentlemen, as the  
25      Judge told you, we're here for failure to stop for

1 blue light. That's exactly what it is. On January  
2 1st of 2019, Officer Roberson attempted to perform a  
3 traffic stop on Johnny Padgett, the defendant. He  
4 didn't stop. He led her on approximately a two-mile  
5 chase throughout Saluda before eventually stopping.  
6 Corporal Schultz picked up that chase about -- right  
7 before the end. His car had a dash camera on it, so  
8 we're going be able to try to watch that video of  
9 that portion of the chase. Officer Roberson has  
10 body camera that captured the events outside the  
11 vehicle. We'll get to watch all that. We've got a  
12 map. Officer Roberson is going to trace that route  
13 they took chase, how long the chase was. But that's  
14 about the size of it.

15 The State has to prove this case beyond a  
16 reasonable doubt. The defendant is presumed  
17 innocent, so all the evidence we're going to present  
18 to you is our attempt to prove him guilty beyond a  
19 reasonable doubt. We're here for his day in court.  
20 And welcome. Thank you.

21 THE COURT: Mr. Padgett, would you like to make  
22 an opening statement?

23 MR. PADGETT: Good morning, ladies and  
24 gentlemen. Again, my name is Johnny Tyler Padgett.  
25 I'm going to show you that the charge that I am

1 being charged with, that is not legal. And I got  
2 these cops to show each one of y'all. And I want  
3 y'all to decide -- I want y'all to decide whether  
4 I'm guilty or not, not the State. I want y'all to  
5 decide. Once I give it to you, you read it, then  
6 you decide whether or not I'm guilty. Thank you.

7 THE COURT: Okay.

8 MR. ECKSTROM: Your Honor, the State calls  
9 George Schultz to the stand.

10 GEORGE SCHULTZ

11 being first duly sworn, testified as follows:

12 THE WITNESS: I do.

13 DIRECT EXAMINATION

14 BY MR. ECKSTROM:

15 Q. Would you please begin by stating your name for  
16 the court reporter.

17 A. George Schultz.

18 Q. Where are you currently employed?

19 A. I'm currently a corporal in the road patrol  
20 division at the Saluda County Sheriff's Office.

21 Q. How many years of experience do you have with  
22 the sheriff's department?

23 A. With the Saluda County Sheriff's Department, I  
24 have approximately two years' experience.

25 Q. How about law enforcement in general?

1 A. Approximately ten.

2 Q. We'll just get right to it. Do you remember  
3 the evening of January 9th 2019?

4 A. Yes.

5 Q. What were you doing that evening?

6 A. I was actually on my way to the sheriff's  
7 office when the other officer tried -- called out a  
8 traffic stop and then advised that the vehicle  
9 wasn't stopping.

10 Q. How did you get involved with this situation?

11 A. I was actually -- during the course of me  
12 headed towards the sheriff's office, I was actually  
13 ahead of where they were going, so I went down a  
14 side street to intercept the vehicle.

15 Q. Were you able to intercept the vehicle?

16 A. Yes.

17 Q. Were you involved in a chase of this vehicle?

18 A. At that time, the other officer advised me not  
19 to pull out, so I waited. They went by; I followed  
20 in behind the other officer.

21 Q. Do you remember where you first saw the  
22 defendant's vehicle?

23 A. I believe it was Waters Avenue and Bouknight  
24 Road.

25 Q. And what county is that in?

1 A. That is in Saluda.

2 Q. From that point, were you behind the vehicle  
3 until it later stopped?

4 A. At that point, I was behind the other officer  
5 until I let another city officer go ahead of me.  
6 And then I was behind the vehicle and the two  
7 officers.

8 Q. At some point, did the chase end?

9 A. Yes.

10 Q. Was your vehicle, on that evening, equipped  
11 with a dash camera?

12 A. Yes.

13 Q. Were you equipped with a body camera?

14 A. Yes.

15 Q. Were both of those devices working properly  
16 that evening?

17 A. Yes.

18 MR. PADGETT: Excuse me, Your Honor. Yesterday  
19 I made a motion that the witness don't be in this  
20 court while the other one testified, because the  
21 witness will pick up from --

22 THE COURT: Hold on. Y'all come up here,  
23 please.

24 (Sidebar conference.)

25 MR. ECKSTROM: Briefly, Your Honor, I want the

1 record to reflect that Officer Roberson was the  
2 chief investigating officer. It's her case. I  
3 have --

4 THE COURT: She's sequestered at the moment?  
5 Okay.

6 BY MR. ECKSTROM:

7 Q. Corporal, I'm going to show you this and ask  
8 you if you recognize it.

9 THE COURT: Sequestered at the defendant's  
10 request.

11 BY MR. ECKSTROM:

12 Q. It's been marked as State's Exhibit 2 for  
13 identification. Do you recognize this?

14 A. Yes.

15 Q. What is it?

16 A. It's the camera footage, or the disc, from that  
17 night.

18 Q. And how do you recognize it?

19 A. Because it's got my initials on it and the date  
20 that I initialed it.

21 MR. ECKSTROM: Your Honor, we'd offer this into  
22 evidence as State's Exhibit 2.

23 THE COURT: Any objection?

24 MR. PADGETT: No objection.

25 THE COURT: All right. State's Exhibit 2 is

1 admitted into evidence without objection.

2 MR. ECKSTROM: The State would seek to publish  
3 this to the jury.

4 THE COURT: Very well. And this is which  
5 camera?

6 MR. ECKSTROM: The dash camera.

7 (State's Exhibit No. 2 admitted into evidence  
8 and published to the jury and his Honor.)

9 THE COURT: Can you see, Mr. Padgett?

10 MR. PADGETT: Yes, sir.

11 THE COURT: Okay.

12 MR. PADGETT: Why you didn't let it play on  
13 out?

14 MR. ECKSTROM: Okay.

15 MR. PADGETT: That's the only tape you have?

16 MR. ECKSTROM: At this point.

17 MR. PADGETT: Your Honor --

18 THE COURT: Hold on. You'll have the  
19 opportunity to speak. But let's finish the video.  
20 Do you have something you need to bring up with me  
21 now?

22 MR. PADGETT: (Nods head.)

23 THE COURT: All right.

24 (Sidebar conference.)

25 BY MR. ECKSTROM:

1 Q. Getting back to that night, Corporal, where was  
2 that stop eventually made?

3 A. Rosenwald and Bouknight.

4 Q. And where is that located?

5 A. If you go down Bouknight, a little ways past  
6 Waters Avenue in the town of Saluda.

7 Q. Which is in --

8 A. Saluda County.

9 Q. Was anybody else in the vehicle?

10 A. No.

11 Q. Who was driving the vehicle?

12 A. The defendant.

13 Q. Do you see him here today?

14 A. Yes.

15 Q. Point him out to us.

16 A. Sitting right over there. (Indicating)

17 Q. What was the purpose of you walking the dog  
18 around the vehicle?

19 A. To see if there were any odor of narcotics at  
20 the time.

21 Q. But were there?

22 A. No.

23 Q. What did you do after you walked the dog  
24 around?

25 A. Put the dog back in the car. And I went 10-8



1 me to take the dog around the car because I knew  
2 they were going to inventory the car because the car  
3 was going to be towed.

4 Q. So you used the dog searching for drugs, right?

5 A. No, sir.

6 Q. Why you --

7 A. The dog was searching for the odor of  
8 narcotics. The dog does not search for drugs.

9 Q. Did you put the dog in the inside of the car?

10 A. No, sir. The dog walked around the car.

11 Q. But you did not search it?

12 A. No, sir. That was a walk-around. I walked the  
13 dog around the vehicle. I do not put my dog inside  
14 someone's car.

15 Q. Okay. You were there when Mr. Padgett got out  
16 the car?

17 A. Yes.

18 Q. Did you hear any officer made any statement,  
19 told Mr. Padgett, get your ass out, I want to blast  
20 you anyway? Did you heard any officer state that?

21 A. No.

22 MR. PADGETT: No further questions.

23 THE COURT: All right.

24 Any redirect?

25 MR. ECKSTROM: No, Your Honor.

1 THE COURT: The witness may step down.

2 MR. ECKSTROM: Your Honor, this witness is  
3 under subpoena. I would ask for him to be relieved  
4 of that at this point.

5 THE COURT: All right. Mr. Padgett, this  
6 witness is under subpoena. Do you have any  
7 objection of him being released from subpoena?

8 MR. PADGETT: Say that again.

9 THE COURT: I'm going to let the witness go.  
10 I'm just letting you know. Okay?

11 MR. PADGETT: Okay.

12 THE COURT: All right.

13 MR. ECKSTROM: Your Honor, at this time, the  
14 State calls Jacqueline Roberson.

15 JACQUELINE ROBERSON

16 being first duly sworn, testified as follows:

17 THE WITNESS: Yes.

18 DIRECT EXAMINATION

19 BY MR. ECKSTROM:

20 Q. If you would, please, would you state your name  
21 for the court reporter here.

22 A. My name is Jacqueline Roberson. They call me  
23 Beth.

24 Q. Okay. I'll call you Beth.

25 A. Yes.

1 Q. Where are you currently employed?

2 A. The Town of Saluda.

3 Q. What is your position there?

4 A. I'm a patrol officer there.

5 Q. How long have you been working with law  
6 enforcement?

7 A. All together, counting time at the jail, about  
8 six years. I've been a road officer for almost  
9 four.

10 Q. Okay. Were you working the night of January  
11 9th, 2019?

12 A. Yes, sir, I was.

13 Q. Do you recall anything significant that  
14 happened that evening?

15 A. I was driving down Bouknight Ferry. And where  
16 Bouknight Ferry and Highland come together, a car  
17 was coming towards me and it didn't have on its turn  
18 signal light. When you cross across the lane of  
19 traffic to come through there, you have to have a  
20 turn signal on. It caught my attention. I turned  
21 around in my vehicle, blue-lighted it, sired it.

22 Between 141 and, I believe it's like 134 or  
23 something like that, Bouknight Ferry, there's an  
24 opening, like a driveway, that the vehicle pulled  
25 in. And I thought it had come to a stop. I cut off

1 sirens, opened my door, and was calling in the  
2 incident to dispatch so they --

3 MR. PADGETT: Can you get her to speak up?

4 THE WITNESS: Sir?

5 MR. PADGETT: I can't hear you.

6 THE WITNESS: Oh, I'm sorry. Can you hear me  
7 now?

8 MR. PADGETT: Yeah.

9 THE WITNESS: Okay.

10 Anyways, I was calling it in, had opened my  
11 door. And the car started eking up a little bit,  
12 which led me to believe that it might take off on  
13 me. So I kind of sat back and watched for a minute.  
14 And it eked up some more, eked up some more, and  
15 then took off, went around the house, came back out,  
16 got back on the road, continued down Bouknight  
17 Ferry, across 178. And that's the beginning of the  
18 chase, so to speak.

19 BY MR. ECKSTROM:

20 Q: And where did that chase end?

21 A. Rosenwald and Bouknight Ferry.

22 Q. And what county is that in?

23 A. It's in Saluda County, but it's within the town  
24 of Saluda.

25 Q. I'm going to show you what's been marked as

1 State's Exhibit 3 for identification. Do you  
2 recognize this?

3 A. Yes, I do.

4 Q. Are you familiar with this?

5 A. Somewhat. It's a map of Saluda. I have to put  
6 on my glasses to actually see the small print, if  
7 that's okay.

8 Q. Yes. What do you recognize this to be?

9 A. This is a map of the town of Saluda.

10 MR. ECKSTROM: Your Honor, we'd offer State's  
11 Exhibit 3 into evidence.

12 THE COURT: Any objection, Mr. Padgett?

13 MR. PADGETT: No objection.

14 THE COURT: Okay. It's admitted into evidence  
15 without objection.

16 (State's Exhibit No. 3 admitted into evidence.)

17 MR. ECKSTROM: We'd seek to publish State's 3  
18 and have the witness step down.

19 THE COURT: Very well.

20 BY MR. ECKSTROM:

21 Q. Just briefly, Ms. Beth, can you please kind of  
22 map out the route you traveled that night as you  
23 were following the defendant.

24 A. You can't hardly read it, but this right here  
25 is 178. And if you come up to right here, it's

1       Bouknight Ferry. So where Bouknight Ferry and  
2       Highland come together right here, you have to cut  
3       across lanes of traffic to continue down Bouknight  
4       Ferry. You have to use your turn signal there.  
5       That's when it first initiated.

6               I came and went all the way down to, roughly,  
7       right about here where you see these three houses  
8       together. And we pulled in between the second and  
9       the third house. That's when he was hitting the  
10      brakes and easing up. So we came behind the house,  
11      back around, back onto Bouknight. We went down 178  
12      and across 178, continued down Bouknight.

13             We got to Juniper Drive, which is the Saluda  
14      Terrace Apartments, turned into the Saluda Terrace  
15      Apartments. There's a couple areas where you can  
16      kind of U-ey on the other side of the road and come  
17      back out. He did that, I think, at the second one.  
18      Came back out, came back to 178.

19             At that point in time, there was a vehicle and  
20      an 18-wheeler through the traffic. Mr. Padgett went  
21      through that. And they undoubtedly realized what  
22      was going on or something because they backed up to  
23      let me out. And he turned on 178. When he turned  
24      on 178, there's a Mexican restaurant right there  
25      with an opening right before it.

1           He pulled into the opening right before it,  
2           which came back up behind these houses, got back on  
3           Bouknight Ferry, went up Bouknight Ferry all the way  
4           around to Hare Avenue, turned up Hare Avenue to 378,  
5           which is also called Travis, got on that, back down  
6           to Waters, came back down Waters, got back on  
7           Bouknight. And this is Rosenwald. He stopped just  
8           shy of Rosenwald. And somewhere on Waters is when I  
9           saw sparks flying from the tires and realized the  
10          tire went flat and everything.

11         Q.    Thank.

12           MR. PADGETT: We need more proof than just  
13          finger marks. You got the video?

14           THE COURT: How about let the State's attorney  
15          do his job and then you'll have the opportunity to  
16          cross-examine? Okay?

17         BY MR. ECKSTROM:

18         Q.    You said you saw sparks flying at some point?

19         A.    Yes. I noticed a strange sound and then the  
20          sparks flying. I think I actually announced it to  
21          dispatch that something was wrong with the vehicle.  
22          And then I saw the sparks. We figured the tire went  
23          flat.

24         Q.    At some point after that, did the vehicle come  
25          to a stop?

1           A.     That was on Waters.  So it came to a stop, I'd  
2           guesstimate, about a half a mile down, because it  
3           turned off of Waters onto Bouknight and almost back  
4           near Rosenwald before it came to a stop.

5           Q.     And what did you do when the vehicle came to a  
6           stop?

7           A.     I deployed from my car, drew my taser, told  
8           Mr. Padgett to put his hands up, get out the  
9           vehicle, placed him under arrest.  When I first  
10          started speaking to him, I told him he was under  
11          arrest for -- I believe I said resisting arrest.  
12          And then I said, I'm sorry, I misspoke, you're  
13          failure to stop for blue lights.

14          Q.     What did he say in response to that?

15          A.     He -- at one point, I don't know if it was  
16          right then or in the car.  But at one point he told  
17          me that he knew he didn't stop for the blue lights;  
18          he did do that, but he did not resist arrest, which  
19          he's accurate.  He did not resist arrest; he failed  
20          to stop for blue lights.  And he told me if he had  
21          known it was me, he would have stopped.

22          Q.     Did your vehicle have a dash camera that  
23          evening?

24          A.     No.

25          Q.     Were you wearing a body camera that evening?

1       A.     I was.  And I thought I had -- we have a body  
2       camera that you have to push a button and it cuts  
3       on, but you have to hold it for a second.  And I  
4       thought during the chase I had cut it on just so it  
5       could at least pick up what was going on in the  
6       vehicle even though it wouldn't see the roadway.

7             But, undoubtedly, I either didn't hold it long  
8       enough or it was malfunctioning and cut back off,  
9       because when Officer Long looked at me -- Major  
10      Long, he asked me to have my camera on.  And when I  
11      looked at it, I realized I didn't.  So I cut it on  
12      at that point.

13     Q.     And from that point on, was it working  
14     properly, so to speak?

15     A.     I didn't see any flaws from that point on.  
16     That's why I guess maybe I didn't hold the button in  
17     long enough.

18     Q.     I'm going to show you what's marked as State's  
19     Exhibit 1 for identification and ask you if you  
20     recognize that.

21     A.     Yes, I do.

22     Q.     What is that?

23     A.     That is a copy of my body camera footage.

24     Q.     How do you recognize it?

25     A.     Because I dated and initialed it when you

1           showed it to me.

2           Q.    Does it fairly and accurately depict the events  
3           of January 9th?

4           A.    Yes, sir, it does.

5                   MR. ECKSTROM: Your Honor, we'd seek to admit  
6           State's Exhibit 1 into evidence.

7                   THE COURT: Mr. Padgett?

8                   MR. PADGETT: Yes.

9                   THE COURT: All right. State's Exhibit 1 --

10                   MR. ECKSTROM: Permission to publish?

11                   THE COURT: State's Exhibit 1 is admitted  
12           without objection. Yes, sir.

13                           (State's Exhibit No. 1 admitted into evidence  
14           and published for the jury and his Honor.)

15                   BY MR. ECKSTROM:

16           Q.    Beth, back to that roadside, what did he say as  
17           you were placing him in the back of your patrol  
18           vehicle?

19           A.    First, he stated that I had said resisting  
20           arrest. He said he didn't resist arrest. He stated  
21           that -- I said, you're right, it's failure to stop  
22           for blue lights. He said he didn't want to get  
23           hurt. And I told him not to say that to me because  
24           him and I have always gotten along fine and he knew  
25           I wouldn't hurt him. And he agreed we got along

1 fine. He said he would have stopped if he had known  
2 it was me.

3 Q. Are you allowed to just leave that vehicle on  
4 the side of the road?

5 A. No. No, sir. We always either tow it or turn  
6 it over to somebody. That vehicle had no insurance,  
7 that vehicle had no tag, therefore, it had to be  
8 towed. You can't turn it loose for someone else to  
9 drive.

10 Q. And before it gets towed, what do you have to  
11 do?

12 A. You have to inventory the vehicle. That way, I  
13 think I said in the video, you know what's in the  
14 vehicle when you start. It's locked at a secure  
15 yard with whoever towed it. And when they get it,  
16 they have a copy of that and they know if anything  
17 is missing.

18 Q. You didn't find anything illegal in the  
19 vehicle?

20 A. No, sir.

21 Q. We're not here for anything like that?

22 A. No, sir.

23 Q. Just that he failed to stop for a blue light?

24 A. Yes, sir.

25 Q. Which he admitted to?

1 A. Yes, sir.

2 Q. Just to reiterate, when you initiated your  
3 traffic stop, what county were you in?

4 A. Saluda County, town of Saluda.

5 Q. Who was driving the vehicle?

6 A. Johnny Padgett.

7 Q. Is he here today?

8 A. Yes.

9 Q. Can you point him out for us?

10 A. He's the defense attorney.

11 Q. Did he stop the vehicle when you initiated the  
12 stop?

13 A. After a moment, he stopped it. And then he  
14 started back before I could get to his car.

15 Q. And you had to chase him?

16 A. Yes, sir.

17 Q. Were your lights on?

18 A. Yes.

19 Q. The blue lights?

20 A. Yes.

21 Q. Your siren?

22 A. I think part of it. In the beginning, my siren  
23 was on. But I cut it off so that I could talk to  
24 him when I first stopped my vehicle.

25 Q. And the chase ended in what county?

1 A. Saluda County. And it was also still in the  
2 town of Saluda.

3 MR. ECKSTROM: Your Honor, I have no further  
4 questions for this witness.

5 THE COURT: All right.

6 Mr. Padgett, you may now cross-examine this  
7 witness.

8 CROSS-EXAMINATION

9 BY MR. PADGETT:

10 Q. How long have you been working here at Saluda  
11 County?

12 A. At the time or now?

13 Q. At the time.

14 A. I think about a month shy of a year.

15 Q. One month?

16 A. Yes, sir. I came in February of the previous  
17 year and I --

18 Q. So last year?

19 A. Yes, sir. So it's been about a month shy of --

20 Q. Have you arrested Mr. Padgett before?

21 A. No, sir, I have never arrested you.

22 Q. Have you ever had any problems out of him?

23 A. No, sir, I haven't.

24 Q. What's his condition that night when you  
25 arrested him? Was he drunk or --

1           A.    I'm not sure.  I didn't test you for anything  
2           like that.

3           Q.    Did you ask him for a test?

4           A.    Excuse me?

5           Q.    Drunk test.

6           A.    I didn't perform a drunk test, so I don't know.

7           Q.    You didn't.  Why?

8           A.    Because I placed you under arrest for failure  
9           to stop for blue lights.  I didn't pull you for a  
10          DUI; I pulled you for a turn signal.

11          Q.    Did you ask him whether he was drinking?

12          A.    No, I didn't.

13          Q.    Were you searched the car -- is that correct?  
14          You searched the car that night?

15          A.    Major Long and I both --

16          Q.    But you searched it, right?

17          A.    We inventoried it.  Yes, sir.

18          Q.    When you searched the car, do you think your  
19          search was proper?

20          A.    Do I think my search was proper?  I think we  
21          have the right to inventory the vehicle --

22          Q.    Was your search --

23          A.    -- incident to your arrest.  Yes, sir, I do  
24          think it's proper.

25          Q.    You said that it was proper, right?

1 A. Yes, sir.

2 Q. Why you didn't search the trunk?

3 A. I don't know. I believe Mr. Long searched the  
4 trunk, but I'm not certain.

5 Q. You didn't see nothing on that tape that that  
6 trunk was open, did you?

7 A. No, sir. But I didn't have my camera on the  
8 whole time. And I walked away from the vehicle  
9 several times.

10 Q. Okay. So would you believe that -- the charge  
11 that you charged me with, would you believe that is  
12 proper?

13 A. Yes, sir.

14 Q. Let me ask you this: When you filed the  
15 affidavit -- you know about affidavits of statement,  
16 don't you?

17 A. I know what an affidavit is, yes, sir.

18 Q. Okay.

19 MR. ECKSTROM: Your Honor, I'd object to this.

20 THE COURT: All right. Let's sidebar this.

21 MR. PADGETT: No, no, no. What you trying to  
22 hide?

23 THE COURT: Hey, hey.

24 (Sidebar conference.)

25 THE COURT: Ladies and gentlemen, we're going

1 to take a short break. I'm going to send you to  
2 your jury room. Please don't discuss the case in  
3 any way, and I'll get you back out here as soon as  
4 possible.

5 Let them leave first.

6 THE WITNESS: Yes, sir.

7 (The jury exits the courtroom at 11:00 AM.)

8 THE COURT: You can step down, just don't talk  
9 to your attorney or anyone else.

10 THE WITNESS: I can stay here.

11 THE COURT: All right.

12 Mr. Padgett, the State objected because it  
13 appeared you were going to be --

14 MR. PADGETT: Your Honor --

15 THE COURT: -- eliciting testimony about the  
16 warrant and the affidavit. Is that correct?

17 MR. PADGETT: I have the constitutional right  
18 to ask this female any question related to any  
19 charges she brought against me. There's no way that  
20 he can object, Your Honor. You know he can't do  
21 that.

22 I'm representing myself. I ain't taking the  
23 witness stand. So I did admit that everything was  
24 in her attachment affidavit. I did admit that she  
25 did not lie on me. But the fact is, in order for

1 her to come in here and testify, somebody would have  
2 to notarize her affidavit statement. She signed her  
3 name out of the presence of the notary.

4 THE COURT: We're arguing the motion to dismiss  
5 again.

6 MR. PADGETT: Well, I'd like to argue about  
7 that and --

8 THE COURT: I'll let you bring that up.

9 MR. PADGETT: I just want to bring it up.

10 THE COURT: Okay. Well, it was denied before.  
11 We're not going to argue your motion to dismiss in  
12 your cross-examination.

13 MR. PADGETT: But --

14 THE COURT: Okay? If you've got questions  
15 about her direct knowledge of the events that  
16 night -- but I've already ruled that this case is  
17 not being dismissed as a result of your arguments  
18 regarding the documents --

19 MR. PADGETT: Okay. Well, I did research.  
20 There's no rules, not whatsoever, that can overrule  
21 the unsworn statement.

22 THE COURT: Okay. You've noted all this for  
23 the record, but my ruling remains.

24 MR. PADGETT: I want to ask her the questions.

25 THE COURT: All right. Now, you can

1 cross-examine --

2 MR. PADGETT: Your Honor --

3 THE COURT: -- her, but you're not going --

4 MR. PADGETT: But --

5 THE COURT: Hold on. Hold on. You're not  
6 going to cross-examine her about --

7 MR. PADGETT: It makes me feel -- it makes me  
8 feel that you're trying to protect the prosecution  
9 and the witness.

10 THE COURT: That's not the case at all. You're  
11 entitled to your feelings. But, Mr. Padgett, I will  
12 determine what is and is not evidence here. Okay?  
13 That's my call. Now, you disagree with me. And  
14 that's your right. Okay?

15 But your cross-examination here is going to be  
16 within the parameters of what I said. We're not  
17 going to argue a motion to dismiss to this witness.  
18 Okay? So you can ask her -- you can relate to any  
19 questions he's already asked. There was a video.  
20 You're certainly entitled to that. But we're not  
21 going to ask her about whether she had a legal cause  
22 for this or that. I mean, the video speaks for  
23 itself. I want to give you as much leeway as  
24 possible on your cross, but I just don't want to  
25 turn this into a confusing issue for --

1 MR. PADGETT: The tape done been tampered with.  
2 I know for a fact the tape done been tampered with  
3 because when this officer jumped out the car, he  
4 told me --

5 THE COURT: All right.

6 MR. PADGETT: He told me to get down. He  
7 wanted to blast me anyway with a pistol. Okay?

8 THE COURT: All right.

9 MR. PADGETT: The tape done been tampered with.  
10 That's why I asked him to let the tape play all the  
11 way through.

12 THE COURT: Okay.

13 MR. PADGETT: And he ain't even here. He's  
14 involved in the case. Now --

15 THE COURT: Do you have any questions you'd  
16 like to ask your standby counsel?

17 Let's just take five minutes real quick.  
18 Everyone needs a refreshment break.

19 (Short break.)

20 THE COURT: All right. We're back from a short  
21 recess. Our last discussion had to do with  
22 Mr. Padgett again asserting the grounds for his  
23 motion to dismiss that he asserted pretrial, which  
24 you have noted those now again. I think those are  
25 on the record. Okay?

1 MR. PADGETT: (Nods head.)

2 THE COURT: You mentioned something about  
3 witnesses you want to note for the record. Is that  
4 right?

5 MR. PADGETT: What do you mean?

6 THE COURT: You told me you wanted to note  
7 something on the record.

8 MR. PADGETT: Yeah. Well, I got a whole lot of  
9 questions I need to ask her.

10 THE COURT: Okay. Okay. Well, you mentioned  
11 you wanted to note something on the record that was  
12 different. I think it was because you wanted a  
13 witness here who was not here.

14 MR. PADGETT: Hold on for a second.

15 I'm sorry. I couldn't hear you. Yes, sir.  
16 I'd like officer -- to have Judge Shults or judge  
17 who signed the warrant here.

18 THE COURT: All right. Well, I wasn't aware of  
19 any other witnesses, so I didn't announce --

20 MR. PADGETT: She's the magistrate that signed  
21 the warrant. And I'd like -- it's a lot of  
22 questions I need to ask her.

23 THE COURT: Well, I mean, did you subpoena her  
24 to be here?

25 MR. PADGETT: I asked him to have her in this

1 courtroom. And I thought yesterday when she was  
2 here, that she was here for me.

3 THE COURT: I don't know her. I don't know  
4 what I can do right now to make somebody appear who  
5 is not in the room. So if she appears, she appears.  
6 But her name wasn't disclosed to the jury, which is  
7 the problem. And to the extent that her testimony  
8 has to do with signing the legal documents --

9 MR. PADGETT: What?

10 THE COURT: If her testimony is only being  
11 brought, once again, to argue this out, that doesn't  
12 have to do with the charges here.

13 MR. PADGETT: I want to have her here because  
14 this Court is really corrupted on the prosecutor's  
15 side and that I was going to have to show the Court  
16 that they are corrupt and they're not going by the  
17 law. They're using stuff to violate me to put me in  
18 prison when they -- when they violate the law.  
19 That's why I request for the judge to come over here  
20 who signed the warrant.

21 What are they trying to hide? That's why I put  
22 this all together. I did not deny that her charge  
23 is a lie against me, but they made a terrified [sic]  
24 mistake in the warrant, in the attachment  
25 affidavit --

1 THE COURT: But you had --

2 MR. PADGETT: -- in the indictment. And I  
3 didn't even have a preliminary hearing, and I put in  
4 for that. The indictment cannot push no preliminary  
5 hearing. I got to get that preliminary hearing  
6 before they get an indictment. They didn't even get  
7 me that. He was supposed to be my lawyer. He never  
8 got me a preliminary hearing. They got me in court.

9 This Court does not have jurisdiction unless I  
10 get a preliminary hearing first. The indictment  
11 cannot overrule no preliminary hearing. That's the  
12 fact.

13 THE COURT: Mr. Eckstrom?

14 MR. ECKSTROM: Judge, specifically, I believe  
15 it does overrule that -- the indictment.

16 THE COURT: Are you referring to Rule 2?

17 MR. PADGETT: I got a case on it, too.

18 MR. ECKSTROM: Your Honor, Rule 2(b) of the  
19 South Carolina Rules of Criminal Procedure states  
20 that the hearing shall not be held if the defendant  
21 is indicted by the grand jury. In this case, Your  
22 Honor, I would argue that the defendant has been  
23 indicted by the grand jury, as evidenced by the  
24 indictment of the grand jury.

25 THE COURT: I -- we've had a true-billed

1 indictment from the grand jury this entire time.

2 So, once again, your objection is noted.

3 MR. PADGETT: Yes, sir.

4 THE COURT: All right.

5 MR. PADGETT: Your Honor, this would be a  
6 supplemental jurisdiction issue because South  
7 Carolina Supreme Court made a ruling about the  
8 preliminary hearing.

9 But, anyway, South Carolina Supreme Court made  
10 a ruling that once a defendant requests a  
11 preliminary hearing, that they had 10 to 20 days to  
12 be in that hearing; that the general sessions court  
13 could not obtain jurisdiction until a preliminary  
14 hearing is heard.

15 So I feel that this Court does not have  
16 jurisdiction over the case until a preliminary  
17 hearing is given. But if you give me a few minutes,  
18 I'll find that order. If you give me a few moments,  
19 I will find that order that was written by the  
20 supreme court.

21 THE COURT: I'm -- you know, I'm trying to give  
22 you as much --

23 MR. PADGETT: Okay. Well --

24 THE COURT: -- leeway as possible. But also --  
25 the solicitor also read Rule 2(b). The hearing will

1 not be held; however, if the defendant is indicted  
2 by the grand jury -- in this case, the Saluda County  
3 Grand Jury, which indicted you for failure to stop  
4 for a blue light via true-billed indictment on  
5 February 25th, 2019.

6 MR. PADGETT: Okay. I understand that.

7 THE COURT: You have done all -- I've allowed  
8 you to note everything you could note out here. So,  
9 I mean, I'm trying to let you note everything for  
10 the record. But these pretrial motions remain  
11 denied. Okay?

12 MR. PADGETT: Well, I understand all that. But  
13 I want to put it on the record because of the fact I  
14 don't want just the person's statement who knew  
15 nothing. I was told by the supreme court to put  
16 everything on the record, and I want it on the  
17 record.

18 I feel that the Court failed in subject matter  
19 jurisdiction issue to hear this case because of the  
20 fact I never had no preliminary hearing.

21 THE COURT: Okay.

22 MR. PADGETT: State vs. McClure, the number is  
23 277 S.C. 432, 289 S.E. 2d 158, 1987. Supreme Court  
24 said that any time a defendant requests a  
25 preliminary hearing, he got to get his preliminary

1 hearing before the State seeks an indictment. If  
2 the State seeks an indictment without a preliminary  
3 hearing, this Court does not hold jurisdiction on  
4 this case until that preliminary hearing is held.

5 I'm not a lawyer. I'm just a person with a  
6 small education who is trying to defend himself from  
7 violating what happened on the officer's side.

8 THE COURT: State vs. McClure: A preliminary  
9 hearing is not necessary for a grand jury to indict  
10 a person for a crime.

11 MR. PADGETT: What?

12 THE COURT: A preliminary hearing is not  
13 necessary for the grand jury to indict a person for  
14 a crime. That's Headnote No. 2. So, again, I've  
15 allowed you to make your argument. I respectfully  
16 deny it. Okay?

17 MR. PADGETT: All right.

18 THE COURT: Now we're going to proceed with  
19 cross-examination of this witness. And -- is  
20 this -- well, is this your last witness or do you  
21 have another one?

22 MR. ECKSTROM: This is our last witness.

23 THE COURT: Okay.

24 Are you ready to proceed with  
25 cross-examination?

1 MR. PADGETT: I'm ready to proceed.

2 THE COURT: So for purposes of  
3 cross-examination, I don't want you arguing these  
4 legal issues --

5 MR. PADGETT: Well, I think you done a lot of  
6 violating towards me too, because you're trying to  
7 protect the wrongdoing of the State.

8 THE COURT: I'm trying -- okay. You're  
9 entitled to your opinion. I'm just saying -- I'm  
10 telling you --

11 MR. PADGETT: That's not the --

12 THE COURT: -- your cross-examination will not  
13 be a recitation of South Carolina law to this jury.  
14 Do you understand? Do you understand, sir? Do you  
15 understand, sir?

16 MR. PADGETT: What?

17 THE COURT: Do you understand that your  
18 cross-examination will not be a recitation of all  
19 South Carolina law that you're arguing to me out of  
20 the presence of the jury? Okay? Ask the witness  
21 questions about the event itself. Do you  
22 understand?

23 MR. PADGETT: I do.

24 THE COURT: All right. Let's bring the jury  
25 in, please.

1 (The jury enters the courtroom at 11:24 AM.)

2 THE COURT: All right. Mr. Foreman, ladies and  
3 gentlemen of the jury, I hope you had a chance to  
4 refresh yourselves during this break. When we broke  
5 last, we were beginning the cross-examination of  
6 this witness. So we'll pick up where we left off.

7 Mr. Padgett, your witness.

8 CROSS-EXAMINATION

9 BY MR. PADGETT:

10 Q. As you can remember, how many warrants that you  
11 done filled out?

12 A. I have no idea, sir. I've been in law  
13 enforcement for a number years.

14 Q. How many warrants you filled out for me?

15 A. I just told you I never arrested you before  
16 that night.

17 Q. I want to give you a copy of the warrant that  
18 you signed --

19 THE COURT: Mr. Padgett --

20 Q. I want you to take a look at it.

21 MR. ECKSTROM: Your Honor, I'd object as to  
22 relevance.

23 THE COURT: Mr. Padgett.

24 MR. PADGETT: Your Honor, like I stated before,  
25 what's he trying to hide? Nah, ah, ah. I want the

1 jury to hear this.

2 THE COURT: No, no, no, no. I decide --

3 MR. PADGETT: If the risk is on me, let the  
4 risk be on me. You're trying to help cover it up.

5 THE COURT: All right. Ladies and gentlemen,  
6 we're going to take another break.

7 MR. PADGETT: Huh-uh. Let the jury hear this.

8 THE COURT: Please return to your jury room  
9 now.

10 MR. PADGETT: Oh, my God almighty. All y'all  
11 work with the judge, but you don't want the jury to  
12 hear the truth.

13 (The jury exits the courtroom at 11:26 AM.)

14 MR. PADGETT: I'm not going to shut up when it  
15 comes down to my rights. This lady wrote a warrant  
16 and I want to ask her the questions in front of the  
17 jury. He keep objecting because he don't want the  
18 jury to know about the arrest warrant. He don't  
19 want the jury to know that this warrant is  
20 unsupported.

21 You just can't bring a man off the street and  
22 put him in jail and only the charge officer signed  
23 the warrant. She never appeared before any judge.  
24 She never --

25 THE COURT: Your entire --

1 MR. PADGETT: -- appeared before a notary  
2 public.

3 THE COURT: Your entire argument is --

4 MR. PADGETT: This not a charge against me.

5 THE COURT: Your entire argument is that you  
6 have a problem, a legal issue with --

7 MR. PADGETT: That's why I want to ask her the  
8 questions. Y'all trying to cover it up. I can't  
9 ask her --

10 THE COURT: Again, I have made a ruling  
11 regarding your pretrial motion to dismiss this case  
12 on the basis of the warrant. That is a legal matter  
13 that I decided. Their job is not to determine the  
14 legal matters..

15 MR. PADGETT: Why is you --

16 THE COURT: Their job --

17 MR. PADGETT: Why --

18 THE COURT: I'm going to talk for a minute.  
19 Their job is to determine the facts of the case and  
20 to determine whether you're guilty beyond a  
21 reasonable doubt of the offense of failure to stop  
22 for a blue light. Okay?

23 MR. PADGETT: Why is --

24 THE COURT: Their job is not to look at the  
25 warrant; their job is not to look at the affidavit

1 for the warrant; their job is not to look at the  
2 indictment. The indictment is not evidence. That  
3 warrant is not evidence.

4 MR. PADGETT: The indictment not good in this  
5 case.

6 THE COURT: The only evidence in this case,  
7 sir -- the only evidence in this case is --

8 MR. PADGETT: You --

9 THE COURT: -- off this witness stand and that  
10 video evidence. Okay? But that warrant is not  
11 evidence, this indictment is not evidence. I, in  
12 fact, tell the jury in voir dire and I tell them in  
13 the final charge that this is not evidence and  
14 they're not --

15 MR. PADGETT: In order for --

16 THE COURT: -- to use the --

17 MR. PADGETT: In order for me to make a proper  
18 argument to the jury, closing statement to the jury  
19 about these, I got to ask her questions about this.

20 THE COURT: No. No. That's the argument you  
21 want to make. That's not the argument the evidence  
22 allows. That's the difference.

23 MR. PADGETT: This is --

24 THE COURT: And you can talk with your standby  
25 counsel.

1 MR. PADGETT: I'm on trial.

2 THE COURT: I'm not going to have any more  
3 legal arguments with you --

4 MR. PADGETT: But I'm going to ask her --

5 THE COURT: I told you what's going to  
6 happen --

7 MR. PADGETT: -- about it because it's my  
8 right.

9 THE COURT: -- and you're going to have to  
10 accept that. You're going to have to accept that.

11 MR. PADGETT: He can object all he want. I'm  
12 going to ask her about this warrant.

13 THE COURT: All right. I'll be right back.

14 (Short break.)

15 (Sidebar conference.)

16 THE COURT: Did you want to say something?

17 MR. ECKSTROM: Yes, Your Honor, just briefly  
18 before the jury comes back out. If his line of  
19 questioning is going where it seems to be going, I  
20 would ask that he be precluded from arguing law in  
21 front of the jury to confuse them. They're the  
22 factfinders.

23 THE COURT: We can just do it here first.

24 MR. ECKSTROM: Seems like he's trying to  
25 confuse the jury on the law. You're the law-finder;

1 they're the factfinders.

2 THE COURT: Well, the defendant has made a  
3 pretrial motion and brought it up during trial that  
4 he believes the warrant in this case was defective  
5 and that the Court does not have jurisdiction over  
6 him. We discussed it at length and the Court's  
7 ruling was made on the record that that motion to  
8 dismiss was denied.

9 I'm trying to give him some leeway for  
10 cross-examination to ask this witness questions  
11 about her personal knowledge of the events in  
12 question. Any -- you know, Mr. Padgett is not  
13 allowed to come up and say what someone who is not  
14 in the court told him, because they're not here,  
15 it's an out-of-court statement.

16 This true-billed indictment is not evidence in  
17 this case and the documents he has, a copy of the  
18 arrest warrant done after he was arrested for the  
19 failure to stop, doesn't come into evidence as  
20 documentary evidence as well. And the jury will be  
21 told that. But I will -- you'll object and I'll  
22 make a ruling. And when I get to a point that I  
23 have to stop it, I will.

24 You understand that, Mr. Padgett? I'll try to  
25 let you ask the questions here. But if I think

1       you've gone over the line as far as confusing or  
2       misdirecting the jury on these pretrial issues, you  
3       know, which don't have any -- you know, the jury is  
4       not here to decide jurisdiction. Okay?

5       MR. PADGETT: Thank you, Your Honor.

6       THE COURT: You understand that? We agree on  
7       that, that the jury is not going to decide  
8       jurisdiction? Okay?

9       MR. PADGETT: Yes, sir.

10      THE COURT: I've made that decision. Okay?

11      MR. PADGETT: Yes.

12      THE COURT: All right. The jury is here to  
13      decide, based on the evidence and the facts of the  
14      case, whether you are or are not guilty beyond a  
15      reasonable doubt of failure to stop. We can agree  
16      on that, can't we?

17      MR. PADGETT: I understand what you're saying  
18      pretty much, Your Honor. But the fact is, this  
19      prosecutor in this case, he doing a civic violate  
20      [sic] and has no respect for the law --

21      THE COURT: That's -- that's --

22      MR. PADGETT: He has no respect for the law.  
23      He don't care if I'm innocent or guilty. He uphold  
24      the law. That's why he don't want the jury to know  
25      nothing about the --

1 THE COURT: Again, to the extent that you're  
2 asking jurisdictional questions --

3 MR. PADGETT: But I --

4 THE COURT: The fact that you're asking  
5 jurisdictional questions, that's not the jury's  
6 role.

7 MR. PADGETT: I'm entitled. I'm entitled.

8 THE COURT: Well, you're entitled to ask  
9 questions --

10 MR. PADGETT: That's right.

11 THE COURT: -- but if you're -- listen, if  
12 you're asking -- I'm going to try to give you  
13 leeway. If you go down this jurisdictional  
14 argument, I'm going to stop you, and that will be  
15 that. Okay? I'm trying to help you or at least  
16 give you as much leeway as possible. All right?

17 MR. ECKSTROM: We'd ask for a curative  
18 instruction to the jury that they're not  
19 to determine --

20 THE COURT: It's too early for that.

21 MR. ECKSTROM: -- jurisdiction or an arrest  
22 warrant.

23 THE COURT: It's too early for that. But the  
24 standard -- the charge I already have done notes  
25 that the charges and the indictment are not evidence

1 in the case. And, obviously, the statements you  
2 make in opening and closing and the statement he  
3 says in opening and closing, those aren't evidence  
4 either. The only evidence is right here on this  
5 witness stand and documented evidence that's been  
6 admitted. That's it. That's what they have. So  
7 there will be a curative instruction through the  
8 jury charge. All right?

9 All right. Let's push on. Please bring the  
10 jury in.

11 (The jury enters the courtroom at 11:41 AM.)

12 THE COURT: All right. Mr. Padgett?

13 CROSS-EXAMINATION

14 BY MR. PADGETT:

15 Q. Back to my question -- back to my point. You  
16 stated first that you don't even know how many  
17 warrants you done had served or signed. Is that  
18 correct?

19 A. I don't know the exact number. No, sir.

20 Q. What date that you written that warrant on?

21 A. Excuse me, sir?

22 Q. What date that you written the warrant on?

23 A. What date did I write the affidavit on?

24 Q. Yes, ma'am.

25 A. I would have wrote the affidavit on my shift

1 the night you were arrested, which means it was  
2 either wrote January 9th or January --

3 Q. Can you talk where I can hear you, please.

4 A. I'm trying to speak up.

5 Q. You don't remember what date you written it on?

6 A. I'll have to look at it. You were arrested  
7 January 9th. Either I did it before 6:00 on the  
8 10th or I did it before midnight on the 9th --

9 Q. Okay. I'll tell you what --

10 A. -- because my shift goes from 6:00 PM to 6:00  
11 AM.

12 Q. -- we ain't going to worry about the date.

13 A. Okay.

14 Q. Okay.

15 A. There should be a date on the paperwork, sir.

16 Q. You been doing a whole lot of affidavits for a  
17 while since you been in Saluda, right?

18 A. I wouldn't say a whole lot. No, sir.

19 Q. Okay. But you know when you get a warrant and  
20 you attach an affidavit onto a warrant --

21 A. I don't attach affidavits to warrants, sir.

22 Q. You attach an affidavit to the warrant?

23 A. I didn't type an affidavit onto any warrant.

24 The judge types warrants, sir.

25 Q. Okay. Exhibit 1 --

1 THE COURT: I beg your pardon?

2 MR. PADGETT: Exhibit 1.

3 THE COURT: No, sir. I don't want you to  
4 mischaracterize that. That's not a document --  
5 that's not a --

6 MR. PADGETT: Okay. Okay. Not a document.  
7 Okay.

8 BY MR. PADGETT:

9 Q. Now, this is your affidavit, ma'am.

10 A. Okay.

11 Q. That's your signature, right?

12 A. Yes, sir.

13 Q. Who did you appear before to?

14 A. The -- it would be on the front. This appeared  
15 in front of Judge Shults -- J. B. Shults.

16 Q. Who?

17 A. J. B. Shults, Judge Shults.

18 Q. Okay. Look at the second page. Oh, let me  
19 finish this first page.

20 You see any allegations up there that you  
21 written concerning the failure to stop for blue  
22 light? Do you see anything up there that you can  
23 read?

24 A. Sir, I don't type these. So I didn't type  
25 this. I don't --

1 Q. Okay. Do --

2 A. You said did I type anything there. No, sir, I  
3 didn't, because I don't --

4 Q. Okay. You --

5 A. -- type anything --

6 Q. You didn't use --

7 THE COURT: Y'all need to work to not talk over  
8 each other.

9 BY MR. PADGETT:

10 Q. But you didn't even sign that top page either,  
11 did you?

12 A. It was signed J.D. Derrick --

13 Q. It was signed by another --

14 A. You want me to answer?

15 THE COURT: Please let her finish her answer.

16 THE WITNESS: It is signed J.D. Derrick for  
17 Jacqueline E. Roberson.

18 BY MR. PADGETT:

19 Q. So what you're telling the Court, that's not  
20 your signature, right?

21 A. On this, no, sir; on this, yes, sir.

22 Q. No, ma'am. I'm talking about the first.

23 That's not your --

24 A. I just answered you.

25 Q. -- signature, right?

1 A. Yes, sir.

2 Q. Turn on the second page. That's your signature  
3 on the second page, right?

4 A. Yes, sir.

5 Q. Now let's go to the second page. I want to ask  
6 you some questions about the second page. Is it  
7 true --

8 A. Sir?

9 Q. Is it true or false that any time you give a  
10 sworn statement -- is it true or false that you got  
11 to appear before a notary public?

12 A. I'm going to be honest with you, sir. That's  
13 not my job, not my lane, so to speak. What I do is  
14 type the affidavit and the judge decides everything  
15 else. That's what I do. I type an incident report  
16 on what happened, I get together my case file, and I  
17 leave the affidavit. So any questions you're asking  
18 me about the legalities of anything is beyond my  
19 realm, sir.

20 Q. Okay.

21 A. I enforce the laws. I don't do anything else.

22 Q. I understand all that. But you signed that?

23 A. Yes, sir, because it is my statement.

24 Q. Were you standing in front of a notary public  
25 when you signed it?

1 A. Was I -- no, sir. I signed that in my office.

2 Q. Okay then. You're not sworn in that affidavit,  
3 correct?

4 A. I did. Personally appeared before me, who,  
5 being duly sworn, states under oath that the  
6 defendant, Johnny Tyler Padgett...

7 So I did swear to it.

8 Q. That ain't my question, sweetie. I'm  
9 saying --

10 A. I'm --

11 THE COURT: All right. That's fine. No. No.  
12 It's fine --

13 BY MR. PADGETT:

14 Q. Okay. Listen to me --

15 THE COURT: Mr. Padgett --

16 BY MR. PADGETT:

17 Q. Let me make it more clear for you --

18 THE COURT: Mr. Padgett, I'm cutting you off.  
19 Mr. Padgett, I'd like you to listen to me. Okay?

20 MR. PADGETT: Okay.

21 THE COURT: Now, I don't think you --

22 BY MR. PADGETT:

23 Q. This is what I'm going to show you --

24 THE COURT: Mr Padgett, I need to address you.  
25 I need you to look at me in the eye. Okay? Please

1 don't refer to this witness --

2 MR. PADGETT: Okay, not sweetie. I apologize  
3 to the Court.

4 THE COURT: Yeah. Ma'am; or sir if there's a  
5 man up here.

6 MR. PADGETT: I apologize.

7 THE COURT: All right. Thank you.

8 MR. PADGETT: Thank you, Your Honor.

9 BY MR. PADGETT:

10 Q. Okay. Like you just read, person appeared  
11 before me.

12 A. Right.

13 Q. That means that a notary talking that game,  
14 right?

15 A. No, sir. That's --

16 Q. First appeared before me.

17 A. No, sir. That's not what that is.

18 Q. So you sign your name out of the presence of a  
19 notary?

20 A. My signature states that this is what happened  
21 in front of me --

22 Q. Don't you --

23 THE COURT: Shh.

24 Q. Don't you -- I understand what you're saying.

25 A. And that's what --

1 THE COURT REPORTER: I need y'all to speak one  
2 at a time, please.

3 MR. PADGETT: Thank you. Me?

4 THE COURT REPORTER: Yes.

5 BY MR. PADGETT:

6 Q. Don't you raise your hand in front of the judge  
7 when you give a straight affidavit against a person  
8 who done broke the law? You raise your hand and the  
9 judge raise your hand and you tell nothing but the  
10 truth, then she --

11 A. No, sir. I did that here.

12 Q. Then she sign her name?

13 A. No, sir. I do that here.

14 Q. You have never done that?

15 A. No, sir. We --

16 Q. So --

17 A. Do you want me to finish answering?

18 Q. -- you see this down here?

19 A. Yes, sir.

20 Q. You see the judge name down on this warrant?

21 A. No, sir.

22 Q. Huh?

23 A. This isn't a warrant; this is an affidavit.

24 Q. But this the affidavit got my name --

25 A. The judge's name is on the warrant.

1 Q. No, ma'am. Look --

2 THE COURT: Mr. -- Mr. -- now, you got to  
3 allow --

4 MR. PADGETT: I'm going to get to --

5 THE COURT: -- her to answer the question.

6 MR. PADGETT: I'm going to --

7 THE COURT: You can keep asking questions. But  
8 at some point --

9 MR. PADGETT: But --

10 BY MR. PADGETT:

11 Q. When you do an affidavit --

12 A. Yes, sir.

13 Q. -- you -- is this true that you appear before a  
14 notary public? That's all I want to know.

15 A. No, sir.

16 Q. You don't have to appear --

17 A. You type it up --

18 Q. Okay. I like that.

19 A. -- swearing to --

20 Q. I like it. Thank you. I got one more thing  
21 for you. You said, no, sir.

22 THE WITNESS: I'm not answering any more  
23 questions if he can't let me finish.

24 THE COURT: You need to allow the witness --  
25 you need to ask a question, pause, let the witness

1 respond to you in full --

2 MR. PADGETT: Come on, Your Honor. What you  
3 trying to hide?

4 THE COURT: You understand that, Mr. Padgett?  
5 I want to make sure you hear me.

6 MR. PADGETT: Yeah, I hear you.

7 THE COURT: Okay. Good.

8 BY MR. PADGETT:

9 Q. Read that underline, please.

10 A. Read -- nothing is underlined, sir.

11 Q. Right here.

12 A. That's not underlined, sir.

13 Q. Ma'am, what that say up here? What does --

14 MR. ECKSTROM: Your Honor, I'd like to see  
15 this.

16 THE COURT: Yeah. You need to show that to --  
17 what is that you're showing her?

18 MR. PADGETT: I want her to read what she said  
19 that she don't have to appear before the notary  
20 public for the charge --

21 THE COURT: This -- this -- this is a document  
22 for --

23 MR. PADGETT: Yeah. Come on now. If you want  
24 to be fair, be fair.

25 THE WITNESS: I am.

1 THE COURT: Well, I'll talk to you first before  
2 I talk to everyone else. That's not unfair.

3 (Sidebar conference.)

4 MR. PADGETT: I'll let her read the law.

5 THE COURT: Mr. Padgett, let me see the book.

6 (Sidebar conference.)

7 MR. ECKSTROM: Judge, can we approach?

8 THE COURT: Sure.

9 (Sidebar conference.)

10 CROSS-EXAMINATION

11 BY MR. PADGETT:

12 Q. So all affidavits that you done filled out --  
13 so what you telling me is you don't have to appear  
14 before the judge?

15 A. That's not what I'm telling you. What I'm  
16 telling you is, right now, I'm sworn in and  
17 appearing before a judge. When I type an affidavit,  
18 I type an affidavit. The judge is off duty the  
19 hours I work because I work in the middle of the  
20 night.

21 Q. But you putting in there --

22 A. So I write a complete report, type up my  
23 affidavit, and the next officer on duty, who is J.D.  
24 Derrick, comes in, takes my documentation to the  
25 judge and he talks to the judge, because she's in

1 during his shift.

2 Q. Okay. Would you believe the law says no  
3 affidavit should not be served but with proper  
4 cause? Would you agree with that?

5 A. I'm not going to agree or disagree. Like I  
6 told you, that's not my forte, sir. I enforce the  
7 laws of the state of South Carolina and that's it.

8 Q. So when you bring a charge against a person,  
9 you don't have to go in front of a notary public and  
10 get it signed?

11 A. I just answered you, sir. That's our process  
12 if you --

13 Q. Ma'am?

14 A. I just answered. That is my process, if you  
15 work night shift, how you do it.

16 Q. So what you're telling me, the judge never  
17 asked you any questions about nothing about that  
18 affidavit when you put it in the mail box?

19 A. If she has a question, she sends the affidavit  
20 back to you with the question. And when you come  
21 in, you discuss it and fix it.

22 Q. So why would you people write an affidavit out  
23 "personally appeared before me," but you never  
24 appeared before no one --

25 A. You people?

1 Q. -- and just sign your name?

2 A. You people who?

3 Q. Well, whoever the judge -- when you write out  
4 an affidavit, personally appeared before me, you  
5 either come before the notary, let the notary sign  
6 it so it can be legal in court. And would you  
7 think --

8 A. No, sir. That's not how it works.

9 Q. Okay. Would you think when you attach an  
10 affidavit onto an arrest warrant, would you believe  
11 that if this affidavit is not signed, would you  
12 believe that affidavit is illegal to the court?

13 A. The affidavit doesn't need to be signed. The  
14 warrant is signed, sir.

15 Q. Would you believe the affidavit is legal to the  
16 court?

17 THE COURT: The witness has answered --

18 THE WITNESS: I answered you, sir.

19 THE COURT: -- your question. Okay?

20 MR. PADGETT: Okay.

21 THE WITNESS: I already answered you. The  
22 affidavit does not have to be signed; the warrant  
23 does. The judge signed the warrant, sir.

24 BY MR. PADGETT:

25 Q. I ain't never heard that story before. Okay.

1 The affidavit don't have to be signed?

2 A. No, sir.

3 MR. PADGETT: Your Honor, now --

4 THE COURT: No. No. If you have questions for  
5 her -- but I don't want to take up matters that  
6 aren't questions.

7 BY MR. PADGETT:

8 Q. Okay. Could you read this?

9 THE COURT: What is that?

10 MR. PADGETT: I want her to read this. Let's  
11 read this. Same thing come out the book.

12 THE COURT: Is this from the big book?

13 MR. PADGETT: That's not a playbook.

14 THE COURT: You can ask her questions. I'm not  
15 going to make her read --

16 MR. PADGETT: Okay. That's not a playbook;  
17 it's a law book.

18 THE COURT: Okay. I'm not going to have her  
19 read --

20 MR. PADGETT: Well, I -- okay. I see in this  
21 here that the Court --

22 THE COURT: No, no. Wait, wait.

23 MR. PADGETT: -- of the Unites States say any  
24 time you introduce an affidavit against any  
25 defendant, they got to be sworn in about a public --

1 about a notary of South Carolina. You did not go in  
2 front of a notary public to issue the indictment and  
3 you know you did.

4 THE COURT: Is that a question?

5 MR. PADGETT: And your indictment --

6 THE COURT: Is that a question?

7 MR. PADGETT: -- is not legal.

8 THE COURT: Is that a question or is that a  
9 statement?

10 MR. PADGETT: She gave a sworn statement in the  
11 affidavit --

12 THE WITNESS: And the judge accepted it, sir.

13 BY MR. PADGETT:

14 Q. And you wrote your name on it. You never  
15 appeared before no notary.

16 A. The judge accepted it, sir, and signed the  
17 warrant on you.

18 Q. Well, I got proof. But him and him don't want  
19 me to give it to the jury. I got proof. You know I  
20 got proof.

21 THE COURT: Are you done with your questions,  
22 Mr. Padgett?

23 A. I'm not sure what you're talking about, sir.

24 THE COURT: Are you done with your questions,  
25 sir?

1 MR. PADGETT: No, I'm not through with her.

2 BY MR. PADGETT:

3 Q. I'd like for you to take a look at this.

4 A. Sir, that's not mine and I don't know anything  
5 about it. That's not mine. I'm not messing with  
6 that. It's not mine.

7 THE COURT: Do you have a question?

8 THE WITNESS: I don't know what it is.

9 THE COURT: Do you have a question?

10 MR. PADGETT: Yes.

11 BY MR. PADGETT:

12 Q. What were my conditions when you first stopped  
13 me?

14 A. Your condition? What do you mean? You got out  
15 the car, you were polite, if that's what you're  
16 asking, you didn't give me any trouble.

17 Q. No trouble at all?

18 A. After you got out of the car and we handcuffed  
19 you, no, sir, you gave me no trouble. You were  
20 polite. You told me, just as I told him, that you  
21 knew you had failed to stopped for blue lights and  
22 said you would have stopped if you had known it had  
23 been me.

24 Q. Do you think it's -- it's the law that you can  
25 sign a warrant on a defendant and bring that

1 defendant into this court with an affidavit without  
2 the affidavit being not signed by only one person,  
3 only by the charging officer. It wasn't signed by  
4 nobody else. Would you still think that would be  
5 legal?

6 A. Sir, the judge doesn't sign the affidavit and I  
7 didn't sign the warrant. The judge types up the  
8 warrant, the judge signs the warrant based off of my  
9 affidavit. I don't know how else to say it, sir.

10 MR. PADGETT: No further questions.

11 THE COURT: Any redirect?

12 MR. ECKSTROM: Brief redirect.

13 THE COURT: Okay.

14 REDIRECT EXAMINATION

15 BY MR. ECKSTROM:

16 Q. Officer, are you familiar with abortion in the  
17 federal system?

18 A. No, sir. But I know there's a lot of turmoil  
19 about it right now.

20 MR. PADGETT: No, no, no, no. I --

21 MR. ECKSTROM: No further questions.

22 MR. PADGETT: -- object to this.

23 Let me tell you about this book.

24 THE COURT: Stop. Hold on.

25 MR. PADGETT: Huh-uh.

1 THE COURT: No. I'm trying to -- what is your  
2 objection?

3 MR. PADGETT: He asked her a question. I can't  
4 follow up on it?

5 THE COURT: He did ask a question about --

6 MR. PADGETT: He asked a question about my law  
7 book.

8 THE COURT: What is your recross? What's your  
9 recross?

10 You have another question?

11 MR. ECKSTROM: I have no further questions.

12 MR. PADGETT: I don't think nothing in this  
13 book is allowable from the federal government. The  
14 State act under the federal constitution. The  
15 federal don't act under State constitution.

16 THE COURT: Okay. I need you to stop.

17 MR. PADGETT: Okay. The State must comply by  
18 the federal constitution --

19 THE COURT: All right. Ladies and gentlemen,  
20 another break.

21 THE WITNESS: Are you done questioning me?

22 THE COURT: Well, he's -- are you done with  
23 your redirect?

24 MR. ECKSTROM: Yes, Your Honor.

25 THE COURT: I still need you to stay here for

1 one more minute.

2 We'll get you back out here in just a second.

3 (The jury exits the courtroom at 11:58 AM.)

4 MR. PADGETT: She never signed the warrant.

5 THE COURT: Stop.

6 MR. PADGETT: The judge never signed the  
7 warrant. It's not legal.

8 THE COURT: I have been as patient as I can.

9 MR. PADGETT: I ain't got no more questions for  
10 her.

11 THE COURT: You don't have any more questions?

12 MR. PADGETT: You can let her go.

13 THE COURT: All right.

14 MR. PADGETT: I'll talk to the jury.

15 THE COURT: Before we get to that, I have  
16 asked -- really, I've tried to give as much --

17 MR. PADGETT: Your Honor, you --

18 THE COURT: No, no. Stop. Okay? The point is  
19 this, and I'll be very clear: You're going to have  
20 the opportunity to make your closing arguments. But  
21 any more outbursts like this in front of the jury,  
22 I'm going to hold you in contempt of court. That's  
23 a whole nother thing. I'm asking you to have some  
24 level of decorum.

25 Your job -- your role is not to argue to the

1 jury. Your job is to elicit testimony from these  
2 witnesses. Okay? You will have your opportunity to  
3 argue your case in closing arguments. But when I  
4 ask -- when I ask you to stop talking or I'm asking  
5 you to come to the side to talk about an objection,  
6 we're trying to keep the best record we can for you.  
7 And your outbursts are not appropriate here. And  
8 I'm done with them. Okay?

9 So you're -- the rest of this trial, you're not  
10 going to do that to me anymore. Do you understand?

11 MR. PADGETT: Yes, sir.

12 THE COURT: Do you understand the warning I've  
13 just given you? Is there any confusion about what  
14 I'm telling you?

15 MR. PADGETT: (Shakes head.)

16 THE COURT: All right. So you don't have any  
17 recross?

18 MR. PADGETT: No, no, no.

19 THE COURT: All right. Well, I need to bring  
20 them back out here so you can say there's -- well,  
21 procedurally, can we agree to just let her sit down  
22 out of the presence of the --

23 MR. ECKSTROM: I believe I need to rest in  
24 front of the jury.

25 THE COURT: That's true.

1 All right. Bring them back out. Thank you.

2 (The jury enters the courtroom at 12:00 PM.)

3 MR. PADGETT: Your Honor --

4 THE COURT: One second. Okay. Mr. Padgett,  
5 any recross?

6 MR. PADGETT: (Gesturing.)

7 THE COURT: You want to talk to me?

8 MR. PADGETT: Yes, sir.

9 (Sidebar conference.)

10 THE COURT: Mr. Padgett, any recross?

11 MR. PADGETT: I don't have no further  
12 questions.

13 THE COURT: All right.

14 MR. ECKSTROM: Your Honor, at this time, the  
15 State rests.

16 THE COURT: All right. The witness may step  
17 down.

18 MR. ECKSTROM: Your Honor, this witness was  
19 also subpoenaed to be here today. I'd ask her to be  
20 relieved of that.

21 THE COURT: MR Padgett, any objection?

22 MR. PADGETT: Yeah.

23 THE COURT: To her leaving?

24 MR. PADGETT: (Shakes head.)

25 THE COURT: Okay. You're free to go.

1 All right. Ladies and gentlemen, the State has  
2 rested their case. Now I have to take some matters  
3 up now that the plaintiff's case has come to an end.  
4 We'll take a short break and I'll get you back in  
5 here as soon as possible. Okay? Thank you.

6 (The jury exits the courtroom at 12:03 PM.)

7 THE COURT: All right. The plaintiff has  
8 rested. Would you like to note anything for the  
9 record?

10 MR. PADGETT: I move for a directed verdict.

11 THE COURT: Okay. Anything else you want to  
12 tell me just as pertaining to the directed verdict  
13 alone? You've made the motion. I just want to see  
14 if there's anything you want to note for the record  
15 regarding directed verdict.

16 MR. PADGETT: The State don't have any evidence  
17 to move this case to a jury trial because, one, the  
18 attachment of the warrant was never signed, and  
19 also, the top face of the warrant does not have the  
20 charge officer written signature. Somebody else  
21 signed her name for her. She did not sign it once.  
22 She didn't even sign the -- the judge didn't even  
23 sign the attachment of the affidavit where someone  
24 would give the allegation of the charge.

25 THE COURT: Okay. All right. Your standby

1 counsel is trying to tell you something.

2 MR. PADGETT: Well, my rights have been  
3 violated in this courtroom.

4 THE COURT: Okay. You've made the motion.

5 MR. PADGETT: I also renew my motions and  
6 objections --

7 THE COURT: Renewing all your previous  
8 objections?

9 MR. PADGETT: Yes, sir.

10 THE COURT: All right. And everything you've  
11 objected to before, you're renewing the objection  
12 now. Is that what you're saying?

13 MR. PADGETT: And my previous motions.

14 THE COURT: What?

15 MR. CASTO: Previous motions.

16 THE COURT: Okay. So you just want to note for  
17 the record, if I'm understanding you, that you're  
18 just renewing your previous objections and motions.  
19 Is that correct?

20 MR. PADGETT: Yes.

21 THE COURT: All right.

22 Mr. Eckstrom?

23 MR. ECKSTROM: Your Honor, in respect to the  
24 directed verdict, there's sufficient evidence in the  
25 light most favorable to the State to take this case

1 to a jury. With regards to the other previous  
2 objections, we renew our arguments; particularly  
3 that once indicted, the indictment process cures any  
4 defects within the arrest warrant.

5 THE COURT: Okay.

6 I'll give you the last word.

7 MR. PADGETT: I'm still going to make my  
8 argument about the attachment affidavit and I'm  
9 being denied everything I requested, the fact I  
10 asked for the judge to be here. If the judge was  
11 here, my case would make more sense.

12 THE COURT: All right. The motion for directed  
13 verdict is denied. Mr. Padgett, do you intend to --

14 MR. PADGETT: I kind of figured that was going  
15 to happen.

16 THE COURT: What did you say?

17 MR. PADGETT: I said I kind of figured that was  
18 going to happen.

19 THE COURT: Okay. Do you intend to take the  
20 witness stand and testify on your own behalf or  
21 would you just rather reserve that for your closing  
22 arguments?

23 MR. PADGETT: I'm ready for the jury to come  
24 out.

25 THE COURT: Okay. Well, I need to ask you a

1 question then. Do you want to testify on your own  
2 behalf? Do you want to be a witness in your own  
3 case? Do you understand my question?

4 MR. PADGETT: I want the whole charge  
5 dismissed.

6 THE COURT: No.

7 MR. PADGETT: That's what I want, because it's  
8 not legal.

9 THE COURT: The State has rested their case.  
10 It's now time for the defendant to present their  
11 case.

12 MR. PADGETT: Can you bring the jury back in,  
13 please?

14 THE COURT: No. I need an answer to the  
15 question. Are you going to take the stand?

16 MR. PADGETT: No, I don't want to take no  
17 witness stand.

18 THE COURT: So you don't want to testify in  
19 this case?

20 MR. PADGETT: No.

21 THE COURT: Okay.

22 I think I'll read this whole charge to keep the  
23 record --

24 I'm going to read you about your right to  
25 testify. Okay? But I'd like for you to stand up

1 and I'd like to put you under oath.

2 MR. PADGETT: What?

3 THE COURT: Just so I can read this to you.

4 MR. PADGETT: I have the right to refuse the  
5 witness stand.

6 THE COURT: That's true. I'm just putting it  
7 on the record. Okay? So I'm putting you under  
8 oath. Okay? Would you raise your right hand. I'm  
9 going to ask you a question at the end of this. All  
10 right?

11 JOHNNY PADGETT

12 being first duly sworn, testified as follows:

13 MR. PADGETT: Say that again.

14 JOHNNY PADGETT

15 being first duly sworn, testified as follows:

16 MR. PADGETT: Yes, sir.

17 THE COURT: Okay. You can sit down.

18 At this time, I'm going to explain to you  
19 certain of your rights. If you don't understand  
20 anything I say, please let me know. If you want me  
21 to explain anything in more detail, let me know. Do  
22 you understand that? You understand I'm going to  
23 read this to you?

24 MR. PADGETT: Your Honor, I'm not being funny  
25 or anything. I have problems with hearing.

1           THE COURT: Okay. Well, I'll get through this.  
2           We've now reached the stage of the trial,  
3           Mr. Padgett, where you may present your own defense.  
4           You have the right to claim the protections given to  
5           you by the Fifth Amendment of the Constitution of  
6           the United States.

7           The amendment states, in part: No person  
8           should be compelled in any criminal case to be a  
9           witness against themselves. This means that you  
10          cannot be required to testify in this case. You  
11          have the right to testify on your own behalf;  
12          however, no one can make you testify. This is a  
13          personal right and no one can waive this right  
14          except you. If you decide to testify, you'll be  
15          subject to the same rules that govern other  
16          witnesses and you may be examined and cross-examined  
17          on any relevant issue in this case.

18          In addition, you have -- if you have any  
19          convictions involving dishonesty or false statement  
20          or for crimes punishable by imprisonment for more  
21          than one year and this Court determines that the  
22          probative value admitting this evidence outweighs  
23          its prejudicial effect to you, the solicitor would  
24          be able to introduce your record to attack your  
25          credibility.

1           If you decide to testify, this decision on your  
2 part must be freely, voluntarily, and intelligently  
3 made with knowledge of the protections given to you  
4 by the Fifth Amendment and the consequences of your  
5 decision to testify. If you decide not to testify,  
6 I will instruct the jurors that they cannot give the  
7 fact that you did not testify any consideration  
8 whatsoever and that there is to be absolutely no  
9 prejudice to you because you did not testify.

10           It is left entirely up to you whether or not  
11 you testify. You may talk with your standby counsel  
12 in this case, your family, friends, or anyone else,  
13 but the final decision is left entirely up to you.

14           Do you understand what I've explained to you?

15           MR. PADGETT: Yes, sir.

16           THE COURT: Do you have any questions about  
17 what has been explained to you?

18           MR. PADGETT: I understand everything.

19           THE COURT: Okay. And do you wish to testify?

20           MR. PADGETT: I'm not going to testify.

21           THE COURT: Okay.

22           Procedurally, does the defense still have to  
23 rest? Okay. We're going to bring the jury back in.  
24 I'll inform the jury that it's now time for the  
25 defendant to present his case. You'll just stand up

1 and say the defense rests. That's all you got to  
2 do. You understand?

3 MR. PADGETT: Yes, sir.

4 THE COURT: Okay.

5 MR. PADGETT: Since the State got all they  
6 evidence he got to put up, so he goes first.

7 THE COURT: No, no, no. All we're doing is  
8 we're going to note on the record that the defense  
9 rests; meaning, you're not going to testify. After  
10 that, we're going to break for lunch, give you an  
11 hour to gather yourself and your senses, and then  
12 we'll do closing arguments, charge the jury, and  
13 then they'll deliberate this afternoon.

14 MR. PADGETT: I understand.

15 THE COURT: Okay. So when I bring them back  
16 in, I'll let them know it's now time to hear from  
17 the defendant. And you'll just stand up and say the  
18 defense rests. We clear?

19 MR. PADGETT: Yes, sir.

20 THE COURT: Okay. Let's bring the jury in,  
21 please.

22 (The jury enters the courtroom at 12:13 PM.)

23 THE COURT: All right. Mr. Foreman, ladies and  
24 gentlemen of the jury, welcome back. We just ended  
25 with the State concluding their case. It's now time

1 to hear from the defendant.

2 Mr. Padgett, are you bringing a witness or are  
3 you resting your case?

4 MR. PADGETT: No, sir. I'm not going to  
5 testify.

6 THE COURT: Okay. Are you resting?

7 MR. PADGETT: I refuse. I'm not going to  
8 testify at all.

9 THE COURT: Okay.

10 MR. PADGETT: No. I want --

11 THE COURT: Do you rest?

12 MR. PADGETT: (Nods head.)

13 THE COURT: I need you to say it. Is the  
14 defense resting?

15 MR. PADGETT: I'm trying to hear you.

16 THE COURT: That's all right.

17 MR. PADGETT: Now I understand what you're  
18 saying. Like I tell you, I have a problem hearing  
19 out my ear.

20 THE COURT: If you can't understand me, you  
21 just let me know.

22 MR. PADGETT: But, no, I'm not going to  
23 testify. And the witness that I want to call, but  
24 they're saying that she's not -- well, people in the  
25 courtroom, him, him --

1 THE COURT: Well --

2 MR. PADGETT: Anyway, can I finish?

3 THE COURT: You're going to have the time to  
4 argue. I just want to know if you're presenting --

5 MR. PADGETT: I want the judge to come over  
6 here who signed the arrest warrant so she can  
7 testify so I can show the warrant is not legal.  
8 What's the big deal on that? Why can't they get on  
9 the phone --

10 THE COURT: All right.

11 MR. PADGETT: -- and let this lady come over  
12 here and talk about the arrest warrant? What they  
13 trying to hide?

14 THE COURT: Are you resting?

15 MR. PADGETT: If he got a case --

16 THE COURT: Are you resting?

17 MR. PADGETT: I don't understand you people.  
18 When a man -- when a black man go out there and  
19 break the law, they don't have no rights but to come  
20 in here and get convicted.

21 THE COURT: All right. Ladies and gentlemen --

22 MR. PADGETT: The law enforcement made a  
23 mistake. I can't even get protected when an officer  
24 make a mistake against me. I can't be protected  
25 because they're trying to hide it. You want to be

1 true about it, be true about it. What you trying to  
2 hide?

3 Like I said, that's wrong. I don't have no  
4 rights in this courtroom. I was told that by a real  
5 lawyer. I was never going to get it. That was  
6 wrong. That was wrong. I ain't never seen nothing  
7 like this before. They tried to do it back in  
8 Columbia, but I didn't let that happen. Same kind  
9 of case.

10 (The jury exits the courtroom at 12:15 PM.)

11 THE COURT: I've been -- I've tried to be as  
12 patient as I can with you, Mr. Padgett. I'm holding  
13 you in contempt of court. I don't know what that --

14 MR. PADGETT: Only thing I'm talking about, why  
15 can't I give the jury my paperwork so they have more  
16 understanding about what I'm saying about a notary  
17 public?

18 THE COURT: I informed you what the evidence  
19 was and I allowed you to ask questions in  
20 cross-examination. I also told you that I wouldn't  
21 tolerate any more outbursts in the presence of the  
22 jury. So I'm holding you in contempt of court. I  
23 don't know what that penalty is going to be yet.  
24 We'll decide at the end of the case. But I've  
25 done --

1 MR. PADGETT: There is no evidence --

2 THE COURT: I've given you every opportunity to  
3 try to maintain the decorum that's required in this  
4 courtroom. So -- so we're back to where we were  
5 before. If you're not going to bring any witnesses,  
6 we need to -- you indicated you don't want to  
7 testify. As we discussed before the jury came in,  
8 you just need to rest -- rest your case. That way,  
9 you can start preparing for your closing arguments.  
10 Okay? Do you understand?

11 MR. PADGETT: So what you're telling me, I  
12 cannot give this to the jury?

13 THE COURT: That's correct. I've told you that  
14 several times.

15 MR. PADGETT: Why? The jury --

16 THE COURT: I'm not allowing it into the  
17 evidence.

18 MR. PADGETT: The jury want to know clear,  
19 blank, what I'm talking about. Will the Judge let  
20 me give them a copy of my charge?

21 THE COURT: I'm sorry?

22 MR. PADGETT: The arrest warrant. See, that's  
23 wrong. If I request it, it should be able to go in  
24 there as evidence.

25 THE COURT: So at the end of the day, I know

1       you'd like to have a lot of things in evidence.  
2       But, you know, that's not how the system works.  
3       Just because you want it in evidence doesn't mean  
4       it's admissible evidence.

5               MR. PADGETT: I rest. I'll rest.

6               THE COURT: I'd like you to say you rest in  
7       front of the jury so they can understand. All  
8       right?

9               MR. PADGETT: I'll rest.

10              THE COURT: All right. I'm going to bring the  
11       jury back out so you can say that. All right? All  
12       right. Let's try again.

13              MR. PADGETT: They don't even want me to show  
14       the jury they had made a mistake.

15              (The jury enters the courtroom at 12:19 PM.)

16              THE COURT: Thank you.

17              MR. PADGETT: I rest, Your Honor.

18              THE COURT: Thank you.

19              Ladies and gentlemen, the defendant has rested  
20       his case. We're going to take a break for lunch.  
21       Have you -- we'll start closing arguments at  
22       1:30 PM, so about an hour. Go get a bite to eat,  
23       refresh yourselves. Please be back in your jury  
24       room in an hour so we can start at 1:30. Please  
25       don't discuss the case amongst yourselves or anyone

1 else.

2 MR. PADGETT: Your Honor, I want to --

3 THE COURT: Shh.

4 MR. PADGETT: -- tell the jury what I want to  
5 tell the jury. I can't file ineffective assistance  
6 of counsel against you, because they pulling you to  
7 the side. I really don't want you pulled aside.  
8 I'm being honest --

9 THE COURT: All right.

10 MR. PADGETT: You need to do your job --

11 THE COURT: The defendant -- I'd like some  
12 quiet, please.

13 MR. PADGETT: That was --

14 THE COURT: The defense has rested --

15 MR. PADGETT: Everything --

16 THE COURT: Mr. Padgett -- Mr. Padgett, stop.  
17 The defense has rested. Are there any motions you  
18 want to renew?

19 MR. PADGETT: Well, Your Honor, I feel like  
20 it's -- every motion I made been denied. To me, I  
21 feel that I don't have any right in this court  
22 because the fact the prosecutor does not have a case  
23 against me. The prosecutor is above the law and  
24 he's corrupted because the fact that he used an  
25 arrest warrant, have never met a judge, and only had

1 this -- the top of the warrant don't even have the  
2 female's signature here, the one that brought the  
3 charge against me. And --

4 THE COURT: This is -- you just want to renew  
5 all your previous grounds, correct? You want to  
6 renew all your previous motions and objections?

7 MR. PADGETT: Yes, sir.

8 THE COURT: Okay. All right.

9 MR. PADGETT: But the fact is --

10 THE COURT: So noted.

11 MR. PADGETT: -- somebody signed her name on  
12 the top face of this warrant. And only -- her  
13 signature is only on the second page. That is the  
14 indictment -- excuse me. That is the affidavit  
15 statement that she giving the allegation on what  
16 happened on January 9th, 2019.

17 THE COURT: And Mr. --

18 MR. PADGETT: Only signature that's on this  
19 warrant belong to her is the affidavit attachment.  
20 She's got on that witness stand and stated that she  
21 appeared before Judge Shults on the top of this  
22 warrant. She lied. She did not appear before her  
23 on that date because somebody else signed her name  
24 for her.

25 THE COURT: And the purpose of the jury is

1 to weigh the credibility of witnesses.

2 MR. PADGETT: She lied --

3 THE COURT: I'll certainly -- I'll certainly  
4 tell the jury --

5 MR. PADGETT: She lied under oath.

6 THE COURT: Again, I've heard your motions.  
7 Your objections --

8 MR. PADGETT: She did not --

9 THE COURT: Your objections -- stop. Stop.  
10 You've made your point. Everyone is trying to help  
11 you here. All right? I've held you in contempt of  
12 court once. Let's leave it there. Your motions are  
13 noted again for the record. Your previous motions  
14 have been renewed; your previous objections have  
15 been renewed. We'll do closing in an hour and five  
16 minutes. We're in recess.

17 (Luncheon recess 12:22 PM - 1:25 PM.)

18 MR. PADGETT: Your Honor, I'd like to make an  
19 extreme request.

20 THE COURT: A what?

21 MR. PADGETT: I would like to make an extreme  
22 request. And I hope you consider my request.

23 THE COURT: Okay. Well --

24 MR. PADGETT: I understand that I said that I  
25 rest, you know. But I have an extreme request that

1 I would like to -- I hope that you will -- to ask  
2 the charge officer. But it's very important. And  
3 once you hear the question, I'm sure that you  
4 will --

5 THE COURT: Well, I mean, you want a request  
6 about what? I mean, you've already rested. What do  
7 you want to do?

8 MR. PADGETT: It's something to do with when  
9 she said she appeared before the judge.

10 THE COURT: Listen --

11 MR. PADGETT: It makes sense that you allow and  
12 consider my request. I want to prove one thing,  
13 that's it, please.

14 THE COURT: Well, listen, if you've got a -- I  
15 think what you're saying is that you disagree with  
16 the witness' testimony; is that fair? Isn't that  
17 fair?

18 MR. PADGETT: I must understand what you say  
19 and I respect that. The fact is --

20 THE COURT: No, no, no. Just -- just -- do you  
21 agree that your problem here is that you disagree  
22 with what a witness stated on the stand? In fact,  
23 you want to be able to talk about what the witness  
24 said, in your opinion, wasn't true. Is that right?

25 MR. PADGETT: But there is a reversal.

1 THE COURT: Huh?

2 MR. PADGETT: It's a reversal from what she  
3 said. I want to prove it's different from when she  
4 said -- from when I asked her did she appear before  
5 the judge. She said yes. And I want to prove it  
6 different.

7 THE COURT: Well, I mean, you had the  
8 opportunity to cross-examine the witness. So we're  
9 not going to recall a witness --

10 MR. PADGETT: Well, let me ask you this --

11 THE COURT: No. I'm not going to do it. All  
12 right? You had the opportunity to testify and --

13 MR. PADGETT: Yeah, yeah, yeah, yeah.

14 THE COURT: -- and cross. You had the  
15 opportunity -- I gave you a lengthy opportunity to  
16 cross-examine both witnesses.

17 MR. PADGETT: Yeah, yeah.

18 THE COURT: So if you want to ask more  
19 questions now, I can't go back and put the witness  
20 back up for you to ask more questions. If you --

21 MR. PADGETT: Well, I --

22 THE COURT: -- have an issue with what you  
23 think --

24 MR. PADGETT: Well --

25 THE COURT: Hey, I'm talking. I'm talking.

1 MR. PADGETT: If you --

2 THE COURT: I'm talking. I'm talking; nobody  
3 else but me. Okay? So if you have an issue that  
4 you want to bring up about the testimony that was  
5 presented in this trial, you don't agree with it,  
6 you can explain to the jury why you don't agree with  
7 it in your closing arguments. Okay? All right.  
8 Thank you.

9 MR. PADGETT: Okay. A good other judge would  
10 grant my request.

11 THE COURT: I'm sorry?

12 MR. PADGETT: A good other judge would grant my  
13 request.

14 THE COURT: Well, that's your opinion. You're  
15 entitled to it.

16 All right. I've given both parties a copy of  
17 the jury charge, which I'll charge on the law in the  
18 case after the closing arguments are done.

19 Basically, a very standard charge. The only charge  
20 we're here for is failure to stop for a blue light,  
21 so that information is towards the end, but typical  
22 stuff about evidence, burden of proof, the like.

23 So all the jurors are back from their lunch.  
24 State, you got anything you want to put on the  
25 record about the jury charge itself?

1 MR. ECKSTROM: No objections to the charge,  
2 Your Honor.

3 THE COURT: Mr. Padgett, do you have any  
4 objections to this jury charge?

5 MR. PADGETT: I would like for you to consider  
6 my directed verdict.

7 THE COURT: We've already heard the motions.  
8 I'm only asking you about anything you want to note  
9 about the jury charge.

10 MR. PADGETT: I understand the paperwork you  
11 gave me. Yeah, I do.

12 THE COURT: And you don't want to put any  
13 objections on the record, right? Right,  
14 Mr. Padgett? I just want to make sure you don't  
15 have any objection to it.

16 MR. PADGETT: Yeah, I got a copy of it.

17 THE COURT: Do you -- okay. I just want to  
18 make sure you're not noting any objections for the  
19 record to the jury charge. Correct?

20 MR. PADGETT: I don't understand it.

21 THE COURT: Okay. Well, I'm going to read this  
22 to the jury, okay, after you're done with the  
23 closing arguments. All right? I want to make sure  
24 you don't have any objection you want to note about  
25 this --

1 MR. PADGETT: Yes, I would like you to read it  
2 to them. Yes. That would help a lot.

3 THE COURT: Okay. I'll read it. Sure.

4 MR. PADGETT: That would help a lot.

5 THE COURT: Okay. I don't take it there is an  
6 objection from the defendant.

7 MR. PADGETT: I have seen a lot of the judge  
8 statement in the law book get overturned.

9 THE COURT: Say again.

10 MR. PADGETT: I have seen a whole lot of judge  
11 statement in the law book get overturned.

12 THE COURT: Okay. So are you objecting?

13 MR. PADGETT: Please make sure you record  
14 everything I'm saying. I will thank you for it.

15 THE COURT: She is. I just want to be clear  
16 you're not objecting to this.

17 MR. PADGETT: I can read, I can write, I  
18 understand what you gave me.

19 THE COURT: Okay. All right. Thank you.

20 All right. So the closing arguments, the State  
21 will go first. And, Mr. Padgett, you'll go after  
22 the State. Okay? Are you going to close in full,  
23 Mr. Eckstrom, or do you want to reserve the right to  
24 reply?

25 MR. ECKSTROM: I'll close in full.

1 THE COURT: Okay. Good. All right. Then  
2 they'll go first and you'll go last, Mr. Padgett.  
3 You understand?

4 MR. PADGETT: Yeah, I understand.

5 THE COURT: All right. Let's bring the jury.

6 (The jury enters the courtroom at 1:31 PM.)

7 THE COURT: Mr. Foreman, ladies and gentlemen  
8 of the jury, welcome back. I hope you had a nice  
9 lunch, refreshed yourselves.

10 The parties have presented their evidence in  
11 this case. So it's now time for the attorneys to  
12 make their closing arguments. The arguments of the  
13 attorneys and Mr. Padgett, representing himself, are  
14 not evidence in this case. Their statements and  
15 arguments are meant to help you understand the  
16 evidence and apply the law to the evidence.

17 You should disregard any remark, statement, or  
18 argument which is not supported by the evidence  
19 presented during the trial or the law that I will  
20 explain to you after the arguments. We'll begin  
21 with the State going first in their closing  
22 arguments.

23 MR. ECKSTROM: May it please the Court?

24 THE COURT: Yes, sir.

25 MR. ECKSTROM: Ladies and gentlemen, we've

1 reached the end of this trial. At this point,  
2 you've heard all the evidence, all the testimony,  
3 seen all the videos involved. And that's the only  
4 thing for you to consider when you determine the  
5 defendant's guilt here today.

6 What he was charged with was not stopping for  
7 the police; failure to stop for blue lights. The  
8 Judge will tell you the law, the legal definition of  
9 what the law says failure to stop for blue lights  
10 is. But it's what it says. You can't not stop for  
11 the police. That's what we're here for.

12 Mr. Padgett did not stop for the police in this  
13 case, and that's why we're here today. Technology  
14 does make our life easier at times, but it doesn't  
15 absolve the State of its burden. Our burden is to  
16 prove this case to you beyond a reasonable doubt.  
17 We think these videos do that for us. They kind of  
18 speak for themselves. You saw dash camera of the  
19 chase, you saw body camera from Officer Roberson.  
20 If a picture is worth a thousand words, we'd argue  
21 that the two videos are worth beyond a reasonable  
22 doubt.

23 What is a reasonable doubt? It's a doubt  
24 that's going to cause you to hesitate to act. You  
25 heard all the evidence. Debate it amongst

1 yourselves. Watch these videos, which I'd ask you  
2 to watch again if you have any questions or  
3 concerns. But when you make your mind up and you go  
4 to sign that verdict form, if you hesitate to take  
5 your pen to that paper, that's a hesitation to act.  
6 It's only natural to think about things and to think  
7 things through. But that action of taking your pen  
8 to the paper, I would say, there should be no  
9 hesitation on any of y'all's parts.

10 He's presumed innocent. He's not a guilty man.  
11 He walks into this courtroom an innocent man. And  
12 it's the State's job to prove him guilty. A lot of  
13 judges will talk about a robe of innocence or  
14 righteousness that he carries around him. That's  
15 certainly a way to think about it. He's covered up  
16 in innocence and righteousness.

17 And what we've done here today is shown you  
18 these videos, and it ripped that robe off and  
19 exposed it for what it is. I'd ask you to debate --  
20 consider all the evidence in this case, watch the  
21 videos, and come back with a finding of guilty for  
22 failure to stop for a blue light. Thank you.

23 THE COURT: All right. Mr. Padgett?

24 MR. PADGETT: That was a very nice speech. I  
25 like that.

1 Ladies and gentlemen, I'm just a small, kind  
2 sir; poor, no money, couldn't hire a lawyer. But  
3 what he stated, it's true. I failed to stop for  
4 blue light. That is true. Y'all seen it on video.  
5 In order to make that blue light legal, you got to  
6 go before a judge, get the judge to sign the  
7 warrant. But they want to get y'all to think that  
8 Johnny Padgett don't know what he talking about.

9 If they were good law people, if they were a  
10 good law judge, they would give y'all the paperwork  
11 I got and let y'all see it for yourself. They don't  
12 want y'all to see it because they already done  
13 talked about it: If they see it, I'm free. If they  
14 were good, honest law people, even the Judge, tell  
15 them let me give y'all what I got. They don't want  
16 y'all to see that.

17 They didn't tell y'all you how a warrant is  
18 supposed to be written out. The lady said that she  
19 appeared before the judge. It will prove that she  
20 never appeared before the judge on the top page,  
21 because it was another officer that signed for her.  
22 She didn't appear before the judge. She lied under  
23 oath. She swore, hold her hand, that she would tell  
24 all the truth. Proof over there, but they don't  
25 want me to give it to you. But I will tell you

1 about it.

2 If I'm guilty, you find me guilty; if I'm  
3 right, you find me not guilty. As long as you don't  
4 get what I got over there, they being protected, not  
5 me. They being protected. They stated, well, we  
6 don't need a warrant to go out there and arrest a  
7 man on the street. No. I didn't do anything.

8 You don't need a warrant to arrest nobody out  
9 there on the street, but they got 72 hours to charge  
10 you with a warrant. They 72 hours failed on mine,  
11 but they don't want you to see it. I got facts that  
12 tell you everything, but they want to call it  
13 superstition. Okay.

14 If you don't want that, tell them to give you a  
15 computer. Take it in there, Google it up on  
16 affidavit of attachment to arrest warrant, see what  
17 you find. You'll come in here and it will be a  
18 different verdict. They want the fair in their  
19 favor, but they don't want you to see the fair in my  
20 favor. It's being all covered up. Okay?

21 It's up to y'all who to believe. If they give  
22 you what you want, you'll see all the facts. Don't  
23 be afraid to ask what for what I got. If you want  
24 it, I'm ready to give it to you. But they don't  
25 want me to give it to you. Everything is being

1 overruled.

2 But, okay, if my paperwork is being overruled,  
3 they speak the same thing what it say in the law  
4 book. Google it up and tell them to give you  
5 straight information on affidavit, how they supposed  
6 to be signed. Any time you get an affidavit  
7 statement, you appear before the notary public for  
8 South Carolina. You're sworn. If that affidavit  
9 was never sworn, it's not a charge. But they tell  
10 y'all it is a charge, but it's not.

11 Give them a computer. Let them see it for  
12 themselves. If I'm wrong, you come out here and say  
13 that Johnny Padgett is guilty. If I'm right, you  
14 say that Johnny Padgett is innocent. Thank you. I  
15 appreciate it. And I hope the Court will cooperate  
16 and do the right thing.

17 I never asked how many of y'all know about the  
18 law, how many of y'all know about the affidavit. If  
19 you want to learn good about the law and learn about  
20 the affidavit, tell them to give you a computer and  
21 Google it up.

22 On my warrant, it was never signed. The  
23 affidavit, the female got up there and testified. I  
24 asked her, who did you appear before? She looked at  
25 the warrant. Oh, I appeared before Judge Shults.

1 If you look at that warrant, you'll see that she is  
2 a lie to all of y'all. She lied to all of y'all.  
3 She did not appear before Judge Shults. It was  
4 another officer signed for her. She did not appear  
5 before the judge. Another officer signed for  
6 Ms. Roberson. She never appeared before the judge.  
7 But they handed you a lie. They will cover you on  
8 that. I rest.

9 THE COURT: All right. Ladies and gentlemen of  
10 the jury, you've heard all the evidence and the  
11 arguments of both parties. I will now explain to  
12 you the law which applies to this action.

13 The indictment charges the defendant with  
14 failure to stop for blue lights. However, I remind  
15 you the fact that the defendant was arrested,  
16 charged, and indicted in this case is not evidence  
17 and cannot be considered by you as evidence of guilt  
18 in this case, nor does it prove any presumption or  
19 inference of guilt. This document is simply the  
20 formal written instrument which contains the charge  
21 made against the defendant. It is the formal  
22 document by which this case is brought into this  
23 court.

24 I'll remind you that during this trial, you and  
25 I have certain duties to perform. As the trial

1 judge, it is my responsibility to provide over the  
2 trial of this case. And I also have the duty to  
3 rule on the admissibility of the evidence offered  
4 during this trial. You are to consider only the  
5 competent evidence before you.

6 If there was any testimony ordered stricken  
7 from the record in this case during this trial, you  
8 must disregard that testimony. You are only to  
9 consider the testimony which has been presented from  
10 the witness stand and any exhibits which have been  
11 made part of the record in this case.

12 I have the additional duty to charge you the  
13 law applicable to this case. As the presiding  
14 judge, I'm the sole judge of the law in this case,  
15 and it is your duties as jurors to accept and apply  
16 the law as I now state it to you. If you already  
17 have any idea as to what the law is, what the law  
18 ought to be, and it does not agree with what I tell  
19 you now what the law is, you must abandon this idea  
20 because you are sworn to accept the law and apply  
21 the law exactly as I state it to you.

22 In every case tried in this court before a  
23 jury, the jury becomes the sole and exclusive judges  
24 of the facts in the case. A trial judge cannot  
25 intimate, state, comment on, or make any statement

1 to a trial jury about the facts in a case. Since  
2 you, the jury, are the sole judges of the facts in  
3 this case, you're not to infer from what I have said  
4 during the process of this trial, in ruling upon the  
5 admissibility of evidence or otherwise, or anything  
6 that I say now during the course of this instruction  
7 to you that I have any opinion about the facts of  
8 this case.

9 The law does not allow me to have an opinion  
10 about the facts of this case. This is a matter  
11 solely for you, the jury, to determine. As jurors,  
12 it's your duty to determine the effect, value, and  
13 weight of the evidence presented during this trial.

14 The defendant has pled not guilty to this  
15 indictment, and that plea puts the burden on the  
16 State to prove the defendant guilty. A person  
17 charged with committing a criminal offense in South  
18 Carolina is never required to prove himself  
19 innocent. I charge you that it is an important rule  
20 of law that a defendant in a criminal trial, no  
21 matter what the seriousness of the charge may be,  
22 will always be presumed to be innocent of the crime  
23 for which the indictment was issued, unless guilt  
24 has been proven by evidence satisfying you of that  
25 guilt beyond a reasonable doubt.

1           This presumption of innocence does not end when  
2           you begin your deliberations, but it accompanies the  
3           defendant throughout the trial until you reach a  
4           verdict of guilt based on evidence satisfying you of  
5           that guilt beyond a reasonable doubt. The  
6           presumption of innocence is like a robe of  
7           righteousness placed about the shoulders of the  
8           defendant which remains with the defendant until it  
9           has been stripped from the defendant by evidence  
10          satisfying you of the defendant's guilt beyond a  
11          reasonable doubt.

12           The presumption of innocence is not a mere  
13          legal theory; it is not just a legal phrase; it is a  
14          substantial right to which every defendant is  
15          entitled unless you, the jury, are satisfied from  
16          the evidence of the defendant's guilt beyond a  
17          reasonable doubt.

18           The State has the burden of proving the  
19          defendant guilty beyond a reasonable doubt. Some of  
20          you may have served as jurors in civil cases where  
21          you were told that it was only necessary to prove  
22          that a fact is more likely true than not true, such  
23          as by the greater weight or preponderance of the  
24          evidence.

25           In criminal cases, the State's proof must be

1 more powerful than that; it must be beyond a  
2 reasonable doubt. Proof beyond a reasonable doubt  
3 is proof that leaves you firmly convinced of the  
4 defendant's guilt. There are very few things in  
5 this world that we know with absolute certainty.  
6 And in criminal cases, the law does not require  
7 proof that overcomes every possible doubt.

8 If, based on your consideration of the  
9 evidence, you are firmly convinced that the  
10 defendant is guilty of the crime charged, you must  
11 find the defendant guilty. If, on the other hand,  
12 you think there's a real possibility that the  
13 defendant is not guilty, you must give the defendant  
14 the benefit of the doubt and find him not guilty.

15 The following things are not evidence and you  
16 must not consider them as evidence in deciding the  
17 facts of this case: One, statements and arguments  
18 of the attorneys; two, questions and objections of  
19 the attorneys; and, three, testimony that I  
20 instructed you to disregard, if I instructed you to  
21 disregard any testimony.

22 While argument of counsel is a beneficial part  
23 of every trial, you should remember that the  
24 statements made by counsel are not evidence. In  
25 presenting arguments, Counsel will often refer to

1 evidence; however, you should base your verdict on  
2 the evidence as you remember it. Therefore, if  
3 there are any conflicts between the recollection of  
4 counsel about the evidence and your own  
5 recollection, you should rely upon your own  
6 understanding of the evidence.

7 There are two types of evidence which are  
8 generally presented during a trial: Direct evidence  
9 and circumstantial evidence. Direct evidence  
10 directly proves the existence of a fact and does not  
11 require deduction. Circumstantial evidence is a  
12 proof of a chain of facts and circumstances  
13 indicating the existence of a fact. Crimes may be  
14 proven by circumstantial evidence.

15 The law makes no distinction between the weight  
16 or value to be given to either direct or  
17 circumstantial evidence; however, to the extent the  
18 State relies on circumstantial evidence, all of the  
19 circumstances must be consistent with each other  
20 and, when taken together, point conclusively to the  
21 guilt of the accused beyond a reasonable doubt. If  
22 these circumstances merely portray the defendant's  
23 behavior as suspicious, the proof has failed.

24 The State has the burden of proving the  
25 defendant guilty beyond a reasonable doubt and the

1       burden rests with the State regardless of whether  
2       the State relies on direct evidence, circumstantial  
3       evidence, or some combination of the two.

4       Necessarily, you must determine the credibility  
5       of witnesses who have testified in this case.  
6       Credibility means believability. It becomes your  
7       duty as jurors to analyze and to evaluate the  
8       evidence and determine which evidence convinces you  
9       of its truth.

10       In determining the believability of witnesses  
11       who have testified in this case, you may believe one  
12       witness over several witnesses or several witnesses  
13       over one witness; you may believe a part of the  
14       testimony of a witness and reject the remaining part  
15       of the testimony of that same witness; you may  
16       believe the testimony of a witness in its entirety  
17       or reject the testimony of a witness in its  
18       entirety.

19       You may consider whether a witness has  
20       exhibited to you any interest, bias, prejudice, or  
21       any other motive in this case. You may also  
22       consider the appearance and manner of the witness  
23       while on the witness stand.

24       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  
2       and in your consideration on the question of guilt  
3       or innocence of the defendant. It must not be  
4       considered by you in any manner whatsoever.

5               A defendant has the constitutional right to  
6       remain silent and the assertion of this right must  
7       not be considered by you in your deliberations. I  
8       repeat, under your oath, you are to draw no  
9       conclusion whatsoever from the fact that the  
10      defendant in this case did not testify. The fact  
11      that this defendant did not testify should not even  
12      be discussed in the jury room.

13              The burden of proof, as I have stated to you,  
14      is on the State. The defendant is not required to  
15      prove his innocence. The burden of proof remains on  
16      the State to prove guilt beyond a reasonable doubt.

17              A statement alleged to have been made by the  
18      defendant has been admitted into evidence in this  
19      case. While the Court has determined that the  
20      statement is admissible, I instruct you that you  
21      make the ultimate decision as to whether or not the  
22      defendant made the statement.

23              If the defendant did make the statement, you  
24      must determine whether the statement was made by the  
25      defendant voluntarily and of his own free will.

1 This means that the statement was not caused by  
2 pressure, force, fear, threats, coercion or  
3 intimidation, or by hope or a promise of leniency or  
4 a reward of any kind.

5 In determining whether the statement was  
6 voluntary, you should consider both the  
7 characteristics of the defendant and the details of  
8 the question. Some of the factors that you must  
9 consider are the age of the defendant, the  
10 defendant's education or lack of education, the  
11 defendant's mental ability or capacity, the  
12 defendant's IQ or intelligence, the defendant's  
13 background and place and length of detention, the  
14 nature of the questioning, and the advice or lack  
15 thereof to the defendant of his or her  
16 constitutional rights, including, but not limited  
17 to, the right to remain silent and any statement  
18 could be used against him in a court of law, the  
19 right to have a lawyer present; that if he could not  
20 afford a lawyer, that a lawyer could be appointed to  
21 represent him without any cost, and that he could  
22 stop making his statement at any time.

23 You must carefully consider all the surrounding  
24 circumstances before you give any weight to an  
25 alleged statement. The State has the burden of

1 proving beyond a reasonable doubt that the alleged  
2 statement was voluntary. And if you determine it  
3 was, you may give the statement any further  
4 consideration you deem proper. You must decide the  
5 weight, if any, which should be given to the alleged  
6 statement. If you determine the alleged statement  
7 was not the free and voluntary statement of the  
8 defendant, you should not consider the statement at  
9 all.

10 In order to establish criminal liability,  
11 criminal intent is required. For example, the  
12 mental state required to be proven by the State for  
13 a particular crime might be purpose, intent,  
14 knowledge, recklessness, or criminal negligence.  
15 Criminal intent must be proven by the State beyond a  
16 reasonable doubt. Criminal intent is always a  
17 matter which must be determined by the jury from the  
18 circumstances surrounding the situation.

19 There is no way to prove intent to a  
20 mathematical certainty; no way medical science can  
21 dissect a person's brain and determine what the  
22 person had in his mind. So the law says that  
23 criminal intent may be inferred from circumstances  
24 shown to have existed. This is how you make a  
25 determination of whether or not the element

1 requiring intent was present.

2 It is not necessary to establish intent by  
3 direct or positive evidence, but intent may be  
4 established by inference to the same weight as any  
5 other fact by taking into consideration the acts of  
6 the parties and all the facts and circumstances of  
7 the case. Criminal intent is a mental state, a  
8 conscience wrongdoing. It is up to you to determine  
9 what the defendant intended to do based on the  
10 circumstances shown to have existed.

11 Criminal intent can arise from action or  
12 failure to act. It may arise from negligence,  
13 recklessness, or an indifference to duty, or to  
14 consequences that is considered by the law to be the  
15 equivalent of criminal intent.

16 Failure to stop for blue light. The defendant  
17 is charged with failure to stop for a blue light.  
18 In order to prove this crime, the State must prove  
19 beyond a reasonable doubt that the defendant was  
20 driving a motor vehicle, that the defendant was  
21 driving the motor vehicle on a road, street, or  
22 highway of this state, that the defendant was  
23 signaled to stop by a law enforcement vehicle by  
24 means of a siren or flashing light, and that the  
25 defendant did not stop.

1           In determining whether or not there are  
2 mitigating circumstances which would justify the  
3 defendant's failure to stop for a blue light, you  
4 may consider actual road conditions, actual roadside  
5 conditions, other conditions such as lighting and  
6 weather; officer, driver, or passenger safety, and  
7 any other circumstances you believe to reasonably  
8 mitigate the alleged allegation.

9           An official signal requiring a motorist to stop  
10 may be a siren or flashing lights, but both are not  
11 required. An intent to increase speed of a vehicle  
12 or in some other manner avoid the pursuing law  
13 enforcement when signaled by siren or flashing light  
14 may be considered as evidence of failure to stop for  
15 a blue light; however, it is merely an evidentiary  
16 fact to be taken into consideration by you, along  
17 with all the other evidence of the case, and given  
18 the weight you decide it should receive.

19           Let me say something about your deliberations.  
20 Deliberation is defined as careful consideration  
21 weighing up with a view to the decision. The genius  
22 of our jury system is that it allows 12 good men and  
23 women from 12 different backgrounds, life  
24 experiences and perspectives, to consider the  
25 evidence, talk about it, and ultimately reach a

1 verdict.

2 We call them deliberations for a reason.  
3 You're to consider the evidence in this case  
4 carefully and deliberately and discuss it in a calm,  
5 thorough, and courteous manner. Listen to the views  
6 of all of your fellow jurors. Consider other  
7 people's points of view. Talk through and discuss  
8 the evidence. And, remember, if you're doing  
9 something deliberately, you're not in a big hurry.  
10 And you should not be in a big hurry here. This  
11 case is very important to both sides and this is  
12 their only day in court.

13 When you retire to the jury room, you should  
14 discuss the case with your fellow jurors to reach  
15 agreement, if you can do so. Your verdict must be  
16 unanimous. Each of you must decide the case for  
17 yourself. You should do so only after you have  
18 impartially considered all the evidence, discussed  
19 it fully with other jurors, and listened to the  
20 views of your fellow jurors.

21 Do not be afraid to change your opinion if the  
22 discussion persuades you that you should. But do  
23 not come to a decision simply because other jurors  
24 think it is right. It is important that you attempt  
25 to reach a unanimous verdict, but, of course, only

1 if each of you can do so after having made your own  
2 decision. Do not change an honest belief without  
3 the weight and effect of the evidence simply to  
4 reach a verdict. In other words, do not change your  
5 opinion solely for the sake of reaching a unanimous  
6 verdict.

7 There are two possible verdicts you may find in  
8 this case: Guilty or not guilty. Ladies and  
9 gentlemen, your verdict must be unanimous.  
10 Mr. Foreman, when the jury agrees on the verdict,  
11 you will write the verdict on the verdict form and  
12 sign your name as foreperson. Then, knock on the  
13 jury room door and inform the bailiff that you've  
14 reached a verdict. At that time, we will receive  
15 you back in the courtroom.

16 I'll ask that you now return to your jury room,  
17 but do not begin your deliberations until you are  
18 told by the clerk or bailiff to do so. There are  
19 some matters which must be discussed with the  
20 attorneys before you can begin your deliberations.  
21 I will give you a copy of these instructions in  
22 written form. You must consider the instructions as  
23 a whole and not follow some and ignore others. You  
24 must return these instructions to the Court when you  
25 finish deliberating.

1           At this time, I'll ask you to return to your  
2 jury deliberation room. And we'll get the required  
3 documents to you shortly. Please don't discuss the  
4 case yet. Thank you.

5           (The jury exits the courtroom at 1:55 PM.)

6           THE COURT: Mr. Eckstrom, Mr. Padgett, I'm  
7 going to print out the verdict form real quick.  
8 Just make sure the court reporter has all the  
9 evidence so we can take it all back there.

10          Any issue with the charge?

11          MR. ECKSTROM: None from the State.

12          MR. PADGETT: None by the defense.

13          THE COURT: Thank you. I'm going to walk this  
14 down to y'all. Take a look at this verdict form  
15 real quick. It's fairly simple.

16          Where is the evidence?

17          MR. PADGETT: Excuse me. You're sending that  
18 in there?

19          THE COURT: The verdict form? Sure.

20          MR. PADGETT: And what else?

21          THE COURT: The charge, just what I read to  
22 them.

23          MR. PADGETT: Okay.

24          THE COURT: And they'll get that map and the  
25 DVDs.

1           Let's bring the alternate out. Mr. Padgett,  
2           there's an alternate juror on there, so I'm going to  
3           bring the alternate back out here. And since the  
4           jury is about to start, I'm going to dismiss the  
5           alternate juror. Okay?

6           MR. PADGETT: Okay.

7           THE COURT: Okay. Ms. Rowe, we appreciate you  
8           being here as the alternate though. The jury is  
9           prepared to deliberate. We're about to deliver the  
10          evidence for that. So at this point, you're free to  
11          go. We certainly appreciate your service here  
12          yesterday and today.

13          (Alternate dismissed.)

14          THE COURT: They can begin their deliberations.  
15          We'll stand at ease while the jury is  
16          deliberating.

17          (Jury begins deliberations at 1:58 PM.)

18          THE COURT: All right. I understand we have a  
19          verdict. Is that correct?

20          THE BAILIFF: Yes, Your Honor.

21          THE COURT: All right. Let's bring the jury  
22          in, please.

23          (The jury enters the courtroom at 2:06 PM.)

24          THE COURT: Mr. Foreman, I understand y'all  
25          have reached a verdict. Is that correct?

1 THE FOREMAN: Yes, sir.

2 THE COURT: Is your verdict unanimous?

3 THE FOREMAN: Yes.

4 THE COURT: Please hand it to the bailiff.

5 Madam Clerk, please publish the verdict.

6 THE CLERK: State of South Carolina vs. Johnny  
7 Tyler Padgett, County of Saluda. As to the charge  
8 of failure to stop for a blue light, we, the jury,  
9 unanimously find the defendant guilty of failure to  
10 stop for a blue light. Signed and dated by Jason  
11 Riley, 5/22/19.

12 THE COURT: Anything from the State?

13 MR. ECKSTROM: Nothing at this time, Your  
14 Honor.

15 THE COURT: Defense?

16 MR. PADGETT: (Shakes head.)

17 THE COURT: All right. Ladies and gentlemen,  
18 thank you again for your service on jury duty this  
19 week. Without your service -- without jurors'  
20 participation in the justice system, we simply  
21 wouldn't be able to function properly. So your  
22 presence here this week, and any other week you  
23 serve on jury duty in the future, is extremely  
24 important to our justice system. And we thank you.

25 At this time, I'll excuse you and dismiss you

1 for the week. Thank you for your service. And  
2 you're free to go and discuss the case as you see  
3 fit. Thank you.

4 Mr. Foreman, you need to sign the verdict form.

5 (The jury exits the courtroom at 2:10 PM.)

6 THE COURT: We'll proceed to the sentencing  
7 phase at this point.

8 So, obviously, we've got a conviction found by  
9 a Saluda County jury. Mr. Padgett, what sort of --  
10 well, I don't know if you've been through a plea or  
11 conviction before. But there's an opportunity for  
12 you to present any evidence or any testimony,  
13 information as far as mitigation. I'm happy to hear  
14 from you or anyone you desire at this point.

15 MR. PADGETT: (Nods head.)

16 THE COURT: Anything you want to tell us? You  
17 understand what I'm asking?

18 MR. PADGETT: Yeah, I do.

19 THE COURT: Mr. Casto, can you make sure if --  
20 trying to see if he wants to submit any mitigation.

21 MR. CASTO: Sure. Just as standby counsel, one  
22 thing that Mr. Padgett needs to put on the record is  
23 that he asks for a new trial at this time; that no  
24 jury could reasonably reach that conclusion. So  
25 we'd ask for a new trial at this time.

1 THE COURT: Okay.

2 MR. PADGETT: Including all the evidence be  
3 present and --

4 (Defendant conferring with standby counsel.)

5 THE COURT: Your motion for a new trial is  
6 denied.

7 MR. PADGETT: Okay. But I want to --

8 (Defendant conferring with standby counsel.)

9 MR. PADGETT: But I want make a statement on  
10 the record anyway. I still want to make a  
11 statement. I feel that I'm being convicted for a  
12 crime that I know that I did fail to stop for blue  
13 light, but in order for this charge can be proper  
14 and legally by the law, that affidavit should have  
15 been signed.

16 There are no nothing on the front page of the  
17 warrant that she signed. She never signed nothing  
18 but the affidavit part. And that's the part that's  
19 legal, but it was never notarized by any person.  
20 And I felt that that violates the due process and I  
21 felt it violates the Fourth and the Fourteenth  
22 Amendment to the Constitution of the United States.

23 Also, I feel that I was denied a fair trial.  
24 And I feel that I was picked on. My paperwork, what  
25 I had to prove about the affidavit or the statement,

1 was ignored. It only was one side in the jury  
2 section. It was what the State give and what the  
3 Court give. But nothing I -- nothing I have to  
4 protect me from a mistake that she led into the  
5 affidavit all were overlooked and overruled. I  
6 couldn't even show nothing. It was all on one side,  
7 and that's the State.

8 You know, it denied me due process. I didn't  
9 have a lawyer who really -- to protect me. If I had  
10 the right lawyer, I don't believe this case would  
11 have never went this far. I never got a preliminary  
12 hearing. I got my request for it, but South  
13 Carolina said, even the Supreme Court and high  
14 justice said, a judge does not have any jurisdiction  
15 unless a preliminary hearing is given, and the  
16 prosecutor could not go and get an indictment until  
17 a preliminary hearing is held. All that was  
18 ignored.

19 And I asked for a preliminary hearing. He  
20 never wrote me and told me nothing about no  
21 preliminary hearing. That's why I took that risk,  
22 to try to help myself. I didn't have nobody help  
23 me. I thought I had an attorney. But I didn't have  
24 nobody to help me but me. That's why I took the  
25 risk and represented myself.

1            Things just didn't go right for me. I  
2 appreciate that, you know, you put up with me and --  
3 I was only trying to protect my rights. That's it.  
4 But I did not deny what the charge -- the charge was  
5 right. I did fail to stop. The charge was right.  
6 I did not call her no lie, but she did not tell the  
7 truth. She never appeared before the judge. It's  
8 another officer signed her name. She looked at the  
9 paper and said, Judge, I appeared before Judge  
10 Shults. No, she didn't. Another officer signed her  
11 name.

12            It was only one side to this. If my side had  
13 been there, things would have been different. It  
14 fell the way the State wanted it saw. Ain't nothing  
15 I can do but only tell my side and tell what went  
16 wrong. I guess they didn't believe me. But I  
17 tried.

18            I want to say a little brief moment. You know,  
19 I been out of prison for ten years. Only reason I  
20 moved my car out there -- I didn't want to tell. I  
21 was getting phone calls because I was going to sell  
22 my car. They were going to tear it up. I took a  
23 chance and drove it. I was going to a person's  
24 house, but I didn't tell the judge that.

25            I got caught. I failed to stop. She didn't

1 lie or nothing about that. Only thing she lied in,  
2 that she appeared in front of the judge on the front  
3 page of the warrant. But she didn't. Another  
4 officer signed that. And she did not sign the  
5 affidavit.

6 But for the last past ten years, I been going  
7 to the highway department trying to get a permit,  
8 trying to get a driver's license. I even come to  
9 the clerk of court to try to get something to state  
10 who I am. I been to Columbia trying to find Johnny  
11 Tyler Padgett birth certificate. They don't have a  
12 Johnny Tyler Padgett. They said my mama had 12  
13 kids. My mama had 14 kids.

14 And I couldn't get a driver's license. I  
15 couldn't even get a permit. I can't go and get an  
16 identification card. I don't have identification,  
17 never had one. If I could ever get me no  
18 identification card, I would never be here today. I  
19 would be complying with the law. I don't have a  
20 birth certificate. How my name get to be Johnny  
21 Tyler Padgett? I have no proof unless my mama and  
22 daddy gave it to me.

23 But the social security administrators sent me  
24 a long letter telling who my parents was and telling  
25 me who my parents was before they were married. I

1       took that over to the highway department. They  
2       didn't want to go by that. They still denied me an  
3       identification card. They denied me a permit to  
4       drive a car and a driver's license for the last ten  
5       years.

6               I done had people took me to Columbia to the  
7       head place where they hold the birth certificates  
8       at. South Carolina Health or involving the place in  
9       Columbia where they hold the records at where you're  
10      born. I was a midwife baby; I was born in the  
11      house. And whoever will admit why a doctor never  
12      typed my date of birth in, never. That's the reason  
13      I can't get an identification card or a picture ID.  
14      I have a department of corrections ID; I have a  
15      Charleston County ID. I took all that over there.  
16      They still would not give me anything. I tried, I  
17      did.

18              What I did, I know it was wrong. That's what  
19      everybody is saying. I did not deny it. I was  
20      wrong. That's the first time I did something like  
21      that. I never did nothing like that in my life.  
22      I'm sorry that I did it. But I thought things would  
23      have been fair for me. If it had been signed, I  
24      would never took -- I would have never brought it.  
25      I would have took a plea.

1           But my mind just wouldn't let me because I -- I  
2           didn't want to show that by me coming here, there  
3           was no jurisdiction to try me, especially my  
4           preliminary hearing, especially the indictment,  
5           especially when she said she signed the face of the  
6           front warrant. It's not on there. Her signature  
7           not on there.

8           And that affidavit statement should never have  
9           been in this court. But I can object to it. He  
10          knew about all that. He supposed to be my  
11          attorney. I fired him yesterday. I already had in  
12          my mind why I fired him: If he was a good, honest  
13          attorney, Your Honor, he would have filed the motion  
14          way before and had this charge dismissed. He didn't  
15          even get me a preliminary hearing, never have with  
16          him; missed all that.

17          All my rights went down the drain with a lawyer  
18          that I was believing I thought was helping me.  
19          Mr. Casto did not help me. I thought he was going  
20          to help me, but he didn't. That's why I fired him.  
21          And I took the risk with trying to defend myself of  
22          what's right and what's wrong. I'm guilty. I'm  
23          guilty for driving the car. In order for me to be  
24          guilty, the paperwork got to be legal. It wasn't.  
25          I appreciate you listening to me.

1 THE COURT: Anything from the State?

2 MR. ECKSTROM: Briefly, Your Honor. You know,  
3 one of the questions -- actually, maybe the most  
4 important question we have to ask in cases like this  
5 is, who is Johnny Padgett? And you haven't heard it  
6 from them, so you might as well hear it from us.

7 He's a lifelong resident of Saluda County, born  
8 here in 1956. Some know him as Johnny Culbreth.  
9 For all intents and purposes, it's safe to say his  
10 life didn't truly begin until 1973. That's the  
11 beginning of his NCIC record which begins with  
12 larceny in 1973; goes on to a 1979 simple assault,  
13 public disorderly conduct, assault, destruction of  
14 jail property; 1980, malicious injury to real  
15 property, arson, resisting arrest; 1983, pointing  
16 and presenting a firearm; 1989, assault and battery,  
17 two convictions for that; resisting arrest,  
18 receiving stolen goods, threatening a public  
19 official; 1990, malicious injury to personal  
20 property, disposing of mortgage property; 1995,  
21 criminal sexual conduct in the first degree, assault  
22 and battery of a high and aggravated nature,  
23 resisting arrest; 2016, violation of city ordinance.

24 Your Honor, we're not here asking you to  
25 sentence him to the max sentence, but we do think

1 some sort of time sentence is appropriate in this  
2 case. As you've heard from him, even if you were to  
3 impose a fine, it's not likely that he'd be able to  
4 pay it. And we do believe the facts in this case  
5 support a time sentence. It was roughly a two-mile  
6 chase throughout the town of Saluda here; not just  
7 one, but two instances of almost causing major  
8 traffic collisions.

9 I don't know if you were paying attention to  
10 the video, but as they're speeding through these  
11 small town roads, you see people on the sidewalks  
12 out seeing what's going on. It's a wonder nothing  
13 happened to them. We do think this is a very  
14 dangerous case and take it very seriously and would  
15 ask that your sentence reflect that.

16 MR. PADGETT: Your Honor --

17 THE COURT: Yes, sir?

18 MR. PADGETT: -- can I respond to that?

19 THE COURT: Sure.

20 MR. PADGETT: He said I was convicted for  
21 criminal sexual conduct. I got that case  
22 overturned. I came back to Saluda County. The  
23 supreme court overturned the case. Well, first, I  
24 won it in Lexington County in 1994. I won it. And  
25 the State appealed it to the Supreme Court. In

1 1995, I won again. Supreme Court told them to bring  
2 the case back there. There was no blood, there was  
3 no saliva, there was no hair, nothing took from me.  
4 They convicted me on the victim's word.

5 When I came back here in jail waiting to be  
6 tried, the State brought the victim to me at my jail  
7 cell to try to get me to plead guilty, even saw my  
8 brother trying to get me to plead guilty. I told  
9 them I wasn't going to plead guilty to it.

10 So I got arrested, failure to be registered. I  
11 got a letter from SLED. I was found not guilty.  
12 That case was cleared up. I never had a retrial on  
13 it. Okay? I got all the paperwork about my last  
14 time in court on attempted murder that they were  
15 trying to put me away. There was no attempted  
16 murder. They were trying to put me away then.  
17 There was no attempted murder.

18 But I have a good professor of law that came  
19 out of Columbia defending me. Okay? That's the  
20 only way I beat the attempted murder, because no  
21 person was ever shot and they know that. They just  
22 want to put me away, just like they're trying to do  
23 today.

24 THE COURT: Okay. Anything else?

25 MR. PADGETT: I feel that this -- I would like

1 to request for a new trial.

2 THE COURT: You've noted that and it was  
3 denied. But your record is preserved. Okay?

4 MR. PADGETT: Yes, sir. Thank you.

5 THE COURT: I'm going to take five, ten minutes  
6 or so. I'll be right back.

7 (Short break.)

8 THE COURT: I did neglect to ask about time  
9 served.

10 MR. CASTO: Four days, I believe.

11 THE COURT: You did four days in the county?

12 MR. PADGETT: Yes, sir.

13 THE COURT: All right. Mr. Padgett, you'll be  
14 committed to the department of corrections for a  
15 period of six months, give you credit for your time  
16 served of four days. I'm also going to sentence you  
17 to 30 days on the contempt of court, but I will run  
18 it concurrent. Good luck to you, sir.

19 Mr. Solicitor, anything else today?

20 MR. ECKSTROM: No, Your Honor.

21 THE COURT: All right.

22 -- END OF TRANSCRIPT OF RECORD --

23

24

25

## C E R T I F I C A T E

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

I, the undersigned, Bethanie K. Creppon, Circuit Court Reporter for the Eleventh 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 the evidence introduced in the hearing of the captioned cause, relative to appeal in the Criminal Court for Saluda County, South Carolina, on the 22nd of May, 2019.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

August 18, 2019

s/Bethanie K. CrepponBethanie K. Creppon  
Circuit Court Reporter

WITNESSES

Saluda Town Police Department

Jacquelyn E Roberson

Law Enforcement Case #: 190100011T

BME

ARREST WARRANT NUMBER

2019A4120100001

ACTION OF GRAND JURY

TRUE BILL

FEB 25 2019

*Troy Price*  
Foreperson of Grand Jury  
Date:

VERDICT

*Guilty*

*Sharon R. Hubbs*  
Foreperson of Petit Jury  
Date:

*5/22/19*

DOCKET NO. 2019GS4100058

The State of South Carolina

County of Saluda

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2019

THE STATE

vs.

Johnny Tyler Padgett

CDR #: 0065

Indictment for

Failure to Stop for Blue Light

§ 56-05-0750(B)(1)

S.R. Hubbard III, SOLICITOR

ATTEST: TRUE COPY  
*Sheri C. Coleman*  
Clerk of Court  
Saluda, S. C.

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF SALUDA )  
 )

INDICTMENT FOR  
Failure to Stop for Blue Light  
§ 56-05-0750(B)(1)

At a Court of General Sessions, convened on February 2019, the Grand Jurors of Saluda County present upon their oath:

That Johnny Tyler Padgett did in Saluda County, South Carolina on or about January 9, 2019, willfully, knowingly and unlawfully fail to stop a motor vehicle, while driving said motor vehicle on a road, street or highway of this State when Jacquelyn Roberson, a law enforcement officer with the Saluda Town Police Department, signaled and sounded her siren and/or turned on her flashing blue light, and no great bodily injury or death resulted from said failure to stop, in violation of § 56-5-750 (B) (1), Code of Laws of South Carolina, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
ASSISTANT SOLICITOR

## CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the 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."

**RECEIVED**

MAR 04 2020

SC Court of Appeals

Respectfully Submitted,



Adam Sinclair Ruffin  
Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 4th day of March, 2020.