

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County

Honorable Deadra L. Jefferson, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JEROME KEITH WEST,

APPELLANT

APPELLATE CASE NO 2019-001002

RECORD ON APPEAL

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THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE’S EXHIBIT #1 (BODY CAM VIDEO)
STATE’S EXHIBIT #2 (AUDIO OF 911 CALL)

State of South Carolina	)	Court of General Sessions
	)	Ninth Judicial Circuit
County of Charleston	)	Case No. 2017-GS-10-06541
	)	
The State of South Carolina,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	Transcript of Record
	)	
Jerome Keith West,	)	
	)	
Defendant.	)	
	)	

June 11 & 12, 2019
Charleston, South Carolina

B E F O R E:

The Honorable Deadra L. Jefferson, Judge; and a jury

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

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Attorneys for the State

Brendan Daniels, Esquire
Mary Ford, Esquire
Attorneys for the Defendant

Krystal J. Smith
Circuit Court Reporter

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STATE'S EXHIBITS

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COURT REPORTER LEGEND

dashes -- intentional or purposeful interruption
or change in thought
ellipses . . . trailing off
[ph] phonetically written
[sic] written as said

1 JUNE 11, 2019

2 (WHEREUPON, the proceedings began at 9:51 a.m. The
3 defendant was present, along with his counsel of
4 record.)

5 THE COURT: Is the victim present?

6 MS. MARSH: The victim is not present in the courtroom,
7 but we can certainly have her brought down.

8 THE COURT: You mean brought down from where?

9 MS. MARSH: From our office.

10 THE COURT: And she is compliant?

11 MS. MARSH: She is, Your Honor.

12 THE COURT: And does the defendant have any record?

13 MS. MARSH: Excuse me?

14 THE COURT: Does the defendant have any record?

15 MS. MARSH: He does, Your Honor. Let me grab that
16 really quick. Your Honor, would you like me to read the
17 entire record or just the past 10 years?

18 THE COURT: Past 10 years.

19 MS. MARSH: He has a 2009 YOA parole revocation, a 2011
20 giving false information to the police, 2011 assault and
21 battery third degree, 2013 possession of drug paraphernalia,
22 and a 2013 CDVHAN.

23 THE COURT: Same victim or different victim?

24 MS. MARSH: Different victim.

25 THE COURT: How long has he been in jail?

1 MR. DANIELS: 725 days, Your Honor.

2 THE COURT: What's the maximum penalty on a DV second?

3 MS. MARSH: Three years, Your Honor.

4 THE COURT: It's non-violent; correct?

5 MS. MARSH: Correct.

6 THE COURT: So he's already maxed it out pretty much?

7 MS. MARSH: Correct.

8 THE COURT: Have any offers been made to him?

9 MS. MARSH: Yes, Your Honor. The State made an offer of

10 domestic violence in the second degree with a recommendation

11 of time served.

12 THE COURT: And did y'all discuss that offer with your

13 client?

14 MR. DANIELS: We did, Your Honor. He -- he rejected a

15 time-served offer for a DV third on two separate occasions.

16 THE COURT: What's alleged to have taken place?

17 MR. DANIELS: Excuse me?

18 THE COURT: I asked the State what's alleged to have

19 taken -- are y'all having a difficult time hearing me?

20 MS. MARSH: Your Honor, I'm deaf in my left ear.

21 THE COURT: Okay.

22 MS. MARSH: So I do have trouble hearing.

23 THE COURT: What's alleged to have taken place? I'll

24 make an effort to speak into --

25 MS. MARSH: Thank you, Your Honor.

1 THE COURT: -- the microphone.

2 MS. MARSH: This incident took place on June 17th of 2017
3 at 4425 Clovewood Street in Charleston County. The defendant
4 and the victim, who is Ms. Crystal Ragin, were cohabitating
5 and in a relationship at the time. They got into a verbal
6 argument at that time and location, which was actually the
7 home of the defendant's sister. In that home present was
8 also two minor children, aged 16 and 17.

9 Deputies with the Charleston County Sheriff's Office
10 were called out in response to the verbal altercation and
11 when the deputy arrived, the plan was for him to drive the
12 defendant to another location. There were no plans to arrest
13 him.

14 However, in the course of gathering his belongings, the
15 defendant went up to the victim and punched her in the face,
16 causing her to fall to the ground, and this happened in front
17 of the two minor children, the defendant's sister, and the
18 deputy, and it was caught on body cam.

19 And the defendant does have a prior conviction for DV in
20 2015, which the defense has indicated it will be stipulating
21 to.

22 THE COURT: Okay. Pull 35. No, 45, because that's all
23 that will fit in here. Have they already pulled the panel?

24 THE CLERK: Not yet.

25 THE COURT: Does he wish to have a formal arraignment?

1 MR. DANIELS: Yes, Your Honor.

2 THE COURT: Do y'all have the indictment? Because I
3 don't have it. Well, no, I take that back. I do have it.

4 MR. DANIELS: Your Honor?

5 THE COURT: Yes, sir?

6 MR. DANIELS: We would also like to point out that
7 there's a probation violation that's hanging over this.

8 THE COURT: Okay. And where is probation at? Did y'all
9 notify them this case was going forward and they needed to be
10 present?

11 MS. MARSH: No, Your Honor.

12 THE COURT: You might need to because I can't take your
13 word for what he's on probation for and I can't take your
14 word whether they've issued a warrant or not, and they need
15 to be aware of what's going on. What's he on probation for?

16 MS. MARSH: He's on probation for criminal domestic
17 violence of a high and aggravated nature.

18 THE COURT: What's hanging over his head?

19 MS. MARSH: I believe it's 10 years.

20 THE COURT: Y'all have explained that to him?

21 MR. DANIELS: We have, Your Honor.

22 THE COURT: Y'all have explained to him that, as a
23 result of this arrest, his probation could be revoked?

24 MR. DANIELS: We have, Your Honor.

25 THE COURT: You've explained to him that as a result of

1 any conviction, his probation could be revoked?

2 MR. DANIELS: We have, Your Honor.

3 THE COURT: And you've explained to him that even if
4 he's not convicted of this, his probation can still be
5 revoked?

6 MR. DANIELS: Yes, Your Honor.

7 THE COURT: Okay. And knowing all of that, he still
8 wishes to reject the offer the State extended to him?

9 MR. DANIELS: Your Honor, he's aware of that.

10 THE COURT: Okay. And knowing all of this, he still
11 wishes to reject the plea of guilty for the time served?

12 Or is that no longer on the table?

13 MS. MARSH: It's no longer on the table. It's been
14 rejected twice now.

15 THE COURT: But for all intents and purposes, he's maxed
16 it out anyway; so it's going to be a time-served even if he
17 got the maximum. Knowing all of that, does he still wish to
18 reject any -- or does he still -- has he indicated to you a
19 lack of desire to enter a plea of guilty?

20 MR. DANIELS: He does not want to enter a plea of
21 guilty.

22 THE COURT: Yeah. I need probation because I need to
23 know what else he's --

24 MS. MARSH: I believe --

25 THE COURT: -- what other things he may or may not have

1 done while he was on probation.

2 MS. MARSH: I believe Mr. Cooper went to go grab someone
3 from probation. They should be here shortly.

4 (WHEREUPON, there was a pause in the proceedings, after
5 which the proceedings resumed as follows.)

6 THE COURT: Hello, ma'am. How are you?

7 THE PROBATION AGENT: I'm doing well, Your Honor.

8 THE COURT: I need some information on Mr. -- and I'll
9 write this down for you so that you will have his name.
10 They'll have to give you his date of birth because I don't
11 have that.

12 THE PROBATION AGENT: Yes, Your Honor.

13 THE COURT: Actually, is the State working on that
14 indictment?

15 MR. WARING: Yes, ma'am.

16 THE COURT: Would y'all write that on here for me,
17 please, and give it to Ms. Kesha?

18 He says he's on probation for a DVHAN.

19 THE PROBATION AGENT: Okay.

20 THE COURT: And I need to know if y'all have filed any
21 papers initiating a violation or issued any warrants or
22 citations.

23 THE PROBATION AGENT: Okay. I can check that.

24 THE COURT: And bring me any reports you might have.

25 THE PROBATION AGENT: Yes, Your Honor.

1 THE COURT: Because I need to know if there's anything
2 else outstanding other than this arrest.

3 THE PROBATION AGENT: Okay.

4 THE COURT: Thank you, dear. I appreciate it.

5 THE PROBATION AGENT: Okay. Thank you.

6 (WHEREUPON, there was a pause in the proceedings, after
7 which the proceedings resumed as follows.)

8 THE COURT: Have we resolved our issue downstairs?

9 THE CLERK: Yes, ma'am. I believe they're pulling 45
10 now.

11 THE COURT: Yeah. Perfect.

12 All right. While we're waiting on the jury -- they had
13 some technical issues downstairs. Is there anything else
14 that we can dispose of while we're waiting on the panel to be
15 brought upstairs?

16 MS. MARSH: Your Honor, I don't know if this is the time
17 you would like to address it, but I believe there were a few
18 pretrial motions the defense made yesterday.

19 THE COURT: I don't think any of them go ripe until you
20 actually seek to introduce the evidence; correct?

21 MS. MARSH: Then I don't believe we have anything
22 further for right now.

23 THE COURT: Because the only thing is about an expert,
24 which I think clearly the case law would allow an expert on
25 domestic violence to testify, as long as it's within the

1 parameters of what the Supreme Court has said is appropriate.

2 The 9-1-1 call, although I've not heard it, clearly
3 would be an excited utterance, I would assume, if it can meet
4 the criteria. I don't know who made the call. It wouldn't
5 be offered for its truth, I would assume. I don't know what
6 it says, but I'd hear it in camera.

7 And the body camera, I don't know until I see it. I
8 have no idea until I see what you all seek to introduce, but
9 it's probably going to come in.

10 MS. MARSH: Thank you, Your Honor.

11 THE COURT: You're welcome. It's self-authenticating.
12 I mean if you all want to argue that it's not accurate,
13 that's on you, but I'd have to see it in its context. We
14 have to take it up in camera; so you'll have to proffer it.

15 Is she with the PD's Office? You can sit over here in
16 one of these chairs.

17 MS. FORD: Thank you.

18 THE COURT: You're welcome.

19 (WHEREUPON, there was a pause in the proceedings, after
20 which the proceedings resumed as follows.)

21 THE COURT: Okay. As soon as the jury comes up, we will
22 -- we'll get started because we have to wait for them to
23 bring them upstairs. Do y'all have any exhibits you need
24 pre-marked?

25 MS. MARSH: Yes, Your Honor. The State has three

1 exhibits in a list.

2 THE COURT: Are y'all in agreement with those exhibits
3 or do y'all object to the -- to the exhibits? I'm asking the
4 defense.

5 MR. DANIELS: Our objections --

6 THE COURT: I don't need to hear the objections. I just
7 need to know if you agree or not.

8 MR. DANIELS: We do not agree with the 9-1-1 call. We
9 do not agree with the body-worn camera.

10 THE COURT: And what's the other -- the other exhibit?

11 MS. MARSH: There is a stipulation that the defense and
12 the State have signed that the defendant has a prior
13 conviction for DV from 2015 that we would like read into the
14 record.

15 THE COURT: So you all do not plan -- do you plan to
16 have it marked as a Court's exhibit or what are y'all going
17 to do?

18 MS. MARSH: We do, Your Honor.

19 THE COURT: Is that -- do you have any exception to
20 that?

21 MR. DANIELS: No, Your Honor.

22 THE COURT: Go ahead and have that marked as a Court's
23 exhibit, please, without objection. Those are the only
24 State's exhibits?

25 MS. MARSH: Yes, Your Honor. May I approach?

1 THE COURT: You may.

2 (WHEREUPON, the stipulation was marked as Court's
3 Exhibit Number 1.)

4 (WHEREUPON, there was a pause in the proceedings until
5 the jury panel entered the courtroom at 10:17 a.m.,
6 after which the proceedings resumed as follows.)

7 THE BAILIFF: All the jurors are present, Your Honor.

8 THE COURT: Thank you.

9 Good morning, ladies and gentlemen. I am Deadra
10 Jefferson. I am one of your resident circuit judges for the
11 Ninth Circuit, which is made up of Charleston and Berkeley
12 counties. Our purpose this morning is to select a jury for
13 the case of the State of South Carolina versus Jerome Keith
14 West.

15 Sir, if you would, stand.

16 (WHEREUPON, the defendant complied.)

17 THE COURT: Proceed with the formal arraignment, please.

18 THE CLERK: I've just got to find it. Sorry.

19 THE COURT: That's okay.

20 THE CLERK: Case Number -- Indictment Number
21 2017A1010203508, State of South Carolina versus Jerome Keith
22 West. As to that, will you please raise your right hand?

23 (WHEREUPON, the defendant complied.)

24 THE CLERK: You stand indicted by the name of Jerome
25 Keith West. At a Court of General Sessions convened November

1 2017, the grand jurors of Charleston County presented upon
2 their oath domestic violence second degree.

3 That in Charleston County, South Carolina, on or about
4 June 17th, 2017, the defendant, Jerome Keith West, did cause
5 physical harm or injury to Crystal Ragin, a household member,
6 or did offer or attempt to cause physical harm or injury to
7 said household member with apparent present ability under
8 circumstances reasonably creating fear of imminent peril.

9 That, in addition, the act resulted in moderate bodily
10 injury to the household member or the act was accomplished by
11 means likely to result in moderate bodily injury to the
12 household member and/or the defendant committed domestic
13 violence in the third degree in the presence of or while
14 being perceived by a minor and/or the defendant has one prior
15 conviction for domestic violence within 10 years of the
16 current offense.

17 This is in violation of Section 16-25-20(a) and (c) of
18 the South Carolina Code of Laws, 1976, as amended. How say
19 you? Are you guilty or not guilty?

20 THE DEFENDANT: Not guilty.

21 THE CLERK: How will you be tried?

22 THE DEFENDANT: By God and my country.

23 THE CLERK: May they send you a true deliverance. Are
24 you ready for trial?

25 THE DEFENDANT: Yes, ma'am.

1 give counsel the opportunity to take exception to anything
2 the Court has said by way of opening instruction.

3 Any exception from the State?

4 MS. MARSH: No, Your Honor.

5 THE COURT: Any exception from the defense?

6 MR. DANIELS: No, Your Honor.

7 THE COURT: Ladies and gentlemen, please give counsel
8 your undivided attention.

9 You may proceed.

10 MS. MARSH: Thank you, Your Honor. May it please the
11 Court.

12 THE COURT: You may proceed.

13 OPENING STATEMENT ON BEHALF OF THE STATE

14 MS. MARSH: Good afternoon. We're here today because
15 the defendant made a choice to harm the woman he was supposed
16 to love. Because of that choice, the defendant has been
17 charged with domestic violence in the second degree, and that
18 choice has consequences and now it's time to hold him
19 accountable.

20 This incident occurred on June 17th of 2017 while at 4425
21 Clovewood Street in Ladson. The residence actually belonged
22 to the defendant's sister, Shanika West. The couple had been
23 staying there for some time.

24 It was late in the evening and the defendant and Ms.
25 Crystal Ragin had gone out to dinner earlier that evening.

1 And when they came home, the homeowner, the defendant's
2 sister, and her minor son and his friend were all present in
3 the home. The defendant became angry with Crystal and began
4 to argue with her or argue at her. He was so loud, so
5 belligerent, that finally Ms. Shanika West got so concerned
6 that she called the police.

7 Deputy Conkey with Charleston County Sheriff's Office
8 arrived on scene and, upon speaking with everyone, he made
9 the decision to take the defendant to a friend's house for
10 the evening to quiet everything down. So the defendant began
11 to gather his belongings. He had some of his belongings in
12 the trunk of the victim's car, some of his belongings were in
13 the home. And as he was in the middle of that process, his
14 sister, Shanika, the victim, Ms. Crystal Ragin, Shanika's
15 minor son and his friend were all in and out of the house and
16 in the yard watching him gather his things.

17 When it was finally time for the defendant to leave with
18 Deputy Conkey, he approached Crystal Ragin, he wound back his
19 arm, and then punched her on the left side of the face. Upon
20 impact, she fell to the ground and let out a scream.

21 Deputy Conkey, Shanika West, her son and her son's
22 friend, both of whom were minors, all witnessed the punch.
23 In fact, that punch was captured on body cam. So Deputy
24 Conkey then had to make a change of plans. He then arrested
25 the defendant for domestic violence. Instead of driving the

1 defendant to his friend's house that night, he drove him to
2 jail.

3 Now, for the State to prove domestic violence in the
4 second degree, we have to show a couple of things. First and
5 foremost, we have to show that the defendant caused or
6 offered or attempted to cause physical injury to a household
7 member and then we also have to show at least one enhancing
8 factor was present in this assault.

9 Now, there are a lot of potential enhancing factors that
10 make a domestic violence assault rise to the level of second
11 degree and we only have to show one, but in this case, we'll
12 show two. We will show that this defendant has a prior
13 conviction for domestic violence within the past 10 years and
14 we're going to show you that this defendant committed this
15 act of violence in front of minor children.

16 And over the next day, possibly two days, you're going
17 to hear testimony and see evidence. You're going to hear
18 from the victim. She's going to tell you all about the
19 details of the assault.

20 You're going to hear from Shanika West, who was present,
21 who called 9-1-1 due to her concerns.

22 We're going to hear from Deputy Conkey, who was wearing
23 a body cam. He was there to take the defendant to a friend's
24 house for the evening, who witnessed the defendant punch
25 Crystal Ragin in his presence and in the presence of two

1 minors. You're also going to hear that he did have a prior
2 conviction for domestic violence in 2015.

3 And after you've heard all of the testimony and looked
4 at all of the evidence that we're going to present you with,
5 I am confident that each and every one of you will be left
6 firmly convinced that this defendant is guilty of domestic
7 violence in the second degree. Thank you.

8 THE COURT: Mr. Daniels?

9 MR. DANIELS: Thank you, Your Honor.

10 OPENING STATEMENT ON BEHALF OF THE DEFENDANT

11 MR. DANIELS: There are a lot of small things that don't
12 make sense in this case, a lot of small things that don't add
13 up. That's because this case is about perspective.

14 You're going to see video of the alleged crime. You're
15 going to see the incident from one low-angle body-worn camera
16 that's far away from the incident, far away near his car, and
17 it's night. One camera angle that doesn't even show the
18 alleged contact that would make this a crime.

19 We all inherently know that multiple angles flesh out a
20 situation. They provide a whole perspective. In a football
21 game, basketball game, hockey games, the video review is
22 always based on multiple camera angles, multiple
23 perspectives. It develops what's happened.

24 One angle, one perspective is misleading. The State has
25 different perspectives available to them. As you've heard,

1 there's multiple witnesses there, all with their unique
2 perspective. The State is going to try to push it into that
3 one faraway angle that they can show you. A picture is worth
4 a thousand words.

5 But here are the facts. A call is put out that
6 night/early morning because of an argument between Crystal
7 and Jerome. They were being loud. It was a verbal argument.
8 They were staying with Shanika, Jerome's sister. Shanika is
9 concerned because she has many small children. They're
10 asleep. If you have five small children, you don't want them
11 waking up.

12 The deputy shows up. The argument is simmering. The
13 deputy -- immediately, no arrest. No one is detained. No
14 one is restrained. Shanika asks that Jerome go outside just
15 because he has a loud voice. They go outside. No arrests.
16 No detained. Everybody is free to leave.

17 The deputy asks Jerome can I drive you anywhere, make it
18 easier on your sister and the kids, who are trying to sleep.
19 Jerome says I'm going to go get my stuff out of the car. He
20 goes to the car. During this, Crystal is walking around
21 freely. Shanika was walking around freely. Jerome is
22 walking around freely. He's getting his stuff. He goes over
23 to the car.

24 Eventually, things are starting to wrap up. Crystal
25 comes out from the house, walks halfway in the yard to say

1 good night to Jerome. Now, Jerome is over at the car. He
2 walks to Crystal. The deputy on that one camera angle is
3 standing yards away at the car in the dark. Jerome
4 approaches Crystal. Crystal approaches Jerome. Crystal
5 falls.

6 And the deputy just assumes that Jerome hit Crystal.
7 Crystal goes with that picture. She's upset. They had
8 argued. Hurtful things had been said.

9 Then Crystal is going to recant her statement. In the
10 light of day, the next day, Crystal says Jerome didn't hit
11 me. She says that again months later. She goes to the
12 Solicitor's Office and she writes a statement saying how the
13 deputy got it wrong. It was dark. You'll hear about that.

14 There were two perspectives, not even counting Shanika,
15 Deputy Conkey and Crystal, right there, telling what happened
16 at an up-close perspective. There are many small things.
17 Excuse me. Crystal said she was not hit. She filled out a
18 form and said she didn't want to continue with it.

19 The solicitor is trying to take things that Jerome said
20 that, while distasteful, are legal and make them illegal.
21 They were brought up during the argument. The State is
22 trying to enlarge and expand the statute to push his speech
23 into the crime of domestic violence in addition to this
24 perspective. The solicitor is wanting to punish somebody,
25 even if that punishment is against not just the wishes but

1 the statements of those that were there and against Crystal's
2 wishes and against her statement.

3 There's some small things in this case that just don't
4 add up, small things that are vitally important to Jerome.
5 He's waited 725 days for you to come look at this case,
6 examine those things, big and small. He's waited almost 2
7 years, 2 years next week, for you, almost 24 months of
8 waiting for you to review the small details and not to jump
9 to conclusions, not to pitch it all in that single camera
10 angle, but look at all of the perspectives. For you.

11 And as this case is presented to you, I want you to pay
12 attention. Pay attention to what has happened here. Pay
13 attention to where everyone is located. Pay attention who
14 says what, when they say it, where did they say it, what they
15 did through those moments. Don't just focus on the camera.
16 Focus on everything else that's going on.

17 A single camera angle distorts and misleads. There are
18 large swaths the camera can't even catch, much less a single
19 camera angle is not dispositive. Think, review, examine the
20 different perspectives.

21 THE COURT: Call your first witness.

22 MS. MARSH: At this time, the State calls Crystal Ragin.

23 THE CLERK: Ma'am, if you will, place your left hand on
24 the Bible and raise your right. Do you swear or affirm that
25 the testimony you shall give the Court and jury in the trial

CRYSTAL RAGIN - DIRECT BY MS. MARSH

1 of this case shall be the truth, the whole truth, and nothing
2 but the truth, so help you God?

3 THE WITNESS: Yes.

4 THE CLERK: You may be seated and, for the record,
5 please state your full name, spelling your last.

6 THE WITNESS: Crystal Ragin.

7 THE COURT: If you could, spell your last name, please.

8 THE WITNESS: R-a-g-i-n.

9 THE COURT: You may proceed.

10 CRYSTAL RAGIN, being first
11 duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MS. MARSH:

14 Q: Good morning, Crystal. I'd like to start by having you
15 tell the jury a little bit about yourself. Where are you
16 from?

17 A: I'm from Manning, South Carolina.

18 Q: Are you married?

19 A: I'm not. I'm single.

20 Q: Do you have any children?

21 A: No.

22 Q: Are you here today because my office subpoenaed you?

23 A: Yes.

24 Q: And --

25 THE COURT: Ma'am, could you pull -- turn that

CRYSTAL RAGIN - DIRECT BY MS. MARSH

1 microphone in your direction? It doesn't move from the base.

2 You'll have to move it toward you.

3 THE WITNESS: Okay.

4 THE COURT: And if you could speak directly into it,
5 that would be helpful. Thank you.

6 You may continue.

7 BY MS. MARSH:

8 Q: And would there be consequences if you didn't come to
9 court today?

10 A: Yes. Uh-huh.

11 Q: Regardless, you are here and did you just take an oath
12 that you would tell the truth?

13 A: Yes, I did. Uh-huh.

14 Q: And if you were untruthful, there could be consequences?

15 A: Yes.

16 Q: Are you familiar with the defendant, Jerome West?

17 A: Yes.

18 Q: Okay. How do you know him?

19 A: We met on the job site and we began talking and, you
20 know, we were in a relationship. We had a relationship.

21 Q: How long have you known him?

22 A: As of today, about close to three years.

23 Q: So you mentioned -- had you dated before?

24 A: Yes.

25 Q: How long did you date the defendant?

CRYSTAL RAGIN - DIRECT BY MS. MARSH

1 A: About -- about a year and a half.

2 Q: And did y'all ever live together?

3 A: Yes.

4 Q: How long did y'all live together?

5 A: Pretty much since we met, yeah.

6 Q: And is the defendant, Jerome West, here today?

7 A: Yes.

8 Q: Can you please describe what he's wearing?

9 A: A white, grayish shirt, black tie.

10 MS. MARSH: At this time, may the record please reflect
11 that the witness did positively identify the defendant?

12 THE COURT: You may proceed.

13 BY MS. MARSH:

14 Q: So have you always lived in one location with the
15 defendant or did y'all jump around?

16 A: Yeah. We were back and forth from my house to his
17 house.

18 Q: Did you ever stay with his sister?

19 A: Yes.

20 Q: Okay. And when you did move around, where would you
21 keep your things?

22 A: We would put them either at his sister's place, wherever
23 we were staying at the moment or we would sometimes just keep
24 them in the trunk.

25 Q: Now, I want to take you back to the time of this

CRYSTAL RAGIN - DIRECT BY MS. MARSH

1 incident, to June 17th of 2017. Where were you staying at
2 that time?

3 A: At that time, we were staying with his sister.

4 Q: And what is his sister's name?

5 A: Shanika West.

6 Q: And where was that house?

7 A: Ladson.

8 Q: Ladson?

9 A: Summerville.

10 Q: Was the defendant also staying there with you?

11 A: Yes.

12 Q: Did y'all share a room?

13 A: Yes.

14 Q: Who else was living there in that house at the time?

15 A: Just me, him, his sister and her kids.

16 Q: Were her kids minors? Were they grown?

17 A: I think they were all considered minors, toddlers,
18 teenagers.

19 Q: So on the night of June 17th, what did you do that night?

20 A: We went out and we ate and then we, you know, spent time
21 together and then we went back to his sister's place.

22 Q: Now, when you say we, do you mean you and the defendant?

23 A: Yes. Uh-huh.

24 Q: So what happened when you got back to the house?

25 A: We just had disagreements, arguments.

CRYSTAL RAGIN - DIRECT BY MS. MARSH

1 Q: Was there anyone else awake when y'all got back to the
2 house?

3 A: Yes.

4 Q: Who all was awake?

5 A: His sister and a few of the kids.

6 Q: So did somebody end up calling the cops that night?

7 A: Yes.

8 Q: Do you know who did that?

9 A: Yeah. His sister called, I assume. We were arguing; so
10 she called the cops.

11 Q: Do you know why the cops were called?

12 A: Because --

13 MR. DANIELS: Objection. Speculation.

14 THE COURT: You need to establish the foundation for
15 that question to bring it within the ambit of her rational
16 perception. The objection is sustained. Lack of foundation.

17 BY MS. MARSH:

18 Q: Did a deputy from the Sheriff's Office eventually show
19 up at the residence?

20 A: Yes.

21 Q: And at that time, did the cop come to arrest the
22 defendant?

23 A: No. He didn't come to arrest him.

24 Q: What was he there for?

25 A: He just came to see what was going on. His sister

CRYSTAL RAGIN - DIRECT BY MS. MARSH

1 wanted us gone. So -- yeah.

2 Q: Was he planning to take the defendant somewhere else for
3 that night?

4 A: Yes.

5 MR. DANIELS: Objection. Speculation.

6 THE COURT: Please repeat the question. I didn't hear
7 you.

8 MS. MARSH: Was he going to take the defendant somewhere
9 else for the evening?

10 THE COURT: Sustained. Foundation. Speculation.

11 BY MS. MARSH:

12 Q: Were you planning to stay at the residence that night?

13 A: We were.

14 Q: Okay. Were plans made for the defendant to leave that
15 evening?

16 A: That's -- that wasn't the plan.

17 Q: Did the deputy tell the defendant he needed to leave
18 that evening?

19 A: Well, he told him he would take him, you know.

20 MR. DANIELS: Objection. Hearsay.

21 THE COURT: Sustained. Hearsay.

22 MS. MARSH: I beg the Court's indulgence.

23 THE COURT: Uh-huh.

24 BY MS. MARSH:

25 Q: So what happened when the deputy showed up? Who all did

CRYSTAL RAGIN - DIRECT BY MS. MARSH

1 he speak with?

2 A: The deputy?

3 Q: Yes.

4 A: He spoke with me, his sister, and Jerome.

5 Q: And as a result of speaking with everyone, what happened
6 next?

7 A: Basically, we were getting ready to split for the night
8 and then, you know, things just got, you know -- yeah.

9 Q: So what did the defendant do after he spoke with the
10 deputy?

11 A: After he spoke with the deputy, basically, he was just
12 going to take him to where he wanted to go, but it didn't
13 turn out that way at the end of the night.

14 Q: Did he gather his belongings?

15 A: He did. Uh-huh.

16 Q: Where did he gather his belongings from?

17 A: The trunk.

18 Q: Where were you while he was doing that?

19 A: I was standing on the porch.

20 Q: Okay. Was there anybody else outside watching?

21 A: His sister and the two -- the nephew and his friend.

22 Q: So while the defendant was gathering his belongings,
23 what was his demeanor like?

24 A: Kind of iffy, like upset.

25 Q: Was he speaking to you or his sister?

CRYSTAL RAGIN - DIRECT BY MS. MARSH

1 A: Both of us.

2 Q: What was he saying?

3 A: Just --

4 MR. DANIELS: Objection. Hearsay. More prejudicial
5 than probative.

6 THE COURT: Please approach.

7 (WHEREUPON, a bench conference was held in the presence
8 of the jury but out of the hearing of the jury off the
9 record, after which the proceedings resumed as follows.)

10 THE COURT: The objection is overruled. It goes to
11 motive. It is probative. It's more probative than
12 prejudicial and it's an exception to the hearsay rules, an
13 admission against interest made by the defendant.

14 Proceed.

15 BY MS. MARSH:

16 Q: So while the defendant was gathering his belongings,
17 what was he saying to you and his sister?

18 A: He was just, you know, pretty much cursing, saying a
19 whole lot of things. Just pretty much cursing and upset.

20 Q: Did he call you names?

21 A: Yes.

22 Q: What were those names he called you?

23 A: The B word.

24 Q: Any other names that he called you?

25 A: The -- like, just different things, just a lot of things

CRYSTAL RAGIN - DIRECT BY MS. MARSH

1 off the top.

2 Q: And was he calling you names in a joking way?

3 A: No.

4 Q: Did you do anything to bring on this behavior?

5 A: I did not.

6 Q: Did anything happen prior to him getting into the police
7 car with his belongings?

8 A: Well, everything that had happened up to that point, the
9 arguing, the, you know, back and forth. That's what
10 happened.

11 Q: As he was preparing to go, right before he left did he
12 do anything?

13 A: Yes.

14 Q: What did he do?

15 A: He struck me.

16 Q: How did he strike you?

17 A: Do you want me to demonstrate?

18 Q: If you could just explain to the jury what -- where on
19 your body he struck you?

20 A: On this side of my face.

21 Q: And what did he strike you with?

22 A: A fist.

23 Q: Did anyone else see him hit you?

24 A: Uh-huh. Yes.

25 MR. DANIELS: Objection. Speculation.

CRYSTAL RAGIN - DIRECT BY MS. MARSH

1 THE COURT: Goes to her rational perception. She was
2 there. She can testify as to who else was present, but she
3 can't say what they said.

4 MS. MARSH: Thank you, Your Honor.

5 THE COURT: Ma'am, if you know, if it's within your
6 knowledge, you may answer the question.

7 THE WITNESS: Okay.

8 BY MS. MARSH:

9 Q: Do you know if anyone else saw him hit you?

10 A: Yes. His sister and the nephew and the friend.

11 Q: So after he hit you, were you still standing? Did you
12 fall to the ground?

13 A: I did fall.

14 Q: And what did he do after you fell to the ground?

15 A: He walked away and I got up and then he said now I'm
16 ready, you know, to go.

17 Q: Do you know if he was arrested that night?

18 A: Yes.

19 Q: Do you know if the deputy was initially called out to
20 arrest him?

21 A: That's -- that wasn't -- no. Huh-uh.

22 Q: Did the deputy take the defendant away that night?

23 A: Yes.

24 Q: Did you continue to see the defendant after this
25 incident?

CRYSTAL RAGIN - DIRECT BY MS. MARSH

1 A: I did. I did. A week or two later, I did reach out,
2 yeah.

3 Q: Why did you reach out to him?

4 A: I really don't know. I kind of felt -- I don't know --
5 bad, maybe. Sometimes when you care for someone, you think
6 you're in love, you just do those type of things; so I did
7 reach out to him.

8 Q: Did you ever go visit him?

9 A: Yes.

10 Q: Okay. When you visited him, did you talk about the
11 incident?

12 A: A few times.

13 Q: Did he ever talk about the incident?

14 A: Uh-huh. A few times. Yes.

15 Q: Did he make any statements to you about what happened?

16 A: No. He just, you know, said he apologized or whatever.

17 Q: Did he try to minimize what had happened?

18 A: Kind of.

19 Q: How did he do that?

20 A: Well, he just said he thought he, you know, wished me --
21 I mean he apologized for what happened.

22 Q: Did you say he apologized?

23 A: Yes.

24 Q: Did you have any kind of reaction when he was telling
25 you these things?

CRYSTAL RAGIN - DIRECT BY MS. MARSH

1 A: Something in me wanted to just let it go, forgive.

2 That's the type person I am. So I didn't have any anger or
3 anything towards him, but, you know, I still went there and I
4 visited him and we continued talking for a little while.

5 Q: Has the defense ever contacted you about this case?

6 A: The -- yeah.

7 Q: Did they try to get you to change your story?

8 A: No. Because -- no, they didn't try to get me to change
9 anything.

10 Q: Did you ever come talk to our office about dropping
11 charges?

12 A: I did.

13 Q: And did you change your story at that time?

14 A: Well, when I came there, I didn't -- you know, when I
15 did the drop charge form, I didn't say, you know, what really
16 happened.

17 Q: So what did you say in our office?

18 A: Well, I put -- I told y'all that, you know, he was
19 trying to give me a hug and that I slipped and fell.

20 Q: But you just testified that he punched you?

21 A: Yes.

22 Q: And when you filled out that drop charge form, were you
23 under oath?

24 A: No. Huh-uh.

25 Q: But are you under oath today?

CRYSTAL RAGIN - DIRECT BY MS. MARSH

1 A: Yes. Uh-huh.

2 Q: Are you telling the truth today?

3 A: Yes.

4 Q: And the defendant hit you in the face with a punch with
5 a closed fist?

6 A: Yes.

7 Q: So at the time you filled out that drop charge form,
8 were you still dating the defendant?

9 A: Yes, I was.

10 Q: And how long did you continue today to date him after
11 this assault?

12 A: For about six months.

13 Q: Why did you stop dating him?

14 A: I just -- I got aggravated with the blowing up of my
15 phone and just --

16 MR. DANIELS: Objection, Your Honor. Relevance.

17 THE COURT: Overruled. Relevant and probative.

18 BY MS. MARSH:

19 A: I didn't want anything else to do with the relationship.

20 Q: So how did you leave things?

21 A: I wrote him a letter and told him it just wasn't meant
22 to be. I didn't want anything to do -- I don't hate him. I
23 don't hate anyone, but I just didn't want anything to do with
24 that relationship anymore.

25 MS. MARSH: I beg the Court's indulgence.

CRYSTAL RAGIN - CROSS BY MR. DANIELS

1 THE COURT: Yes, ma'am.

2 MS. MARSH: Nothing further.

3 THE COURT: Any cross-examination of the witness?

4 MR. DANIELS: Yes, Your Honor.

5 THE COURT: You may proceed.

6 CROSS-EXAMINATION

7 BY MR. DANIELS:

8 Q: Did you go to bond court the following day?

9 A: I did not go there.

10 Q: You go to the solicitor in 2017 and you filled out the
11 drop charge form?

12 A: Uh-huh. Yeah.

13 THE COURT: Ma'am, if you could say yes or no.

14 THE WITNESS: Yes. Uh-huh.

15 THE COURT: Thank you.

16 BY MR. DANIELS:

17 Q: And do you take that to be an official document?

18 A: I really didn't know at that time what it was. I just
19 went to do -- just to do a drop charge form.

20 Q: You had to sign it. You're dealing with -- you signed
21 it; correct?

22 A: I'm sure I did. Uh-huh.

23 Q: All right. And do you remember what you wrote?

24 A: Say that again?

25 Q: Do you remember what you wrote that day?

CRYSTAL RAGIN - CROSS BY MR. DANIELS

- 1 A: I do.
- 2 Q: Okay. And you went into great detail?
- 3 A: I did.
- 4 Q: And then you signed it?
- 5 A: Yes.
- 6 Q: And they took your driver's license and they photocopied
- 7 it?
- 8 A: Yes.
- 9 Q: They photocopied it not just on top of the page. I mean
- 10 everybody who sees this form would know that you filled it
- 11 out; right?
- 12 A: Uh-huh. Yes.
- 13 Q: And it says you did it freely?
- 14 A: Yes.
- 15 Q: Did you drive yourself there?
- 16 A: Yes.
- 17 Q: Jerome's family wasn't putting you up to it?
- 18 A: No. Huh-uh.
- 19 Q: And you wrote in that report that the deputy had it
- 20 wrong?
- 21 A: That's what I put in the report.
- 22 Q: That's what you put in the report and you disagreed with
- 23 that report?
- 24 A: Yes.
- 25 Q: Now, that night when -- you called in the morning

CRYSTAL RAGIN - CROSS BY MR. DANIELS

1 because it was really early; correct?

2 A: You mean -- yeah.

3 Q: The night of the incident?

4 A: Yeah.

5 Q: The morning of the incident really?

6 A: Uh-huh. Yes.

7 Q: Do you know about what time it was?

8 A: It had to have been after 12.

9 Q: Okay. And you'd been drinking earlier that night?

10 A: I mean we had a few drinks, yeah. We both did.

11 Q: Okay. And you were outside?

12 A: Yes. When this happened, yes.

13 Q: And you had -- you were facing the car; correct?

14 Because that's where Jerome was when the incident happened?

15 A: Well, I was standing at the door. He came from the car.

16 I was facing him right in front of the door.

17 Q: But with your backs to it?

18 A: Right.

19 Q: All right. And you were -- you approached Jerome and

20 then you talked with the officer?

21 A: No, I didn't approach him.

22 Q: You said that you -- you're saying that you stayed in

23 the same place throughout?

24 A: No. I stayed -- because it wasn't -- it wasn't a long

25 -- it wasn't a long thing that happened. I was at the door.

CRYSTAL RAGIN - CROSS BY MR. DANIELS

- 1 I stood at the door and that's when he came over. I didn't
2 go over to him.
- 3 Q: How long was the officer there?
- 4 A: A total of I would say maybe 20 minutes, 30 minutes.
- 5 Q: Okay. That's -- that seems like a long time.
- 6 A: Yeah.
- 7 Q: You were wearing flip-flops that night; right?
- 8 A: Yes.
- 9 Q: Leather flip-flops?
- 10 A: No.
- 11 Q: Not patent leather?
- 12 A: No.
- 13 Q: But no back?
- 14 A: Correct.
- 15 Q: All right. And you know Shaniqua pretty well?
- 16 A: Shanika, yes.
- 17 Q: Shanika, yes.
- 18 A: Uh-huh.
- 19 Q: And you know -- you knew her kids? You'd been staying
20 there?
- 21 A: Yes.
- 22 Q: And you knew the cops were called partially because of
23 you? You guys were arguing?
- 24 A: Uh-huh. Yes.
- 25 Q: That -- that's -- and you know that's how you appeared

CRYSTAL RAGIN - CROSS BY MR. DANIELS

1 in front of your friend, Shanika?

2 A: Say again?

3 Q: And that's how you appeared in front of your friend?

4 The cops -- she has to call the cops on you; right?

5 A: (No verbal response.)

6 Q: So you hit the ground?

7 A: Yes.

8 Q: And you get up quick? You even commented on it on your
9 drop charge form?

10 A: Uh-huh. Yes.

11 Q: Now, you immediately went inside?

12 A: No, I didn't go inside.

13 Q: You didn't go inside?

14 A: I either stood back or I probably went closer to the
15 door, but I don't remember exactly if I went inside or not.
16 I don't remember that part.

17 Q: After you were hit, you went inside?

18 A: I don't remember exactly how long, yeah.

19 Q: So you -- so your memory is fuzzy on that?

20 A: (No verbal response.)

21 Q: Now, do you remember having to walk past Shanika after
22 you fell?

23 A: I don't.

24 Q: Okay.

25 A: No.

CRYSTAL RAGIN - CROSS BY MR. DANIELS

1 Q: So you don't remember having to walk past the kids?

2 A: No. They -- they were, like, beside me. They were

3 right where I -- they was where I was because they were

4 standing, like, right there.

5 Q: Right there five feet away?

6 A: I don't know the feet exactly, but they were close

7 because I was by the door and they were by the door also.

8 Q: All right. But you get up pretty quickly after you

9 fall?

10 A: I did.

11 Q: I think you went in the house. You think you went to

12 the porch. The right side of your face? The left side of

13 your face? Excuse me.

14 A: Uh-huh.

15 Q: Was there any blood?

16 A: I don't believe there was any blood.

17 Q: No cuts?

18 A: That next day, it was kind of swollen. It got scratched

19 there.

20 Q: Now, did you call EMS?

21 A: I didn't.

22 Q: Was that embarrassing to you in front of your friend

23 having to get back up when you fell?

24 A: Is it -- is it embarrassing?

25 Q: Yeah. You had been drinking earlier in the night. You

CRYSTAL RAGIN - CROSS BY MR. DANIELS

1 were wearing flip-flops. The ground is wet, isn't it?

2 A: Yeah. Well, I wouldn't say I was drinking. I had one
3 drink.

4 Q: Okay.

5 A: Yeah. But --

6 Q: And then had to walk past your friend?

7 A: (No verbal response.)

8 MR. DANIELS: Court's indulgence.

9 THE COURT: Uh-huh.

10 BY MR. DANIELS:

11 Q: Now, when you met with me back in 2017, you met with me;
12 correct?

13 A: I did. Uh-huh.

14 Q: And that was after you spoke with the solicitor?

15 A: I can't remember which one happened first.

16 Q: But you contacted me?

17 A: I did.

18 Q: And you described the whole situation as embarrassing;
19 correct?

20 A: Well, I was surprised at what happened, you know.

21 Q: I understand. It was tumultuous. Now, I want to talk
22 about that apology you said Jerome made. You went and
23 visited him?

24 A: Yes. Uh-huh.

25 Q: It was over at the jail that you saw him?

CRYSTAL RAGIN - CROSS BY MR. DANIELS

1 A: Yes.

2 Q: And when you speak with him, you know you're being
3 recorded; right?

4 A: Yes.

5 Q: In big bold flashing letters it says that?

6 A: Yes.

7 Q: And you're saying he apologized?

8 A: When I went to see him, he either apologized on the
9 video or through the letter, but he did apologize.

10 Q: Through the letter?

11 A: Yeah. But he did apologize.

12 Q: All right. Do you still have the letter?

13 A: Did I send him a letter?

14 Q: Do you still have the letter?

15 A: I have several letters at home, yes.

16 Q: Did you provide them to the solicitor?

17 A: No, I didn't.

18 MR. DANIELS: No further questions.

19 THE COURT: Any redirect?

20 MS. MARSH: Briefly, Your Honor.

21 REDIRECT EXAMINATION

22 BY MS. MARSH:

23 Q: How would you know to go to the Solicitor's Office to
24 fill out a drop charge form?

25 A: I was out and about and I ran into a lady and she said,

CRYSTAL RAGIN - REDIRECT BY MS. MARSH

1 you know, with stuff like this, you can go fill out a drop
2 charge form and they may dismiss it, you know. So I went and
3 I did that. I even went to seek him a lawyer because, you
4 know, I didn't want him in trouble.

5 Q: So is it fair to say that you would do or say whatever
6 it took to have these charges dismissed?

7 A: That's what I did.

8 Q: And is that because you loved him?

9 A: Yes.

10 MS. MARSH: Thank you. No further questions.

11 THE COURT: Ma'am, you may step down.

12 Ladies and gentlemen, we appreciate you letting us go
13 beyond lunch and we're going to take this break in testimony
14 -- take advantage of this break in testimony to take our
15 lunch recess.

16 During the break, please do not discuss the case in any
17 manner whatsoever. Please don't have any contact with anyone
18 in or about the courthouse. We'll resume testimony at 2:15.
19 You'll come directly to your jury room and, as soon as
20 everyone has arrived, we will resume the case.

21 Have a great lunch. See you at 2:15.

22 (WHEREUPON, the jury exited the courtroom at 1:15 p.m.)

23 THE COURT: Anything before we break for lunch from the
24 State?

25 MS. MARSH: None from the State -- well, other than our

1 next witness is going to be the 9-1-1 dispatch and we have a
2 copy of that 9-1-1. Would you prefer to review that back in
3 your chambers?

4 THE COURT: That would be helpful.

5 MS. MARSH: Okay. I can provide that for you.

6 Likewise, we would be trying to enter in the body-worn
7 camera. Would you like that brought to you at this time?

8 THE COURT: That would be helpful too. But since y'all
9 have already gone into it, are y'all still objecting to it?

10 MR. DANIELS: We are.

11 THE COURT: What's the basis of the objection to the
12 9-1-1 tape?

13 MR. DANIELS: The basis of the objection to the 9-1-1
14 tape is there is -- it is more prejudicial than probative.
15 The speakers change and it's obvious that there's no personal
16 information. So it's not -- it is not -- it's hearsay and
17 it's lacking and it's speculation.

18 And additionally, there is -- there is --

19 THE COURT: Didn't his --

20 MR. DANIELS: -- such a --

21 THE COURT: -- sister make the call?

22 MR. DANIELS: Excuse me?

23 THE COURT: Didn't his sister make the call?

24 MR. DANIELS: The sister hands off the phone, but the
25 sister does bring up previous bad acts that we'll need you to

1 be cut out.

2 THE COURT: Like what?

3 MR. DANIELS: Previous bad acts regarding his previous
4 domestic violence charge.

5 THE COURT: That's coming in as an element. So how is
6 that objectionable?

7 MR. DANIELS: How --

8 THE COURT: It's already been stipulated to.

9 MR. DANIELS: It leads to speculation on how -- it leads
10 to speculation on how she's feeling, how it's covering her
11 position.

12 THE COURT: Isn't she going to testify? She's on their
13 witness list.

14 MR. DANIELS: She's on there. She does call him
15 aggressive during it and we believe that's character
16 evidence.

17 THE COURT: How is that character? It's a rational
18 perception of what's going on at the incident, isn't it?
19 Isn't it an excited utterance?

20 MR. DANIELS: I wouldn't say excited utterance, Your
21 Honor. I believe it's --

22 THE COURT: Aren't 9-1-1 calls under the immediate
23 stress of an incident? Why else do you call the police?

24 MR. DANIELS: Well, they don't --

25 THE COURT: They don't just call the police to call the

1 police. You call the police because there's an emergent
2 situation that needs attention; correct?

3 MR. DANIELS: In this situation, she hands the phone off
4 to a person who didn't -- who didn't really know what was
5 going on. Additionally, you would call 9-1-1 while not under
6 the stress of the situation. You can call them out of
7 concern, as in this case.

8 THE COURT: You call the police because there's an
9 emergent situation that needs their attention. You call them
10 because you want somebody that can use deadly force to come
11 assist you. You don't just call the police because you just
12 got -- you know, something is happening because you'll get
13 charged. You call the police because you need their
14 assistance.

15 MR. DANIELS: I still think that's speculation regarding
16 --

17 THE COURT: I'll listen to it and see, but it's probably
18 going to come in as an excited utterance. People call the
19 police when they're under the stress of an impending
20 situation. They call them for assistance. They call them
21 because they need the police to come attend to a situation.

22 I'll listen to it and see what the rest of it is, but I
23 assume she's going to testify, which takes it out of the
24 ambit of the hearsay, whether it's an excited utterance or
25 not, but I would suspect it's an excited utterance. That's

1 what most 9-1-1 calls are.

2 Who else is on the tape?

3 MS. MARSH: Your Honor, it is the homeowner, the
4 defendant's sister, and then her minor son, Uriah Williams.

5 THE COURT: Are you calling him as a witness?

6 MS. MARSH: We are not, Your Honor.

7 THE COURT: Do you plan to play the whole tape?

8 MS. MARSH: We do.

9 THE COURT: How are you going to call the whole tape and
10 not have him subject to cross-examination?

11 MS. MARSH: Your Honor, it is a business record; so it
12 would come in as an exception to hearsay under 803(c) and, as
13 you mentioned, it's an excited utterance.

14 THE COURT: I don't think a 9-1-1 call is a business
15 record.

16 MS. MARSH: Okay.

17 THE COURT: It contains subjective stuff that might well
18 under due process -- due process be subject to being cross-
19 examined about. I'll listen to it and see. Y'all might want
20 to preliminarily decide how much of that tape you want to
21 play.

22 MS. MARSH: Furthermore, Your Honor, we would just like
23 to state the 9-1-1 call is not testimony. It was not
24 prepared in anticipation of litigation. So --

25 THE COURT: It's still an out-of-court statement subject

1 to the hearsay rules.

2 MS. MARSH: And then it would not violate the
3 confrontation clause.

4 THE COURT: If you're offering it for its truth, which
5 is that he was hitting her aggressive or trying to hit her,
6 it is offered for its truth. You want the jury to rely on it
7 and you want them to believe that the police came because he
8 was a threat to harm her. So you might want to listen to it
9 and see how much of it you really want to admit.

10 MS. MARSH: Thank you, Your Honor.

11 THE COURT: And then if you could give it to me so I
12 could listen to it as well.

13 MS. MARSH: Yes.

14 THE COURT: And the body cam. And based on your
15 arguments, what I'm hearing is that the body camera only had
16 one vantage point. That doesn't affect its admissibility.

17 MR. DANIELS: I -- that -- my admissibility is the --
18 it's the 403 argument based on the earlier statements, the
19 speculation, the hearsay statements that are still within
20 that body camera footage because it's a long footage. Lots
21 of things are going on. There's a possibility of bolstering.
22 There's speculation based off of previous bad acts.

23 THE COURT: I'm going to have to watch it and see. I
24 don't know. But if it shows him hitting her or shows her
25 falling, I'm going to let that part of it in.

1 MR. DANIELS: And that's -- we understand that that part
2 is going to come in and we're looking to shorten the video to
3 that.

4 THE COURT: Have y'all showed him exactly what y'all
5 plan to play?

6 MS. MARSH: Your Honor, yes, we did meet last week to
7 discuss which portions we want to come in. The State has
8 fashioned an edited version. That clip is about 18 minutes.
9 We've muted out any portions that we think are inflammatory,
10 any references to prior bad acts.

11 And the State would like the entirety of this version to
12 come in. I believe that the defense just wants to shorten it
13 to just the end portion, to the hit, but it's the State's
14 position that the entire edited version should come in
15 because the portions leading up to the crime go to the res
16 gestae of the crime. It gives context. It goes towards the
17 State's contention that this was an intentional punch and not
18 an accident, as the defense would have the jury believe.

19 THE COURT: I'll look at it and see. Because it may
20 well, like the other statements that he made to her during or
21 leading up to the event, go to his state of mind and motive.

22 All right. I'll look at it and see. 2:15. Have a good
23 lunch.

24 (WHEREUPON, there was a break in the proceedings from
25 1:22 p.m. until 2:28 p.m., after which the proceedings

1 resumed as follows.)

2 THE COURT: Is the State ready to proceed?

3 MS. MARSH: The State is ready, Your Honor.

4 THE COURT: Is the defense ready to proceed?

5 MR. DANIELS: Yes, Your Honor.

6 THE COURT: Did you all provide defense with copies of
7 the recordings? Because over lunch, someone communicated to
8 my clerk that they had not been provided copies of those.

9 MS. MARSH: Yes, Your Honor. We have made a copy and
10 provided it to them.

11 THE COURT: Did y'all have a chance to listen to it and
12 watch it?

13 MR. DANIELS: Yes, Your Honor. We viewed the body
14 camera footage. We would still request that it be limited.

15 THE COURT: You know, I watched it and I watched it
16 twice and I don't have any problems with it. I think it's a
17 contemporaneous record of what happened. I think it provides
18 a res gestae for what happened and, frankly, it's the only
19 objective version of what took place that evening and the
20 parties who are on it are subject to being cross-examined
21 with the exception of the defendant because he's not required
22 to testify, but the statements in their context are
23 admissions against interest. It clearly shows his state of
24 mind.

25 MR. DANIELS: Your Honor, we would still say that it's

1 hearsay.

2 THE COURT: I can't hear you.

3 MR. DANIELS: We still think that's hearsay.

4 THE COURT: That's why I said it's an admission against
5 interest, which is an exception to the hearsay rules.

6 MR. DANIELS: We also --

7 THE COURT: He clearly makes statements contrary to his
8 pecuniary interest, which amount to threats to his sister and
9 to the victim in this case and, clearly, he punches her. He
10 makes a -- he makes a very aggressive lunging motion toward
11 her. Although his back is to the camera and you really can't
12 see it, it's clear that he hit her, circumstantially.

13 MR. DANIELS: We understand, but we still have concerns
14 about cumulative and propensity coming from that video.

15 THE COURT: Neither of which are -- come within -- it's
16 not propensity at all and it's not character at all.

17 MR. DANEILS: Excuse me?

18 THE COURT: It provides corroboration for what has
19 already been testified to.

20 MR. DANIELS: For the record, this is the time period
21 that we'd be -- excuse me, Your Honor.

22 THE COURT: Uh-huh.

23 MR. DANIELS: Your Honor, just for the record, we would
24 like to redact the video and start it at the Windows media
25 counter of 14:50 or 15:50.

1 THE COURT: Would the State like to respond?

2 MS. MARSH: The State would agree with your previous
3 statements. We do believe the edited version of the body cam
4 is an exception to hearsay.

5 THE COURT: Anything further from the defense?

6 MR. DANIELS: No, Your Honor. Just my previous
7 objections.

8 THE COURT: It's noted and, of course, any admission of
9 the tape is subject -- I would assume you would call both of
10 those officers to testify and they are going to be subject to
11 cross-examination.

12 MS. MARSH: Your Honor, I believe the portion of the
13 tape that we are planning to have played only --

14 THE COURT: It only deals with the female officer?

15 MS. MARSH: There isn't a female officer. It's Deputy
16 Conkey. It's his body cam.

17 THE COURT: It just sounds --

18 MS. MARSH: It's Deputy Conkey.

19 THE COURT: It sounds like a female voice, but I guess
20 people say I sound like a man sometimes.

21 MS. MARSH: It was Deputy Conkey's body-worn camera and
22 he's the only officer present.

23 THE COURT: But who is it that's talking on the camera?

24 MS. MARSH: Deputy Conkey was the only officer present
25 at that point. He did not have backup.

1 MR. DANIELS: Your Honor, misleading in the background
2 there is also *Live PD* playing.

3 THE COURT: I can't hear you.

4 MR. DANIELS: In the background of that recording is
5 *Live PD* playing, the television show, and there's a -- I
6 believe it was a trespassing segment going on.

7 THE COURT: Maybe I just wasn't focusing on it, but I
8 really -- it's --

9 MS. MARSH: Your Honor, he's correct. At the beginning
10 of the tape when the deputy first comes into the room, I
11 believe the two juveniles are watching *Cops* --

12 THE COURT: Uh-huh.

13 MS. MARSH: -- or some show of that nature simultaneous
14 with it.

15 THE COURT: I'm sorry. I can't hear you.

16 MS. MARSH: Simultaneous with statements being made by
17 this officer, but nothing of substance that would mislead the
18 jury.

19 THE COURT: I didn't pay attention to it when I watched
20 it.

21 MR. DANIELS: Okay.

22 THE COURT: Because some of it is kind of muddled. Even
23 when they're coming in, you really can't see it. It's dark.

24 MR. DANIELS: All right.

25 THE COURT: If you can discern from that that they were

1 watching *Cops*, you have been really focusing on that tape. I
2 was focused on what was germane and what statements were --
3 and what was going on and that being the -- his sister
4 talking, him talking. I don't believe the kids talked at
5 all. If anything, they're background. You can't even really
6 -- you can't make them out in the video. I don't think it's
7 of any consequence.

8 MR. DANIELS: Thank you. Our concern is just the
9 possibility of confusing the deputy with the deputy from the
10 *Cops*-like television show.

11 THE COURT: I think that's a far stretch because it's
12 not even -- you can't even discern it in the video. If you
13 hadn't told me that's what they were -- if you hadn't told me
14 there was a TV in that frame, I wouldn't have noticed it. If
15 you hadn't told me what they were watching, I wouldn't have
16 noticed it because when you first start playing the video,
17 it's so dark you can't even really see what's going on.

18 And frankly, I -- as the average person watching it, I
19 didn't pay attention until the police started talking and the
20 other folk who are involved. The rest of it -- it's not
21 offered for its truth and it really doesn't matter what
22 they're watching.

23 It wouldn't make any difference to me whether they were
24 watching *Cops*. What are some other shows? *Love and Hip-hop*?

25 MR. DANIELS: Yes, ma'am.

1 THE COURT: Whatever that these kids watch or any -- or
2 a basketball game for that matter. It really doesn't matter
3 what was on the television. I think it's a stretch to even
4 remotely say it would inure to prejudice him. Let's just say
5 for argument's sake I agree with you they were watching *Cops*.
6 It doesn't make a difference. There's no way conceivably
7 they could confuse that with the police entering his
8 residence.

9 And for the record, I've watched the tape. It is
10 probative. It's more probative than prejudicial. It is part
11 of the *res gestae* of this event. It is the only objective
12 self-authenticating view of the event because it records it
13 contemporaneously as it takes place.

14 Any statements made by the defendant are not hearsay.
15 They are admissions against interest because he is clearly
16 making threats to both his sister and to the alleged victim
17 in this case.

18 In addition to that, it corroborates the testimony so
19 far of the victim, but I would assume that you all before you
20 seek to introduce any of this that you would have his sister
21 testify.

22 MS. MARSH: I'm sorry. Did you say that we would --

23 THE COURT: I would assume before you make any attempts
24 to introduce any of these things that you would have his
25 sister testify, especially the 9-1-1 tape.

1 MS. MARSH: Yes, Your Honor. We were planning to have
2 the 9-1-1 tape entered in through a records custodian.

3 THE COURT: You can enter it through her, but I'm not
4 going to -- I'm not going to rule it admissible until I hear
5 from Ms. West and she's subject to cross-examination because
6 you're going to have to establish a foundation that it's an
7 excited utterance and it was made under the stress of the
8 impending situation.

9 And for the record, I've listened to that as well. The
10 first part of it, in my estimation and subject to foundation,
11 is an excited utterance. She's calling the police for aid.
12 She says her brother is being aggressive. He was threatening
13 her. He was threatening her seven children.

14 She also -- then in the intermittent part, you have her
15 teenage son, which none of that could arguably be say -- be
16 said that it's being offered for its truth. He's merely
17 answering the dispatcher's questions about who is there, what
18 they look like, whether they're armed.

19 Clearly, none of that inures to the prejudice of the
20 defendant. None of it really relates to him because he's
21 describing the victim, what her race is, where they live, and
22 then the call is ended and another call then comes in from
23 the sister again, which is clearly she's stressed out. She
24 says that the officer there is playing the situation, my
25 words not hers, and he's downplaying it and she feels that

1 her life is in danger and that they need to send backup.

2 MR. DANIELS: Just for the record, Your Honor, our
3 concern is the misleading -- the potential misleading of the
4 jury.

5 THE COURT: I can't hear a word you're saying.

6 MR. DANIELS: Excuse me. Our -- our concern is the
7 potential misleading of the jury when the juvenile is being
8 asked questions by the 9-1-1 operator. He is asked is
9 something violent happening or words to that effect, and he
10 says yes.

11 THE COURT: I don't recall that question being asked.
12 He's very calm. He's just answering general stuff about are
13 there any weapons present, what are the races of the people
14 involved, the same things a police officer would ask. It's
15 clearly admissible and not being offered for its truth. I
16 don't -- I'm a little at a loss as to why they'd want to play
17 it at all except to be of context to what was taking place
18 and the fact that one call ended and another one started.

19 MR. DANIELS: Our concern, again, is she's -- the
20 juvenile is still not testifying. They're obviously trying
21 to put it together as it goes along.

22 THE COURT: I think that's a stretch. She testified
23 that he was talking just like most teenagers talk, which is I
24 really don't care, I'm just sort of here. I don't know.
25 Maybe she's this, maybe she's that. I don't know.

1 It's not being offered for its truth. It's merely to
2 give context why the police arrived and what they were doing
3 there. It's almost superfluous really in its nature except
4 to explain why the call -- that the call ended and then
5 another one started, but he sounds like a typical teenager.
6 I don't know. Maybe. Sure. You know. But he's answering
7 questions in response to what the dispatcher is asking.

8 But I think -- do think you need to call his sister
9 because you need to establish the foundation that this was,
10 in fact, an excited utterance.

11 All right. Are we ready to proceed?

12 MS. MARSH: The State is ready.

13 THE COURT: Is the defense ready?

14 MR. DANIELS: Yes, Your Honor.

15 THE COURT: And anything that I said, of course, is
16 subject to the State laying the proper foundation and meeting
17 its requirements for the admissibility of the tapes.

18 Get the jury for me, please.

19 And the body cam clearly shows the incident, which is
20 germane and the crux of really the focus of this entire
21 charge, which is whether he struck her with a closed fist in
22 the side of the face and the events leading up to the
23 incident. According to what I was provided, that was about
24 18 minutes. Is that accurate?

25 MS. MARSH: Approximately.

1 THE COURT: That's the redacted tape? The body cam?

2 MS. MARSH: Yes, Your Honor.

3 THE COURT: Where's the whole body cam?

4 MS. MARSH: I have it.

5 THE COURT: That needs to be marked as a Court's
6 exhibit.

7 MS. MARSH: May I approach, Your Honor?

8 THE COURT: You may.

9 And, Madam Court Reporter, that needs to be marked as a
10 -- the unredacted tape as the -- as a Court's exhibit.

11 (WHEREUPON, the unredacted tape was marked as Court's
12 Exhibit Number 2.)

13 THE COURT: And is that the entirety of the 9-1-1 tape
14 or is that a redacted 9-1-1 tape?

15 MS. MARSH: The version that was provided to you is the
16 entirety of the 9-1-1 tape.

17 THE COURT: Is that what you intend to seek to play, the
18 entirety?

19 MS. MARSH: Yes, Your Honor.

20 (WHEREUPON, the jury entered the courtroom at 2:38 p.m.)

21 THE COURT: You may be seated.

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

23 THE COURT: Ladies and gentlemen, I hope y'all had a
24 great lunch. We'll now resume with testimony. I appreciate
25 your patience. We had a few matters of law to deal with

DEREK CONKEY - DIRECT BY MR. WARING

1 prior to resuming.

2 Call your next witness.

3 MR. WARING: Thank you, Your Honor. The State calls
4 Deputy Conkey.

5 THE CLERK: Please place your left hand on the Bible and
6 raise your right. Do you swear or affirm that the testimony
7 you shall give the Court and jury in the trial of this case
8 shall be the truth, the whole truth, and nothing but the
9 truth, so help you God?

10 THE WITNESS: I do.

11 THE CLERK: You may be seated and, for the record,
12 please state your full name, spelling your last.

13 THE WITNESS: My name is Derek Camden Conkey, C-o-n-k-e-
14 y.

15 THE COURT: You may proceed.

16 MR. WARING: Thank you, Your Honor.

17 DEREK CONKEY, being first duly
18 sworn, testified as follows:

19 CORRECT EXAMINATION

20 BY MR. WARING:

21 Q: Good afternoon, Deputy.

22 A: Good afternoon.

23 Q: How are we doing today?

24 A: I'm awake.

25 Q: Good. Good. All right. Deputy, will you tell the jury

DEREK CONKEY - DIRECT BY MR. WARING

1 where you work?

2 A: I work for Charleston County Sheriff's Office.

3 Q: All right. And how long have you worked there?

4 A: Currently, I am at five years of working on the road as
5 a deputy sheriff.

6 Q: Okay. Excuse me. So you mentioned on the road. What
7 does a road deputy do or otherwise patrol deputy do?

8 A: A road deputy/patrol deputy patrols their jurisdiction
9 or their assigned area. They patrol through neighborhoods,
10 conduct traffic stops, go to calls for service, basically
11 just be available for whatever comes to arrive or what you
12 locate just riding around.

13 Q: All right. And for any folks on the jury that maybe
14 don't watch *CSI* or *Law and Order*, what is a call for service?

15 A: Dispatch sends you to a call that they received from a
16 9-1-1 or a nonemergency line to go to a location in reference
17 to some type of incident.

18 Q: All right. Now, I want to fast-forward a little bit to
19 the day of the incident, June 17th, 2017. Were you involved
20 in this case?

21 A: Yes, sir.

22 Q: And how did you get brought into this case?

23 A: I was dispatched to a disturbance call off of Clovewood
24 -- Clovewood Street in Charleston.

25 Q: All right. You said Charleston. Is that in Charleston

DEREK CONKEY - DIRECT BY MR. WARING

1 County?

2 A: Yes, sir.

3 Q: All right. Do you recall the exact address?

4 A: I can refer to my report. I have it written here.

5 Q: Please do.

6 A: Which was 4425 Clovewood Street, Charleston, South
7 Carolina.

8 Q: All right. Now, initially, what was the call for?

9 A: It originally came out as a disturbance call.

10 Q: Okay. Now, what happened once you got there?

11 A: I made contact with a complainant, which I don't have
12 her name right before me, but -- and she told me that her
13 brother, the defendant, was drunk and causing a scene in the
14 house, disturbing the tranquility or the quietness of the
15 house.

16 Q: Okay. You can't remember her name? Does the name
17 Shanika West sound familiar?

18 A: That does sound familiar.

19 Q: All right. Do you recall who was on scene when you got
20 there?

21 A: The complainant, the defendant, and the victim, Ms.
22 Ragin, Crystal Ragin.

23 Q: Okay. Was anybody else on scene?

24 A: There were two children or juveniles, a 16- and a 17-
25 year-old.

DEREK CONKEY - DIRECT BY MR. WARING

1 Q: All right. And when you refer to the complainant, is
2 that who you were speaking of as far as Shanika West?

3 A: Yes, sir.

4 Q: Okay. Now, on scene, where were the defendant and the
5 victim?

6 A: They were in a back bedroom to the right of the
7 residence.

8 Q: Inside the house?

9 A: Yes, sir.

10 Q: Okay. Inside the house that you responded to?

11 A: Yes, sir.

12 Q: All right. In the same room together?

13 A: They were in the room sitting on the bed together.

14 Q: All right. Were they lying down or sitting up?

15 A: Sitting up.

16 Q: And at that time -- I know you said that this was just a
17 disturbance call. What was your goal at the time that you
18 were there at that time?

19 A: To determine what the disturbance was and how to have it
20 resolve itself peacefully.

21 Q: At that time, did you have any intention of arresting
22 the defendant?

23 A: No, sir.

24 Q: Did you come in with your service weapon out?

25 A: No, sir.

DEREK CONKEY - DIRECT BY MR. WARING

1 Q: Were you holding your handcuffs?

2 A: No, sir.

3 Q: Now, I want to talk about demeanor for a second. What
4 was the defendant's demeanor like towards his sister and the
5 victim?

6 A: From the start of the encounter, very not caring,
7 derogatory.

8 Q: Okay. Now, you said derogatory. What kind of things
9 was he saying? Do you remember? Nice things or mean things.

10 A: No. It was things you would not necessarily want to say
11 to your mother at church.

12 Q: All right.

13 A: Like he would call them lesbian bitches, et cetera, et
14 cetera.

15 MR. DANIELS: Objection.

16 THE COURT: Basis?

17 MR. DANIELS: Relevance and a few other.

18 THE COURT: Relevance as to state of mind, res gestae,
19 probative versus prejudicial, more probative than
20 prejudicial, is relevant. Overruled.

21 BY MR. WARING:

22 Q: So at that time, were you more or less just trying to
23 calm the defendant down and get him away from the victim and
24 his sister?

25 A: Yes, sir.

DEREK CONKEY - DIRECT BY MR. WARING

1 Q: Now, at that time, what was the defendant doing?

2 A: At the time of the first interaction, he was sitting on
3 the bed, I believe to be having conversation with the victim.

4 Q: After that, fast-forward a little bit. Once you arrived
5 on scene and you came in the back bedroom or otherwise were
6 doing your thing, what was he doing?

7 A: He was conversating or trying to find his things to step
8 out of the residence, as I was asking him to do.

9 Q: Okay. Where was his stuff? Do you remember?

10 A: He had belongings in the house, as well as in the
11 vehicle outside.

12 Q: Do you recall what kind of belongings he had inside the
13 house?

14 A: One item I know in particular he kept requesting was his
15 tax paperwork.

16 Q: Okay. His tax paperwork. Anything else?

17 A: There was clothes inside the bedroom that he was sitting
18 in.

19 Q: All right. So clothes too. Did he have anything inside
20 the victim's vehicle outside?

21 A: A numerous amount of clothing inside the vehicle
22 outside, as well as some other papers that he never explained
23 to me what they were, but he grabbed them.

24 Q: All right. Now, otherwise did he appear to be sober or
25 intoxicated?

DEREK CONKEY - DIRECT BY MR. WARING

1 A: He was intoxicated. I could smell it just upon coming
2 in proximity of his person.

3 Q: All right. Now, at some point in the evening, you were
4 there. Did the situation escalate?

5 A: Yes, sir.

6 Q: All right. And can you tell the jury what happened?

7 A: Yes, sir. I was speaking with Mr. West as advising him
8 to gather his belongings as I was going to give him a ride
9 from the location to somewhere else to resolve the situation,
10 at which time he said he was going to tell Ms. Ragin good
11 night and he went over and struck her in the face.

12 Q: All right. When you say struck, what does that mean?

13 A: He had a closed fist and he punched her in the side of
14 the head.

15 Q: All right. Now, there was some, I guess, statements in
16 the defense's opening statement about how this happened at a
17 long distance. How far away from this incident were you?

18 A: Closer than you and I.

19 Q: Okay. So --

20 A: Probably about right where you're at now.

21 Q: Okay. So what would you say?

22 A: Six -- eight feet.

23 Q: Okay. Were you close enough to see what was going on?

24 A: Yes, sir.

25 Q: Did you get a good look at what happened?

DEREK CONKEY - DIRECT BY MR. WARING

1 A: I saw him draw his right arm back and swing it in a fast
2 motion towards the victim's face.

3 Q: Now, is there any confusion here today in your mind
4 about what happened? Did the victim just simply slip and
5 fall?

6 A: No.

7 Q: Okay. Right after the defendant hit the victim, what
8 happened?

9 A: He turned and walked away from her, which I ordered him
10 to go to my car, and he multiple times stated he was ready to
11 go to jail.

12 Q: So that's what he said? He said he was ready to go to
13 jail?

14 A: Yes, sir.

15 Q: All right. So right after he hit the victim, the first
16 thing he said is take me to jail; is that right?

17 A: That's correct.

18 Q: But again, up until that point, were you even trying to
19 arrest him?

20 A: No, sir.

21 Q: Now, did he attempt to help the victim at any point --

22 A: No.

23 Q: -- once she hit the deck?

24 A: No. As soon as he struck her, he turned and immediately
25 walked away.

DEREK CONKEY - DIRECT BY MR. WARING

1 Q: Did he appear concerned for her safety?

2 A: Not at all.

3 Q: Did he get into your police vehicle on his own?

4 A: I opened the door for him and he climbed in.

5 Q: All right. Now, did you check on her?

6 A: I immediately -- as soon as I had him secured in my
7 vehicle, I immediately went back to her to locate where she
8 was and make sure she was okay.

9 Q: Okay. And did you notice anything about her?

10 A: She was visibly upset and she had a nice red mark on the
11 right -- on the left side of her face, head and neck area.

12 Q: Okay. Can you tell the jury approximately where on her
13 face it was?

14 A: The jawline and neck area right -- right below the ear.

15 Q: Did you personally see those injuries?

16 A: Yes, sir.

17 Q: All right. And did you otherwise memorialize those
18 injuries?

19 A: Yes, sir. It was evident enough that I had to document
20 it in my report. Anytime we see injuries, it has to be
21 documented.

22 Q: Okay. So you put it in your report. Now, did you take
23 any photos?

24 A: Yes, sir.

25 Q: How did the photos come out?

DEREK CONKEY - DIRECT BY MR. WARING

1 A: Well, being nighttime, the time of year, it was -- my
2 camera had been sitting in my car with the air conditioner
3 on. So the quality of the photos are not as perfect as my
4 eyes were working that night.

5 Q: All right. But nevertheless, did you still feel the
6 need to take the photos?

7 A: Oh, absolutely.

8 Q: All right. Now, I want to talk about the -- the kids
9 for a minute. Do you recall during all of this where they
10 were?

11 A: They were just inside the house in the living room area,
12 which is directly to the front of the house.

13 Q: Were they present when the defendant hit the victim?

14 A: From what I could hear and observe, they were -- had to
15 be aware of the situation.

16 Q: What about the victim, her demeanor prior to the punch?
17 Was she aggravating the defendant?

18 A: No, sir.

19 Q: Was she otherwise coaxing him or yelling at him or
20 anything?

21 A: No, sir. She seemed to not want to talk in front of
22 him.

23 Q: All right. Now, in your line of work as a patrol
24 deputy, do you all wear body cams?

25 A: Yes, sir.

DEREK CONKEY - DIRECT BY MR. WARING

1 Q: All right. And what is the purpose of a body cam?

2 A: It is to be worn and activated upon any encounter with
3 any public civilian, any call for service.

4 Q: And do these body cameras record what's being seen?

5 A: Record visual and audio.

6 Q: All right. And do you deal with it on a regular basis?

7 A: Daily.

8 Q: All right. Are they -- do they record the normal course
9 of business?

10 A: Upon activation when you go to a call for service.

11 Q: All right. Is it otherwise a regularly conducted
12 business activity for y'all to wear those body cams and have
13 them record?

14 A: Yes, sir. We've had them for multiple years now. Every
15 time we get a call, we have to have them on.

16 Q: All right. Now, at the time of the incident, was your
17 body cam operational?

18 A: Yes, sir.

19 MR. WARING: Court's indulgence. May I approach, Your
20 Honor?

21 THE COURT: Yes, sir.

22 MR. WARING: Thank you.

23 THE COURT: You're welcome.

24 BY MR. WARING:

25 Q: All right. Deputy, what I'm going to do right now is

DEREK CONKEY - DIRECT BY MR. WARING

1 show you what's been marked for identification purposes only
2 as State's Exhibit 1. Do you recognize that?

3 A: Yes, sir. This is a video of my body camera footage
4 from that night.

5 Q: Okay. And how do you know that?

6 A: Because I've watched it and I know what's on this video.

7 Q: Okay. Are your initials on there indicating that you
8 have watched it?

9 A: Yes, sir.

10 Q: And does that disk otherwise fairly and accurately
11 depict your body cam from that night?

12 A: It does.

13 MR. WARING: Your Honor, at this point, the State moves
14 to have Exhibit 1 admitted.

15 MR. DANIELS: Prior motions or prior objections and
16 motions, we'd just like to renew those.

17 THE COURT: The Court marks them as renewed. Overruled
18 on the Court's previous ruling. Marked and admitted subject
19 to the exceptions.

20 (WHEREUPON, State's Exhibit Number 1, disk with video of
21 body cam footage, was admitted into evidence.)

22 MR. WARING: Thank you, Your Honor. Permission to
23 publish?

24 THE COURT: You may proceed.

25 (WHEREUPON, State's Exhibit Number 1, video of body cam

DEREK CONKEY - DIRECT BY MR. WARING

1 footage, was published to the jury by playing of the
2 video. Not transcribed herein.)

3 (WHEREUPON, the video was stopped.)

4 BY MR. WARING:

5 Q: Okay, Deputy. I'm going to play it one more time, this
6 actual portion of it, and then I'm going to pause it again
7 and I'd like you to tell the jury what you saw.

8 MR. DANIELS: Objection, Your Honor. It's already been
9 played.

10 THE COURT: He can replay it and you have the right to
11 replay it as well.

12 (WHEREUPON, the video resumed playing.)

13 (WHEREUPON, the video was stopped.)

14 BY MR. WARING:

15 Q: All right. So what's going on here, Deputy?

16 A: He grabs his belongings that I told him that he could
17 take with him and he walks towards her and he draws his right
18 arm back and strikes her in the side of the face.

19 Q: All right.

20 (WHEREUPON, the video resumed playing.)

21 (WHEREUPON, the video was stopped.)

22 BY MR. WARING:

23 Q: So the person that just fell, that was the victim?

24 A: That is correct, sir.

25 (WHEREUPON, the video resumed playing.)

DEREK CONKEY - DIRECT BY MR. WARING

1 (WHEREUPON, the video was stopped.)

2 BY MR. WARING:

3 Q: Where is he walking to right now?

4 A: He's completely turned away from her and is walking
5 straight towards my car.

6 (WHEREUPON, the video resumed playing.)

7 (WHEREUPON, the video was stopped.)

8 BY MR. WARING:

9 Q: Okay. And what did he say just then?

10 A: Now he's ready to go to jail.

11 Q: Up until that point, were you trying to take him to
12 jail?

13 A: Not until he struck her. No, sir.

14 (WHEREUPON, the video resumed playing.)

15 (WHEREUPON, the video was stopped.)

16 BY MR. WARING:

17 Q: Who is this person?

18 A: That's the kids.

19 Q: All right. That -- that's one of them?

20 A: Yes, sir.

21 (WHEREUPON, the video resumed playing.)

22 (WHEREUPON, the video was stopped.)

23 BY MR. WARING:

24 Q: You can't see it on the video, but what is she pointing
25 to?

DEREK CONKEY - DIRECT BY MR. WARING

1 A: She's pointing to the left lower portion of her face.

2 Q: All right.

3 (WHEREUPON, the video resumed playing.)

4 (WHEREUPON, the video was stopped.)

5 BY MR. WARING:

6 Q: All right, Deputy. Now, this individual who was doing
7 all this, is he in the courtroom today?

8 A: Yes, sir.

9 Q: And can you point him out for the jury?

10 A: It's the gentleman in the white shirt.

11 MR. WARING: Your Honor, let the record reflect the
12 witness has identified the defendant.

13 THE COURT: You may proceed.

14 MR. WARING: Court's indulgence.

15 THE COURT: Yes, sir.

16 MR. WARING: Please answer any questions the defense
17 has.

18 THE COURT: You may proceed.

19 CROSS-EXAMINATION

20 BY MR. DANIELS:

21 Q: Now, before Crystal hit the ground, Jerome had his hands
22 full; correct?

23 A: He had his tax papers and his clothes in his left hand.

24 Q: In his left hand? Now, when you see Crystal, you say
25 where did you get hit?

DEREK CONKEY - CROSS BY MR. DANIELS

1 A: Yes, sir.

2 Q: I did not see is what you said?

3 A: Yes, sir.

4 Q: Now, you said earlier that you saw her get hit on the
5 left side of the face?

6 A: I saw the marks and I saw him swing his arm. His size
7 deterred me from seeing, his body size.

8 Q: You also said that you saw it and you didn't see it.
9 Now, I want to talk about -- I want go back to the demeanor
10 of everybody involved. You said Crystal wasn't wanting to
11 talk to Jerome?

12 A: No.

13 Q: But she wasn't arguing with him, was she?

14 A: Not to me, no. She just stated to him that she did not
15 want to go with him.

16 Q: Yeah, but just kind of being distant is how I would
17 classify it. Is that how you would put it?

18 A: No. Not in my profession. When I see people not want
19 to engage with their spouse, there's a reason.

20 Q: What time did you arrive there?

21 A: According to my report, it was approximately 1:50 in the
22 morning.

23 Q: 1:50 in the morning? So pretty late. She wasn't very
24 talkative to Jerome?

25 A: No.

DEREK CONKEY - CROSS BY MR. DANIELS

- 1 Q: Now, when you first arrived, you were told that Jerome
2 and Crystal had been staying there for a while; right?
- 3 A: Correct.
- 4 Q: And that was Shanika West you were talking to?
- 5 A: Correct.
- 6 Q: Mother of seven?
- 7 A: That's what she says.
- 8 Q: That's what she says? You only saw two children?
- 9 A: That were there, yes.
- 10 Q: But throughout, she's constantly concerned about the
11 other children asleep?
- 12 A: Right.
- 13 Q: It's late?
- 14 A: Yes.
- 15 Q: And as soon as you speak with her and you tell -- you
16 tell her he has a right to be there. You say you can't get
17 him out without an eviction?
- 18 A: Correct.
- 19 Q: Okay. But then you go in. Well, actually before that,
20 before you go into the house, she says can you not tell him
21 that. Is that what you heard?
- 22 A: That's what she asked me.
- 23 Q: That's what you asked. You said --
- 24 A: I don't have to explain the law to someone.
- 25 Q: Okay. You --

DEREK CONKEY - CROSS BY MR. DANIELS

1 A: I tell her --

2 Q: I heard I gotcha.

3 A: Yeah.

4 Q: Or something like that. So I gotcha. And you go in the
5 house and you ask to see Jerome; correct?

6 A: Correct.

7 Q: That's what the video shows. And by you speaking with
8 Jerome, you say come outside with me; right? You ask him to
9 leave?

10 A: I asked him to step out so I could talk to him.

11 Q: You asked him to step out and so you have him outside.
12 Nobody is under arrest?

13 A: No.

14 Q: Nobody is detained? Nobody is in handcuffs?

15 A: Correct.

16 Q: But you say I'll give Jerome -- Jerome, I'll give you a
17 ride or something like that. You're going to take him off
18 the property?

19 A: Yeah.

20 Q: You don't offer that to Crystal?

21 A: No.

22 Q: The only person you offered to move is Jerome?

23 A: The person who was causing the disturbance.

24 MR. DANIELS: Court's indulgence.

25 THE COURT: Yes, sir.

DEREK CONKEY - REDIRECT BY MR. WARING

1 MR. DANIELS: No more questions.

2 THE COURT: Any redirect?

3 MR. WARING: Just a couple questions, Your Honor.

4 THE COURT: You may proceed.

5 REDIRECT EXAMINATION

6 BY MR. WARING:

7 Q: Deputy, did you see the defendant hit the victim?

8 A: I saw him draw his arm back and swing in that direction
9 and which I saw her fall to the ground.

10 Q: Did you document this in your original report?

11 A: I did.

12 Q: And how soon after the incident did you do -- did you
13 write that report?

14 A: Within an hour or two after the fact.

15 Q: Did you take photos of the victim?

16 A: I did. Yes, sir.

17 Q: And again, what did the defendant do right after the
18 punch?

19 A: He merely turned and walked away from her.

20 Q: Towards where?

21 A: Towards my vehicle.

22 Q: And what did he say?

23 A: He was ready to go to jail.

24 Q: And finally, up until that point, were you planning on
25 arresting him?

DEREK CONKEY - REDIRECT BY MR. WARING

1 A: Not until he struck her.

2 MR. WARING: No further questions, Your Honor.

3 THE COURT: Any objection to the witness being excused
4 from the State?

5 MR. WARING: None from the State, Your Honor.

6 THE COURT: From the defense?

7 MR. DANIELS: None, Your Honor.

8 THE COURT: Sir, you're excused.

9 Call your next witness.

10 MR. WARING: The State calls Shanika West.

11 THE COURT: Ma'am, if you would, come forward to be
12 sworn right here for me. Right this way where she's

13 standing, right there where the witness stand is.

14 THE CLERK: If you will, place your left hand on the
15 Bible and raise your right. Do you swear or affirm that the
16 testimony you shall give the Court and jury in the trial of
17 this case shall be the truth, the whole truth, and nothing
18 but the truth, so help you God?

19 THE WITNESS: Yes.

20 THE CLERK: You may be seated. And, for the record,
21 please state your full name, spelling your last.

22 THE WITNESS: My name is Shanika West. That's W-e-s-t.

23 THE COURT: You may proceed.

24 MR. WARING: Thank you, Your Honor.

25 SHANIKA WEST, being first duly

SHANIKA WEST - DIRECT BY MR. WARING

1 sworn, testified as follows:

2 DIRECT EXAMINATION

3 BY MR. WARING:

4 Q: Ms. West, what's your relationship to the defendant?

5 A: My brother.

6 Q: That's your brother? Do you want to be here today to
7 testify?

8 A: Absolutely not.

9 Q: Now, back on the day of the incident, June 17th, 2017,
10 were the defendant and victim staying at your house?

11 A: They had been there for a couple days. They weren't --
12 yes, they had been there.

13 Q: All right. Were they sleeping inside the house?

14 A: Yes. They had slept there a couple nights.

15 Q: Okay. Were they staying in the same bedroom?

16 A: Yes.

17 Q: Do you have children, Ms. West?

18 A: Yes.

19 Q: And were any of your children present at that time?

20 A: Yes.

21 Q: Can you tell the jury how many?

22 A: I have seven children, my oldest being 18, my youngest
23 being 3. This was approximately two years ago so, you know,
24 you can do the math, but they were at home.

25 Q: So would you say he was about 16 at that time?

SHANIKA WEST - DIRECT BY MR. WARING

- 1 A: My oldest, yes.
- 2 Q: Okay. Did he have any friends with him?
- 3 A: Yes, he did.
- 4 Q: Do you know how old his friend was then?
- 5 A: Around the same age, 16.
- 6 Q: Now, to your knowledge, would the victim and defendant
- 7 move around a lot?
- 8 A: I don't understand that.
- 9 Q: Like, you said they were staying at your house for a
- 10 couple days. Would they stay at other places?
- 11 A: Yes. They were a couple. They were together.
- 12 Q: Okay. On the night of the incident, did you call 9-1-1?
- 13 A: Yes.
- 14 Q: And why did you call 9-1-1?
- 15 A: Because my brother was disrupting my household.
- 16 Q: Can you tell the jury how many times you called 9-1-1?
- 17 A: Well, apparently, I did twice.
- 18 Q: And have you had the opportunity to listen to those
- 19 calls?
- 20 A: Yes.
- 21 Q: Is there anybody else speaking on those calls other than
- 22 just you?
- 23 A: I believe my son is. Uriah is as well.
- 24 Q: Okay. And was he present at the scene too?
- 25 A: Yes.

SHANIKA WEST - DIRECT BY MR. WARING

1 MR. WARING: May I approach the witness, Your Honor?

2 THE COURT: You may.

3 BY MR. WARING:

4 Q: I'm showing you what's been marked for identification
5 purposes as State's Exhibit 2. Do you recognize that?

6 A: Uh-huh.

7 Q: Can you tell the jury what it is?

8 A: It's the 9-1-1 call.

9 Q: All right. Are your initials on there indicating that
10 you've listened to it?

11 A: Yes.

12 Q: And is this 9-1-1 call from that night?

13 A: Yes.

14 MR. WARING: Your Honor, at this point, the State moves
15 to have Exhibit 2 admitted into evidence.

16 MR. DANIELS: Previous objections.

17 THE COURT: Your previous objections are overruled.

18 However, you cannot admit it until you establish a complete
19 foundation for the admissibility of the CD.

20 MR. WARING: All right.

21 BY MR. WARING:

22 Q: Ms. West, at the time you made these calls, what was
23 going on?

24 A: My brother and -- he -- I guess he just had a bad day
25 and he was upset, I guess, and he and Crystal had an

SHANIKA WEST - DIRECT BY MR. WARING

1 argument. I mean they were just having words. She wasn't
2 really arguing. Just he was arguing and being disruptive to
3 my household. He was being loud and disruptive to my
4 household.

5 Q: Was it startling enough for you to call 9-1-1?

6 A: Absolutely.

7 Q: Okay. When you called 9-1-1, were you still under that
8 excitement and stress?

9 A: Yes.

10 Q: That he had caused?

11 A: Yes.

12 Q: When you were also talking on those 9-1-1 calls, were
13 you detailing things that were unfolding at that time?

14 A: I just heard the 9-1-1 call again yesterday. This
15 incident had happened over two years ago. So when I heard
16 yesterday, like I said, when I heard the video, when I heard
17 -- I heard some things yesterday and then, yes, some things
18 came back to memory.

19 Q: Okay. I guess what I'm asking is after hearing it
20 yesterday, were you detailing to the 9-1-1 call dispatcher --

21 A: Yes, I was.

22 Q: -- things that were happening at that time?

23 A: Yes, sir.

24 Q: Okay.

25 MR. WARING: Your Honor, proceed to admit it as excited

SHANIKA WEST - DIRECT BY MR. WARING

1 utterance.

2 THE COURT: You're going to have to establish the -- who
3 had control of it before then, where it's been stored.
4 You're going to have to finish the foundation of --

5 MR. WARING: Okay.

6 THE COURT: -- the admissibility of it. It will be
7 marked for ID only at this time.

8 MR. WARING: We can do that, Your Honor.

9 BY MR. WARING:

10 Q: All right, Shanika. What I'm going to do next is take
11 the jury through what happened after the 9-1-1 call. Did the
12 deputy show up? The Charleston County Sheriff's Office?

13 A: Yes.

14 Q: All right. Now, at that time when the deputy showed up,
15 how was the defendant acting towards you and the victim?

16 A: He still was upset.

17 Q: Okay. Was he saying anything derogatory toward you?

18 A: Yes.

19 Q: Was he calling y'all names?

20 A: Yes.

21 Q: While the deputy was there, at some point did the
22 defendant do anything physical to the victim?

23 A: Yes.

24 Q: Okay. Please tell the jury what he did?

25 A: Like I said, this had happened over two years ago. It

SHANIKA WEST - DIRECT BY MR. WARING

1 wasn't until I saw the video again is when I, you know,
2 remembered some of the things, but just like I said, my
3 brother was upset that night. He and his girlfriend were
4 having, you know, an argument. I just -- a heated
5 discussion.

6 So as he -- as I called the deputy and he -- as I called
7 the deputy and my brother and my two sons -- well, my son and
8 his friend and Crystal were outside. You know, I was back
9 and forth from outside to the living room because he was
10 calling me names and it was upsetting me, you know. He's my
11 little brother. I love him very much. So -- but at the time
12 this was happening, he was getting some things out of the car
13 and you can see he did strike Crystal.

14 Q: He struck her?

15 A: He did.

16 Q: Did your son and his friend see it, to your knowledge?

17 A: We were all outside.

18 MR. WARING: Thank you. Please answer any questions the
19 defense has.

20 THE COURT: Any questions for the witness?

21 CROSS-EXAMINATION

22 BY MR. DANIELS:

23 Q: Good afternoon, Shanika.

24 A: Good afternoon.

25 Q: You and I have never met before; is that correct?

SHANIKA WEST - CROSS BY MR. DANIELS

- 1 A: What was that, sir?
- 2 Q: You and I have never met before; is that correct?
- 3 A: No.
- 4 Q: But you met the solicitor yesterday?
- 5 A: Yes.
- 6 Q: And you were under subpoena at that time?
- 7 A: Yes, sir.
- 8 Q: You had to be there?
- 9 A: Yes, sir. I had to be there.
- 10 Q: You -- you had no choice about that?
- 11 A: I work two jobs. I had to leave one job early today and
- 12 I can't make it to my second job.
- 13 Q: So you really don't want to be here today either?
- 14 A: No, sir.
- 15 Q: And you were taken to the Solicitor's Office?
- 16 A: I -- I -- I came voluntarily because that was the date
- 17 that was on the paper. Like I said, I work two jobs. I
- 18 misplaced the paper, but I vaguely looked at it for a moment.
- 19 But I knew in the back of my mind that it was on June 10th.
- 20 Q: At least that's what your subpoena says?
- 21 A: That's what my subpoena says.
- 22 Q: Yeah. And when you met with the solicitor at their
- 23 office, how many people from the Solicitor's Office were
- 24 there?
- 25 A: Three.

SHANIKA WEST - CROSS BY MR. DANIELS

1 Q: And did they ask you some questions immediately?

2 A: Yes. They asked me questions.

3 Q: Okay. Did they ask you where you were during the
4 incident?

5 A: Yes.

6 Q: And where did you say you were originally?

7 A: Back and forth to my living room.

8 Q: You were in the house?

9 A: Right.

10 Q: And you weren't outside; correct? That's what you said?

11 A: I said I was in and out. I mean I'm under oath. I'm
12 not going to lie.

13 Q: Okay. You said you were in and out. But you didn't see
14 Crystal get struck is what you originally said?

15 A: It is what I originally said.

16 Q: Okay. And how many -- how many Solicitor's Office
17 employees were there yesterday?

18 A: Three.

19 Q: Three?

20 A: Yes.

21 Q: Big room? Small room?

22 A: We were in two different rooms.

23 Q: Two different rooms? Okay. And did they ask you to
24 write a statement?

25 A: No. I didn't write a statement on the night of the

SHANIKA WEST - CROSS BY MR. DANIELS

1 incident and I didn't write a statement yesterday either.

2 Q: Did they ever reach out to try to talk with you between
3 two years ago?

4 A: No, sir.

5 Q: Just suddenly yesterday?

6 A: And I had to be there. I could not stand the chance of
7 being in jail. I have children to raise.

8 Q: Okay. How many kids do you have?

9 A: I have seven children. I have six and I adopted one.

10 Q: That's a lot. So with that --

11 A: Uh-huh.

12 Q: Quiet in your house is at an optimum, it's premium,
13 isn't it? You want that quiet? That doesn't happen that
14 often?

15 A: I want normal. It's never quiet. I want normal.

16 Q: Okay. So when they go to sleep, that's -- that's
17 fantastic for you?

18 A: Absolutely.

19 Q: And -- and you would call the cops to protect that quiet
20 for six sleeping children?

21 A: Absolutely.

22 Q: And that's what you did that night two years ago?

23 A: Two years ago. Over two years ago.

24 Q: Well, two years and some?

25 A: Uh-huh.

SHANIKA WEST - CROSS BY MR. DANIELS

- 1 Q: And you -- you called just because Jerome was being --
2 was being loud? They were arguing?
- 3 A: They were having a heated discussion, yes.
- 4 Q: Now, a discussion, that means two people?
- 5 A: Really -- and I was thinking that as I said it, but yes,
6 you're right.
- 7 Q: Okay. So there was two people making noise?
- 8 A: Crystal wasn't really arguing, no. That's why I said a
9 heated -- yeah.
- 10 Q: But it was heated? It wasn't all one-sided?
- 11 A: No.
- 12 Q: Now, with -- did you ever hear Deputy Conkey ask -- ask
13 Crystal if she wanted to leave?
- 14 A: I think he did.
- 15 Q: You think he did?
- 16 A: I honest -- I'm being as honest as I can. I think he
17 did.
- 18 Q: Okay. Well, I appreciate that and -- but he was -- he
19 was focused on getting Jerome out of there?
- 20 A: Yeah.
- 21 Q: You wanted Jerome out?
- 22 A: Uh-huh.
- 23 Q: Trying to keep that quiet, nobody, nothing violating
24 from that point forward though after the officer showed up?
- 25 A: If I didn't have to call the police, like I -- like I

SHANIKA WEST - CROSS BY MR. DANIELS

1 say again, that's my brother. If I didn't have to call the
2 police, I would not have to call the police, but he -- you
3 know, it was a little too heated for me and it was too loud
4 for me and my children come first. So I had to make that
5 decision to get -- get my home back normal.

6 Q: No statements?

7 A: Right.

8 Q: From 2017 until yesterday?

9 A: No, sir.

10 Q: That's a long time. Is your memory as sharp as it was
11 -- now as it was then?

12 A: No, it's not.

13 Q: All right.

14 MR. DANIELS: No more questions. Thank you for your
15 honesty.

16 THE WITNESS: Okay.

17 THE COURT: Any redirect?

18 REDIRECT EXAMINATION

19 BY MR. WARING:

20 Q: Ms. West, is the fact that we haven't really tried to
21 speak with you too much from two years ago to yesterday have
22 anything to do with, as you referred, you wanting to tell the
23 truth today under oath and your story today is that he hit
24 the victim?

25 A: No, sir.

TONIA MALLETTE - DIRECT BY MS. MARSH

1 MR. WARING: No further questions, Your Honor.

2 THE COURT: Ma'am, you are -- you are excused subject to
3 being recalled. That means you can't leave yet.

4 THE WITNESS: Okay.

5 THE COURT: Okay. If you would, just have a seat out in
6 the hallway for us.

7 Call your next witness.

8 MS. MARSH: The State calls Tonia Mallette.

9 THE COURT: If counsel would approach, please?

10 (WHEREUPON, a bench conference was held in the presence
11 of the jury but out of the hearing of the jury off the
12 record, after which the proceedings resumed as follows.)

13 THE COURT: Swear the witness.

14 THE CLERK: Place your left hand on the Bible and raise
15 your right. Do you swear or affirm that the testimony you
16 shall give the Court and jury in the trial of this case shall
17 be the truth, the whole truth, and nothing but the truth, so
18 help you God?

19 THE WITNESS: I do.

20 THE CLERK: You may be seated and, for the record,
21 please state your full name, spelling your last.

22 THE WITNESS: Sure. It's Tonia Mallette, M-a-l-l-e-t-t-
23 e.

24 THE COURT: You may proceed.

25 TONIA MALLETTE, being first

TONIA MALLETT - DIRECT BY MS. MARSH

1 duly sworn, testified as follows:

2 DIRECT EXAMINATION

3 BY MS. MARSH:

4 Q: Ms. Mallette, where do you work?

5 A: I'm currently employed with Charleston County
6 Consolidated 9-1-1 Center.

7 Q: And how long have you worked there?

8 A: Twenty-eight and a half years.

9 Q: And what's your job title?

10 A: My current job title is analyst.

11 Q: And can you describe some of the common duties and
12 responsibilities that you have in that role?

13 A: Sure. I serve as the records custodian. That would be
14 the custodian over the subpoenas and FOIA, Freedom of
15 Information requests. I also serve in the capacity of
16 quality assurance technician and I also handle complaints.

17 Q: And where have you worked before that?

18 A: Prior was North Charleston Police Department.

19 Q: Did you work anywhere before that?

20 A: No.

21 Q: So do you deal with 9-1-1 calls regularly?

22 A: Yes.

23 Q: On your job?

24 A: Yes, I do.

25 Q: And how much of your normal day is devoted to dealing

TONIA MALLETT - DIRECT BY MS. MARSH

1 with 9-1-1 calls?

2 A: Probably at least about 70 percent of my day.

3 Q: And are 9-1-1 calls at Consolidated Dispatch happening
4 in the normal course of business?

5 A: Yes, they are.

6 Q: And can you tell the jury what a normal 9-1-1 call
7 process is?

8 A: Sure. When a call is received into the 9-1-1 center, it
9 is recorded. That call is answered by a call taker and that
10 call taker will get as much information starting with the
11 address, the complainant or the caller's phone number, and
12 any pertinent information relevant to that particular
13 incident they're calling about.

14 Q: Can a 9-1-1 call be altered in any way?

15 A: It cannot.

16 MS. MARSH: May I approach the witness, Your Honor?

17 THE COURT: You may.

18 BY MS. MARSH:

19 Q: At this time, I'm now showing you what's been pre-marked
20 as State's Exhibit 2. Do you recognize that?

21 A: Yes, I do.

22 Q: What is that?

23 A: This is the 9-1-1 call concerning the Jerome West case.

24 Q: Okay. And are your initials on that disk?

25 A: Yes. Identified by my initials TM.

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1 Q: And have you had the opportunity to review that 9-1-1
2 call recording prior to your testimony here today?

3 A: Yes.

4 MS. MARSH: At this time, the State would seek to enter
5 State's Exhibit 2, the 9-1-1 call, into evidence and publish
6 to the jury.

7 THE COURT: Any objections?

8 MR. DANIELS: Just noting my previous ones.

9 THE COURT: Noted and overruled. You may proceed.

10 MS. MARSH: Thank you.

11 (WHEREUPON, State's Exhibit Number 2, 9-1-1 call on
12 disk, was admitted into evidence and then published to
13 the jury. Not transcribed herein.)

14 MS. MARSH: No further questions, Your Honor.

15 THE COURT: Any questions for the witness?

16 MR. DANIELS: No, Your Honor.

17 THE COURT: Any objection to the witness being excused
18 from the State?

19 MS. MARSH: None from the State.

20 THE COURT: From the defense?

21 MR. DANIELS: None from the defense.

22 THE COURT: Ma'am, you're excused.

23 May counsel approach for me, please?

24 (WHEREUPON, a bench conference was held in the presence
25 of the jury but out of the hearing of the jury off the

1 record, after which the proceedings resumed as follows.)

2 THE COURT: Madam Forelady and ladies and gentlemen, I'm
3 going to take advantage of this break in testimony to give
4 you all a brief comfort break. During the break, please do
5 not discuss the case and please leave your notepads in your
6 seats.

7 (WHEREUPON, the jury exited the courtroom at 3:46 p.m.)

8 THE COURT: You may be seated. We'll take a brief
9 restroom break. Before we do that, however, is the State
10 calling any -- what witnesses -- is the State calling Brian
11 Gould?

12 MS. MARSH: No. The State will not be calling Brian
13 Gould.

14 THE COURT: Uriah Williams?

15 MS. MARSH: No, Your Honor. I would ask that --

16 THE COURT: Ryan Miller?

17 MS. MARSH: I'm sorry?

18 THE COURT: Ryan Miller?

19 MS. MARSH: No, we'll not be calling him.

20 THE COURT: Sarah Dubosh or Dubose?

21 MS. MARSH: No, Your Honor.

22 THE COURT: Ms. Niblock?

23 MS. MARSH: No, Your Honor.

24 THE COURT: And Ms. Rairan? If I mispronounced that, I
25 apologize.

1 MS. MARSH: No. I believe our last witness will be Dr.
2 Rheingold.

3 THE COURT: Does the defendant have any record the State
4 would be seeking to introduce to -- I need the defendant --
5 yeah, I didn't say that. Well, now that you all have done
6 it, just leave him where he is. We'll take that up when they
7 bring him back. We'll be at ease for a few minutes.

8 MS. MARSH: Yes, Your Honor.

9 (WHEREUPON, there was a break in the proceedings from
10 3:48 p.m. until 3:59 p.m., after which the proceedings
11 resumed as follows.)

12 THE COURT: Who is the State's next witness?

13 MS. MARSH: Your Honor, the next matter we'd like to
14 take up is the reading of the stipulation of the prior DV
15 conviction into the record and then after that the State
16 would call Dr. Alyssa Rheingold.

17 THE COURT: Do you have a CV for Dr. Rheingold?

18 MS. MARSH: I do, Your Honor. May I approach?

19 THE COURT: You may.

20 (WHEREUPON, a bench conference was held off the record,
21 after which the proceedings resumed as follows.)

22 THE COURT: What is the exception to Dr. Rheingold's
23 testimony?

24 MS. FORD: Thank you, Your Honor. May it please the
25 Court.

1 First, I would like to bring it to the Court's attention
2 that I do not believe that we've been adequately noticed of
3 this witness. The State did not inform us of this witness
4 until we received the CV last Thursday midday and I certainly
5 don't think that's in accordance -- in accordance with the
6 spirit of the administrative order from December 2018. This
7 is something the State knew about. I believe they
8 deliberately held it from us. So we would in general move
9 that it be excluded and not be used.

10 THE COURT: Mary Ford.

11 I'm sorry. The court reporter didn't know your name.
12 Go ahead.

13 MS. FORD: But we do have multiple reasons, Your Honor.
14 In this case, we certainly know that the doctor has --

15 THE COURT: Well, let me let her -- let me let her
16 address what you said, which is that she deliberately did not
17 turn the witness over to you, which I find to be a spurious
18 allegation, but I'm going to -- I need her to explain why you
19 feel that -- well, I need her to address why you contend
20 that.

21 MS. MARSH: Your Honor, the decision to use the expert
22 witness was not made until early last week. We certainly
23 were not trying to hide anything from the defense. In fact,
24 as soon as we had all the information, to include her CV, we
25 even went -- we provided that to the defense. We even went

1 above and beyond to provide extra information regarding
2 publications and resources that the expert has used to build
3 her knowledge and that she'll use as the basis of her
4 testimony here today.

5 THE COURT: When did you give it to Ms. Ford and Mr. --

6 MS. MARSH: That was last Thursday.

7 THE COURT: I'm sorry. I've been learning the last
8 names. Mr. Daniels.

9 MS. MARSH: That would be last Thursday, Your Honor.

10 THE COURT: And when did you decide to use her?

11 MS. MARSH: I don't know the exact date, but it was
12 early last week.

13 THE COURT: And she says you have violated the spirit of
14 the administrative order. I need you to address that as
15 well.

16 MS. MARSH: That was certainly not my intention. Had
17 the defense wished to have more time to review this expert
18 and conduct an investigation, I certainly would have been
19 amenable to a continuance.

20 THE COURT: Which raises an interesting issue. You
21 never raised it and you didn't ask for a continuance. So
22 that sort of belies in my mind any concern that you have
23 about being able to effectively address her testimony. It's
24 a little late at this point to now ask for it.

25 MS. FORD: Well, I just honestly didn't think that was

1 an option. That, in fact, the case would have been --

2 THE COURT: I've never known y'all to be shy about
3 asking for a continuance.

4 MS. FORD: I am.

5 THE COURT: I've never known any lawyer in this building
6 to be shy about asking for a continuance. Otherwise, I
7 wouldn't be inundated with them. Why would you think that
8 was not an option?

9 MS. FORD: We could have. I just -- I just honestly
10 didn't think that was an option.

11 THE COURT: So you didn't ask at all?

12 MS. FORD: No. That is correct, Your Honor. We did not
13 ask.

14 THE COURT: What does the administrative order say
15 exactly?

16 MS. FORD: Your Honor, it doesn't specifically say
17 expert witnesses must be turned over this date and that's why
18 I said the spirit.

19 THE COURT: What does it say?

20 MS. FORD: It just refers to the status conference, Your
21 Honor.

22 THE COURT: Uh-huh.

23 MS. FORD: That we had at the time of 30 days prior.

24 THE COURT: Uh-huh.

25 MS. FORD: So when discussing the status conference 30

1 days beforehand, they basically say we should be prepared to
2 discuss or present the following to the Court: the facts in
3 controversy, the issues involved and the applicable law, the
4 list of exhibits, indicating those to which there is an
5 objection, the list of potential witnesses, any unusual
6 problems relating to the evidence sought to be introduced,
7 and any other matters that should be brought to the Court --
8 the attention of the Court, Your Honor.

9 My understanding -- so it would be part of the
10 witnesses. This is not a common witness. To my knowledge
11 from the CV, this witness has never testified in Charleston.
12 I sent an email to my entire office. No one has ever had
13 this type of evidence presented. I'm just saying it's
14 certainly not --

15 THE COURT: I've tried cases across the state and it's
16 not unusual. As a matter of fact, it's quite routine,
17 especially in domestic abuse cases.

18 MS. FORD: Well, this isn't a --

19 THE COURT: I've had them in murder cases. I've had
20 them in DV cases. I've had them in -- this is not unusual to
21 me. I wasn't surprised when I saw this on the witness list.

22 As a matter of that, I tried a murder case in Beaufort.
23 I'm not sure if it was Ms. Rheingold they called, but they
24 certainly called a witness about why people don't disclose,
25 behavioral traits of why people don't disclose. It's become

1 quite routine.

2 MS. FORD: Yes, Your Honor, and I do understand that
3 this is -- I would agree that it's somewhat comparable to the
4 CSC cases. That's where the majority of the case law lies,
5 Your Honor.

6 THE COURT: But I've heard them in -- I've heard them in
7 DV cases. I've heard them in a lot of DV cases.

8 MS. FORD: Well, I don't think it's ever been done in
9 Charleston. I'm just saying this is not something that --

10 THE COURT: Well, I can't say that. And my memory --
11 you know, I've heard too many cases now to try to rely on my
12 memory, but I wouldn't bet the farm that it's never happened
13 in Charleston.

14 MS. FORD: Your Honor, that's just my understanding, but
15 I could be wrong. This witness certainly has not testified
16 in Charleston, at least according to her CV, Your Honor.

17 THE COURT: That was dispositive or is it that she's
18 testified as an expert or was qualified to testify as an
19 expert because everybody has to testify one time the first
20 time.

21 MS. FORD: Your Honor, I understand. I'm just pointing
22 that out because it was not expected or something we would
23 have expected.

24 THE COURT: But according to her expert witness
25 experience, it clearly indicates on here that she -- maybe

1 this was her case. Hilton Hotels. It looks like it was a
2 federal case. It appears that she has testified in
3 Charleston in 2011, in Berkeley County in 2011, and Berkeley
4 County in 2016 in a DV case.

5 MS. FORD: Yes, Your Honor. The Trent Williams case
6 down in Charleston and I'm not aware of it, but in the
7 Charleston --

8 THE COURT: If there's a whole list, you all need to
9 provide it to her. She -- and I don't know if I presided
10 over this case. It was in Moncks Corner in 2016. It's very
11 possible because I was there for a year.

12 MS. FORD: Yes, Your Honor, but again, that -- the
13 Charleston case --

14 THE COURT: I don't think it matters whether it was in
15 Charleston, Berkeley or in Spartanburg. The point is whether
16 she's qualified to testify as an expert on the issue of
17 domestic trauma.

18 MS. FORD: Your Honor, we do have concerns about the
19 extent of her testimony. Initially, when we asked the State
20 what she'd be testifying to, they gave a broad definition.
21 What is the definition of domestic violence and basically the
22 traits and characteristics of the perpetrators and the cycle.

23 After we met last week, she did say she would be
24 focusing more on the victim impact. So we do think that
25 would be more --

1 THE COURT: What does that mean? What does victim
2 impact mean? Because I don't think she can testify to that.

3 I think it's very analogous to a CSC case where children
4 usually, not adults, delay in disclosure and there's a great
5 deal of hay made about the fact that they delay disclosure,
6 and the only purpose you call the expert is to explain
7 behavioral characteristics, why there's delayed disclosure,
8 the range of responses, and then you go into whether it's
9 beyond the typical behavior patterns of victims and whether
10 it's going to assist the finder of fact, but beyond that,
11 that's it. You know, it's not a death penalty case where you
12 talk about the victim impact.

13 MS. FORD: And I didn't -- I may have misspoke when I
14 said impact. I meant the victim conduct.

15 THE COURT: Well, that's behavioral aspects and you all
16 sort of opened this Pandora's box when you started talking
17 about her filing drop charge forms and her contacting him at
18 the jail and all. You can't raise an issue and put it before
19 the jury and it be beyond their common knowledge and just
20 leave it like that. The State is entitled to address it and
21 as we know, having done this for the number of years that we
22 have, that that's very common behavior.

23 MS. FORD: And I do know. I would argue that that's
24 even common sense. My concern, especially on another issue,
25 is that the expert's definition of domestic violence would be

1 very different than the State's definition, the legal
2 definition. The witness's --

3 THE COURT: I don't know that you even get into any of
4 that. I think you just talk about behavioral aspects, which
5 is why people delay in disclosure, why they behave the way
6 they do, why they still talk to the people that they claim
7 hurt them.

8 MS. FORD: And then --

9 THE COURT: That's the layperson's way of putting it.

10 MS. FORD: But when the expert is going to be talking
11 about her experience with domestic violence, it's going to
12 include many situations other than what would be covered by
13 the statutes in South Carolina.

14 THE COURT: I don't know that.

15 MS. FORD: Well, again, I don't either because we
16 haven't been given a lot of guidance on what she's going to
17 testify to, but I --

18 THE COURT: I think the case law is very clear and, like
19 I said, I've heard this testimony before. The only thing
20 they testify about is why people don't disclose, why people
21 cover for their perpetrators, and why they still have contact
22 with them afterward and why they often move to drop charges.

23 MS. FORD: Yes, Your Honor. Certainly, if she
24 testifies, we would ask that it would be limited to that.

25 THE COURT: I would imagine it would be. That's what I

1 anticipate.

2 MS. FORD: And again, the State had indicated much
3 differently, but they did change that.

4 THE COURT: Well, why don't we get some clarity? What
5 exactly do you plan to elicit from the witness?

6 MS. MARSH: When we did meet with Ms. Ford and Mr.
7 Daniels last week, initially it was a much broader scope. We
8 were going to talk about -- we were going to seek to have Dr.
9 Rheingold entered as an expert in the field of domestic
10 violence dynamics. Upon talking with them, I was in complete
11 agreement that that did go too far.

12 So I have narrowed the scope of the testimony that we
13 seek to elicit to merely victim behavior and explaining why a
14 domestic violence victim might react differently from the
15 victim of a stranger assault. And that -- so basically, at
16 this point, the State will be seeking to enter her as an
17 expert in the field of domestic violence, intimate partner
18 violence victim behavior.

19 THE COURT: Is there such a field?

20 MS. MARSH: Excuse me?

21 THE COURT: Is there such a field?

22 MS. MARSH: Such a field? Well, domestic -- I can limit
23 it to just domestic violence. I think the literature is
24 going more towards calling this intimate partner violence,
25 which is why I was trying to use that terminology, but I can

1 call it domestic violence.

2 THE COURT: I think that's a term of art, but I don't
3 think that's a subspecialty or something that's recognized in
4 the field, is it?

5 MS. MARSH: But I can certainly limit it to domestic
6 violence victim behavior.

7 THE COURT: I don't even think it would be that
8 specific. I think she'd be an expert in issues of domestic
9 violence dynamics.

10 MS. MARSH: That's --

11 THE COURT: That's probably the better way, the same way
12 you would couch it with criminal sexual conduct, which is
13 child -- usually, it's child sex trauma dynamics or something
14 akin to that.

15 MS. MARSH: Then I'd be happy to seek to enter her as an
16 expert in the field of domestic violence dynamics with
17 narrowed testimony to victim behavior.

18 THE COURT: Do you have any exception to that, Ms. Ford?

19 MS. FORD: Well, not only do we still object to her
20 testimony, but the Court finding --

21 THE COURT: Well, then we need to backtrack. I need to
22 know with that limitation what exactly is your objection?

23 MS. FORD: Yes, Your Honor. My concern is that by the
24 very nature of her testifying, it will suggest that the
25 victim was a battered woman and this is not about the victim.

1 THE COURT: I don't think she's going to say that. I
2 think she's just going to -- I think that -- I've heard them
3 testify that it can happen one time and people delay in
4 disclosing, that people go and try to drop charges. It's
5 just the nature of the relationship.

6 MS. FORD: But I think her testimony will basically put
7 it out there that --

8 THE COURT: I don't think she can say that because she's
9 never met her and she's never examined her and, if she had,
10 it would be inappropriate for her to be testifying about it
11 because then you would be talking about vouching and
12 bolstering. As I understand the case law from the Supreme
13 Court, it has to be very generalized.

14 In other words, I've studied this dynamic, I've studied
15 this field in psychology, and this is how people react in
16 these situations, without indicating that this has been
17 ongoing, without indicating that it's happened before because
18 that would be a prior bad act not the subject of a conviction
19 and it would be inappropriate. She can't talk about her
20 specifically. She can only talk in general terms about
21 people who have experienced this.

22 MS. FORD: And I totally agree with that, Your Honor.
23 My concern though by the very nature of her testimony will
24 suggest to the jury that we're dealing with a battered woman.
25 And so to that extent, I believe that goes into propensity

1 testimony.

2 THE COURT: Is she -- is she going to -- is any of her
3 testimony going to be in the terms of a battered person?

4 MS. MARSH: No, Your Honor. She's just going to refer
5 to how a victim of domestic violence is different from the
6 victim of a stranger and psychologically what's going on
7 there before, during, and after.

8 THE COURT: All right. I'm listening.

9 MS. FORD: I would like to point out too that just
10 there's a recent case, a 2019 case, Your Honor. It is
11 unpublished. It's just it actually talks about --

12 THE COURT: I can't rely on something that's
13 unpublished.

14 MS. FORD: Yes, Your Honor. It just does address that
15 this -- that this doctor's testimony is typically --

16 THE COURT: This doctor?

17 MS. FORD: Yes.

18 THE COURT: Dr. Rheingold?

19 MS. FORD: Yes. And in that case, it found that her
20 testimony was not appropriate. However --

21 THE COURT: Did they reverse it?

22 MS. FORD: No, they did not reverse the case. They
23 found it wasn't prejudicial enough, but they did say that
24 these cases are distinguished from the CSC cases, especially
25 because many of the CSC cases involve minors. However, they

1 did focus on the fact that she was testifying about how a
2 woman is more likely to be killed during the time period that
3 she's trying to leave a man and so that is why they found
4 especially that case went to propensity.

5 THE COURT: We're not talking about propensity and
6 that's a totally different situation. You're talking about a
7 battered situation where somebody says they killed somebody
8 because they were being beaten consistently and didn't leave
9 and why they didn't leave and that then there's a heightened
10 sense of them being killed in that time frame of trying to
11 leave the relationship, which is totally unrelated to this
12 case.

13 MS. FORD: I was just pointing that out for the case. I
14 think that was the primary reason they found her testimony
15 was inappropriate. So I'm not saying that that case would
16 suggest that in total that there's no way her testimony would
17 come in. So I just wanted to --

18 THE COURT: Yeah. The thing about appeals is they're
19 all case specific. They're all fact specific and every case
20 is different. And the fact that it's unpublished, I can't.
21 Did they say she was unqualified?

22 MS. FORD: No. They did not say she was unqualified.

23 THE COURT: Did they say her science was unreliable?

24 MS. FORD: They just went into how it was propensity and
25 she's testifying to propensity.

1 THE COURT: That's a factual issue. Yeah. That's not
2 germane to this case.

3 MS. FORD: So, Your Honor, we were --

4 THE COURT: And it's unpublished. I can't rely on it.
5 The Supreme Court has been very clear. I think they've
6 reiterated that recently.

7 MS. FORD: And it's just because it was so recent and it
8 was this doctor --

9 THE COURT: I still can't.

10 MS. FORD: -- is why I mentioned it, Your Honor.

11 THE COURT: You know, there's a reason they don't
12 publish things. They don't publish things, much to my
13 chagrin, because I get affirmed a lot in unpublished
14 opinions, but nevertheless, they don't publish it because it
15 doesn't have any precedential value because it's just
16 repeating what we already know.

17 MS. FORD: Yes, ma'am.

18 THE COURT: Yeah.

19 MS. FORD: I would though say as well that I believe I
20 would request a hearing just to go to if her testimony is
21 reliable. I'm not objecting. She has a lot of experience in
22 domestic violence. She has a lengthy resume, Your Honor, a
23 CV, but that is not -- it's not totally regarding domestic
24 violence. Of course, it contains many other issues.
25 However, I would just request a hearing on the reliability of

1 her testimony.

2 THE COURT: Does the State have any exceptions?

3 MS. MARSH: Any exceptions to --

4 THE COURT: Her request that we have an in-camera
5 hearing on the reliability of her testimony.

6 MS. MARSH: I don't think it's necessary, but I have no
7 exception to it.

8 THE COURT: Yeah. I don't think it's really necessary,
9 but I'm going to do it out of an abundance of caution. I
10 think there's a plethora of case law supporting the
11 reliability of the science and, clearly, from her CV she's
12 overqualified to testify in this regard. But I'm going to
13 accommodate you, but I'm not using this hearing for
14 discovery.

15 MS. FORD: Yes, ma'am.

16 THE COURT: Where's the witness?

17 MS. MARSH: She's outside, Your Honor. She's
18 sequestered.

19 THE COURT: If you could get her, please.

20 Did you all make any attempts to contact Dr. Rheingold
21 and talk to her to see what the scope of her testimony was
22 going to be once you got noticed she was testifying?

23 MS. FORD: No, Your Honor, because --

24 THE COURT: And why is that?

25 MS. FORD: Because there wasn't enough time.

1 THE COURT: Thursday? Friday? There wasn't enough time
2 to pick up the telephone and call her and ask her?

3 MS. FORD: We received the documents from the solicitor
4 after six -- or basically, after work hours Friday; so we had
5 requested those documents.

6 THE COURT: So why did you not get it until Friday if
7 they said they gave it to you on Thursday?

8 MS. FORD: They gave us the CV on Thursday. We
9 requested documents --

10 THE COURT: Which had your phone number on it, didn't
11 it?

12 MS. FORD: Yes, Your Honor.

13 THE COURT: Okay. So why didn't you just call and ask
14 her what her testimony would be?

15 MS. FORD: Because the State told us what she was going
16 to testify to in general as far as going into the defendant's
17 -- the propensity evidence. And so when we met the solicitor
18 Friday afternoon, that's when we were given the
19 understanding.

20 THE COURT: But you didn't make any attempts to call her
21 and ask her about her qualifications or ask her about what
22 she was going to testify about, although you had access to
23 her?

24 MS. FORD: We were told she was out of town Friday and
25 again yesterday she was not available we were told, but no,

1 we did not make the attempt.

2 THE COURT: Well, I mean her cell phone number is on
3 here, 792. That's -- I don't know that that's a cell phone
4 number, but you didn't call her office? You didn't?

5 MS. FORD: No, Your Honor. We were told she would be
6 out of town, but we did not call her.

7 THE COURT: The State told you she was out of town on
8 Friday?

9 MS. FORD: That's my understanding.

10 MR. DANIELS: That was my understanding too, Your Honor,
11 based off of what they gave us.

12 THE COURT: That she was out of town? Is that correct?

13 MS. MARSH: That is correct. I was able to -- I
14 actually did not speak with Dr. Rheingold Friday on her cell
15 phone. So I had this conversation about the substance of her
16 testimony on Friday afternoon after I met with the defense.
17 She was out of town that day.

18 THE COURT: But she was available by phone on Friday?
19 So you did not tell them she was not available by telephone
20 on Friday?

21 MS. MARSH: I think I just said that she would be out of
22 town around the weekend and she wasn't available Monday to
23 testify.

24 THE COURT: Okay. Dr. Rheingold, if you could, take the
25 stand, please, to be sworn.

DR. ALYSSA RHEINGOLD - PROFFERED DIRECT BY MS. MARSH

1 THE CLERK: Place your left hand on the Bible. Raise
2 your right hand. Do you swear or affirm that the testimony
3 that you shall give the Court shall be the truth, the whole
4 truth, and nothing but the truth, so help you God?

5 THE WITNESS: Yes.

6 THE CLERK: Thank you, ma'am. If you would, please have
7 a seat and, for the record, will you please state your full
8 name and spell your last name?

9 THE WITNESS: Dr. Alyssa Rheingold, A-l-y-s-s-a R-h-e-i-
10 n-g-o-l-d.

11 THE COURT: You may proceed.

12 DR. ALYSSA RHEINGOLD, being
13 first duly sworn, testified as follows:

14 PROFFERED DIRECT EXAMINATION

15 BY MS. MARSH:

16 Q: Dr. Rheingold, what is your occupation?

17 A: I'm a clinical psychologist and I'm a professor at the
18 Medical University of South Carolina.

19 Q: And what are your job responsibilities?

20 A: I am the director of clinical operations at the National
21 Crime Victims Research and Treatment Center, which is a
22 division up in the Department of Psychiatry and Behavioral
23 Sciences at the Medical University of South Carolina. So I
24 oversee our outpatient clinics. We provide trauma-related
25 treatment for --

DR. ALYSSA RHEINGOLD - PROFFERED DIRECT BY MS. MARSH

1 THE COURT: Just ignore me. I told them to adjust the
2 mic because it was ringing.

3 THE WITNESS: Oh.

4 BY MS. MARSH:

5 A: To provide -- I provide trauma-focused treatment for
6 folks who have experienced traumatic events, like victims of
7 crime. I do a combination of -- I also do a combination of
8 research, clinical work, teaching in the area of trauma and
9 victimization.

10 Q: What is your education background?

11 A: I received my bachelor's from the University of
12 Pennsylvania in 1996 with a major in psychology, graduating
13 cum laude and with honors in psychology. I received in 1998
14 a Master's in clinical psychology from MCP Hahnemann
15 University. And in 2001, I received my Ph.D. in clinical
16 psychology also from MCP Hahnemann University, which is now a
17 part of Drexel.

18 Q: And are you a member of any professional associations?

19 A: I am. I'm a member of the Association for Behavioral
20 and Cognitive Therapies, as well as the International Society
21 for Traumatic Stress Studies.

22 Q: Have you participated in any professional activities?

23 A: Within those organizations?

24 Q: Yes.

25 A: Okay. I've been -- served on a number of committees on

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1 some of those national associations. I've served on the
2 Board of Directors for the International Society for
3 Traumatic Stress Studies. I was treasurer one year for that
4 organization. Locally, I currently serve on the Charleston
5 Domestic Violence Homicide Fatality Review Team, as well as a
6 number of other local task forces and committees related to
7 domestic violence and sexual assault.

8 Q: And do you have any teaching experience?

9 A: I currently am the co-theme director for the
10 fundamentals of patient care curriculum for our first-year
11 medical students at MUSC. Part of that theme is teaching
12 students about interviewing skills with patients. We also
13 cover behavioral health issues, teaching them about domestic
14 violence and child maltreatment, the impact of anxiety and
15 depression on patients. I also supervise psychology interns,
16 sometimes psychiatry residents, plus doctoral fellows in
17 their clinical work when they rotate at the Crime Victims
18 Center and teach various seminars throughout the university.

19 Q: And have you ever published any articles?

20 A: Yes. I've published 40 -- almost 50 peer-reviewed
21 articles, predominantly in the area of trauma victimization,
22 and about 20 more book chapters and additional writings.

23 Q: And have you ever been qualified as an expert in trial
24 before?

25 A: Yes.

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1 Q: In what capacity?

2 A: I've been an expert witness in domestic violence, sexual
3 assault, trauma, intimate partner violence dynamics.

4 Q: And how many times would you say?

5 A: I've testified nine times, twice in military court, one
6 in federal court, and the other six in the Ninth Circuit
7 Court.

8 Q: And are you typically paid to provide expert testimony?

9 A: Yes.

10 Q: Are you being paid to be here today?

11 A: Yes. And to clarify, I actually get paid for my time.

12 Q: And were you given the name of the victim in this case?

13 A: Yes.

14 Q: And why were you given her name?

15 A: To ensure that I had no conflict of interest, to make
16 sure that she was not a patient of mine or that I supervised
17 her case at the Crime Victims Center.

18 Q: And have you ever met her before?

19 A: No.

20 Q: Okay. Are you familiar with any of the facts in this
21 case?

22 A: No.

23 Q: Have you heard any of the testimony that has been given
24 up to this point?

25 A: No.

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1 Q: Okay. And will you be making any opinions regarding the
2 facts of this case?

3 A: No.

4 Q: Do you see patients who report being in domestic
5 violence relationships?

6 A: Yes.

7 Q: And has your work been peer-reviewed?

8 A: Yes.

9 Q: Okay.

10 MS. MARSH: At this time, the State moves to enter this
11 witness as an expert in the field of domestic violence
12 dynamics.

13 THE COURT: Any questions or objections for the witness?

14 MS. FORD: Your Honor, I don't have any questions to her
15 qualifications, but it was never my intent. But I think
16 there --

17 THE COURT: So you're conceding that she is qualified as
18 an expert on the issue of domestic violence dynamics?

19 MS. FORD: Yes, Your Honor.

20 THE COURT: So then what is the substance of your
21 objection?

22 MS. FORD: It would still be to go to the reliability of
23 the substance of what she will testify to.

24 THE COURT: And what would be the underlying basis of
25 that argument?

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1 MS. FORD: Just, again, I don't know what she would
2 testify to regarding that, Your Honor, necessarily, but I
3 would just argue that a lot of this is just based on people
4 coming in and saying they are a victim without necessarily
5 their need for corroboration. Again, her direct information
6 --

7 THE COURT: Did you provide her with a list of the
8 documents and other peer-reviewed documentation that she
9 would be relying on?

10 MS. MARSH: Yes, Your Honor. I sent it to her as soon
11 as I received it.

12 THE COURT: Did you receive them?

13 MS. FORD: Yes. I received the names. I was able to
14 get a few of them through Google. I had informed the
15 solicitor though that many I would not be able to get because
16 they are academic in academic journals and we don't have
17 access to those, but I did get the ones that I could from
18 just googling those, Your Honor.

19 THE COURT: So you're in good faith arguing that there's
20 a reliability issue with the science or are you really
21 arguing a relevance objection? I need you to separate apples
22 from oranges because I think clearly this is a field that is
23 recognized and has been peer-reviewed. I don't think there's
24 any question about the reliability of the science or the
25 methodology.

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1 What I'm hearing you arguing is that you just don't
2 think it's relevant and you think that jury is going to give
3 her word more credibility than common sense. Is that it in a
4 nutshell?

5 MS. FORD: No, I don't think it's relevant and I think
6 it's bolstering.

7 THE COURT: So those are two separate things. Then
8 would you agree with me that you do not quibble with the
9 reliability of the science that's employed for her to
10 formulate her opinions?

11 MS. FORD: No, I don't agree with that, Your Honor.

12 THE COURT: Okay. Then I need to have a good faith
13 argument as to why that science is not reliable because,
14 clearly, the case law from the South Carolina Supreme Court
15 to the United States Supreme Court, as well as psychological
16 academic documents, seem to recognize it.

17 MS. FORD: Your Honor, I don't think this is a science
18 in the technical sense.

19 THE COURT: Well, I use that word interchangeably, which
20 I really shouldn't because the Supreme Court says it's non-
21 scientific evidence, but I still have to use the same
22 gatekeeper function. So that's why I asked the question very
23 directly. It was very specific. I need to know exactly what
24 is the crux of your argument that this is not reliable, that
25 what she bases the foundation of her opinion on is not

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1 reliable. These are two separate things.

2 What she can testify to may well be reliable, but you
3 just don't like it because you don't think it's relevant and
4 you don't think it's probative. Those are two different
5 things and I can't mix those concepts because they all have
6 very different criteria by which I need to weigh your
7 argument. So I need to know.

8 You've told me -- originally, you told me that you did
9 object to her expertise. Now you tell me you're not.

10 MS. FORD: I never objected to her being an expert in
11 the field. I just objected to her being able to testify.

12 THE COURT: Well, maybe I misapprehended what you said
13 to me. So now I have clarity, but what I'm trying to
14 understand is -- because I really don't hear you saying that
15 the science that she relies -- well, not science because it's
16 non-scientific, but the -- but the regimen that is regularly
17 used in this field of psychology to measure this dynamic. I
18 hear you now saying that you don't think that's reliable.

19 MS. FORD: Your Honor --

20 THE COURT: Or are you simply saying that you don't --
21 you just don't believe her testimony is relevant?

22 MS. FORD: Well, no, it's not that I don't -- Your
23 Honor, my concern is -- like, I would cite a quote or refer
24 to a case that I was given, "Domestic Violence Survivors
25 Self-identify Reasons for Returning to Abusive Relationships"

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1 from 2002. They specifically said that reliable statistics
2 are difficult to obtain when there is some variable in
3 research findings. Studies have suggested that about half of
4 all women ultimately reunite. So they givet, like, general
5 statistics.

6 THE COURT: That sounds like something you need to
7 cross-examine her about, but you are reciting a treatise to
8 me and you're not telling me that that's generally recognized
9 within that field. A non-psychologist could have written
10 that. I have no idea. Somebody in statistics could have
11 written it.

12 I don't have a clue, but I know based on what I've done
13 before and what I've experienced before and what I've heard
14 before is that this is recognized in the psychological field,
15 that she would be able to testify to it to a reasonable
16 degree of psychological certainty, and that it's something
17 that if she can provide the foundation for and documentation
18 that it is a recognized field, no different than the dynamics
19 of child sex abuse, and that's why I'm being very specific in
20 the way I'm asking questions because relevance and that are
21 two different things.

22 MS. FORD: Yes, Your Honor, and my argument as far as
23 reliability would just go to my prior argument that her
24 definition of domestic violence is not the state's definition
25 of domestic violence.

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1 THE COURT: I don't know what she's going to say. So
2 that's speculative.

3 MS. FORD: I --

4 THE COURT: Is she even going to say anything about
5 domestic violence or is she simply going to say that people
6 in certain -- I'm just a little confused.

7 MS. FORD: Well, originally, the State said they were
8 going to ask her to define domestic violence. However, I
9 mean I'm fairly certain that --

10 THE COURT: But she just said they're not. So --

11 MS. FORD: Well, I'm fairly certain her research would
12 include other, not just physical acts, but basically stalking
13 was one of the things included.

14 THE COURT: But I would imagine she wouldn't testified
15 to that because it's not relevant.

16 MS. FORD: Well, no, but just the people they are
17 looking at, Your Honor, can be victims of domestic violence
18 in more situations than that are current -- this current
19 case, Your Honor. Their definition of domestic violence is
20 much wider than the state's definition and that is why we
21 would argue it's irrelevant.

22 THE COURT: But she's told you that that's not what
23 she's going to ask her about. Right? So now you're arguing
24 based on what she told you the other day versus what she told
25 us today?

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1 MS. FORD: No, Your Honor.

2 THE COURT: Or what are you saying?

3 MS. FORD: I'm saying what the doctor's research and
4 experience is dealing with victims who would not be
5 classified as victims necessarily under the statutes of South
6 Carolina.

7 THE COURT: But you've already agreed she's an expert in
8 the issue of domestic violence dynamics. So that's a
9 foregone issue at this point, isn't it?

10 Aren't you really talking about the foundation for her
11 formulating her opinion, which is subject to cross-
12 examination, but not the reliability of the methods that are
13 employed?

14 MS. FORD: Well, I don't think -- it's not in reviewing
15 and that's right under Rule 702. It's not about just the
16 reliability of the methods, Your Honor. There still has to
17 be --

18 THE COURT: It's non-scientific; so there's no formula.

19 MS. FORD: Right. It is not an evaluation just if there
20 -- you know, the legitimacy of the work, but it's looking at
21 it --

22 THE COURT: Well, it does come down to the legitimacy of
23 her work. It comes down to how much of it she's done, what
24 studies she's employing, whether it's a regularly accepted
25 level of how things are evaluated within her field.

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1 It's not like -- I mean that's the whole reason -- how
2 am I thinking this -- that people in this field do what they
3 do. They have studies. They have empirical evidence they
4 rely on. They have treatises that they rely on and other
5 things that formulate their discipline and they rely on that
6 in making assessments.

7 Otherwise, there would be no benchmark for them upon
8 which to measure who they're treating. So that's why I'm
9 trying to understand your argument and I'm really not trying
10 to be thick, but I need -- I need the two things to be very
11 clear in their definition because they are two separate
12 things. Relevance is not intertwined with reliability.

13 Either you're employing a method that's reliable or
14 you're not, and one that's reliable is one that is ordinarily
15 recognized in a field of discipline and it's what everybody
16 uses to measure whatever it is they're doing, just like
17 lawyers. We have different ethical standards. We have
18 different elements of causes of action that we employ and
19 it's normally and regularly recognized. We don't just pull
20 it out of the air. We have a benchmark upon which we measure
21 what we do.

22 So it's no different than a field of medicine and a
23 field of engineering and a field of psychology. That's when
24 we're talking about reliability of the methodology employed.
25 That's totally different than relevance. Something can be

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1 reliable and generally recognized and employed, but still not
2 be relevant. They're two different concepts.

3 MS. FORD: And I do understand that, Your Honor. My --
4 the reason I asked for the hearing, it's just referred to in
5 case law and everybody is referring to experts in fields that
6 have been more recognized than this field regarding the
7 sexual abuse dynamics, Your Honor, and so I don't think it
8 was inappropriate for me to request this, but I --

9 THE COURT: I didn't say it was. I'm just trying to
10 figure out what you're asking me for and I'm trying to get
11 clarity on what it is you're arguing because you intermix the
12 two concepts of reliability and relevance. They're two
13 different things.

14 MS. FORD: Well, you know --

15 THE COURT: I'm trying to figure out is the crux of your
16 argument really reliability -- really reliability or is it
17 really relevance and you feel it's less probative -- more
18 probative -- more prejudicial than probative.

19 MS. FORD: Reliability would be an issue just to the
20 extent, Your Honor, that I am questioning that how these --
21 the victims that they studied are labeled as victims because
22 that is my issue with reliability, Your Honor.

23 THE COURT: I'm sorry. Repeat your last sentence.

24 MS. FORD: My concern with reliability is that, you
25 know, it seems to me like in one case, for example, that I

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1 referred to, like, the women they interviewed were women in a
2 shelter for domestic violence and so I don't think they
3 questioned them, you know, to look to see if there was
4 corroboration that they were abused or anything like that.
5 And so that's why I would argue there could be a different
6 relationship and, therefore, a reliability issue.

7 THE COURT: Ask her the questions you're going to ask
8 her so we can hear the scope of what her opinion is. I don't
9 think there's any question really in the country but that
10 this field is recognized. It's way too -- it's too prevalent
11 and it's testified to in courts every day across the country
12 regarding why people -- why people recant, whether it's in a
13 sex abuse situation or whether it's domestic violence,
14 because what happens is just what your co-counsel has done.
15 He's argued basically that she's not reliable because she
16 went and recanted, that she went to visit him, that she still
17 had interaction with him.

18 The State cannot be left out in the cold, so to speak.
19 They have the burden of proof and they are entitled to
20 rehabilitate their witness, so to speak, and to explain to
21 the jury matters that are not within the ambit of their
22 common sense because the average person would not understand
23 why somebody would deal with someone who they say hit them.
24 That is beyond their common sense and experience. That's why
25 you call a therapist, a psychologist, a person who has their

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1 doctorate, who has studied in this field to say in general
2 this is how people behave in these circumstances.

3 Of course, they can't relate it directly to her. They
4 can't say that she did this on this occasion because of this.
5 That would be inappropriate. It would be bolstering, but I
6 think they can talk in generalized terms that this is how
7 people within the confines of these types of circumstances
8 behave and it would not be unusual -- of course, I don't
9 think they put it that way -- for someone to recant.

10 Otherwise, it leaves the jury with an issue that you've
11 raised that has not been addressed and they're entitled to
12 address it. They have the burden of proof. I don't think
13 they can be foreclosed from doing that. It's no different
14 than -- I think they're all analogous because, as we know,
15 there really is no formula for non-scientific evidence, but
16 I'd have to hear what the foundation of the opinion would be
17 based on.

18 But I -- I really don't hear you making a reliability
19 argument. I hear you making a relevance argument. So we're
20 going to hear exactly what she's -- exactly what she's going
21 to testify to instead of speculating about what she's going
22 to say.

23 MS. FORD: Thank you, Your Honor.

24 THE COURT: You're welcome. Proceed.

25 MS. MARSH: Thank you, Your Honor.

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1 BY MS. MARSH:

2 Q: Dr. Rheingold, can you please explain what you mean when
3 you refer to a domestic violence victim?

4 A: A domestic violence victim is an act or behavior that
5 can cause harm or injury to an individual within the context
6 of an intimate partner relationship. Domestic violence can
7 include physical acts of violence. It can include sexual
8 violence. It can include psychological aggression. It can
9 include stalking.

10 Q: And can you explain the demeanor of a victim of domestic
11 abuse during an assault?

12 A: There is a wide range of demeanors; so there is not one
13 typical display or demeanor of a domestic violence victim in
14 an actual assault.

15 Q: And can you explain the impact of trauma?

16 A: The impact of trauma on?

17 Q: On a victim.

18 A: A victim? Trauma can impact victims in a number of
19 different ways. So there is not one specific response that
20 trauma can have. So some folks can development mental health
21 difficulties, like post-traumatic stress disorder,
22 depression, substance use issues. It can put them at risk of
23 other sort of health risk behaviors.

24 Some folks are -- from a long-term consequences
25 perspective that is, some folks can be pretty resilient and

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1 not display necessarily any long-term reactions to trauma.
2 It sort of varies, but experiencing a potential traumatic
3 event does put somebody at risk of some long-term
4 difficulties.

5 Q: And how does the typical victim react to a domestic
6 assault?

7 A: Victims can react in a wide variety of ways. So are you
8 referring to, like, during an actual incident?

9 Q: I'll withdraw that question actually. How -- how is --
10 how is a domestic assault different from an assault by a
11 stranger on someone's -- someone -- on a victim
12 psychologically?

13 A: A domestic assault definitely for a victim has more
14 complications because they know the individual who assaulted
15 them. It's somebody that they have a relationship with, a
16 prior relationship with, perhaps an ongoing relationship
17 with. So that can complicate their reactions and responses.
18 That's sort of different maybe from a stranger assault.

19 Q: So is it fair to say a victim of domestic violence has
20 conflicting emotions about her abuser?

21 A: Yes. Many can have conflicting emotions. Often, in
22 these relationships, they're not all bad. So victims can
23 experience love and emotional attachment to their potential
24 perpetrator, in addition to feeling anger, shame, guilt. So
25 they can experience a wide range of emotions.

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1 Q: And can you explain why a victim of domestic violence
2 might forgive someone who has attacked her?

3 A: Incidents of physical violence in intimate-partner
4 relationships are very complicated for victims. So a lot of
5 victims may forgive the potential perpetrator because they
6 love the individual. They may want that -- they may believe
7 that individual is going to get help or believe that they're
8 not going to do it again. They want to salvage their
9 relationship. Some forgive because they themselves feel
10 shame perhaps. Children may play a role. If they're married
11 or cohabitating and share expenses, share a history, all of
12 those may be reasons why they want to sort of forgive and
13 continue to work on that relationship.

14 Q: So is it unusual for a victim to stay in a relationship
15 after experiencing abuse?

16 A: It is not unusual.

17 Q: Why might a victim stay in a relationship following
18 abuse?

19 A: For a number of reasons. So as I sort of mentioned
20 before, one, possibly out of fear of the potential
21 perpetrator, that there will be ongoing abuse. If they were
22 to try to leave, that that abuse might escalate. Some may
23 stay because, as I mentioned, they love the individual. They
24 have an emotional attachment. They want to make the
25 relationship work. They believe the individual will get

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1 help, not do it again. Some -- you know, some, as I
2 mentioned, sort of for family circumstances want to stay in
3 that relationship.

4 Q: So is it unusual for a victim of domestic violence to
5 want her abuser back home with her?

6 A: No, it's not unusual.

7 Q: And is it unusual for a victim of domestic violence to
8 fill out a drop charge form?

9 A: No, it's not unusual.

10 Q: Why would a victim do that?

11 A: Because they may want to continue that relationship,
12 despite the fact that that individual might have physically
13 harmed them. As I mentioned, they have a lot of conflicting
14 emotions and want to still try to make it work. They believe
15 that the relationship will work. They love the individual.
16 These relationships might be all that individual knows as
17 well from their prior history.

18 Q: And is it unusual for a victim of domestic violence to
19 recant her story?

20 A: No, it's not unusual.

21 Q: And why might a victim do that?

22 A: Again, to continue to reestablish the relationship.

23 Q: And what are you basing your answers to these questions
24 on?

25 A: It's a combination of a review of the literature in the

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1 field of domestic violence. There is a number of research
2 studies. So it's just a combination of synthesizing research
3 studies, as well as my experience in working with roughly 200
4 domestic violence victims within our clinic.

5 MS. MARSH: Thank you. No further questions.

6 THE COURT: Any questions for the witness?

7 MS. FORD: Briefly, Your Honor.

8 THE COURT: You may proceed.

9 PROFFERED CROSS-EXAMINATION

10 BY MS. FORD:

11 Q: Dr. Rheingold, so just pretty much you're aware that the
12 statute in South -- statutes in South Carolina regarding
13 domestic violence -- they have different definitions than
14 what you consider as domestic violence; correct?

15 A: I would -- I would say the statutes are inclusive within
16 the definitions for domestic violence.

17 Q: But your definitions would cover more conduct? Is that
18 fair to say?

19 A: They can, yes.

20 Q: And you mentioned your testimony is based on some
21 research. Have you yourself done research on the matter
22 other than your just one-on-one experience with victims and
23 working on committees and things of that nature?

24 A: I've done research on the impact of various
25 victimizations on victims. So the impact of domestic

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1 violence, the impact of different types of victimizations on
2 victims. Currently, I'm doing research on best practice
3 screening of domestic violence in primary healthcare systems.

4 Q: And -- but you yourself, you've not done any particular
5 research on recanting, have you?

6 A: No, ma'am.

7 Q: And you haven't done any particular research on victims
8 trying to drop charges?

9 A: No.

10 Q: And you don't know any specific information about the
11 Charleston Solicitor's Office on how many statistics of women
12 trying to drop or victims trying to drop charges or recanting
13 their statements, do you?

14 A: No, ma'am.

15 Q: In the cases that you have researched, do you know how
16 the victims are identified as victims of domestic violence?

17 A: There's a number of different types of research studies
18 out there. So some of the research are based on large-scale
19 epidemiological studies. There's been several large-scale
20 studies that have been done with folks across the country
21 through random digit dialing.

22 So for instance, there was -- the CDC has done several
23 of them, one surveyed 16,000 individuals across the country.
24 There was another one that was with 10,000, another with
25 12,000 individuals across the country, and they asked a range

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1 of different types of behavior, types of experiences somebody
2 may have an experienced.

3 They have really specific types of questions to identify
4 whether they've experienced them or not in their lifetime and
5 in the past year to be able to identify potential rates of
6 prevalence of domestic violence and other types of trauma.
7 There's been some studies that looked at just specific
8 studies within shelters or in other sort of clinics, but the
9 majority of the research that's out there are on the large-
10 scale epidemiological studies.

11 Q: Is it fair to say that many of the studies in looking at
12 victims, these victims are classified as victims largely
13 based on just self-report? Is that fair to say?

14 A: Yes. It's based on self-report.

15 Q: So it's not -- these -- the cases are not necessarily
16 corroborated by other witnesses or even by injuries? Is that
17 fair to say?

18 A: No. They are studies that are done via random digit
19 dial self-report anonymous. They're -- the majority of
20 folks, there's no -- well, for all folks, there's no
21 secondary gain to participate in those studies. So in the
22 field actually from a prevalence perspective feels that some
23 of the statistics may even be potentially underreported from
24 what they found in the studies.

25 Q: But those people reporting, while they may have nothing

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1 to gain, they still are just self-reporting; correct?

2 A: Correct.

3 Q: No one goes back and looks up to see if there was ever a
4 police report filed or an injury that was received? Is that
5 fair to say?

6 A: Correct. And roughly only a quarter of those victims
7 that self-identify in those studies report that they've ever
8 reported to law enforcement.

9 Q: But the people who did report, they have reported the
10 incidents to law enforcement, the test studies don't
11 typically involve the researchers going to the law
12 enforcement to actually look at the reports when they were
13 made; correct?

14 A: Correct. Because they are confidential, anonymous
15 reports based on those studies.

16 MS. FORD: I beg the Court's indulgence.

17 THE COURT: Yes, ma'am.

18 MS. FORD: No further questions.

19 THE COURT: Any redirect?

20 MS. MARSH: None from the State, Your Honor.

21 THE COURT: Any exception to the scope of the witness's
22 testimony from the State?

23 MS. MARSH: None from the State, Your Honor.

24 THE COURT: From the defense?

25 MS. FORD: Your Honor, from how the State asked the

1 questions, most of -- I mean if independently allowed, I
2 don't have an issue with because they focused on the victim.
3 I think it does -- you know, the solicitor did withdraw the
4 question about the impact of abuse.

5 However, I would just stress again I do object to this
6 witness. I think -- and I think the point was made that the
7 studies are based on people just self-reporting without any
8 corroboration. Often in criminal sexual conduct cases, for
9 example, there are means often in many studies they do make
10 efforts to try to corroborate the -- the victims' stories,
11 Your Honor.

12 And so because there's just no corroboration done, I
13 just don't think it's reliable points. It shouldn't be
14 allowed in court. Thank you.

15 THE COURT: You're welcome. Would the State like to
16 respond?

17 MS. MARSH: Yes, Your Honor. We think that expert
18 testimony is absolutely necessary and this is an issue
19 outside the common scope or the common juror knowledge. It
20 goes toward rehabilitating the victim's credibility.

21 As I believe you mentioned earlier, the defense has made
22 an issue of her credibility by bringing into -- by getting
23 into her recantation, the fact that she stayed with the
24 defendant after her attack, and those are things that might
25 confuse the jury. They don't seem like something that -- or

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1 a way that a typical victim would behave. So this expert is
2 absolutely necessary to dispel the myth of typical victim
3 behavior as far as domestic violence.

4 And ultimately, it is up to the jury to decide what
5 weight they want to give this witness's testimony. We just
6 feel that the jury needs to understand the victim's emotions
7 during and after this assault for them to determine what
8 weight to give her testimony and credibility.

9 DIRECT EXAMINATION BY THE COURT

10 THE COURT: Dr. Rheingold, you indicated that you have
11 had 200 studies done at the Medical University on the issue
12 of domestic violence? Have you conducted a study?

13 THE WITNESS: No, ma'am. So I've -- I've done -- I've
14 seen over 200 patients.

15 THE COURT: I'm sorry. Repeat that for me.

16 THE WITNESS: I've seen over roughly 200 myself or
17 supervised 200 patients for treatment related to their being
18 a victim of domestic violence.

19 THE COURT: And is that what you're basing your opinion
20 on?

21 THE WITNESS: I'm basing it on a combination of review
22 of the literature in the field, as well as my experience in
23 working with domestic violence victims.

24 THE COURT: And what literature are you referring or are
25 you relying on?

DR. ALYSSA RHEINGOLD -- DIRECT BY THE COURT

1 THE WITNESS: There's been a number of large-scale
2 epidemiological studies that are assessing victimization.

3 So there is the National Intimate Partner Violence --
4 National Intimate Partner Sexual Violence Survey that has
5 been done and repeated by the CDC. That was the -- the first
6 trial was done with roughly 12,000 individuals across the
7 country. The second was roughly 10,000 across the country.

8 There's another epidemiological study, the National
9 Women's Study. That was done with 4,000 women.

10 There's the National Violence Against Women Study that
11 was done with 16,000 men and women across the country.

12 THE COURT: And were any of these studies peer-reviewed?

13 THE WITNESS: The findings are peer-reviewed. Some of
14 the studies received peer review in the initial stages for
15 receiving the grants. So the National Violence Against Women
16 Study received funding that applied for a grant that needed
17 to be peer-reviewed in order to do that, as well as the
18 National Women's Study, and then they published in peer-
19 reviewed journals on their findings.

20 The National Intimate Partner Violence -- the National
21 Intimate Partner Sexual Violence Survey was conducted by the
22 CDC and so they are -- they've published several times on
23 their findings in peer-reviewed journals as well.

24 THE COURT: So if I understand you correctly -- and if I
25 misstate what you've said, please correct me. That your

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1 opinion or the foundation of your opinion, you rely on the
2 200 patients that you've seen for treatment at the Medical
3 University, in combination with the literature you've just --
4 you've just stated for me?

5 THE WITNESS: Yes, ma'am.

6 THE COURT: And is that the way opinions of this type
7 are generally formulated?

8 THE WITNESS: Yes, ma'am.

9 THE COURT: And is that industrywide?

10 THE WITNESS: Yes, ma'am.

11 THE COURT: And is domestic violence -- is that
12 recognized as a discipline within the psychological field?

13 THE WITNESS: Yes, ma'am.

14 THE COURT: Any questions as a result of the Court's
15 questions from the State?

16 MS. MARSH: None from the State.

17 THE COURT: From the defense?

18 MS. FORD: No, Your Honor.

19 THE COURT: I've listened to the objections and they are
20 overruled.

21 As it regards the doctor's expertise, the defense has
22 withdrawn the objection to her expertise in the area of
23 domestic violence dynamics and, clearly based on her CV,
24 which I'm having marked as a Court's exhibit, as well as the
25 list of her expert witness experience, which will likewise be

1 marked as a Court's exhibit, clearly there is more than
2 adequate documentation of her expertise and her qualification
3 as an expert pursuant to the evidentiary rules.

4 The defense has posed an objection regarding the
5 reliability of the science and that's why I asked the
6 questions that I asked of the witness. Clearly, the
7 foundation of her opinion -- in formulating the foundation of
8 her opinion, she has utilized the 200 patients that she's
9 seen within the confines of her extensive experience at the
10 Medical University, which is documented by her CV, in
11 addition to five studies that have all been peer-reviewed,
12 either before a grant, during the course of or after a grant,
13 one which is nationally recognized, the Center for Disease
14 Control, which is regulated by our governmental entities, as
15 well as the other studies which have been peer-reviewed.

16 I think, clearly, they meet the reliability test. Our
17 courts have been very clear that there's no formulated
18 approach for determining the foundational requirements of
19 reliability in non-scientific evidence, which is clearly what
20 this is.

21 It's a little different when you're doing -- dealing
22 with something that is scientific in nature because you have
23 formulas and other things that you can rely on in determining
24 reliability. But clearly under these circumstances, the non-
25 scientific test is met.

1 (WHEREUPON, Court's Exhibit Number 3, curriculum vitae
2 of Dr. Rheingold, and Court's Exhibit Number 4, expert
3 witness experience of Dr. Rheingold, were marked.)

4 THE COURT: Now, moving on to the next objection that --
5 at least that I perceived from the defense, which is the one
6 based in relevance, Ms. Ford's argument that it is more
7 prejudicial than probative. I've listened to the testimony
8 of Dr. Rheingold and as long as the State keeps it within the
9 confines of what was asked during the direct examination, I
10 can find no fault with the testimony, and I think Ms. Ford
11 concedes that she has no problem with the questions and the
12 way that they were asked.

13 More specifically, pursuant to Rule 702, as well as Rule
14 404, the Court would find that the testimony is probative,
15 that it is more probative than prejudicial, that the witness
16 is going to testify to the general behavioral
17 characteristics, which is appropriate because it is not
18 specific and it does not act to bolster the victim's
19 testimony, to the range of responses, which our Court have
20 said is appropriate, and that it will be helpful.

21 And I'm sort of hedging between the scientific -- the
22 expert rule, as well as the relevance rule, but clearly, the
23 testimony will aid the jury in its understanding of this
24 subject matter. It is beyond the ambit of common sense.
25 That it will be helpful in explaining to the jury the typical

1 behavior patterns of criminal -- in the dynamics of a
2 domestic violence -- the dynamics of domestic violence. And
3 it will assist the jury in understanding some aspects of the
4 behavior of domestic violence dynamics and give them insight
5 into the dynamics of domestic violence, as well as the
6 demeanor and behavior within the confines of that
7 circumstance.

8 And, of course, and which is appropriate, the expert in
9 this case has not evaluated the victim and will not be
10 speaking in specific terms such to bolster or add credibility
11 to her testimony. It is germane and relevant.

12 The defense has raised and it has come out through
13 direct and cross-examination that the victim in this case,
14 after claiming an assault, interacted with the defendant
15 continually, made attempts to drop charges, and that is an
16 issue that the State is entitled to explore and have the
17 dynamics of that circumstance explained to the jury. So I do
18 find that it is more probative than prejudicial and the
19 objection is overruled.

20 Now, I think we probably -- it's 4:58, but I think by
21 5:30 we can finish Dr. Rheingold's testimony. Is that an
22 accurate assumption on my part? And we've got traffic
23 anyway. I don't think the jury wants to be sitting in it.

24 MS. MARSH: I wasn't keeping time, but I don't think
25 that took more than 30 minutes.

1 THE COURT: We started at about 4:15-ish, 4:20-ish, and
2 finished at -- I'm trying to see what time I sent the jury
3 out for their break. I sent them out at -- I don't believe I
4 wrote it down.

5 THE CLERK: It was 3:47.

6 THE COURT: Huh?

7 THE CLERK: It was 3:47.

8 THE COURT: Was it that long ago?

9 THE CLERK: Yes.

10 THE COURT: Did I lose track of time that quickly? Why
11 did I have four something written down?

12 THE COURT REPORTER: The jury went out at 3:47.

13 THE COURT: What time did we -- yeah, but then we
14 started -- what time did we start having this hearing though?

15 THE COURT REPORTER: 4:19.

16 THE COURT: Yeah. Because I gave them a chance to go to
17 the restroom as well. So we started the hearing at 4:19, but
18 we used a lot of it talking about other stuff other than
19 testimony. But I'm thinking her testimony was probably less
20 than 30 minutes actually, probably more like 20.

21 So I would suggest we go ahead and press forward and
22 then have the jury come in a little later and do charge
23 conference and all that in the morning.

24 Any exception from the State?

25 MS. MARSH: There's no exception.

1 THE COURT: Well, we're going to hear motions, of
2 course.

3 MS. MARSH: If there's no exception to that, I was
4 wondering were we to do the testimony, we could possibly read
5 the stipulation.

6 THE COURT: Oh, you can, yeah. I'm not precluding you
7 from --

8 MS. MARSH: Okay.

9 THE COURT: -- doing that, no.

10 MS. MARSH: Thank you. That would be it.

11 THE COURT: And I assume since you all stipulated, you
12 have no exception to publishing it?

13 MR. DANIELS: No, Your Honor.

14 THE COURT: All right. Please bring in the jury.

15 And this will be the State's last witness; correct?

16 This is the State's last witness; correct?

17 MS. MARSH: That's correct, Your Honor.

18 Your Honor, real quickly, I have that you had ordered
19 Shanika West to remain in the courtroom subject to being
20 recalled, but we were wondering if she might be dismissed at
21 this time.

22 THE COURT: Any exception to excusing the witness?

23 MR. DANIELS: No, Your Honor.

24 THE COURT: Yeah. I only held onto her because, as I
25 explained to you all at the bench, I wanted to give the

1 defense an opportunity to cross-examine her regarding
2 anything that may have been published in the 9-1-1 tape. And
3 as I understand it, you all have no -- have no need to cross-
4 examine her regarding any of those statements; correct?

5 MR. DANIELS: That's correct.

6 THE COURT: So any exception to her being excused?

7 MR. DANIELS: No.

8 THE COURT: She can be excused.

9 MS. MARSH: Thank you, Your Honor.

10 (WHEREUPON, the jury entered the courtroom at 5:02 p.m.)

11 THE BAILIFF: The jurors are all here, Your Honor.

12 THE COURT: You may be seated.

13 Ladies and gentlemen, we appreciate your patience. We
14 have been working diligently during this break. I know it
15 can get a little boring to sit in that room. I don't know if
16 that room has windows or not, but I apologize in advance if
17 it doesn't.

18 We've been working through some matters of law and,
19 again, we appreciate your patience. And since it's 5
20 o'clock, you all would be sitting in traffic anyway. So
21 we're going to press ahead and finish a witness that I think
22 will take about 15 minutes so that we'll be able to close and
23 charge on tomorrow or be close to closing and charging on
24 tomorrow.

25 So we appreciate your indulgence. Does anyone have any

1 conflict that they need to leave right this moment?

2 (WHEREUPON, there was no response.)

3 THE COURT: Does that mean silence? No one?

4 We'll be done before 5:30, I believe. Is that good for
5 everybody? I see a head shaking. I take that as
6 affirmative.

7 You may call your next witness.

8 MR. WARING: Thank you, Your Honor. I was going to take
9 two seconds to do the stipulation.

10 THE COURT: Go right ahead.

11 MR. WARING: Okay. Ladies and gentlemen, what I'm doing
12 now is reading aloud a stipulation to a prior domestic
13 violence conviction. The State and defense have agreed upon
14 the following stipulation.

15 Number one, the defendant, Jerome Keith West, has a
16 prior conviction for domestic violence, and,

17 Number two, this conviction occurred on August 6th, 2015.

18 THE COURT: Ladies and gentlemen, a stipulation is an
19 agreement between counsel and it requires no further proof.

20 You may call your next witness.

21 MS. MARSH: The State calls Dr. Alyssa Rheingold.

22 THE COURT: Doctor, if you would, stand to be sworn.

23 THE CLERK: Do you swear or affirm that the testimony
24 you shall give before the Court and the jury shall be the
25 truth, the whole truth, and nothing but the truth, so help

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1 you God?

2 THE WITNESS: Yes.

3 THE CLERK: You may be seated and, for the record,
4 please state your full name, spelling your last.

5 THE WITNESS: Dr. Alyssa Rheingold, R-h-e-i-n-g-o-l-d.

6 THE COURT: You may proceed.

7 DR. ALYSSA RHEINGOLD, being
8 first duly sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MS. MARSH:

11 Q: Dr. Rheingold, what is your occupation?

12 A: I'm a clinical psychologist and professor at the Medical
13 University of South Carolina.

14 Q: And what are your job responsibilities?

15 A: I direct the clinical operations at the National Crime
16 Victims Research and Treatment Center, which is a division
17 within the Department of Psychiatry and Behavioral Sciences
18 at the Medical University of South Carolina. Part of that is
19 I do a combination of research, clinical work, and teaching
20 in the area of trauma and oversee an outpatient clinic where
21 we see kids and adults who've experienced traumatic events,
22 predominantly victimization, and we assist them with mental
23 health treatment.

24 Q: And what is your education background?

25 A: I received my bachelor's from -- in 1996 from the

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1 University of Pennsylvania, majoring in psychology. I
2 graduated cum laude and with honors in psychology. In 1998,
3 I received my Master's in clinical psychology from MCP
4 Hahnemann University. And in 2001, I received my Ph.D. in
5 clinical psychology also from Hahnemann University, which is
6 now part of Drexel University.

7 Q: And what licenses do you hold?

8 A: I have a license in clinical psychology in South
9 Carolina.

10 Q: Are you a member of any professional associations?

11 A: Yes. I'm a member of the Association for Behavioral and
12 Cognitive Therapies, as well as the International Society for
13 Traumatic Stress Studies.

14 Q: And within those associations, do you participate in any
15 activities or have any leadership roles?

16 A: Yes. I have served on a number of committees in both of
17 these national and international organizations. I actually
18 received a fellow distinction from the Association for
19 Behavioral and Cognitive Therapies, which recognizes
20 individuals for their expertise in certain areas. I've
21 served on the Board of Directors for the International
22 Society for Traumatic Stress Studies, as well as was
23 treasurer for that organization from one -- for one year.

24 Q: And do you have any teaching experience?

25 A: I currently am the co-theme director for the

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1 fundamentals of patient care curriculum for our first-year
2 medical students at MUSC. So as part of that role, I oversee
3 their training in patient interviewing, how to talk to
4 patients, bedside manner. We also talk about behavioral
5 health issues and public health issues like domestic
6 violence, child maltreatment, mental health issues like
7 depression and anxiety.

8 I also teach via seminars across various programs within
9 the Medical University of South Carolina. I supervise
10 psychology interns, plus doctoral fellows, sometimes
11 psychiatry residents in their clinical work and when they
12 rotate at the National Crime Victims Center as well.

13 Q: And have you ever published any articles?

14 A: I've published almost -- 49, I guess, so almost 50 peer-
15 reviewed journals, articles, as well as about 20 other book
16 chapters and other writings, mostly in the area of trauma and
17 victimization.

18 Q: And have you ever been qualified as an expert at trial
19 before?

20 A: Yes, ma'am. I've been qualified nine times, twice in
21 military court, once in federal court, and six times in the
22 Ninth Circuit Court.

23 Q: And are you typically paid to provide testimony?

24 A: I am paid for my time.

25 Q: Okay. So are you being paid for your time here today?

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1 A: Yes, ma'am.

2 Q: And were you given the name of the victim in this case?

3 A: Yes, ma'am.

4 Q: And why were you given her name?

5 A: To ensure that I don't have any conflict of interest, to
6 make sure that I didn't happen to have either treated her
7 myself at our clinic or supervised somebody else that did.

8 Q: So to be clear, have you ever met her?

9 A: No, ma'am.

10 Q: Okay. Are you familiar with any of the facts in this
11 case?

12 A: No.

13 Q: Have you heard any of the testimony that's been given
14 throughout the day here?

15 A: No, I have not.

16 Q: And will you be making any opinions regarding the facts
17 of this case?

18 A: No, I will not.

19 Q: Do you see patients who report domestic violence?

20 A: Yes. I probably have seen or have supervised over 200
21 victims, folks who have reported being victims of domestic
22 violence that come to our clinic for trauma-related
23 difficulties as a result of that victimization.

24 Q: You mentioned earlier you've published close to 49
25 articles and all of that was peer-reviewed?

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1 A: Yes, ma'am.

2 Q: Okay. And what will you be basing your testimony on
3 here today?

4 A: A combination of the patients that I've seen, victims of
5 domestic violence that I've seen at our clinic and that were
6 seen, as well as a review of the literature that has been
7 done with domestic violence victims across a number of
8 different studies.

9 MS. MARSH: At this time, the State seeks to enter this
10 witness as an expert in the field of domestic violence
11 dynamics.

12 THE COURT: Any objections or questions for this
13 witness?

14 MS. FORD: Just my prior objections, Your Honor.

15 THE COURT: Well, approach because you didn't object to
16 her expertise, you objected to something else. So I need to
17 know. She's moving to admit her as an expert.

18 MS. FORD: Yes. I don't object to that part. Just the
19 testimony that will be given.

20 THE COURT: The Court will note the exception.
21 Overruled based on its previous ruling. You may proceed.

22 MS. MARSH: Thank you, Your Honor.

23 THE COURT: You're welcome.

24 BY MS. MARSH:

25 Q: Will you please explain --

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1 THE COURT: Let me ask another question. Did you have
2 any questions in voir dire of the witness on her expertise?

3 MS. FORD: No, Your Honor.

4 THE COURT: You may proceed. I'm sorry for
5 interrupting.

6 BY MS. MARSH:

7 Q: Can you please explain what you mean when you refer to
8 the term victim of domestic violence?

9 A: Sure. So domestic violence is any act or behavior that
10 causes harm or injury to an individual in an intimate partner
11 relationship, marriage, cohabitating, dating relationship.
12 It can include a number of different types of acts. It can
13 include physical violence, so hitting, hitting, pushing,
14 shoving, kicking, injury with a weapon. It can include
15 sexual violence, unwanted sexual contact. It can include
16 psychological aggression, as well as stalking. So all those
17 behaviors can be defined as domestic violence.

18 Q: Can you explain the typical demeanor of a victim of
19 domestic abuse during or after assault?

20 A: There is no one typical demeanor of a domestic violence
21 victim during an assault or after. During an assault, they
22 might have a wide range of reactions, both from, you know,
23 fighting back, trying to flee or not doing anything at all,
24 sort of freeze kind of mode. Afterwards, they can have a
25 wide range of reactions as well. So there is not one sort of

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1 standard behavior a victim may display.

2 Q: And how is an assault by an intimate partner different
3 from an assault by a stranger? How does that affect a victim
4 differently?

5 A: It can be much more challenging for a victim because you
6 have a history, a relationship with that individual. You
7 know them. Therefore, it can complicate your reactions and
8 responses. You know, you may want to maintain a
9 relationship. Whereas, with a stranger, you know nothing
10 about that individual. So the act is really more about just
11 that act as opposed to the act in the context of a
12 relationship.

13 Q: So would it be unusual for a victim of domestic assault
14 to be confused about how they feel following an attack?

15 A: No. So many victims of domestic violence report feeling
16 very confused, having a range of lots of different emotions.
17 They may not like what the individual did to them, but they
18 also may have other feelings of love, emotional attachment,
19 fear, anxiety, shame, guilt. So it's a wide variety of
20 emotional reactions and responses.

21 Q: And can you explain why a victim of domestic violence
22 might forgive her attacker?

23 A: There are a number of reasons why a victim might forgive
24 their attacker. It may be -- as I mentioned before, it may
25 be emotional attachment to that individual. They have a long

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1 -- they have a history together. They may love the
2 individual. They may believe that individual is not going to
3 do it again. They may believe the individual is going to get
4 help. They -- that might be all that that individual may
5 know about relationships based on their prior experience in
6 relationships. So there's just lots of different reasons why
7 somebody may forgive somebody.

8 Q: Is it unusual for a victim of domestic violence to stay
9 in a relationship following an assault?

10 A: It is not unusual. So many victims do remain in
11 relationships after they experience domestic violence.

12 Q: And what might be some reasons for that?

13 A: Again, very similar reasons for why someone may forgive
14 the individual. They may stay because they want the
15 relationship to work. They have an emotional attachment to
16 that individual. They might not like what they did, but they
17 still love the individual. They may fear the individual also
18 at the same time. They -- they may feel shame, guilt. So
19 there's just lots of reasons why somebody may choose to stay
20 in relationships.

21 Q: And is it unusual for a domestic violence victim to want
22 her attacker back home with her?

23 A: It is not unusual. Many domestic violence victims
24 return to relationships after incidents of violence. It is
25 not uncommon.

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1 Q: Is it unusual for a domestic violence victim to fill out
2 a drop charge form or try to get charges dismissed?

3 A: That wouldn't necessarily be unusual for a victim.

4 Q: Is it unusual for a domestic violence victim to recant
5 her story?

6 A: That wouldn't potentially be unusual either. There's a
7 wide range of responses from victims.

8 Q: And again, what are you basing all of this testimony on?

9 A: A combination of my work with domestic violence victims,
10 as well as a review of the literature of victims of domestic
11 violence.

12 MS. MARSH: I beg the Court's indulgence.

13 THE COURT: Uh-huh.

14 MS. MARSH: Thank you. No further questions from the
15 State.

16 THE COURT: Any questions for the witness?

17 MS. FORD: Yes, Your Honor.

18 THE COURT: You may proceed.

19 CROSS-EXAMINATION

20 BY MS. FORD:

21 Q: Hi, Dr. Rheingold. I'm going to try to not keep
22 everyone too long. Dr. Rheingold, I want to talk about your
23 work in general at MUSC. You testified that you work with
24 domestic violence victims, but you do not exclusively work
25 with domestic violence victims; correct?

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1 A: Correct.

2 Q: You've worked with all kinds of victims of violent crime
3 or just crime at the National Crime Victims Research Center;
4 correct?

5 A: Correct. Yes.

6 Q: So sometimes you even work with the facts of people
7 dealing with immigration issues, like people being torn away
8 from families, being torn apart, things like that?

9 A: Yes.

10 Q: And you also do work on sleep and anxiety?

11 A: Correct.

12 Q: So your work is not exclusively with victims at MUSC;
13 correct?

14 A: The majority of the work I do is with victims. Domestic
15 violence victims is a piece of that. So I've probably either
16 seen myself or supervised about 4- or 500 trauma victims over
17 the course of my career and probably about 150 to 200 are
18 domestic violence victims.

19 Q: But your work is just not exclusively with domestic
20 violence situations? Is that fair to say?

21 A: Correct.

22 Q: And you told us about some publications, some articles
23 you wrote. Nearly 50, you said?

24 A: Correct.

25 Q: Not all of those are about domestic violence?

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1 A: Correct.

2 Q: You told us -- you defined at the beginning -- or nearly
3 the beginning of your testimony gave a definition for
4 domestic violence?

5 A: Yes.

6 Q: But isn't it fair to say that your definition of
7 domestic violence is actually broader than the statutes in
8 South Carolina; correct?

9 A: Correct.

10 Q: So your definition would include more behavior than
11 would be in the statutes?

12 A: Yes, ma'am.

13 Q: And when you are working with victims, you don't -- a
14 lot of your work goes on just them self-reporting that they
15 are victims? Is that fair to say?

16 A: Of the patients that are seen at my clinic?

17 Q: Yes.

18 A: The majority of them are -- well, all of them come to
19 our clinic reporting the impact of self-reported
20 victimization. So they're seeking confidential counseling as
21 a result of victimization they report.

22 Q: But you don't turn away people because there's no
23 corroboration; correct?

24 A: Correct.

25 Q: And you told us about that some of your opinions and

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1 your testimony is based on some research. A lot of that
2 research when professionals such as yourself are working with
3 domestic violence victims, those victims also tend to be
4 self-reported victims; correct?

5 A: Of the research that I'm basing my testimony on, they
6 are self-report, several large-scale epidemiological studies.
7 So some of the studies include over 16,000 individuals,
8 12,000, 10,000, and 4,000 individuals. So they do sort of
9 national survey studies and gather self-report information
10 from those individuals, and those studies are usually
11 anonymous and confidential.

12 Q: But when those studies are done, there's no attempts
13 generally for the researchers to go back and try to
14 corroborate that these people are indeed victims of domestic
15 violence; correct?

16 A: It would be challenging to do that within an anonymous
17 confidential survey study. Correct.

18 Q: So typically, the studies don't actually go and look at
19 witnesses or injuries or anything of that nature?

20 A: Correct. That's not the purpose of all of those
21 studies.

22 Q: You told us some about recanting. So it's possible
23 sometimes the victims of domestic violence do recant?

24 A: Correct.

25 Q: But often they don't recant as well?

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1 A: Victims recanting doesn't necessarily define whether
2 somebody is a victim or not a victim. So there are some
3 victims that may recant and some that may not.

4 Q: And when you discussed -- when you were discussing with
5 us recanting and dropping charges, as the State asked, you
6 don't actually personally work with the Solicitor's Office in
7 Charleston County; correct?

8 A: Correct.

9 Q: You don't work with any of the solicitor's offices in
10 the state of South Carolina?

11 A: Correct.

12 Q: And so you don't specifically -- you haven't been a part
13 of research looking at the state statistics on how many
14 victims want to drop charges or how many victims may recant;
15 correct?

16 A: Correct.

17 Q: So you're just basing your information -- your testimony
18 on recanting on these studies you've looked at and just your
19 experience with the victims that you see; correct?

20 A: Correct. So I'm basing it on victims that we see in our
21 clinic, as well as some of the research studies that look at
22 -- of those that report -- self-report that they are victims
23 of domestic violence, whether they return to -- whether they
24 ever reported their victimization to authorities to start
25 with and then whether they return to those relationships. So

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1 I was sort of basing it on both of those, but I haven't
2 myself done research myself on recanting behavior.

3 Q: Okay. So you're not -- it's fair to say you're not sure
4 of the actual statistics or numbers involving drop charge --
5 victims dropping charges and recanting in the state of South
6 Carolina?

7 A: No. I'm just basing it on the -- my general knowledge
8 of domestic violence dynamics.

9 Q: And often, someone may want to drop a charge, but they
10 still may not recant? They may say, yes, it happened, but I
11 just don't want to pursue it? Is that fair to say that that
12 does exist --

13 A: Yes.

14 Q: -- as well?

15 A: Yes, it does.

16 Q: You told us about sometimes a victim returning to the
17 other person and that could be for a variety of reasons?

18 A: Yes, ma'am.

19 Q: It could be because they're legally committed to one
20 another; correct? Like marriage?

21 A: Yes.

22 Q: It could be because there's children?

23 A: Correct.

24 Q: It could be they've known each other a long time?

25 A: Yes.

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1 Q: Things of that nature?

2 A: Correct.

3 MS. FORD: I beg the Court's indulgence.

4 THE COURT: Yes, ma'am.

5 MS. FORD: Just briefly.

6 BY MS. FORD:

7 Q: We went over this with recanting, but just when a victim
8 may go back, sometimes they also don't go back to the person
9 being accused; correct?

10 A: Um --

11 Q: They don't always go back to someone?

12 A: Roughly two-thirds -- according to the research, roughly
13 two-thirds of individuals stay in domestic violence
14 relationships after they've been assaulted and about two-
15 thirds return after they've left.

16 Q: And again, that's just based on people self-reporting
17 information?

18 A: Correct. The large-scale studies, that's some of the
19 results from those.

20 Q: And as far as demeanor of victims, there's basically
21 just no one particular demeanor that you can tell us on how
22 victims respond; correct?

23 A: Correct. There's a wide variety of responses. So
24 there's not one behavior that necessarily would indicate that
25 somebody is not a victim or somebody that is a victim.

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1 MS. FORD: No further questions.

2 THE COURT: Any redirect?

3 MS. MARSH: Briefly, Your Honor.

4 THE COURT: You may proceed.

5 REDIRECT EXAMINATION

6 BY MS. MARSH:

7 Q: So the defense was asking you in your work you work with
8 victims of other crimes as well as domestic violence?

9 A: Correct.

10 Q: Okay. So having experience with both stranger crime
11 victims and intimate partner crime victims, are you able to
12 differentiate between the different reactions?

13 MS. FORD: Objection. Outside the scope, Your Honor.

14 THE COURT: Please repeat the question.

15 MS. MARSH: That was a little long, but I'll try to
16 rephrase.

17 THE COURT: Uh-huh.

18 BY MS. MARSH:

19 Q: So having experience with all these different types of
20 victims, are you able to differentiate through different
21 reactions to trauma?

22 A: I'm better able to, I guess, understand there are
23 different wide varieties of responses to different types of
24 traumas.

25 Q: And are domestic violence victim behavioral reactions to

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1 trauma different from the way a typical trauma victim of a
2 stranger attack might be?

3 MS. FORD: Objection. Outside the scope of my cross.

4 THE COURT: Overruled. You raised the issue within the
5 confines of the foundation of her opinion. She may consider
6 that on redirect.

7 Ma'am, do you -- do you need the question repeated or
8 can you answer it?

9 THE WITNESS: Please.

10 BY MS. MARSH:

11 Q: And so are you able to tell the difference between the
12 behavioral reactions of a victim of domestic violence as
13 opposed to the behavioral reactions of a victim of a stranger
14 assailant crime?

15 A: So behavioral reactions may be similar, but there's more
16 sort of psychological complications in relationships when
17 violence occurs within a relationship versus with a stranger.

18 Q: And through your wide array of experiences with all
19 different types of victims, would you say that -- is it fair
20 to say that a victim of domestic violence behaves differently
21 than a typical victim?

22 A: I'm not sure I can answer that question.

23 Q: I'll withdraw.

24 A: Clarify that.

25 Q: I'll withdraw that question. So -- and just to go back

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1 to on your direct examination, based on your experience, is
2 the recanting of a victim of domestic violence uncommon?

3 A: It is not uncommon.

4 MS. MARSH: I beg the Court's indulgence.

5 THE COURT: Uh-huh.

6 BY MR. MARSH:

7 Q: And you said that the self-reporting system is usually
8 anonymous. So are victims more or less likely to tell the
9 truth if they are being anonymous?

10 MS. FORD: Objection. Speculation.

11 THE COURT: Please rephrase the question.

12 BY MS. MARSH:

13 Q: You said yourself that victims come to you and some
14 report anonymously. In your experience, would this cause
15 them to be more or less likely to be truthful?

16 MS. FORD: Speculation, Your Honor, and --

17 THE COURT: Well, it's bolstering. The objection is
18 sustained.

19 MS. MARSH: All right.

20 THE COURT: And vouching.

21 MS. MARSH: No further questions, Your Honor.

22 THE COURT: Any objection to the witness being excused
23 from the State? Any objection to the witness being excused?

24 MS. MARSH: No, Your Honor.

25 THE COURT: From the defense?

1 MS. FORD: No, Your Honor.

2 THE COURT: Doctor, you're excused.

3 THE WITNESS: Thank you very much.

4 THE COURT: You're welcome.

5 Does the State have any further witnesses?

6 MS. MARSH: No, Your Honor. At this time, the State
7 rests.

8 THE COURT: Ladies and gentlemen, the State has rested
9 their case. We're going to take advantage of this break in
10 testimony to take our evening recess.

11 During the break, please do not discuss the case.
12 Please do not comment on any social networking sites
13 regarding your jury service, and please do not read, watch or
14 listen to any media accounts about this case, if there are
15 any.

16 When you return to the courthouse in the morning, please
17 don't have any contact with anyone in or about the
18 courthouse. Again, we would not want an innocent
19 conversation to be observed and misinterpreted.

20 We are going to resume in the morning at 10. I have
21 some matters of law I need to take up with counsel. It's
22 probably going to take us about 30 minutes and instead of you
23 all waiting around while we do that, I'm going to give you
24 the latitude to do what you feel like doing until then.

25 So if you would, return to your jury room by 10 o'clock.

1 At that time, I anticipate we will conclude the remainder of
2 this case.

3 When you arrive, the Clerk's Office is probably going to
4 take your lunch orders. If you could accommodate her or him
5 in that regard and we will resume as soon as everyone has
6 completed that process.

7 Have a great evening. If you would, stack your
8 notebooks up for me on that banister so that the Clerk's
9 Office can secure them during the break. We appreciate your
10 patience. You all have been very generous. We'll see you in
11 the morning at 10.

12 (WHEREUPON, the jury exited the courtroom at 5:28 p.m.)

13 THE COURT: You may be seated.

14 The State has rested. Are there any motions?

15 MR. DANIELS: Your Honor, the defense moves for directed
16 verdict. We also move for to renew all prior motions.

17 THE COURT: All right. That's a very general motion. I
18 don't know what the basis of your motion is.

19 MR. DANIELS: We'll move for -- for the basis of our
20 motions, again, we have concerns regarding the 9-1-1 call,
21 the body camera footage. We have concerns --

22 THE COURT: Directed verdict deals with the State's
23 evidence.

24 MR. DANIELS: Yes. Excuse me.

25 THE COURT: I've already ruled on your motions

1 contemporaneously. I'm not going to rehash those.

2 MR. DANIELS: Okay, Your Honor. We're just moving for
3 directed verdict.

4 THE COURT: Would the State like to respond?

5 MR. WARING: Thank you, Your Honor.

6 I think the standard is if there's the existence of any
7 evidence to give to the jury. I think there is ample
8 testimony from multiple witnesses. You have a cop who said
9 he saw the defendant hit the victim. You had the defendant's
10 own sister, who said he hit the victim. You have the victim,
11 who said he hit her. The bodycam came in, the 9-1-1 call.
12 All these things are corroborative that he hit her and that
13 this wasn't just some façade or that she slipped and fell on
14 her leather slippers.

15 Looking -- looked at in the light most favorable to the
16 non-moving party, which is the State, I think there is ample
17 evidence to give this to the jury, Your Honor, and we'd ask
18 that the motion be denied.

19 THE COURT: Anything further from the defense?

20 MR. DANIELS: No, Your Honor.

21 THE COURT: Considering the evidence in the light most
22 favorable to the State, the Court is concerned with the
23 existence or nonexistence of evidence, not its weight. There
24 is both substantial circumstantial evidence, as well as
25 direct evidence, that the elements of the crime of domestic

1 violence second have been met.

2 The Court does not -- the State does not have to prove
3 its case to the exclusion of every other reasonable
4 hypothesis. However, it must raise above the level of mere
5 suspicion and, clearly, there's more than abundant evidence
6 in the record that arises above mere suspicion, that being
7 the direct testimony of the victim that with a closed fist
8 the defendant without provocation hit her on the side of her
9 face below her jaw. The officer, that being Deputy Conkey,
10 was there, witnessed it, and corroborated the injury that she
11 sustained as a result.

12 That more than meets the elements of second degree
13 domestic violence, which requires the State to prove beyond a
14 reasonable doubt that the defendant caused physical harm or
15 injury to a member of the defendant's own household or that
16 the defendant offered or attempted to cause physical harm or
17 injury to a member of the defendant's own household with the
18 apparent present ability to cause harm or injury under
19 circumstances reasonably creating a fear of imminent peril.

20 A household member is a spouse, a former spouse, a
21 parent, child, grandparent, et cetera, or a person of the
22 opposite sex with whom the defendant is living or has lived
23 in the past, and there's more than abundant evidence in the
24 record to meet the element of their cohabitation. There's
25 more than abundant evidence in the record, again that being

1 the direct testimony of Deputy Conkey, as well as the victim,
2 Ms. Ragin, that the defendant hit her.

3 In addition to that, it's corroborated by the body
4 camera where it clearly shows him aggressively throwing a
5 punch and contacting with her face at the scene of the
6 incident, which precipitated his arrest. Therefore, the
7 motion is denied.

8 Sir, stand for me, please, and raise your right hand to
9 be sworn.

10 (WHEREUPON, the defendant complied.)

11 THE COURT: Do you swear or affirm the testimony you
12 give will be the truth?

13 THE DEFENDANT: I do.

14 THE COURT: You can put your right hand down, sir.
15 State your full name for the record.

16 THE DEFENDANT: Jerome Keith West.

17 THE COURT: Mr. West, I'm going to now explain to you
18 certain of your rights. If you don't understand something
19 that I say, please let me know. If you need to repeat
20 something -- need me to repeat something, please let me know
21 or if you have any questions, by all means make me aware of
22 it. I'll do my best to answer any questions you may have.

23 We have reached the stage of the trial where you may
24 present your own defense. You also have the right to claim
25 the protections given to you by the Fifth Amendment of the

1 Constitution, what we commonly refer to as the right against
2 self-incrimination.

3 That amendment reads in part that no person shall be
4 compelled in any criminal case to be a witness against
5 himself. This means that you cannot be required to testify
6 in this case. You have the right to testify on your own
7 behalf. However, no one can make you testify. This is a
8 personal right and no one can make that decision about
9 whether or not you testify except you and no one can waive
10 that right except you.

11 The same rules -- if you decide to testify, however, the
12 same rules that govern other witnesses, that being you being
13 examined and cross-examined on any relevant issue in this
14 case, will be the same as for any other witness. In
15 addition, if you have any convictions involving dishonesty or
16 false statement or for crimes punishable by imprisonment for
17 more than one year and I determine that the probative value
18 of admitting this evidence outweighs its prejudicial effect
19 to you, the solicitor will be able to use your record to
20 attack your credibility.

21 If you decide to testify, this decision on your part
22 must be made freely, voluntarily, knowingly, and
23 intelligently, with the consequences that come along with
24 testifying.

25 If you decide not to testify, I will instruct the jury

1 that they cannot give that fact any consideration whatsoever.
2 In fact, I will instruct them that you have the
3 constitutional right to remain silent, that you have no
4 burden of proof in this case, that the burden of proof
5 remains on the State to prove each and every element of the
6 offense that you're charged with beyond a reasonable doubt,
7 and that you have no burden of proof.

8 And the fact that you did not testify could not be
9 discussed in any manner whatsoever and there's to be
10 absolutely nothing held against you, no prejudice, no
11 inferences or otherwise against you based or premised on the
12 fact that you did not testify, and I will instruct them that
13 they cannot discuss the fact that you did not testify in the
14 jury room in any manner whatsoever during their deliberation
15 process.

16 Whether or not you testify, sir, is left entirely up to
17 you. You may speak with your attorney -- attorneys, your
18 family members, friends or otherwise, but ultimately, it is
19 your decision. Do you understand your rights as I've just
20 explained them to you?

21 THE DEFENDANT: I do.

22 THE COURT: Do you have any questions about your rights
23 as I've just explained them to you?

24 THE DEFENDANT: Yes, I do.

25 THE COURT: Of me or of your lawyers?

1 THE DEFENDANT: So I assume whoever.

2 THE COURT: I'm sorry. I can't hear you, sir.

3 THE DEFENDANT: I'm assuming whoever. I don't know if
4 that's my counsel or not, but there are some things I feel
5 that should have been explained.

6 THE COURT: You need to discuss that with your lawyers
7 because anything you tell me right now you've said under --
8 you're saying under oath and the State can use it against
9 you.

10 THE DEFENDANT: Well, I still have questions.

11 THE COURT: So I would think that you need to speak
12 privately with your lawyers about it. It sounds like what
13 you're about to ask me has to do with your defense and I
14 think you need to discuss that where you will have the
15 privilege of none of that being disclosed. Do you understand
16 what I'm saying?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: All right. Does the State have any record
19 they would be seeking to introduce to impeach his
20 credibility?

21 MS. MARSH: Yes, Your Honor.

22 THE COURT: And what record is that?

23 MS. MARSH: He has a 2011 conviction for giving false
24 information to police and that is a crime of dishonesty that
25 can be used to impeach his credibility. Furthermore --

1 THE COURT: What penalty does false information carry?

2 MR. DANIELS: 30 days.

3 MS. MARSH: 30 days.

4 THE COURT: Any other record you'd be seeking to use to
5 impeach his credibility?

6 MS. MARSH: Yes, Your Honor. We will not be getting
7 into the nature of his prior domestic violence conviction
8 unless he makes any statement.

9 THE COURT: Well, I'll have to cross that bridge, but
10 you won't be able to.

11 MS. MARSH: We will not be using it.

12 THE COURT: And I don't think you really to be on the
13 safe side should ask him about it at all because it's an
14 element of the offense, which the jury can't consider unless
15 you've proven that he committed this offense. I think it's
16 probably prudent to stay away from it.

17 Anything else you would seek to use to impeach his
18 credibility?

19 MS. MARSH: No, Your Honor.

20 THE COURT: All right. Sir, the State would be seeking
21 to introduce a false information conviction from 2011, which
22 was 8 years ago which comes within the 10-year window, and it
23 does fit the criteria of impeachment regarding dishonesty.
24 So that you're fully informed that, if you testified, they
25 will be seeking to impeach your credibility with that

1 offense.

2 Sir, do you understand your rights as I've just
3 explained them to you?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: Have you discussed with your lawyers whether
6 you should or should not testify?

7 THE DEFENDANT: I did.

8 THE COURT: Do you need to speak with them anymore at
9 this time?

10 THE DEFENDANT: I wouldn't believe so.

11 THE COURT: Pardon me?

12 THE DEFENDANT: I wouldn't believe so.

13 THE COURT: Well, you had some questions you said you
14 had.

15 THE DEFENDANT: Oh, I have.

16 THE COURT: Are you sure you don't want to talk to them
17 about that?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Okay. So what we'll do is we'll recess this
20 part of the colloquy for you to have the ability to talk to
21 them about that and then we'll resume this part of the
22 colloquy in the morning. That's why I told the jury not to
23 come back until 10 because I anticipated us maybe having to
24 deal with that. Okay?

25 You can take your seat.

1 (WHEREUPON, the defendant complied.)

2 THE COURT: I will instruct the jury regarding their
3 responsibility and my responsibility, how they are to judge
4 witness credibility and believability.

5 I will give them general instruction regarding -- if the
6 defendant doesn't testify, it would be at this point that I
7 instruct regarding him not testifying, but if he does
8 testify, of course, then that would be moot.

9 I'll give them a general instruction regarding direct
10 and circumstantial evidence, as well as the charge, the
11 arrest, and the indictment not being evidence, and on the
12 presumption of innocence.

13 I'll charge Victor v. Nebraska on reasonable doubt, and
14 then I will instruct the elements of domestic violence first,
15 which is 16-25-20, which encompasses subsection (a) because
16 the State is required to prove the elements of subsection
17 (a), as well as -- let's see.

18 Subsection (c) says a person commits the offense of
19 domestic violence in the second degree if the person violates
20 subsection (a) and moderate bodily injury to the person's own
21 household member results or the act is accomplished by means
22 likely to result in moderate bodily injury to the person's
23 own household member. That's (c)(1).

24 Subsection 2, which is inapplicable, which deals with an
25 order of protection.

1 Subsection 3, the person has one prior conviction for
2 domestic violence in the past 10 years from the current
3 offense.

4 And subsection 4, in the process of committing domestic
5 -- excuse me. It deals with committing it in the presence of
6 a minor, but I guess I need to find out from the State
7 exactly. Are y'all dealing with anything other than just the
8 moderate bodily injury and his prior domestic violence?

9 MS. MARSH: We're --

10 THE COURT: But y'all did elicit testimony about it
11 being done in the presence of these two children.

12 MS. MARSH: We are seeking to prove that this occurred
13 in the presence of minor children and the prior DV and
14 moderate bodily injury. Everything contained in the
15 indictment.

16 THE COURT: I need the definition of moderate bodily
17 injury from the statute.

18 MS. MARSH: Your Honor, to clarify, we're not seeking to
19 prove moderate bodily injury, but it is contained in the
20 indictment. So I have no objection to it.

21 THE COURT: Well, I think the statute doesn't leave me
22 that option. It says a person commits the offense of
23 domestic violence in the second degree if the person violates
24 subsection (a) and --

25 Well, I guess you could pick from one of them, one of

1 those options, because it says "and" and then it lists all of
2 these things. So I would assume you'd have to prove one or
3 more, but you're not -- because the -- and the last one says
4 "or"; so you wouldn't have to prove all of them.

5 So moderate bodily injury would not be -- I don't know.
6 I need to look at the definition of moderate bodily injury to
7 see if the testimony comes within the definition of that.

8 MS. MARSH: My understanding based on the law is that
9 only one of those enhancing factors needs to be present,
10 either moderate bodily injury or any of the other enhancing
11 factors listed is involved.

12 THE COURT: I've got to look at the statute again
13 because subsection 4 says in the -- or in the process of
14 committing domestic violence in the third degree one of the
15 following also results: the offense is committed in the
16 presence of or while being perceived by a minor, the offense
17 is committed against a person known or reasonably known by
18 the defendant to be pregnant, the offense is committed during
19 the commission of a robbery, burglary, kidnapping or theft,
20 the offense is committed by impeding the victim's freedom or
21 airflow.

22 MS. MARSH: Your Honor, it's my understanding there are
23 three different ways that it can be met: either there has to
24 be moderate bodily injury or could have been moderate bodily
25 injury or -- excuse me -- or there is a prior domestic

1 violence conviction in the past 10 years or there's a
2 violation of an order of protection or the DV third, which
3 would be subsection (a), the base offense with one of those
4 enhancing factors. It's a little wordy and confusing, but
5 that's my reading of it.

6 THE COURT: Yeah. I'm going to have to read it a little
7 bit and see where I come out at with it.

8 I would then instruct the elements of DV first and then
9 instruct on the form of the verdict.

10 Any exceptions to the charge as proposed? Of course,
11 the subject is changing if, in fact, the defendant testifies
12 or if any of the factual circumstances that have been -- if
13 there's some change in the facts as presented. Any exception
14 from the State?

15 MS. MARSH: I --

16 THE COURT: But I wanted to give y'all a heads up if
17 you're doing your arguments tonight because if he doesn't
18 testify, I'm going straight into arguments in the morning.

19 MS. MARSH: Your Honor, I just -- for clarity, you keep
20 referring to domestic violence first degree.

21 THE COURT: I meant to say second.

22 MS. MARSH: Okay. I just wanted to be sure.

23 THE COURT: That's my error.

24 MS. MARSH: Thank you, Your Honor.

25 THE COURT: No worries.

1 MS. MARSH: Then no exception from the State, Your
2 Honor.

3 THE COURT: Any exceptions from the defense?

4 MR. DANIELS: We would just like an introduction that
5 says while the previous domestic violence offense is --

6 THE COURT: I'm going to give that qualifying language
7 that says it can't be considered for character, it can't be
8 considered. You can only consider it if they have proven
9 that, first and initially, that he committed a domestic
10 violence and then you can only consider it for the purposes
11 of if the State has met the element of satisfying that
12 portion of the statute. That's a parenthetical of what I'm
13 going to say, but it's very akin to the language you use in a
14 burglary.

15 MR. DANIELS: Then we're happy with the wording.

16 THE COURT: All right. Anything further before we
17 adjourn for the evening from the State?

18 MS. MARSH: Your Honor, I don't know if you have a
19 charge for a stipulation that might be helpful.

20 THE COURT: I'm simply going to say that a stipulation
21 is an agreement that requires no further proof. That's
22 exactly what I said just now.

23 MS. MARSH: All right. Thank you.

24 THE COURT: You're welcome. Anything further?

25 MR. DANIELS: Nothing further.

1 THE COURT: All right. Y'all have a good evening. If
2 you all want to leave your stuff, you can. The courtroom
3 will be locked. No one will be in here. We will resume in
4 the morning at 9:30.

5 MR. DANIELS: Thank you, Judge.

6 THE COURT: You're welcome.

7 (WHEREUPON, the proceedings adjourned for the day at
8 5:46 p.m.)

9 JUNE 12, 2019

10 (WHEREUPON, the proceedings resumed at 9:58 a.m. The
11 defendant was present, along with his counsel of
12 record.)

13 THE COURT: Mr. West, if you would, stand. I'll remind
14 you you're still under oath.

15 (WHEREUPON, the defendant complied.)

16 THE COURT: On yesterday evening, I advised you of your
17 rights regarding your right to testify.

18 THE DEFENDANT: Yes, ma'am.

19 THE COURT: And you indicated to me at that time that
20 you wanted more time to ask some questions of your lawyers.

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: And so I gave you that time to do that and I
23 will ask -- and I told you we would resume this colloquy this
24 morning and so I will resume that by asking do you understand
25 your rights as I have explained them to you?

1 THE DEFENDANT: Yes, ma'am, I do.

2 THE COURT: Do you have any questions of the Court
3 regarding your right to testify?

4 THE DEFENDANT: I will not be testifying.

5 THE COURT: Well, I need you to answer each question
6 that I ask of you.

7 THE DEFENDANT: Okay, Your Honor.

8 THE COURT: Do you understand your rights as I've
9 explained them to you?

10 THE DEFENDANT: Yes, ma'am, I do.

11 THE COURT: Do you have any questions of the Court
12 regarding your right to testify?

13 THE DEFENDANT: No, ma'am.

14 THE COURT: Have you discussed fully with your lawyers
15 whether you should or should not testify?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: Do you need to speak with them anymore at
18 this time?

19 THE DEFENDANT: No, ma'am.

20 THE COURT: And do you wish to testify?

21 THE DEFENDANT: No, ma'am.

22 THE COURT: Okay. You may take your seat.

23 (WHEREUPON, the defendant complied.)

24 THE COURT: And let's see. Mr. Daniels or Ms. Ford, do
25 you believe you've had an adequate time to discuss with Mr.

1 West whether he should or should not testify?

2 MR. DANIELS: I do, Your Honor.

3 THE COURT: Do you all feel the need to speak with him
4 anymore at this time?

5 MR. DANIELS: I do not.

6 THE COURT: And he is accurate in his recitation to the
7 Court that he does not wish to testify?

8 MR. DANIELS: That's what he told us.

9 THE COURT: Okay. And do you all have any other
10 witnesses that you will be -- that you will be calling for
11 the purposes of his defense?

12 MR. DANIELS: No, Your Honor.

13 THE COURT: You all want to go ahead and rest and then
14 I'll let you rest in the presence of the jury?

15 MR. DANIELS: Yes, Your Honor.

16 THE COURT: Okay. Does the defense rest?

17 MR. DANIELS: The defense rests.

18 THE COURT: The defense has rested. Are there any
19 motions?

20 MS. MARSH: None from the State, Your Honor.

21 THE COURT: From the defense?

22 MR. DANIELS: Your Honor, we would just like to renew
23 all of our previous motions, even though nothing has changed.

24 THE COURT: The Court will mark those -- does the State
25 want to reply in any way?

1 MR. WARING: Your Honor, based on the previous argument
2 that was made on a directed verdict motion, we think that it
3 should be denied based on the existence of evidence standard.
4 We think there's plenty of evidence to take it to the jury,
5 Your Honor. Thank you.

6 THE COURT: You're welcome.
7 Anything from the defense?

8 MR. DANIELS: No, Your Honor.

9 THE COURT: The Court will mark the motions renewed and
10 will stand by its contemporaneous rulings with regard to the
11 issues, regarding any evidentiary issues or otherwise.

12 And as regards to the motion for directed verdict, the
13 Court will again mark the motion renewed and denied based on
14 the Court's previous ruling. There is direct and substantial
15 circumstantial evidence reasonably tending to prove the
16 defendant's guilt and, therefore, it is appropriately
17 submitted to the jury.

18 Now, let me ask another question. How long will the
19 State's closing be?

20 MS. MARSH: I imagine it would be around 15 to 20
21 minutes -- 20 minutes.

22 THE COURT: That means 30 minutes. How long will the
23 defense's closing be?

24 MR. DANIELS: We're going to say the same right now.

25 THE COURT: 30 minutes?

1 MR. DANIELS: 15 to 20 minutes.

2 THE COURT: I always add because y'all -- we're lawyers
3 and if we say it once, we need to say it twice. That's
4 reasonable. Okay. Let's see here.

5 I thought about -- I indicated to you all I would think
6 about how I was going to instruct on the elements of the
7 domestic violence second. I thought about it over the
8 evening and I will, as we discussed on yesterday, instruct
9 regarding him not testifying and I will do that before I
10 instruct on direct and circumstantial -- direct and
11 circumstantial evidence.

12 And instead of -- I'm going to instruct on the elements
13 of domestic violence second, which comes, of course, straight
14 from the statute, which is 16-25-20, subsection -- I'm sorry.
15 I printed this up in a small print; so it's taking me a
16 little bit longer to read it.

17 Which is subsection (c) of the statute and it says if
18 someone violates subsection (a), which I will define that
19 instead of saying subsection (a) because the jury won't know
20 what subsection (a) means.

21 And then the moderate bodily injury would not be
22 applicable. The violating of order of protection would not
23 be applicable. And if the person violates a protection order
24 -- no, wait a minute. I'm sorry.

25 Subsection (2)(3), which is the person has one prior

1 conviction for domestic violence in the past 10 years from
2 the current offense, which I will instruct that with the
3 limiting language.

4 In the process of committing domestic violence in the
5 third degree, one of the following results, and instead of
6 saying committing domestic violence in the third degree, I
7 think that's very confusing. Later on in the statute, it
8 says a person commits domestic violence in the third degree
9 if they violate subsection (a).

10 So I'm just going to use that same language, which is
11 the -- you actually assaulted somebody in my language
12 parenthetically or you attempted to, basically. I'm just
13 going to use that same language from subsection (a) of the
14 statute instead of saying -- and the person, in the process
15 of committing domestic violence in the third degree, one of
16 the following results, because I think that would be very
17 confusing to a jury.

18 Or I could say in the process of committing domestic
19 violence in the third degree, one of the following also
20 results: the offense is committed in the presence of or while
21 being perceived by a minor, because that's the only one that
22 would be applicable.

23 Because they weren't in the process of reporting it.
24 That contemplates somebody trying to get to the telephone and
25 they block their access to the telephone or they're blocking

1 their access to contact law enforcement or they're blocking
2 their access to get emergent treatment.

3 I may just say it like that and then say -- and then
4 define what domestic violence in the third degree is, but
5 I've done it -- let me see how I've done it in the past and
6 then I'll share that with you all and you can tell me if you
7 think it's sufficient.

8 (WHEREUPON, there was a pause in the proceedings, after
9 which the proceedings resumed as follows.)

10 THE COURT: And I'll tell you what I've done in the
11 past. I have simply instructed -- and you all -- because I
12 don't -- it's almost -- now that I'm reading it again, I
13 think I've done it this way in the past because it's saying
14 committed domestic violence in the third degree in the
15 presence of a minor is almost redundant because at the very
16 beginning of the instruction, you give that definition.

17 In the past, this is how I've instructed it:

18 The defendant is charged with criminal domestic violence
19 second degree. The State must prove beyond a reasonable
20 doubt that the defendant caused physical harm or injury to a
21 member of the defendant's own household or that the defendant
22 offered or attempted to cause physical harm or injury to a
23 member of the defendant's own household with the apparent
24 present ability to cause harm or injury under circumstances
25 reasonably creating a fear of imminent peril.

1 A household member is a spouse, a former spouse, a
2 parent, a child, a grandparent, a brother or sister, a
3 grandchild, a person with whom the defendant has a child in
4 common, and a person of the opposite sex with whom the
5 defendant is living or has lived in the past.

6 The State must also prove beyond a reasonable doubt that
7 the defendant has one prior conviction for domestic violence
8 in the past 10 years from the current offense. Evidence of
9 prior offenses committed by the defendant was not offered to
10 prove the defendant has a bad character or to prove that the
11 defendant committed the domestic violence on this occasion.

12 The prior conviction may be considered by you only for
13 the purpose of determining whether or not it satisfies that
14 element of the offense that makes it second degree domestic
15 violence, and the defendant has one prior conviction for
16 domestic violence within 10 years of the alleged offense.

17 Before you can even consider the evidence of the
18 defendant's prior domestic violence conviction, you must find
19 that the State has proven beyond a reasonable doubt that the
20 domestic violence was committed by the defendant. If you
21 find beyond a reasonable doubt that the domestic violence was
22 committed, then you may consider the evidence of the prior
23 conviction as evidence of one of the circumstances which
24 would make the domestic violence second degree domestic
25 violence.

1 If you do not find beyond a reasonable doubt that the
2 defendant committed this alleged prior offense, then you
3 cannot return a verdict of second degree domestic violence.
4 Or the offense was committed in the presence of or while
5 being perceived by a minor.

6 Is that acceptable from the State? I think it keeps it
7 short, shorter and simpler --

8 MS. MARSH: That sounds good.

9 THE COURT: -- than making reference to a third degree
10 and reiterating the definition of domestic violence again.

11 MR. DANIELS: No objections.

12 THE COURT: Okay. All right. Is there anything else I
13 need to consider? If you all would approach for me, please,
14 and look at the verdict form?

15 (WHEREUPON, a bench conference was held off the record,
16 after which the proceedings resumed as follows.)

17 THE COURT: Any exception to the form of the verdict
18 from the State?

19 MS. MARSH: No, Your Honor.

20 THE COURT: From the defense?

21 MR. DANIELS: No.

22 THE COURT: All right. Do you all need -- do we have
23 all of the evidence, Madam Court Reporter?

24 THE COURT REPORTER: I do.

25 THE COURT: And I assume the defense takes the position

1 they've preserved last argument? I assume you take the
2 position you've preserved last argument?

3 MR. DANIELS: Yes, Your Honor.

4 THE COURT: And I assume the State has no exception?

5 MS. MARSH: I'm sorry, Your Honor. What was that?

6 THE COURT: That's okay. They've taken the position
7 that they have preserved last argument because they did not
8 present any witnesses or introduce any other evidence.

9 MS. MARSH: Yes. The State has no objection, Your
10 Honor.

11 THE COURT: Do you all need to take a quick restroom
12 break otherwise before we begin argument?

13 MS. MARSH: I could use one.

14 THE COURT: That's fine.

15 MS. MARSH: I'm sorry.

16 THE COURT: Go ahead. Take about 10 minutes to collect
17 yourselves and then what I'll do is I'll bring in the jury.
18 I'll let you rest in their presence and then we'll resume
19 with argument. And I've ordered their lunch to arrive at
20 noon for your planning purposes.

21 (WHEREUPON, there was a break in the proceedings from
22 10:14 a.m. until 10:40 a.m., after which the proceedings
23 resumed as follows.)

24 THE COURT: Is the State ready to proceed?

25 MS. MARSH: The State is ready, Your Honor.

1 THE COURT: Is the defense ready to proceed?

2 MR. DANIELS: Yes, Your Honor.

3 THE COURT: Okay. Please bring in the jury.

4 (WHEREUPON, the jury entered the courtroom at 10:42
5 a.m.)

6 THE BAILIFF: The jury is all present, Your Honor.

7 THE COURT: You may be seated. Good morning, ladies and
8 gentlemen.

9 THE JURORS: Good morning.

10 THE COURT: I hope everyone had a pleasant evening and
11 I'm glad that everyone arrived safely in light of the
12 inclement weather we've been experiencing this morning.

13 You may proceed. The defense may proceed.

14 MR. DANIELS: The defense rests.

15 THE COURT: You may be seated.

16 Ladies and gentlemen, both the State and the defense
17 have rested their cases. We have now reached the stage of
18 the trial where we will have closing argument and
19 instruction.

20 I've ordered your lunch. It will arrive by 12:30. I
21 hope to have it by 12, but I think due to the weather the
22 restaurant won't be able to get it here until 12:30. So I
23 give that to you for your planning purposes.

24 You will hear from the State, followed by the defense,
25 after which I will instruct you on the law. We will take

1 breaks as necessary. I would ask that you give counsel your
2 undivided attention.

3 You may proceed.

4 CLOSING ARGUMENT ON BEHALF OF THE STATE

5 MS. MARSH: On June 17th, 2017, the defendant made a
6 choice to harm the woman he was supposed to love. The
7 defendant and Crystal Ragin shared an intimate bond and that
8 bond was violated when the defendant chose to punch her in
9 the face with such force that she fell to the ground and then
10 he simply walked away.

11 The defense wants you to believe that this was all a
12 misunderstanding, it was an accident, but if this was truly
13 an accident, why would all of these people have been here
14 this week telling you otherwise?

15 The defense also told you that there were only two
16 perspectives here, the victim's perspective and the
17 perspective of that poor-quality body camera. But that --
18 that's not true. You saw multiple perspectives this week.
19 You heard from the victim. You heard from Deputy Conkey, who
20 told you what he saw. You saw the body cam yourself. You
21 can watch that again back in the jury room.

22 You heard from the defendant's sister. She told you she
23 saw a punch. There were two other boys there who saw it as
24 well. So there's multiple perspectives here, not just two,
25 and they all show the same thing. They show the defendant

1 punching Crystal Ragin.

2 But how do we know who's telling the truth? Well, you,
3 as jurors, have a unique ability to assess a person's
4 credibility based on your own life experiences. So when
5 you're going through and reviewing all of the testimony and
6 all of the evidence, think about these things.

7 Think about your life experiences. What do we look at?
8 Bias. We look at whether a witness had an incentive to lie
9 and whether or not their stories are corroborated by other
10 testimony and other evidence.

11 So let's look at the evidence. Let's see. Who did we
12 hear from this week? Well, first, we heard from Crystal
13 Ragin, the victim in this case. She told you all of the
14 details of what happened that night. And okay, she recants
15 her story and she came to our office and she told us that it
16 didn't happen, it was in accident.

17 So what changed? Well, when she came to our office and
18 changed her story, she did that at a time in her life where
19 she felt confused, pressured, desperate, and she herself --
20 or she herself told you love makes you do crazy things, crazy
21 things like lie to protect the man who attacked you.

22 And there's another huge difference between that story
23 and the story she told you here yesterday. When she came and
24 recanted her story, she was not under oath. She did not
25 promise to tell the truth. She was making that statement

1 because she wanted it to go away. She didn't want to deal
2 with it. She wanted to forgive the defendant and move on.
3 She would have done whatever it took to get the defendant out
4 of trouble that day.

5 But then she came in here yesterday and she took an oath
6 and you heard her take that oath, and she did not take that
7 lightly. She told the truth yesterday. Which story do you
8 believe? Do you believe the recantation or do you believe
9 what she told you yesterday, which is corroborated by all of
10 the other testimony and all of the other visible evidence you
11 saw?

12 And you got to hear the 9-1-1 call that Shanika West
13 made. Not one call, two calls. She was clearly very
14 concerned. You heard her say, here, talk to my son, Uriah.
15 I need to go check on the defendant's girlfriend. She was
16 clearly concerned about Crystal and she handed her phone to
17 her son, which proves that a minor child was present
18 perceiving this entire incident.

19 And then she called again. She was concerned. Deputy
20 Conkey was there. Things were not getting better. She was
21 very concerned about her family. She was very concerned
22 about Crystal.

23 And then Deputy Conkey took the stand and he told you
24 that he arrived that night in regards to a call for a
25 disturbance. He wasn't there to arrest anybody. All he was

1 there to do was, you know, find some peace, separate the
2 parties, take the defendant somewhere else for the night.

3 He gave the defendant every chance, but the defendant
4 made a choice. He made another choice to disregard the
5 chance that Deputy Conkey gave him. He made a choice to
6 punch Crystal right in front of Deputy Conkey, who was
7 wearing a body-worn camera.

8 And then after he punches Crystal, knocking her to the
9 ground, he walks away. You hear him very clearly tell Deputy
10 Conkey I'm ready to go to jail now. He was not going to jail
11 up until that point. What changed?

12 Well, what changed was he committed a crime. He hit
13 Crystal. He knew he hit Crystal. He knew he had committed a
14 criminal act and he knew it was time to go to jail. So
15 that's an admission. Deputy Conkey didn't want to take
16 anybody to jail that night, but the defendant left him with
17 no other choice.

18 And you heard from Shanika West, the defendant's sister.
19 That night, she was really worried about her children and she
20 was worried about Crystal. So she did something about it.
21 She called the police.

22 But she didn't want the defendant to get in trouble that
23 night. She doesn't want him to get in trouble now. She
24 didn't even want to be here yesterday. She told you that,
25 but she loves her brother. I mean she has no ill will

1 towards him. She doesn't want anything bad to happen, but
2 yet she came here yesterday and she took that same oath to
3 tell the truth and that's what she did. She told you she saw
4 her brother punch Crystal. He got increasingly aggressive
5 throughout the evening and it escalated into physical
6 violence. She told you that.

7 She has no motive, no reason to lie about that. In
8 fact, you would think that she would be motivated to lie in
9 order to protect your brother, but that's not what she did.
10 She has no reason to protect Crystal, but yet she told you
11 what she saw. She saw him do that in front of her child and
12 his friend, both of whom were minors, and that is
13 corroborated by all of the other testimony and all of the
14 other evidence that you have been presented with.

15 And then last you got to hear from Dr. Alyssa Rheingold.
16 She is an expert in the field of domestic violence dynamics
17 and she knew nothing about this case. She just came in here
18 clearly to relay the knowledge that she has gained over her
19 years of experience about how domestic violence victims might
20 react differently than we would expect. She explained to you
21 all of the reasons why stranger assault is so different from
22 assault by an intimate partner and, again, she gave you those
23 explanations without knowing anything about this case.

24 And you get to decide what weight to give her testimony.
25 But after hearing what she had to say, doesn't the victim's

1 seemingly strange behavior and reaction to all of this make a
2 little more sense?

3 And the last bit of evidence, you were read a
4 stipulation that was signed by both the State and the
5 defense. The defense has stipulated that this defendant has
6 a prior conviction for domestic violence from 2015. That is
7 not in dispute.

8 Now, what does the defense want y'all to believe? They
9 want you to believe this was an accident. The victim slipped
10 and fell on her leather shoes and it was wet outside and that
11 the four other people present there just imagined that they
12 saw the defendant hit her. Okay.

13 No. This was not a slip and fall. This was an
14 intentional act fueled by anger. You heard how aggressive he
15 was leading up to this attack. You saw the body cam. He was
16 screaming, calling his sister names, calling the victim
17 names. You heard the 9-1-1. Everyone was concerned. This
18 was not an accident.

19 And think about this too. If this had been an accident
20 and Crystal just fell, his girlfriend who he loves, who he
21 lives with, she fell. Did he try to help her up? Did he act
22 concerned at all? No. He walked away to go to jail. Okay.

23 Does any of the other testimony or evidence you've been
24 presented with this week support that version of events? No,
25 it does not, but the version that Crystal Ragin presented to

1 you and the version that the State has presented to you is
2 corroborated by all of the other testimony and all of the
3 other evidence and it's on camera.

4 Now, I want to talk to you about the law and what the
5 State has to prove this week, and I'm going to break it down
6 for you because it can get a little convoluted, but first of
7 all, I'm going to define to you what a household member is.

8 A household member is either a spouse, a former spouse,
9 someone you've cohabitated with, formerly cohabitated with,
10 have a child in common. Okay. The only thing we need to
11 worry about here is cohabitating because we have proven to
12 you this week that the defendant and the victim were in a
13 relationship and they were living together. They are
14 household members.

15 So the first part of the statute requires that the State
16 prove that the defendant caused physical harm or injury to a
17 person's own household member or offered or attempted to
18 cause physical harm or injury, but what's important here is
19 part one, physical harm or injury to a person's own household
20 member.

21 So let's break that down. Physical harm or injury. The
22 defendant punched Crystal in the face with such force that
23 she fell to the ground. That's physical harm or injury. No
24 doubt about it.

25 And then the second part, we have to show that one of

1 the enhancing factors is met. We only have to show one, only
2 one enhancing factor, but we actually showed you more than
3 one. We showed you two, two enhancing factors, two enhancing
4 circumstances under which this attack was made.

5 The first, a person has one prior conviction for
6 domestic violence in the past 10 years. We read the
7 stipulation. This defendant was convicted of domestic
8 violence in 2015. That's it. It's not disputed. It's been
9 met here and that's all we have to show.

10 But we've also shown that two minors were present for
11 this attack, Shanika West's son and his friend, both of whom
12 were around age 16 at that time. This second enhancing
13 factor has been met.

14 So taking all of that, all that you've seen, all that
15 you've heard, you're going to go back to the jury room and
16 deliberate and you have to find that the defendant is guilty
17 beyond a reasonable doubt, and that's kind of a weird term.
18 So let me try to explain it to you and wrap your mind around
19 that.

20 It does not mean beyond all doubt. It does not mean
21 beyond any doubt. It's very rare that we know anything with
22 absolute certainty. So here's kind of a metaphor for you.

23 So we've been in this room for the past hour; right?
24 There's no windows in here. We don't know what's going on
25 outside, but let's say somebody walks in right now and

1 they've got an umbrella and they put it down and then another
2 person comes in wearing a rain jacket and they've got, you
3 know, some droplets on their shoulder and they're brushing it
4 off and their hair is still damp. You've been in this room.
5 You don't know what's going on outside, but you would be left
6 firmly convinced beyond a reasonable doubt that it's raining
7 outside.

8 Look at the other evidence. Is it corroborated by other
9 evidence? By testimony? There is no reasonable doubt in
10 this case. There's none.

11 This defendant walked up to Crystal Ragin in front of
12 Deputy Conkey, who was wearing a body camera, in front of
13 Shanika West, in front of her two children. He punched -- he
14 sucker-punched Crystal in the face, knocking her to the
15 ground, walked away, and admitted that he had done something
16 that would warrant him going to jail, and it was all caught
17 on camera.

18 And you're going to get to watch that video again. You
19 can watch it as many times as you want. You'll see the
20 defendant punching Crystal, which is what all those other
21 people saw who were there that night.

22 On June 17th of 2017, the defendant made a choice to harm
23 the woman who loved him, who lived with them, who would do
24 anything for him, including lie. But their version isn't
25 adding up. This defendant made a choice and it's time for

1 him to face the consequences of that choice.

2 Go back there, review all of the evidence, review all of
3 the testimony, and I'm confident that after you've done that,
4 each and every one of you is going to be left firmly
5 convinced beyond a reasonable doubt that this defendant is
6 guilty of domestic violence second degree.

7 THE COURT: You may proceed.

8 CLOSING ARGUMENT ON BEHALF OF THE DEFENDANT

9 MR. DANIELS: The State got part of that right. This
10 case is about perspective. I talked to you yesterday not
11 that there were two perspectives, but that they were trying
12 to put it into one perspective. I'll show you those
13 perspectives, show you all those different aspects, just like
14 you were in a review at a sporting game, football,
15 basketball, hockey. You want to look at all the perspectives
16 and that's where the problem lies. The problem lies that
17 these aren't adding up because of how that perspective the
18 State is trying to show you is distorted.

19 You heard from Crystal. You heard from Shanika. You
20 heard from the deputy. You saw his video. Still, there are
21 small things that don't add up, small things that they are
22 trying to gloss over. We need to walk through those, see how
23 they accumulate as you go through each witness.

24 Crystal. Crystal said her and Jerome -- they were both
25 arguing. Shanika said it too. They were being loud. Both

1 parties arguing at Shanika's house that night two years ago.
2 Crystal is friends with Shanika. It's embarrassing for to
3 have the cops called on her and her boyfriend, Shanika's
4 brother, because they were making too much noise. They, in a
5 house that Shanika was nice enough to let them stay in, were
6 disrupting her household.

7 She was wearing flip-flops that night, sandals, no back.
8 We're all from Charleston. We know our flip-flops. She was
9 wearing those. As you can see on the video, there's a lot of
10 movement. Nobody is detained. People are walking around.
11 People aren't sure where everybody is at.

12 The ground is wet. Crystal falls. Crystal had been
13 drinking. It was late at night. She was upset, drinking.
14 She falls to the ground because she overreacted when Jerome
15 suddenly approached her. Crystal lost her balance. She
16 fell. Crystal is embarrassed by this situation. Who
17 wouldn't be? She gets knocked down and gets back up in front
18 of her friend. That's obviously frustrating.

19 The deputy assumes that she was hit. He doesn't -- he's
20 not certain what's going on. We'll get to that in a second.
21 He's not certain what's going on. She assumes -- he assumes
22 that she's hit. Crystal goes along with it. It's
23 convenient. Crystal is about convenience. The deputy's
24 story explained everything. No longer does she have to be
25 embarrassed about it.

1 Another point of difference from that one camera angle
2 that we've seen, Crystal's actions following, her drop charge
3 form. She changes her story, but she doesn't just change her
4 story through 2017 on that drop charge form. She changes it
5 throughout. Let's walk through that. Let's see how that
6 changes.

7 Crystal went down to the Solicitor's Office and wrote a
8 statement. As you heard, Crystal does this on her own.
9 She's not prompted by Jerome. She's not prompted by Jerome's
10 family. She gets in her car, drives herself downtown from
11 out Ladson way, walks into the Solicitor's Office. I want to
12 make a statement.

13 Not just do I want to make a statement, I want to
14 reference the deputy's report and say why it's wrong.
15 Detailed, vehemently disagreeing with what happened.
16 Detailed, that deputy was wrong. I slipped. Not prompted by
17 Jerome. Not prompted by Jerome's family. Motivated by
18 herself, conscious, walked into that office in 2017, freely
19 wrote that.

20 Now, the State makes a point. She was not under oath,
21 but she knew the importance of it. You heard her. It's on
22 an official form. They take her license. They take her ID.
23 They put it on top of there. They photocopy it, as she said.
24 That sort of gives you an idea of how important it is.

25 And as if that wasn't enough, Crystal, again prompted by

1 herself, own actions, takes that form and goes and sees me at
2 my office, not at my prompting, by her with this important
3 thing that I did. I corrected it. She knew what she was
4 doing when she discredited the deputy's report. She knew the
5 importance of it even though she was not under oath.

6 Yesterday, 725 days after the incident, her memory
7 suddenly gets fuzzy. It's looking a bit convenient again.
8 She couldn't remember everything. Her story changes on the
9 stand. You can hear it. To keep her story from changing,
10 she suddenly brings up this apology by Jerome. Okay. Never
11 heard of this. Crystal said that Jerome apologized, but
12 Crystal can't remember how it happened. Maybe he told me in
13 person. Okay.

14 Let's look at that, Crystal. Every time you go and see
15 Jerome, you know you're recorded; right? Yes. Okay. So if
16 there's an apology that she suddenly brings up, not on their
17 questioning but on mine, because it's convenient, where is
18 that recording? Where is that perspective? This will start
19 to give you a better idea of what's going on.

20 I asked her about that. You know, maybe it was a
21 letter. Maybe it was a letter. Fantastic. A written
22 document. We can get that in. The State can show it to you.
23 We see no letter. Crystal, do you still have that letter?
24 I've got a lot of letters. The State should have asked for
25 that letter. She showed up under subpoena. They could have

1 subpoenaed documents.

2 That sudden shift to an apology, that's beyond
3 concerning. Every time, she was reporting what she was
4 doing. She had kept the letters. You weren't shown it. I
5 wasn't shown it. That was a last-minute entry. It was
6 convenient.

7 Her story kept changing. The worst part about it is her
8 shifting story is the closest perspective, but here's the
9 facts that we do know from Crystal. She was in flip-flops.
10 That stayed the same throughout. The ground was wet. Jerome
11 approached her suddenly. You saw that. She fell. Crystal
12 had been drinking that night.

13 And then there's Deputy Conkey's perspective, the
14 State's perspective, the camera's perspective. Lots of
15 issues here too. It is not simply just the photos or the
16 camera. You heard that deputy sit right there and tell the
17 State I saw her get hit on the left side of her head.

18 Okay. You saw the deputy sit there, watch the video you
19 all saw. I asked him a question. So you saw her get hit,
20 huh? Yes.

21 Did you not see the video? The video where you go
22 running in the house after Crystal and you go were you hit?
23 I couldn't see. His words. He couldn't see. That was then.
24 Yeah, that's what I said. That's what he said two years ago,
25 moments after when it was fresh. He couldn't see.

1 Deputy Conkey also had another perspective. It could
2 have been shown to you. He took photos of Crystal's face,
3 photos that would have shown if there was a mark on Crystal's
4 face to support his perspective, at least change the camera
5 angle a little bit so we're starting to see some depth in
6 that photo.

7 Do you see any photos? Jerome is a big guy. I would
8 expect there to be a mark. Photos that he took specifically
9 for his report to memorialize it. He felt it was that
10 important. Do you see photos? Another perspective not
11 shown. No depth has been shown.

12 Finally, Deputy Conkey. Mr. Waring, in discussion with
13 him, oh, it wasn't far when I was wearing that body camera.
14 I was wearing that body camera and getting that footage.
15 That was only about six or eight feet away. No further from
16 you to me.

17 Now, on that video he's over by the car. As the
18 solicitor said, you can probably watch that video again.
19 You're going to see the steps that he has to take to get to
20 the location where Crystal and Jerome are, the whole time
21 backward. No depth. Missing perspective. The perspective
22 is not aligning.

23 Then there's Shanika West. You've got to feel for
24 Shanika. She just wants to do the right thing from out of
25 all of this. You heard she didn't want to be here. That's

1 how she started it off on both her questionings. She stated
2 it. She didn't want to be involved in this case at all.

3 All Shanika wanted to do was to stop the unnecessary
4 noise from two parties having a heated discussion in her
5 house while she works multiple jobs and wants some sleep, to
6 keep those children asleep. Shanika didn't write a statement
7 that night. Shanika said nobody had contacted her in two
8 years, but they talked with her Monday, Monday morning.

9 She was under subpoena. She was worried about that
10 subpoena. She could have -- the State could have reached out
11 at any point. As part of the investigation, you can get this
12 far. The deputy could have asked her for her statement. No
13 one talked to her. No one talked to her when her memory was
14 fresh.

15 Instead, the solicitor only spoke with her two days ago.
16 The solicitor caused her to miss her shift and she was upset
17 about that. The solicitor subpoenaed her. She didn't feel
18 free to go. The whole time she was testifying, she was
19 afraid of going to jail. I don't know why, but that's what
20 she said.

21 Under that subpoena, she was taken into an office at the
22 solicitor's into a room with three of their employees. One,
23 she doesn't want to be involved. She starts being asked
24 about what happened that night two years ago that they hadn't
25 bothered to ask about. She started saying her memory is a

1 little fuzzy. She says I think I was here, maybe I was
2 there. Well, the solicitor has got a remedy for that. Let's
3 show you this camera footage. So here.

4 So think about how that works. Over by the car looking
5 towards the house backward, middle of the yard, the door
6 where she's standing where she says throughout she's going in
7 and out of the house. That's the opposite perspective.

8 Two years later when you don't have anything to refresh
9 your memory, in your own words, they show you this camera
10 angle and they try to push you into their version of events,
11 and that's one of the things that bothers me. You see
12 something like that, that's going to color your memory.

13 There's terms for this, cognitive bias, reasoning bias.
14 That's what's going on here. It's a warping effect. It
15 warps. It twists. Contorts it into that one version,
16 leaving no other options.

17 Things that the State started to bring up in their
18 closing that they brought up throughout this case that were
19 never shown you. Uriah Williams, Shanika's son. Brian
20 Gould. During the State's case, they stopped the video and
21 they said who is this, who is this, they were there. We've
22 heard Uriah speak on that 9-1-1 call.

23 How old are they today? Shanika says 18. They could
24 bring different perspectives, add to that field of depth. I
25 didn't see them here yesterday. I don't see them here today.

1 That's problematic.

2 As I said, there's lots of perspectives to look at this.
3 I want those perspectives because I want to get away from
4 that that one perspective the State looks at. The State
5 looks at it, goes I have that footage, good enough. Where
6 are the photos? Where's the other evidence? Where's the
7 other witnesses? Sudden movement and a fall.

8 Now, I am a metrics guy. I like metrics. I like sign
9 posting. I like benchmarks. I like standards. I like all
10 of that because they provide criteria. Criteria lets you
11 know where you're at.

12 As you're going to hear from the judge and you started
13 to hear from the solicitor, the standard in General Sessions
14 Court in South Carolina, criminal court in South Carolina, is
15 beyond a reasonable doubt standard. This is a term of art.
16 It's very specific.

17 The judge is going to explain it to you. Listen to her,
18 but quickly what it means is not what the solicitor is
19 saying, but it means a doubt that would cause you to hesitate
20 to act, that momentary stop before you hit the button that
21 you can give a name to because it's reasonable.

22 The State bears the burden. In this case, they
23 repeatedly focus on that one perspective. You've seen them
24 try to push things into that. I've told you about all the
25 other perspectives for you to look at, not the one angle that

1 you wouldn't even accept of any review of an NFL call.

2 In a criminal case here, the State is presenting one
3 angle. It's a story. It doesn't even show a contact. From
4 what we know, Crystal fell. Crystal was wearing flip-flops.
5 The ground was wet. Crystal was drinking. Jerome did
6 approach her suddenly.

7 Find Jerome not guilty of domestic violence in the
8 second degree.

9 THE COURT: Does anyone need a comfort break? Is
10 everyone fine? Why don't you all stand up and get your --
11 because I know it's artificial light in here. I'm going to
12 be talking for about 20 minutes. You might as well get your
13 blood circulating real quick.

14 (WHEREUPON, there was a pause in the proceedings, after
15 which the proceedings resumed as follows.)

16 THE COURT: You all can sit down whenever you're ready.

17 CHARGE ON THE LAW

18 THE COURT: During this trial, ladies and gentlemen, you
19 and I have certain duties to perform. As the trial judge, it
20 is my responsibility to preside over the trial of this case
21 and I also have the duty to rule upon or pass upon the
22 admissibility of evidence which has been offered during the
23 trial. You are to consider only the competent evidence that
24 is before you.

25 Can one of the bailiffs accommodate me by moving that

1 podium? Thank you. Bear with us for just a moment, ladies
2 and gentlemen. I apologize. I didn't notice that before.
3 Thank you.

4 You are to consider only the testimony which has been
5 presented from the witness stand, together with any exhibits
6 which have been made a part of the record in this case and
7 any stipulations which have been entered into by counsel and
8 made a part of the record. And as I've explained, a
9 stipulation is an agreement between counsel and it requires
10 no further proof.

11 I have the additional duty to charge or instruct you on
12 the law of this case and, as the presiding judge, I'm the
13 sole judge of the law of this case and it is your duty as
14 jurors to accept and apply the law as I now state it to you.
15 If you have a preconceived idea as to what the law is or what
16 the law ought to be in a case or in this case and it should
17 not agree with what I now tell you the law is, you are
18 obligated under your oath to abandon this preconception on
19 your part because you are sworn to accept the law and apply
20 the law precisely as I now state it to you.

21 In every case tried in this court before a jury, the
22 jury becomes the sole and exclusive judges of the facts in a
23 case. You, the jury, are the judges of the facts in this
24 case. This Court is the judge of the law.

25 The Constitution of our state has declared that a trial

1 judge shall not intimate, state, comment upon or make any
2 statement to a trial jury about the facts in a case. Since
3 you, the jury, are the sole judges of the facts in this case,
4 you are not to infer anything from what I've said during the
5 progress of this trial in ruling upon the admissibility of
6 evidence or otherwise or anything that I say now to you
7 during the course of this instruction that I have any opinion
8 about the facts. The law does not permit me to have an
9 opinion about the facts.

10 This is a matter solely for you, the jury, to determine.
11 As jurors then, it is your duty, as I have instructed, to
12 determine the effect, the value, the weight, and the truth of
13 the evidence presented during this trial.

14 Necessarily, ladies and gentlemen, you must assess the
15 credibility of witnesses who have testified. Credibility is
16 simply a legalistic term meaning believability. It becomes
17 your duty as jurors to analyze and to evaluate the evidence
18 and determine that evidence which convinces you of its truth.

19 Some of the things you may consider as you decide
20 whether or not to believe a witness's testimony about a
21 particular matter include:

22 What was the manner and appearance of the witness who
23 testified?

24 Was he or she straightforward or hesitant in answering?

25 Was the testimony of a witness consistent or

1 inconsistent?

2 How did the witness come to know the facts that he or
3 she testified to?

4 What was his or her ability to know these facts?

5 Is there some reason a witness would want to give
6 testimony which would help or hurt one side or the other? In
7 other words, was the witness biased or prejudiced?

8 And was the testimony of a witness strengthened or
9 weakened by other testimony or evidence?

10 As I've explained, you can believe as much or as little
11 of each witness's testimony as you think proper.

12 In determining the question of the credibility or
13 believability of witnesses who have testified, you may
14 believe one witness as against several witnesses or several
15 witnesses as against one witness. You may believe a part of
16 the testimony of a witness and reject the remaining part of
17 the testimony of that same witness. If you have a good and
18 sound reason, you may believe the testimony of a witness in
19 its entirety or reject the testimony of a witness in its
20 entirety.

21 You may consider the demeanor of a witness. That is the
22 manner and appearance of the witness from the witness stand.

23 Again, as I've instructed, ladies and gentlemen, you can
24 believe as much or as little of each witness's testimony as
25 you think proper. You have but one objective: to determine

1 the facts within your province as the finders of the facts in
2 this case.

3 I instruct you and emphasize that the fact that the
4 defendant did not testify is not a factor to be considered by
5 you in any manner whatsoever in your deliberative process and
6 in your consideration on the question of whether the State
7 has met their burden of proof in this case. It must not be
8 considered by you in any manner whatsoever.

9 A defendant has the constitutional right to remain
10 silent and the assertion of this right must not be considered
11 by you in your deliberations. I repeat, under your oath, you
12 are to draw no conclusion whatsoever from the fact that the
13 defendant in this case did not testify. The fact that this
14 defendant did not testify should not be discussed in any
15 manner whatsoever in the jury room.

16 The burden of proof, as I have instructed you, is on the
17 State. The State is not -- the defendant is not required to
18 prove himself innocent. The burden of proof remains on the
19 State to prove guilt beyond a reasonable doubt.

20 Ladies and gentlemen, there are two types of evidence
21 which are generally presented during a trial: direct evidence
22 and circumstantial evidence. Direct evidence is the
23 testimony of a person who asserts or claims to have actual
24 knowledge of a fact, such as an eyewitness. Circumstantial
25 evidence is proof of a chain of facts and circumstances

1 indicating the existence of a fact.

2 The law makes absolutely no distinction between the
3 weight or value to be given to either direct or
4 circumstantial evidence, nor is a greater degree of certainty
5 required of circumstantial evidence than of direct evidence.
6 You should weigh all of the evidence in this case.

7 And as I've instructed, crimes may be proven by direct
8 or circumstantial evidence and there is no distinction in --
9 no greater -- there are two types of evidence, as I've
10 instructed, which are generally presented, direct evidence
11 and circumstantial evidence.

12 Direct evidence directly proves the existence of a fact
13 and does not require deduction. Circumstantial evidence is
14 proof of a chain of facts and circumstances indicating the
15 existence of a fact.

16 Crimes may be proven by circumstantial evidence and,
17 again, the law makes no distinction between the weight or
18 value to be given to either direct or circumstantial
19 evidence. However, to the extent the State relies on
20 circumstantial evidence, all of the circumstances must be
21 consistent with each other and when taken together point
22 conclusively to the guilt of the accused beyond a reasonable
23 doubt. If these circumstances merely portray the defendant's
24 behavior as suspicious, the proof has failed.

25 The State has the burden of proving the defendant guilty

1 beyond a reasonable doubt and this burden rests with the
2 State regardless of whether the State relies on direct
3 evidence, circumstantial evidence or some combination of the
4 two. And as I've instructed, ladies and gentlemen, you
5 should weigh all of the evidence in this case.

6 After weighing all of the evidence, if you're not
7 convinced of the guilt of the defendant beyond a reasonable
8 doubt, you must find the defendant not guilty. Conversely,
9 if you are convinced of the guilt of the defendant beyond a
10 reasonable doubt, then you must find him guilty.

11 I instruct you the fact that the defendant was arrested,
12 charged, and indicted is not evidence in this case and cannot
13 be considered by you as evidence of guilt in this case, nor
14 does it create any presumption or inference of guilt in this
15 case. This documentation, ladies and gentlemen, is simply
16 the formal written instruments which contained the charge or
17 charges made against the defendant. It simply serves as the
18 formal documentation by which this case is processed or
19 brought into court.

20 Bear with me one second, ladies and gentlemen. I
21 realize that I neglected something that I need to give
22 attention to.

23 I instruct you, ladies and gentlemen, that our rules of
24 evidence ordinarily do not permit witnesses to testify to
25 opinions or conclusions. An exception to this rule exists

1 for witnesses we call expert witnesses. A witness who by
2 their education, training, and experience has become an
3 expert in some art, science, profession or calling may state
4 an opinion as to relevant and material matters in which the
5 witness claims to be an expert and may also state the reasons
6 for the opinion.

7 You should consider any expert opinion received in
8 evidence in this case like any other evidence. Give it the
9 weight to think it deserves. If you decide that the opinion
10 of an expert witness is not based on sufficient education,
11 training, and experience or if you conclude that the reasons
12 given in support of the opinion are not sound or that the
13 opinion is outweighed by other evidence, you may disregard
14 the opinion entirely.

15 An expert witness's testimony is to be given no greater
16 weight than that of other witnesses simply because the
17 witness is an expert. Further, you are not required to
18 accept -- to accept an expert's opinion, even though it is
19 not contradicted.

20 I further instruct you, ladies and gentlemen, that the
21 defendant has pled not guilty to the indictment and that plea
22 casts the burden on the State to prove the defendant guilty
23 because a person charged with committing a criminal offense
24 in South Carolina is never required to prove himself
25 innocent. I instruct you that it is a cardinal and important

1 rule of the law of evidence that the defendant in a criminal
2 trial, no matter what the seriousness of the charge made
3 against him may be, will always be presumed to be innocent of
4 the crime for which he is indicted unless his guilt has been
5 proven by evidence satisfying you of that guilt beyond a
6 reasonable doubt.

7 This presumption of innocence does not cease when you
8 retire to deliberate, but it accompanies the defendant from
9 the time of his arraignment throughout the trial until you
10 reach a verdict in this case. Our Supreme Court has said
11 that the presumption of innocence is like a robe of
12 righteousness placed about the shoulders of the defendant and
13 it remains with him and assigns him to that class of innocent
14 until that presumptive robe of righteousness has been
15 stripped from his person by evidence satisfying you of that
16 guilt beyond a reasonable doubt.

17 The presumption of innocence is not mere legal theory.
18 It is not just a legal phrase. It is a substantial right to
19 which every defendant is entitled unless you, the jury, are
20 satisfied from the evidence of his guilt beyond a reasonable
21 doubt.

22 The State has the burden of proving the defendant guilty
23 beyond a reasonable doubt. Some of you may have served as
24 jurors in civil cases where you were told that it is only
25 necessary to prove that a fact is more likely true than not

1 true, such as by the greater weight or the preponderance of
2 the evidence.

3 In criminal cases, the State's proof must be more
4 powerful than that. It must be beyond a reasonable doubt.
5 Proof beyond a reasonable doubt is proof that leaves you
6 firmly convinced of the defendant's guilt. There are very
7 few things in this world that we know with absolute certainty
8 and, in criminal cases, the law does not require proof that
9 overcomes every possible doubt.

10 If based on your consideration of the evidence you are
11 firmly convinced that the defendant is guilty of the crime
12 charged, you must find the defendant guilty. If, on the
13 other hand, you think there is a real possibility that the
14 defendant is not guilty, you must give the defendant the
15 benefit of that doubt and find him not guilty.

16 The defendant is charged with domestic violence second
17 degree. To prove domestic violence second degree, the State
18 must prove beyond a reasonable doubt that the defendant
19 caused physical harm or injury to a member of the defendant's
20 own household or that the defendant offered or attempted to
21 cause physical harm or injury to a member of the defendant's
22 own household with the apparent present ability to cause harm
23 or injury under circumstances reasonably creating a fear of
24 imminent peril.

25 A household member is a spouse, a former spouse, a

1 parent, a child, a grandparent, a brother or sister, a
2 grandchild, a person with whom the defendant has a child in
3 common, and a person of the opposite sex with whom the
4 defendant is living or has lived in the past.

5 Finally, the State must prove beyond a reasonable doubt
6 that the defendant has one prior conviction for domestic
7 violence in the past 10 years from the current offense.
8 Evidence of a prior offense committed by the defendant was
9 not offered to prove the defendant has a bad character or to
10 prove that the defendant committed the domestic violence on
11 this occasion.

12 The prior conviction may be considered by you only for
13 the purpose of determining whether or not it satisfies that
14 element of the offense that makes it second-degree domestic
15 violence and the defendant has one prior conviction for
16 domestic violence within 10 years of the alleged offense.

17 Before you can even consider the evidence of the
18 defendant's prior domestic violence conviction, you must
19 first find that the defendant -- that the State has proven
20 beyond a reasonable doubt that domestic violence was
21 committed by the defendant. If you find beyond a reasonable
22 doubt that the domestic violence was committed, then you may
23 consider the evidence of the prior conviction as evidence of
24 one of the circumstances which would make the domestic
25 violence second degree domestic violence.

1 If you do not find beyond a reasonable doubt that the
2 defendant committed this alleged prior offense, then you
3 cannot return a verdict of second degree domestic violence or
4 the State may prove the offense was committed in the presence
5 of or while being perceived by a minor.

6 Ladies and gentlemen, there are two potential verdicts
7 in this case. There's absolutely no significance whatsoever
8 to the order in which I state the verdicts. It is simply
9 that one must be stated first. And you don't have to try to
10 write any of this down as the verdict form will come into the
11 jury room with you.

12 And your options are as follows:

13 As to Indictment Number 2017-GS-10-6541, we, the jury,
14 by unanimous consent find the defendant guilty of domestic
15 violence second degree or not guilty.

16 Again, there's no significance whatsoever to the order
17 in which I've stated these potential verdicts. It is simply
18 that one must be stated first.

19 Ladies and gentlemen, your verdict must be unanimous,
20 which means all twelve of you must agree in order to reach a
21 verdict in this case.

22 Madam Forelady, once the jury has reached a unanimous
23 verdict, it is your responsibility to fill out the verdict
24 form and to sign and date the form. It is also your
25 responsibility to knock on the door and advise the bailiffs

1 that the jury has reached a unanimous verdict.

2 Also, if the jury has any questions during
3 deliberations, it is your responsibility to write those
4 questions out on the notebook that you have, to sign and date
5 the note, and again follow the same process of knocking on
6 the door and advising the bailiffs that the jury has a
7 question. Any notes provided to the Court should never
8 indicate a numerical breakdown of the jury, as the jury's
9 deliberations should be kept within the sanctity of your
10 deliberation room.

11 Again, ladies and gentlemen, your verdict must be
12 unanimous, which means all twelve of you must agree in order
13 to reach a verdict.

14 Ladies and gentlemen, if you have questions during
15 deliberations, please know that there will be a delay in us
16 responding and that is because there's a process that we must
17 follow in answering your questions. So know if you have a
18 question, there will be a delay. We are not ignoring you.
19 We're simply following the process that is required to answer
20 your questions.

21 Again, ladies and gentlemen, your verdict must be
22 unanimous, which means all twelve of you must agree.

23 I'm going to ask that you return to your jury room, but
24 do not yet begin your deliberations. I have some matters of
25 law that I have to take up with counsel that may require

1 further instruction or clarification of an instruction.

2 However, if there's no further instruction, we will send
3 in the verdict forms and the evidence. There should be a
4 laptop in the jury room for you to play any media. And at
5 that time, we will send in your notebooks, excuse the
6 alternate, and you will be allowed to begin your
7 deliberations.

8 If you would, go with the bailiff, please.

9 (WHEREUPON, the jury exited the courtroom at 11:40 a.m.)

10 THE COURT: You may be seated. Any exceptions from the
11 State?

12 MS. MARSH: None from the State, Your Honor.

13 THE COURT: Any exceptions from the defense?

14 MR. DANIELS: No exceptions, Your Honor.

15 THE COURT: Please make sure all of the evidence is in
16 place so that the bailiffs can take in the -- I need you to
17 go ahead and get their notebooks and bring the alternate out
18 to me, please, and get the evidence. There are only three
19 pieces of evidence -- two.

20 Do you have those, Madam Court Reporter, to give them to
21 the --

22 THE BAILIFF: What would you like to have done with
23 these?

24 THE COURT: Pardon me?

25 THE BAILIFF: What would you like to have done with

1 these? What would you like done with these?

2 THE COURT: I can't hear you. I'm sorry.

3 THE BAILIFF: I was wondering --

4 THE COURT: My ears are a little stopped up. I'm sorry.

5 THE BAILIFF: Mine are too.

6 THE COURT: Yes. It's sinuses.

7 THE BAILIFF: I was just wondering what you wanted done
8 with the notebooks.

9 THE COURT: Take them their notebooks except leave the
10 alternate's out here, which is Number 83. No, Number 90 is
11 the alternate. I'm sorry. Yeah. Number 90 is the
12 alternate. So leave her notebook on the banister and then
13 take their notebooks to them and take the evidence to them
14 and the verdict form.

15 THE BAILIFF: May I approach?

16 THE COURT: Yes, sir. Go ahead and get the evidence.

17 (WHEREUPON, there was a pause in the proceedings until
18 the alternate juror entered the courtroom, after which
19 the proceedings resumed as follows.)

20 THE BAILIFF: Your Honor, Juror Number 90.

21 THE COURT: Ma'am, we wanted to thank you for your time
22 and your attention to this case. I know it might seem
23 thankless, but alternate service is so very valuable to us in
24 the event that someone cannot continue with their service.

25 You are excused for the remainder of the week. I would

1 ask that you not discuss the case until the entire panel has
2 been excused and after that you can discuss the case if you'd
3 like.

4 I'm going to have them put you in a multipurpose room
5 until your lunch arrives and then you'll be free to leave. I
6 would hate for you to have to be like the belle at the ball
7 and not to have your lunch. So we'll have you --

8 Put her in one of the multipurpose rooms until her lunch
9 comes.

10 Thank you so much, ma'am.

11 JUROR NUMBER 90: Thank you.

12 THE COURT: We appreciate your service. Thank you.

13 (WHEREUPON, the alternate juror was released at 11:45
14 a.m.)

15 THE COURT: All right. The record should reflect that
16 the jury began its deliberations at 11:44. Is there anything
17 else we need to take up while we await the jury's
18 deliberations from the State?

19 MS. MARSH: No, Your Honor.

20 THE COURT: From the defense?

21 MR. DANIELS: No, Your Honor.

22 THE COURT: All right. Guys, stay in here for me --
23 well, stay close. I don't want to have to send for anybody
24 if we have a question. And then once the jury gets its
25 lunch, I'll give you all a lunch break as well.

1 MR. WARING: Thank you, Judge.

2 THE COURT: You're welcome.

3 (WHEREUPON, there was a break in the proceedings from
4 11:45 a.m. until 12:51 p.m., after which the proceedings
5 resumed as follows.)

6 THE COURT: The jury has reached a verdict. Is there
7 anything before we receive the jury from the State?

8 MS. MARSH: No, Your Honor.

9 THE COURT: From the defense?

10 MR. DANIELS: No, Your Honor.

11 THE COURT: Is their lunch downstairs?

12 THE CLERK: I'm not sure, Judge. I was just telling Mr.
13 Hall the same thing.

14 THE COURT: Can we call Jimmy John's and find out what's
15 going on? Because they're a little tardy.

16 THE CLERK: I'll ask James.

17 THE COURT: Thank you.

18 Okay. Please get the jury.

19 (WHEREUPON, the jury entered the courtroom at 12:53
20 p.m.)

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

22 THE COURT: You may be seated.

23 Madam Forelady, is it correct that the jury has reached
24 a verdict?

25 THE FOREPERSON: Yes, Your Honor.

1 THE COURT: If you would, give the verdict form to the
2 bailiff for me, please.

3 (WHEREUPON, the foreperson complied.)

4 THE COURT: Thank you, sir.

5 Sir, if you would, stand for the verdict reading.

6 (WHEREUPON, the defendant complied.)

7 VERDICT

8 THE CLERK: In the matter of State of South Carolina
9 versus Jerome Keith West, as to Indictment Number 2017-GS-10-
10 06541, we, the jury, by unanimous consent find the defendant
11 guilty of domestic violence second degree. Signed by the
12 foreperson, dated June 12th, 2019.

13 THE COURT: Ladies and gentlemen, if this is your
14 verdict, please raise your right hand.

15 (WHEREUPON, all jurors complied.)

16 THE COURT: Let the record reflect that all twelve
17 raised their right hands. You can put your right hand down.

18 Is there any request to poll the jury from the State?

19 MS. MARSH: None from the State.

20 THE COURT: From the defense?

21 MR. DANIELS: The defense requests a polling.

22 THE COURT: Ladies and gentlemen, if you would, give the
23 clerk your attention. She's going to call your number. When
24 she does, if you would, raise your right hand and she will
25 ask you two questions. One will be is this your verdict and

1 is this still your verdict, and if you would answer
2 accordingly. You all may take your seats.

3 You may proceed when you're ready.

4 THE CLERK: Yes, ma'am.

5 Juror Number 220, Mr. William Ray, please stand. Is
6 this your verdict?

7 JUROR NUMBER 220: Yes.

8 THE CLERK: Is this still your verdict?

9 JUROR NUMBER 220: Yes.

10 THE CLERK: You may be seated.

11 THE COURT: You can raise your right hand. You don't
12 have to stand.

13 Proceed.

14 THE CLERK: Juror 159, is this your verdict?

15 JUROR NUMBER 159: Yes, ma'am.

16 THE CLERK: Is it still your verdict?

17 JUROR NUMBER 159: Yes, ma'am.

18 THE CLERK: Thank you.

19 Juror 33, is this your verdict?

20 JUROR NUMBER 33: Yes, ma'am.

21 THE CLERK: Is this still your verdict?

22 JUROR NUMBER 33: Yes, ma'am.

23 THE CLERK: Thank you.

24 Juror 152, is this your verdict?

25 JUROR NUMBER 152: Yes.

1 THE CLERK: Is this still your verdict?
2 JUROR NUMBER 152: Yes.
3 THE CLERK: Thank you.
4 Juror 183, is this your verdict?
5 JUROR NUMBER 183: Yes, ma'am.
6 THE CLERK: Is this still your verdict?
7 JUROR NUMBER 183: Yes, ma'am.
8 THE CLERK: Thank you.
9 Juror 216, Ms. Powers, is this your verdict?
10 JUROR NUMBER 216: Yes.
11 THE CLERK: Is this still your verdict?
12 JUROR NUMBER 216: Yes.
13 THE CLERK: Thank you.
14 Juror 240, is this your verdict?
15 JUROR NUMBER 240: Yes.
16 THE CLERK: Is this still your verdict?
17 JUROR NUMBER 240: Yes.
18 THE CLERK: Thank you.
19 Juror 221, is this your verdict?
20 JUROR NUMBER 221: Yes.
21 THE CLERK: Is this still your verdict?
22 JUROR NUMBER 221: Yes.
23 THE CLERK: Thank you.
24 Juror 90 -- excuse me. That's the alternate.
25 Juror 257, is this your verdict?

1 JUROR NUMBER 257: Yes.

2 THE CLERK: Is this still your verdict?

3 JUROR NUMBER 257: Yes.

4 THE CLERK: Thank you.

5 Juror 201, is this your verdict?

6 JUROR NUMBER 201: Yes, ma'am.

7 THE CLERK: Is this still your verdict?

8 JUROR NUMBER 201: Yes, ma'am.

9 THE CLERK: Thank you.

10 Juror 40, is this your verdict?

11 JUROR NUMBER 40: Yes.

12 THE CLERK: Is this still your verdict?

13 JUROR NUMBER 40: Yes.

14 THE CLERK: Thank you.

15 Juror 254, is this your verdict?

16 JUROR NUMBER 254: Yes, ma'am.

17 THE CLERK: Is this still your verdict?

18 JUROR NUMBER 254: Yes, ma'am.

19 THE CLERK: Thank you.

20 All jurors have been polled, Your Honor.

21 THE COURT: Ladies and gentlemen, we thank you for your
22 time and your attention to this case. I know that jury
23 service may seem thankless, but it's so very valuable to us.

24 Charleston County is one of the largest and busiest
25 counties in the state. It only ranks in comparison to

1 Greenville County and Richland County, which is, of course,
2 the capitol. We hold three terms of criminal court every
3 week with the exception of holidays and some of what we do is
4 non-jury. Some of what we do, however -- well, most of what
5 we do requires and necessitates the use of a jury to act as
6 the finders of the facts in a case.

7 So I hope that you've learned that real court is nothing
8 like what you see on television. I hope you've learned how
9 very valuable your service is to us and I hope it has been
10 educational.

11 You are welcome to remain for sentencing if you would
12 like. However, if you don't wish to stay, you certainly are
13 excused for the remainder of the week. If you need a work
14 excuse, you can get those on the first floor on the Circuit
15 Court side of the Clerk's Office. Any of the individuals at
16 the window, the clerks, the deputy clerks, can give you a
17 work excuse. Otherwise, we'll mail those to you along with
18 your checks.

19 You're welcome to discuss this case if you would like,
20 but I would ask that you not have any discussion about the
21 case until the entire panel is excused after Friday. If
22 someone should exceed your comfort level in speaking with you
23 and you don't wish to talk about the case, please contact the
24 Clerk's Office so we can take the appropriate action to
25 protect your privacy.

1 Your lunch should be here, I think. We're trying to
2 figure out -- you know, it's like things go right, they go
3 right, but when they go wrong, they just go wrong. And I
4 think it has to -- it probably has to do with the weather
5 because Jimmy John's is usually very --

6 UNKNOWN MALE: Freaky fast?

7 THE COURT: Huh?

8 UNKNOWN MALE: Freaky fast?

9 THE COURT: Yeah. Usually. Usually, they're very, very
10 -- handle things very well and it's very unusual for them to
11 be late, but we're checking on your lunch right now.

12 So I would ask that you indulge us by waiting in your
13 room until your lunch arrives. When it arrives, you're
14 welcome to stay and eat if you're like, but you're welcome to
15 leave as well. The last time I looked out the window, it was
16 a bit torrential outside. I don't know if it's still
17 raining. I'm hoping it slacked up a little so that you all
18 can make your way home without incident.

19 And as far as I'm concerned, you've served us well this
20 week; so you're excused for the remainder of the week and
21 you're excused with, of course, profound thanks.

22 (WHEREUPON, the jury was released and exited the
23 courtroom at 12:59 p.m.)

24 THE COURT: I'll hear post-trial motions and I need a
25 sentence sheet.

1 (WHEREUPON, there was a pause in the proceedings, after
2 which the proceedings resumed as follows.)

3 MS. MARSH: Your Honor, I do have a sentencing sheet.
4 We're printing the other part. We're also requesting a
5 permanent restraining order and we're in the process of
6 trying to determine what his most recent address is --

7 THE COURT: Okay.

8 MS. MARSH: -- to fill out the order, but we'll have
9 that.

10 THE COURT: Does he want to dispose of his probation?
11 What does he want to do? Because I need to give them a few
12 minutes to do that. Not that he has a choice, actually. Did
13 you all get a copy of his report and the administrative
14 hearing summary narrative?

15 MR. DANIELS: Yes. There's a recommendation of
16 revocation.

17 THE COURT: Pardon me?

18 MR. DANIELS: There was a recommendation of revocation.

19 THE COURT: There was. Do you want me to give you a
20 copy of this whole package?

21 MR. DANIELS: If I could.

22 THE COURT: Yeah. Well, what I have is the -- I have
23 the violation report, which indicates this was not the only
24 revocable event. He failed to complete substance abuse
25 counseling, failed to attend anger management classes, and

1 paid -- failed to pay his fees and fines as required, having
2 been in arrears, and failed to pay his drug test balance and
3 failed to follow the advice and instructions of his agent.

4 Then I have a copy of the arrest warrant, which doesn't
5 -- I don't see where bond was set. That doesn't mean bond
6 wasn't set.

7 And then I have the administrative hearing summary,
8 which consists of two pages, which does recommend a
9 revocation, and then there's a copy of the incident report,
10 which I assume you already have.

11 MR. DANIELS: Thank you, Your Honor. If I can get a --
12 if I can get a copy of that? I just want to make sure that
13 we're on the same page.

14 THE COURT: I don't -- I'm not going to give it any
15 weight.

16 MR. DANIELS: Okay.

17 THE COURT: Yeah. I've heard the trial. I don't need
18 to look at the incident report.

19 MR. DANIELS: Okay.

20 THE COURT: And then there's his previous CDVHAN
21 sentencing sheet that's attached to it.

22 MR. DANIELS: What was the year of that?

23 THE COURT: That was 8/6/15.

24 MR. DANIELS: Thank you.

25 THE COURT: You're welcome.

1 What do you need done?

2 THE CLERK: The jurors would like to come back in for
3 sentencing.

4 THE COURT: That's fine. Bring them back in.

5 MS. MARSH: Your Honor?

6 THE COURT: Yes, ma'am.

7 MS. MARSH: May I approach with the permanent
8 restraining order?

9 THE COURT: Yes.

10 (WHEREUPON, there was a pause in the proceedings, during
11 which the jury reentered the courtroom, and then the
12 proceedings resumed as follows.)

13 THE COURT: Okay. Please tell me again what Mr. West's
14 record is.

15 MS. MARSH: Yes. Mr. West's record dates back to 2003.
16 He had two counts of burglary in the second degree
17 nonviolent, in 2003 attempted burglary, a 2004 assault and
18 battery of a high and aggravated nature.

19 THE COURT: I need you to slow down for me. 2004?

20 MS. MARSH: Assault and battery of a high and aggravated
21 nature. 2006, burglary second degree nonviolent. 2007,
22 trespassing. 2007, false -- giving false information. 2007,
23 trespassing. 2008, possession with intent to distribute
24 cocaine first. 2008, resisting arrest. 2007, YOA parole
25 revocation. 2009, YOA parole revocation. 2011, giving false

1 information. 2011, assault and battery in the third degree.
2 2013, possession of drug paraphernalia. 2015, criminal
3 domestic violence of a high and aggravated nature.

4 THE COURT: For which he's on probation; correct?

5 MS. MARSH: Correct, Your Honor.

6 THE COURT: What was the second YOA revocation? There
7 was one in 2007 and there was one when?

8 MS. MARSH: In 2009.

9 THE COURT: Thank you. What is the State's position on
10 sentence?

11 MS. MARSH: The State's position is that I do believe
12 he's already maxed out the sentence, but the State would
13 request that his probation for the CDVHAN be revoked in full.
14 I know that that is the Probation Office's recommendation.

15 We feel it's appropriate here given his record, given
16 the facts that he committed a second domestic violence
17 offense not two years after his original offense, the CDVHAN,
18 and that was with a different victim.

19 We have great concerns about the victim's safety. We
20 are requesting that a permanent restraining order be issued,
21 but as we know, that is really a piece of paper. This
22 defendant knows where the victim lives. He has access to her
23 and that is a huge concern that the State has. So we are
24 requesting for it.

25 THE COURT: Okay. I'll be glad to hear from defense

1 counsel. What's your position?

2 MR. DANIELS: Your Honor, we would request just a
3 partial revocation. He's done --

4 THE COURT: Well, I need you to address his conviction.
5 I'm going to address the probation revocation separately.

6 MR. DANIELS: Oh, okay. His -- on his current
7 conviction, he has maxed it out. We would request a time-
8 served sentence.

9 THE COURT: He's been in jail 725 days?

10 MR. DANIELS: I believe it's 726 as of today.

11 THE COURT: He's never made bond?

12 MR. DANIELS: He never made bond. He had a -- would you
13 like to hear some mitigation or do you just want --

14 THE COURT: I think you might want to.

15 MR. DANIELS: Okay, Your Honor.

16 THE COURT: I mean I'm not going to tell you how to
17 present your case, but it's up to you what you'd like to tell
18 me.

19 MR. DANIELS: Okay. Jerome West is 30 years old. His
20 family is from here. He's from here. He's been in jail
21 since the date of the arrest. Despite having different bond
22 hearings, he's never been able to make the probation
23 violation.

24 THE COURT: So that's the one that was high?

25 MR. DANIELS: That is the one that was high. It was

1 \$30,000.

2 THE COURT: Well, that's really not high, but --

3 MR. DANIELS: It was high for him.

4 THE COURT: Uh-huh.

5 MR. DANIELS: He was bouncing between two places where
6 he was living. He was working for a -- he was working for a
7 temp service.

8 When he was released on the CDV -- CDVHAN after serving
9 446 days on that, he was out not long, a matter of months,
10 and then in 2016 he was the victim of a shooting. I believe
11 there were eight shots. He spent 10 days in the ICU. He
12 also lost some family members during that time. It took him
13 a long time to get back to being healthy.

14 He -- he still had to go in for treatment every week,
15 according to his mother. During that time, he wasn't
16 sleeping. He was on medication and he was -- he was
17 uncomfortable being around just by himself after experiencing
18 such trauma. This made him reasonably edgy.

19 His mom did take him to MUSC and he was admitted and
20 committed, according to her, for five days as part of this.
21 He -- because he was the victim --

22 THE COURT: What year was that?

23 MR. DANIELS: That was in 2016.

24 THE COURT: Uh-huh.

25 MR. DANIELS: Following his release in 2015.

1 In -- as part of him being in jail, he was put --
2 because he was the victim of two pending trials -- I believe
3 it was two pending trials for the shooting where he was the
4 victim. He was put in -- in high-security. He wasn't able
5 to make use of the programs. He wrote me multiple times
6 asking if he could get access or get reclassified, but he was
7 unable to.

8 So while 726 days is a long time already, he was denied
9 access to any programs that would help him deal with some of
10 the issues that he is facing. He wasn't able to do anger
11 management, substance abuse type of counseling because of
12 where he was classified.

13 THE COURT: But that was for his safety. So I don't
14 think he can really --

15 MR. DANIELS: It was for his safety, but it was also --
16 well, for his safety. It's also an additional factor with
17 what he's dealing with.

18 On -- on the consideration for what he's served on the
19 probation violation and upon what he's served for this charge
20 and previously upon the underlying CDVHAN, it comes up to
21 over 1,100 days. We would request, knowing that CDVHAN is a
22 one- to 10-year sentence and he received a 10-year sentence,
23 with all of these factors, we would request Your Honor just
24 go along with a partial revocation.

25 This has been more than rough on him, the shooting.

1 While waiting for this, he was -- he was afraid of that
2 probation violation. That's what drove us to this -- to this
3 trial today.

4 THE COURT: Have you explained to him the violation
5 report, the warrant, as well as the administrative hearing
6 summary?

7 MR. DANIELS: Yes, Your Honor. We've gone into that and
8 there were discrepancies between the report and the
9 administrative hearing.

10 THE COURT: I'll be happy to hear it.

11 MR. DANIELS: The violation report -- it does -- it says
12 that he did not complete anger management nor did he complete
13 anger management and substance abuse counseling. The
14 administrative hearing found that while he failed to pay his
15 fees and he was in arrears, he did complete -- they failed to
16 find that he -- so he had completed substance abuse
17 counseling and he had completed anger management classes.

18 THE COURT: And what page is that in the report?

19 MR. DANIELS: And that's on the final findings on the
20 administrative hearing above -- midway through the page, it
21 says I do not find that Mr. West failed to complete substance
22 abuse counseling.

23 THE COURT: So what program did he complete?

24 MR. DANIELS: I was unsure, Your Honor. I was unable --
25 I believe it was through the Origins.

1 THE COURT: At the jail?

2 MR. DANIELS: No. There's a -- there's a North
3 Charleston Origins. He also -- as part of his recovery from
4 the gunshot, his mother was also paying for him to do the
5 Center for Behavioral Health. It may have happened with
6 that. I did not represent him on that administrative
7 hearing.

8 THE COURT: But he didn't have anger management
9 counseling.

10 MR. DANIELS: It says under that I do not find that --

11 THE COURT: But that doesn't mean he completed it. I
12 mean I have to make an independent assessment and, if he
13 completed it, I need to know what he did. His batterers
14 counseling is not getting counseling for a traumatic
15 incident. Two different things.

16 MR. DANIELS: Okay. He -- he did not complete it. I
17 misspeaked [sic] about it. I was -- I had been under the
18 impression that it was completed and he was -- he was doing
19 that at the time on Remount Road Mental Health.

20 THE COURT: What she found was there was insufficient
21 evidence to present to substantiate the violation, which I
22 have no idea. I don't have a record before me to know
23 exactly what was presented to the hearing officer.

24 Do you believe he understands the documents you've gone
25 over with him?

1 MR. DANIELS: I do, Your Honor.

2 THE COURT: Sir, stand. I'll remind you you're still
3 under oath.

4 (WHEREUPON, the defendant complied.)

5 THE COURT: State your name for the record.

6 THE DEFENDANT: Jerome Keith West.

7 THE COURT: Mr. West, have you gone over the violation
8 report, warrant, and administrative hearing summary with your
9 lawyer?

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: Do you agree or disagree that you've
12 willfully violated the terms and conditions of your
13 probation?

14 THE DEFENDANT: I do not agree.

15 THE COURT: Okay. Tell me why you don't agree.

16 THE DEFENDANT: Because, Your Honor, when I was out --
17 when I was outside, I was doing a drug program.

18 THE COURT: Uh-huh.

19 THE DEFENDANT: And an anger management program at the
20 same time. I paid for both of those classes and I was taking
21 both of those classes.

22 THE COURT: Where at?

23 THE DEFENDANT: At Remount Road Positive Feedback and I
24 believe that Mr. Baker was the one who brought the receipts
25 up here for me going to what I did and that's the reason why

1 they continued that because I had proof to verify.

2 THE COURT: Okay. You understand, however, that being
3 arrested and being convicted is a violation of your
4 probation?

5 THE DEFENDANT: No, ma'am, I didn't know that.

6 THE COURT: Yes, sir. You're not supposed to have any
7 involvement with law enforcement whatsoever. So having any
8 contact with them, them questioning you, them stopping you is
9 a violation of your probation.

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: Being convicted today is a violation of
12 state law, which is also a willful violation of your
13 probation. Do you now understand that?

14 THE DEFENDANT: Yes, ma'am, I do.

15 THE COURT: So with that in mind, do you agree or
16 disagree that you've willfully violated the terms and
17 conditions of your probation, having been found guilty today
18 of the offense of domestic violence second?

19 THE DEFENDANT: I want to -- I still want to say --

20 THE COURT: I'm sorry. I can't hear you.

21 THE DEFENDANT: I -- I guess, by law. I don't know what
22 to say about that.

23 THE COURT: Well, you're the only person that can answer
24 it. It's either yes or no.

25 THE DEFENDANT: Okay.

1 THE COURT: And whichever answer you answer, the Court
2 will find official for the record.

3 THE DEFENDANT: I have to say yes. I didn't know
4 though.

5 THE COURT: Okay. Anything further from defense counsel
6 regarding sentencing of Mr. West?

7 MR. DANIELS: No, Your Honor.

8 THE COURT: Probation, I've made his report -- his
9 report, the warrant, and the summary hearing part of the
10 record. Do you need to add anything to the report or to any
11 of the other documents regarding whether he should be revoked
12 or continued on probation?

13 THE PROBATION AGENT: No, Your Honor. I believe this
14 will be his only violation, the pending charges. So we are
15 just recommending revocation based off of the plea.

16 THE COURT: Okay. And he would get -- you all would
17 calculate any time he's entitled to credit for based on the
18 service of the warrant; correct?

19 THE PROBATION AGENT: That's correct, Your Honor.

20 THE COURT: Do you -- does it show when he was served
21 with the arrest warrant?

22 THE PROBATION AGENT: Let me check, Your Honor. Hold
23 on.

24 THE COURT: The warrant was issued on July 20th of 2017.

25 THE PROBATION AGENT: Yes, Your Honor. It should be

1 right on the back of it, but --

2 THE COURT: Let's see. The copy was given to him on
3 July 20th of 2017.

4 THE PROBATION AGENT: Yes, Your Honor.

5 THE COURT: Which was within three days of the arrest.
6 So --

7 THE PROBATION AGENT: Yes, Your Honor.

8 THE COURT: All right. Mr. Daniels, anything further?

9 MR. DANIELS: No, Your Honor.

10 THE COURT: Sir, anything you want to state for the
11 record on your own behalf?

12 THE DEFENDANT: I apologize for my behavior, Your Honor.
13 I'm totally sincere. I'm totally a different person. That's
14 all I want to say.

15 THE COURT: Okay. Anything further from the State?

16 MS. MARSH: The State would just reiterate its position
17 that we believe his probation should be revoked in full.

18 THE COURT: And does the victim wish to address the
19 Court regarding sentencing? Was the victim notified on the
20 CDVHAN?

21 THE PROBATION AGENT: No, Your Honor.

22 THE COURT: Okay. Has the -- have they been responsive
23 or compliant since the service of the warrant?

24 THE PROBATION AGENT: They have not been responsive
25 since the service of the warrant.

1 THE COURT: Okay.

2 THE PROBATION AGENT: There's been no response.

3 THE COURT: So I guess I'm asking that question because
4 I wouldn't -- I don't get the impression that the person
5 would have been here.

6 THE PROBATION AGENT: That's correct, Your Honor.

7 THE COURT: Okay.

8 MS. MARSH: Your Honor, I don't -- I don't believe the
9 victim wishes to say anything.

10 FINDINGS ON PROBATION VIOLATION

11 THE COURT: Sir, I find you've willfully violated the
12 following terms and conditions of your probation:

13 By failing to refrain from violating state law, having
14 been convicted of the offense of domestic violence second on
15 today's date.

16 Also failing to pay your fees and fines as obligated
17 when clearly you are able-bodied and capable of employment
18 and prior to your arrest you were in arrears on those
19 obligations.

20 SENTENCE

21 THE COURT: On the domestic violence second, you are
22 sentenced to the State Department of Corrections for a period
23 of three years. You'll get credit pursuant to 24-13-40, to
24 be calculated and applied by the Department of Corrections.

25 That sentence will be concurrent with 2014-GS-10-4475,

1 which is criminal domestic violence of a high and aggravated
2 nature, where you pled before Judge Harrington on 8/6 of
3 2015. At that time, you were sentenced to 10 years,
4 suspended upon the service of 446 days' time served and three
5 years of probation. As conditions of that probation, you
6 were to have no contact with the victim, you were to complete
7 anger management classes, have random drug and alcohol tests,
8 and successfully complete substance abuse counseling.

9 Your fines were 600 -- well the balance at this time is
10 \$648.90. You had a drug test fee of \$20 and your supervision
11 is in arrears \$915, but the total is 1005.65.

12 Two processes were issued, 1/8/27 of '15 and 10/1 of
13 '15, but I don't see that anything was done with those. It
14 appears that you became compliant after that.

15 Probation is recommending a full revocation. However,
16 what I'm going to do -- how much time does he have on this,
17 the DVHAN? How much time does he have left to serve on this?

18 THE PROBATION AGENT: His probation would have ended,
19 Your Honor, on August the 5th of 2018, but, of course, the
20 warrant kept the case open. It was originally 10 years,
21 suspended upon the service of 446 days and three years'
22 probation.

23 THE COURT: So how much time does he have left on the 10
24 years after he gets credit for the time from 6/20 of '17 and
25 then the 446 days? How much time would that leave remaining

1 on that sentence, on that 10-year sentence?

2 THE PROBATION AGENT: This is a guesstimation. About
3 seven years.

4 THE COURT: Okay. Which is served at 65 percent;
5 correct?

6 THE PROBATION AGENT: Correct, Your Honor.

7 THE COURT: And that would be with the credit?

8 THE PROBATION AGENT: That's correct. I believe so,
9 Your Honor.

10 THE COURT: I'm going to revoke five years of his active
11 sentence. His probation will be tolled during the service of
12 that active sentence. It is concurrent to 2017-GS-10-6541.
13 He's to have the ATU, if it is available to him.

14 When he is -- comes back, when he maxes out that time,
15 he should still have some portion of that active sentence
16 remaining; correct? If I tolled the probation and extend it?

17 THE PROBATION AGENT: Yes. We can toll the probation
18 from the issuance of the warrant.

19 THE COURT: Perfect.

20 THE PROBATION AGENT: Which would make it go back.

21 THE COURT: That's what I need you to do. And then
22 would I have any room to extend it after that to the full
23 five years?

24 THE PROBATION AGENT: Yes, Your Honor. You can.

25 THE COURT: So then I want to do that as well and then

1 when he comes out, he is to -- you restructure his
2 obligations, if you need to waive anything to give him a
3 clean slate to start, but I'm going to give him another
4 opportunity to do what is required because if I revoke his
5 entire sentence, he'll never get the anger management
6 counseling and the cycle will continue.

7 Sir, I need you to understand that you are to strictly
8 comply with the requirements, the previous conditions of your
9 probation, which is successful completion of anger management
10 or batterers glasses, the random drug and alcohol tests, and
11 substance abuse counseling. In addition to that, I'm placing
12 you on intensive probation for a period of six months to make
13 sure that all of those things are completed.

14 I need to also advise you that I have extended your
15 probationary period. So you still have time hanging over
16 your head if you fail to comply with any of those
17 requirements.

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: And the permanent restraining order will be
20 issued as of today's date. What time is it?

21 THE CLERK: 1:25.

22 THE COURT: As of 1:25 today.

23 MR. DANIELS: Thank you, Your Honor.

24 (WHEREUPON, the proceedings ended at 1:26 p.m.)

25 --- END REQUESTED TRANSCRIPT ---

ACE/0331471
WITNESSES

Charleston County Sheriff Office

AGENCY CASE NUMBER
2017-010450

ARREST WARRANT NUMBER
2017A1010203508

DATE OF ARREST

06/17/2017

ACTION OF GRAND JURY
TRUE BILL

Bonnie J. Calligan 6/12/19
Foreperson of Grand Jury Date:

NOV 06 2017

VERDICT

Guilty

Bonnie J. Calligan 6/12/19
Foreperson of Petit Jury Date:

DOCKET NO. 2017-GS-10-06541

The State of South Carolina
County of Charleston

COURT OF GENERAL SESSIONS
NOVEMBER TERM 2017

THE STATE

VS.

JEROME KEITH WEST
DOB: [REDACTED]

Indictment for

DOMESTIC VIOLENCE SECOND
DEGREE

SC Code: § 16-25-20 (A) and (C)
CDR Code: 3812

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

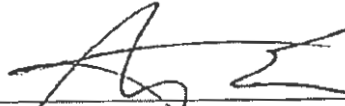
INDICTMENT

At a Court of General Sessions, convened November 2017, the Grand Jurors of Charleston County present upon their oath:

DOMESTIC VIOLENCE SECOND DEGREE

That in Charleston County, South Carolina, on or about June 17, 2017, the Defendant, Jerome Keith West, did cause physical harm or injury to [REDACTED] a household member, or did offer or attempt to cause physical harm or injury to said household member with apparent present ability under circumstances reasonably creating fear of imminent peril. That, in addition, the act resulted in moderate bodily injury to the household member or the act was accomplished by means likely to result in moderate bodily injury to the household member; and/or the defendant committed domestic violence in the third degree in the presence of, or while being perceived by, a minor; and/or the defendant has one prior conviction for domestic violence within ten years of the current offense. This is in violation of Section 16-25-20 (A) and (C) of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


ANDREW EVANS
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON
STATE VS.JEROME KEITH WESTAKA: Jerome West, Jerome West

Race: _____ Sex: _____

DOB: _____ SS#: _____

Address: _____

City, State, Zip: _____

DL# _____ SID# _____

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Domestic Violence Second DegreeIn violation of § 16-25-20 (C) of the S.C. Code of Laws, bearing CDR Code # 3812☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As indicted, ☐ Lesser Included Offense,☐ Defendant Waives Presentment to Grand Jury. _____ (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation,☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Hannah P. Marsh 103222
Hannah P. Marsh, Assistant Solicitor SC Bar #

Defendant

Attorney for Defendant 102682
SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,
for a determinate term of 3 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____, provided that upon the service of _____ days/months/years and or payment
of \$ _____, plus costs and assessments as applicable*; the balance is suspended with probation for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which
are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2014-GS-10-4475☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State
Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17 25 135.Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine: _____ \$ _____

§14-1-206 (Assessments 107.5%) \$ _____

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100.00

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ _____

§56-5-2995 (DUI Assessment) \$12 \$ _____

§56-1-286 (DUI Breath Test) \$25 \$ _____

Proviso (Public Def/Probation) \$500 \$ _____

§14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§14-1-213 (Drug Court Surcharge) \$150 \$ _____

§50-21-114 (DUI Breath Test Fee) \$50 \$ _____

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ 3.75TOTAL \$ 123.75Clerk of Court/Deputy Clerk: Joy JohnsonCourt Reporter: Krystal J. Smith

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2017-GS-10-06541A/W: 2017A1010203508Date of Offense: 06/17/2017S.C. Code §: 16-25-20(C)CDR Code #: 3812

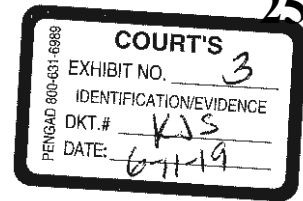
SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

☐ Appointed PD or appointed other counsel,
Proviso requires \$500 be paid to Clerk
during probation and shall be collected before any other fees.

Presiding Judge: _____

Judge Code: 426Sentence Date: 6/12/19



Alyssa Ann Rheingold, PhD

Medical University of South Carolina
 National Crime Victims Research and Treatment Center
 Department of Psychiatry and Behavioral Sciences
 67 President Street, MSC861
 Charleston, SC 29425
 (843) 792-2945 (Work)
 (843) 792-3388 (Fax)
rheingaa@musc.edu

EDUCATION

Post-Doctoral Fellowship in Child and Adult Trauma Research, National Crime Victims Research and Treatment Center, Department of Psychiatry and Behavioral Sciences, Medical University of South Carolina (MUSC)	2003
Doctor of Philosophy, Clinical Psychology MCP Hahnemann Univeristy, Philadelphia, PA	2001
Pre-Doctoral Clinical Internship (APA accredited program) Medical University of South Carolina/Charleston VAMC Consortium, Charleston, SC	2001
Master of Arts, Clinical Psychology MCP Hahnemann University, Philadelphia, PA	1998
Bachelor of Arts, Major: Psychology, Minor: Religious Studies <i>Cum Laude</i> , Honors in Psychology, Deans List University of Pennsylvania, Philadelphia, PA	1996

LICENSURE

Clinical Psychology: South Carolina License # 850	2003-present
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CURRENT POSITION

Professor and Director of Clinical Operations Tenured National Crime Victims Research and Treatment Center, Department of Psychiatry and Behavioral Sciences, Medical University of South Carolina, Charleston, SC	7/15-present 2014
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ACADEMIC APPOINTMENTS

Professor National Crime Victims Research and Treatment Center, Department of Psychiatry and Behavioral Sciences, College of Medicine Dual Appointment, College of Nursing Medical University of South Carolina, Charleston, SC	7/15-present 02/14-present
Associate Professor National Crime Victims Research and Treatment Center, Department of Psychiatry and Behavioral Sciences, College of Medicine	1/10-6/14
Adjunct Professor , College of Charleston, Department of Psychology, Charleston, SC	8/01-8/15
Assistant Professor National Crime Victims Research and Treatment Center, Department of Psychiatry, Medical University of South Carolina, Charleston, SC	7/06-12/09
Instructor , National Crime Victims Research and Treatment Center, Department of Psychiatry, Medical University of South Carolina, Charleston, SC	1/05-6/06
Research Associate , National Crime Victims Research and Treatment Center, Department of Psychiatry, Medical University of South Carolina, Charleston, SC	11/03-12/04
Adjunct Professor , Drexel University, Department of Psychology, Philadelphia, PA	8/99-8/00

PROFESSIONAL EXPERIENCE

Associate Director of Administration National Crime Victims Research and Treatment Center, MUSC	4/19-present
Director of Clinical Operations National Crime Victims Research and Treatment Center, MUSC	04/10-present
Supervisor , Adult Outpatient Clinic and Hispanic Outreach Program National Crime Victims Research and Treatment Center, MUSC	08/04-present
Director . Specialized Services for Survivors of Homicide	12/01-present
Supervisor , Domestic Violence Outreach Program National Crime Victims Research and Treatment Center, MUSC	08/03-8/09
Adult and Adolescent Therapist and Clinical Supervisor , Social Anxiety Treatment Program, MCP Hahnemann University, Philadelphia, PA	9/96-6/00
Child and Family Therapist , Preschool Partial Hospitalization Program	7/99-6/00

MCP Hahnemann-Eastern Pennsylvania Psychiatric Institute,
Philadelphia, PA

Behavior Specialist, Central Montgomery Mental Health/
Mental Retardation Center, Norristown, PA 4/99-6/00

Psychological Evaluator, Eli Lilly funded study entitled,
“Randomized, Double-Blind, Placebo-Controlled, Variable Discontinuation Study of Tomoxetine in
Children with Attention Deficit/ Hyperactivity Disorder.” 6/98-6/00
Department of Child Psychiatry, MCP Hahnemann - Eastern Pennsylvania Psychiatric Institute,
Philadelphia, PA

Adult Therapist, MCP Hahnemann Adult Ambulatory Psychiatric Clinic, 7/98-7/99
Philadelphia, PA

Child Therapist and Psychological Evaluator, Partial Hospitalization 8/97-6/98
Program and Inpatient Services, MCP Hahnemann Eastern Pennsylvania
Psychiatric Institute, Philadelphia, PA

Psychological Evaluator and Intellectual Assessor, Project Challenge for 8/97-8/98
Individuals with Mental Retardation, MCP Hahnemann University,
Philadelphia, PA

Therapeutic Staff Support, Central Montgomery Mental Health/ 9/96-4/99
Mental Retardation Center, Norristown, PA

OTHER POSITIONS

Consultant/Facilitator for OVCTTAC national webinar on Program Evaluation 2017, 2018
Trainer/Consultant, Trauma Care Institute 2017
Grant Reviewer 2015

Israel Science Foundation
Consultant for OVCTTAC update to Victim Advocacy Training: Victims with 2015
Mental Health Issues

Consultant for OVCTTAC update to national training curriculum for Survivors 2014
Of Homicide

Consultant for OVW funded Children Exposed to Domestic Violence Project for the Louisiana
Coalition Against Domestic Violence 2014

Training And Technical Assistance Expert Consultant – Trauma and Homicide 2012-present
Office for Victims of Crime Training Technical Assistance Center (OVCTTAC)

Invited Co-curriculum Developer for Two Day National Training Curriculum 2012
titled “Serving Survivors of Homicide”
Office for Victims of Crime Training Technical Assistance Center

Grant Review Committee Member 2005, 2006
Netherlands Organization for Health Research and Development
(ZonMw, The Hague, The Netherlands)

PROFESSIONAL MEMBERSHIPS

Association for Behavior and Cognitive Therapies (ABCT)	1996-present
ABCT Anxiety Disorders Special Interest Group	
ABCT Science and Pseudoscience Special Interest Group	
ABCT Disaster and Trauma Special Interest Group	
International Society for Traumatic Stress Studies (ISTSS)	2001-present

HONORS AND AWARDS

Fellow Distinction, Association for Behavioral and Cognitive Therapies, 2018.

United States Attorney's Award for Exceptional Assistance on *United States v. Dylann Storm Roof*, 2018.

PGY 2 Outstanding Didactic Teacher of the Year, Department of Psychiatry and Behavioral Sciences, Medical University of South Carolina, 2013.

Liza's Lifeline Person of the Year, Honors an individual for his/her work toward preventing domestic violence within the Charleston SC area, Liza's Lifeline, 2013.

AAMC Seminar for Women's Mid-Career Professional Development, Awarded competitive admission to this AAMC Leadership Seminar. One of three women faculty chosen by MUSC College of Medicine to apply and selected by AAMC to represent MUSC, 2011.

MUSC Foundation Outstanding Clinician Award, Medical University of South Carolina, 2011

Psychology Mentorship Award, Psychology Internship Program, Department of Psychiatry and Behavioral Sciences, Medical University of South Carolina, 2006

Good Citizen Award, Charleston County Sheriff's Office, 2005

Circle of Excellence Award for the Fall 2003 Behavioral Science and Interviewing Techniques

Doctoring Curriculum, Department of Psychiatry and Behavioral Sciences, Medical University of South Carolina, 2003

Certificate of Appreciation for Dedication and Service to the 2003-2004 Psychology Intern Class, Department of Psychiatry and Behavioral Sciences, Medical Univ. of South Carolina, 2004

Clinical Excellence Award, Department of Psychiatry and Behavioral Sciences, Psychology Internship Program, Medical University of South Carolina, 2001

Second Place Poster Presentation Award, School of Health Professions Research and Scholarship Conference, MCP Hahnemann University, 1998

Honors in Psychology, University of Pennsylvania, 1996

Dean's List, University of Pennsylvania, 1996

Psi Chi, National Psychology Honor Society, 1996

COMMITTEES, ASSIGNMENTS, AND ADMINISTRATIVE DUTIES

NATIONAL

Co-Chair, Revenue Committee	2018-pres
International Society for Traumatic Stress Studies (ISTSS)	
Board of Directors	2015-2017

International Society for Traumatic Stress Studies (ISTSS)	
Treasurer	2015-2016
International Society for Traumatic Stress Studies (ISTSS)	
Member, Board of Directors Executive Committee	2015-2016
International Society for Traumatic Stress Studies (ISTSS)	
Association for Behavioral and Cognitive Therapy (ABCT) Program Committee	2014-16
ISTSS Community Based Programs Committee	2013-16
Child Sexual Abuse Committee, National Child Traumatic Stress Network (NCTSN)	2007
Child Sexual Abuse- Prevention Sub-Committee NCTSN	2007
ISTSS Cultural, Diversity, Social Issues, and Public Policy Program Committee	2007
ISTSS Poster Program Committee	2006
ISTSS Pre-Meeting Institute Program Committee	2006
ABCT Public Education and Media Dissemination Committee	2003-2006

UNIVERSITY

Chair, MUSC Behavioral Intervention and Response Team	2012-present
Medical University of South Carolina	
Member, University Accreditation Steering Committee	2014-present
Medical University of South Carolina	
Member, MUSC Campus Safety Task Force	2013-present
Medical University of South Carolina	
Chair, MUSC Student Drug Policy Revision Task Force	2015-present
Medical University of South Carolina	
Chair, MUSC Faculty Senate – Faculty & Institutional Relations Committee	2011-2013
Medical University of South Carolina	
Member, MUSC Faculty Senate	2011-2013
Medical University of South Carolina	
Member, MUSC Faculty Senate – Executive Committee	2011-2013
Medical University of South Carolina	
Member, MUSC Women Scholars' Midday Networking Series	2004- 2007
Medical University of South Carolina	
Member, MUSC Women Scholars' Childcare Network Committee	2004- 2009
Medical University of South Carolina	

COLLEGE OF MEDICINE

Member, Year 1 Medical Education Planning and Evaluation Committee	2014-present
College of Medicine, Medical University of South Carolina	
Member, Undergraduate Curriculum Committee	2015-present
College of Medicine, Medical University of South Carolina	

DEPARTMENT

Member, Promotions and Tenure Committee	2014-present
Department of Psychiatry, Medical University of South Carolina	
Member, Clinical Executive Committee	2010- present
Department of Psychiatry, Medical University of South Carolina	
Superuser, EPIC Electronic Medical Record for MUSC	2011- present

Department of Psychiatry, Medical University of South Carolina Member, Resident Education Curriculum Committee	2010- 2014
Department of Psychiatry, Medical University of South Carolina Member, Resident Diversity Recruitment Committee	2011- 2013
Department of Psychiatry, Medical University of South Carolina Member, Mentoring Committee	2012-2013
Department of Psychiatry, Medical University of South Carolina Member, Resident Education Committee	2004- 2005
Department of Psychiatry, Medical University of South Carolina	

OTHER

Member, Data Monitoring Committee, NIH funded R01 Clinical Trial titled <i>Bounce Back Now</i>	2017-present
Member, City of Charleston Police Department Citizens Advisory Council Planning Group, Charleston, SC	2016-2018
Member, City of Charleston Illumination Project Steering Committee, Charleston, SC	2015-2016
Member, Charleston Domestic Violence Fatality Review Team, Charleston, SC	2015-present
Member, Charleston Sexual Assault Prevention Task Force, Charleston, SC	2012-present
Member, Coordinated Community Response to Domestic Violence Charleston County, SC	2010-present
Member, Data Monitoring Committee, NIH/NIDA funded R01 Clinical Trial titled <i>Risk Reduction for Drug Use and Sexual Revictimization</i>	2012-2018
Advisor to Board of Directors, Liza's LifeLine (Domestic Violence Non-Profit), Charleston, SC	2009-present
Chair, Data Monitoring Committee, NIH/NIDA funded R45 Clinical Trial titled <i>Risk Reduction for Drug Use and Sexual Revictimization</i>	2008-2011

EDUCATIONAL ACTIVITIES

Clinical Supervisor	1998-present
• Psychiatry Residents 30 • Clinical Psychology Interns 50 • Clinical Psychology Postdoctoral Fellows 16 • Clinical Psychology/MSW Graduate Students 5	
Research Supervisor and Mentor	2003-present
• Clinical Psychology Interns/Postdocs 13 • Undergraduates Independent Study, Field Study, Internships 167 • Undergraduate Bachelor's Essay 4	
College of Medical School Course/Theme Director	2014-present
Fundamentals of Patient Care course in the first year medical student curriculum. College of Medicine, Medical University of South Carolina, Charleston, SC	
Psychiatry Resident Cognitive Behavioral Therapy Curriculum Director	2003-2014

Developed and taught cognitive behavioral curriculum for Second and Third Year Psychiatry Residents

Medical University of South Carolina, Charleston, SC

Medical School Course Instructor

2001-2009, 2012-present

Co-facilitated a small group course entitled “Doctoring I: Behavioral Science and Interviewing Techniques” and renamed “Fundamentals of Patient Care” in the first year medical school curriculum that aims to foster the growth of skills in a variety of areas, including medical interviewing, clinical reasoning, disease prevention, ethics, evidence-based practice, and professionalism.

College of Medicine, Medical University of South Carolina, Charleston, SC

Seminars “CBT 101: Basic Cognitive Behavioral Therapy Skills,” 2001-present

“Treatment of Childhood Abuse,” “Prolonged Exposure Techniques for Adults with PTSD,” “Cognitive Reprocessing Therapy,” “Multiple Channel Exposure Therapy,” “Working with Survivors of Homicide,” “Working with Domestic Violence Victims,” “Assessment of Trauma and PTSD in Children” “Assessment of Trauma and PTSD in Adults” presented to predoctoral clinical psychology interns rotating at the National Crime Victims Center at Medical University of South Carolina, Charleston, SC

Seminars “Supervision and Mentoring,” “Service Grant Writing,” 2003-present

“Balancing Career Life and Family Life,” “Cognitive Behavior Therapy for Anxiety Disorders,” “Panic Disorder” presented to predoctoral clinical psychology intern class at Medical University of South Carolina, Charleston, SC

Seminars “Anxiety Disorders,” “Bereavement” presented to 2nd year 2011-present

Physician Assistants at Medical University of South Carolina, Charleston, SC

Seminar “Psychotherapy” presented to 3rd year medical students 2008, 2009

Psychiatry Clerkship, Medical University of South Carolina, Charleston, SC

Seminar “Domestic Violence and Sexual Assault” Internal Medicine Residents 2009, 2010

Medical University of South Carolina, Charleston, SC

Seminar “Cognitive Behavioral Therapy” presented to Child Psychiatry Fellows 2007, 2008

Medical University of South Carolina, Charleston, SC

Seminar “Treatment of Childhood Anxiety Disorders” 2002, 2007

Child Psychiatry Fellows, Medical University of South Carolina, Charleston, SC

Colloquium for Dean’s Prevention Series “Sexual Assault: Innovative Interventions” 2005

1st-3rd year medical students, Medical University of South Carolina, Charleston, SC

Undergraduate Course Instructor 2002-2005

Taught undergraduate courses entitled “Abnormal Psychology” and “Introduction to Psychology” College of Charleston, Charleston, SC

Undergraduate Course Instructor 1999

Developed and taught undergraduate course entitled “Psychological Problems of Modern Youth” Drexel University, Philadelphia, PA

GRANTS AND CONTRACTS AWARDS

Currently Funded:

1 R18 HS025654-01A1(Lenert & Rheingold) 10/1/18-8/1/21

2.4 calendar

EHR-based screening and intervention for intimate partner violence

Goal: Intimate partner violence (IPV) against women in the US is a serious public health problem and a human rights issue. Evidence on the effectiveness of IPV screening programs are conflicting; while screening seem to increases the rate of identification of IPV, it has not been shown to increase rates of referral for IPV counseling or improve health outcomes. This study aims to fill the knowledge gap by designing, implementing and evaluating a health system level intervention through EHR modifications to improve IPV care.

Role: PI Effort: 20%

1V18069 (Rheingold) 10/1/18-9/30/19 2.4 calendar
South Carolina Office of Attorney General – VOCA \$899,017

Comprehensive Mental Health Care for Underserved Victims of Crime

Goal: The primary purpose is to provide clinic and community based intensive case management and mental health counseling to underserved victims of crime (including specialized care to homicide survivors) in the Charleston tricounty area.

Role: PI Effort: 20%

2016-RF-GX-0001 (Kilpatrick & Rheingold) 6/17/15-7/1/18 1.2 calendar
USDOJ Office for Victims of Crime \$3,600,000

Responding to the Aftermath of the Mother Emanuel AME Massacre

Goal: Primary aim of this project is to collaborate with eight mental health and criminal justice system agencies to provide comprehensive services to victims, surviving family members, and members of the “Mother Emmanuel” AME Church congregation following the June 17, 2015 hate crime massacre that occurred in the church.

Role: Co-PI Effort: 10%

1H79SP021243-01 (Danielson & Rheingold) 10/1/15-9/30/20 1.56 calendar
SAMHSA \$1,419,375

Comprehensive HIV and Substance Abuse Prevention Strategies for Ethnic Minority Teens and Emerging Adults in the Charleston Tri-County Area: EMPOWER Program Capacity Expansion.

Goal: Project to adapt existing empirically-supported interventions for HIV and substance abuse prevention for African American adolescents and young adults in Charleston County and to deliver these interventions through community-based and web-based delivery methods in conjunction with multiple community partners.

Role: Co-PI Effort: 13%

2016-XV-GXK021 (Rheingold) 10/1/16-9/30/19 1.44 calendar
USDOJ Office for Victims of Crime \$593,807

Charleston HEART: Homicide Early Intervention and Advocacy Response Team: A Multidisciplinary Comprehensive Response to Intra-Familial Homicide

Goal: This collaborative project aims to develop a multidisciplinary response for intra-familial homicides among local and regional agencies providing intensive direct services to family members of homicide victims in the Charleston Tri-County Area of South Carolina.

Role: PI Effort: 15%

2017-MU-GX-K144 (Kilpatrick) 10/01/2017 – 09/30/2020 1.2 calendar
 USDOJ/OJP/OVC \$17,821,945

Mass Violence and Victimization Resource Center

Goal: The goal of this project is to develop a national victim-centric framework that addresses best practices in preparing for and responding to incidents of mass violence and domestic terrorism with timely, diverse, and comprehensive approaches from planning to long-term recovery. The MVC, working closely with OVC, will develop tools and strategies, engage communities and the Nation, and build the capacity to support victims, their families, and communities affected by mass violence and domestic terrorism through training and technical assistance, identifying and creating best practices, and expanding expertise in the field.

Role: Co-I Effort: 10%

W81XWH-17-1-0165 (Taylor) 7/15/17-7/14/20 0 calendar
 Department of Defense pass-through University of North Texas \$1,441,024.00

Web-based Provider Training for Cognitive Behavioral Therapy of Insomnia (CBTi)

Goal: The goal of this project is to develop and evaluate a web-based training for professionals on cognitive behavioral therapy for insomnia. MUSC is a subcontract of University of North Texas to assist in the development of the web-training as well as conduct feasibility effectiveness evaluation.

Role: Co-I (Site PI) Effort: 0%

Past funding:

1H79SP021243-01 (Smith) 10/1/15-9/30/18 1.2 calendar
 SAMHSA \$928,676

Impacting At-Risk Populations Through Multi-Modal Training of Nursing and Medical Students in SBIRT

Goal: Training project to advance medical and nursing curriculum in evidence based screening and brief interventions for substance use. Development of web-based trainings for health care providers on SBIRT.

Role: Co-I Effort: 10%

1V17028 (Rheingold) 10/1/17-9/30/18 3.6 calendar
 South Carolina Department of Public Safety – VOCA \$584,632

Comprehensive Mental Health Care for Underserved Victims of Crime

Goal: The primary purpose is to provide clinic and community based intensive case management and mental health counseling to underserved victims of crime (including specialized care to homicide survivors) in the Charleston tricounty area.

Role: PI Effort: 30%

South Carolina Department of Public Safety- VOCA 1V15130 (Rheingold) 2015-2016
Enhance Victim Services to Address Needs of Rural Survivors. Services in the form of outreach, therapy, and crisis intervention for survivors of homicide targeting rural areas of Charleston, Berkeley and Dorchester Counties. Role: PI Award Amount: \$108,000

South Carolina Department of Public Safety-VOCA 1V15129 (Rheingold) 2015-2016
Comprehensive Mental Health Care for Adult Victims of Crime. Services in the form of outreach and clinic based services (mental health counseling and case management) to underserved adult victims of crime in the Charleston tri-county area. Role: PI Award Amount: \$257,000

South Carolina Department of Public Safety VAWA IKS09017 (de Arellano & Rheingold)
 2006-2016

Building the South Carolina Violence Against Hispanic Women Network. This is a service-oriented project to increase community based mental health and case management services (home-based and tele-health) for Hispanic interpersonal violence victims. Role: Co-PI Award Amount: \$821,000

OVW Subcontract (Rheingold) 2013-2014

Office of Violence Against Women via City of North Charleston Subcontract.

Prevention of Domestic Violence Homicide: A Demonstrative Initiative. Subcontract to serve as a local researcher for an evaluation of North Charleston community domestic violence response with the coordination of data collection across eight community agencies within the community. Role: PI Award Amount: \$170,989

NIMH R34 MH091203-02 (McCart) 2012-2015

Psychological First Aid for Victims of Crime. Three year intervention development grant for brief early intervention for interpersonal violence victims. This grant includes a pilot randomized control trial. Role: Co-I Award Amount: \$753,925

South Carolina Department of Public Safety 1V13084 (Rheingold) 2010-2015

Intensive Case Management for Family Members of Homicide Victims in Urban Areas. This project offers services in the form of outreach (home-based and telehealth), bereavement services, and crisis intervention for survivors of homicide that reside in the urban areas of Charleston County. Role: PI Award Amount: \$393,000

South Carolina Department of Public Safety 1V13083 (Rheingold) 2008-2014

Case Management for Victims of Crime. This project offers case management services for victims seen within the National Crime Victims Center office based clinic. Role: PI Award Amount: \$248,500

HRSA 1D40HP25774-01 (Kilpatrick) 09/014-09/16

Graduate Psychology Education Programs. Role: Co-I Award Amount: \$309,353

SAMHSA 1U79SM060490-01 (Guille) 09/12-09/15

A Suicide Prevention Program for the Medical University of South Carolina

Role: Co-I Award Amount: \$301,213

SAMHSA 1U79SP015156-01 (Danielson) 09/08-09/13

Charleston County Teen & Family EMPOWER Program. Project to adapt existing empirically-supported interventions for HIV and substance abuse prevention for African American adolescents in Charleston County and to deliver these interventions through community-based and web-based

delivery methods in conjunction with multiple community partners. Role: Co-I

VA Merit Grant application #IIR 08-323-2 (Ruggiero) 10/09-03/13
PE-Web: Online Training for VA Providers in Prolonged Exposure for PTSD. Three year project to develop a web-based training for clinicians on Prolonged Exposure for PTSD. Role: Co-I

Department of Justice 2009-VF-GX-K009 (Rheingold) 09/09-09/12
Intensive Case Management for Family Members of Homicide Victims in Rural Settings: The Lowcountry of South Carolina. Three year service oriented project to develop evidence based intensive case managements service approach for survivors of homicide residing in rural settings as well as to serve as a model program for training other agencies. Role: PI

Center for Disease Control and Prevention R49 (Rheingold) 9/06-9/09
CSA Prevention Training for Child Care Professionals: Stewards of Children. R49 Award for Violence Related Injury to assess the efficacy of a preventative intervention for child sexual abuse. Role: PI

South Carolina Department of Public Safety (Rheingold) 04/04-06/09
Specialized Services for Homicide Survivors. Services in the form of outreach, group therapy, and crisis intervention for survivors of homicide. Role: PI

South Carolina Department of Public Safety (de Arellano, Rheingold) 04/03-07/08
Improving Service Utilization for Child Sexual Abuse Victims. Offered psychoeducational materials, crisis intervention, and coordination of services for child sexual abuse victims. Role: Co-PI

Center for Disease Control and Prevention (Rheingold) 08/03-09/05
Primary Prevention of Child Sexual Abuse. New Investigator Training Award for Violence Related Injury to assess the efficacy of a preventative intervention for child sexual abuse. Role: PI

Medical University of South Carolina - University Research Committee (Rheingold) 1/06-1/08
Prevention of child distress during medical exams for child sexual abuse: A Pilot study. Pilot study to examine the efficacy of video intervention for decreasing child distress during medical exam procedures. Role: PI

EDITORIAL BOARD APPOINTMENTS

Independent Reviewer

Ad Hoc Reviewer, Death Studies
 Ad Hoc Reviewer, Journal of Traumatic Stress
 Ad Hoc Reviewer, Journal of Anxiety Disorders
 Ad Hoc Reviewer, Behavior Modification
 Ad Hoc Reviewer, Journal of Interpersonal Violence
 Ad Hoc Reviewer, Journal of Traumatic Practice
 Ad Hoc Reviewer, Journal of Psychiatric Practice

Ad Hoc Reviewer, International Journal of Psychiatry in Medicine
 Ad Hoc Reviewer, Child Maltreatment
 Ad Hoc Reviewer, Child Abuse Review
 Ad Hoc Reviewer, Trauma, Violence, and Abuse

PUBLICATIONS (*denotes student at the time of manuscript submission)

Peer Reviewed

1. Franklin, M.E., Kozak, M. J., Cashman, L.,* Coles, M.E.,* **Rheingold, A.A.**, & Foa, E.B. (1998). Cognitive-behavioral treatment of pediatric Obsessive Compulsive Disorder: An open clinical trial. *Journal of the American Academy of Child and Adolescent Psychiatry*, 37, 412-419.
2. Herbert, J.D., **Rheingold, A. A.**, & Goldstein, S.G.* (2002). Brief cognitive behavioral group therapy for social anxiety disorder, *Cognitive and Behavioral Practice*, 9, 1-8.
3. **Rheingold, A.A.**, Herbert, J.D., & Franklin, M. (2003). Cognitive bias in adolescents with social anxiety disorder. *Cognitive Therapy and Research*, 27, 639-655.
4. Acierno, R., **Rheingold, A.A.**, Resnick, H.S., & Kilpatrick, D.G. (2004). Predictors of fear of crime in older adults. *Journal of Anxiety Disorders*, 18, 385-396.
5. **Rheingold, A.A.**, Smith, D., Ruggiero, K.,* Saunders, B., Kilpatrick, D., and Resnick, H. (2004). Loss, trauma exposure, and mental health in a representative sample of 12-17 year-old youth: Data from the National Survey of Adolescents. *Journal of Loss and Trauma*, 9, 1-19.
6. Bennett, D.S., Pitale, M., Vora, V., & **Rheingold, A.A.** (2004). Reactive vs. proactive antisocial behavior: Differential correlates of child ADHD symptoms? *Journal of Attention Disorders*, 7, 197-204.
7. Herbert, J.D., **Rheingold, A.A.**, Gaudiano, B.G.,* & Harwell, V.* (2004). Standard versus extended cognitive behavior therapy for social anxiety disorder: A randomized control trial. *Behavioural and Cognitive Psychotherapy*, 32, 1-17.
8. Acierno, R., **Rheingold, A.**, Resnick, H.S., and Stark-Riemer, W. (2004). Preliminary evaluation of a video-based intervention for older adult victims of violence. *Journal of Traumatic Stress*, 17, 535-541.
9. Herbert, J.D., Gaudiano, B.G.,* **Rheingold, A.A.**, Harwell, V.,* Darlrymple, K.,* & Nolan, E.M.* (2005). Social Skills Training Augments the Effectiveness of Cognitive Behavioral Group Therapy for Social Anxiety Disorder. *Behavior Therapy*, 36, 125-138.
10. Ruggiero, K. J., **Rheingold, A. A.**, Resnick, H. S., Kilpatrick, D. G., & Galea, S. (2006). Comparison of two widely used PTSD-screening instruments: Implications for public mental

- health planning. *Journal of Traumatic Stress*, 19, 699-707.
11. Acierno, R., Lawyer, S.R.,* **Rheingold, A.**, Kilpatrick, D.G., Resnick, H., & Saunders, B. (2007). Current psychopathology in previously assaulted older adults. *Journal of Interpersonal Violence*, 22, 250-258.
 12. **Rheingold, A.A.**, Campbell, C.,* Self-Brown, S.,* de Arellano, M.A., Resnick, H., & Kilpatrick, D.G (2007). Prevention of child sexual abuse: Evaluation of a community media campaign. *Child Maltreatment*, 12, 352-363.
 13. Self-Brown, S.,* **Rheingold, A.A.**, Campbell, C.,* & de Arellano, M.A. (2008). A Media Campaign Prevention Program for Child Sexual Abuse: Community Members' Perspectives. *Journal of Interpersonal Violence*, 23, 278-243.
 14. Herbert, J.D., Gaudiano, B.G., **Rheingold, A.A.**, Moitra, E., Myers, V.H., Darlrymple, K., & Brandsma, L. (2009). Cognitive behavior therapy for generalized social anxiety disorder in adolescents: A randomized controlled trial. *Journal of Anxiety Disorders*, 23, 167-177.
 15. Zinzow, H.,* **Rheingold, A.A.**, Hawkins, A.,* Saunders, B., & Kilpatrick, D. (2009). Losing a loved one to homicide: Prevalence and mental health correlates in a national representative sample of young adults. *Journal of Traumatic Stress*, 22, 20-27.
 16. Amstadter, A.B., Resnick, H.S., Acierno, R., **Rheingold, A.A.**, Minhinnett, R., & Kilpatrick, D.G. (2009). Evaluation of or Predictors of Cigarette Smoking in a Sample of Recent Rape Victims. *Journal of Traumatic Stress*, 22, 113-121.
 17. Bridges, A.J.,* de Arellano, M.A., **Rheingold, A.A.**, Danielson C.K., & Silcott, L. (2010). Trauma Exposure, Mental Health, and Service Utilization Rates among Immigrant and US-Born Hispanic Youth: Results from the Hispanic Family Study. *Psychological Trauma: Theory, Research, Practice, and Policy*, 2, 40-48.
 18. Acierno, R., **Rheingold, A.**, Amstadter, A., Kurent, J., Amella, E., Resnick, H., Muzzy, W. & Lejuez, C. (2012). Behavioral activation and therapeutic exposure (BA-TE) for bereavement in older adults. *American Journal of Hospice and Palliative Medicine*, 29, 13-25.
 19. Zinzow, H.* , **Rheingold, A.**, Byczkiewicz, M.,* Saunders, B., & Kilpatrick, D. (2011) Examining posttraumatic stress symptoms in a national sample of homicide survivors: Prevalence and comparison to other violence victims. *Journal of Traumatic Stress*, 24 (6), 743-746. DOI 10.1002/jts.
 20. **Rheingold, A. A.**, Zinzow, H.,* Hawkins, A.,* Saunders, B., & Kilpatrick. (2012). Prevalence and mental health outcomes of homicide survivors in a representative sample of adolescents: Data from the 2005 National Survey of Adolescents. *Journal of Child Psychology and Psychiatry*, 53, 687-694.
 21. **Rheingold, A.A.**, Zajac, K., & Patton, M. (2012). Feasibility and Acceptability of a Child

- Sexual Abuse Prevention Program for Childcare Professionals: Comparison of a Web-based and In-person Training. *Journal of Child Sexual Abuse*, 21, 422-436.
22. Vásquez*, D.A., de Arellano, M.A., Reid-Quiñones*, K., Bridges, A.J., **Rheingold, A.**, Stocker, R.P.J. & Danielson, C.K. (2012). Peritraumatic dissociation and peritraumatic emotional predictors of PTSD in Latino Youth: Results from the Hispanic Family Study. *Journal of Trauma & Dissociation*, 13(5), 509-525. **DOI:** 10.1080/15299732.2012.678471. **PMCID:** 22989240 [NIH PubMed - indexed for MEDLINE].
 23. **Rheingold, A.A.**, Resnick, H., Davidson, T.,* Self-Brown, S., & Danielson, C. (2013). Video Intervention for Child and Caregiver Distress Related to the Child Sexual Abuse Medical Examination: A Randomized Controlled Pilot Study. *Journal of Child & Family Studies*, 22, 386-397.
 24. **Rheingold, A.A.**, Davidson, T.M.,* Resnick, H., Self-Brown, S., & Danielson, C.K. (2013). The relationship between knowledge and child and caregiver distress during the medical examination for child sexual abuse. *Journal of Child Sexual Abuse*, 22, 552-71.
 25. Saindon, C. **Rheingold, A.A.**, Baddeley, J.L.,* Wallace, M.,* Brown, C.,* & Rynearson, E.K. (2014). Restorative Retelling for violent loss: An open clinical trial. *Death Studies*, 38, 251-8.
 26. Williams, J.* & **Rheingold, A.A.** (2014). Barriers to Care and Service Satisfaction Following Homicide Loss: Associations with Mental Health Outcomes. *Death Studies*, 25, 1-7.
 27. **Rheingold, A.A.** (2014). Understanding risk of homicide among mental health patients. Invited Commentary in *The Lancet Psychiatry*, 1, 97-98.
 28. López, C. M., Shealy, K. M., & **Rheingold, A. A.** (2014). Empirically-Supported Trauma Treatment for an Adult Latino Male diagnosed with PTSD: Overcoming Barriers to Engagement. *Clinical Case Studies*, 13, 436-452.
 29. Baddeley, J. L.*, Williams, J. L.*, Rynearson, E. K., Correa, F., Saindon, C., & **Rheingold, A. A.** (2015). Death thoughts and images in treatment-seekers after violent loss. *Death Studies*, 39, 84-91.
 30. **Rheingold, A.A.** Zajac, K., Chapman, J., Patton, M., de Arellano, M.A., Saunders, B., & Kilpatrick, D. (2015). Child Sexual Abuse Prevention Training for Childcare Professionals: An Independent Multi-Site Randomized Controlled Trial of Stewards of Children. *Prevention Science*, 16, 374-385.
 31. **Rheingold, A. A.**, Baddeley, J. L.*, Williams, J. L.*, Brown, C., Wallace, M., Correa, F., & Rynearson, E. K. (2015). Restorative Retelling for violent death: An open-trial investigation of treatment effectiveness, influencing factors, and durability. *Journal of Loss and Trauma*, 20, 541-555.
 32. **Rheingold, A.A.** & Williams, J.L.* (2015). Survivors of Homicide: Mental Health Outcomes,

- Social Support, and Service Utilization among a Community-Based Sample. *Violence and Victims*, 30, 870-883.
33. Williams, J.L.*, **Rheingold, A.A.**, Knowlton, A.W., Saunders, B.E. & Kilpatrick, D.G. (2015). Associations Between Motor Vehicle Crashes and Mental Health Problems: Data from the 2005 National Survey of Adolescents. *Journal of Traumatic Stress*, 28, 41-48.
 34. **Rheingold, A.A.** (2015). Psychological impact of domestic violence on victims. *The Journal of the South Carolina Medical Association*, 111, 91-93.
 35. Letourneau, E. J., Nietert, P. J., & **Rheingold, A. A.** (2015). Brief report: Initial assessment of a prevention program effect on child sexual abuse reporting rates in selected South Carolina counties. *Child Maltreatment*.
 36. Rynearson, E. K., Williams, J. L., & **Rheingold, A. A.**, (2016). Treating the narrative fixations of traumatic grief. *Grief Matters: The Australian Journal of Grief and Bereavement*, 19, 14-18.
 37. de Arellano, M.A., Andrews, A.R., Reid-Quinones, K., Vasquez, D., Silcott Doherty, L., Danielson, C.K., & **Rheingold, A.** (in press). Immigration trauma among Hispanic youth: Missed by Trauma Assessments and Predictive of Depression and PTSD Symptoms. *Journal of Latina/o Psychology*.
 38. Williams, J. & **Rheingold, A.** (in press). Novel application of Skills for Psychological Recovery as an early intervention for violent loss: Rationale and case examples. *Journal of Death and Dying*.
 39. Karlsson, M. E., Reid-Quinones, K., Lopez, C., Andrews, A. R., Wallace, M., & **Rheingold, A.** (2018). Sociodemographic and incident variables as predictors of victim injury from intimate partner violence: Findings from police reports. *Violence Against Women*, 24, 1413-1432. doi: [10.1177/1077801217733558](https://doi.org/10.1177/1077801217733558)
 40. Milman, E*, Williams, J. L., Bountress, K. & **Rheingold, A.A.**, (2018). The relationship between experiences with the criminal justice system and mental health outcomes among the survivors of homicide. *Violence and Victims*, 33, 1-20.
 41. Williams, J.L., **Rheingold, A.A.**, McNallan, L.J., & Knowlton, A.W. (in press). Survivors' perspectives on a modular approach to traumatic grief treatment. *Death Studies*, 42, 155-163. DOI: [10.1080/07481187.2017.1370796](https://doi.org/10.1080/07481187.2017.1370796)
 42. **Rheingold, A.A.** & Williams, J.L. (in press). A Modular-based comprehensive approach for addressing heterogeneous mental health sequelae of violent loss survivors. *Death Studies*, 42, 164-171. DOI: [10.1080/07481187.2017.1370798](https://doi.org/10.1080/07481187.2017.1370798)
 43. Williams, J.L., **Rheingold, A.A.** (in press). Introduction to the Special Section Part 1: Integrative Approaches for Treating violent loss survivors. *Death Studies*.
 44. Williams, J.L., **Rheingold, A.A.** (in press). Introduction to the Special Section Part 2: Creative

Approaches for Treating violent loss survivors. *Death Studies*.

45. Williams, J.L., Eddinger, J.R., Rynearson, E. K., & **Rheingold, A.A.** (2018). Prevalence and Correlates of Suicidal Ideation in a Treatment-Seeking Sample of Violent Loss Survivors. *Crisis: The Journal of Crisis Intervention and Suicide Prevention*, 1-9.
46. **Hahn, C. K.**, Gilmore, A. G., Orengo Aguayo, R., & Rheingold, A. (2018). Perinatal Intimate Partner Violence. *Obstetrics and Gynecology Clinics of North America*, 45, 535-547.
47. Dir AL*, Gilmore AK, Moreland AD, Davidson TM, Borkman AL, **Rheingold A.A.**, Danielson CK. (2018). What's the harm? Alcohol and marijuana use and perceived risks of unprotected sex among adolescents and young adults. *Addict Behav*, 76, 281-284.
48. Howell, A.N., **Rheingold, A.**, Uhde, T.W., & Guille, C. (2018). Web-based CBT for the prevention of anxiety symptoms among medical and health science graduate students. *Cognitive Behavior Therapy*, 1650-1673.
49. Stewart, R.W., Orengo-Aguayo, R., Wallace, M., Metzger, I.*, & **Rheingold, A.** (in press) Leveraging technology and cultural adaptations to increase access and engagement among trauma-exposed African American youth: School-based telehealth delivery of Trauma-Focused Cognitive Behavioral Therapy. *Journal of Interpersonal Violence*.

Book Chapters, Monographs, and Other Publications

1. Herbert, J., **Rheingold, A.**, & Brandsma, L. (2000). Assessment of social phobia and social anxiety. In S.G. Hoffman, P.M. DiBartolo, & H.R. Juster (Eds.), *Social Phobia and Social Anxiety*. Needham, MA: Allen & Bacon.
2. **Rheingold, A.A.** & Kilpatrick, D.G. (2002). Self – Defense training: A brief review. Live on September 17, 2002 for National Violence Against Women Prevention Research Center Web site: <http://www.nvaw.org/>
3. **Rheingold, A.A.**, Aciermo, R., & Resnick, H. (2003). Trauma, PTSD, and health risk behaviors. In P.P. Schnurr & B.L. Green (Eds.), *Physical Health Consequences of Exposure to Extreme Stress*. Washington, D.C.: American Psychological Association.
4. **Rheingold, A.A.** & Aciermo, R. (2003). Assessment of PTSD (noncombat). In M. Hersen & S. Turner (Eds.), *Diagnostic Interviewing (3rd Edition)*. New York: Plenum Publishing.
5. **Rheingold, A.A.** & de Arellano, M.A. (2003). *Survival Guide for Child Sexual Abuse Victims*. National Crime Victims Research and Treatment Center: Charleston, SC.
6. **Rheingold, A.A.**, Grier, J.,* & Whitworth, N.* (2005). *Guide for Survivors of Homicide*. National Crime Victims Research and Treatment Center: Charleston, SC.

7. **Rheingold, A.A.** (2005). *A Final Summary Report: Primary Prevention of Child Sexual Abuse*. Medical University of South Carolina.
8. **Rheingold, A.A.**, Resnick, H., Self-Brown, S.,* & Danielson, C.K. (2006). *Helping Kids Learn about the Comprehensive Medical Exam*. National Crime Victims Research and Treatment Center, SC.
9. Self-Brown, S.,* Danielson, C.K., **Rheingold A.A.**, & Resnick, H. (2006). *Helping Parents Learn about the Comprehensive Medical Exam*. National Crime Victims Research and Treatment Center, Charleston, SC.
10. Danielson, C.K., **Rheingold, A.A.**, Resnick, H., & Self-Brown, S.* (2006). *Helping Parents of Adolescents Learn about the Comprehensive Medical Exam*. National Crime Victims Research and Treatment Center, Charleston, SC.
11. Folds-Bennett, T., **Rheingold, A.A.**, Patrick, H. (2010). Darkness to Light: Bringing Adults from Awareness to Advocacy. In K. Kaufman (Ed.), *The Prevention of Sexual Violence: A Practitioner's Sourcebook*. Massachusetts: NEARI Press.
12. **Rheingold, A. A.**, de Arellano, M. A., Saunders, B., & Kilpatrick, D. G. (2011) *Child sexual abuse training for childcare professionals: A multi-site randomized controlled trial of Stewards of Children*. Final Report: CDC Grant 1 R49/CE000890-01.
13. **Rheingold, AA.**, Shealy, K., & West, J. (2012). *Community Assessment of Survivors of Homicide in the Lowcountry*. Report for OVC Grant 2009-VF-GX-K009.
14. Zinzow, H., Thompson, M., & **Rheingold, A.A.** (in press). Homicide Survivors: A Summary of the Research. In Davis, Lurigio, & Herman (Eds.) *Victims of Crime*, 4th Edition. Thousand Oaks, CA: SAGE Publications, Inc.
15. Herbert, J., **Rheingold, A.**, & Brandsma, L. (2013). Assessment of social phobia and social anxiety; 2nd Edition. In S.G. Hoffman, P.M. DiBartolo, & H.R. Juster (Eds.), *Social Phobia and Social Anxiety*. Needham, MA: Allen & Bacon.
16. Cluver, J. & **Rheingold, A.A.** (2014). Invited Book Review: Handbook of Clinical Psychopharmacology for Therapists, Seventh Edition. *Journal of Psychiatric Practice*, 20, 1.
17. Townsend, C. & Rheingold, A.A. (2013). *Estimating a Child Sexual Abuse Prevalence Rate for Practitioners: A review of child sexual abuse prevalence studies*. Charleston, SC: Darkness to Light.
18. Townsend, C. & Rheingold, A.A. (2015). *Estimating a Child Sexual Abuse Prevalence Rate for Practitioners: A review of child sexual abuse prevalence studies; 2015 Update*. Charleston, SC: Darkness to Light.
19. **Rheingold, A.A.** & Moreland, A. (In press). Child Abuse Prevention. *The SAGE Encyclopedia*

of *Contemporary Early Childhood Education*. edited by Donna Couchenour & Kent Chrisman.

20. Williams, J. L., Rynearson, E. K., & **Rheingold, A. A.** (in press). Death Imagery Scale. In R. A. Neimeyer (Ed.). *New techniques of grief therapy: Bereavement and beyond*. New York: Routledge.

ABSTRACTS AND PRESENTATIONS

Oral Presentations (*denotes student at the time of manuscript submission)

National/International Meetings

1. Fricker, A. E.,* Saunders, B. E., Williams, L., Ruggiero, K. J.,* **Rheingold, A. A.**, Hanson, R. F., & Smith, D. W. (2002, January). *The role of non-offending parent distress in the relation between child trauma and child psychopathology*. Paper presented at the San Diego Conference on Child and Family Maltreatment, San Diego.
2. Herbert, J.D., **Rheingold, A.A.**, Gaudiano, B.A.,* & Harwell, V.D.* (2002, November). *Does increasing the time between sessions improve the efficacy of cognitive behavior therapy for social anxiety disorder?* Paper presented at the 36th annual convention of the Association for Advancement of Behavior Therapy, Reno, NV.
3. Danielson, C.K.,* Ruggiero, K.J.,* de Arellano, M.A., **Rheingold, A.A.**, Waldrop, A.E.,* Grubaugh, A.,* Resnick, H.S., & Kilpatrick, D.G. (2002, November). *Sexual Assault Prevalence and Incident Characteristics Among Hispanics: Results from a Nationally Representative Sample*. Paper presented at the 36th annual convention of the Association for Advancement of Behavior Therapy, Reno, NV.
4. Hanson, R. F., Saunders, B. E., Williams, L., Fricker, A. E.,* **Rheingold, A. A.**, Ruggiero, K. J.,* & Smith, D. W. (2002, January). *Stability of psychopathology among trauma exposed children: Preliminary findings from the Navy Family Study*. Paper presented at the San Diego Conference on Child and Family Maltreatment, San Diego.
5. Saunders, B.E., Williams, L.M., Hanson, R.F., Smith, D.W., & **Rheingold, A.** (2002, November). *Functioning of children with complex victimization histories*. Paper presented at the International Society for Traumatic Stress Studies, Baltimore.
6. Herbert, J., Gaudiano, B.,* **Rheingold, A.A.**, Harwell, V.,* Darlrymple, K.,* Nolan, E.M.,* Crittenden, K.,* Cardaciotto, L.,* Murray, H.,* & Gorman, A.* (2003, November). *Social skills training augments the effectiveness of cognitive behavioral group therapy for social anxiety disorder*. Paper presented at the Association for Advancement for Advancement of Behavior Therapy, Boston.
7. **Rheingold, A.A.**, Acierno, R., Lawyer, S.,* Kilpatrick, D.G., Resnick, H., & Saunders, B. (2004, November). *Posttraumatic stress disorder, depression, and substance use in older adult*

- crime victims*. Paper presented at the Association for Advancement for Advancement of Behavior Therapy, New Orleans.
8. Hanson, R., Saunders, B., Williams, L., & **Rheingold, A.A.** (2003, January). *Direct Victim or Witness to Violence: Does It Make a Difference? Preliminary Findings from the Navy Family Study*. Paper presented at the San Diego Conference on Child and Family Maltreatment, San Diego.
 9. **Rheingold, A.A.** (2005, June). *Primary prevention of child sexual abuse*. Presentation of findings to Center for Disease Control and Prevention, Atlanta, GA.
 10. **Rheingold, A. A.**, Resnick, H., & Danielson C.K. (November 2006). *Response to Child Sexual Abuse at the Time of the Comprehensive Medical Examination*. Paper presented at the International Society for Traumatic Stress Studies, Hollywood, CA.
 11. Herbert, J. D., Gaudiano, B. A., **Rheingold, A. A.**, Moitra, E., Myers, V. H., Dalrymple, K. L., & Brandsma, L. L. (2008, November). Cognitive behavior therapy for generalized social anxiety disorder in adolescents: A randomized controlled trial. In Y. Bohr (Chair), *Cognitive Behavior Approaches with Children and Youths: From Research Trials to Community Based Adaptations*. Symposium presented at the annual meeting of the Association for Behavioral and Cognitive Therapies, Orlando, Florida.
 12. **Rheingold, A.A.** (January, 2009). *Prevention of Child Sexual Abuse: A First Look*. Paper presented at San Diego International Conference of Child Abuse, San Diego, CA.
 13. Hawkins, A.,* **Rheingold, A. A.**, Zinzow, H.,* Saunders, B., & Kilpatrick. (Nov, 2009). *Ethnic/Racial Differences in Reports of Homicide Survivorship in a National Survey of Adolescents*. Symposium Paper presented at the International Society for Traumatic Stress Studies, Atlanta, GA.
 14. Zinzow, H.,* Hawkins, A.,* **Rheingold, A. A.**, Saunders, B., & Kilpatrick. (Nov, 2008). *Losing a Loved One to Homicide: Prevalence and Mental Health Correlates in a National Sample of Young Adults*. Symposium Paper presented at the International Society for Traumatic Stress Studies, Atlanta, GA.
 15. Davidson, T.M.,* de Arellano, M.A., **Rheingold, A.A.**, Danielson, C.K., & Silcott, L. (2010, November). *Cultural adaptation of an evidence-based trauma focused treatment for Latinos/as*. Paper presented at the annual meeting of the National Latino/a Psychological Association, San Antonio, Texas.
 16. **Rheingold, A.A.** (2010, June). *Community outreach for survivors of homicide*. Invited Workshop. Restorative Retelling After Violent Loss Conference, Memphis, TN.
 17. **Rheingold, A.A.** Begle, A.M.,* Self-Brown, S., * & Rheingold, A. (2011, January) *Prevention of Child Sexual Abuse: Results of a randomized control trial*. Paper presented at the San Diego International Conference on Child and Family Maltreatment, San Diego, CA.

18. **Rheingold, A.A.**, Matheson, S., & Zatta, E. (2011, September). *Intensive case management for survivors of homicide*. Invited Symposium presented at the 2011 Victim of Crime Act Training Conference, Long Beach, CA.
19. **Rheingold, A.A.** (2011, September). *Effective mental health treatments for trauma*. Invited Workshop presented at the 2011 Victim of Crime Act Training Conference, Long Beach, CA.
20. **Rheingold, A.A.** (2012, May). *Specialized services for survivors of homicide*. Invited Talk. Restorative Retelling After Violent Loss Conference, New Orleans, TN.
21. **Rheingold, A.A.** (2012, May). *Restorative Retelling: Open Clinical Trials*. Invited Talk for Restorative Retelling After Violent Loss Conference, New Orleans, TN.
22. **Rheingold, A.A.** (2013, Jan). *Prevention of Child Sexual Abuse*. Paper presented at the San Diego International Conference on Child and Family Maltreatment, San Diego, CA.
23. de Arellano, M.A., Shealy, K., Jones, A.M.,* Lopez, C.M., & **Rheingold, A.** (2013, August) *Trauma-focused cognitive behavioral therapy via telemedicine technology: A strategy to reach more of the iceberg*. American Psychological Association, Honolulu, HI.
24. **Rheingold, A.A.** & Laroche, E. (2013, Sept). *Working with Survivors of Homicide*. Workshop presented National Organization for Victim Advocates Conference, Columbus, OH.
25. Laroche, E. & **Rheingold, A.A.** (2013, Sept). *Developing support group services for survivors of homicide*. Workshop presented National Organization for Victim Advocates Conference, Columbus, OH.
26. **Rheingold, A. A.**, Williams, J. L.*, Baddeley, J. L.*, Brown, C., Wallace, M., Correa, F., & Ryneerson (2014, Nov). *Restorative Retelling for violent loss: Results of two open trials*. Invited Talk for Restorative Retelling After Violent Loss Conference, Seattle, WA.
27. Williams, J. L.*, & **Rheingold, A. A.** (2014, Nov). *What do survivors want? Results of focus group data*. Invited Talk for Restorative Retelling After Violent Loss Conference, Seattle, WA.
28. **Rheingold, A. A.**, Williams, J. L.*, Baddeley, J. L.*, Brown, C., Wallace, M., Correa, F., & Ryneerson (2014, Nov). *Restorative Retelling for violent loss: Results of two open trials*. Symposium Paper presented at the International Society for Traumatic Stress Studies, Miami, FL.
29. Williams, J. L.*, & **Rheingold, A. A.** (2014, Nov). *What do survivors want? Results of focus group data*. Symposium Paper presented at the International Society for Traumatic Stress Studies, Miami, FL.
30. **Rheingold, A.A.** (2016, June). *Trauma-focused Cognitive Behavioral Therapy*. Invited Workshop presented at the Trauma Recovery and Corporation Solutions Conference, Singapore.

31. **Rheingold, A.A.** (2016, June). *Assessment and intervention for PTSD with children, adolescents and families experiencing violent deaths*. Invited Talk presented at the Trauma Recovery and Corporation Solutions Conference, Singapore.
33. **Rheingold, A.A.** (2016, June). *Effectiveness and dissemination of Child Maltreatment Intervention*. Invited Talk presented at the Trauma Recovery and Corporation Solutions Conference, Singapore.
34. **Rheingold, A.A.** (2016, January). *Evidence Based Approaches for Traumatic Grief*. Invited Workshop. Trauma Care Institute Regional Trauma Training, Dallas, TX.
35. **Rheingold, A.A.** (2016, February). *Evidence Based Approaches for Traumatic Grief*. Invited Workshop. Trauma Care Institute Regional Trauma Training, Lubbock, TX.
36. **Rheingold, A.A.** (2016, March). *Evidence Based Approaches for Traumatic Grief*. Invited Workshop. Trauma Care Institute Regional Trauma Training, Austin, TX.
37. **Rheingold, A.A.** (2018, Oct). *Overview of Evidence Based Approaches for Traumatic Grief*. Invited Talk. Baltimore Child Advocacy Center, Baltimore, MD.
38. **Rheingold, A.A.** (2018, Nov). *Motivational and Self-Regulatory Processes Associated with Complicated Grieving*. Symposium Discussant. Association for Behavioral and Cognitive Therapies, Washington, DC.
39. **Rheingold, A.A., Williams, J., Milman, E., Pastrana, F., Moreland, A., Delmas, S.** (2018, Nov). *Charleston HEART: Homicide Early Intervention and Advocacy Response Team: A Multidisciplinary comprehensive response to intra-familial homicide*. . Invited paper presented at the International Society for Traumatic Stress Studies, Washington, DC.

State/Regional/Local Professional Trainings/Presentations

1. **Rheingold, A.A.** (November, 2001). *A Brief Treatment for Social Phobia*. Grand Rounds, Department of Psychiatry and Behavioral Sciences, Medical University of South Carolina, Charleston, SC
2. **Rheingold, A.A.** (June, 2002). *Assessment and Treatment of Childhood Trauma*. Full-day workshop presented to PeeDee Mental Health, SC.
3. **Rheingold, A.A.** (February, 2003). *A Model for the Treatment of Childhood Trauma*. Half Day Workshop presented at South Carolina Professional Society of Abuse of Children, Charleston, SC.
4. **Rheingold, A.A.** (March, 2003). *Survivors of Homicide*. Workshop presented at South Carolina Victim Rights Week Conference, Myrtle Beach, SC.

5. **Rheingold, A.A.** (August, 2003). *Coordinating Services for Child Sexual Assault Victims*. Presentation at Child Maltreatment Task Force, the Dee Norton Lowcountry Children's Center, Charleston, SC.
6. **Rheingold, A.A.** (February, 2004). *Cognitive-Behavioral Therapy for Childhood Abuse*. Workshop presented at South Carolina Professional Society of Abuse of Children, Charleston, SC
7. **Rheingold, A.A.** (April, 2004). *Coordinating Services for Child Sexual Assault Victims*. Presentation at Child Maltreatment Task Force, the Dee Norton Lowcountry Children's Center, Charleston, SC.
8. **Rheingold, A.A.** (February, 2006). *Dealing with Death*. Inservice to Charleston Housing Authority, Charleston, SC.
9. **Rheingold, A.A.** (August, 2006). *Survivors of Homicide*. Workshop presented at the South Carolina Victims Assistance Academy, Columbia, SC.
10. **Rheingold, A.A.** (October, 2006). *Impact of Family Violence on Children*. Full Day Workshop presented at University of South Carolina for South Carolina Department of Social Services, Columbia, SC.
11. **Rheingold, A.A.** (May, 2007). *Working with Survivors of Homicide*. Workshop presented to Lowcountry Bereavement Professionals Association, Charleston, SC.
12. **Rheingold, A.A.** (October, 2007). *Impact of Family Violence on Children*. Full Day Workshop presented at University of South Carolina for South Carolina Department of Social Services, Columbia, SC.
13. **Rheingold, A.A.** (December, 2007). *Impact of Family Violence on Children*. Full Day Workshop presented at University of South Carolina for South Carolina Department of Social Services, Columbia, SC.
14. **Rheingold, A.A.** (February, 2008). *Impact of Family Violence on Children*. Full Day Workshop presented at University of South Carolina for South Carolina Department of Social Services, Columbia, SC.
15. **Rheingold, A.A.** (March, 2008). *Impact of Family Violence on Children*. Full Day Workshop presented at University of South Carolina for South Carolina Department of Social Services, Columbia, SC.
16. **Rheingold, A.A. & Best, C.B.** (April, 2008). *Psychological First Aid*. Workshop presented at AHEC training to South Carolina DHEC Medical Reserve Disaster Response, Charleston, SC.
17. **Rheingold, A.A.** (April, 2008). *Developing and Sustaining Support Groups for Victims of Crime*. Workshop presented at the South Carolina Victim Rights Week, Charleston SC.

18. **Rheingold, A.A.** (May, 2008). *Survivors of Homicide*. Workshop presented at the South Carolina Victims Assistance Academy, Columbia, SC.
19. **Rheingold, A.A. & Best, C.B.** (May, 2008). *Psychological First Aid*. Workshop presented at AHEC training to South Carolina DHEC Medical Reserve Disaster Response, Florence, SC.
20. **Rheingold, A.A. & Best, C.B.** (June, 2008). *Psychological First Aid*. Workshop presented at AHEC training to South Carolina DHEC Medical Reserve Disaster Response, Spartanburg, SC.
21. **Rheingold, A.A.** (April, 2009). *Behavior Management*. Full Day Workshop presented at University of South Carolina for South Carolina Department of Social Services, Columbia, SC.
22. **Rheingold, A.A.** (May, 2009). *Impact of Family Violence on Children*. Full Day Workshop presented at University of South Carolina for South Carolina Department of Social Services, Columbia, SC.
23. **Rheingold, A.A.** (May, 2009). *Impact of Violence on Children*. Workshop presented at My Sisters House Community Training, North Charleston, SC.
24. **Rheingold, A.A.** (June, 2009). *Stress!!! And Effective Coping Strategies*. Workshop presented at College of Medicine Leadership Development Institute, Medical University of South Carolina, Charleston, SC.
25. **Rheingold, A.A.** (August, 2009). *Impact of Violence on Children*. Workshop presented at Charleston Airforce Commanding Officer Training, North Charleston, SC.
26. **Rheingold, A.A.** (August, 2009). *Stress!!! And Effective Coping Strategies*. Workshop presented at MUSC Department of Pediatrics Residents, Medical University of South Carolina, Charleston, SC.
27. **Rheingold, A.A.** (September, 2009). *Impact of Violence on Children*. Workshop presented at Charleston Airforce Commanding Officer Training, North Charleston, SC.
28. **Rheingold, A.A.** (October, 2009). *Impact of Family Violence on Children*. Full Day Workshop presented at University of South Carolina for South Carolina Department of Social Services, Columbia, SC.
29. **Rheingold, A.A.** (December, 2009). *Stress!!! And Effective Coping Strategies*. Workshop presented at Department of Psychiatry and Behavioral Sciences, 2009 Judges & Attorneys Substance Abuse Seminar, Medical University of South Carolina, Charleston, SC.
30. **Rheingold, A.A.** (January, 2010). *Losing a Loved One to Homicide*. Grand Rounds presented at Department of Psychiatry and Behavioral Sciences, Medical University of South Carolina, Charleston, SC.

31. **Rheingold, A.A.** (February, 2010). *Impact of Domestic Violence*. Presentation for Interpersonal Violence Conference sponsored by the Charleston County Medical Society & Charleston Bar Association, Charleston, SC.
32. **Rheingold, A.A.** (February, 2010). *Stress!!! And Effective Coping Strategies*. Workshop presented at 2010 South Carolina Solicitors' Association Winter Conference, Isle of Palms, SC.
33. **Rheingold, A.A.** (April, 2011). *Community Needs Assessment on Domestic Violence in Charleston County*. Presentation for Charleston Community Response to Domestic Violence Task Force, Charleston, SC.
34. **Rheingold, A.A.** (April, 2011). *Impact of Losing a Loved One to Homicide*. Workshop presented at South Carolina Victims Rights Week, Columbia, SC 2011
35. **Rheingold, A.A.** (April, 2011). *Needs Assessment for Survivors of Homicide*. Workshop presented at South Carolina Victims Rights Week, Columbia, S C 2011
36. **Rheingold, A.A.** (April, 2011). *Domestic Violence and Sexual Assault*. Grand Rounds presented at the Department of Family Medicine, Medical University of South Carolina, Charleston, SC.
37. **Rheingold, A.A.** (February, 2012). *Specialized Services for Survivors of Homicide*. Presentation at Community Child Maltreatment Task Force, Dee Norton Lowcountry Children's Center, Charleston, SC.
38. **Rheingold, A.A.** (March, 2012). *Specialized Services for Survivors of Homicide*. Presentation at Charleston County School Psychologists Coordinated Staffing, Charleston, SC.
39. **Rheingold, A.A.** (March, 2012). *Overview of the impact of losing a loved one to homicide*. Workshop presented at Working With Survivors of Homicide Full-Day Training, Sumter, SC.
40. Shealy, K. & **Rheingold, A.A.** (March, 2012). *Needs Assessment for Survivors of Homicide*. Workshop presented at Working With Survivors of Homicide Full-Day Training, Sumter, SC.
41. **Rheingold, A.A.** & Laroche, E. (March, 2012). *Developing support group services for survivors of homicide*. Workshop presented at Working With Survivors of Homicide Full-Day Training, Sumter, SC.
42. **Rheingold, A.A.** (June, 2012). *Treating Survivors of Homicide*. Full Day Workshop presented to clinicians across the state of New Hampshire, New Hampshire Attorney General's Office, Manchester, NH.

43. **Rheingold, A.A.** (June, 2012). *Working with Victims of Crime*. Half Day Workshop presented to victim advocates across the state of New Hampshire, New Hampshire Attorney General's Office, Manchester, NH.
44. **Rheingold, A.A.** (August, 2012). *Compassionate Fatigue*. Panel Member for Schwartz Rounds, Medical University of South Carolina, Charleston, SC.
45. **Rheingold, A.A.** (September, 2012). *Stress!!! And Effective Coping Strategies*. Workshop presented at 2012 South Carolina Solicitors' Association Conference, Myrtle Beach, SC.
46. **Rheingold, A.A.** (October, 2012). *Impact of Domestic Violence*. Workshop presented at Domestic Violence Awareness Training for Joint Base Charleston – Weapons Station, North Charleston, SC.
47. **Rheingold, A.A.** (February, 2013). *Stress!!! And Effective Coping Strategies*. Workshop presented at MUSC Women's Scholar Workshop Series, Medical University of South Carolina, Charleston, SC.
48. **Rheingold, A.A.** (September, 2014). *"Managing Stress" Mindfully*. Workshop presented to TriCountry Victim Advocate Training Course. Charleston, SC.
49. **Rheingold, A.A.** (February, 2015). *Mindfulness*. Full-day Workshop presented at Medical University of South Carolina Department of Psychiatry CME program, Charleston, SC.
50. **Rheingold, A.A.** (April, 2015). *Support Group for Survivors of Homicide*. Facilitated meeting at South Carolina Victims Rights Week, Columbia, SC 2015.
51. **Rheingold, A.A.** (April, 2015). *Mindfulness*. Workshop presented at South Carolina Victims Rights Week, Columbia, SC 2015.
52. **Rheingold, A.A.** (May, 2015). *Mindfulness*. Half-day Workshop presented to Neurology Nurse Management Team, Medical University of South Carolina, Charleston, SC.
53. **Rheingold, A.A.** (September, 2015). *"Managing Stress" Mindfully*. Workshop presented during Apple Tree Series, Medical University of South Carolina, Charleston, SC.
54. **Rheingold, A.A.** (January, 2016). *Stress!!! And Effective Coping Strategies*. Workshop presented to COM Family Medicine Fellowship Program, Medical University of South Carolina, Charleston, SC.
55. **Rheingold, A.A.** (April, 2016). *Support Group for Survivors of Homicide*. Facilitated meeting at South Carolina Victims Rights Week, Columbia, SC 2016.
56. **Rheingold, A.A.** (April, 2016). *Bolstering Resilience After Trauma*. Workshop presented at South Carolina Victims Rights Week, Columbia, SC 2016.

57. Kilpatrick, D.G., Best, C. & **Rheingold, A.A.**, (April, 2016). *Lessons Learned from Mass Violence Events*. Panel presented at South Carolina Psychological Association, Myrtle Beach, SC 2016.
58. **Rheingold, A.A.** & Best, C. (April, 2016). *Bolstering Resilience After Trauma*. Workshop presented at South Carolina Psychological Association, Myrtle Beach, SC 2016.
59. **Rheingold, A.A.** (May, 2016). *Mindfulness*. Workshop presented at MUSC Nurses Week Series, Medical University of South Carolina, Charleston, SC.
60. **Rheingold, A.A.** (October, 2016). *Evidence Based Approaches for Traumatic Grief*. Full-day Workshop presented at Medical University of South Carolina Department of Psychiatry CME program, Charleston, SC.
61. **Rheingold, A.A.** (February, 2017). *Prolonged Exposure for PTSD*. Full-day Workshop presented at Medical University of South Carolina Department of Psychiatry CME program, Charleston, SC.
62. **Rheingold, A.A.**, & Williams, J. (August, 2017). *Psychological First Aid*. Two-day Workshop presented in Charleston sponsored by Medical University of South Carolina, Charleston, SC.
63. **Rheingold, A.A.**, & Williams, J. (October, 2017). *Skills for Psychological Recovery*. Two-day Workshop presented in Charleston sponsored by Medical University of South Carolina, Charleston, SC.
64. **Rheingold, A.A.** (January, 2018). *"Managing Stress" Mindfully*. Workshop presented College of Medicine Faculty Development Series, Medical University of South Carolina, Charleston, SC.
65. **Rheingold, A.A.** (January, 2018). *Effective Small Group Teaching Strategies*. Workshop presented College of Medicine Faculty Development Series, Medical University of South Carolina, Charleston, SC.
66. **Rheingold, A.A.** (February, 2018). *"Managing Stress" Mindfully*. Workshop presented to Pharmacy Department, Medical University of South Carolina, Charleston, SC.
67. **Rheingold, A.A.** (March, 2018). *Charleston's Response to the Emanuel AME Nine Shooting: A Concerted Effort to Improve Mental Health*. Panel presented at South Eastern Psychological Association, Charleston, SC 2018.
68. **Rheingold, A.A.** (August, 2018). *"Managing Stress" Mindfully*. Workshop presented to COM Family Medicine Fellowship Program, Medical University of South Carolina, Charleston, SC.
69. **Rheingold, A.A.** & Williams, J. (August, 2018). *Prolonged Exposure and Traumatic Grief Treatment*. Two-day Workshop presented in Charleston sponsored by Medical University of South Carolina, Charleston, SC.

70. **Rheingold, A.A.** (January, 2019). *Effective Small Group Teaching Strategies*. Workshop presented College of Medicine Faculty Development Series, Medical University of South Carolina, Charleston, SC.

Community Based Presentations

1. **Rheingold, A.A.** (1996-2000). Adolescent mood and social anxiety disorders, Over a dozen presentations presented to regional school faculty meetings, HSA meetings, guidance counselor meetings, and school classrooms, Philadelphia, PA
2. **Rheingold, A.A.** (February, 2003). *Effective Communication Skills*. Workshop presented to Innovative Alternatives for Women, Medical University of South Carolina, SC.
3. **Rheingold, A.A.** (September, 2003). *Effective Communication Skills*. Workshop presented to Innovative Alternatives for Women, Medical University of South Carolina, SC.
4. **Rheingold, A.A.** (December, 2003). *Effective Communication Skills*. Workshop presented to Innovative Alternatives for Women, Medical University of South Carolina, SC.
5. **Rheingold, A.A.** (April, 2007). Panel member for Charleston Housing Authority Community Domestic Violence Panel, Charleston, SC.
6. **Rheingold, A.A.** (October, 2008). *Voices of Children: Impact of Domestic Violence on Children*. Presentation at Life Christianity Church, North Charleston, SC.

Poster Presentations

National/International Meetings

1. Cashman, L.,* Franklin, M.E., Kozak, M., Coles, M.E.,* **Rheingold, A.A.**, & Foa, E.B. (1996, November). *Behavior treatment of pediatric OCD*. Poster presented at annual meeting of the Association for Advancement of Behavior Therapy, New York.
2. Coles, M.E.,* Franklin, M.E., Kozak, M., Cashman, L.,* **Rheingold, A.A.**, & Foa, E.B. (1996, November). *Assessment of pediatric obsessive compulsive disorder*. Poster presented at annual meeting of the Association for Advancement of Behavior Therapy, New York.
3. Coles, M.E.,* **Rheingold, A.A.**, Meadows, E.A., & Foa, E.B. (1996, November). *The role of social support in PTSD symptoms of recent assault victims*. Poster presented at annual meeting of the Association for Advancement of Behavior Therapy, New York.
4. Goldstein, S.G.,* Herbert, J.D., Hartfield, C.,* Christian, R.,* Kaplan, M.,* & **Rheingold, A.A.** (1997, November). *The etiology of social phobia: A developmental perspective*. Poster presented at annual meeting of the Association for Advancement of Behavior Therapy, Miami.

5. Herbert, J., Goldstein, S., **Rheingold, A.A.**, Christian, R.,* Hartfield, C.,* Maffie, K.,* Brandsma, L., & Hope, D. (1998, November). *Brief treatment for social phobia*. Poster presented at annual meeting of the Association for Advancement of Behavior Therapy, Washington D.C.
6. Maffie, K.,* Herbert, J., **Rheingold, A.A.**, Dalrymple, K.,* Goldstein, S.G.,* Darze, F.,* Greenberg, R.,* Harwell, V.,* & Sharp, I.* (1999, November). *Cognition and social skills in adults with social phobia*. Poster presented at annual meeting of the Association for Advancement of Behavior Therapy, Toronto.
7. Greenberg Saluck, R.,* Herbert, J.D., **Rheingold, A.A.**, Harwell, V.D.,* Woldoff-Coppola, S.,* Crittenden, K.* (2000, November). *The Brief Fear of Negative Evaluation Scale: Preliminary psychometric findings*. Poster Presented at annual meeting of the Association for Advancement of Behavior Therapy, New Orleans.
8. Herbert, J., **Rheingold, A.A.**, & Goldstein, S.* (2000, November). *Brief cognitive behavioral group therapy for social phobia: Preliminary post-treatment and follow-up results*. Poster presented at annual meeting of the Association for Advancement of Behavior Therapy, Washington D.C.
9. Sharp, I.R.,* Herbert, J., Harwell, V.D.,* **Rheingold, A.A.**, Gaudiano, B.A.,* & Makin-Byrd, K.N.* (2000, November). *Avoidance as a predictor of depressive symptoms in primary social phobia*. Poster presented at annual meeting of the Association for Advancement of Behavior Therapy, New Orleans.
10. **Rheingold, A.A.**, Wagner, L., Start-Riemer, W.,* Jarvis, M.,* Paulson, A.,* Schwartz, C.,* & Acierno, R. (2001, March). *Prevention of assault: Findings from the National Survey of Adolescents*. Poster presented at annual meeting of the Southeastern Psychological Association, Atlanta.
11. **Rheingold, A.A.**, Wagner, L., Start-Riemer, W.,* Jarvis, M.,* Paulson, A.,* Schwartz, C.,* & Acierno, R. (2001, March). *Psychopathology and report of physical health in elderly crime victims*. Poster presented at annual meeting of the Southeastern Psychological Association, Atlanta.
12. Bennett, D., Vora, V., & **Rheingold, A.** (2001, April). *Reactive vs. proactive aggression: Differential correlates of ADHD symptoms?* Poster presented at the Eastern Psychiatric Association, Washington, D.C.
13. Fricker A. E.,* Ruggiero, K. J.,* **Rheingold, A. A.**, Sedlar, G.,* Smith, D. W., Hanson, R. F., & Saunders, B. E. (2001, November). *Factors related to treatment attendance and drop-out in a sample of maltreated children*. Poster presented at the 35th annual convention of the Association for Advancement of Behavior Therapy, Philadelphia.
14. Fricker, A.E.,* Stevens, S.B., Ruggiero, K., Peratikos, A.S.,* **Rheingold, A.A.**, Smith, D.W., Hanson, R.F., deArellano, M.A., & Saunders, B.E. (2002, November). *Factors related to*

- treatment attendance and drop-out in a sample of maltreated children.* Poster presented at the 36th annual convention of the Association for Advancement of Behavior Therapy, Reno, NV.
15. **Rheingold, A. A.**, Peratikos, A.,* Ruggiero, K. J.,* Stevens, S. B., Fricker, A. E.,* Best, C. L., Falsetti, S., Resnick, H. S., & Kilpatrick, D. G. (2002, November). *Predictors of treatment attendance among adults exposed to interpersonal violence.* Poster presented at the 36th annual convention of the Association for Advancement of Behavior Therapy, Reno, NV.
 16. **Rheingold, A.A.**, Herbert, J.D., Cardaciotto, L.,* & Franklin, M.E. (2002, November). *Cognitive bias in adolescents with social anxiety disorder.* Poster presented at the 36th annual convention of the Association for Advancement of Behavior Therapy, Reno, NV.
 17. Waldrop, A.E.,* Grubaugh, A.,* Danielson, C.K.,* de Arellano, M.A., **Rheingold, A.A.**, Ruggiero, K.J., Resnick, H.S., & Kilpatrick, D.G. (2002, November). *HIV Risk, Health Care Access, and Violence Exposure in a National Sample of Hispanic Adults.* Poster presented at the 36th annual convention of the Association for Advancement of Behavior Therapy, Reno, NV.
 18. **Rheingold, A.A.**, Resnick, H.S., Acierno, R., Minhinnett, R., & Kilpatrick, D.G. (2002, November). *Cigarette use among female sexual assault victims.* Poster presented at the International Society for Traumatic Stress Studies, Baltimore.
 19. Danielson, C.K.,* de Arellano, M.A., Jensen, A.,* **Rheingold, A.**, Saunders, B., Resnick, H., & Kilpatrick, D. (2003, November). *Clinical and subclinical depression in Hispanic adolescents: results from an epidemiological sample.* Poster presented at the Association for Advancement for Advancement of Behavior Therapy, Boston.
 20. Danielson, C.K.,* de Arellano, M.A., Fitzgerald, M.,* **Rheingold, A.**, Saunders, B., Resnick, H., & Kilpatrick, D. (2003, November). *Abuse history in depressed Hispanic adolescents: Impact on symptom expression and comparison with other ethnic groups.* Poster presented at the Association for Advancement for Advancement of Behavior Therapy, Boston.
 21. **Rheingold, A.A.**, Silcott, L., Grier, J.,* Morrell, T.,* Jeffcoat, T.,* Ezzell, C., & Van Pelt, E. (2004, November). *An intensive therapeutic social skills camp.* Poster presented at the Association for Advancement for Advancement of Behavior Therapy, New Orleans.
 22. Stines, L.R.,* de Arellano, M.A., Danielson, C.K.,* Ruggiero, K.J., **Rheingold, A.A.**, Silcott, L.E., & Kilpatrick, D.G. (2004, November). *Sexual assault and its correlates in a nationally representative sample of women: A comparison across ethnic groups.* Poster presented at the Association for Advancement for Advancement of Behavior Therapy, New Orleans.
 23. **Rheingold, A.A.**, Self-Brown, S.,* Boettcher, K.,* Sturtevant, L.,* Resnick, H., & Kilpatrick, D.G. (2005, November). *Primary prevention of child sexual abuse.* Poster presented at the Association for Behavior and Cognitive Therapies, Washington DC.

24. Perez, M.,* de Arellano, M., Danielson Kmett, C., **Rheingold, A.**, & Silcott, L. (2005, November). *Delinquent behaviors in a National Sample Hispanic Adolescents*. Poster presented at the Association for Behavioral and Cognitive Therapies, Washington DC.
25. Danielson, C.K., de Arellano, M.,A., **Rheingold, A. A.**, & Silcott, L. (2005, November). *Childhood trauma, substance abuse, and other high risk behaviors in a Hispanic community population: Initial findings from the Hispanic Family Study*. Poster presented at the annual meeting of the Association for Behavior and Cognitive Therapies, Washington, DC.
26. **Rheingold, A.A.**, Canipbell, C.L.,* Self-Brown, S.,* Resnick, H., & Kilpatrick, D. (May 2006). *Primary Prevention of Child Sexual Abuse*. Poster presented at the 14th annual meeting of the Society for Prevention Research, San Antonio, Texas.
27. **Rheingold, A.A.**, Self-Brown, S.,* Campbell, C.L.,* Resnick, H., & Kilpatrick, D. (May 2006). *Improving Child Sexual Abuse Prevention Efforts*. Poster presented at the 14th annual meeting of the Society for Prevention Research, San Antonio, Texas.
28. Strachan, M.K.,* de Arellano, M.A., Danielson, C.K., **Rheingold, A.A.**, Bridges, A.,* & Silcott, L.(2006). *Delinquent Behaviors in a Population of Hispanic Youth Trauma, Delinquency, Psychopathology, and Gender*. Poster presented at the annual meeting of the Association for Behavior and Cognitive Therapies, Chicago.
29. Danielson, C.K., Silcott, L., Bridges, A.,* **Rheingold, A. A.** & de Arellano, M.A. (Nov., 2006). *Risk and Resiliency Factors for Substance Abuse Among Recent Hispanic Immigrants*. Poster presented at the annual meeting of the Association for Behavior and Cognitive Therapies, Chicago, IL.
30. Bridges, A.,* de Arellano, M., Danielson, C.K., **Rheingold, A.**, & Silcott, L. (Nov., 2006). *Immigration status, trauma and psychiatric disorders in hispanic youth*. Poster presented at the annual meeting of the Association for Behavior and Cognitive Therapies, Chicago, IL.
31. de Arellano, M., Danielson, C.K., **Rheingold, A.** & Silcott, L. (Nov., 2006). *The hispanic family study: An examination of trauma history and trauma-related problems in a mexican/mexican American community sample*. Poster presented at the annual meeting of the Association for Behavior and Cognitive Therapies, Chicago, IL.
32. Silcott, L., Bridges, A.,* Danielson, C.K., **Rheingold, A.** & de Arellano, M. (Nov., 2006). *The relationship between number of people in the home and risk for youth victimization among a sample of recent hispanic immigrants*. Poster presented at the annual meeting of the Association for Behavior and Cognitive Therapies, Chicago, IL.
33. **Rheingold, A.A.**, Self-Brown, S.,* & Campbell, C.L.* (June 2006). *Primary Prevention of Child Sexual Abuse*. Poster presented at the 14th annual National Colloquium of American Professional Society on the Abuse of Children, Nashville, TN.
34. **Rheingold, A.A.**, de Arellano, M.A., Silcott, L.E., Cunningham, A., & Rives, S.* (November,

- 2007). *Increasing access to and use of services for sexually abused children*. Poster presented at the International Society for Traumatic Stress Studies, Baltimore, MD.
35. **Rheingold, A.A.**, Resnick, H., Danielson, C.K., Cunningham, A., Grier, J.,* Rives, S.,* & Hubel, G.* (November, 2007). *Assessing child distress during the sexual assault medical examination*. Poster presented at the International Society for Traumatic Stress Studies, Baltimore, MD.
 36. **Rheingold, A.A.**, Danielson, C.K., Resnick, H., Self-Brown, S.,* Cunningham, A., Grier, J.,* Rives, S.,* & Hubel, G.* (November, 2007). *Prevention of child distress during medical exams for Child sexual abuse*. Poster presented at the International Society for Traumatic Stress Studies, Baltimore, MD.
 37. Resnick, H., Danielson, C., **Rheingold, A.**, Waldrop, A.,* Acierno, R., & Kilpatrick, D.G. (2007). *Impact of a brief intervention on acute distress among rape victims at the time of the medical exam*. Poster presented at the International Society for Traumatic Stress Studies, Baltimore, MD.
 38. Danielson, C.K., **Rheingold, A.A.**, Resnick, H., Self-Brown, S.,* Cunningham, A., Grier, J.,* Rives, S.,* & Hubel, G.* (Nov, 2007). *Can preparation for a forensic medical exam prevent psychosocial problems among abused youth?* Poster presented at the International Society for Traumatic Stress Studies, Baltimore, MD.
 39. Amstadter, A. B.,* Resnick, H. S., Acierno, R., **Rheingold, A. A.**, Cleary, K., Bridgers, L. & Kilpatrick, D. G. (2007, November). *Cigarette consumption in a sample of recent rape victims: A longitudinal analysis*. Poster presented at the annual Association for Behavioral and Cognitive Therapies conference, Chicago, IL.
 40. Hawkins, A.,* Zinzow, H.,* **Rheingold, A. A.**, Saunders, B., & Kilpatrick. (Nov, 2008). *Ethnic/Racial Differences in Reports of Homicide Survivorship in a National Survey of Adolescents*. Poster presented at the annual meeting of the Association for Behavioral and Cognitive Therapies, Orlando, Florida.
 41. Zinzow, H.,* Hawkins, A.,* **Rheingold, A. A.**, Saunders, B., & Kilpatrick. (Nov, 2008). *Losing a Loved One to Homicide: Prevalence and Mental Health Correlates in a National Sample of Young Adults*. Poster presented at the annual meeting of the Association for Behavioral and Cognitive Therapies, Orlando, Florida.
 42. **Rheingold, A.A.**, Patton, M., Hessinger, J.D.,* Rholoer, C.* (November, 2009) *Prevention of Child Sexual Abuse: Preliminary results of a randomized control trial*. Poster submitted at the International Society for Traumatic Stress Studies, Atlanta, GA.
 43. Lopez. C. M.,* White, D., **Rheingold, A.**, Danielson, C.& de Arellano, M. (2009, November). *Are sex and age pattern differences present in depressive and PTSD symptoms among US born and Immigrant Hispanic youth?* Poster presented at the Association for Behavioral and Cognitive Therapies 43rd Annual Convention, New York City.

44. White, D., Lopez, C. M.,* Danielson, C., **Rheingold, A.**, & de Arellano, M. (2009, November). *Does acculturation account for substance use and externalizing behavior differences between US born and Immigrant Hispanic youth?* Poster presented at the Association for Behavioral and Cognitive Therapies 43rd Annual Convention, New York City.
45. Barr, S. C.,* Hanson, R. F, de Arellano, M. A., **Rheingold, A. A.**, Kilpatrick, D. G., Saunders, B., Smith, D., Ruggiero, K. & Resnick, H. (2009, November). *Demographic correlates in the reporting of child sexual assault – Findings from the National Survey of Adolescents Replication (NSA-R)*. Poster presented at the Annual Convention of the Association of Cognitive and Behavioral Therapies, New York, NY.
46. **Rheingold, AA.** & Shealy, K. (2010, November). *Service Utilization and barriers to Treatment Among Family Members of Homicide Victims*. Poster presented at the International Society for Traumatic Stress Studies, Ontario, Canada.
47. **Rheingold, A.**, Davidson, T.M.,* Kmett Danielson, C., Self-Brown, S., & Resnick, H. (2010, November). *Prevention of child distress during medical exams for child sexual abuse*. Poster session presented at annual meeting of the Association of Behavioral and Cognitive Therapies, San Francisco, California.
48. Martinez, M.I*, Reid-Quinones, K.*, **Rheingold, A.A.**, Danielson, C.K, & de Arellano, M. (2012, November). *Immigration Trauma, PolyTrauma and Mood: Suicide Risk Assessment of Latino Youth*. Poster session presented at annual meeting of the Association of Behavioral and Cognitive Therapies, Baltimore, MA.
49. Williams, J. L.*, **Rheingold, A. A.**, Knowlton, A. W.*, Saunders, B. E., & Kilpatrick, D. G. (2013, November). *Motor vehicle accidents and risk for PTSD, depression, and substance misuse: Data from the 2005 National Survey of Adolescents*. Poster presented at the annual meeting of the Association for Behavioral and Cognitive Therapies, Nashville, Tennessee.
50. Williams, J. L.*, **Rheingold, A. A.**, Gabel, C. M., Love, C., & Shealy, J. (2015, November). *Associations between alcohol use and rape myth acceptance among male college students*. Poster presented for presentation at the annual meeting of the International Society for Traumatic Stress Studies, New Orleans, LA.
51. Karlsson, M.*, Reid-Quinones, K., Lopez, C., Wallace, M., & **Rheingold, A.A.** (2015, Nov). *Predicting victim injury from criminal domestic violence police reports*. S Poster presented for presentation at the annual meeting of the International Society for Traumatic Stress Studies, New Orleans, LA.
52. Shealy, K.M., Gomez, M.L., Davidson, T.M., Eilers, O., **Rheingold, A.A.**, & de Arellano, M.A (2015, November). *Group cognitive processing therapy for hispanic victims of interpersonal violence*. Poster presented at the annual meeting of the Association for Behavioral and Cognitive Therapies, Chicago, IL.

53. Stewart, R.W., Shealy, K., Nazario, M., Eilers, O., Davidson, T., **Rheingold, A.**, & de Arellano, M. (2015, November). *Development and implementation of the network for Hispanic victims of interpersonal violence*. Poster presented at the annual meeting for the Association of Behavioral and Cognitive Therapies, Chicago, IL.
54. Stewart, R.W., **Rheingold, A.**, Wallace, M., & de Arellano, M. (2016, September). *Utilizing school-based telemedicine to address mental health disparities among trauma-exposed Latina/o youth*. Poster to be presented at the biennial meeting of the National Latina/o Psychological Association, Orlando, FL.
55. Stewart, R.W., Wallace, M., **Rheingold, A.**, & de Arellano, M. (2016, October). *The effectiveness and feasibility of videoconferencing technology to provide evidence-based treatment for trauma-exposed youth*. Poster to be presented at the annual meeting of the Association of Behavioral and Cognitive Therapies, Chicago, IL.
56. Stewart, R.W., de Arellano, A., **Rheingold, A.**, & Young, J. (2016, October). *Implementing universal school-based mental health screening in low and middle income countries*. Poster to be presented at the annual meeting of the Association of Behavioral and Cognitive Therapies, Chicago, IL.
57. Williams, J. L., & **Rheingold, A. A.** (2016). *Novel application of Skills for Psychological Recovery as an early intervention for violent loss survivors*. Poster accepted for presentation at the annual meeting of the International Society for Traumatic Stress Studies, Dallas, TX.
58. Williams, J. L., Rynearson, E. K., & **Rheingold, A.A.** (2016). *Correlates of suicidal ideation in a treatment-seeking sample of violent loss survivors*. Poster accepted for presentation at the annual meeting of the International Society for Traumatic Stress Studies, Dallas, TX.
59. de Arellano, A., Stewart, R. W., & **Rheingold, A.** (2016, November). *Conducting a needs assessment for trauma-focused treatment for youth via telehealth in Honduras*. Poster to be presented at the annual meeting of the International Society for traumatic Stress Studies, Dallas, TX.
60. Shealy, K.M., Gomez, M.L., Davidson, T.M., Eilers, O., **Rheingold, A.A.**, & de Arellano, M. A. (2016). *Culturally-Tailored Treatment for Hispanic Victims of Interpersonal Violence Using Group Cognitive Processing Therapy in a Community-Based Setting*. Poster session presented at 32nd Annual Meeting of the International Society for Traumatic Stress Studies, Dallas, TX.
61. Eilers, O., Shealy, K.M., Gomez, M.L., Davidson, T.M., **Rheingold, A.A.**, & de Arellano, M.A. (2016). *Increasing Access to Mental Healthcare for Hispanic Victims of Interpersonal Violence*. Poster session presented at 32nd Annual Meeting of the International Society for Traumatic Stress Studies, Dallas, TX.
62. Eilers, O., Shealy, K.M., Gomez, M.L., Davidson, T.M., **Rheingold, A.A.**, & de Arellano, M.A. (2016). *Bilingual Intensive Case Management Services for Hispanic Victims of Interpersonal*

<http://www.southcarolinapublicradio.org/post/obsessive-compulsive-disorder>

Nov 2018 South Carolina National Public Radio. Health Focus. *Generalized Anxiety Disorder & CBT*

<http://southcarolinapublicradio.org/programs/health-focus>

Dec 2018 South Carolina National Public Radio. Health Focus. *Social Anxiety Disorder & CBT*

Jan 2018 South Carolina National Public Radio. Health Focus. *Panic Disorder & CBT*

Other Media Appearances

Interviewed for over 40 articles/newscasts related to impact of trauma, loss by homicide, and traumatic loss for the *Post and Courier*, Channel 2 News, Channel 4 News, Channel 5 News, Skirt Magazine

**Expert Witness
Experience
For Alyssa Rheingold, Ph.D.**

Lori Washington vs Hilton Hotels Corporation. Case 2:07-cv-02694-CWH. Civil suit regarding sexual harassment allegations. Presented testimony on posttraumatic stress disorder and sexual assault. Civil suit in U.S. Federal Court, District of South Carolina, Charleston, SC. 2010.

State vs. Toye Williams, Case# 20100401962. Presented testimony regarding sexual assault in the Ninth Judicial Circuit Court, Charleston, SC. 2011.

State vs. Michael Christopher Andes. Case # 2011 GS 08 08725- Criminal Sexual Conduct in the 1st degree. Presented testimony regarding sexual assault and domestic violence in the Ninth Judicial Circuit Court, Moncks Corner, SC. 2011.

United States vs. Larry D. Bartelle. Presented testimony regarding sexual assault and domestic violence in US Military Court at Fort Polk, PA. 2013.

United States vs. Jerry Clift. Presented testimony regarding domestic violence in US Coast Guard Military Court in Virginia. 2016.

State vs. Terry Darnelle Mcclam. Presented testimony regarding trauma and domestic violence in the Ninth Judicial Circuit Court, Moncks Corner, SC. 2016.

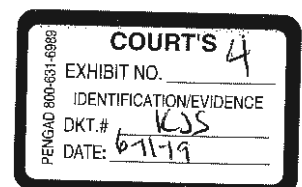
State vs. Lee Dell Bradley. Presented testimony regarding trauma and domestic violence in the Ninth Judicial Circuit Court, Moncks Corner, SC. 2016.

State vs. Ryals. Presented testimony regarding intimate partner violence dynamics in the Ninth Judicial Circuit Court, Moncks Corner, SC. 2017.

State vs. Gaskins. Presented testimony regarding domestic abuse in the Ninth Judicial Circuit Court, Moncks Corner, SC. 2017.

Naomi Grad Wallace, individually and as personal representative of the Estate of Phillip Andrew Wallace Vs Robert L Abel and The City of Isle of Palms Provided consultation, records review, and findings from clinical assessment related to traumatic grief. Court of Common Pleas for the Ninth Judicial Circuit, Charleston, SC. 2018

Conducted **22** immigration related expert witness evaluations for U Visas, T Visas, VAWA, and extreme hardship considerations.



CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled “Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings.”

Respectfully Submitted,

s/ Victor R. Seeger

Victor R Seeger
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 24th day of September, 2020.

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SC Court of Appeals