

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Horry County

Honorable Diane Schafer Goodstein, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

SHAQUILLE BRADON DOZIER,

APPELLANT

APPELLATE CASE NO 2019-001430

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS

COUNTY OF HORRY) 2018-GS-26-05643 & 2018-GS-26-05644

STATE OF SOUTH CAROLINA,)

Plaintiff,)

Transcript of Record

vs.)

AUGUST 19 - 21, 2019

SHAQUILLE BRADON DOZIER,)

Defendant.)

B E F O R E:

Honorable Diane S. Goodstein
Horry County Courthouse
Conway, South Carolina

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

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Attorney for Defendant

Sallie Beth Todd
Circuit Court Reporter

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1 **THE COURT:** Alright. Motions, we're going to do motions
2 this afternoon.

3 **MR. HOLFORD:** Yes, Your Honor.

4 **THE COURT:** Okay. And I know that state has some
5 motions, but I understand that defense may have a motion so
6 hold tight. Okay.

7 **MR. SPRATLIN:** Yes, Your Honor, Mr. Dozier, Shaquille
8 Dozier is present in the courtroom. He has made an oral
9 motion to me and made a request of me that he wishes for me to
10 no longer represent him, and he wishes to proceed pro se in
11 this matter.

12 **THE COURT:** Okay. Alright.

13 **MR. SPRATLIN:** I just wanted to bring it to the Court's
14 attention so the Court could address it as the Court saw fit.

15 **THE COURT:** Okay. Alright. Alright. And you are Mr.
16 Shaquille Brandon Dozier?

17 **MR. DOZIER:** Bradon Dozier.

18 **THE COURT:** Oh, I'm sorry, Braden Dozier. Alright.
19 We're going to swear you in, and I've got just a couple of
20 questions for you, Mr. Dozier.

21 **CLERK:** Please raise your right hand?

22 **SHAQUILLE BRADON DOZIER, HAVING**
23 **BEEN DULY SWORN TESTIFIES AS FOLLOWS:**

24 **CLERK:** Thank you.

25 **THE COURT:** Thank you, Mr. Dozier. Mr. Dozier, is that

1 right, you don't want counsel to represent you anymore?

2 **MR. DOZIER:** No.

3 **THE COURT:** You don't?

4 **MR. DOZIER:** Yes, I do.

5 **THE COURT:** You do want him to represent you?

6 **MR. DOZIER:** Yes.

7 **THE COURT:** That's wonderful. Okay. Because I'm, you
8 know, if we need to have a hearing, I'm happy to have a
9 hearing in that regard, but you -- you do want counsel to
10 represent you; is that right?

11 **MR. DOZIER:** Yes.

12 **THE COURT:** Okay. Alright. Alright. Very well. Thank
13 you so much then. So, Mr. Spratlin, I think we're done with
14 that issue, correct?

15 **MR. SPRATLIN:** I believe that covers the issue of self-
16 representation, Your Honor.

17 **THE COURT:** I think it does too. Thank you so much.
18 Thank you. Alright. Now, back to -- back to the State, are
19 there any motions that we can hear this afternoon; I know that
20 we had the doctor coming from MUSC in the morning, but are
21 there any motions that we can handle this afternoon on behalf
22 of the State?

23 **MR. HOLFORD:** None, Your Honor, I would like to address
24 the matter of the Blair Hearing with the Court though.

25 **THE COURT:** Okay.

1 **MR. HOLFORD:** The first examiner, Dr. Leahy. He did the
2 examination back on - the date of the evaluation was December
3 27th, 2018; the report date was January 22nd, 2019. Dr. Leahy
4 was a fellow with MUSC. He's now practicing in Lexington. I
5 spoke to him on the phone last week. He said he had some --
6 some scheduling issues this week and I had anticipated to call
7 Kristen Eyre; she was the second examiner. She would be able
8 to speak to competency as to the report, would be able to be
9 with him and speak to competency at the time of the trial.
10 However, she is not a licensed doctor and up until, I guess,
11 today, the defense has spoken with her. She called me this
12 afternoon saying that there is some questions of the
13 malingering part and the psychological examination that took
14 place and she doesn't feel that she would be able to
15 adequately answer the questions as to the psychological
16 examination and why a decision was made to determine that the
17 defendant was malingering. And so, I have reached out to the
18 supervisor, Sheresa Christopher, who last week told me she was
19 available on Thursday; but was tied up tomorrow and Wednesday
20 as well. I'm waiting to hear back to see if I can get one of
21 these other doctors to see if we can alleviate the problem
22 that Ms. Eyre believes she might have. I still think that she
23 would be able to determine competency pursuant to the Blair
24 hearing. She was the second examiner. There is a report and
25 we would proceed in that fashion. However, certainly it would

1 probably be better if we could have another doctor, depending
2 on what her answers to Mr. Spratlin would be during the cross
3 examination.

4 **THE COURT:** What -- what are her credentials?

5 **MR. HOLFORD:** She is a licensed social worker - CP. She
6 was the second examiner during the evaluation. The
7 supervisor, Dr. Christopher, told me that she was licensed to
8 do competency evaluations and licensed to determine
9 competency, but not licensed to diagnose a person. So, if we
10 come to the issue of psychological, medical issues and how the
11 doctor determined that this defendant was malingering, based
12 on that psychological evaluation, then she does not feel, she
13 being Kristen Eyre, does not feel she would be adequately
14 available to answer those questions as to how it was determine
15 during his psychological evaluation that he was in fact
16 malingering.

17 **THE COURT:** Okay. And -- and the -- who is the doctor
18 that actually did the examination?

19 **MR. HOLFORD:** Well, Dr. Ryan Leahy and Kristin Eyre are
20 the first and second examiners on it. So, Dr. Leahy would be
21 the first chair, primarily responsible for the report. And
22 then there was a supervisor because Dr. Leahy was a fellow; he
23 was only there for a certain amount of time and now he's gone
24 back to Lexington County.

25 **THE COURT:** Uh-huh (affirmative response). Yes.

1 **MR. HOLFORD:** And so, the report is signed by both Dr.
2 Leahy and Dr. Christopher. Both of those will be able to
3 speak as to medical diagnosis. Kristen Eyre will only be able
4 to speak as to her opinion regarding competency at the time of
5 the evaluation and the morning of trial, but she would not be
6 able to speak to medical diagnosis.

7 **THE COURT:** Okay. Well, I understand. So, when you
8 contacted Dr. Leahy ---

9 **MR. HOLFORD:** Yes.

10 **THE COURT:** He said, I have scheduling issues; what does
11 that mean, other than I don't want to come?

12 **MR. HOLFORD:** Well, he, I guess he's newly back with
13 Lexington County and they have him booked up. I have -- we
14 called him again this afternoon after the other matters pled.

15 **THE COURT:** Uh-huh (affirmative response).

16 **MR. HOLFORD:** I called him after I talked to Ms. Eyre and
17 I'm waiting to hear back, but we essentially told him the
18 trial is going to start tomorrow morning and that I need him
19 here and I haven't heard anything. So -- but I -- that's the
20 word that I've put out is that I needed those two here.

21 **THE COURT:** Got it. Yes, sir?

22 **MR. SPRATLIN:** Thank you, Your Honor. My concern with
23 the proposal of just having Ms. Eyre come in and testify
24 rather than a actual psychologist or psychiatrist, is that the
25 purpose of this evaluation, the reason the evaluation was

1 ordered by Judge Culbertson in the first place, and I'm
2 looking for a copy of that order.

3 **THE COURT:** Slow down, because you know ---

4 **MR. SPRATLIN:** Oh, yes, Your Honor.

5 **THE COURT:** I want it to, but you can slow down looking
6 for it.

7 **MR. SPRATLIN:** The purpose of the evaluation order, when
8 Judge Culbertson signed it back on November 9th, 2018, was
9 that the defendant reports to the Court that he is hearing
10 voices.

11 **THE COURT:** Slow down just a little bit.

12 **MR. SPRATLIN:** I apologize, Your Honor. The defendant
13 reports to the Court that he is hearing voices and they are
14 repeating "disturbing things to him". Furthermore, counsel,
15 at that time it was still me and is still me, for defendant
16 reports difficulty in communicating with the defendant about
17 the case and concerns about the defendant's understanding of
18 the proceeding and charges against him. One of the things
19 that my client has shown throughout my representation of him
20 is what I perceived is symptoms of a mental illness. We had
21 him evaluated to determine if there was in fact a mental
22 illness present. The doctor, Dr. Leahy, determined through
23 various tests, according to the report, and I have a copy of
24 the report if the Court would like to see it?

25 **THE COURT:** Not unless there's no objection from the

1 State?

2 **MR. HOLFORD:** No objection to the report.

3 **THE COURT:** Okay. Yeah, then I want see it and we'll
4 mark it just for the purposes of this hearing.

5 **MR. SPRATLIN:** Yes, Your Honor. I'll get it marked.

6 **(COURT'S EXHIBIT NUMBER ONE**
7 **IS ADMITTED INTO EVIDENCE)**

8 **THE COURT:** Has he been receiving his medication?

9 **MR. SPRATLIN:** I believe the jail has been providing the
10 medication. I have not checked recently to see if he has been
11 taking it as ordered. Have you been taking your medication?

12 **MR. DOZIER:** Yes, sir.

13 **MR. SPRATLIN:** He says he has, Your Honor.

14 **THE COURT:** And what is he taking?

15 **MR. SPRATLIN:** I apologize, Your Honor. Normally when I
16 cover that up, it -- it silences everything. He reports that
17 he's taking Seroquel to help him sleep at night.

18 **THE COURT:** Okay. Alright.

19 **MR. SPRATLIN:** Your Honor, my concern with the evaluation
20 in not having an doctor in psychology or psychiatry here to
21 testify about the evaluation and to do an evaluation of him at
22 the time of the Blair hearing, is that in this report, Dr.
23 Leahy administered several psychological tests and used the
24 results of those tests to form his opinion that my client was
25 being less than truthful or malingering about his symptoms and

1 his disorders. In order to properly represent my client at a
2 Blair hearing, I have to question a witness about those
3 psychological tests and what the results are and how they
4 reached those determinations. And from my conversation -- and
5 Ms. Eyre's called me this morning about, or this afternoon
6 about an hour before we came back to Court and expressed her
7 concerns about testifying, which is when I told her to call
8 the solicitor and tell him her concerns about testifying. My
9 concerns with her qualifications is that she cannot testify
10 about any mental health disorders my client has. She can
11 testify about whether or not he knows what a jury trial is;
12 she can testify about whether or not he knows the role of Your
13 Honor, the role of me, the role of the prosecutor; but she
14 cannot testify about whether or not he has a mental health
15 disorder, schizophrenia or otherwise, that is causing him to
16 exhibit these symptoms that he reports in this report, such as
17 seeing lights; such as hearing voices; such as seeing things
18 that are not there that hinder his ability to assist me
19 properly in preparation of my defense, and assist me at all in
20 his trial. As I told the Court in our pretrial conference, my
21 client has been unwilling to meet with me for a large portion
22 of my representation. I've had a couple of chances to sit
23 down and talk to him, shortly when he came back from MUSC.
24 However, pretty much since that meeting, he has not been
25 willing to come out of his cell and meet with me or other

1 personnel from my office. I have attempted to send
2 investigators out to meet with him; he's refused to speak with
3 them. He also, in my conversations with him in holding, what
4 limited conversations there are, still tells me he's
5 exhibiting signs of a psychological illness. And I believe
6 that we need someone present who can evaluate him and
7 determine if there is a psychological illness and if there is,
8 whether or not it is hindering his ability to cooperate fully
9 in his defense.

10 So, I would object to simply Ms. -- sorry, Ms. Eyre, who
11 is a licensed social worker, coming in and testifying to what
12 limited ability she can, because she would not provide the
13 Court with a full scope of the evaluation. She would not
14 provide the Court with a full scope of the symptoms and issues
15 my client has demonstrated and she would not provide the Court
16 with the answer that the Order signed by Judge Culbertson that
17 ordered the mental evaluation asked. Does he suffer from a
18 mental health disorder, psychological disorder, that puts his
19 competency at issue? So, I would ask that we have an actual
20 licensed doctor to come in and do the evaluation and provide
21 the necessary testimony.

22 **THE COURT:** Thank you so much.

23 **MR. HOLFORD:** Just in response for the record, Your
24 Honor, Blair looks into the inquiry as to whether the
25 defendant understands the charges against him; the possible

1 penalties; if he's able to assist his counsel with the
2 defense; if he understands the role of the various courtroom
3 officers; and if he responds appropriately to inquiries and
4 his counsel's instructions. That was stated in State v.
5 Davis. The inquiry for a Blair hearing is not whether the
6 defendant has a mental illness. He has been evaluated. The
7 doctors in this report that Your Honor found him diagnosed
8 with Cannabis use disorder, moderate in early remission in a
9 controlled environment and they found him to have adjustment
10 disorder with depressed mood. Their opinion was that he's not
11 currently experiencing symptoms of any mental illness. And
12 so, while I appreciate that defense counsel would want to
13 question whether he has a mental illness, the doctors have
14 already said that they've evaluated that and determined that
15 he was not diagnosed with a mental illness. So, that would
16 not necessarily be an issue for the Blair hearing. The Blair
17 hearing would be does he rationally understand the charges
18 against him; can he aid in his defense and does he understand
19 what's going on in the courtroom. Based on the evaluation
20 they found that he did, and he was competent. We would
21 present that to the Court. Dr. Eyre would be able to present
22 it to the Court that those were the findings; that she agreed
23 with those findings, that he is competent under the Blair
24 standard, which is a low mark to the Court whether someone is
25 actually able to understand and rationally perceive the

1 charges against them and what's going on and able to assist in
2 his defense.

3 Additionally, in addition to the report and the testimony
4 by Ms. Eyre, the Court would also be able to find its own
5 finding. The Court relies on that evaluation, relies on the
6 doctor, but ultimately, it's up to the Court to determine
7 whether the defendant is competent to stand trial. That's the
8 purpose of the Blair hearing. There have been multiple judges
9 before, Your Honor, that have met with this defendant,
10 discussed the charges with him, had conversations. He has
11 agreed, answered questions to the Court, obviously understands
12 what's going on and responded to the Court and has agreed that
13 he wanted his defense counsel to -- to still defend him. I
14 understand that he at times, he refuses to do so, but I
15 believe the competency hearing would be able to move forward
16 with just Ms. Eyre.

17 With that being said, certainly it's the State's
18 intention to get every doctor here available that I can to
19 make sure that we can proceed and that way those questions are
20 resolved.

21 **THE COURT:** Okay. I think where we are at this moment is
22 that I cannot obviously make that determination at this
23 moment. And I think that you are absolutely correct on behalf
24 of the State in getting whoever and whatever number of folks
25 who saw and treated, well not treated, but saw and evaluated

1 this gentleman and get them here, Mr. Dozier. I think that is
2 wise.

3 With regards to your position on behalf of Mr. Dozier, I
4 think that your concern is that -- that this particular
5 person, Ms. Eyre, you have concerns about whether or not she
6 has sufficient credentials to make the evaluation. It's
7 contemplated by Blair and gives to the Court the assistance
8 that the Court might need, based upon her education and
9 experience. You can't know that until you have an opportunity
10 to cross examine on those credentials, quite frankly. But I
11 think that -- that you're absolutely appropriate in seeking to
12 -- to have the original doctor who did the eval. And I
13 certainly understand your frustration in that this doctor was
14 willing to be the fellow at the Medical University until such
15 time as he needed to pack it up and be present in Court. That
16 oft times is so difficult for lawyers, both defense and
17 solicitors, when they try to get folks in, but you guys know
18 how to do that. So, any assistance that the Court can give,
19 if you want to draft an Order and have it served, I'm happy to
20 -- to assist either of you in that regard. Just prepare an
21 Order and they'll be mad at me instead of you. It doesn't
22 bother me for a moment. So, let me know.

23 **MR. SPRATLIN:** Thank you.

24 **THE COURT:** Absolutely. Now, are there any other -- are
25 there any other issues other than the Blair issue that we can

1 handle today on behalf of the State?

2 **MR. HOLFORD:** I don't ---

3 **THE COURT:** There's no Jackson v. Denno as I understand?

4 **MR. HOLFORD:** There is no Jackson v. Denno, Your Honor.

5 **THE COURT:** Okay.

6 **MR. HOLFORD:** I don't believe there's a Neil v. Biggers.

7 **THE COURT:** Okay.

8 **MR. HOLFORD:** I don't see that being ---

9 **THE COURT:** Okay.

10 **MR. HOLFORD:** --- not from the State. No motions from
11 the state in pretrial.

12 **THE COURT:** Got it.

13 **MR. SPRATLIN:** Your Honor, I agree with that. There has
14 been no out of court identification of my client such that a
15 Neil v. Biggers would be required, no out of court statements
16 such that a Jackson v. Denno hearing would be required and I
17 have no further motions to file.

18 **THE COURT:** Alright. And let me just ask this question
19 of you, because in my experience, the folks from the detention
20 center have been extremely cooperative and, you know, in that
21 this is the eve before trial. In the event that Mr. Dozier
22 would like to see video, is that possible; do I need to enter
23 an Order so that he would be able to do that?

24 **MR. SPRATLIN:** No, Your Honor, that would not be
25 necessary. I -- if he expresses an interest in watching the

1 video, I will provide it to him. I will drive out to the jail
2 and show it to him.

3 **THE COURT:** Okay.

4 **MR. SPRATLIN:** However, in the past, every time I have
5 attempted to do that, he has refused to come out of his cell.

6 **THE COURT:** Okay. Alright. And so far as you know
7 though, Mr. Dozier is getting his medicine?

8 **MR. SPRATLIN:** As far as I know, Your Honor, and I will
9 put on the record, I was able last time we were in Court
10 before Judge Hyman, I was able to show him the main video that
11 the State intends on playing.

12 **THE COURT:** Okay.

13 **MR. SPRATLIN:** So, he has watched that video.

14 **THE COURT:** Okay. Great. If he wants to see it again,
15 if y'all need me. These people have been wonderful to deal
16 with.

17 **MR. SPRATLIN:** Yes, Your Honor, I can have someone from
18 my office bring a laptop up and show it to him right in the
19 back.

20 **THE COURT:** Okay. That sounds perfect. Alright. Very
21 well. At this point, I know that hopefully, you're
22 anticipating somebody is going to show up at 9 o'clock in the
23 morning and I gather that they also need some time to have a -
24 - just to have a conversation with Mr. Dozier. So, should we
25 begin at 9:30 knowing the doctor is coming at 9 or should we

1 be at 9?

2 **MR. HOLFORD:** 9:30, Your Honor.

3 **THE COURT:** Okay.

4 **MR. HOLFORD:** I told them to be here at 9.

5 **THE COURT:** Perfect. Well, then -- and do -- and do you
6 think y'all can get Mr. Dozier on -- I don't even know who to
7 look at. Do you think we can get Mr. Dozier here around 9
8 o'clock?

9 **DEPUTY:** Yes, Your Honor.

10 **THE COURT:** Thank you. That sounds excellent. Alright.
11 Counsel, let me just see you guys for just a second.

12 **REPORTER'S NOTE:** (Bench conference with counsel).

13 **THE COURT:** Alright. You have spent a day in Court. We
14 should make you write a report. Dear Teach. Alright. So,
15 I'll see everybody in the morning at 9:30?

16 **MR. HOLFORD:** Yes, Your Honor.

17 **THE COURT:** Now, if for whatever reason we -- we don't --
18 aren't able to proceed tomorrow, don't y'all have a plea Judge
19 too?

20 **MR. HOLFORD:** Yes, Your Honor.

21 **THE COURT:** Okay. Well, then we'll just figure it out.
22 I'll be bugging you guys for something else.

23 **(COURT IN RECESS)**

24 **THE COURT:** Good morning.

25 **MR. HOLFORD:** Good morning, Your Honor.

1 **THE COURT:** Good morning. Good morning. Everybody's
2 ready?

3 **MR. SPRATLIN:** Yes, Your Honor.

4 **THE COURT:** Wonderful.

5 **MR. SPRATLIN:** May we approach?

6 **THE COURT:** Sure.

7 **REPORTER'S NOTE:** (Bench conference with counsel.)

8 **THE COURT:** Yes.

9 **MR. HOLFORD:** Thank you, Your Honor. In the State v.
10 Shaquille Bradon Dozier, indictment 2018-GS-26-05643 for
11 carjacking without great bodily injury and 2018-GS-26-05644,
12 failure to stop for a blue-light or siren, first offense.

13 Your Honor, the State is prepared to proceed with the
14 Blair hearing to determine the defendant's competency. A
15 Blair hearing was ordered or a competency evaluation, excuse
16 me, was ordered back prior to December 2018. The date of the
17 evaluation was December 27th, 2018. The first examiner was
18 Ryan Leahy, Doctor. The second examiner was Kristin Eyre, a
19 licensed social worker, and the supervisor was Sheresa
20 Christopher, a doctor there at MUSC. The State is prepared to
21 call Dr. Christopher to testify to the competency evaluation.
22 Initially, she has also met with the defendant this morning
23 for approximately 20 to 30 minutes and is prepared to provide
24 her testimony to the Court.

25 **THE COURT:** Alright. Call your first witness.

15 **A:** I have a PHD in Clinical Psychology at Palo Alto
16 University at the Pacific Graduate School of Psychology in
17 California. As part of that, I have a forensic certificate,
18 which just requires that I take specific forensic course work
19 and then placement and forensic placements. As part of that,
20 I attended a Predoctoral Internship at Worchester Recovery
21 Center and Hospital in affiliation with the University of
22 Massachusetts Medical School. And I was there for one year,
23 specialty year in forensics doing competency evaluations,
24 responsibility evaluations and that such. After I graduated,
25 I also attended a specialty year in Forensic Psychology as

1 well at Georgia, Augusta University, now, East Central
2 Regional Hospital and there I did a one-year concentrated
3 specialty year in forensics as well. Since then, I have been
4 appointed as faculty and am employed with the Medical
5 University of South Carolina. And as part of that, I have
6 gone above and got a board certification in Forensic
7 Psychology with the American Board of Professional Psychology.

8 **Q:** Okay. How long have you been with MUSC or Medical
9 University of South Carolina?

10 **A:** About 5 years.

11 **Q:** And what's your current position or title there?

12 **A:** I'm a assistant professor, but I am also a director of
13 the Postdoctoral Fellowship in forensic psychology and the
14 director of the Youth and Family Forensic Program.

15 **Q:** And you said you went above and got a board
16 certification. Is that required for competency exams?

17 **A:** No.

18 **Q:** But when did you get that board certification?

19 **A:** In October of 2018.

20 **Q:** Okay. Was that prior to the competency evaluation for
21 Mr. Dozier?

22 **A:** Yes.

23 **Q:** And what part did you play in the competency evaluation
24 for Mr. Dozier?

25 **A:** I was the supervisor. So, when someone is training in

1 their fellowship year, in this case, it was a psychiatrist.
2 So, they're already licensed, they already have their degree,
3 they're just coming back for a one-year specialty year and so,
4 in this capacity, I was helping him to make sure that his -
5 all of his connections made sense in his report, that his
6 evidence lines up with his opinions, those kinds of things.
7 So, I'm really looking at his rationale in making sure it's
8 sound and that there's no major flaws in it.

9 In this case, there was a little bit of a different
10 situation. So, since he's a psychiatrist, psychiatrists don't
11 administer psychological testing. So, he came into my office
12 at the time of the evaluation asking me to step in and do some
13 testing also.

14 **Q:** And so, did you do testing with Mr. Dozier?

15 **A:** I did.

16 **Q:** And do you sign this report, this competency evaluation?

17 **A:** Yes.

18 **Q:** And how do you sign it, in what capacity?

19 **A:** Underneath, it just says my credentials, but I'm signing
20 it as designated on the first page, which is just as
21 supervisor.

22 **Q:** If I showed you a copy of that report, would you be able
23 to identify it?

24 **A:** Yes.

25 **Q:** I'm going to hand you what's been marked as State's

1 Exhibit 5 for purpose of this Blair hearing. May I approach?

2 **THE COURT:** You may, Mr. Holford.

3 **BY MR. HOLFORD:**

4 **Q:** Can you identify what I've handed you?

5 **A:** Yes, it's a Competency to Stand Trial Evaluation Report.

6 **Q:** Okay. And is that the report that you signed, and you
7 did with Mr. Dozier?

8 **A:** Yes.

9 **Q:** Does it appeared to be fair and accurate?

10 **A:** Yes.

11 **Q:** Does there appear to be any additions or deletions or
12 marks through?

13 **A:** No.

14 **Q:** Your Honor, the State would move State's Exhibit 5 into
15 evidence for purpose of the Blair hearing?

16 **MR. SPRATLIN:** Without objection, Your Honor.

17 **THE COURT:** Very well.

18 **(STATE'S EXHIBIT NUMBER 5**
19 **IS ADMITTED INTO EVIDENCE)**

20 **BY MR. HOLFORD:**

21 **Q:** In this report, what was -- now, do you concur with an
22 opinion or do you disagree; how does that work, tell me, as
23 the supervisor?

24 **A:** As a supervisor, if I were to read through and something
25 didn't seem to line up, or I thought that the diagnostics were

1 not justified, or the opinion didn't match the data, then I
2 would meet with the fellow for supervision and explain what
3 I'm thinking and we would talk about it and then if they had a
4 compelling argument for why they had written what they wrote,
5 then we keep it. If I have data or suggestions for them,
6 they'll make changes and then we'll come up with our final
7 report.

8 **Q:** And did that happen in this case; did you and Dr. Leahy
9 disagree about the competency?

10 **A:** No.

11 **Q:** And what was the opinion as to competency of Mr. Dozier
12 to stand trial?

13 **A:** It was our opinion that he had adequate factual
14 knowledge, rational knowledge and the ability to consult with
15 his attorney.

16 **Q:** And you agreed with that?

17 **A:** Yes.

18 **Q:** Or else you wouldn't have signed it, right?

19 **A:** Right.

20 **Q:** Now, tell me a little bit about the psychological
21 evaluation or correct me if I'm wrong in saying what it was,
22 but the psychological evaluation that you performed?

23 **A:** Sure. So, I came in for psychological testing and the
24 reason for that is that Dr. Leahy thought that he wasn't
25 putting -- Mr. Dozier wasn't putting forth sufficient effort.

1 So, he was seeing kind of flaws in the story where we have red
2 flags that go off if a symptom doesn't make sense, you know,
3 if I hear someone say that they had symptoms since they were
4 two, I know that's not consistent with what we know about
5 psychosis. So, he was seeing some things. Like for instance,
6 Mr. Dozier reported having a visual hallucination right then
7 at the evaluation on the examiner's face. I've probably
8 participated in over 600 evaluations and that's never been
9 said before. So, oftentimes if someone does experience visual
10 hallucinations; it's not going to be right that moment, right
11 over the forensic evaluator. So, that was one red flag for
12 him.

13 Another red flag for him was that he endures olfactory
14 hallucinations, which is kind of smelling something that's not
15 there. That's common with medical conditions; it's -- it can
16 happen with psychosis, but it's not super common. So, for him
17 to endorse that, plus visual hallucinations, auditory
18 hallucinations and I believe -- let me confirm before saying -
19 - yes, he also endures tactile hallucinations, which is
20 feeling sensations on your skin that aren't there. So, when
21 someone has every hallucination, we hesitate because the
22 likelihood of that is small. And so, tactile hallucinations
23 are really common substance abuse. We expect things with
24 things like cocaine or stimulants. So, for someone to have
25 that kind of this profile, he, Dr. Laehy appropriately had

1 some pause. So, I came in and did some psychological testing
2 with him. We did the Miller Forensic Assessment of Symptoms
3 Test or the MFAST and that's a screening measure of
4 psychological symptoms. So, I'm looking at just very broad
5 strokes. Is this person over endorsing and the way that we
6 look at that -- looking at that is are we endorsing rare
7 combinations of symptoms like I feel stressed but only when
8 I'm losing weight, like that is unlikely to happen together.
9 Or I have bad dreams, but only when I'm losing weight, just as
10 an example. Also, unlikely symptoms or extreme symptoms like
11 I am always depressed; that's also very unlikely. There's got
12 to be periods of time where someone has periods of happiness,
13 right? So, that's what the Miller Forensic Assessment of
14 Symptoms Test does. It looks at that kind of thing, that kind
15 of data.

16 So, for him, he elevated the total scale. So, that means
17 that several sub-skills were elevated, and the total score was
18 elevated, which suggests to me that there's some indication of
19 feigning or not being forthright. Someone could both have
20 symptoms and fake. So, I don't want to say that that excludes
21 having symptoms; it just means that you have a red flag, an
22 indication that the person may not be entirely honest or
23 forthcoming with you and that that gives us indication to
24 maybe do further testing, if needed.

25 In his case, we did the Inventory of Legal Knowledge or

1 ILK because we're here for competency and that measure looks
2 at whether someone is feigning deficits in competency. So,
3 it's very simple questions, such as I am the defendant and
4 it's true or false. So, you expect the person to do really
5 well, even people with cognitive impairments do really well on
6 this measure. And so, for him, his score was much lower than
7 we would expect, so out of a group, I compared his score to a
8 known group of individuals who have psychiatric illness, and,
9 excuse me, and as compared to that group his scored in the
10 10th percentile. So, 90 out of a 100 did better than him.
11 So, that doesn't necessarily -- it's not a definitive
12 indication that he is faking or not trying his best, but it
13 provides us with a pretty clear indication that he's probably
14 not.

15 So, none of this is kind of something to write home
16 about, but it's something to -- it was enough for me to have a
17 conversation with him after the testing was complete and say,
18 this data suggests you're not being forthcoming. This data
19 tells me that I need you to try harder; I need you to put
20 forth all of your effort to hear what examiners tell you, and
21 then try to recall the information when we check back in with
22 you.

23 So, once I had that conversation with him, I left the
24 room again and left Dr. Leahy to finish his evaluation. And
25 so, per his report, his -- his performance much improved after

1 that. So, things like when he initially asked how many people
2 are in the jury; he said, I don't know 10. And then after we
3 talked to him about trying harder, he said 12. So, that just
4 suggests that he wasn't entirely putting his best foot
5 forward.

6 It's -- it's relevant to diagnosis as well because it
7 really suggests the things he's telling us about his diagnosis
8 can't be seen face value. So, now we have to rely more on
9 things like records, collateral sources, other sources of
10 information to come up with our diagnostic formulation.

11 **Q:** And were records and collateral sources reviewed prior to
12 making both diagnosis in this and also determining competency?

13 **A:** Yes, in this case we had outpatient mental health records
14 from Waccamaw Mental Health, and we had detention center
15 records from J. Reuben Long as well.

16 **Q:** Now, as to the Waccamaw Mental Health records, had he
17 been previously diagnosed with a psychiatric -- did he need
18 anti-psychotics or was he diagnosed with a mental illness?

19 **A:** He wasn't diagnosed with a psychotic spectrum disorder.
20 So, nothing like schizophrenia or schizoaffective disorder or
21 delusional disorder. I believe, let me double-check, I want
22 to say he was diagnosed -- yep, here we go. He was diagnosed
23 with adjustment disorder unspecified. So, what that means
24 is basically that he's experiencing some symptoms and it's
25 related to the onset of a stressor. So, oftentimes for these

1 individuals it's incarceration or charges, and that his
2 reaction to that onset of the stressor was extreme. So, much
3 more than we see if we look at everyone who got, you know, got
4 charged and sent to jail, his reaction or his symptoms after
5 that were much heavier. Like suicidal ideation or depressed
6 mood; things like that.

7 **Q:** And the Waccamaw Mental Health history medical record,
8 what was the date of that and what had happened just previous
9 to that, in relation to him?

10 **A:** That was dated February 18th of 2009. And he received
11 this diagnosis in outpatient therapy. So, it says in Dr.
12 Leahy's report, that this was after, right after his mother
13 had passed away. I'm not sure if that diagnosis pre-dated
14 that or if it came right at that same time, or how that
15 worded, just based upon the languages here.

16 **Q:** And you also said you reviewed medical records from the
17 jail, and this is while he's at the detention center; is that
18 correct?

19 **A:** Yes.

20 **Q:** Now, can you tell me, based on those records, was he
21 diagnosed or did he -- I'm trying to see what the wording was,
22 endorse. Did he endorse having audio-visual hallucinations on
23 his visits in July of 2018 or early September 2018?

24 **A:** No, not across those dates.

25 **Q:** Okay. And then at some point, did you find a medical

1 record where he -- where he did endorse having auditory
2 hallucinations?

3 **A:** Yes, Dr. Leahy writes here that at the end of October
4 2018 is when he started reporting auditory or visual
5 hallucinations and the key for me, when I'm reviewing these
6 records and try to teach our fellows to do, is to look for not
7 just person reported; to look for the providers opinion about
8 what they're seeing. And so, if someone says I have all these
9 symptoms, but then they're having a logical and goal directed
10 conversation that makes us question the accuracy of their
11 symptoms. And so in this particular case, he reported, excuse
12 me, verbally that he had auditory and visual hallucinations,
13 but the provider continued to check boxes that said things
14 like goal directed conversations or logical conversation. And
15 for -- I just actually this morning asked for an update just
16 to see that the medications are going on in jail on my
17 commutes and I got the most recent progress note from the
18 psychiatrist. And on that, it said denied auditory and visual
19 hallucinations and also wrote logical and goal directed
20 conversations. So, that says to me, he's saying he's doing
21 fine as of the most recent note. So, I think that the
22 difference here is that they're reported but that it's unclear
23 whether anything was observed in that fashion by the
24 providers.

25 **Q:** Now, would it surprise you that between not reporting any

1 hallucinations and then before October 24, 2018, that between
2 those dates, he received a plea offer from the State, which
3 included prison time?

4 **MR. SPRATLIN:** Your Honor, I'm going to object to that.
5 That, I think that goes a little bit far field of her
6 knowledge and her expertise.

7 **THE COURT:** Not -- sustained unless you can put down a
8 foundation for that question.

9 **MR. HOLFORD:** Alright.

10 **BY MR. HOLFORD:**

11 **Q:** Dr. Christopher, during his conversations, did he express
12 any fear or hopelessness about his current situation?

13 **A:** Yes. So, when I was -- I can't speak too much to it at
14 the original time of the evaluation since I wasn't in the
15 room. He did, Dr. Leahy reported that he was feeling
16 hopeless. So, that's clear that both at that time and today,
17 I asked about that and specifically, he was describing being
18 very fearful, fearful of potential outcomes of -- of his
19 charges. And speaking to being, you know, fearful of other
20 people while incarcerated.

21 **Q:** Did he in his initial competency back in December of 2018
22 and again from you today, did he express fear about going to
23 prison?

24 **A:** Yes, he did today. I can't clarify about whether he did
25 at the original date.

1 Q: Now, on page 5 under the psychiatric review of symptoms,
2 does it talk about he's hopeful he won't go to prison?

3 A: Do you mind if I review? Yes, he said, so when Dr. Leahy
4 -- the contexts of that is that when we always asked how is
5 your mood today; how are you feeling and so, his response
6 given that he's quoting him as hopeful; hopeful I want go to
7 prison.

8 Q: And so, even though at the time of the evaluation he's
9 reporting audio or some type of hallucination and he had prior
10 to that in jail in October of 2018, would that surprise you
11 that prior to that when he wasn't experiencing those or hadn't
12 reported experiencing those in between that time, when he's
13 not experiencing, the State gives a plea offer including
14 prison time and now he is; would that surprise you in his
15 evaluation?

16 MR. SPRATLIN: Your Honor, I'm going to object to that
17 question again.

18 THE COURT: Sustained.

19 BY MR. HOLFORD:

20 Q: Alright. During this evaluation and also did you have a
21 chance to meet with Mr. Dozier this morning?

22 A: Yes.

23 Q: What's your opinion as to competency as we sit here this
24 morning today?

25 A: It's my opinion he still has a great understanding

1 factually of what he's experiencing in the legal system. His
2 rational understanding is on target for my understanding of
3 what's currently occurring in his case and he has the ability
4 to work with his attorney if he chooses to do so.

5 Q: No further questions at this time, Your Honor.

6 THE COURT: Okay. Cross examination?

7 MR. SPRATLIN: Yes, Your Honor.

8 **CROSS EXAMINATION OF DR. SHERESA CHRISTOPHER BY MR. SPRATLIN:**

9 Q: Good morning, doctor?

10 A: Good morning.

11 Q: I just have a couple of questions for you. Regarding the
12 symptoms of hallucinations that my client stated to you and
13 stated to the previous examiner that he was experiencing, you
14 can't say with certainty here today that he was not
15 experiencing those hallucinations, can you?

16 A: Right.

17 Q: If he were in fact experiencing those hallucinations,
18 would that impact his ability to be competent to stand trial?

19 A: Not in and of itself. So, there's plenty of times where
20 someone can have psychosis, can have hallucinations, but are
21 able to still be competent to stand trial. So, I don't think
22 that concepts are synonymous, but certainly someone that's
23 acutely psychotic may have, more often you'd see someone with
24 acute symptoms of psychosis that's not competent, but that
25 doesn't mean that he would not be competent.

1 Q: So, for instance, in the report of -- prepared by Dr.
2 Leahy and reviewed by you in preparation of rendering your
3 opinion, he told Dr. Leahy that he had saw a demon or some
4 kind of ghoul on Dr. Leahy; is that correct?

5 A: Let me check really quick. I think he said a figure but
6 let me confirm. For example, he reported a visual
7 hallucination of seeing a cross and an infinity sign on the
8 face of one of the evaluators.

9 Q: Okay. If he were experiencing that, say with his
10 attorney, if he saw such a symbol or sign on his attorney,
11 that could be make him less willing to cooperate with that
12 attorney, correct?

13 A: Potentially. I did ask him about that specifically today
14 and he had a different explanation.

15 Q: What was the explanation for today?

16 A: Today, he said that his -- it's his opinion that he
17 doesn't feel that his attorney is working in his best
18 interest. And when I asked him to explain that and elaborate
19 on what he means, he said because he feels like his -- his
20 outcome should be more positive. And so, I tried to explain
21 to him that an attorney can only work with what they have and
22 that defense attorneys don't have, you know, a magic wand to
23 erase things, but they just do their best for their client.
24 And that that in itself just because, for instance, a plea
25 offer may not be what they want, does not necessarily mean

1 that their attorney is not working in their best interest.

2 And he seemed to understand that.

3 **Q:** So, if he were experiencing something -- and correct me
4 if I'm wrong ---

5 **A:** Sure.

6 **Q:** If he were experiencing hallucinations such as hearing
7 things, seeing things, touching things that are not there,
8 that could have some impact on his competence?

9 **A:** What I'd be looking for it as a middle piece. So, if
10 symptoms are here and, excuse me, an opinion about competency
11 is here, I would be looking for what deficit is that symptom
12 causing to influence competency. So, if someone was having a
13 hallucination or delusion or fixed false beliefs, anything
14 like that, I would be looking for what ability is it
15 compromising that would relate to competency. So, for him, he
16 still demonstrated the ability to talk about what his attorney
17 is supposed to do, for instance, even though he has -- he
18 feels his attorney is not working in his best interest, he
19 will be able to identify with that his attorney is supposed to
20 defend him; he knows what that role is. So, that suggests
21 that that thought or that cognition is not distorted. And if
22 it was distorted by the hallucination, that's when it would --
23 that's when it would impact competency.

24 **Q:** And correct me again if I'm wrong, regarding the
25 psychological testing that you performed on Mr. Dozier, the

1 Miller Forensic Assessment Test or the MFAST I believe it's
2 called?

3 **A:** Yes.

4 **Q:** You stated that he had an elevated total scale on that,
5 correct?

6 **A:** Yes.

7 **Q:** And that gave you pause to do further testing, correct?

8 **A:** Correct.

9 **Q:** Besides -- and I believe the further testing you did was
10 an Inventory of Legal Knowledge?

11 **A:** Right.

12 **Q:** Were there other testing that were available to you
13 besides just that Inventory of Legal Knowledge test?

14 **A:** Yes. So, what we end up doing is if -- so they're
15 different. So, they're both looking at whether or not someone
16 is being truthful, but they're looking at different things.
17 So, one looking at psychological symptoms and one looking at
18 competency knowledge specifically. So, if we're just talking
19 about the MFAST, that's looking at psychological symptoms.
20 So, the next step for that would be looking at something like
21 the Structured Interview for Reported Symptoms or the SIRS.
22 That's a much longer interview and it can provide more clarity
23 about someone's psychological symptoms and whether or not
24 they're definitively feigning or not. Sometimes it still will
25 provide a grey area response in the middle. In this case, we

1 chose not to do that. And the reason I chose not to do that
2 is because oftentimes, I will stop and have a conversation
3 first, because sometimes people think that if they're not
4 competent, then their charges go away. So, this is pretty
5 common, that I find myself having to explain to people that if
6 you're not found competent, if the judge thinks you're not
7 competent, that doesn't mean the charges go away; there's a
8 whole process that follows and usually when I have that
9 explanation, if someone is not being forthright or honest,
10 they'll start trying harder. Most of the time because they
11 don't want to go to the hospital. So, in this case, I had
12 that conversation and I told Dr. Leahy to come back and get me
13 if it wasn't successful.

14 **Q:** And based upon your -- the report that you reviewed, did
15 you feel that that was successful?

16 **A:** Dr. Leahy wrote in the conclusion of his report that his
17 answer to the competency related items were much -- it was
18 much improved. So, when he -- and I asked Dr. Leahy, because
19 I believe we checked in about this right after too and I asked
20 Dr. Leahy that he thought he was competent based upon his
21 answers and he said, yes. So, usually if someone were -- if he
22 said no, then we would say okay, let's do more testing to see
23 if he's not competent because he has symptoms or he's not
24 competent because he doesn't have symptoms or he's faking.
25 So, in this case, Dr. Leahy explained to me that his

1 performance was much improved and that his answers were
2 suggesting that he's competent.

3 **Q:** But at no point during any sort of additional questioning
4 or additional interviewing, did he ever contradict the
5 hallucinations?

6 **A:** No, he said he had them.

7 **Q:** And again, you can't say with absolute certainty sitting
8 here today, that he doesn't have these hallucinations?

9 **A:** Right. In fact, someone can like, like I mentioned
10 before, they can both have symptoms and exaggerate or not be
11 forthright, that can co-occur. Of course.

12 **Q:** Thank you, doctor, that's all the questions I have.

13 **A:** Absolutely.

14 **THE COURT:** Alright. Redirect?

15 **MR. HOLFORD:** No, Your Honor.

16 **THE COURT:** Alright. And I know that the doctor is here
17 pursuant to a request of the State. Any objection to her
18 being released from -- I never saw a subpoena, but it is a
19 request?

20 **MR. SPRATLIN:** Not from the defense, Your Honor.

21 **MR. HOLFORD:** No, Your Honor.

22 **THE COURT:** Alright. Very well. Just before you go,
23 counsel, if y'all would come before me?

24 **REPORTER'S NOTE:** (Bench conference with counsel).

25 **THE COURT:** What I'm going to ask you to do, if you would

1 be so kind, Dr. Christopher, I'm going to ask you just remain
2 for a few moments, just a few moments and the lawyers just
3 want to meet with you probably two minutes to ask a simple
4 question.

5 **DR. CHRISTOPHER:** Sure.

6 **THE COURT:** And we may have some other matters. Well I
7 do not want to elicit that information from you because it --
8 I just didn't want to do that. So, I'm going to ask them to
9 elicit that information from you for other reasons and if you
10 could also just explain that to Mr. Dozier. It won't take but
11 a moment and thank you so much for coming today.

12 **DR. CHRISTOPHER:** Sure. No problem at all.

13 **THE COURT:** Can you have a minute?

14 **MR. HOLFORD:** Yes, Your Honor.

15 **THE COURT:** Yes, you can have a minute. He wants a
16 minute and they don't have to do that together; you can go
17 chat with Mr. Spratlin because he's really who needs info.
18 Why don't you run.

19 **REPORTER'S NOTE:** (Counsel discussion with witness)

20 **MR. SPRATLIN:** Your Honor, can we approach again?

21 **THE COURT:** Sure.

22 **REPORTER'S NOTE:** (Bench conference with counsel).

23 **THE COURT:** Alright. Yes. Bye; safe travels.

24 Thank you. Alright. Yes?

25 **MR. HOLFORD:** Your Honor, this is the State of South

1 Carolina v. Shaquille Brandon Dozier, Bradon, excuse me for
2 indictment 2018-GS-26-05644, failure to stop for a blue light,
3 no injury or death, first offense. That's an offense that
4 carries 90 days up to 3 years. Although the 90 can be
5 suspended or a fine of not less than \$500. It's non-violent,
6 that is how it's been indicted. I believe the defendant
7 wishes to plead guilty to this one offense. However, the
8 State will still be going forward to trial on the carjacking
9 indictment, but I will present this sentence sheet to the
10 Court.

11 **THE COURT:** Alright. Very well. Before -- before we do
12 any of that, I'm going to -- I have listened to Dr.
13 Christopher, I have -- counsel, I have listened to your well
14 posed questions on both sides and I believe that the State has
15 met its burden under the Blair decisions and the South
16 Carolina related decisions and I do make a finding that Mr.
17 Dozier is competent to stand trial.

18 **MR. HOLFORD:** Thank you, Your Honor.

19 **THE COURT:** And now, with regards to the failure to stop
20 for a blue light and siren, what I think is appropriate at
21 this point is to take the plea, because I don't -- if he
22 intends to plead guilty to that, I don't want him tried on two
23 charges; I want him tried on just one that he does not plead
24 guilty to and then I will simply reserve sentencing until
25 after trial.

22 **MR. SPRATLIN:** Yes, Your Honor, I have gone over it with
23 him. I went over it with him yesterday and I also went over
24 with him several times throughout the course of my
25 representation.

1 **THE COURT:** Very well. In your opinion, does he
2 understand the nature of this offense, the maximum possible
3 penalty, and his rights?

4 **MR. SPRATLIN:** I believe he does.

5 **THE COURT:** Alright. And tell me how he wishes to plead?

6 **MR. SPRATLIN:** My understanding with my discussions with
7 him this morning is he wishes to plead guilty when it comes to
8 the failure to stop for a blue light charge.

9 **THE COURT:** And do you concur with his decisions?

10 **MR. SPRATLIN:** I do, Your Honor.

11 **THE COURT:** From your investigation of the facts and
12 circumstances of your client's case, do you believe that the
13 State could produce sufficient evidence to convict and
14 establish your client's guilty beyond a reasonable doubt and
15 if he was to stand trial, his conviction would be probable?

16 **MR. SPRATLIN:** I do.

17 **THE COURT:** Now, do you have any concerns regarding his
18 competency?

19 **MR. SPRATLIN:** The issues that I had, Your Honor, were
20 addressed earlier at the time of the evaluation. At a
21 hearing, I would stand by my questions and cross-examination
22 during that period.

23 **THE COURT:** Very well. I've made a determination that he
24 is competent based on the Blair hearing. Very well.

25 Alright. Now, Mr. Spratlin -- Mr. Dozier, I have many

1 questions to ask of you. The reason that I am asking you
2 these questions is to be sure that you are entering into these
3 proceedings freely and voluntarily. If you don't understand
4 my question, don't answer it, but let me know you don't
5 understand my question. And if you need to stop and speak
6 with Mr. Spratlin, I want you to feel absolutely free to do
7 that. Okay?

8 **MR. DOZIER:** Yes, Your Honor.

9 **THE COURT:** I need you to speak up for me just a little
10 bit.

11 **MR. DOZIER:** Yes, Your Honor.

12 **THE COURT:** I think as I get older, Mr. Dozier, maybe I'm
13 getting a little hard of hearing. So, if you can help me that
14 would great. And I'm going to ask you to do just as you're
15 doing answering with your voice, rather than with an uh-huh
16 (affirmative response) or huh-uh (negative response), because
17 that would mean that I would have to, or our court reporter
18 would have to interpret what you mean; I'll know what you
19 mean, probably, but I don't want anybody interpreting your
20 responses; I want them to be clear for our record. Okay?

21 **MR. DOZIER:** Yes, Your Honor.

22 **THE COURT:** Thank you. Alright. Now, Mr. Dozier, tell
23 me how old you are?

24 **MR. DOZIER:** I'm 26.

25 **THE COURT:** How far did you go in school?

1 **MR. DOZIER:** 9th grade.

2 **THE COURT:** And do you have your GED?

3 **MR. DOZIER:** Yes.

4 **THE COURT:** When did you get -- that is wonderful. When
5 did you get your GED?

6 **MR. DOZIER:** I forget.

7 **THE COURT:** So, at some point?

8 **MR. DOZIER:** Yes.

9 **THE COURT:** Okay. Now, when you were in school, Mr.
10 Dozier, were you in regular classes or resource classes?

11 **MR. DOZIER:** I was in -- I don't know. It's a connect
12 program.

13 **THE COURT:** Okay. Some of both. What is the connect
14 program; I'm not familiar with it?

15 **MR. DOZIER:** I don't really remember.

16 **THE COURT:** Okay. Okay. And how long have you been
17 detained; how long have you been locked up?

18 **MR. DOZIER:** A year and, I guess, two months.

19 **THE COURT:** Okay. And before you were locked up, Mr.
20 Dozier, were you working?

21 **MR. DOZIER:** No.

22 **THE COURT:** Alright. Have you ever worked?

23 **MR. DOZIER:** Yes.

24 **THE COURT:** And do you remember when that was?

25 **MR. DOZIER:** No.

1 **THE COURT:** Alright. What were you doing when you were
2 working?

3 **MR. DOZIER:** I was at a gas station.

4 **THE COURT:** Okay. And was it -- was it a convenience
5 store?

6 **MR. DOZIER:** Yeah.

7 **THE COURT:** Okay. And did you work inside the
8 convenience store as a cashier?

9 **MR. DOZIER:** Yes.

10 **THE COURT:** Okay. And do you remember which gas station
11 that was?

12 **MR. DOZIER:** No.

13 **THE COURT:** Okay. You don't remember whether or not it
14 was a BP or Shell or what it was?

15 **MR. DOZIER:** I don't remember.

16 **THE COURT:** You don't remember? Okay. Where was --
17 where were you; were you in Conway; were you in Myrtle Beach;
18 where were you?

19 **MR. DOZIER:** I was at Pawleys Island.

20 **THE COURT:** Pawleys Island. Okay. And did you work
21 there for years or months or ---

22 **MR. DOZIER:** For a month.

23 **THE COURT:** For a month?

24 **MR. DOZIER:** Yes.

25 **THE COURT:** And before you worked at that gas station,

1 where did you work?

2 **MR. DOZIER:** Ma'am?

3 **THE COURT:** Before you worked at that gas station, where
4 did you work? In other words, you worked at Pawleys Island at
5 that gas station. Before you went there, where did you work?

6 **MR. DOZIER:** I did -- I worked at Walmart.

7 **THE COURT:** Walmart; and what did you do at Walmart?

8 **MR. DOZIER:** I stocked shelves.

9 **THE COURT:** Okay. Are you married?

10 **MR. DOZIER:** No, ma'am. No, ma'am.

11 **THE COURT:** Do you have kids?

12 **MR. DOZIER:** No, ma'am, I'm not married.

13 **THE COURT:** You're not married. Do you have children?

14 **MR. DOZIER:** No, ma'am.

15 **THE COURT:** Alright. Have you ever been treated for
16 alcohol abuse or drug abuse?

17 **MR. DOZIER:** No, ma'am.

18 **THE COURT:** Have you ever received treatment for any
19 mental health challenges?

20 **MR. DOZIER:** No, ma'am.

21 **THE COURT:** You know, I heard from Dr. Christopher and I
22 know you've talked to some folks at the jail?

23 **MR. DOZIER:** Yes.

24 **THE COURT:** But and -- and I think she talked about some
25 -- maybe some treatment that you received at some point prior

1 to going to the jail, but other than that, have you received
2 any other counseling or treatment by a psychiatrist,
3 psychologist or -- or social worker or counselor?

4 **MR. DOZIER:** No, ma'am.

5 **THE COURT:** Okay. Alright. Now, in the last 72 hours
6 and let's say from, today is Tuesday, from Saturday forward,
7 if that's helpful, have you had any alcohol?

8 **MR. DOZIER:** No, ma'am.

9 **THE COURT:** Have you had any illegal drugs?

10 **MR. DOZIER:** No, ma'am.

11 **THE COURT:** Alright. Have you had any medicine?

12 **MR. DOZIER:** No, ma'am.

13 **THE COURT:** Alright. Have you had your Seroquel?

14 **MR. DOZIER:** Yeah, I've had Seroquel.

15 **THE COURT:** Okay. Alright. Well, you told me about
16 that. I learned about that yesterday. And did you have your
17 Seroquel yesterday?

18 **MR. DOZIER:** Yes.

19 **THE COURT:** And day before yesterday?

20 **MR. DOZIER:** Yes, ma'am.

21 **THE COURT:** Yes? Have you had it today?

22 **MR. DOZIER:** Yes. No, I had it yesterday night.

23 **THE COURT:** Yesterday. Do you take it at night?

24 **MR. DOZIER:** Yes.

25 **THE COURT:** Okay. Well, then I would presume you would

1 have it this evening. Alright. And this is a very general
2 question, Mr. Dozier, and I actually mean it to be general.
3 Are you aware of any issues that you have, and let me give you
4 some examples, these are just examples; a physical problem, a
5 nervous problem, drug or alcohol problem, are you aware of any
6 problem that you have that might or that could keep you from
7 knowing what you're doing here today?

8 **MR. DOZIER:** No, ma'am.

9 **THE COURT:** Alright. Now, Mr. Dozier, I want to talk --
10 well, I want to ask you this question. Are you on probation
11 or parole right now?

12 **MR. DOZIER:** No.

13 **THE COURT:** Okay. Let's talk about this charge. Okay?
14 You are charged with failure to stop for a blue light and
15 siren. Do you understand that this particular offense carries
16 from 90 days in jail to 3 years in prison?

17 **MR. DOZIER:** Yes.

18 **THE COURT:** And that's -- that's -- that's the potential
19 sentence and do you understand that this offense also has a
20 fine of not less \$500?

21 **MR. DOZIER:** Yes, ma'am.

22 **THE COURT:** So -- so, it's -- when you look at the
23 sentencing for this particular offense, it says 90 days to 3
24 years or a fine of not less than \$500; you understand that?

25 **MR. DOZIER:** Yes, ma'am.

1 **THE COURT:** But I do want you to understand, Mr. Dozier,
2 that under the law, sometimes there are minimum sentences that
3 cannot be reduced. This is not one of those; do you
4 understand that?

5 **MR. DOZIER:** Yes. I guess.

6 **THE COURT:** Alright. Very well. Now, the other thing
7 that I want to talk to you about, Mr. Dozier, is that failure
8 to stop for a blue light and siren, this is a first offense.

9 **MR. DOZIER:** Yes.

10 **THE COURT:** And it's what's called a graduated offense.
11 What that means is -- is that if I accept your plea, after
12 today, if you were to go out and do exactly the same conduct,
13 because that would not be a first offense, it would be a
14 second offense, the penalties and the consequences would be
15 worse, because it would be a second offense. For example,
16 failure to stop for a blue light and siren, where there's no
17 injury or death, second offense carries up to 5 years in
18 prison; do you understand?

19 **MR. DOZIER:** Yes.

20 **THE COURT:** Okay. That is a consequence of your plea
21 here today; do you understand?

22 **MR. DOZIER:** Yes.

23 **THE COURT:** Alright. Very well. Now, Mr. Dozier, you
24 have told me that you understand this offense. The maximum
25 possible penalty, the consequences of your plea today, keeping

1 these matters absolutely in the forefront of your mind, tell
2 me how do you plead to failure to stop for a blue light and
3 siren, where there's no injury or death, first offense?

4 **MR. DOZIER:** I plead guilty to that.

5 **THE COURT:** Okay. Do you understand that when you plead
6 guilty, you give up certain very important constitutional
7 rights?

8 **MR. DOZIER:** Yes, ma'am.

9 **THE COURT:** Alright. I want to talk about some of them
10 with you; I will not talk about them all. But if you have
11 questions, I want you to ask; you can ask me, or you can
12 certainly ask Mr. Spratlin. Okay?

13 **MR. DOZIER:** Yes.

14 **THE COURT:** For example, and I want to be very clear with
15 you, because we're about to select a jury in your other
16 charge, which is carjacking. Okay? All of the constitutional
17 rights that I'm going to be talking to you about, you waive --
18 you waive them only with regards to failure to stop for a blue
19 light and siren, first offense, because you are pleading
20 guilty to that?

21 **MR. DOZIER:** Yes.

22 **THE COURT:** What I'm about to tell you has absolutely no
23 application to the carjacking charge. Because all of your
24 constitutional rights are intact with regards to your
25 carjacking charge. Okay?

1 **MR. DOZIER:** Yes, ma'am.

2 **THE COURT:** You understand the difference?

3 **MR. DOZIER:** Yes, ma'am.

4 **THE COURT:** Okay. For example, with regards to the
5 failure to stop for a blue light and siren, Mr. Dozier, you
6 are giving up, because you're pleading guilty, you give up the
7 right to remain silent; because you're talking to me, you're
8 not being silent. You give up the presumption of innocence
9 and you give up your constitutional right against what's
10 called self-incrimination and what that means, is no one can
11 make you testify against yourself. And, Mr. Dozier, you're
12 under oath and you just told me that you're guilty of failure
13 to stop for a blue light and siren; you just gave up that
14 right, because I don't know what's more self-incriminating
15 than telling me that you're guilty.

16 So, that's a constitutional right that you give up when
17 you plead guilty. Again, this only is applicable to the
18 failure to stop for a blue light and siren.

19 **MR. DOZIER:** Yes.

20 **THE COURT:** You also give up your right to require the
21 State to prove you guilty beyond a reasonable doubt, if they
22 can. You give up your right to have your lawyer cross examine
23 witnesses with regards to this charge. You give up your right
24 to have your lawyer subpoena witnesses to come testify in your
25 defense and present defenses for you. You give up your right

1 to have your lawyer challenge any incriminating statements
2 that you may have made to the government and that's typically
3 law enforcement. And incriminating statements are those
4 statements that would be used to help convict you of the
5 offense. You give up your right to have your lawyer challenge
6 any stops or searches or seizures that you think were not
7 appropriate. You give up your right to a jury trial. And
8 there are other rights and it's important that you understand,
9 Mr. Dozier, because we're about to select a jury with regards
10 to the carjacking. If you wanted a trial with regards to the
11 failure to stop for a blue light and siren, first offense, you
12 would have a trial. And at that trial, it would be up to you
13 to decide if you wanted to testify or not exercise your Fifth
14 Amendment and in the event that you chose to exercise your
15 Fifth Amendment right and not testify, I would tell the jury
16 that the jury could not consider your decision not to testify
17 on the issue of whether you were guilty or not guilty. In
18 fact, I would tell the jury they were not allowed to even
19 discuss, to mention, your decision not to testify. Because
20 the exercise of your Fifth Amendment right, is your
21 constitutional right. You don't have to prove anything. The
22 burden of proof is and remains on the State to prove guilty
23 beyond a reasonable doubt and for that reason, I would tell
24 the jury that they could not even discuss your decision not to
25 testify.

1 So, these rights that we've talked about and there are
2 other ones, Mr. Dozier. With regards to failure to stop for a
3 blue light and siren, first offense, you give up when you
4 plead guilty. They are preserved for you at a trial; do you
5 understand?

6 **MR. DOZIER:** Yes.

7 **THE COURT:** Understanding that, do you understand that
8 when you plead guilty, you give up your right to have a jury
9 determine if you are guilty or not guilty?

10 **MR. DOZIER:** Yes.

11 **THE COURT:** Do you understand that if I accept your plea,
12 I will sentence you; I want allow -- I'm not going to do it
13 now; I'm going to wait until after the trial on the
14 carjacking. But, I am going to sentence you; do you
15 understand that?

16 **MR. DOZIER:** Yes.

17 **THE COURT:** Now, we're going to pause for just a moment
18 and review. You have told me that you understand the nature
19 of this offense, the maximum possible penalty, the
20 consequences of your plea and your constitutional rights. You
21 told me that you understand that you waive certain very
22 important ones when you plead guilty.

23 **MR. DOZIER:** Yes.

24 **THE COURT:** Keeping all of these matters in the forefront
25 of your mind, do you still wish to continue with your plea of

1 guilty?

2 **MR. DOZIER:** Yes.

3 **THE COURT:** Alright. Let me tell you what happens next
4 and why. Mr. Dozier, every plea must be supported by a
5 factual basis. And so, I am going to ask -- call on the State
6 to go over with me the facts that the State is prepared to
7 present at trial for the purpose of proving you guilty. And
8 when the state is finished, I'm just going to ask you is that
9 what happened and I need you to correct anything that I am
10 told that needs correcting so that I have an accurate picture
11 of what occurred. Okay?

12 **MR. DOZIER:** Yes.

13 **THE COURT:** Yes, sir.

14 **MR. HOLFORD:** Your Honor, I would respectfully request
15 also a warning. The factual basis for this is that he was
16 driving the victim's vehicle in the carjacking that we are
17 about to try. So, he will be admitting to being the driver of
18 that victims' vehicle. I know we're about to try that, so, I
19 would just request a, I don't know, a conversation with him
20 maybe about ---

21 **THE COURT:** I think -- I think that it bears mentioning
22 and I think we need to do that first.

23 **MR. SPRATLIN:** Your Honor, I've already done that.

24 **THE COURT:** Okay.

25 **MR. SPRATLIN:** I have explained to him the benefit of

1 going forward on both of these at trial, Your Honor, and he
2 has chosen to plead guilty to this charge.

3 **THE COURT:** Okay. Alright. I think that -- thank you,
4 Mr. Holford for that. Obviously, I don't know anything about
5 the facts.

6 **MR. HOLFORD:** Yes, Your Honor.

7 **THE COURT:** I really don't. So, it's really important,
8 Mr. Dozier, that you think about, when the solicitor goes over
9 the facts, as I understand what he's just told me, he's going
10 to tell me that the failure to stop for a blue light and siren
11 is -- is intimately a part of the carjacking, because when
12 you, allegedly at this moment, failed to stop for the blue
13 light and siren, you were driving the victim's car. You will
14 be admitting to one of the elements of -- at least one of the
15 elements of the carjacking. A critical element of the
16 carjacking. I want you to understand that if you go forward
17 at this moment with this plea, you could be assisting the
18 State in a very big way of -- of your own conviction on the
19 carjacking. And the carjacking obviously carries a lot more
20 time than -- than failure to stop for a blue light and siren.
21 I tell you that mainly because I didn't know that those were
22 the facts and Mr. Holford, as the solicitor has a duty under
23 our law, he has an ethical duty to do justice. He's telling
24 me that now, so that I have an opportunity to warn you. I'm
25 warning you and I'm also telling you, Mr. Dozier, if you want

1 to stop and withdraw this plea at this moment, I'm going to
2 let you do that. Because this very well -- it is not in your
3 best interest to plead at this time.

4 **MR. SPRATLIN:** Your Honor, just for the record, I have
5 advised him of that, and we are here on his insistence.

6 **THE COURT:** Yes, and I understand it and my concern was,
7 I didn't want him to be charged and tried for two charges, if
8 in fact, he was -- he intended to plead guilty to one. I'm
9 not so sure at this point. Well, that was my concern. I
10 simply state my concern for the record.

11 Now, as -- as Mr. Holford has shared with me, it's real
12 important that you understand that if you admit those facts,
13 you are helping with your own prosecution on the carjacking.
14 And I want to go over with you with regards to the carjacking,
15 and I want you to understand that the -- the carjacking under
16 South Carolina law carries ---

17 **MR. HOLFORD:** Up to 20 years. It's violent and most
18 serious.

19 **THE COURT:** Okay. It's an extremely serious offense,
20 with extremely serious consequences and you will be helping to
21 convict yourself; do you understand me?

22 **MR. DOZIER:** No, I do not understand.

23 **THE COURT:** Okay. Well, what I'm telling you is that
24 every plea must be supported by a factual basis. And in
25 admitting the underlying evidence that would support the

1 failure to stop for a blue light and siren, you're doing that
2 under oath. That becomes a statement against your interest,
3 and it will then become admissible in the trial for
4 carjacking. This is not in your best interest is what I'm
5 telling you. Do you understand that?

6 **MR. DOZIER:** I would like to object to that. The
7 carjacking had nothing to do with the blue light.

8 **THE COURT:** What now?

9 **MR. DOZIER:** I would like to object to that statement and
10 opinion of yours saying that it would be to speculate and
11 connect the charges. I understand that I was charged with
12 carjacking, but I plead guilty to what is actually seen on
13 video. So, I'm only pleading guilty to that.

14 **THE COURT:** You want to plead guilty to that?

15 **MR. DOZIER:** Yes, ma'am.

16 **THE COURT:** The problem, I understand. The problem is;
17 here's the problem. The problem is, is that the vehicle that
18 you were in was the victim's vehicle.

19 **MR. DOZIER:** Yes, ma'am.

20 **THE COURT:** Okay. You don't want to do that, because
21 you're helping to convict yourself of a carjacking. You
22 understand that? If you want to do that, that is ill advised;
23 that is not a good idea. It's just not a good idea, because
24 he's -- you're doing that under oath and you are helping the
25 State convict you of the carjacking. Is that something -- let

1 me ask you this question. Let me cut through it. Do you want
2 to assist the State in proving its' case against you for
3 carjacking?

4 **MR. DOZIER:** No, ma'am.

5 **THE COURT:** Do you want to resist a conviction for
6 carjacking?

7 **MR. DOZIER:** Yes.

8 **THE COURT:** Then you must withdraw your plea, if that is
9 your intention. Do you understand?

10 **MR. DOZIER:** No, ma'am.

11 **THE COURT:** This is simple. I'm not going to accept the
12 plea. I'm not going to let him do it. He's told me that he
13 does not want to assist you. You know, and let me just say to
14 everyone in this courtroom, that what you have just witnessed
15 is that you have just witnessed a solicitor honor his ethics
16 and -- and -- it is a -- I believe that the most difficult
17 ethical obligation under the law from any lawyer is that which
18 exists for solicitors. I do. The reason that I think that is
19 because you are called on to prove a case against an
20 individual beyond a reasonable doubt. It's the highest level
21 under the law. That is the highest level. You have to be an
22 advocate. You have to be a serious advocate to be able to do
23 that on behalf of the State of South Carolina. And yet, your
24 obligation under the law, is not to go get them. You're not
25 allowed that. You must do justice and that is your ethical

1 obligation. You just did that. I applaud that. I want to
2 congratulate you for that. You do -- you do service to your
3 fellow members of the bar, sir.

4 **MR. HOLFORD:** Thank you, Your Honor.

5 **THE COURT:** And thank you for that. Now, if you -- do
6 you need a moment, Mr. Spratlin, to just explain that any
7 further to Mr. Dozier, because I certainly want him to
8 understand fully.

9 **MR. SPRATLIN:** Your Honor, if we could just a moment, I -
10 - I've tried to explain it to him as it has been going on, but
11 I think he may still have a little question.

12 **THE COURT:** Sure. Absolutely. Do you need to step out
13 to -- to a private place, or you can do it there?

14 **MR. SPRATLIN:** No, Your Honor, we can do it.

15 **THE COURT:** Great. And tell the -- tell the jury panel
16 to rev up. Now, does any -- I love what they call it down in
17 Beaufort County; they call it a comfort break. Does anybody,
18 before we -- oh, look who's here; do we need to take a comfort
19 break; I think we do before we begin; I would like one; how
20 about y'all?

21 **MR. HOLFORD:** Yes, Your Honor.

22 **THE COURT:** Let us take about a 5-minute comfort break.
23 You can get that done; we'll take a comfort break and then
24 we'll bring the jury out.

25 **MR. HOLFORD:** Thank you.

1 (COURT IN RECESS)

2 THE COURT: Y'all be seated. Thank you so much. Yes,
3 sir? Everybody -- y'all ready for the jury to come on in?

4 MR. HOLFORD: Yes, Your Honor.

5 MR. SPRATLIN: Yes, Your Honor.

6 THE COURT: Yes. Yes. Wonderful.

7 MR. HOLFORD: I think the clerk's office is getting a
8 list.

9 THE COURT: I know. She's coming right back. Yeah.
10 Yes. Yes. Absolutely. Absolutely. Now, voir dire, any
11 changes on voir dire; do you have any?

12 MR. HOLFORD: Nothing, Your Honor.

13 THE COURT: I mean, I can handle it.

14 MR. SPRATLIN: I'm sorry, Your Honor.

15 THE COURT: Voir dire?

16 MR. SPRATLIN: No, Your Honor. No, voir dire.

17 THE COURT: Just the normal, right?

18 MR. HOLFORD: Yes, ma'am.

19 THE COURT: Got it. And, Ms. Walker, is she coming back?

20 MR. HOLFORD: She's right here, Your Honor.

21 THE COURT: There she is.

22 MS. WALKER: I'm here, Your Honor.

23 THE COURT: I was worried about -- no, no, no, no, no.
24 It's a thing. It's a thing.

25 MR. SPRATLIN: Your Honor, at the appropriate time, I

1 will be moving to sequester the witnesses.

2 **MR. HOLFORD:** And just for the record, Crystal Buckingham
3 an officer with Horry County is my lead officer and Kathleen
4 Snyder is the victim.

5 **THE COURT:** Sure. Obviously they're entitled -- the
6 victim is entitled to be -- victim or victims are entitled to
7 be present as is your case officer.

8 **MR. HOLFORD:** Thank you, Your Honor.

9 **THE COURT:** Sure. And just while we've got a moment, 10,
10 5 -- I think we -- I think we need one alternate, just in an
11 abundance of precaution; do you think we need more than 1
12 alternate?

13 **MR. SPRATLIN:** I wouldn't think so, Your Honor.

14 **THE COURT:** I don't think we do. I really don't.

15 **MR. HOLFORD:** No, Your Honor.

16 **THE COURT:** Okay. All right. Very well. And I may
17 change my mind and do 2, but we might be a little bit short.

18 **MR. SPRATLIN:** Your Honor, may we approach?

19 **THE COURT:** Of course. Look at them run.

20 **REPORTER'S NOTE:** (Bench conference with counsel.)

21 **MR. SPRATLIN:** May we approach again?

22 **THE COURT:** Of course.

23 **REPORTER'S NOTE:** (Bench conference with counsel).

24 **THE COURT:** Right, you're exactly right, which is good.
25 That way we can have two alternates. Yeah. Alright.

1 **REPORTER'S NOTE:** (Jury enters courtroom 11:23 A.M.).

2 **DEPUTY:** Your Honor, excuse me, one juror went to the
3 restroom.

4 **THE COURT:** Oh, okay.

5 **DEPUTY:** She'll be right back.

6 **THE COURT:** Okay. Good morning. I'm going to say it
7 again when the other person comes back. Probably embarrass
8 them when they walk in, because I'll say good morning when
9 they walk in.

10 My name is Diane Goodstein and I am one of the 2 resident
11 judges from the 1st Judicial Circuit. You do not live in the
12 1st Judicial Circuit. The 1st Judicial Circuit is Dorchester,
13 Orangeburg and Calhoun county. We are responsible for keeping
14 Charleston at bay on one side and Columbia at bay on the other
15 side, because we like makeup all I-26 in between. So, what in
16 the world; did I get lost, because as we know, that
17 interstate, which ought to be coming to Horry County is not
18 coming to Horry County. So, did I get lost; no, I am the
19 lucky judge that was assigned by our Chief Justice to be here
20 in Horry County this week. And am I excited; oh, yes. I'm
21 going to clue all of you in on a secret. There are 2 places
22 in the state that every judge wants to go; one of them is
23 Charleston and the other is Horry County. So, I got to come
24 to Horry County this week. I am so excited to be here.

25 So, ladies and gentlemen, as I say, I'm from Dorchester

1 County. I am from the 1st Judicial Circuit and the reason
2 that I'm here is that because -- hi, good morning. So, we as
3 -- I'm actually called a Circuit Court Judge. I am in the
4 constitution. I am so old, I'm actually in the -- the Circuit
5 Court position is in our constitution. And what our
6 constitution says is that we rotate around our circuit and
7 because I am a resident judge, I will always have jurisdiction
8 in my circuit, but I can be assigned and we are supposed to,
9 by our constitution, to rotate outside of our circuit and
10 around the state. And so, this week, I have jurisdiction and
11 an assignment from our Chief Justice here in Horry County. It
12 is -- and, you know, I am so blessed to have this job because
13 I get to go to so many wonderful places in our state that
14 otherwise I would not have been to. Let me give you an
15 example. Whose been to Allendale, South Carolina? See, me
16 either. I got to go Allendale, South Carolina. Anybody been
17 to Chester, South Carolina? I got to go to Chester, South
18 Carolina for the first time two weeks ago. Well, Chester is -
19 - two things. Allendale has the Cooter Festival. I was
20 beyond excited and I did not realize that Allen Burr, when he
21 tried to convince everyone west of the Mississippi to form a
22 whole nother country; I didn't know that. Well, he was --
23 they took him back and tried him in Washington for treason; I
24 didn't know that. Well, the reason I learned about it is
25 because I was in Chester two weeks ago and the reason, this is

1 so funny, the reason that I learned about all of that, is
2 because he escaped from the -- the federal folk that had him;
3 he escaped in Chester, but he didn't run; he found a rock and
4 stood on top of the rock and said, you folks from Chester need
5 to join us west of the Mississippi and form a whole brand new
6 country. And the people in Chester said did you fall and bump
7 your head; no, dude, they just went and grabbed him, put him
8 back in shackles and took him off to Washington. I learned
9 that last week in Chester.

10 So, as a Circuit Court Judge, not only do I have the
11 pleasure of -- of riding my circuit, but also with have the
12 joy of -- of going all around our wonderful state. And I want
13 to thank you. I know that you had a chance to meet Judge
14 Nettles, who is just extraordinary, yesterday. I know he did
15 the jury qualification. I'm so excited that you had an
16 opportunity to spend some time with him, because he truly is
17 extraordinary. And I'm so grateful to you for reporting for
18 your jury service and let me tell you why and I know he talked
19 about it. But it's so important that you be thanked and it's
20 so important that it be underscored that you are where the
21 rubber meets the road in our democracy, because you responded
22 to your juror summons. And what it is that we do in our
23 country, is that we invite, I like to say, I know it's a
24 summons, but we invite people to come in from our communities
25 all over our country and help fellow citizens resolve

1 disputes. I cannot tell you anything other than that is the
2 most powerful way that people have ever come up with to help
3 fellow citizens resolve disputes. It is unbelievably
4 powerful, and you are the heart and the soul of that. If you
5 were not here, there would be no reason for any of us to be
6 here. And for that, I am so grateful. We are all so
7 grateful. I know that it is a sacrifice and when you get your
8 juror check for your time, you will know how much of a
9 sacrifice it was. But I must tell you, it is critical that
10 you're here.

11 You, now, this morning, have reported for this term of
12 General Sessions or Criminal Court and we know that one side
13 of the equation this week, because it's General Sessions Court
14 or Criminal Court, one side of the equation, one of the
15 parties will be the State of South Carolina. And the State of
16 South Carolina has alleged that a citizen has a violated one
17 or more of the criminal laws of the State of South Carolina.
18 That citizen has pled not guilty and that plea places upon the
19 State, the burden of proving each and every allegation beyond
20 a reasonable doubt. It will be the duty of the jurors to
21 determine whether the State has met its burden of proof. And
22 that will be the task that our jurors will be doing this week.
23 It's so critical, it's so important that you are here. I
24 thank you and I will continue to thank you.

25 Now, you have been qualified as jurors. That happened

1 yesterday with Judge Nettles. In just a moment, I am going to
2 be calling on Solicitor Holford to please call our first case
3 for trial this week and what he's going to be doing is that
4 he's going to be talking about an indictment. And he's going
5 to call that case and then I'm going to tell you, once he's
6 done that, I'm going to tell you what an indictment is and
7 what it is not. I'll have the opportunity to read to you some
8 of the allegations of the indictment or indictments, and then
9 I'm going to ask you some questions and then we're actually
10 going to qualify our jury. We're going to select our jury and
11 then we'll begin this trial. So, that's what we have -- and
12 then those of you are not selected to serve, see these will be
13 my tears because I'll be so sad. Those of you who are not
14 selected to serve on our jury, then I'll give you some
15 additional instruction about how the Court can stay in contact
16 with you for the rest of this week.

17 So, ladies and gentlemen, that gives you an overview of
18 how we're going to be proceeding this morning, and at this
19 time, I'm going to call on Solicitor Holford to please call
20 our first case for trial.

21 **MR. HOLFORD:** Thank you, Your Honor. The State calls the
22 State v. Shaquille Bradon Dozier. It's indictment 2018-GS-26-
23 05643 for carjacking and 2018-GS-26-05644 for failure to stop
24 for a blue light, no injury or death, first offense.

25 **THE COURT:** Thank you very much. Ladies and gentlemen,

1 what has just occurred is that Solicitor Holford has called to
2 my attention, our first case for trial this week. He has made
3 reference to an indictment. What is an indictment; it's a --
4 first of all, I have one up here, right. I know I didn't want
5 it, because I'm not liable. The first thing is it's a piece
6 of paper. And what it is, is it's notice to a citizen that
7 the State maintains that that citizen has or alleges that that
8 citizen has violated one or more of the criminal laws of the
9 State of South Carolina. It's a notice document and it is not
10 in any way evidence of any of the allegations that it
11 contains. It is a notice document.

12 Now, ladies and gentlemen, to each and every allegation
13 of each of these two indictments, I will hasten to tell you
14 that Mr. Dozier, who is present; Mr. Dozier, who is the
15 defendant, he has pled not guilty to each and every allegation
16 of both of these indictments and there are two. Now, that
17 places the burden to prove each and every allegation of each
18 of these two indictments, the burden is on the State to prove
19 the allegations, each one of them beyond a reasonable doubt.

20 Now, ladies and gentlemen, in just a moment, I am going
21 to be reading to you some of the allegations of these
22 indictments. Why would I do that? Ladies and gentlemen, the
23 reason that I'm doing that is quite simple; it is to find out
24 whether or not any of you know or think you may know or have
25 you heard or think you may have heard anything about these

1 allegations. That's the reason I'm going to be reading to you
2 the -- some of the allegations of the indictment.

3 Now, counsel, obviously both of you have had an
4 opportunity to see the indictments. Alright. Now, ladies and
5 gentlemen, the first indictment that I'm going to be reading
6 to you, some of the allegations would be indictment number
7 2018-GS-26-05643 and, ladies and gentlemen, this indictment is
8 an indictment alleging carjacking. And the facts, which are -
9 - or the particulars, I should say, that are alleged in this
10 indictment are as follows. That Shaquille Bradon Dozier did,
11 in Horry County, on or about July 3rd, 2018, take and/or
12 attempt to take one 2015 Jeep Wrangler Unlimited from Kathleen
13 Snyder, by force and violence or by intimidation, while said
14 victim was operating and/or occupying the vehicle, in
15 violation of section and then there's a code, a statute that
16 is cited, 16-3-1075(b)(1) of the South Carolina Code of Laws.

17 Ladies and gentlemen, again, to each and every
18 allegation, Mr. Dozier has pled not guilty. My question is,
19 do any of you or think you may know, or have you heard or
20 think you may have heard anything about these allegations; if
21 so, please stand at this time?

22 I find no one standing. The next indictment, ladies and
23 gentlemen, is indictment number 2018-GS-26-05644. This
24 indictment alleges failure to stop for a blue light siren and
25 alleges as follows. That Shaquille Braden Dozier did, in

1 Horry County, on or about July the 3rd, 2018, while operating
2 a motor vehicle on a road, street or highway of the State of
3 South Carolina, did refuse and failed to stop his motor
4 vehicle when signaled to do so by a law enforcement vehicle by
5 means of a siren and/or flashing light in violation, and
6 again, there's a code section cited; Section 56-5-750(b)(1),
7 South Carolina Code of Laws.

8 Ladies and gentlemen, to each and every allegation, the
9 defendant has pled not guilty. Ladies and gentlemen, do any
10 of you know or think you may know, or have you heard or think
11 you may have heard anything about these allegations; if so,
12 please stand at this time.

13 I find no one standing. Ladies and gentlemen, I want to
14 share with you that in so many ways, we're a little unique in
15 South Carolina and in South Carolina, the lawyers who
16 represent the State, the prosecuting lawyers, are not called
17 District Attorneys as you often will see in movies or perhaps
18 in books, or on television. They're oft times are called the
19 State's Attorney or the District Attorney. We in South
20 Carolina, call our prosecuting attorneys, solicitors. It is
21 no doubt an omage if you will to the fact that we're one of
22 the original colonies. It is probably oddly to be an omage to
23 England. We call our prosecuting attorney's solicitors. So,
24 if you're thinking District Attorney, that would be some other
25 state; our prosecuting attorneys that represent the State, are

1 called solicitors.

2 Ladies and gentlemen, please allow me to introduce to
3 you, Solicitor Holford, Solicitor Walker and they're going to
4 stand and introduce themselves. What they did not know that I
5 was going to ask them to do is to give you the names of the
6 folks in their office. Whose going -- go Solicitor Walker.

7 **MS. WALKER:** Okay. I am Cara Walker. I'm an assistant
8 solicitor here in Horry County. So, myself along with Senior
9 Assistant Solicitor Josh Holford, are going to try this case
10 and then in our office we have -- would you like all of the
11 solicitor's names?

12 **THE COURT:** Absolutely.

13 **MS. WALKER:** Okay. We'll give it our best shot and Josh
14 can fill me in when I forget one. So, as most of you may know
15 our elected solicitor is Jimmy Richardson. Assisting him is
16 our deputy is Scott Hixson. And then we have senior solicitor
17 Nancy Livesay; we have Scott Graustein; we have assistant
18 solicitor Chris Helms; assistant solicitor Seth Oskin;
19 assistant solicitor George Henry Martin; assistant solicitor
20 Jonathan Miles; we have assistant solicitor Katie Owen;
21 assistant solicitor Tom Terrell; we have a Adalyn Harrelson;
22 Ryan Waller; we have senior assistant solicitor David Caraker;
23 and senior assistant solicitor Lauree Richardson; and we have
24 O'Brien Martin; and Tyler Bratton. I believe -- and also in
25 Magistrate Court we do have assistant solicitor Pierce Haar;

1 and Stephanie Everett. Oh, George Debusk. Okay. And then
2 in Family Court, we have assistant solicitor Lauren Vinson,
3 Caroline Fox and we also have senior solicitor George Debusk.
4 I think that's everybody.

5 **THE COURT:** Excellent. And of course, the solicitor?

6 **MS. WALKER:** Right, Jimmy Richardson.

7 **THE COURT:** Very well. Thank you so much. If you'd
8 stand and introduce yourself?

9 **MR. HOLFORD:** I'm Josh Holford.

10 **THE COURT:** Thank you. Thank you. Ladies and gentlemen,
11 I'm going to ask the question, but then I want to define a
12 portion of it for you. The question is going to be this. Are
13 you related by blood or marriage or acquainted with Solicitor
14 Holford, Solicitor Walker, or any of the members of their
15 office? Now, let me, I need to define acquainted with,
16 because I intend a very, very generalized definition of
17 acquainted with. I'm trying to find out if you have any
18 connection with these folks at all. I may ask some follow-up
19 questions, but the beginning question is, do you have any
20 connection with the folks that I'll be asking you about at
21 all? Let me give you a couple of examples. It may be that
22 I'll ask you are you related by blood or marriage or
23 acquainted with so and so. Well, you went to school with so
24 and so 20 years ago. You haven't seen so and so in 20 years;
25 you haven't thought about him in 20 years; but you know you

1 went to school with so and so 20 years ago. Well, believe it
2 or not, that relationship is old and limited as it is, would
3 be encompassed within my definition of acquainted with and you
4 would stand, and I would ask you some follow-up questions. It
5 may be that you simply work at the same location with someone
6 who I'll ask you about, and that is the extent of your
7 relationship. Maybe you wave at each other occasionally
8 across the parking lot. Believe it or not, that relationship,
9 as limited as it is, would be encompassed within my definition
10 of acquainted with. I'll ask you some follow-up questions,
11 but I'm trying to find out if you have any connection with the
12 folks that I'll be asking you about at all. And again, with
13 that definition, that very broad definition now explained, I
14 will ask the question again.

15 Are you ---

16 **MR. HOLFORD:** Your Honor?

17 **THE COURT:** You forgot somebody?

18 **MR. HOLFORD:** Assistant solicitor Greg Ervin, he is
19 leaving our office, but he is still employed with our office
20 as of now.

21 **THE COURT:** We knew there was a reason, you know, that
22 Ms. Walker brought him. Wonderful. Thank you, Mr. Holford.

23 **MS. WALKER:** One of the reasons.

24 **THE COURT:** You had one. She had 412. All right. Now,
25 ladies and gentlemen, are you related by blood or marriage or

1 acquainted with either Solicitor Holford, Solicitor Walker, or
2 any of the attorneys or other folks that you may know in the
3 Solicitor's Office; if so, please stand at this time?

4 I find no one standing. Ladies and gentlemen, please
5 allow me to introduce you to -- to Mr. Dozier, to Mr.
6 Shaquille Bradon Dozier. If Mr. Dozier could stand and face
7 our jury panel and just thank you so much, Mr. Dozier, that's
8 perfect and you may be seated. Thank you.

9 Ladies and gentlemen, are you related by blood or
10 marriage or acquainted with Mr. Shaquille Bradon Dozier; if
11 so, please stand at this time?

12 And I find no one standing. Now, ladies and gentlemen,
13 please allow me to introduce you to Mr. Martin Spratlin. This
14 is Mr. Spratlin; he represents Mr. Dozier. He's going to give
15 you the names of the folks in his office and thank you so much
16 for that Mr. Spratlin?

17 **MR. SPRATLIN:** Thank you, Your Honor. I actually had
18 time to prepare while Ms. Walker was giving all of hers. I
19 currently work with Ms. Orrie West; attorney Eric Fox;
20 attorney James Galmore; attorney Clay Pinkerton; attorney Cole
21 Kale; attorney Sharde Crawford; attorney James Stanko;
22 attorney Paul Rathbun; attorney John Hiller and attorney Kia
23 Wilson.

24 **THE COURT:** Thank you so much. Now, ladies and
25 gentlemen, are you related by blood or marriage or acquainted

1 with, or have you or any member of your immediate family, to
2 your knowledge, ever been represented by Mr. Spratlin or any
3 of the attorneys in his office; if so, please stand at this
4 time?

5 And I find no one standing. Now, ladies and gentlemen,
6 in just a moment, I'm going to be going over with you a list
7 of potential -- potential witnesses in this case. The
8 attorneys give to me a list of potential witnesses, because
9 this -- yes, sir, your number or name?

10 **JUROR 375:** Juror 375.

11 **THE COURT:** Yes, sir.

12 **JUROR 375:** I know Kia Wilson.

13 **THE COURT:** Gotcha. That's fine. Hold one. Let --
14 perfect. You know attorney Wilson?

15 **JUROR 375:** Yes.

16 **THE COURT:** Very well. I got -- I have just a couple of
17 follow-up questions. Do you know attorney Wilson -- if you
18 stand, it's just easier to hear you.

19 **JUROR 375:** Okay.

20 **THE COURT:** I don't know, you've got a big voice, so you
21 could probably be in the other room and we could hear you
22 fine. But, would you -- I just have a couple of follow-up
23 questions. Now, would you describe your relationship with
24 attorney Wilson as more of a professional or a personal nature
25 and I need you to just -- I need you to do just answer those

1 questions, because and I have reasons for having limited
2 responses?

3 **JUROR 375:** Okay.

4 **THE COURT:** Is it more of a professional relationship or
5 a personal relationship.

6 **JUROR 375:** I'm trying to make if this is the right Kia
7 Wilson. Is she black?

8 **MR. SPRATLIN:** Yes, sir.

9 **JUROR 375:** Okay.

10 **THE COURT:** And it would one of those two, professional
11 or personal and you can't ---

12 **JUROR 375:** Personal

13 **THE COURT:** Personal?

14 **JUROR 375:** Yes.

15 **THE COURT:** All right. Let me ask this question. Do you
16 visit in each other's homes?

17 **JUROR 375:** Yes.

18 **THE COURT:** And when is the last time that either she
19 visited in your home or you visited in her home?

20 **JUROR 375:** I went to her father house for Christmas.

21 **THE COURT:** Okay. Alright. And that was in 2018?

22 **JUROR 375:** Yes.

23 **THE COURT:** Are you related? You are not related?

24 **JUROR 375:** No.

25 **THE COURT:** You're friends with her dad?

1 **JUROR 375:** I grew up with the family.

2 **THE COURT:** Got it. That's it. That's -- I understand.
3 Now, it is my understanding that attorney Wilson will not,
4 excuse me -- will not be involved in this trial.

5 **JUROR 375:** Okay.

6 **THE COURT:** As a result of that, having that benefit of
7 that information, would the fact that Ms. Wilson is the same
8 firm with Mr. Spratlin, same office with Mr. Spratlin, would
9 that have an effect on your ability to be completely fair and
10 impartial, both to the State as well as to Mr. Dozier?

11 **JUROR 375:** No.

12 **THE COURT:** Can you set that relationship completely
13 aside?

14 **JUROR 375:** Oh, yes.

15 **THE COURT:** And make up your mind based on what you hear
16 in Court?

17 **JUROR 375:** Yes.

18 **THE COURT:** Thank you. Please stay with us. Excuse me.
19 Now ---

20 **JUROR:** I need to walk around.

21 **THE COURT:** I'm sorry.

22 **JUROR:** I'm recovering from back surgery and just need to
23 walk around.

24 **THE COURT:** Oh, sure. Great. Have a stroll.

25 **JUROR:** I'm sorry.

1 **THE COURT:** No worries. Now, in a moment, I'm going to
2 be asking you if you are related by blood or marriage or
3 acquainted to any of the potential witnesses in this matter.
4 The lawyers give to me a list of potential witnesses. At this
5 juncture, simply so I can ask this question, so, what I'm
6 going to ask is if these folks -- if they are present in the
7 courtroom, I am going to ask that they please stand as their
8 names are called. And the reason for that, is because it is
9 so much easier to put a face with the name than just the name.
10 So, I'm going to ask if -- if I call your name and you're
11 present in the courtroom, please stand and let me say that the
12 question as to each of these folks is are you related by blood
13 or marriage or acquainted with any -- any of the following.
14 Kristen Eyre; is it Eyre or Eyre?

15 **MR. HOLFORD:** Eyre, Your Honor.

16 **THE COURT:** Eyre, I'm sorry. Kristen Eyre; Sheresa
17 Christopher; Ryan Leahy; Kathleen Schnyder. Ah, thank you,
18 and this is Ms. Schnyder?

19 **MS. SCHNYDER:** Yes, ma'am.

20 **THE COURT:** Thank you so very much and you may be seated.
21 Thank you. Crystal Buckingham. Thank you so much and this is
22 Crystal Buckingham. Thank you so much and you may be seated.
23 Floyd Truss. Ah, thank you. This is Mr. Truss. You may be
24 seated, Mr. Truss. Brandon Stokes and this is Mr. Stokes.
25 Thank you and you may be seated, Mr. Stokes. And Pete

1 Cestare. Pardon, I said it bad.

2 **MS. WALKER:** Cestare.

3 **THE COURT:** Cestare. Thank you. Cestare, Pete Cestare.

4 Ladies and gentlemen, are you related by blood or
5 marriage or acquainted with any of those individuals; if so,
6 please stand at this time?

7 **JUROR 330:** You said if we know any of them?

8 **THE COURT:** Yes. And your name or number?

9 **JUROR 330:** 330.

10 **THE COURT:** Alright. 330, tell me, and I want you to
11 just answer my questions because I'm asking you specific
12 limited questions for a purpose. Okay? Tell me who you know?

13 **JUROR 330:** Brandon Stokes.

14 **THE COURT:** You know Brandon Stokes?

15 **JUROR 330:** Yes.

16 **THE COURT:** All right. Would you describe that
17 relationship as one that is more professional or personal?

18 **JUROR 330:** A little bit of both.

19 **THE COURT:** A little bit of both. Okay. And do you
20 visit in each other's homes?

21 **JUROR 330:** No.

22 **THE COURT:** Alright. And as a result of Mr. Stokes being
23 a potential witness in this case, do you believe that that
24 might or that could interfere in any way with your ability to
25 be completely fair and -- fair and impartial both to the State

1 as well as to Mr. Dozier?

2 **JUROR 330:** Honestly, maybe.

3 **THE COURT:** Alright. Very well. I'm going to ask you to
4 sit this one out, please.

5 **JUROR 330:** Yes, ma'am.

6 **THE COURT:** And thank you very much but stay with me
7 because I have some instructions to give.

8 Now, ladies and gentlemen, oh, I should ask anyone else.
9 Yes, if you'd please stand. Your number?

10 **JUROR 314:** 314.

11 **THE COURT:** Tell me who you know?

12 **JUROR 314:** I don't know him by name, but he's just an
13 officer whose been in our neighborhood a couple of times.

14 **THE COURT:** Alright. Very well. That's sufficient. And
15 as a result of that acquaintanceship, might that -- could that
16 interfere with your ability to be completely fair and
17 impartial both to the State as well as to Mr. Dozier?

18 **JUROR 314:** I wouldn't think so, but I just wanted to go
19 ahead and mention it.

20 **THE COURT:** Very well. So, I'll follow up with this
21 question. Can you set whatever contact you may have had, just
22 as you've described it, may you set -- can you set that aside
23 and make up your mind based solely on what you hear in court
24 while court is in session?

25 **JUROR 314:** Yes, ma'am.

1 **THE COURT:** Very well. Thank you. Please stay with us
2 And did y'all get the number of that juror, yes?

3 **MR. HOLFORD:** Yes, Your Honor.

4 **MR. SPRATLIN:** Yes, Your Honor.

5 **THE COURT:** All right. Now, ladies and gentlemen, with
6 regards to my next question, I'm going to ask the question and
7 I'm going to ask that if you need to respond, I'm going to ask
8 you to approach.

9 Ladies and gentlemen, have you or any member of your
10 immediate family, to your knowledge, ever been the victim,
11 ever been the victim of, or ever charged with a crime, and I'm
12 not talking about a speeding ticket, but a crime; if so, I'm
13 going to ask you to please stand and come forward. Have you
14 or any member of your immediate family ever been charged with,
15 or your family member to your knowledge, ever been the victim
16 of a crime; if so, please come forward at this time?

17 Yes? I'm asking they come forward one at a time and I
18 just need numbers.

19 For those of you who approach, let me tell you what I'm
20 going to ask you to do. I need enough volume just for our
21 court reporter to be able to hear you and we will gather
22 around. If we hear you, fine. I just need my court reporter
23 and my intention is for your volume to be low enough so that
24 my court reporter can hear, but no one else. Okay.

25 **REPORTER'S NOTE:** (Bench conference with jurors and

1 counsel).

2 **JUROR 15:** My father was in prison for 15 years for
3 murder by child neglect.

4 **THE COURT:** Gotcha. As a result of that occurrence -- I
5 should ask, how long ago was that?

6 **JUROR 15:** Well, he got out in 2013.

7 **THE COURT:** Okay. As a result of that experience, do you
8 believe that that experience might or could in any regard,
9 interfere with your ability to be completely fair and
10 impartial both to the state as well as to Mr. Dozier?

11 **JUROR 15:** No.

12 **THE COURT:** No? And do you believe you can set that
13 completely aside and make up your mind based upon what you
14 hear in court while court is in session?

15 **JUROR 15:** Yes.

16 **THE COURT:** Now, let me ask one other question. You are
17 very young. So, you may not know the answer to this. Do you
18 happen to know the agency that prosecuted?

19 **JUROR 15:** I do not.

20 **THE COURT:** Okay. Very well. Well, as I say, you're so
21 young, you may not know. Very well. Thank you. Please stay
22 with us.

23 **MR. SPRATLIN:** Juror number?

24 **JUROR 15:** 15.

25 **MR. SPRATLIN:** 15?

1 **JUROR 15:** Yes.

2 **MR. SPRATLIN:** Thank you.

3 **THE COURT:** Yes, and your juror number?

4 **JUROR 39:** 39.

5 **THE COURT:** Perfect. Thank you. Alright. Yes, ma'am?

6 **JUROR 39:** My son. He's been out for 6 years now.

7 **THE COURT:** All right. That's the response that we are
8 looking for. Let me ask a follow-up question. As a result of
9 that experience, do you believe that might or that could in
10 any regard, interfere with your ability to be completely fair
11 and impartial both to the State as well as to Mr. Dozier?

12 **JUROR 39:** No.

13 **THE COURT:** Can you set that experience aside and make up
14 your mind based on what you hear in court ---

15 **JUROR 39:** I can.

16 **THE COURT:** --- while court is in session. And one final
17 question and you may not know the answer to this and that is
18 perfectly fine if you do not, but do you know the agency that
19 prosecuted your son?

20 **JUROR 39:** I don't know.

21 **THE COURT:** Okay. Very well. Thank you so much. Please
22 stay with us.

23 And your number?

24 **JUROR 92:** 92.

25 **THE COURT:** 92. Yes, sir, now, just enough volume for my

1 court reporter to hear and no one else needs to hear. Yes,
2 I'm listening?

3 **JUROR 92:** I was victim, broken into house. (inaudible)

4 **THE COURT:** And was this person apprehended, caught?

5 **JUROR 92:** I don't understand what you mean?

6 **THE COURT:** Did they get --- did they get ---

7 **JUROR 92:** No.

8 **THE COURT:** They did not get the person; okay. Alright.
9 Very well. As a result of that occurrence, do you believe
10 that that might or could in any -- in any respect, keep you
11 from being able to be fair and impartial both to the state as
12 well as the defendant?

13 **JUROR 92:** I'm really not sure because I really scared.

14 **THE COURT:** Yeah.

15 **JUROR 92:** When I came here ---

16 **THE COURT:** Uh-huh (affirmative response). Yes.

17 **JUROR 92:** --- and have what I have now and ---

18 **THE COURT:** Are you concerned that it could?

19 **JUROR 92:** Maybe.

20 **THE COURT:** Very well.

21 **JUROR 92:** I want to be honest.

22 **THE COURT:** I'm so grateful for your candor. I'm going
23 to ask you to sit this one out, but don't leave yet because I
24 have further instructions.

25 **JUROR 92:** Okay.

1 **THE COURT:** Thank you.

2 **JUROR 92:** Thank you.

3 **THE COURT:** Now, the last question and it is broad, and I
4 mean it to be just as broad as it is. Ladies and gentlemen,
5 do you know any reason why you should not, could not, ought
6 not, be a juror in this case; being ready, willing, and able
7 to listen to the evidence and make up your mind based solely,
8 based only on what you hear in court while court is in
9 session, being completely unaffected by matters? The case law
10 talks about matters extraneous. What that means is, matters
11 outside the court; anything else, any -- maybe you don't like
12 cases; maybe you don't like court; maybe you worried about the
13 chairs, I don't know. In other words, can you think of any
14 reason why you ought not or should not be a juror in this
15 case, because you must be ready, willing and able to listen to
16 the evidence, make up your mind based solely on what you hear
17 in court while court is in session, being completely fair and
18 impartial both to the State as well as to Mr. Dozier; if you
19 have any concerns about that, I want you to come forward at
20 this time and let me give you some examples. It might be that
21 you really do have issues about this particular kind of case
22 or cases in general. It may be that last night after you were
23 discharged from being qualified, you went home and lo and
24 behold, at your front door, these people showed up with
25 balloons and flowers and a check like that big from

1 Publisher's Clearing House and you can't focus on anything
2 other than the fact that you are carrying around this big your
3 check like this. I mean, has anything happened in your world
4 or is there any reason why you have any concern whatsoever
5 about your ability to serve as a juror in this matter. So,
6 I'm going to ask you to approach, but while you consider it, I
7 have got to tell you a story.

8 My county, Dorchester County, we reached this part of the
9 jury qualification and I actually did what Judge Nettles did
10 yesterday. We reached this point in the jury qualification
11 and this young man stood up and he said, Judge, and I said,
12 yes, could I go down to Trident Hospital and be with my wife
13 while she delivers our first child? Is anyone in labor; is
14 anyone's loved one in labor? I nearly fell out. I could not
15 believe it. It was like, you've got to be kidding me. So, if
16 there's any reason, I'm just going to have you come forward
17 and let us talk about it; anyone have any concerns whatsoever?

18 I find no one standing. I find no one coming forward.

19 Now, let me tell you what happens next and let me just
20 tell you, this has been going ---

21 **DEPUTY:** Your Honor?

22 **THE COURT:** You have a concern?

23 **DEPUTY:** Can she ask a question for a minute?

24 **THE COURT:** Come on forward. And you are juror number?

25 **JUROR 211:** I talked to the judge yesterday and let him

1 know about my back issues and I don't want to be a
2 distraction, but I'm going to have to sit and stand, so I just
3 wanted to tell the judge.

4 **THE COURT:** Wonderful. Thank you. It's alright.
5 Wonderful. Alright. Now, here's what happens next. First of
6 all, we're going to juggle the numbers. Wonderful. In just a
7 moment -- and we've established 5 and 5. We're going to
8 probably get 2 alternates if we can and of course, alternates
9 are defense 2 and the state 1. Now, if your number is called,
10 here's what I'm going to ask you to do, is just exit your row
11 and then come stand with -- come stand right here. This is a
12 like where you come talk with me. I'm going to ask you to
13 stand here. Now, you are going to hear one of two things,
14 either present the juror or excuse the juror. If you hear
15 present the juror, stand right here. If you hear excuse the
16 juror, just take your seat back in the audience.

17 Let me tell you something, in the event that you are
18 excused, I want you to understand one thing. There are about
19 a thousand considerations to go through the mind of an
20 attorney as an attorney is selecting a juror. Let me tell you
21 one consideration that does not go through their minds and
22 that is any intention to embarrass you in any way, shape or
23 form, that I can assure you of. But there are about a
24 thousand considerations that attorney's use.

25 Now, I'm going to stand here; it's always exciting to me

1 to be the first person. Now, once you hear present the juror,
2 please presented the juror, you will stand here and you're
3 then going to hear from the defense; you're going to hear one
4 of two things. Either excuse the juror, which again, you will
5 just take your seat in the audience and remember their
6 consideration is not in any way to embarrass you. But if you
7 hear seat the juror, you'll take a seat in the jury box.

8 So, ladies and gentlemen, I'm going to stand here because
9 it's always exciting to be the first person. I don't like
10 standing here alone. Yes, ma'am?

11 **CLERK:** Juror number 38, Gary Brooks. What say the
12 State?

13 **MR. HOLFORD:** Please present the juror.

14 **CLERK:** Defense?

15 **MR. SPRATLIN:** Please seat this juror.

16 **CLERK:** Please be seated in the juror box. Juror number
17 190, Dennis Johnson. What say the State?

18 **MR. HOLFORD:** Please present the juror.

19 **CLERK:** Defense?

20 **MR. SPRATLIN:** Please seat this juror.

21 **CLERK:** Please be seated in the juror box. Juror number
22 305, Gerald Roberson.

23 **MR. SPRATLIN:** What was the number?

24 **CLERK:** The last one?

25 **MR. SPRATLIN:** Yes.

1 **CLERK:** 305.

2 **MR. SPRATLIN:** 305, thank you.

3 **CLERK:** What say the state?

4 **MR. HOLFORD:** Please present this juror.

5 **CLERK:** Defense?

6 **MR. SPRATLIN:** Please excuse this juror.

7 **CLERK:** You're excused from this particular case. Juror
8 number 15, Stacey Baier. What say the State?

9 **MR. HOLFORD:** Please excuse this juror from this case?

10 **CLERK:** You're excused from this particular case. Juror
11 number 366, Richard Tollefson. What say the State?

12 **MR. HOLFORD:** Please present the juror.

13 **CLERK:** Defense?

14 **MR. SPRATLIN:** Please seat the juror.

15 **CLERK:** Please be seated in the juror box. Juror number
16 274, Gary Peele. What say the State?

17 **MR. HOLFORD:** Please present the juror.

18 **CLERK:** Defense?

19 **MR. SPRATLIN:** Please seat the juror.

20 **CLERK:** Please be seated in the juror box. Juror number
21 333, Tammy Skipper. What say the State?

22 **MR. HOLFORD:** Please present the juror.

23 **CLERK:** Defense?

24 **MR. SPRATLIN:** Please excuse this juror from this trial.

25 **CLERK:** You're excused from this particular case. Juror

1 number 375, Calvin Vanderhorst. What say the State?

2 **MR. HOLFORD:** Please excuse this juror from this case.

3 **CLERK:** You're excused from this particular case. Juror
4 number 246, Franklin McCray. What say the State?

5 **MR. HOLFORD:** Please present this juror.

6 **CLERK:** Defense?

7 **MR. SPRATLIN:** Please seat this juror.

8 **CLERK:** Please be seated in the juror box. Juror number
9 275, Clarence Peeler. What say the State?

10 **MR. HOLFORD:** Please present this juror.

11 **CLERK:** Defense?

12 **MR. SPRATLIN:** Please excuse this juror.

13 **CLERK:** Excuse?

14 **MR. SPRATLIN:** Excuse this juror.

15 **CLERK:** You're excused from this particular case. Juror
16 number 227, Brittany Longo. What say the State?

17 **MR. HOLFORD:** Please present the juror.

18 **CLERK:** Defense?

19 **MR. SPRATLIN:** Please seat the juror.

20 **CLERK:** Please be seated in the juror box. Juror number
21 91, Meredith Donahue. What say the State?

22 **MR. HOLFORD:** Please present the juror.

23 **CLERK:** Defense?

24 **MR. SPRATLIN:** Please seat the juror.

25 **CLERK:** Please be seated in the juror box. Juror number

1 104, Tamara Eheart. What say the State?

2 **MR. HOLFORD:** Please excuse this juror in this case.

3 **CLERK:** You're excused from this particular case. Juror
4 number 331, Shirley Singleton. What say the State?

5 **MR. HOLFORD:** Please present the juror.

6 **CLERK:** Defense?

7 **MR. SPRATLIN:** Please seat the juror.

8 **CLERK:** Please be seated in the juror box. Juror number
9 273, Anna Patton. What say the State?

10 **MR. HOLFORD:** Please present the juror.

11 **CLERK:** Defense?

12 **MR. SPRATLIN:** Please excuse this juror.

13 **CLERK:** You're excused from this particular case. Juror
14 16, Sandy Nobles. What say the State?

15 **MR. HOLFORD:** Please present the juror.

16 **CLERK:** Defense?

17 **MR. SPRATLIN:** Please seat this juror.

18 **CLERK:** Please be seated in the juror box. Juror number
19 127, Marguerite Gargiulo. I'm sorry if I messed that up.

20 What say the State?

21 **MR. HOLFORD:** Please present the juror.

22 **CLERK:** Defense?

23 **MR. SPRATLIN:** Please seat the juror.

24 **CLERK:** Please be seated in the juror box. Juror number
25 354, Michael Suggs. What say the State?

1 **MR. HOLFORD:** Please present the juror.

2 **CLERK:** Defense?

3 **MR. SPRATLIN:** Please seat this juror.

4 **CLERK:** Please be seated in the juror box. Juror number
5 393, Tammy Williar. What say the State?

6 **MR. HOLFORD:** Please present the juror.

7 **CLERK:** Defense?

8 **MR. SPRATLIN:** Please seat this juror.

9 **CLERK:** Please be seated in the juror box. Are we doing
10 two alternates?

11 **THE COURT:** I think so, yeah.

12 **CLERK:** Juror number 311, Nathan Rose.

13 **THE COURT:** And this is for the alternate, first
14 alternate.

15 **CLERK:** What say the State?

16 **MR. HOLFORD:** Please present the juror.

17 **CLERK:** Defense?

18 **MR. SPRATLIN:** Please seat this juror.

19 **CLERK:** Please be seated in the juror box.

20 **THE COURT:** And for alternate two.

21 **CLERK:** Juror number 184, Stanley Jadwisiak.

22 **JUROR 184:** Jadwisiak.

23 **CLERK:** I was way off. What say the State?

24 **MR. HOLFORD:** Please present the juror.

25 **CLERK:** Defense?

1 **MR. SPRATLIN:** Please seat this juror.

2 **CLERK:** You may be seated.

3 **THE COURT:** Are there any matters regarding the
4 qualification or the selection of the jury from the State?

5 **MR. HOLFORD:** No, Your Honor.

6 **THE COURT:** From the defense?

7 **MR. SPRATLIN:** No, Your Honor.

8 **THE COURT:** Very well. Ladies and gentlemen, you are now
9 known as our remaining jurors. In just -- I -- I'm going to
10 look to Madam Clerk. Ladies and gentlemen, I am informed that
11 you are requested to call back into the Juror Information Line
12 after 6 o'clock this evening. Does everyone have the number
13 for the Juror Information Line; if not, we surely can get that
14 for you. Raise your hand if you don't know what the number
15 is? All right. We will get that for you; right?

16 **CLERK:** Yes, ma'am.

17 **THE COURT:** Thank you. Now, those of you who are dashing
18 off to work and you need something for your employer, so they
19 will know where you have been or what you have been up to this
20 morning, we are happy to get that for you. Where?

21 **CLERK:** You can go downstairs to the Clerk of Court to
22 the front desk and just ask for Lara and she will get you an
23 excuse.

24 **THE COURT:** Everybody get that. Wonderful. Now, you
25 know when you receive your -- your, you know, your big fat

1 jury check for your service this week, there will be certainly
2 a certificate in there to be indicia of your services this
3 week. However, if you need it today, we certainly want you to
4 have that.

5 Now, ladies and gentlemen, please do not call before 6
6 o'clock. That gives us time to know what our schedule is
7 going to be for tomorrow and to put that recording on the
8 machine for you. So, please know that you can call at 6:01,
9 7:25, if you're up walking the floor at 3:00 A.M. tomorrow
10 morning and you want to call the Juror Information Line, call
11 it, but do give us until 6 o'clock this evening to know what
12 our schedule is going to be for tomorrow and to place the
13 recording on the machine for you.

14 Ladies and gentlemen, I know that you have given us so
15 much of your dear and precious time this morning. Please know
16 that I am grateful. We are all grateful for every single
17 solitary click of the clock. And so, if you do so for us
18 quietly, you are free to go at this time. Those of you that
19 need something from -- for your employer, downstairs in the
20 Clerk's Office. Thank you so much.

21 **REPORTER'S NOTE:** (Remaining jury panel excused).

22 **THE COURT:** And whoever needs the number for the Juror
23 Information Line, if you can come on up here, we'll be happy
24 to get it for you or you can get it from the Clerk's Office.
25 You need the number; come on up here and we'll get it for you

1 right quick. Oh great. Alright.

2 Now, ladies and gentlemen, do you any of you need a
3 comfort break as they say in Beaufort County, comfort break.
4 In other words, does anybody need a little break before we
5 begin; so, don't be shy. I like that. Hold on. Hold on.
6 Hold up. Hold up a minute. Now, here's what we're going to
7 do. I'm going to ask y'all -- security bailiff is doing a
8 super job this week. I'm going to ask her to please escort
9 you to your jury room. But I give you, and I'm going to do it
10 quickly. I got to give you a little bit of instruction.

11 I'm going to give you this instruction each and every
12 time that we leave each other, and the instruction is this.
13 Do not discuss this matter or allow anyone to discuss it with
14 you and you're going to say, wait a minute, we can start, we
15 can talk about it. No, ladies and gentlemen, I've read to you
16 some of the allegations of the indictments, I've introduced
17 you to some folks; you've got a little bit of information.
18 And for that reason, I give you the instruction, do not
19 discuss this matter or allow anyone to discuss it with you.
20 Now, why do I give you that instruction; this is what we know
21 anecdotally from trying cases for over 250 years. We know
22 that the way we are put together, I think young people would
23 say we were hardwired is if we begin to speak about something,
24 we begin to form opinions about it and we cannot help
25 ourselves; it's the way we are made. The reason that I don't

1 want you to discuss it is because I don't want you to do that.
2 It is going to be critical to your duty as a juror to be able
3 to listen to everything and make up your mind about nothing
4 until you have heard everything. The reason that I give you
5 that instruction is just to support your ability to do that;
6 to stay open-mindedly and make up your mind about nothing
7 until you have heard everything. Those of you who have your
8 cell phones with you, if anyone has their cellphone with you,
9 please relinquish it and give it to our bailiff security. She
10 will take great care of it until our lunch break. When you
11 come back from this little comfort break, I'll give you some
12 instruction about that and the why. I think it's real
13 important that you always know the why and I will endeavor to
14 tell you the why. But, I know we got folks who needed a
15 comfort break. We will take about 10 minutes for that comfort
16 break. When you come back, I've got some preliminary
17 instruction, you're going to be sworn in as the jury in this
18 case and we're gone start. Please step to your jury room.

19 **REPORTER'S NOTE:** (Jury retires to jury room 12:24 P.M.).

20 **THE COURT:** Thank you. Now, just now one of our jurors
21 gestured to one of our officers and what was that about; his
22 hat?

23 **OFFICER JORDAN:** They left any of their property in the
24 gallery, so I told him I would bring them to the back.

25 **THE COURT:** Got it. It's a hat?

25 **REPORTER'S NOTE:** (Jury enters courtroom 12:38 P.M.).

1 **THE COURT:** Alright. Yeah. Ladies and gentlemen, let me
2 tell you and give you an overview about how we're going to be
3 proceeding. I'm going to make my preliminary remarks to you.
4 I'm going to explain some things to you and then it's going to
5 be close to 1 o'clock at that time and then we'll break for
6 lunch. And then when you return from lunch, you will be sworn
7 in as the jury in this case and then we're going to hear the
8 opening statements. I just wanted to share that with you.
9 Because otherwise, your blood level, sugar blood level is
10 going to plummet, you'll be starving and unhappy and I want to
11 keep you happy. So, I'm going to make my preliminary remarks
12 to you and then we will -- when we reconvene, then you'll hear
13 the opening statements and be sworn in.

14 Now, ladies and gentlemen, what I'm going to say to you
15 now, is intended to serve as an introduction to the trial of
16 this case. This -- these remarks are not a charge or
17 instruction on the law applicable to this case. I'm going to
18 give you the charge or the instruction on the law applicable
19 to this case at the conclusion of the case before you retire
20 to consider your verdict.

21 Now, ladies and gentlemen, this is an explanation of the
22 procedure that we're going to be following, so that you may
23 better be able to follow what is going on, know what is
24 occurring, know what is to come next. I think it is very
25 helpful for jurors to have an overview and -- and with that, I

1 just think it is -- it -- that encourages focus, you'll know
2 where we are in the trial and know what's to come and I think
3 that's helpful.

4 Now, ladies and gentlemen, one of the things the jurors
5 want to know about is they want to know about note taking.
6 They want to know about that, and I want to be absolutely
7 candid with you about that and explain to you the why. There
8 is a debate that is ongoing, and it has been ongoing from the
9 moment I tried the first case 21 years ago. And the debate is
10 this; the criticism of jurors taking notes, is that as a juror
11 takes a note, a juror can miss something as it's coming from
12 the witness stand. That is a criticism of note taking. The
13 other main criticism of note taking is, that if one juror has
14 a note and the other jurors don't have a note during
15 deliberation, there can be an undue amount of influence placed
16 upon a note.

17 Now, the argument for note taking is that if a trial is
18 lengthy, it's just helpful for jurors to be able to jot down a
19 few things to refresh their recollection prior to
20 deliberations. Here's my problem, I think that both sides
21 make a great argument, and I see the validity of both sides.
22 So, as a policy matter, this is where I have come to. When
23 trials are expected to be of relatively short duration, I ask
24 the jurors, pay attention, trust their memories and not take
25 notes. When trials are expected to be of a more lengthy

1 duration, we get out the pens and the paper and the pads and
2 we have all the procedure so that we can assist jurors in
3 taking notes.

4 Now, I am informed that this trial is expected to be of
5 relatively short duration, and for that reason, I'm going to
6 ask that you not take notes. Give to these matters your
7 undivided attention and not take notes. Now, I have commented
8 on the expected duration of this trial, but I want you to
9 know, that I, in no way, demean the importance of this matter.
10 This matter is of the utmost importance to the State, to the
11 defense, to our system. I just made that comment, because I
12 didn't want you to be concerned about my instruction not to
13 take notes, and I wanted you to understand the why.

14 So, now, ladies and gentlemen, if I refer to the
15 defendant, I am referring to Mr. Shaquille Bradon Dozier.
16 Sometimes you may hear me say Mr. Dozier and sometimes you may
17 hear me say defendant. If I say defendant, I am actually
18 referring to Mr. Dozier. And you'll hear me call him Mr.
19 Dozier also from time to time.

20 Mr. Dozier is charged by two indictments. One indictment
21 charges Mr. Dozier with failing to stop for a blue light and
22 siren. The other indictment charges Mr. Dozier with
23 carjacking. Now, as I told you earlier and I hasten to tell
24 you now, he has pled not guilty to each of these two
25 indictments, to both of these indictments and that plea of not

1 guilty places the burden of proving each of the elements of
2 each of the indictments beyond a reasonable doubt. And it
3 will be your duty, ladies and gentlemen, to decide whether the
4 State has met that burden and that burden, of course, is
5 beyond a reasonable doubt.

6 Now, in order to determine whether the State has met its
7 burden necessarily, you must find and determine the facts.
8 You're the sole judges of the facts. You're the only judges
9 of the facts. If I, over the course of this trial, do or say
10 anything that you think is a comment with regards to the
11 facts, I'm going to ask you right now at the beginning, please
12 disregard that. Because, ladies and gentlemen, our law does
13 not allow me to have an opinion regarding the facts. I don't
14 have an opinion regarding these facts. That is a matter
15 solely for you to determine. So, if I do or say anything that
16 you perceive could be a comment on the facts, I'm going to ask
17 you to please disregard that. Because I don't have an opinion
18 regarding these facts. It is my intention to be fair and
19 impartial towards each of these parties. Our law states that
20 you are the only, the sole and the exclusive judge of the
21 facts. That is not for me, ladies and gentlemen, so please
22 disregard anything that you might perceive and think might be
23 some comment regarding facts, because I can assure it is not.

24 Now, you are to determine the facts from the testimony
25 that you hear and the other evidence, which is introduced into

1 court. It is up to you to determine what, if any, inferences
2 you feel may properly be drawn from the evidence. It is
3 especially important that you perform your duty of determining
4 the facts diligently and conscientiously, because you see,
5 ordinarily, there is no way to correct an erroneous
6 determination of the fact by a trial jury. On the other hand,
7 and with equal emphasis, the same law that states that you are
8 the judges of the facts in this case, make me the judge of the
9 law. The law as given to you by the Court is the only law you
10 may consider. If you had a preconceived idea about what you
11 think the law is or what it ought to be, and that should
12 differ from what I tell you the law is, you must abandon your
13 preconceived idea, because you must follow the law exactly as
14 I state it to you. Now, maybe one day you want to have a
15 meeting with your legislator and get active, make a change,
16 but for our system to work correctly, you must accept and
17 apply the law as I state it to you. Ladies and gentlemen, I
18 cannot comment on or have an opinion with regards to the facts
19 and you cannot disagree with me about what the law is. My
20 duty is to advise you with regards to the law and you are to
21 determine the facts.

22 Now, ladies and gentlemen, until I advise you to begin
23 your deliberations, you must not discuss this case with
24 anyone, including your fellow jurors, your friends, your I
25 family, and anyone involved in the case. This includes

1 discussions face to face and those by telephone, email, text,
2 blog, or any other method of communication. You may not use a
3 computer or cell phone or other electronic device with
4 communication capabilities at any time while in the courtroom
5 or during deliberations. During your breaks for meals or
6 overnight, if necessary, you may use these devices. However,
7 you may not, at any time, use these devices for the purpose of
8 getting or sending any information about the case. This
9 includes information about a party, a witness, an attorney, a
10 court officer, news accounts about the case, research on any
11 topics raised, or any topics that you think may be helpful in
12 deciding the case or any testimony presented by any witness.
13 You must receive all of the information from which you will
14 make up your minds here in court, while court is in session.
15 No Columbo. No Columbo, no investigation. Again, you must
16 receive all of the information from which you will make up
17 your mind, here in court while court is in session.

18 During the trial, do not read, do not listen to, do not
19 watch any news reports about this case. This includes
20 anything that may be in the newspapers, or on the internet,
21 the radio or the television. You must not consider anything
22 you may have read about the case outside the courtroom.

23 Now, after the case is submitted to you, and I can assure
24 you, there will be no question in your mind when this time has
25 come, because I'm going to specifically tell you. After the

1 case is submitted to you, you must discuss it only in the jury
2 room with your fellow jurors. The attorneys and the parties
3 in this case, have been advised that they are not to talk to
4 you at all. So, if you happen to see anyone involved in the
5 case and they do not even say hello, please don't think
6 they're being rude. They are simply following my
7 instructions.

8 Ladies and gentlemen, it is important that you keep an
9 open mind and that you not decide any issue in the case until
10 all of the evidence has been presented, the parties have made
11 their closing arguments and I have instructed you on the law
12 applicable to this case. It is your solemn responsibility to
13 determine whether the state has met its burden of proof and so
14 indicate by finding the defendant guilty or not guilty. And
15 your verdict must be based solely, only on the evidence as it
16 is presented to you during this trial and on the law as I
17 instruct you during and at the close of the trial. What I
18 mean by this, ladies and gentlemen, is that you will make the
19 facts as you find them to be. You will then take the law as I
20 give it to you, and you will apply to those facts and that is
21 how you will reach your verdict.

22 Ladies and gentlemen, after lunch, the solicitor, and I
23 am informed that will be Solicitor Holford, will make what is
24 called an opening statement to you. Ladies and gentlemen,
25 opening statements are an opportunity for each side to explain

1 to you what they believe the issues are in this case. And
2 after Solicitor Holford makes his opening statement, you will
3 then have the opportunity to hear from Mr. Spratlin in his
4 opening statement on behalf of Mr. Dozier. Now, ladies and
5 gentlemen, the opening statements are not arguments. Those
6 are an opportunity for each side to introduce their case to
7 you. And again, to tell you what they believe the issues are
8 in the case. Once the opening statements are finished, then
9 the State will have an opportunity to present evidence to you.
10 Evidence will be presented by the testimony of sworn witnesses
11 from this witness stand, and from exhibits, which may be
12 introduced into evidence.

13 Now, one of my duties is to determine whether evidence is
14 admissible at all or not. That's a matter of law. Now, how
15 is that going to happen; well, evidence is presented pursuant
16 to what are called the rules of evidence. Ladies and
17 gentlemen, you may hear these attorneys say, objection or Your
18 Honor, we have a matter of law or something like that.
19 Sometimes, they may say objection, hearsay. I'll know what
20 they mean, and I'll be able to rule on that. If I sustain an
21 objection, that means that that bit of evidence cannot be
22 received as it is being offered. If I overrule the objection,
23 that means that it can be received.

24 Now, ladies and gentlemen, you may hear the attorneys
25 say, may we approach, or I may ask the attorneys to approach.

1 If that happens, you will go to the beach with some white
2 noise. We'll go to the beach. What am I doing when I do
3 that; yeah, I'm covering up what's going on up here, so you
4 can't hear it. Why am I doing that; well, let me -- let me
5 combine this with telling you that there may be times and
6 there will be to a minimum, I may ask you to leave the
7 courtroom so that I may just discuss a matter with the
8 attorneys. Well, let me tell you something, what happens is
9 that sometimes in ruling on the admissibility of the evidence,
10 I need to have a little conversation with the attorneys about
11 what I'm hearing and I would not want anything that I would
12 say in the context and in the process of ruling on an
13 objection, to be perceived by you as being a comment on the
14 facts, and that's the exact reason why if you hear the white
15 noise, or I'll need to ask you to step from the courtroom.
16 It's to let me do what I need to do. So, that's what's going
17 on.

18 Now, ladies and gentlemen, in determining what the true
19 facts are in this case, you must decide whether or not the
20 testimony of the witness or witnesses is believable. It will
21 be my responsibility to rule as a matter of law as to whether
22 certain testimony is admissible at all or not, but once the
23 testimony is admitted, whether or not you believe it is solely
24 for you to determine. In deciding whether to believe a
25 witness, you have the right to consider the interest of any

1 witness, bias of any witness, the prejudice of any witness,
2 the opportunity for the witness to have seen the matters and
3 things about which the witness may testify and the way the
4 witness acts on the witness stand. You have a right to
5 consider anything that is in the record that will help you
6 evaluate the testimony of the witnesses. In other words, you
7 didn't drop your common sense at the courthouse door. It's
8 right here with you, ladies and gentlemen, and that's -- we
9 use that every single day to determine whether we believe what
10 we are being told. And, ladies and gentlemen, these are
11 simply suggestions of things that you may choose to consider,
12 if you so choose.

13 Now, ladies and gentlemen, let me tell you what that does
14 mean. This means that it is your duty to pay close attention
15 to the witnesses, observe them, listen to them, and pay close
16 attention to the attorneys and of course, to the Court.
17 Please don't let your thoughts wander, but give the strictest
18 attention to the testimony in this case, so that at the end of
19 all of the testimony, after the arguments of counsel and the
20 charge on the law by the Court, you will be in a position to
21 perform your solemn duty to determine the facts and determine
22 whether the State has met its burden of proof.

23 Ladies and gentlemen, I'm -- finally, I'm going to ask
24 you to ask you to do me a personal favor. Here it is, but in
25 order for it to make sense, I have to tell you a very quick

1 story. When I was a little girl, and we would go to circus',
2 I had two older brothers. My brothers got to sit over there,
3 and I always had to sit next to my momma. I'm not real sure
4 why that was though, that was what I did. So, inevitably, at
5 some point, my mother did this. I thought she was sleeping.
6 I thought that was my opportunity to cut up and I'd get the
7 little thing out and I'd draw on it and I'd pinch my brother
8 and, you know, I'd, you know, I'd wiggle. Inevitably, that
9 hand would come over and I'd get pinched. It was never a good
10 sign of things to come. Now, we just met. Obviously, I can't
11 tell the difference in my own mother in whether or not she is
12 asleep or focusing with her eyes closed. So, as a favor to
13 me, I'm going to ask you please concentrate with your eyes
14 open, because obviously, I can't tell the difference. So, if
15 you will concentrate with your eyes open, I won't mess up and
16 make the mistake just like I did when I was growing up. So,
17 please, for my sake, please concentrate with your eyes open,
18 so I don't make the mistake that you are sleeping.

19 Ladies and gentlemen, in order to preserve everyone's
20 rights, it is necessary that I turn to counsel and ask them
21 are there any exceptions or additions to my comments to you.

22 **MR. HOLFORD:** Nothing from the State, Your Honor.

23 **MR. SPRATLIN:** Nothing from defendant, Your Honor.

24 **THE COURT:** Thank you. Ladies and gentlemen, in just a
25 moment, I am going to excuse you for lunch and I'm going to

1 ask you to be back at 2:15. When you return at 2:15, we will
2 begin this case. You'll hear the opening statements. Well,
3 actually you're going to be sworn in first and then you're
4 going to hear opening statements. And then we'll begin -- the
5 State will begin to present its case to you.

6 Ladies and gentlemen, if you have your cell phone with
7 you, please leave it somewhere other than the courthouse. You
8 know, we're attached to these things so if you forget, don't
9 worry about it. Just turn it over our bailiff security and
10 she will take great care of it over the course of the
11 afternoon. You must not, you must not have a cell phone or
12 other communication device with you while you're serving on
13 the jury. Why; Charleston, several years ago, the jury was
14 deliberating, they just hit a moment where they had to work a
15 little bit, one of the jurors said, I got a friend that knows
16 this; I'm going to phone a friend. The juror phoned a friend,
17 that information was injected into the deliberations and the
18 entire trial had to be scrapped, because that was information
19 that was not received in court while court was in session and
20 the entire matter had to be scrapped. So, that's why our
21 Chief Justice at the time sent down an order that said no cell
22 phones with the jurors while they're serving on the jury and
23 that's the reason why. So, please leave your cell phone
24 somewhere other than the courthouse. If you forget, it's
25 okay, just turn it over to our security bailiff and she will

1 take great care of it over the afternoon. Now, just let me
2 just tell you, if you think you can turn that thing off and
3 put it in your pocket or pocketbook, you know the gremlins
4 will turn it on and it will ring right in the middle of the
5 quietest moment of the afternoon. So, please just remember,
6 don't keep it with you. If it comes back, you just it over
7 and we'll be happy to take great care of it over the
8 afternoon.

9 Remember, do not discuss this matter or allow anyone to
10 discuss it with you and that includes your fellow jurors,
11 family and friends. And if you see anyone associated with the
12 trial as you're coming and going from the courthouse and they
13 don't say hello, don't speak to you, please don't think
14 they're being rude. In fact, should anyone associated with
15 this trial or anyone else talk to you or attempt to talk to
16 you about this matter, please get their name, if you can; if
17 not, a description and report that to me upon your return and
18 I will deal with that situation.

19 Ladies and gentlemen, have a great lunch and I look
20 forward to seeing you at 2:15. Thank you. If you'll go with
21 our bailiff.

22 **REPORTER'S NOTE:** (Jury retires to jury room 1:03 P.M.)

23 **THE COURT:** Thank you so much. Anything from the State
24 before we take lunch?

25 **MR. HOLFORD:** Nothing, Your Honor.

1 **THE COURT:** Anything from the defense?

2 **MR. SPRATLIN:** No, Your Honor.

3 **THE COURT:** Are there any lingering motions that we need
4 to handle or when you return, are you ready for the jury to be
5 sworn and begin your case?

6 **MR. HOLFORD:** Ready for the jury, Your Honor.

7 **MR. SPRATLIN:** Ready for the jury, Your Honor.

8 **THE COURT:** Okay. Well, thank you so much. Y'all have a
9 good lunch.

10 **MR. HOLFORD:** Thank you.

11 **THE COURT:** And we've got -- y'all have got lunch for Mr.
12 Dozier? Thank you. Thank you so much.

13 **(COURT IN RECESS)**

14 **THE COURT:** Oh, thank you so much. Please be seated and
15 good afternoon. I hope everybody had a good lunch.

16 Alright. Anything -- anything before we bring the jury
17 out?

18 **MR. HOLFORD:** No, Your Honor.

19 **MR. SPRATLIN:** No, Your Honor.

20 **THE COURT:** Very well. Please have the jury?

21 **REPORTER'S NOTE:** (Jury enters courtroom 2:23 P.M.).

22 **MS. WALKER:** Judge?

23 **THE COURT:** Yes.

24 **MS. WALKER:** I apologize. Quick question. The
25 television, when we play the video, are you going to want to

1 also see it; how should we position the television?

2 **THE COURT:** Don't you worry about me; you worry about the
3 jury and if I need to find myself a little spot, I will do
4 that.

5 **MS. WALKER:** Okay.

6 **THE COURT:** And listen, and you can certainly do the
7 same.

8 **MR. SPRATLIN:** Okay.

9 **MS. WALKER:** Thank you, Judge.

10 **THE COURT:** Absolutely. And all the jurors have selected
11 their own presiding juror without any instruction; I just
12 think it's adorable. We're supposed to have one those, so
13 let's do it.

14 Alright. I hope everybody had a wonderful lunch and good
15 afternoon. Now, it is my understanding that y'all are so on
16 your game, that you all without any instruction, said you
17 know, I think we're supposed to have one those presiding juror
18 things and you've done it; am I right? Do we have a presiding
19 juror?

20 **JUROR 91:** Yes.

21 **THE COURT:** I love this, this is so cool. Now, I'm going
22 to mark this and keep it. All right. Now, is it correct that
23 you all have selected your own presiding juror; yes? And it
24 is juror 91?

25 **JUROR 91:** Yes.

1 **THE COURT:** Well, thank you so much for serving in that
2 capacity. Now, when you return, I'm going to ask the two of
3 you, not now, but just swap places. Now, and my alternates on
4 this end. This end. Alright. Thank you for serving as our
5 alternates. Now, in just we don't have assigned seating
6 except the presiding juror and our alternates. So, I can keep
7 up with you as our alternates. Okay? Now, if y'all want to
8 switch seats just for variety, that is certainly fine. But if
9 y'all get those two seats for me, that will be great. Thank
10 you both for being our alternates. And if y'all will switch.
11 In regards to everybody else, if you get a seat and like it,
12 keep it; if not, get here early to get another seat. There is
13 no other assigned seating.

14 Now, ladies and gentlemen, at this time, I'm going to ask
15 that you be sworn in as the jury in this case. So, at this
16 time, if you would please stand and raise your right hand?

17 **REPORTER'S NOTE:** (Jury sworn by the clerk).

18 **CLERK:** Thank you.

19 **THE COURT:** Did everyone -- is there anyone who did not
20 take the oath?

21 Very well. If you took the oath and said I do, please be
22 seated. All of our jurors are now seated. Very well.

23 Ladies and gentlemen, everyone has either left their cell
24 phones somewhere else or you have relinquished it to our
25 security bailiff; is that correct? Yes, nobody has a cell

1 phone? Wonderful. Wonderful.

2 Alright. Now, ladies and gentlemen, at this time, I'm
3 going to ask you to please draw close as we listen to the
4 opening statements.

5 **MR. HOLFORD:** May it please the Court?

6 **THE COURT:** Yes, sir.

7 **MR. HOLFORD:** Ladies and gentlemen, I don't know if
8 you've seen or played or heard of a game, Grand Theft Auto V,
9 but that's what happened in this case. In that video game,
10 people run around, yank someone out of their car, steal the
11 car and drive off. In South Carolina, when you do that, it's
12 called carjacking.

13 Now, in this case, Ms. Schneider was down here. She
14 lives down here in Horry County. She retired down here and
15 been here about a year. Had been coming back and forth to
16 Horry County to a home that they owned, she was with her
17 husband at the time. He was inside the store. Ms. Schneider
18 was parked in the parking lot in the handicapped spot. This
19 defendant came up to her while she's seated in her car, grabs
20 her, yanks her and throws her out of her car onto the ground.
21 She has injuries. Then he gets in that vehicle and takes off.
22 Police are immediately responding to the scene. Dispatch
23 calls out a description of the young, nice looking male,
24 light-skinned, black male, skinny build, blue shirt. That's
25 the description that she had given. Ms. Schneider doesn't

1 know the defendant. They had never come in contact before.
2 Also, her vehicle was a gray 2015 Jeep Wrangler Rubicon
3 unlimited. Officer Buckingham is responding to that scene,
4 sees the vehicle, turns around, starts pursuing it. When she
5 gets behind the vehicle, she has her blue lights and sirens
6 on, pullover. International sign of pull your vehicle over.
7 We all know that.

8 You'll see video. The defendant starts to pull over,
9 stops, hesitates, then he takes off again. Excess of 60, 70
10 miles an hour, speeding through traffic on Holmestown Road
11 down in Horry County on 707, eventually wrecks that vehicle
12 into another car. He's immediately detained, jumps out of the
13 vehicle; he's the only one in it and is arrested right there.
14 They take him for hospital treatment and then arrested.
15 That's this case.

16 This defendant yanked Ms. Schneider out of her own
17 vehicle, threw her to the ground, took that vehicle from her,
18 drove it and then when police tried to stop him, he would not
19 stop. Ladies and gentlemen, at the end of this trial after
20 you hear the evidence from the witnesses on this stand, it
21 won't be long. We'll come back before you and ask that you
22 find him guilty of what charges he's committed; carjacking and
23 failure to stop for a blue light. Thank you.

24 **THE COURT:** Thank you, solicitor. Yes, sir.

25 **MR. SPRATLIN:** May it please the Court, Your Honor?

1 **THE COURT:** Yes, sir.

2 **MR. SPRATLIN:** Good afternoon, ladies and gentlemen of
3 the jury. One thing I want you to keep in mind, before I even
4 start talking, is that nothing I say is evidence. Like the
5 Judge told you, opening statements are not evidence. The only
6 evidence that you're going to hear today, the only evidence
7 that will be presented to you comes from the witness stand.
8 Nothing I tell you right now is going to be evidence; nothing
9 Mr. Holford just got up here and told you is evidence. At
10 this point, you know absolutely nothing about the case. This
11 is just a preview of what we expect the case to show. The
12 actual case will play out right in front of your eyes.

13 Now, Mr. Holford talked a whole lot about the details and
14 what he expects to show you. I'm not going to talk as much
15 about the details and here's why; two reasons. First off, a
16 trial is a lot like a movie that hasn't been made yet. You
17 can't write a review until you see the movie. That's why at
18 the end of this trial, both myself and the State will get a
19 chance to get up here and tell you what we think the evidence
20 has shown you. The second reason, I'm not going to go into
21 too much depth about the facts of the case, is that we don't
22 have to prove anything. The burden in this trial is on the
23 State. My client has pled not guilty; said he didn't do this.
24 That puts the burden on the State to prove him guilty beyond a
25 reasonable doubt.

10 And so, going forward, as the evidence is presented to
11 you, I want you to keep that in mind. Two charges, two walls,
12 two decisions you're going to have to make at the end of this
13 trial. And look at the evidence and keep that in mind at all
14 times. Let's see what the trial has to show you. Thank you.

16 **MR. HOLFORD:** Your Honor, the State calls Kathleen
17 Schneider to the stand.

20 KATHLEEN SCHNEIDER, HAVING
21 BEEN SWORN TESTIFIES AS FOLLOWS:

24 **MS. SCHNEIDER:** Kathleen Schneider and it's S-C-H-N-E-I-

25 D-E-R.

1 **DIRECT EXAMINATION OF KATHLEEN SCHNEIDER BY MR. HOLFORD:**

2 **Q:** Ms. Schneider, good afternoon.

3 **A:** Hi.

4 **Q:** Will you tell this jury just a little bit about yourself;
5 where you live, who you live with, how long you've been down
6 here?

7 **A:** We leave in Murrells Inlet, South Carolina, just a little
8 bit south of the Marsh Walk. We've been down here probably a
9 little over two years now. When this happened, we were here
10 about a year. We bought a house down here about 5 years ago
11 and we used to come down on weekends and holidays and we liked
12 it so much, we decided to retire down here.

13 **Q:** Now, tell me about July 3rd, 2018.

14 **A:** Well ---

15 **Q:** Walk me through that day?

16 **A:** What I did is my husband has ALS and he works out at
17 American Fitness with a trainer, who helps him and I'm not
18 really in to gyms so, what I would do is drop him off and I
19 would go over to the Inlet Square Mall and I would walk for
20 the hour that he was working with his trainer. And on that
21 morning, it was like 10:30 in the morning. I had just texted
22 my sister and was getting ready to get out of the car and I
23 saw this blue shirt coming towards my side mirror. It scared
24 me and this man stopped and just stared right into the car and
25 the next thing I had known is he pulled me, opened the door

1 and just pulled me out of the car and threw me on the asphalt.
2 And by the grace of God, I was able to hold on to my cell
3 phone, because I had just texted my sister. And as soon as
4 he pulled away in my car, I called 911 and I was able to give
5 the 911 operator the description of the gentleman and the
6 description of my car, and she found the license plate number
7 and she called it in and she told me to go to Books A Million
8 and she called another officer to come meet me at Books A
9 Million. And they found him, and they caught him with my car
10 after he had totaled it and that's pretty much what went on.

11 **Q:** Now, let me back you up just a little bit. What
12 description did you give; what did you tell police when you
13 called 911?

14 **A:** I told them it was a young, black, man, light skinned, no
15 tattoos, dark short hair, and he had on a blue, like a teal
16 blue, light blue shirt, which I could see coming towards me on
17 my side mirror.

18 **Q:** And is -- is the defendant seated at that table; is that
19 the young man?

20 **A:** Yes, it is.

21 **Q:** That's the one who took your car?

22 **A:** Uh-huh (affirmative response).

23 **Q:** And it's him?

24 **A:** That's what?

25 **Q:** He's the -- he's the man who took your car?

1 **A:** Took my car, yes.

2 **Q:** Now, you said you were thrown out of the car; were you
3 actually sitting in the vehicle at that time?

4 **A:** I was sitting in the vehicle getting ready to get out of
5 the vehicle when I saw him come up to the side of my car, and
6 he opened my car door, grabbed me by the arm and threw me down
7 on the asphalt. I had bruise marks on my arm from his hand
8 mark from where he pulled me out of the car.

9 **Q:** Now, describe your vehicle; did you also give 911
10 dispatch a description of your vehicle of what to look for?

11 **A:** Yes, I did, because he was a Jeep Wrangler Unlimited, it
12 was a Rubicon four-door, it was all gray, it had a solid gray
13 top. A pretty recognizable, you know, vehicle. I gave them
14 the description. I gave them my address and they looked up
15 the ownership and they looked up the license number and that's
16 how they called it in to the officers.

17 **Q:** If I showed you a picture of that vehicle from that day,
18 would you be able to identify it as yours?

19 **A:** Yes.

20 **Q:** Your Honor, may I approach the witness?

21 **THE COURT:** You may.

22 **BY MR. HOLFORD:**

23 **Q:** I'm going to hand you what's been marked as State's 6 and
24 7; right now it's just for identification. And so, can you
25 identify what -- what those are?

1 **A:** It's my Jeep Wrangler Rubicon.

2 **Q:** And are you familiar with those pictures?

3 **A:** Yes.

4 **Q:** Does it fairly and accurately depict your vehicle?

5 **A:** Except for how wrecked up it is, yes.

6 **Q:** Your Honor, at this time, the State would seek to
7 introduce 6 and 7 into evidence?

8 **THE COURT:** Any ---

9 **MR. SPRATLIN:** No objection, Your Honor.

10 **THE COURT:** Very well.

11 **(STATE'S EXHIBITS NUMBERS 6 AND 7**

12 **ARE ADMITTED INTO EVIDENCE)**

13 **BY MR. HOLFORD:**

14 **Q:** Now, you said how wrecked up it is, was it in that
15 condition prior to you having it?

16 **A:** No, it was fairly new. Well, we had only had it for a
17 little bit of time, and it had around 10 to 13,000 miles on
18 it.

19 **Q:** There's no question that's your vehicle?

20 **A:** That's my vehicle.

21 **Q:** Now, just a couple more questions. Did officers come
22 meet with you afterwards at Books A Million?

23 **A:** Yes.

24 **Q:** And did they bring anything to you?

25 **A:** Yes, they brought the items that were in my car.

1 Whenever I was getting ready to get out of the car, my purse
2 was in there and my husband's wallet was in the console.
3 Because when I went to walk, all I took was my cell phone and
4 my keys. My husband's walker was in there and my husband's
5 cane was in there, and all the information in my glove box;
6 you know, insurance information and all that was in there and
7 they brought all of that back to me.

8 Q: No further questions at this time, Your Honor.

9 THE COURT: Cross examination?

10 MR. SPRATLIN: Yes, Your Honor, thank you.

11 **CROSS EXAMINATION OF KATHLEEN SCHNEIDER BY MR. SPRATLIN:**

12 Q: Good afternoon, Ms. Schneider, how are you today?

13 A: I'm fine; how are you?

14 Q: I am good. Now, in court, you just identified and said
15 that my client was the one that pulled you out of that car,
16 correct?

17 A: Uh-huh (affirmative response).

18 Q: This is the first time you ever actually made an
19 identification of my client, correct?

20 A: Uh-huh (affirmative response).

21 THE COURT: Is that a yes?

22 A: Yes.

23 **BY MR. SPRATLIN:**

24 Q: Okay. You have to answer yes or no. The court reporter
25 has to take down everything that you say.

1 **A:** Okay. Yes.

2 **Q:** In fact, the officers that came out and talked to you,
3 they never showed you any kind of photo of my client, did
4 they?

5 **A:** No, they did not.

6 **Q:** They never gave you a lineup that could have contained my
7 client, did they?

8 **A:** No, they did not.

9 **Q:** They never did one of those things you see on television
10 where you have 6 people line up in front of a ruler and then
11 you point out the one that did it, did they?

12 **A:** No, they did not.

13 **Q:** Okay. This was kind of a scary event for you, right?

14 **A:** Yes, it was.

15 **Q:** Understandably. You were yanked out of the car and
16 thrown on the ground, correct?

17 **A:** Uh-huh (affirmative response).

18 **THE COURT:** Was that a yes?

19 **MS. SCHNEIDER:** Yes.

20 **THE COURT:** It's normal to go uh-huh and uh-uh.

21 **MS. SCHNEIDER:** I'm sorry.

22 **THE COURT:** That's all right. I just need to answer with
23 your voice?

24 **MS. SCHNEIDER:** Yes.

25 **BY MR. SPRATLIN:**

1 Q: And I'll try to be better about catching it; if I catch
2 you doing it Ms. Schneider.

3 A: Okay.

4 Q: The adrenaline was pumping when this event occurred, I'm
5 assuming, right; yes or no?

6 A: Yes.

7 Q: Let me ask, you're wearing glasses here today?

8 A: Uh-huh (affirmative response).

9 Q: Is that a yes or no?

10 A: Yes.

11 **BY MR. SPRATLIN:**

12 Q: Do you remember giving a statement to the officer that
13 came out and talked to you?

14 A: Yes.

15 Q: Did you handwrite a statement?

16 A: Yes.

17 Q: Do you remember telling that officer that you had just
18 taken your glasses off to look at your phone when this happen?

19 A: Yes.

20 Q: And so, your glasses weren't on you when this occurred?

21 A: No, they weren't.

22 Q: Is that one of the things you had asked the officers
23 about was getting your glasses back to you?

24 A: Yes.

25 Q: Okay. Thank you. That's all the questions I have.

1 **THE COURT:** Redirect?

2 **MR. HOLFORD:** Briefly, Your Honor.

3 **THE COURT:** Alright.

4 **MR. HOLFORD:** May I approach?

5 **THE COURT:** You may.

6 **REDIRECT EXAMINATION OF KATHLEEN SCHNEIDER BY MR. HOLFORD:**

7 **Q:** Ms. Schneider.

8 **A:** Yes.

9 **Q:** Without your glasses, if I'm this close to you, are you
10 able to see me?

11 **A:** Yes, I can. I can see close; I can't see far. To this
12 day, when I use my phone, I do not use my glasses and when
13 this gentleman came to my car, he was right here and right at
14 my window and he stood there and stared for a minute before he
15 grabbed me and pulled me out of the car.

16 **Q:** And do you have any question that the man who pulled you
17 out of your car is Shaquille Dozier?

18 **A:** Absolutely not.

19 **Q:** No further questions, Your Honor.

20 **THE COURT:** Any recross?

21 **MR. SPRATLIN:** No recross.

22 **THE COURT:** Very well. You can go. Call your next
23 witness, please?

24 **MR. HOLFORD:** The State calls Crystal Buckingham.

25 **CLERK:** Please raise your right hand and place your left

1 hand on the Bible?

2 **CRYSTAL BUCKINGHAM, HAVING BEEN**

3 **SWORN TESTIFIES AS FOLLOWS:**

4 **CLERK:** Thank you. Please be seated, state your full
5 name and spell your last name for the Court?

6 **OFFICER BUCKINGHAM:** Crystal Buckingham. Last name is
7 spelled B-U-C-K-I-N-G-H-A-M.

8 **DIRECT EXAMINATION OF CRYSTAL BUCKINGHAM BY MR. HOLFORD:**

9 **Q:** Officer Buckingham, Sergeant, right?

10 **A:** Yes.

11 **Q:** Where are you currently employed?

12 **A:** The Horry County Police Department.

13 **Q:** And how long have you been with Horry County Police
14 Department?

15 **A:** About 12 and a half years.

16 **Q:** Were you working with Horry County -- obviously, let me
17 rephrase that. In what capacity were you working with Horry
18 County Police Department back on July 3rd, 2018?

19 **A:** I was a Patrol Supervisor in our south precinct, and I
20 was a corporal at the time.

21 **Q:** Okay. And tell the jury what does a Patrol Supervisor
22 do?

23 **A:** Basically just responsible for managing employees
24 patrolling around you. Our department, we're very short-
25 handed, so we tend to perform all the same tasks; responding

1 to emergency calls for service, any traffic enforcement,
2 citizen complaints, handling those types of things.

3 **Q:** And were you on duty on July 3rd, 2018?

4 **A:** Yes, I was.

5 **Q:** Do you have a patrol vehicle, or do you drive your own
6 personal vehicle?

7 **A:** I have a patrol vehicle.

8 **Q:** Is it marked or unmarked?

9 **A:** It is fully marked.

10 **Q:** Does it have lights on it?

11 **A:** Yes, it does.

12 **Q:** And tell me, the Inlet Square Mall, down there near
13 Murrells Inlet, what county is that in?

14 **A:** It is Horry County.

15 **Q:** Is that part of your jurisdiction?

16 **A:** Yes, it is.

17 **Q:** All right. So, on July 3rd, 2018, how did you come to
18 respond to this?

19 **A:** Around 10:30 in the morning, we received a call for
20 service for a carjacking that had just occurred at the Inlet
21 Square Mall. I was actually sitting at the office reviewing a
22 few of our officer's reports and our office is on Holmestown
23 Road; we're off of Holmestown road, Scipio Lane, and they
24 dispatched a call to Officer Stokes. I heard it, obviously
25 it's a high priority call, so I left the office and headed in

1 that direction. The quickest way to get there would have been
2 Holmestown Road to 17 By-pass to Inlet Square Mall and that
3 also would be a likely direction traveled for the suspect
4 leaving the scene with the car. So, that's the direction that
5 I took. And again, as soon as I heard the call, I left the
6 office. So, I was traveling southbound on 17 By-pass, a
7 Wrangler Rubicon Unlimited, gray in color, crossed my path.
8 Now, the complainant or in this case, victim, that had
9 contacted 911 advised that she was just pulled from her car
10 and thrown on the ground and that he Jeep Wrangler Unlimited
11 Rubicon was stolen and described it to be gray in color, had
12 described the suspect to be a young, light skinned, black
13 male. She said approximately 5'10" and even quoted that he
14 was a nice-looking young man. I was a Jeep owner. I owned a
15 Jeep Wrangler Unlimited and I was familiar with the Rubicon
16 model. It has some specifications that are different from
17 others; some special markings and stuff. And so, I was also
18 familiar with the unique color that they had. So, I basically
19 knew what I was looking for. On southbound 17 By-pass a Jeep
20 Wrangler Rubicon Unlimited passed me heading northbound. I
21 made an immediate u-turn right behind the Jeep was, I could
22 tell it had South Carolina tags; I could identify the suspect
23 inside closely matched the complainant's description. There
24 was a trooper traveling right behind it. We operate on
25 different radios, so I immediately told dispatch with all of

1 the traffic to let highway patrol know that they were right
2 behind the car. So, of course, it takes a few minutes for
3 that to happen. I turned around, managed my way through
4 traffic using lights and siren. The defendant took the Glenns
5 Bay Road ramp to exit to the right off the 17 By-pass. I
6 could see him in the distance. He ran the red lights, he was
7 making a left turn getting onto Holmestown Road. I caught up
8 with him shortly after on Holmestown Road. He initially
9 pulled over near the Speedway Gas Station, pulled over
10 partially off of the roadway, stopped for a second, but I
11 could see that the brake lights were still on, another officer
12 pulled up to back me up, Officer Truss. I opened my door a
13 little bit, but I told him to standby basically because I
14 could kind of tell that he was about to take off again, which
15 he did. Pursuit ensued down Holmestown Road. We actually
16 reached speeds of about 101 miles per hour.

17 **MR. SPRATLIN:** Your Honor, I'm going to object on the
18 grounds of narrative.

19 **MR. HOLFORD:** I'll ---

20 **THE COURT:** Alright. Very well.

21 **MR. HOLFORD:** I'll just ask you another question.

22 **BY MR. HOLFORD:**

23 **Q:** Alright. So, you stated you had the description of the
24 car you were looking for?

25 **A:** Yes.

1 Q: And you had a description of the suspect?

2 A: Yes.

3 Q: Now, at this point, you had started to follow a vehicle
4 that matched that description?

5 A: That's correct.

6 Q: After you turned on Holmestown Road and tell me what
7 happened then?

8 A: We turned onto Holmestown Road. He initially slowed down
9 and stopped and pulled off the roadway partially. I could
10 tell that the brakes were still activated by the brake lights
11 and I assumed that this was the case, in my experience, it
12 seemed like there was a likelihood that he would take off
13 again. I opened my door to exit, Officer Truss had pulled up,
14 I told him to wait just a minute to see what would happen and
15 sure enough, he took off again. I pursued him down Holmestown
16 Road, again, speeds over 100 miles per hour. We got to the
17 intersection of Hwy 707; he made a right to go northbound. He
18 actually cut through a construction zone off the roadway, hit
19 a couple of cones, he was weaving through traffic. I don't
20 know what our speeds reached on 707; I would say at least 60
21 until he rear-ended another car at the Bay Road intersection.
22 At that point in time, when he hit the car, his vehicle
23 actually -- or the Jeep actually turned off to the right, sort
24 of drifting towards the sidewalk. He exited the Jeep while it
25 was still in drive. We approached him, told him to get on the

1 ground several times. Once he complied, Officer Truss came up
2 to him to detain him. I did a sweep around the vehicle to
3 make sure there was no one else inside. And then ---

4 **Q:** Let me just stop you right there. And we'll break it up
5 just a little bit?

6 **A:** Okay.

7 **Q:** Did Shaquille Dozier, this defendant, was he the -- was
8 he the man in that vehicle?

9 **A:** Yes.

10 **Q:** Okay. And were you there to see anyone else get out?

11 **A:** No one else got out; I was there. Correct.

12 **Q:** Okay. And did -- when you approached the car, you said
13 he checked the car, right?

14 **A:** Yes.

15 **Q:** Was anyone else inside?

16 **A:** No.

17 **Q:** Would you be familiar with that Jeep if I showed you a
18 picture of it?

19 **A:** Yes.

20 **Q:** Is there something in front of you?

21 **A:** No.

22 **Q:** May I approach?

23 **THE COURT:** You may.

24 **BY MR. HOLFORD:**

25 **Q:** I'm going to show you what's been entered as State's 6

1 and 7. Are you familiar with that?

2 **A:** Yes.

3 **Q:** And tell the jury, what are these pictures of?

4 **A:** Those are the pictures of the victim's Jeep Wrangler
5 Unlimited Rubicon.

6 **Q:** And is that after it got in the collision and stopped?

7 **A:** Yes.

8 **Q:** Okay. That's the Jeep you were following?

9 **A:** That's correct.

10 **Q:** Did you have in-car -- when you turned your lights and
11 sirens on, do you have video of that?

12 **A:** Yes.

13 **Q:** And did you have video in this case?

14 **A:** Yes.

15 **Q:** Do you also have what's called a body camera?

16 **A:** I do.

17 **Q:** And did you have that in this case?

18 **A:** Yes.

19 **Q:** Have you turned those over?

20 **A:** Yes.

21 **Q:** Have you reviewed the video from your vehicle before
22 trial today?

23 **A:** I have multiple times.

24 **Q:** If I showed it to you, would you be able to identify what
25 I'm showing you?

1 **A:** Yes.

2 **Q:** I'm going to hand you what's been marked as State's 11
3 for ID. Can you identify what I've handed you for the record?

4 **A:** Yes, this is a copy, a DVD-R copy of my in-car camera.

5 **Q:** Now, how do you know that that's a copy of your in-car
6 camera from that day?

7 **A:** Because I have watched it.

8 **Q:** Okay.

9 **A:** It says that on there.

10 **Q:** Did you initial on there?

11 **A:** Yes.

12 **Q:** And so, there's no question this is the video that you've
13 reviewed?

14 **A:** That's correct.

15 **Q:** At this time, the State would seek to introduce State's
16 11 into evidence?

17 **MR. SPRATLIN:** No objection, Your Honor.

18 **THE COURT:** Very well.

19 **(STATE'S EXHIBIT NUMBER 11**
20 **IS ADMITTED INTO EVIDENCE)**

21 **MR. HOLFORD:** Permission to publish a portion of it?

22 **THE COURT:** Yes.

23 **MR. SPRATLIN:** Your Honor, permission to move about?
24 Permission to move about?

25 **THE COURT:** Absolutely.

1 **MR. HOLFORD:** As we're getting this set up ---

2 **THE COURT:** I'm so sorry to interrupt. If you cannot
3 see, if you cannot hear, let me know.

4 **BY MR. HOLFORD:**

5 **Q:** Sergeant, as we're getting this set up, just talk to me
6 about the video, what are we going to see; what can we expect
7 to see?

8 **A:** You will see exactly what I just described from my
9 response to the call. As soon as I turned around on the
10 vehicle, by blue lights and siren were activated. My body-cam
11 was activated shortly after per our policy, so you can hear
12 audio in that.

13 **MR. HOLFORD:** Your Honor, just for purpose of the record,
14 there are multiple files on this DVD, but this is
15 NJA00278_20180703143857E0_01_000.

16 **REPORTER'S NOTE:** (State publishing video, State's 11 to
17 the jury).

18 **BY MR. HOLFORD:**

19 **Q:** And Officer Buckingham, what -- we have it paused right
20 now. What are we looking at?

21 **A:** This is when I was traveling southbound on 17 By-pass.

22 **Q:** Okay. Can you see that? Now, we just paused it at 23
23 seconds into this video. What do you see?

24 **A:** The victim's Jeep Wrangler Rubicon Unlimited on the right
25 side of the screen.

1 Q: At 1:23 what road did you just turn onto?
2 A: Holmestown Road.
3 Q: Now at 1:53, what are we seeing on this video?
4 A: This is initially when he pulled over.
5 Q: Are your lights and sirens going right now?
6 A: I believe my lights were still on at this time. I'm not
7 100 percent on the siren at that point. The audio was on
8 body-cam.
9 Q: At 3:25 what road is he turning onto now?
10 A: Highway 707.
11 Q: Alright. It's at 4:03, what did we just see on that
12 video?
13 A: The wreck I discussed earlier.
14 Q: Now, at 4:08 we see someone get out of the driver's side.
15 Can you describe what he's wearing in this video?
16 A: A light blue shirt.
17 Q: And what kind of pants?
18 A: It looks like dark pants.
19 Q: We just saw another officer; who was that?
20 A: That was Officer Truss.
21 Q: Alright. And now, did you check the vehicle?
22 A: Correct.
23 Q: What happens after that as far as the video goes?
24 A: Well I immediately went over and checked the lady in the
25 vehicle that he just struck, called medical assistance for her

1 and I believe there were two other cars that were involved in
2 the collision, kind of a domino effect. Officer Truss
3 detained him and placed him in his patrol car and transported
4 him to Conway Hospital for treatment.

5 **Q:** And if we continued to watch that video, what would see?

6 **A:** It would be the same picture. You would see other
7 emergency medical service come; the fire department, and
8 highway patrol responded to work the collision.

9 **Q:** Now, you had said that you had a body-camera and there
10 was audio on that; is that correct?

11 **A:** Yes.

12 **Q:** If I handed you a copy of what has been marked as State's
13 12, would you have been able to identify that?

14 **A:** Yes.

15 **Q:** I'm going to show you, this is State's 12 for ID. Can
16 you identify what I've handed you?

17 **A:** Yes. It is my body-worn camera that I signed it.

18 **Q:** And by signing it, what are you signifying?

19 **A:** That I reviewed it.

20 **Q:** That you reviewed it. Is it an accurate copy of what you
21 provided from your body-cam that day?

22 **A:** Yes.

23 **Q:** Your Honor, the State would seek to introduce State's 12
24 in evidence?

25 **MR. SPRATLIN:** No objection.

1 **THE COURT:** Very well.

2 **(STATE'S EXHIBIT NUMBER 12**
3 **IS ADMITTED INTO EVIDENCE)**

4 **MR. HOLFORD:** Permission to publish?

5 **THE COURT:** Yes.

6 **BY MR. HOLFORD:**

7 **Q:** And for purpose of the record, there are actually three
8 parts on this video; is that correct?

9 **A:** That's correct.

10 **Q:** What -- why are there 3 parts?

11 **A:** The first part was the initial incident. Once our
12 investigation had stopped, we turned it off, that
13 conversation. We were still working on the wreck. I had
14 reactivated it when I responded. We collected the victim's
15 property from the car and took it back to the victim at Inlet
16 Square Mall. So, there were -- at each stage that passed,
17 there was another, like an additional activation.

18 **Q:** And we're going to play file 18059825 part 1.

19 **REPORTER'S NOTE:** (State's exhibit 12 video published to
20 the jury).

21 **Q:** Now, we can see this video. Right now we're watching --
22 there's no sound yet; can you just explain that to the jury?

23 **A:** So, our body-cams actually record 30 minutes (sic) prior
24 to when we activate it. It records video, but no audio. So
25 actually, when I tapped it, it started recording audio and

1 video and play it back. So, it gives video 30 minutes (sic)
2 prior.

3 **Q:** So, at 30 or 31 seconds now did we hear something?

4 **A:** Yes.

5 **Q:** The audio has kicked in?

6 **A:** Correct.

7 **Q:** Can we hear your siren right now?

8 **A:** Yes.

9 **Q:** Alright. At 1:21 explain to me, and I know we've gone
10 over this, but explain to me what just happened?

11 **A:** So, this is where I think I actually pulled over on
12 Holmestown Road initially. I turned my siren off to get to
13 the next step of the traffic stop. I can see that the brake
14 lights were still activated. Officer Truss had pulled up to
15 my left and he was getting out of the patrol vehicle and then
16 you can see, I opened my door, about to exit, but I just had
17 this feeling with his behavior that he would probably take off
18 again. So, I waited a second and that's what happened.

19 **Q:** (Inaudible) I'm sorry. Let me ask that while it's not
20 going. Had you turned your siren back on?

21 **A:** Yes, it was somewhere in this timeframe, we had -- when
22 he pulled back out we had some radio communication and after
23 we stopped, I reactivated my siren.

24 **Q:** Alright. It's at 3 minutes and 24 seconds. Where were
25 you at in the process?

1 **A:** So, this was right when the collision occurred near the
2 Bay Road intersection. I got out of the car with Officer
3 Truss. We ran over and I made sure he was good detaining the
4 suspect. And you will see, he actually pulled him out of the
5 way. The Jeep was still rolling; it was still in drive and
6 there was other traffic behind us. So, he pulled him to
7 somewhat of a better position to handcuff him. But once I
8 figured out he had the handcuffs on him and he was good, I did
9 a quick sweep around the car there to make sure there was
10 nobody else inside, came back over, saw that obviously he's
11 good; he's got this guy handcuffed and I immediately went over
12 to the car right behind them, which was the one he had the
13 wreck with, to check on her safety.

14 **Q:** Now, did you retrieve anything from the victim's vehicle
15 that day?

16 **A:** Yes, a few things.

17 **Q:** And what did you do with those items?

18 **A:** We took them back to the victim.

19 **Q:** And they were items you took from that gray Rubicon right
20 there?

21 **A:** Yes.

22 **Q:** And -- and they were the victim's items?

23 **A:** That's correct.

24 **Q:** Now, there was a part in that video where your siren was
25 turned off and then turned back on; was there anyone else

1 pursuing the suspect at that time?

2 **A:** Officer Truss was behind me.

3 **Q:** Any question, did you have your blue lights on and siren
4 on during at least a portion of it?

5 **A:** Yes, my blue lights were never turned off.

6 **Q:** And did Officer Truss, were you able to see if he had
7 blue lights and siren?

8 **A:** He had blue lights and siren.

9 **Q:** No further questions, Your Honor.

10 **THE COURT:** Cross examination?

11 **MR. SPRATLIN:** Real briefly, Your Honor.

12 **CROSS EXAMINATION OF CRYSTAL BUCKINGHAM BY MR. SPRATLIN:**

13 **Q:** Good afternoon, Sergeant Buckingham, how are you today?

14 **A:** Good; how are you?

15 **Q:** Pretty good. I've just got a couple of questions for
16 you. Is it safe to say that you were the senior most officer
17 on scene?

18 **A:** Yes.

19 **Q:** Did typically -- and you were a patrol officer at that
20 point, correct? Were you in patrol; was that your assignment?

21 **A:** Yes.

22 **Q:** For certain crimes, actually a patrol officer calls in
23 detectives, isn't that true?

24 **A:** Correct.

25 **Q:** And detectives come in and they do an investigation,

1 correct?

2 **A:** Yes.

3 **Q:** That's kind of the job of the detective is to investigate
4 crimes, right?

5 **A:** Yes.

6 **Q:** But in this case, there was no detective called in,
7 right?

8 **A:** Correct.

9 **Q:** You never, yourself, prepared any sort of photo lineup
10 for the victim to do in this case, did you?

11 **A:** I did not.

12 **Q:** You never conducted any sort of identification procedure
13 whatsoever, right?

14 **A:** Correct.

15 **Q:** Okay. And the only time you actually went to the scene
16 of the carjacking or had any involvement at the scene of the
17 carjacking was to take the victim's stuff from the vehicle
18 back?

19 **A:** That's correct.

20 **Q:** Alright. So, most of your testimony goes more towards
21 the failure to stop for a blue light portion of the trial,
22 right?

23 **A:** Yes.

24 **Q:** Alright. Thank you. No further questions.

25 **THE COURT:** Redirect?

25 **Q:** Okay. And what kind of duties are involved in being a

1 Patrol officer?

2 **A:** I answer calls, respond to any type incidents that's
3 called, take reports, just anything that's needed, you know,
4 and I try to do my best.

5 **Q:** Okay. So, did you have an opportunity to respond to a
6 call involving this defendant, Mr. Dozier, back July 3rd,
7 2018?

8 **A:** Yes, ma'am.

9 **Q:** Okay. And what was the nature of that call?

10 **A:** It come over the radio somebody was carjacked and in
11 Murrells Inlet area and I work that area, so I was in the area
12 and somebody carjacked, thrown to the ground and their vehicle
13 was stolen.

14 **Q:** Okay. And so how did you become involved in the active
15 investigation in pursuit of that case?

16 **A:** Well, they gave a good description out and the way that
17 he was traveling, he was traveling where I was located, in the
18 area I was located. I attempted to locate him and my co-
19 worker, Crystal Buckingham, she found him on Holmestown Road
20 and conducted a traffic stop and I pulled up next to her.

21 **Q:** So, did you find out that Sergeant Buckingham had
22 observed him over the radio; is that how you found out about
23 it?

24 **A:** Yes. Yes, over the radio.

25 **Q:** Okay. Alright. But you said you were patrolling kind of

1 that general vicinity?

2 **A:** That's correct.

3 **Q:** Okay. And you mentioned the description. So, what
4 description had you received?

5 **A:** I think whoever called 911 said it was a gray Jeep and
6 black male with a blue shirt on.

7 **Q:** Okay. Okay. And so, how about you just explain to me,
8 what did you do while -- did you make contact with Sergeant
9 Buckingham or at least respond to the same area at one point?

10 **A:** That's correct. That's correct. That's where I -- she
11 had him on a traffic stop on Holmestown Road right by
12 Speedway, so I pulled up right next to her vehicle and I got
13 out of my vehicle and I observed it was a gray vehicle,
14 description that was given out. By my position, I could see
15 him with a blue shirt on, a light skinned black male, as soon
16 as I, you know, got about in front of my vehicle, he took off.

17 **Q:** Okay. By took off, what do you mean?

18 **A:** Fled the scene.

19 **Q:** In the vehicle?

20 **A:** In that vehicle.

21 **Q:** Okay. And so, what did you do from that point?

22 **A:** I jumped back in my patrol vehicle, followed behind
23 Sergeant and stayed with her and him the entire pursuit until
24 he made a right on 707, until he had the accident right there
25 by Bay Road.

1 Q: Okay. And you said you stayed behind Sergeant
2 Buckingham. Were you able to make visual contact or maintain
3 visual contact with the stolen vehicle?

4 A: That's correct, it was in front of me the whole time; it
5 was Crystal, then it was him.

6 Q: Okay. And did you have your emergency equipment
7 activated throughout the pursuit?

8 A: Absolutely.

9 Q: Okay. And by emergency equipment, do you mean blue
10 lights and siren?

11 A: Yes, that's correct.

12 Q: And so, you said the accident, so the wreck where the
13 suspect wrecked the stolen vehicle into the back of another
14 vehicle ---

15 A: That's correct.

16 Q: --- you saw that?

17 A: That's correct.

18 Q: Okay. And then what did you see next once that happened?

19 A: Well, once that happened, he jumped out of his vehicle,
20 got to the ground and his vehicle was moving, so I moved him
21 over, put the cuffs on him and I placed him in my patrol
22 vehicle.

23 Q: Okay. And the suspect who you took from -- well, the
24 suspect who had came out from the stolen vehicle, did he match
25 the description you had previously been given?

1 **A:** That's correct. That's correct. Blue shirt, light
2 skinned black male in a gray vehicle, gray Jeep.

3 **Q:** Okay. And do you see that suspect today in the
4 courtroom?

5 **A:** That's correct, sitting over there.

6 **Q:** And sitting over there, are you indicating the defendant,
7 Mr. Dozier?

8 **A:** Yes, ma'am.

9 **Q:** Okay. Alright. Mr. or Officer Truss, I apologize. If
10 you would answer any questions that Mr. Spratlin has.

11 **THE COURT:** Cross examination?

12 **MR. SPRATLIN:** Thank you, Your Honor.

13 **CROSS EXDAMINATION OF FLOYD TRUSS BY MR. SPRATLIN:**

14 **Q:** Good afternoon, Officer Truss, how are you today?

15 **A:** Good.

16 **Q:** I just got a couple of questions for you. You never
17 responded to the actual scene of the carjacking, right?

18 **A:** That's correct.

19 **Q:** You never did any sort of identification procedure with
20 the victim in this case, right?

21 **A:** That's correct.

22 **Q:** You never even met the victim in this case?

23 **A:** That's correct.

24 **Q:** And you said the description that went out over the radio
25 was of a light skinned black male in a blue shirt?

1 **A:** That's correct, driving a Jeep.

2 **Q:** Driving a Jeep. No details about what was on the shirt;
3 light skinned black male, light blue or blue shirt?

4 **A:** That's correct.

5 **Q:** Okay. That's all the questions I have. Thank you.

6 **THE COURT:** Redirect?

7 **MS. WALKER:** Nothing, Your Honor.

8 **THE COURT:** Very well. Is this witness free to leave?

9 **MS. WALKER:** Yes, Your Honor, and I would ask that he be
10 released from his subpoena?

11 **THE COURT:** Alright. Any objection?

12 **MR. SPRATLIN:** No objection, Your Honor.

13 **THE COURT:** Thank you. You are free to go. Call your
14 next witness please?

15 **MS. WALKER:** Officer Stokes.

16 **CLERK:** Please raise your right hand and place your left
17 hand on the Bible?

18 **BRANDON STOKES, HAVING BEEN**

19 **SWORN TESTIFIES AS FOLLOWS:**

20 **CLERK:** Thank you. Please be seated, state your name and
21 spell your last name for the Court?

22 **OFFICER STOKES:** It's Brandon Stokes. Last name, S-T-O-
23 K-E-S.

24 **THE COURT:** Your witness.

25 **MS. WALKER:** Thank you, Your Honor.

1 **DIRECT EXAMINATION OF BRANDON STOKES BY MS. WALKER:**

2 **Q:** Officer Stokes, where are you currently employed?

3 **A:** Myrtle Beach Police Department.

4 **Q:** Okay. And what do you do with them right now?

5 **A:** Patrol Officer.

6 **Q:** Okay. Alright. However, were you employed by Horry
7 County back in July of 2018?

8 **A:** Yes, I was.

9 **Q:** Okay. And what was your title back then?

10 **A:** Patrol Officer.

11 **Q:** Okay. Alright. And so, you just had a kind of change of
12 venue?

13 **A:** Yes, ma'am.

14 **Q:** Alright. So, back in 2018, you were a patrol officer
15 with Horry County. Did you have an occasion to be involved
16 with the investigation of the carjacking we're here about
17 today?

18 **A:** Yes, ma'am.

19 **Q:** Okay. And how did you get involved with it?

20 **A:** I was one of the initial responders. I believe I was one
21 of the officers dispatched to the incident location.

22 **Q:** Okay.

23 **A:** I followed up and went to the actual incident location,
24 Books A Million, after checking on Sergeant Buckingham.

25 **Q:** Okay. So, the incident location, was that in the parking

1 lot area, outside of the Books A Million?

2 **A:** It was in the parking lot area of the Books A Million at
3 the Inlet Square Mall in Murrells Inlet section of Horry
4 County.

5 **Q:** Okay. Alright. And once you got there to the Books A
6 Million, did you make contact with the victim in this case?

7 **A:** I did. Her and her husband were inside the store. I
8 made contact with them first.

9 **Q:** Okay. And were you able to get any sort of information
10 about what had happened from the victim?

11 **A:** Yes, ma'am. She stated that she had dropped her husband
12 off ---

13 **MR. SPRATLIN:** I'm going to object. This is hearsay.

14 **MS. WALKER:** Your Honor, I can withdraw that question.

15 **THE COURT:** Alright. Very well.

16 **MS. WALKER:** Okay.

17 **BY MS. WALKER:**

18 **Q:** So, when you got there and you spoke with the victim, did
19 she have any injuries on her?

20 **A:** Yes, ma'am, she had scrapes to both elbows, her left knee
21 and her left shin area, just above her shoe where her sock
22 was.

23 **Q:** Okay. And were you able to document the injuries in any
24 way?

25 **A:** Yes, ma'am, they were photographed and attached to our

1 case file.

2 **Q:** Okay.

3 **MS. WALKER:** Your Honor, may I approach the witness?

4 **THE COURT:** You may.

5 **BY MS. WALKER:**

6 **Q:** Officer Stokes, I'm going to show you what's been marked
7 for identification purposes only, State's 1 through 4. I need
8 you to take a look at those 4 photos, please?

9 **A:** Okay.

10 **Q:** Alright. Are those the photos that you took that day of
11 the victim's injuries?

12 **A:** Yes, ma'am.

13 **Q:** Okay. And are they a fair and accurate representation of
14 what you saw that day?

15 **A:** They are.

16 **Q:** Okay.

17 **MS. WALKER:** Your Honor, permission to publish to the
18 jury?

19 **MR. SPRATLIN:** I have no objection to their admission,
20 Your Honor.

21 **THE COURT:** Very well. These exhibits are in evidence
22 and yes you have permission to publish them to the jury,

23 **(STATE'S EXHIBITS NUMBER 1 THROUGH 4**
24 **ARE ADMITTED INTO EVIDENCE)**

25 **MS. WALKER:** Thank you, Your Honor.

1 **THE COURT:** Yes.

2 **REPORTER'S NOTE:** (State's exhibit 1-4 published to the
3 jury).

4 **BY MS. WALKER:**

5 **Q:** So, how long did you stay there with the victim?

6 **A:** I don't recall. I stayed there until Sergeant Buckingham
7 was able to return with some of their personal items from the
8 vehicle.

9 **Q:** Okay. But you were there when Sergeant Buckingham came
10 back with the personal effects from the wrecked vehicle?

11 **A:** Yes, ma'am.

12 **Q:** Okay. All right.

13 **MS. WALKER:** I beg the Court's indulgence?

14 **THE COURT:** Yes.

15 **BY MS. WALKER:**

16 **Q:** Alright. Just your patience, please. I'm back in
17 geography. So, the entire area of Murrells Inlet, Inlet
18 Square Mall, Holmestown Road, 707, all the portions of where
19 the vehicle was stolen, where it fled, and where it was
20 ultimately wrecked; is that all in Horry County?

21 **A:** Yes, ma'am, the vehicle stayed within the jurisdiction of
22 the Horry County Police Department.

23 **Q:** Okay. Alright. And that's the area that you patrolled?

24 **A:** Yes, ma'am.

25 **Q:** Okay. Alright. No further questions at this time.

1 **THE COURT:** Cross examination?

2 **MR. SPRATLIN:** Yes, Your Honor. Thank you.

3 **THE COURT:** Yes.

4 **CROSS EXAMINATION OF BRANDON STOKES BY MR. SPRATLIN:**

5 **Q:** Officer Stokes, how you doing this afternoon?

6 **A:** I'm doing very well; how about yourself?

7 **Q:** Pretty good. Now, you are currently a Patrol Officer,
8 right?

9 **A:** Correct.

10 **Q:** And at the time of this incident, you were a Patrol
11 Officer too?

12 **A:** Yes.

13 **Q:** Okay. And you responded at one point to the Inlet Square
14 Mall, right?

15 **A:** Yes, sir.

16 **Q:** Alright. To your knowledge, a detective never came out
17 to Inlet Square Mall while you were there, did he?

18 **A:** No, sir.

19 **Q:** So, no detectives ever came out to your knowledge?

20 **A:** No, sir.

21 **Q:** You actually are the one that took a statement from the
22 victim, correct?

23 **A:** Yes, sir.

24 **Q:** And you're the one that advised her of all of her rights
25 as a victim, right?

1 **A:** Yes.

2 **Q:** You told her that she had a right to be present at the
3 bond hearing in this matter, right?

4 **A:** Yes, sir.

5 **Q:** So, she could have gone to the hearing where my client
6 was present, right?

7 **A:** Yes, sir.

8 **Q:** And she could go to any other proceedings where he was
9 present, right?

10 **A:** If that is on the victim's form, then yes.

11 **Q:** Okay. You also looked a little bit for some cameras,
12 right?

13 **A:** Yes, sir.

14 **Q:** In fact, Books A Million had cameras?

15 **A:** Inside the store, they did.

16 **Q:** And I think you, if I'm remembering correctly, you
17 actually asked an employee if that camera would have picked up
18 the parking lot, right?

19 **A:** Yes, sir.

20 **Q:** And the response was probably not with a sign or
21 something there, right?

22 **A:** They were posters all along the front side of the
23 windows, correct.

24 **Q:** Now this is Inlet Square Mall, right?

25 **A:** Yes, sir.

1 Q: There are other stores in Inlet Square Mall?

2 A: I'm not sure which stores were open at that time; they're
3 pretty bare right now.

4 Q: Okay. But you didn't check any other stores, did you?

5 A: None that I can recall, no.

6 Q: You didn't check the Planet Fitness if that was there at
7 the point?

8 A: I'm not sure if it was even there.

9 Q: Okay. And to your knowledge, like I said, no detectives
10 were never called out to do any sort of investigation?

11 A: No, sir.

12 Q: And in your training and experience as a law enforcement
13 officer, one of the things that a detective might do is go
14 look and see if there were any cameras, right?

15 A: Maybe.

16 Q: No further questions. Thank you.

17 THE COURT: Redirect?

18 MS. WALKER: Yes, Your Honor.

19 THE COURT: All right.

20 **REDIRECT EXAMINATION OF BRANDON STOKES BY MS. WALKER:**

21 Q: Officer Stokes, was -- in your professional opinion and
22 the opinion of the other officers -- well, just your opinion,
23 did you see a need to do further investigation in this case?

24 MR. SPRATLIN: Objection, Your Honor, that calls for
25 speculation on the part of the officer.

1 **THE COURT:** Can you rephrase the question to indicate
2 this officer as opposed to another officer?

3 **MS. WALKER:** Sure. Yes, Your Honor.

4 **BY MS. WALKER:**

5 **Q:** So, in your professional opinion, did you make a
6 determination that there was no need for further investigation
7 in this case?

8 **A:** Yes, ma'am. I was looking for any possible video of the
9 actual incident where the vehicle was taken. We had located
10 the vehicle a short time after it was called out. So, picking
11 up video surveillance of the vehicle leaving did not seem like
12 it would have any evidentiary value.

13 **Q:** And was the person who was apprehended at the scene of
14 the wrecked stolen vehicle, did that person match the original
15 description some minutes before from the victim in this case?

16 **A:** Yes, ma'am.

17 **Q:** Alright. No further questions.

18 **THE COURT:** Yes, recross?

19 **MR. SPRATLIN:** Thank you, Your Honor.

20 **THE COURT:** Yes.

21 **RECROSS EXAMINATION OF BRANDON STOKES BY MR. SPRATLIN:**

22 **Q:** In your opinion, it wasn't worth getting any additional
23 evidence, right?

24 **A:** Any video of the vehicle leaving the Inlet Square Mall,
25 no.

1 Q: How long had you been a Patrol Officer at that point?

2 A: 8 years and 2 as a detective.

3 Q: Okay. And so, your decision was no point in getting
4 anything else?

5 A: No.

6 Q: No point in even checking to see if there was a camera
7 that may have caught this incident?

8 A: There was no cameras outside of that store and the camera
9 inside the store would not have shown it. No.

10 Q: Okay. You didn't check any other stores, as I said?

11 A: There were no stores in that vicinity to show the
12 incident location.

13 Q: Okay. But you didn't even check?

14 A: No, sir.

15 Q: Alright. And that's all the questions I have, actually.
16 Thank you.

17 THE COURT: Alright. Is this witness free to leave?

18 MS. WALKER: Yes, Your Honor.

19 THE COURT: All right. Any objection?

20 MR. SPRATLIN: No objection, Your Honor.

21 THE COURT: Very well. Thank you. Call your next
22 witness, please?

23 MR. HOLFORD: Your Honor, the State rests.

24 THE COURT: Very well. Alright. Now, ladies and
25 gentlemen, you have now heard the witnesses and received the

1 evidence, which you will from the State in the State's case in
2 chief. That signifies to me, that there are matters that I
3 must take up outside your presence. I'm going to ask you,
4 please step to your jury room. Do not discuss this matter.
5 Do not allow anyone to discuss it with you and we're going to
6 use this as our afternoon break. Thank you.

7 **REPORTER'S NOTE:** (Jury retires to jury room 3:23 P.M.).

8 **THE COURT:** Thank you. Alright. Motions at this time?

9 **MR. SPRATLIN:** Your Honor, the defense would make a
10 Motion for Directed Verdict in regards to the carjacking. We
11 feel that the State has failed to meet its burden of proving
12 every element of the offense beyond a reasonable doubt, such
13 that a reasonable jury could convict my client. In
14 particular, I believe that there have been no out of court
15 identification. The only identification being made in court
16 and is inherently unreliable and I would ask the Court to
17 direct a verdict in regards to the carjacking charge.

18 **THE COURT:** Very well. Thank you. Do you wish to
19 respond?

20 **MR. HOLFORD:** Your Honor, clearly, as the Court knows,
21 it's viewed in the light most favorable to the non-moving
22 party and that would be the State. Certainly, the State has
23 presented competent evidence by reliable witnesses that have
24 both identified this defendant as the one who carjacked them.
25 He matched the description at the time, he's seen on video

1 getting out of the vehicle which he took from the victim.
2 Multiple officers have testified as to the blue lights and
3 sirens, that they took place in Horry County and the victim
4 has specified that force was used. All of the elements of
5 both crimes have been testified here in court today.

6 **THE COURT:** Very well. Counsel, it is the obligation of
7 the Court to ascertain whether or not there is evidence on
8 each element and every element of each and both of the
9 indictments. It is not for the Court to weigh the evidence;
10 that is for the jury. But the Court must ascertain whether or
11 not there is evidence on each and every element of each
12 indictment from which a reasonable jury could render a verdict
13 and I so find that there is evidence on each and every element
14 of each of these indictments; both the carjacking as well as
15 failure to stop for a blue light and siren.

16 With regards specifically to the identification, given
17 the -- the time involved, given the identification, given and
18 testified to by the alleged victim and given the time in which
19 the call went out, the appearance of the vehicle, the
20 discovery of the alleged victims inside of that vehicle, the
21 evidence of the defendant exited from that vehicle, obviously
22 it does appear that the blue lights as well as the siren were
23 both illuminating and activated and therefore, I do find that
24 there is evidence on each and every element of both of these
25 indictments and would respectfully, respectfully deny the

1 motion, noting your exception hereto.

2 **MR. SPRATLIN:** Thank you, Your Honor.

3 **THE COURT:** Now, do you need a moment to speak with your
4 attorney -- or to your client with regards to proceeding with
5 the defense?

6 **MR. SPRATLIN:** Your Honor, I had spoken with him earlier.
7 The only defense we would have is his -- if he chose to
8 testify.

9 **THE COURT:** Yes.

10 **MR. SPRATLIN:** My belief is that he has chosen not to
11 testify. However, I would ask the Court to inquire about
12 that?

13 **THE COURT:** Absolutely. I certainly will do that.
14 Alright. Alright.

15 Mr. Dozier, if you would please stand and raise your
16 right hand for me and be sworn?

17 **REPORTER'S NOTE:** (Defendant sworn by the clerk).

18 **CLERK:** Thank you.

19 **THE COURT:** Alright. Now, if you would just, for our
20 record, Mr. Dozier, if you would state your full name for the
21 record?

22 **MR. DOZIER:** Shaquille Bradon Dozier.

23 **THE COURT:** Yes, sir. And I have certain questions that
24 I'm going to ask of you and if you do not understand my
25 question, I don't want you to answer it. I do want you to let

1 me know that you don't understand my question. There are many
2 ways to explain any one thing. It is very important that you
3 understand my questions that I'm going to ask you and it's
4 very important that you understand that what I'm going to
5 explain to you. So, if you don't understand my explanation, I
6 want you to let me know. if you don't understand my question,
7 I want you to let me know and I can certainly choose another
8 way to explain these matters or to explain my question to you.

9 Now, Mr. Dozier, at this time, I'm going to explain to
10 you certain of your rights. If you need me to explain
11 anything in more detail, I want you to let me know. If you
12 don't understand anything that I say, please let me know. Do
13 you understand?

14 **MR. DOZIER:** Yes.

15 **THE COURT:** Thank you. Now, Mr. Dozier, the State has
16 rested, which means that they have put up and they have called
17 the witnesses, they have put in the evidence which they intend
18 to in their case in chief. We have now reached the stage of
19 the trial where you may present your defense. You have the
20 right to claim the protections given to you by the Fifth
21 Amendment to the Constitution of the United States. This
22 amendment states in part, no person shall be compelled in any
23 criminal case to be a witness against himself. This means,
24 that you cannot be required to testify in this case. You have
25 the right to testify on your own behalf. However, no one can

1 make you testify. This is a personal right, and no one can
2 waive this right except you. If you decide to testify, you
3 will be subject to the same rules that govern other witnesses
4 and you may be examined and cross examined on any relevant
5 issue in this case. In addition, if you have any convictions
6 involving dishonesty, or false statement, or for crimes
7 punishable by imprisonment for more than 1 year and this Court
8 determines that the probative value of admitting this
9 evidence, outweighs it's prejudicial effect to you, the
10 solicitor will be able to introduce your record to attack your
11 credibility. If you decide to testify, this decision on your
12 part must be freely, voluntarily and intelligently made with
13 knowledge of the protections given to you by the Fifth
14 Amendment and the consequences of your decision to testify.

15 If you decide not to testify, I will instruct the jurors
16 that they cannot give the fact that you did not testify any
17 consideration whatsoever, and that there is to be absolutely
18 no prejudice to you because you did not testify. Whether you
19 testify or not, is left entirely up to you. You may talk and
20 you should talk with your attorney with that regard or in that
21 regard. You may talk to your family, you may talk to trusted
22 friends or anyone else, but the final decision will be left
23 entirely up to you. Do you understand what I have explained
24 to you?

25 **MR. DOZIER:** Yes.

1 **THE COURT:** Do you have any questions about what I have
2 explained to you?

3 **MR. DOZIER:** No, ma'am, Your Honor.

4 **THE COURT:** Have you discussed with your lawyer whether
5 you should or should not testify?

6 **MR. DOZIER:** Yes, Your Honor.

7 **THE COURT:** Do you wish to talk to your lawyer anymore at
8 this time?

9 **MR. DOZIER:** No.

10 **THE COURT:** Do you wish to testify?

11 **MR. DOZIER:** No, Your Honor.

12 **THE COURT:** Very well. Thank you.

13 **MR. SPRATLIN:** Thank you, Your Honor.

14 **MR. HOLFORD:** And, Your Honor, just for purposes of the
15 record, the State would seek to introduce no prior convictions
16 of the defendant, if he chose to.

17 **THE COURT:** Very well. And I want to be sure that you
18 understand that as well. Mr. Dozier, the State has indicated
19 that should you wish to testify, there would be no prior
20 convictions that they would attempt to introduce for the
21 purpose of challenging your credibility. They have shared
22 with me; I share that with you to be sure you understand that.
23 Do you understand that?

24 **MR. DOZIER:** Yes, Your Honor.

25 **THE COURT:** Alright. Now, in that you perhaps had this

1 information that you had not had, does that cause you to want
2 to speak with your attorney further?

3 **MR. DOZIER:** No, Your Honor.

4 **THE COURT:** Does that in any way change your decision to
5 testify or not testify?

6 **MR. DOZIER:** No, Your Honor.

7 **THE COURT:** And you still continue in your decision not
8 to testify; is that right?

9 **MR. DOZIER:** Yes, Your Honor.

10 **THE COURT:** Alright. Do you have any questions of me
11 with regards to what we have discussed?

12 **MR. DOZIER:** No, Your Honor.

13 **THE COURT:** Do you have any questions of your lawyer with
14 regards to what we have discussed; if so, I want you to feel
15 free to ask -- to take some time and ask him if you do?

16 **MR. DOZIER:** No, I'm good.

17 **MR. SPRATLIN:** Thank you, Your Honor.

18 **THE COURT:** Alright. Very well. Thank you.
19 All right.

20 **MR. SPRATLIN:** Your Honor, if I could just rest on the
21 record at whatever time the Court feels appropriate, for the
22 sake of renewing all of my motions, I would just like to seek
23 to go ahead and renew them now so we don't have to have the
24 jury come in and come out.

25 **THE COURT:** Very well.

1 **MR. SPRATLIN:** So, I would just renew my motion for
2 directed verdict that I made at the close of the State's case.

3 **THE COURT:** Thank you so much. And, Mr. Mr. Spratlin, on
4 the same basis, I would respectfully deny your motion.

5 **MR. SPRATLIN:** Yes, Your Honor. Thank you.

6 **THE COURT:** Alright. Then what remains for us would be
7 of course to -- I'd like to review the charge with you in an
8 informal charge conference and I think that given the time, it
9 makes sense to argue and charge in the morning. I think that
10 is certainly -- it's close, but by the time we have an
11 informal charge conference, we would be 4 o'clock. By the
12 time you finish arguing, it's going to be 10 minutes until 5,
13 which would leave the charge for tomorrow morning. I would,
14 quite frankly, rather have a charge conference now and then
15 argue and charge in the morning. I think that's a better way
16 to proceed. So, what I would propose to do is have the jury
17 come back in. I'll call -- I'll recognize you, Mr. Spratlin,
18 and call for the defense, you will then rest. And then I am
19 going to send them home for the evening and that will give us
20 an opportunity to go over the charge, alright?

21 **MR. SPRATLIN:** Yes, Your Honor.

22 **THE COURT:** Very well. Thank you. Okay. Let me have
23 the jury, please.

24 **REPORTER'S NOTE:** (Jury enters courtroom 3:39 P.M.).

25 **THE COURT:** Alright. Ladies and gentlemen, before the

1 break, the State rested, which means that you've now heard the
2 evidence and received testimony, which you will from the State
3 in the State's case in chief. We will turn now to the
4 defense. Yes, sir?

5 **MR. SPRATLIN:** Your Honor, the defense will rest.

6 **THE COURT:** Very well. Ladies and gentlemen, you have
7 now received all of the evidence, which you will in this case.
8 You have listened to all the testimony which you will in this
9 case. What remains for us are the arguments of counsel and
10 then my charge on the law and then you will receive this case
11 for your deliberations.

12 Ladies and gentlemen, my concern -- we're in that
13 interesting time, because it's about 4 o'clock. And so, as I
14 review, based on my 21 years of experience, you would receive
15 this case, under normal circumstances right at 5 o'clock. I
16 don't want to do that. What we're going to do is there's some
17 things that I need to do to prepare for the charge on the law
18 and so, I think the better way to proceed is bright and early
19 in the morning at 9:30, you will hear the arguments of
20 counsel, then my charge or instruction on the law and then you
21 will receive this case for your deliberations. I think that
22 is the better way to proceed. So, you're about to go home.
23 Somebody is going to be curious about what you have been up to
24 today. So, we need to talk about that.

25 I don't expect you to go home and whomever might ask, so,

1 how was your day; I can't discuss it. Oh, where have you
2 been; I can't tell you. All of a sudden, I could be
3 responsible for creating something less than peace and harmony
4 in your world; I want no part of that. So, let's talk about
5 what is appropriate to discuss. You certainly can say, you
6 know, I returned to the courthouse this morning with the jury
7 panel. I was selected to serve on the jury. And then people
8 want to know, is it a civil matter or a criminal matter; it's
9 fine to say it is a criminal matter as opposed to a civil
10 matter. But beyond that, you must not discuss this matter or
11 allow anyone to discuss it with you. So, you will need to
12 tell whomever is curious, that you cannot discuss this matter
13 or allow anyone to discuss it with you, but don't you let
14 anybody get upset with you; put it on the Judge. Just say,
15 that's the Judge's instructions. They can be upset with me;
16 I'm okay with that. I don't want anybody upset with my
17 jurors, but I genuinely do not want you to talk about this
18 matter or allow anyone to discuss it with you, for the reasons
19 that we talked about earlier.

20 Now, when you go home, no Columbo. Do not go to the
21 internet where all things can be found it seems. Do not do
22 any kind of research. Do not even look up the definition of a
23 word. It is so important that you receive all of the
24 information from which you will make up your minds here in
25 court while court is in session. So, please be mindful of

1 that.

2 Now, does anybody work at night? Not tonight and let me
3 tell you why. It is impossible for -- and I don't know how
4 y'all have been so unbelievably alert today, oh, by the way.
5 I cannot, no one can expect you to work at night and be so
6 alert during the day. So, I'm going to instruct you, uh-uh,
7 (negative response) not tonight. You know, the other jurors
8 here today, they work outside their home or work inside their
9 home, they have been here and likewise, I'm going to instruct
10 you to not to go to work this evening.

11 Now, you got to call and report that. I don't want
12 anybody upset with my jurors. Remember, put it on the Judge.
13 Now, if anyone expresses to you any concern about that
14 instruction, you get me a name and a phone number, I got it in
15 the morning, and I will make my own phone call and we'll
16 discuss with whomever you give me to discuss with. I'll be
17 happy to do that. I will have no one upset with my jurors
18 following my instruction. You let them get upset with me, not
19 you.

20 Now, but I need you to be rested for tomorrow. What will
21 happen tomorrow; well, when you arrive tomorrow, 9:30, oh, and
22 I am told you should eat half a bowl of Wheaties in the
23 morning, because your magnificent Clerk of Court's Office are
24 going to have breakfast for you. How fabulous is that? So,
25 have a bowl of Wheaties just to get enough energy to get you

1 here in the morning at 9:30. We will have the arguments of
2 counsel, and then there will be a very short break and I will
3 explain that to you at that moment. Once arguments are
4 finished, I will then explain to you the law applicable to
5 this case. There will be another very short break, which I
6 will explain to you at that point and then, ladies and
7 gentlemen, you will receive this case for your deliberations.

8 I remind you that in the morning, please leave your cell
9 phones or other communication devices away from the
10 courthouse, but if you bring it with you, please remember to
11 give it to our bailiff security and they will take great care
12 of it while you're serving on the jury. Remember, you must
13 not have a cell phone or other communication device with you
14 while you're serving on the jury.

15 Ladies and gentlemen, finally, remember, do not discuss
16 this matter and do not allow anyone to discuss it with you.
17 No blogging, no tweeting, no texting, no communication, no
18 research, no Columbo. Again, and finally, you must receive
19 all of the information from which you will make up your minds
20 here in court while court is in session. Have a wonderful
21 evening. I look forward to seeing you in the morning at 9:30.

22 **REPORTER'S NOTE:** (Jury excused for the evening 3:47
23 P.M.).

24 **THE COURT:** So, I would appreciate so much if we can have
25 an informal charge conference. If y'all are comfortable doing

1 that, if would be a great assist to me. That lets me go over
2 the charge that I propose to give and you all can help me.
3 Good?

4 **MR. HOLFORD:** Yes, ma'am.

5 **THE COURT:** You want to come on back to chambers; very
6 well. Alright.

7 **MR. HOLFORD:** What time tomorrow?

8 **THE COURT:** 9:30.

9 **(COURT IN RECESS)**

10 **THE COURT:** Ready to argue and charge?

11 **MR. HOLFORD:** Yes, Your Honor.

12 **THE COURT:** Ready to argue and charge?

13 **MR. SPRATLIN:** Yes, Your Honor.

14 **THE COURT:** Now, we'll have the jury.

15 **REPORTER'S NOTE:** (Jury enters courtroom 9:49 A.M.).

16 **THE COURT:** Wonderful. Good morning.

17 **JURY:** Good morning.

18 **THE COURT:** Did you eat your biscuit?

19 **JURY:** Yeah.

20 **THE COURT:** Was it yummy? All right. Ladies and
21 gentlemen, I do want you to know how we're going to be
22 proceeding. You are first going to hear from Solicitor
23 Holford in his principal closing argument, closing argument.
24 You're then going to have the opportunity to hear from Mr.
25 Spratlin in his closing argument. And then once Mr. Spratlin

1 has completed his closing argument, you're going to hear a
2 rebuttal or a reply argument. No, what am I doing; forget
3 everything I just said. Forget everything I just said. I
4 should have had that second cup of coffee this morning. I
5 absolutely should have had it. Let me try it yet again.

6 You're first going to hear from Mr. Holford in his
7 closing argument on behalf of the State. And then you're
8 going to hear from Mr. Spratlin in his closing argument. That
9 will conclude the closing arguments. It's just that and we'll
10 conclude the closing arguments with his argument. Everybody
11 clear about that? Yeah, so we'll have two; first from the
12 State and then on behalf of the defendant by Mr. Spratlin.
13 Once the closing arguments are finished, there's going to be a
14 very short break, but it's going to be self-explanatory. I am
15 then going to explain to you the law applicable to this case.
16 Then, ladies and gentlemen, they'll be another very short
17 break, which I am going to explain to you when we get to that
18 point. And then you're going to receive this case for your
19 deliberations. At this time, ladies and gentlemen, I'm going
20 to ask that you please draw close as we listen to the closing
21 arguments.

22 **MR. HOLFORD:** May it please the Court?

23 **THE COURT:** Yes, sir.

24 **MR. HOLFORD:** Good morning, ladies and gentlemen of the
25 jury. Again, my name is Josh Holford. I represent the State

1 of South Carolina along with Cara Walker.

2 Now, what we saw yesterday is the justice process that I
3 see all the time. It might have been confusing at times, you
4 might have wondered, why is he asking that question; why does
5 he have to ask the witness to approach and identify something
6 before it was actually submitted, watching the video and
7 asking the witness to identify it. There's all kinds of
8 records that we see here. They have to be taken down. There
9 are rules that we have to follow. They govern who asks
10 questions first; who asks questions second, if I'm allowed to
11 ask questions again or not. And so, usually I lay that out in
12 the beginning, and I forgot to do that. Which brings me to
13 another point. When we ended this, inevitably, I'm going to
14 sit down after I do my closing argument and I'm going to
15 think, man I should have said this.

16 But what you heard from this witness stand yesterday took
17 about an hour. There were four witnesses that you heard from.
18 That's the evidence in this case. What you saw on the video,
19 that's the evidence in this case. It was a quick process, but
20 it doesn't belittle for me, that this is not an important
21 trial. Every single trial, every single victim and defendant
22 that comes into this courtroom is entitled to a fair trial,
23 and that's what we've given them.

24 Now, I want to talk just briefly, before we get to the
25 video, about what failure to stop is and what carjacking is.

1 So, failure to stop, you're going to see on the video what it
2 is. You're going to watch the vehicle go, lights and sirens
3 behind the car, a police chase, not stopping. That's what
4 failure to stop is.

5 Carjacking is the taking or attempt to take another
6 person's vehicle by force and violence or intimidation. In
7 this case, we have force and violence of another. That's what
8 carjacking is. You have heard from multiple witnesses that in
9 this case, the defendant, which I know the T.V. is blocking
10 him right now, but he's sitting right over there, Shaquille
11 Dozier, did take that car.

12 The Judge is going to talk to you about two different
13 types of evidence; direct and circumstantial evidence. And I
14 kind of want to talk about that just briefly. Last night, you
15 know, I kind of wish we could have done this yesterday,
16 because always the night before a closing, all I can do is lay
17 in bed and think about what am I going to say. And I swear to
18 you, I was up for at least an hour laying in my bed, just
19 thinking, thinking, and going over this. It's a closing I've
20 given many times and yet, my mind just races. And while I'm
21 laying there, I hear this thunder and brings me back to a
22 story that I heard a good lawyer talk about when he's talking
23 about circumstantial evidence. And he explained it this way.
24 He said, you know, if you hear thunder outside and you see
25 lightning and you wake up the next morning and your ground is

1 wet, your driveway is wet; that's circumstantial evidence that
2 it rained. You didn't watch it rain and you didn't look out
3 the window and see the rain. You didn't stand out in the
4 rain, but you know when you walk out your door that it rained.
5 That's the circumstances that lead you to believe someone.

6 Now, direct evidence would be a little different. It
7 would be a person who came in your house the next morning
8 drenched and they say, I saw it rain last night, I'm wet; it
9 rained. They're telling you, they directly observed
10 something.

11 Now, in this case, you have both. What you have with the
12 carjacking is that Ms. Schneider, one, identified that that
13 defendant; I saw him. That's the man who yanked me out of the
14 car, took my vehicle and fled.

15 What you also have is circumstantial evidence, because
16 you heard from the officer that the description of the man who
17 yanked me out of my car and stole it, the man who carjacked
18 me, he was a thin, light skinned, black male; looks like a
19 nice kid, light blue shirt. So, they got that description.
20 Well, then they see the vehicle that matches the description,
21 a gray Jeep Unlimited Rubicon, start pursuing. Well, who gets
22 out of that vehicle; a person matching that description?
23 Without Ms. Schneider we have circumstantial evidence; that's
24 certainly enough to prove to you beyond a reasonable doubt
25 that this defendant, the man who was seen in the vehicle on

1 camera, chased by police, who wrecked the vehicle; this is the
2 same man who took it. But in addition to that circumstantial
3 evidence that I've already talked about, you have direct
4 evidence. So, you have both kinds of evidence to prove to
5 you, beyond a reasonable doubt that Shaquille Dozier is the
6 man who carjacked Ms. Schneider on July 3rd, 2018.

7 You know, we talked a little bit about I had to have some
8 officers talk about it happened in Horry County. That's
9 procedural. We can't try someone for a crime that occurred in
10 North Carolina. And so, we also had to hear that. That's
11 just an element of the offense.

12 In the failure to stop for a blue light, you have direct
13 evidence. We have officers that told you, I witnessed it, I
14 saw it, I was present and then he even had a video to show
15 you. I'm going to watch that video right now with you. I
16 know that we watched it yesterday. I'm sure you all remember
17 it, since we got a break last night, I just want to point out
18 a couple of things that I found important and I tried to do
19 that at the time, but I'm going to try to do that again and
20 try not to take up too much more of your time. And of course,
21 I've entered it into evidence; I've got to get it from
22 evidence and put in the DVD player.

23 As she's doing this, you know, one of the things that
24 always comes up or tends to come up is, well we want more.
25 You know, we're in this world now where there's CSI on T.V.

1 and people are watching True Crime and where's the DNA,
2 where's the fingerprints, why didn't you do this, why didn't
3 you do that. The fact of the matter is that every single
4 person who gets arrested isn't always on video committing a
5 crime or isn't always leaving DNA or isn't always leaving
6 fingerprints. The purpose for things like DNA and
7 fingerprints is to tie a person, identify a person who
8 committed a crime. So, if we didn't know who did it, if we
9 didn't have a victim to say that's the man who did it, then we
10 would use those circumstances. That's why you're not going to
11 see that in this case. You know, why don't we have
12 surveillance; you heard from the officer. He looked, Books A
13 Million has got apparently signs on the front and the video
14 wouldn't have captured it. Would I, as the State, love to
15 show you a video that shows it happening; sure. And if we had
16 that in this case, there would be some other thing that we
17 didn't do or couldn't have done. But again, reasonable doubt
18 comes back to what's reasonable. And I want you to think back
19 to that example about it raining and someone coming in and
20 saying I'm soaked; it rained outside. And you had heard the
21 thunder and you saw the wet ground and then someone told you,
22 well, I want you to think about this. There was this giant
23 water balloon, bigger than one you've ever seen, and it
24 exploded. Is that a possibility; maybe. Is that what
25 happened; absolutely not. Reasonable doubt has to be

1 reasonable. It can't be some far-fetched idea, you know,
2 someone else took the car matching the exact same description,
3 looks exactly like the man that Ms. Schneider saw, dropped it
4 off, it was picked up by the exact same person and then taken.
5 These aren't reasonable doubts. In this case, you will be
6 firmly convinced beyond a reasonable doubt that the defendant
7 committed these crimes.

8 Inevitably, technological issues, you know we sit here
9 before you come out and test this and makes sure that it
10 works, and I've watched this video this morning again and here
11 we are when the jury is in the room. I'll tell you this, this
12 is not the first time it happened to me. When I was trying a
13 trial in front of Judge Hyman last year, and we were using a
14 projector in a different courtroom and I was the only man up
15 there and I didn't have someone doing the technical stuff and
16 I was sitting there behind the projector just begging the
17 thing to work and I faced this way and I can feel the jury
18 just looking at the back of my head, just looking at the back
19 of my head. And -- and I promise you, it took 10 minutes and
20 it felt -- it felt like 3 hours of just waiting and waiting
21 and waiting. And I still couldn't get it to work. We ended
22 up having to call the IT person in and switch out the
23 projector. But I am no longer allowed to mess with the
24 computers, because I have this technological hand of death.

25 **THE COURT:** Are they still working on that?

1 **MR. HOLFORD:** Yeah.

2 **THE COURT:** So, here's my favorite story. So, we're in
3 Dorchester County and we're trying to get a video cued up, and
4 the -- the lawyer is using -- using the lawyer's laptop to do
5 that, and just before the video started, you know, when you
6 get -- I guess when you get like messages, they'll pop up on
7 the screen and one popped up from his wife. Apparently, they
8 had had a lovely evening. And this particular fellow was so
9 unbelievably conservative, it was like, okay. So, this
10 happens to lawyers all of the time and -- and Solicitor
11 Holford is so very, very correct. We have become dependent on
12 technology. It serves the world, but the moment that the
13 solicitor needs it or any lawyer needs it, it's like the
14 gremlins get into the system and they have some struggle.
15 Thank goodness, you're right, you have these very, very
16 capable folks here to help you today do that. Are you ready?

17 **MR. HOLFORD:** Yes.

18 **THE COURT:** Perfect. Alright. You may continue,
19 solicitor.

20 **REPORTER'S NOTE:** (State playing video).

21 **MR. HOLFORD:** So, as we watch this video from Officer
22 Buckingham, now Sergeant Buckingham, is traveling southbound
23 on 17. So, she's heading down toward that Inlet Square Mall.
24 Now, she knows that the victim's vehicle, it was taken by the
25 defendant, it was a gray Jeep Unlimited. Go back just a

1 little bit. Right there. And so, as she's traveling this
2 way, she knows what vehicle she's looking for from dispatch
3 and she sees it and that's what causes her to turn around.
4 Now, we don't have to watch the full chase; we'll just go to
5 about a minute 30, a minute 40. So, now we're on Holmestown
6 Road. She's seen the vehicle she's looking for and she's
7 turned around and started chasing and you can see it right
8 here. Lights and sirens are going at this point. The other
9 video we played, the body-cam video, and I know it didn't show
10 much, but this video doesn't have sound, and so I wanted to
11 play that one to show you sirens are actually blaring. You
12 know, if we just had a video without sound, the question would
13 be, were your sirens actually going; we don't have proof that
14 the sirens are going. So, that's why we showed you the other
15 video, to show you that there are actually sirens going, there
16 are lights going. He knows to stop, because he starts to and
17 then he takes off. That doesn't count as stopping for a siren
18 and blue light. You can't just stop and then proceed forward.
19 And so, as he continued on, what you're watching right now is
20 failing to stop for a blue light. That's the second half of
21 this.

22 The great thing about a video is it corroborates what the
23 officer's told you. You know, we have officers in here
24 sometimes that are questioned about well, is it true what he
25 said, and you can see him swerving. You can see him going at

1 a high rate of speed. You see him following the same path the
2 officers talked about. You see him on Holmestown Road hitting
3 a traffic cone, turning right onto 707, now he's going north-
4 ish. You see he's again accelerating, driving in the middle
5 of a turn lane. And then you see him slam into another car.
6 That's the danger of failure to stop for a blue light. Pause
7 it. And now you see the young gentleman, light skinned, black
8 male wearing a blue shirt on video. The same person that Ms.
9 Schneider said took her car. It's not a different person that
10 switched cars, it's the same person. It's the same person
11 that's sitting in this courtroom here today. Shaquille
12 Dozier, carjacked Ms. Schneider, took her vehicle from her by
13 force, yanked her out, threw her on the ground. We showed you
14 pictures because that corroborates it. This wasn't a
15 situation where she gave her car to someone. She has bruises,
16 she has scrapes. What that tells you is she's telling the
17 truth. And you see the same young man that took her car.

18 Ladies and gentlemen, that young man, that nice looking
19 kid, is Shaquille Dozier and even though he's a nice-looking
20 kid, what I'm going to ask of you is to find him guilty of
21 what he did. And what he did was carjacking and failure to
22 stop for a blue light. Thank you.

23 **THE COURT:** Thank you.

24 **MR. SPRATLIN:** Y'all can leave the television there;
25 that's fine.

1 **MR. HOLFORD:** You sure?

2 **MR. SPRATLIN:** Yeah.

3 **THE COURT:** Alright. Mr. Spratlin, you want to wait
4 until the T.V. is moved?

5 **MR. SPRATLIN:** No, Your Honor. That will be fine right
6 there.

7 **THE COURT:** Alright.

8 **MR. SPRATLIN:** I -- I'm likely to be standing in front it
9 anyway.

10 **THE COURT:** Alright.

11 **MR. SPRATLIN:** And I'm actually going to use it. They
12 hate when I sit my stuff on there, so I'm just going to put I
13 right here.

14 When I stood up before y'all at the beginning of this
15 trial for opening statements, what I told y'all is that Mr.
16 Holford and Ms. Walker, the State, they have to build a wall.
17 They have to build a wall and as I told you before, not out of
18 straw, not of sticks and twigs; the way the 3 little pigs did,
19 they build that wall out brick, solid blocks of evidence. I
20 also told y'all that they have to build not just one wall,
21 they have to build two and in a couple of minutes, the Judge
22 is going to charge you on the law. Now, it's going to be a
23 long charge and it's a long charge because your job as a juror
24 is so important. So, very important that you get told a whole
25 lot about what you have to do back in that jury room.

1 I want your ears to perk up a little bit though when you
2 hear her talk about how you have to consider each charge
3 individually; not together, you have to consider the evidence
4 as it relates to failure to stop for a blue light. You have
5 to consider the evidence that relates to carjacking. That is
6 important in this case.

7 More important in this case, than probably any other case
8 I've tried in my 15-year career. The reason why that's
9 important is, because the wall the State has built, for
10 failure to stop for a blue light, well, that's a solid wall,
11 sturdy wall. It doesn't shake when you push it; built out of
12 blocks of evidence; they're proof my client failed to stop for
13 a blue light. That's something I guess you never thought
14 you'd hear a defense attorney tell you, my client's guilty of
15 something; he's guilty of failure to stop for a blue light.
16 You've seen the pictures, you've seen the video, you have seen
17 the evidence. The State has done its job for failure to stop
18 for a blue light.

19 The only issue that you're going to have to decide here
20 today, so in a minute, when I get finished the Judge is going
21 to tell you about the law. She's also going to give you two
22 forms when you go back in the back called jury forms and you
23 have to check guilty or not guilty. So, when you get that
24 failure to stop for a blue light form, you go ahead and check
25 guilty, because they've done their job with that one.

1 But, you have to make a decision on the carjacking, and
2 that's a little bit tougher decision for y'all to make. And
3 here is why. I phrases; I like phrases a lot. One of my
4 favorite phrases is the elephant in the room. Some of y'all
5 may have heard that before. I always picture Dumbo from the
6 cartoon, not the live action one, I didn't think that was very
7 good.

8 But I always picture Dumbo sitting in the room and nobody
9 is talking about him. Nobody's addressing why is there an
10 elephant in the room. I'm not going to do that with y'all
11 here. I'm going to talk to you about the elephant that I see
12 in this courtroom, and I'm going to ask you to focus on this.

13 Now, the first elephant that I see and let me make this
14 very clear to y'all. Ms. Schneider is a victim. Somebody
15 carjacked her that day. She was clearly pulled from her car,
16 thrown to the ground. And you've seen the scrapes, you've
17 seen the bruises, you've seen the photos, you've heard her
18 testifying about it. She was pulled from her car. If I had
19 asked any questions that made you think that I was doubting
20 her story, as far as what happened to her; I'm not.

21 But what I want you to keep in mind is some of the
22 questions I did ask. She talked about how she's near-sighted,
23 I think she can see close, but not far away or vice versa; I'm
24 not sure and nearsighted, farsighted, I'm not sure on that. I
25 was one of those lucky ones that never had to wear glasses.

1 So, I'm not as familiar with that. But, not even addressing
2 the glasses situation, I'm addressing the fact that she said
3 she was scared. She said she was fearful. She was concerned.
4 Obviously. Somebody has opened her car, put their hands on
5 her, and is taking her out with force; she is scared. We
6 would all like to think that if we were in that situation,
7 that if we were scared for our lives, our adrenaline pumping,
8 blood flowing, that we're going to suddenly have this
9 clairvoyance to take a mental photograph of the situation.
10 And say, yeah, it was, exactly this, exactly this and exactly
11 this. The truth is that doesn't matter. You're concerned
12 isn't with taking a mental picture; your concern is with
13 survival. Your concern is getting through the situation.
14 Your concern is seeing your loved ones again. Your concern is
15 not remembering every detail. Now, yes, she said blue shirt,
16 light skinned, black guy. Didn't mention anything about hair;
17 it didn't mention anything about any identifying marks,
18 identifying nose, nothing. Why is that important? Well,
19 because yes, my client was pulled out of that car. You saw
20 it; her car, pulled out, shortly after the carjacking.

21 That brings me to my second elephant in the room. You
22 all are sitting here, based on what you've seen, probably
23 believe my client did it. Probably is not enough. Probably
24 isn't enough for y'all to convict. The State, when they build
25 that wall, has to build it not to the standard that is

1 probably good enough; they have to build it to a standard of
2 proof beyond a reasonable doubt. Now, if they were suing my
3 client for money, if they were trying to take his cash, take
4 his home, take his property, whatever, then probably would be
5 good enough. That's called a civil case. That's called the
6 civil standard of proof. That's more likely than not or clear
7 and convincing evidence, whatever. That is that standard.
8 Probably is good enough for that. But they're not trying to
9 take his money, take his home; they're trying to take his
10 freedom. And the when the State wants to take somebody's
11 freedom; they have to have a higher standard, it's the highest
12 standard known to the law. No standard in the law is higher
13 than the standard that you have to find my client guilty by;
14 proof beyond a reasonable doubt. You wouldn't step out into a
15 highway on the belief that there is probably not a semi-truck
16 coming right at you. And keep in mind, if you find my client
17 guilty and he's not guilty, he's been hit by the semi-truck.

18 Why has the State just shown he probably did it? Here's
19 where we come back to Ms. Schneider a little bit. Her
20 identification of my client. You heard her in court; she took
21 the stand and sat right here and pointed and said that's the
22 man that carjacked me. How can I question that? How can I
23 ask y'all to doubt when she said that; she's the victim of a
24 crime; she is pointing him out. The reason why you need to
25 question that a little bit is there's only one light-skinned

1 black male at that table and it's not me. The reason why is
2 that the police could have solved this issue. The police
3 could have solved the fact that there's really and truly,
4 literally only one person in this entire courtroom that she
5 could have identified as being the man that carjacked her.
6 She picked him. He's the only one sitting here on trial. She
7 couldn't point anybody else out; she couldn't point at Mr.
8 Holford; she couldn't point at anybody; she pointed at him,
9 because he's the only option there was. The police could have
10 fixed it. They could have solved it. You heard me ask them
11 about did they do a photographic lineup; did they do an actual
12 lineup, where they had, you know, 6 light-skinned black males
13 line up and she has to identify the one that actually
14 carjacked her. The reason why that's important is that at
15 that point, there would have been 6 options for her to
16 identify, not just 1. But the State didn't do it. They could
17 have real easy. You heard the officer testify that's
18 something that a detective commonly does. They didn't do it,
19 could have, but didn't. Who knows who she would she have
20 identified? Maybe she would have identified him. Maybe, we
21 don't know, and we don't know because they didn't do it and
22 they have to do their job. They have to do everything they
23 should do before you can let him get hit by a semi-truck.

24 Now, I am not saying those officers didn't do their job.
25 I want to make that clear too. Any questions I asked them,

1 just like I want to make sure you didn't think I was saying
2 Ms. Schneider wasn't the victim of a crime, those officer's
3 they are Patrol Officers, they did what Patrol Officers are
4 supposed to do; respond to calls, take suspects, but most
5 importantly, make sure everybody is safe. That's the job of a
6 Patrol Officer. There's another type of officer that
7 investigates the crime and that's a detective. You heard, I
8 think it was Officer Buckingham, when I asked her about that,
9 that detectives are called out to investigate the crime. No
10 detective was called out to this. No investigation was really
11 done. They had their man, pulled him from the car, take him
12 to court, put him over there so she can stand on the witness
13 stand and point him out. Don't do a photo lineup; that might
14 screw things up. Don't call a detective out, because a
15 detective might investigate and maybe find more evidence
16 against him; maybe find additional evidence, or maybe find
17 something else. We don't know and we don't know is not okay.
18 The detective, I think it was Stokes, I mean officer, excuse
19 me, Patrol Officer Stokes, I think he talked about how, you
20 know, Books A Million didn't have video or that it was like,
21 you know, the signs in the window or whatever had prohibited
22 viewing that. He told you he didn't look at any of the other
23 places. When I was first cross examining him and if you want
24 to rehear any of what you heard, you just got to ask. That
25 lady right there has been taking down everything that's been

1 said and recording everything. If there's anything you're
2 uncertain about or unsure of and you want to rehear or think,
3 hey, Mr. Spratlin is not right on that. Well, then rehear it;
4 see what the witness said. Maybe I'm wrong; maybe I'm right,
5 but there's a way for you to find out for sure.

6 Officer Stokes said he didn't go to any other places. He
7 wasn't even sure what other places were around at that point.
8 That's not an investigation. An investigation is going next
9 door at the mall and saying hey, do you have cameras.
10 Investigation is going to those little cameras that are on the
11 lights in parking lots and saying were those recording at the
12 time; because they would have shown my client carjacking her,
13 or maybe they would have shown something different. We don't
14 know.

15 The State says my client is basically caught in the act.
16 I will agree, it is highly unlikely that someone else jacked
17 the car, light-skinned, black male with blue shirt, and he's
18 seen driving it. And the solicitor compared it to the analogy
19 about the rain and the thunder and the lightning and the giant
20 water balloon. Yeah, it's unlikely, highly unlikely in fact,
21 is it possible? And don't you think you need to investigate
22 if there's a giant water balloon somewhere. Don't you think
23 you need to go outside and see if there is rubber on the
24 ground from where a balloon burst? Don't you think that you
25 got to at least check it and see if may be there was a water

1 balloon that burst because that's kind of weird? They didn't.
2 They didn't because no detective was out there. Because
3 that's their job. A detective's job is to investigate and
4 when they're asking you to convict somebody of a crime as
5 serious as carjacking, they at least have to do a little
6 investigation with the detective, at least.

7 Your job as jurors is an incredibly tough one and you
8 guys actually have an advantage in this case that a lot of
9 jurors don't have. A lot of jurors have to sit here and look
10 at the wall being built without any kind of reference point
11 and say, well, I'm not sure if that's a good wall, it's
12 probably a good wall, it's most likely a good wall, it's
13 possibly a good wall; I don't know. I've never seen a wall
14 being built before. I don't know; I don't know wall built
15 looks like. You guys have an advantage that the other jurors
16 don't have. You have an example of a solidly built wall of
17 guilt. The wall they built for the failure to stop for a blue
18 light is what it should look like. That wall doesn't budge
19 when I push it. That wall doesn't have any gaps or holes.
20 That wall is solid. The carjacking wall is not solid. The
21 carjacking is probably good enough, but probably isn't your
22 job. Proof beyond a reasonable doubt is your job. Before you
23 take a man's freedom, you owe that as jurors; that's your job,
24 that's your duty, that's the oath you took.

25 Now, I've been talking about building walls and playing

1 with blocks. Mr. Holford, he got up here and gave his opening
2 statement and talked about a video game. I think he said Vice
3 City or Grand Theft Auto, which I think it was Grand Theft
4 Auto. I want to make sure y'all understand something; this is
5 not a game. If y'all don't do what you're supposed to do,
6 there's no reset button, there's no safe point, it's game
7 over. And the wall that Mr. Holford is building, they're not
8 just walls in a yard; they're prison walls. They're walls of
9 prison that he wants to wrap around my client. So, before he
10 can do that, you got to make sure those walls are solid.
11 Thank y'all.

12 **THE COURT:** Ladies and gentlemen, that first break we
13 talked about, stand up where you are. It's like all right,
14 yeah. See how good that feels. Why would I ask you to do
15 this? You can just get your mind cleared and get your
16 breathing and stretching and just to ask this question, does
17 anyone need to take a comfort break; it's probably going to
18 take me 25 minutes to deliver the charge to you. So if you
19 need to take -- I need you focused on what I'm talking about,
20 rather than oh, I should have taken her up on that break.
21 Anybody need one? We are friends. Ladies and gentlemen,
22 here's what I'm going to ask you to do; step to your jury
23 room, take your comfort break. We will wait on you and when
24 you have completed your comfort break, then I want you to
25 return and at that time, I'm going to deliver the charge.

1 We're going to be waiting on you. Ladies and gentlemen,
2 though, you have not heard my charge on the law. You are not
3 prepared to deliberate. Therefore, you must not discuss this
4 matter or allow anyone to discuss it with you during this
5 break. Take your break. When you have completed your break,
6 knock on the door and then we'll have you return to the
7 courtroom. Take your break. You all go to your jury room.

8 **REPORTER'S NOTE:** (Jury retires to jury room 10:25 A.M.).

9 **THE COURT:** Alright. We're going to be at ease until we
10 hear from the jury, but don't go far because I don't want to
11 delay them.

12 **MR. HOLFORD:** Yes, Your Honor.

13 **THE COURT:** If y'all need to take a comfort break, take
14 one. I tell you what I'd like for y'all to do, if you'd do
15 this for me. While we've got this break, first of all take a
16 comfort break if you need it, but otherwise I'm going to ask
17 y'all to take a look at the evidence and just be sure that
18 what's supposed to go to the evidence was going to the
19 evidence. I'm a Judge that had the pair of pants that went to
20 the jury room many years ago with the confession in the
21 pocket.

22 **REPORTER'S NOTE:** (Counsel reviewing evidence with Court
23 Reporter).

24 **(COURT IN RECESS)**

25 **MR. HOLFORD:** Before the jury comes back in, the DVD's,

1 we have the ability to play them here, but this is not a
2 laptop -- this laptop has office stuff on it and so, if the
3 Court is agreeable and the defense is okay, if they want to
4 see part of the video, they can come out and watch it here.
5 We do have laptops that are completely wiped and clean, but
6 there's another trial going on down in 3-A and I think they
7 have that laptop.

8 **MR. SPRATLIN:** I think that would be preferred, honestly,
9 if they have to come back out and watch it in here.

10 **THE COURT:** Okay.

11 **MR. SPRATLIN:** I'm not suspecting it. They've seen in
12 what, 3 times.

13 **THE COURT:** You don't mind if they roll in the apparatus
14 and play it?

15 **MR. SPRATLIN:** No, Your Honor, I have no issue with ---

16 **THE COURT:** Got it.

17 **MR. SPRATLIN:** --- the television being brought over.

18 **THE COURT:** Great. Are they ready? Bring them in.

19 **REPORTER'S NOTE:** (Jury enters courtroom 10:33 A.M.).

20 **THE COURT:** Alright. Ladies and gentlemen, it is now my
21 duty to explain to you the law applicable to this case.
22 Ladies and gentlemen, the indictments in this case, charge the
23 defendant, Mr. Dozier, and if I use the term defendant, I mean
24 Mr. Dozier. The indictments in this case charge Mr. Dozier
25 with two distinct and separate crimes; one, carjacking; the

1 other, failure to stop for a blue light and siren. I remind
2 you that the fact that the defendant was arrested, charged,
3 and indicted in this case, it is not evidence in this case,
4 and it cannot be considered by you as evidence of guilt in
5 this case. Nor, does it create any presumption or inference
6 of guilt. Ladies and gentlemen, these documents, indictments,
7 are simply the formal written instrument, which contain the
8 charge made against the defendant. They are the formal
9 documents by which this case is brought into this Court. They
10 are notice documents.

11 Ladies and gentlemen, the indictments in this case each
12 allege a different offense against the defendant. One
13 indictment, 2018-GS-26-05643, charges Mr. Dozier with
14 carjacking and indictment 2018-GS-26-05644 charge Mr. Dozier
15 with failure to stop for a blue light or siren. Each
16 indictment charges a separate and distinct offense. You must
17 decide each indictment separately on the evidence and law
18 applicable to it, uninfluenced by your decision as to the
19 other indictment. The defendant, Mr. Dozier, may be convicted
20 or acquitted on one or both of the offenses charged. You will
21 be asked to write a separate verdict of guilty or not guilty
22 for each of these two indictments.

23 Ladies and gentlemen, I'm going to read to you the
24 allegations of each of these two indictments. Ladies and
25 gentlemen, indictment number 2018-GS-26-05643, alleges that

1 Shaquille Bradon Dozier did, in Horry County, on or about July
2 the 3rd, 2018, take and/or attempt to take one 2015 Jeep
3 Wrangler Unlimited from Kathleen Schneider by force and
4 violence or by intimidation while said victim was operating
5 and/or occupying the vehicle in violation of section 16-3-
6 1075(b)(1) of the South Carolina Code of Laws, 1976, as
7 amended.

8 Ladies and gentlemen, indictment number 2018-GS-26-05644
9 alleges that Shaquille Bradon Dozier did, in Horry County, on
10 or about July the 3rd, 2018, while operating a motor vehicle
11 on a road, street or highway in the State of South Carolina,
12 did refuse and fail to stop his motor vehicle when signaled to
13 do so by a law enforcement vehicle by means of a siren and/or
14 flashing light, in violation of section 56-05-0750(b)(1) of
15 South Carolina Code of Laws, 1976, as amended.

16 Now, ladies and gentlemen, Mr. Dozier has pled not guilty
17 to these indictments, to both of them, to each of them and
18 that plea places the burden on the State to prove the
19 defendant, Mr. Dozier, guilty. A person charged with
20 committing a criminal offense in South Carolina is never
21 required to prove himself or herself not guilty or innocent.
22 I charge you, that it is an important rule of the law that the
23 defendant in a criminal trial, no matter what the seriousness
24 of the charge may be, will always be presumed to be innocent
25 of the crime or crimes for which the indictment or indictments

1 were issued, unless guilt has been proven by evidence
2 satisfying you of that guilt beyond a reasonable doubt.

3 This presumption of innocence does not end when you begin
4 your deliberations, but it accompanies the defendant
5 throughout the trial until you reach a verdict of guilt based
6 on evidence satisfying you of that guilt beyond a reasonable
7 doubt. And again, the burden -- the presumption of innocence
8 applies independently to each indictment. The presumption of
9 innocence is like a robe of righteousness placed about the
10 shoulders of the defendant, which remains with the defendant
11 until it has been stripped from the defendant by evidence
12 satisfying you of the defendant's guilt beyond a reasonable
13 doubt. The presumption of innocence is not a mere legal
14 theory; it is not just a legal phrase. It is a substantial
15 right to which every defendant is entitled unless you, the
16 jury, are satisfied from the evidence of the defendant's guilt
17 beyond a reasonable doubt.

18 What then is reasonable doubt in the law? Reasonable
19 doubt is the kind of doubt that would cause a reasonable
20 person to hesitate to act. The State has the burden of
21 proving the defendant guilty beyond a reasonable doubt and
22 this burden exists for each indictment independently. Some of
23 you may have served as jurors in civil cases, where you were
24 told it is only necessary that a fact is more likely true than
25 not true, such as by the greater weight or the preponderance

1 of the evidence. In criminal cases, the State's proof must be
2 more powerful than that; it must be beyond a reasonable doubt.
3 Proof beyond a reasonable doubt is proof that leaves you
4 firmly convinced of the defendant's guilt. There are very few
5 things in this world that we know with absolute certainty and
6 in criminal cases, the law does not require proof that
7 overcomes every possible doubt. If based on your
8 consideration of the evidence, you are firmly convinced that
9 the defendant is guilty of the crime that you are considering,
10 if you are firmly convinced that the defendant is guilty of
11 that crime, you must find the defendant guilty of that crime.
12 If, on the other hand, you think there is a real possibility
13 that the defendant is not guilty, you must give the defendant
14 the benefit of the doubt and find him not guilty. You will do
15 this independently for each of these two indictments of these
16 two crimes charged.

17 I remind you, that during this trial, you and I have
18 certain duties to perform. As the Trial Judge, it is my
19 responsibility to preside over the trial of this case and I
20 also have the duty to rule on the admissibility of the
21 evidence offered during the trial. You are to consider the
22 competent evidence before you. Meaning that evidence which
23 has been admitted and the testimony that has come to you and
24 the exhibits, which have been admitted into evidence. You are
25 to consider only the testimony which has been presented from

1 this witness stand, any exhibits which have been made a part
2 of this record. I have the additional duty to charge you
3 regarding the law applicable to this case. As the Presiding
4 Judge, I am the sole judge of the law of this case and it is
5 your duty as jurors to accept and to apply the law as I now
6 state it to you. If you already have any ideas as to what the
7 law is or what it ought to be and it does not agree with what
8 I now tell you the law is, you must abandon your preconceived
9 idea, because you are sworn to accept the law and apply the
10 law exactly as I state it to you. In every case tried in this
11 court before a jury, the jury becomes the sole, the exclusive
12 judge of the facts in the case. A Trial Judge cannot
13 intimate, state, comment on or make any statement to a trial
14 jury about the facts in a case. Since, you, the jury, are the
15 sole judges of the facts in this case, you are not to infer
16 from what I may have said during the progress of this trial in
17 ruling on the admissibility of evidence or otherwise, or
18 anything that I say now during the course of this instruction
19 to you, that I have an opinion about the facts in this case.
20 The law does not allow me to have an opinion about the facts
21 in this case. I don't have an opinion regarding the facts in
22 this case. Ladies and gentlemen, that is a matter solely for
23 you, the jury to determine. As jurors, it is your duty to
24 determine the effect, the value, the weight of the evidence,
25 the believability of the evidence presented during the trial.

1 Now, I'm going to talk about two types of evidence,
2 which are generally presented during a trial. One is called
3 direct evidence, I'm going to define that for you, and
4 circumstantial evidence, I'm going to define that for you also
5 and then I'm going to give you an example of what I'm talking
6 about.

7 Direct evidence is the testimony of a person, who claims
8 to have actual knowledge of a fact, such as an eyewitness. It
9 is evidence, which immediately establishes the main fact to be
10 proved.

11 Circumstantial evidence is proof of a chain of facts and
12 circumstances indicating the existence of a fact. It is
13 evidence, which immediately establishes collateral facts from
14 which the main fact may be inferred. Circumstantial evidence
15 is based on inference and not on personal knowledge or
16 observation.

17 Let me give you examples to each type of evidence.
18 First, direct evidence. Go with me to February and it's hard
19 to do when it's so hot outside in August, but go with me in
20 your mind to February. It's cold, snow is forecast. You're
21 kind of looking forward to a snow day. You walk outside, you
22 look up and snow hits you right in the eye. You come back
23 inside and you say, it's snowing. You are literally an
24 eyewitness to the fact that it is snowing. You felt it, you
25 saw it, it's snowing. You know that from your own personal

1 observation. That is direct evidence.

2 Now, circumstantial evidence. Stay with me in February.
3 It's cold, snow is forecast. You're looking forward to a snow
4 day. You keep checking outside, you don't see any snow
5 falling. It's bedtime, you make one final glance outside and
6 all you see is your poor old pitiful brown, crunchy grass.
7 You awake in the morning, the sun is shining, but snow covers
8 everything. You flip on the T.V. and everything is cancelled.
9 So, here's what you know. You know it's February, it's cold,
10 snow is forecast. You know that when you went to bed, all you
11 saw was your poor old brown, crunchy grass. But when you
12 awoke, snow covered everywhere. So, when you wake up
13 everybody in your house and you say it snowed last night. You
14 know that by inference. You didn't see it snow, you didn't
15 feel it snow, but you know it snowed. Why; because you know
16 the collateral facts. You know it's cold, it's February, snow
17 was forecast. You know what it looked like when you went to
18 bed, poor old pitiful brown, crunchy grass. You know what it
19 looked like when the morning snow covered everything. You
20 know these collateral facts and they point to the fact as you
21 exclaim and pronounce that it has snowed overnight. Ladies
22 and gentlemen, you know that through circumstantial evidence.
23 You know that through inference. The law makes absolutely no
24 distinction between the weight or value to be given to either
25 direct or circumstantial evidence, nor is a greater degree of

1 certainty required of circumstantial evidence than of direct
2 evidence. What we do know though is if you rely on
3 circumstantial evidence, those circumstances must be
4 consistent and point to the fact to be proven through
5 inference.

6 Ladies and gentlemen, you should weigh all of the
7 evidence in this case and after weighing all the evidence, if
8 you are not convinced of the guilt of the defendant beyond a
9 reasonable doubt, you must find the defendant not guilty.

10 Again, this applies independently to each of these
11 indictments, each of these charges.

12 Now, necessarily then, you must determine the credibility
13 of the witnesses who have testified in this case. Credibility
14 simply means believability. It becomes your duty as jurors to
15 analyze and to evaluate the evidence and determine which
16 evidence convinces you of its truth. In determining the
17 believability of witnesses who have testified in this case,
18 you may believe one witness over several witnesses or several
19 witnesses over one witness; you may believe a part of the
20 testimony of a witness and reject the remaining part of the
21 testimony of that same witness. You may believe the testimony
22 of a witness in its entirety or you may reject the testimony
23 of a witness in its entirety. You may consider whether any
24 witness has exhibited to you any interest, bias, prejudice or
25 other motive in this case. You may also consider the

1 appearance and the manner of a witness while on the witness
2 stand. This is another way of saying, ladies and gentlemen,
3 you didn't drop your common sense at the courthouse door. As
4 I go through those different examples, you believe one witness
5 over several witnesses or just the opposite. Those are
6 examples, ladies and gentlemen.

7 Now, ladies and gentlemen, I instruct you and I want to
8 emphasize that the fact the defendant did not testify is not,
9 let me say it again, is not to be considered by you in any way
10 in your deliberation and in your consideration on the question
11 of whether the defendant is guilty or not guilty. The fact
12 that this defendant, that Mr. Dozier did not testify, must not
13 be considered by you in any manner whatsoever. A defendant
14 has the constitutional right to remain silent and the
15 assertion of this right must not be considered by you in your
16 deliberations. I repeat, under your oath, you are not to draw
17 any conclusion from the fact that the defendant in this case
18 did not testify. The fact that this defendant did not testify
19 should not, must not, even be discussed or mentioned in the
20 jury room. The burden of proof, as I have stated, is on the
21 State and the State alone to prove guilt beyond a reasonable
22 doubt. A defendant is not required to prove himself or
23 herself, not guilty. The burden of proof remains on the State
24 to prove guilt beyond a reasonable doubt.

25 Ladies and gentlemen, an issue in this case is the

1 identification of the defendant, Mr. Dozier, as the person who
2 committed the crimes charged. The State has the burden of
3 proving identity beyond a reasonable doubt. You must be
4 satisfied beyond a reasonable doubt of the accuracy of the
5 identification of the defendant before you may find the
6 defendant guilty. And again, this instruction applies to each
7 of the charges independently. Identification testimony is an
8 expression or belief or impression by a witness. You must
9 determine the accuracy of the identification of the defendant.
10 You must consider the believability of each identification
11 witness in the same way as any other witness. You may
12 consider whether the witness had an adequate opportunity to
13 observe the offender at the time of the offense. This will be
14 affected by things like how long or short a time was
15 available; how far or how close the witness was; the lighting
16 conditions; and whether the witness had a chance to see or
17 know the person in the past. Once again, I instruct you, the
18 burden of proof on the State extends to every element of the
19 crime charged and this specifically includes the burden of
20 proving beyond a reasonable doubt the identity of the
21 defendant as the person who committed the crime. If after
22 examining the testimony, you have a reasonable doubt as to the
23 accuracy of the identification, you must find the defendant
24 not guilty. And again, this instruction applies independently
25 to each of the charges, each of the indictments.

1 Now, in order to establish criminal liability, criminal
2 intent is required. For example, and this is just for an
3 example, the mental state required to be proven by the State
4 for a particular crime might be purpose, or intent, knowledge,
5 recklessness can be criminal negligence. Criminal intent must
6 be proven by the State beyond a reasonable doubt. Criminal
7 intent is always a matter that must be determined by the jury
8 from the circumstances surrounding the incident or the
9 situation. There is no way to prove intent to a mathematical
10 certainty. There is no way that medical science can dissect a
11 person's brain and determine what the person had in mind. So,
12 the law says that criminal intent may be inferred from the
13 circumstances shown to have existed. This is how you make a
14 determination of whether or not the element requiring intent
15 was present. It is not necessary to establish intent by
16 direct or positive evidence, but intent may be established by
17 inference in the same way as any other fact, by taking into
18 consideration the facts -- the acts of the parties and all the
19 facts and circumstances of the case. Criminal intent is a
20 mental state, a conscious wrongdoing. It is up to you to
21 determine what the defendant intended to do, based on the
22 circumstances shown to have existed. Criminal intent can
23 arise from action or failure to act; it may arise from
24 negligence, recklessness or an indifference to duty or to
25 circumstances that are considered by the law to be the

1 equivalent of criminal intent.

2 Ladies and gentlemen, I am now going to define for you
3 and give you the elements of these two charges which exist one
4 on one indictment as I have explained, the other on the other
5 indictment. I am first going to talk to you about carjacking
6 and give you those elements and then I'm going to talk to you
7 about failing to stop for a blue light and siren and I will
8 give you those elements.

9 Now, ladies and gentlemen, the defendant is charged with
10 carjacking. In order to prove carjacking, the State must
11 prove beyond a reasonable doubt that the defendant took or
12 attempted to take a motor vehicle from another person by force
13 and violence or by intimidation, while the person was
14 operating the vehicle or while the person was in the vehicle.
15 That is carjacking.

16 I'm now going to go over with you the elements of failure
17 to stop for a blue light or siren. The defendant is charged
18 with failure to stop for a blue light or siren. In order to
19 prove this crime, the State must prove beyond a reasonable
20 doubt that the defendant was driving a motor vehicle, that the
21 defendant was driving a motor vehicle on a road, street or
22 highway of this state; that the defendant was signaled to stop
23 by a law enforcement vehicle by means of a siren or flashing
24 light and that the defendant did not stop. In determining
25 whether or not there are mitigating circumstances, which would

1 justify the defendant's failure to stop for the blue light or
2 siren, you may consider actual road conditions, actual
3 roadside conditions, other conditions such as lighting and
4 weather, officer, driver and/or passenger safety, and any
5 other circumstances you believe to reasonably mitigate the
6 alleged violation. An official signal requiring a motorist to
7 stop may be a siren or flashing lights, but both are not
8 required. An attempt to increase the speed of a vehicle or in
9 some other manner, avoid the pursuing law enforcement vehicle,
10 when signaled by siren or flashing light, may be considered as
11 evidence of failure to stop for a blue light or siren.
12 However, that is just an evidentiary fact to be taken into
13 consideration by you along with all the other evidence in the
14 case and to be given the weight that you decide it should
15 receive.

16 I have now instructed you with regards to the elements of
17 carjacking and failure to stop for a blue light and siren.
18 The State must prove the elements of carjacking beyond a
19 reasonable doubt and failure to stop for a blue light and
20 siren beyond a reasonable doubt. Ladies and gentlemen, you
21 consider each of these charges, each of these indictments
22 independently and separately.

23 Now, I'm going to go over with you the verdict form. But
24 before I do that there are two things I need to discuss with
25 you. Ladies and gentlemen, your verdict must be unanimous and

1 what this means is this is not the verdict of the majority of
2 you; this is not the verdict of any one of you; this verdict
3 must be the verdict of each and every one of you with
4 exception of our alternates, who will remain with me in the
5 courtroom on this next occasion. Your verdict must be the
6 verdict of each and every one of you.

7 Secondly, there are two verdict forms; one for each of
8 the indictments. There are two possible verdicts on each
9 verdict form. They are put on this piece of paper; one is
10 first and then the other is second. I want you to understand
11 that you are to take no hidden meaning, no hint in the order
12 in which these two possible verdicts are put on this piece of
13 paper or these two pieces of paper. Because, ladies and
14 gentlemen, if I'm going to put something on a piece of paper,
15 something has got to be first and something has got to be
16 second, if I'm going to put two things on a piece of paper.
17 There is no hidden meaning. I could have just as easily put
18 what is second, first and what is first, second. Please do
19 not consider that there is any hidden meaning, hidden comment,
20 hidden opinion, in the order in which these two matters
21 appear.

22 Now, ladies and gentlemen, I'm first going to go over
23 with you the verdict form for 2018-GS-26-05643, and here it
24 is. Ladies and gentlemen, this is called a caption and it's
25 just identifying information. It's the name of the case, it

1 has the indictment number, it tells us we're in the court of
2 General Sessions and that we're in the 15th Judicial Circuit
3 and it also says that this is the verdict form and this is
4 called the caption. The instructions say this. Please circle
5 the appropriate verdict below and follow the accompanying
6 instructions carefully. Number 1, as to the charge of
7 carjacking, we, the jury, unanimously, and now you know why my
8 children call me nag, unanimously find the defendant; there
9 are 2 possible verdicts, ladies and gentlemen; one is guilty,
10 the other not guilty, irrespective of which is the unanimous
11 verdict of this jury. Once the deliberations on this charge
12 are concluded and the jury has reached its verdict, Madam
13 Presiding Juror, I want you to circle it or I want it to be
14 absolutely clear which of these two verdicts is the verdict of
15 this jury. And then it goes on to say to stop in your
16 deliberations and sign and date the verdict form. Obviously,
17 once the jury has concluded its deliberations on this charge,
18 you will fill it out, date it. For your informational
19 purposes, today is the 21st of August.

20 Now, the next verdict form is for indictment 2018-GS-26-
21 05644, again, caption, indictment number, instructions.
22 Number 1, as to the charge of failure to stop for a blue light
23 or siren, we, the jury, unanimously find the defendant, again,
24 there are two possible verdicts; guilty, not guilty,
25 irrespective of what is the unanimous verdict of this jury.

1 Circle it so it's very, very clear, which is the verdict of
2 the jury. Stop in your deliberations, sign and date, you know
3 who you are, and again, today is, for informational purposes,
4 is August the 21st.

5 Now, once the deliberations have concluded and you have
6 filled out your verdict form, you will knock on the door, you
7 will return to the courtroom. You will pass the verdict forms
8 to our bailiff, who will pass them to me. You do not publish
9 the verdict.

10 Now, ladies and gentlemen, in just a moment, I'm going to
11 be sending you to your jury room with this instruction. Do
12 not discuss this matter or allow anyone to discuss it with
13 you. At this moment, you ought to be going, in a moment;
14 you've been telling us for days now this is when we were going
15 to deliberate. So, I am going to hasten to tell you what's
16 going to happen when you step to your jury room now. What is
17 going to happen is I'm going to turn to these lawyers and I'm
18 going to ask them two questions; have I given this jury all
19 the law that they may need for their deliberations and have I
20 stated it for them correctly and these lawyers help me in this
21 regard. If I have failed to give you an instruction that you
22 may need for your deliberations, they will let me know that.
23 If I need to bring you back out because I have failed to give
24 you an instruction that you may need for your deliberations,
25 please don't consider that with any emphasis; just know I want

1 to get this right and I'm going to need to do that.
2 If I need to bring you back out because something has popped
3 out wrong, goodness knows, it's unintended, but that does
4 happen from time to time. If I have stated something
5 incorrectly and need to bring you back out, it is because I
6 need to correct my error. I ask you in advance, please allow
7 me to correct my error in your minds. Because you see, this
8 is my one chance to get this right, to give you all the law
9 that you may need for your deliberations and to state it for
10 you correctly. In the event that I do not need to bring you
11 back out, you will be brought the verdict forms, the exhibits
12 and an instruction to begin your deliberations. You will not
13 have these exhibits and the verdict forms unless it's time for
14 you to deliberate.

15 Now, please keep in mind, that each and every one of you
16 must be present in order for you to deliberate. The reason
17 for that is that if 11 of you are present and someone was
18 taking a comfort break, that person who is taking the comfort
19 break is going to miss what's being discussed and that's
20 important. Therefore, we ask, and I instruct that all 12 of
21 you must be present for you to deliberate. So, if you need to
22 take a break, you need to take a comfort break, stop your
23 deliberations, take your comfort break and then reconvene your
24 deliberations when all 12 of you are present.

25 Ladies and gentlemen, in just a moment, I'm going to ask

1 you to step back to your jury room and I'll leave you with
2 this final thought. The word verdict comes from the latin
3 phrase (inaudible). It is now your duty to determine whether
4 the State has met its burden of proof with regards to these
5 two charges, these two indictments with regards to this
6 defendant.

7 Please step to your jury room. Do not discuss this
8 matter or allow anyone to discuss it with you except for
9 alternates; they'll stay.

10 **REPORTER'S NOTE:** (Jury retires to jury room 11:17 A.M.).

11 **THE COURT:** I do not have both of my -- I don't think
12 I've got both of my alternates.

13 **MR. HOLFORD:** Your Honor, may we approach?

14 **THE COURT:** Yeah.

15 **MR. HOLFORD:** Before you release the alternates.

16 **THE COURT:** I don't have -- these are not both of my
17 alternates.

18 **MR. HOLFORD:** Yes, Your Honor.

19 **THE COURT:** Come here. Yeah. Yeah.

20 **REPORTER'S NOTE:** (Bench conference with counsel).

21 **THE COURT:** Alright. Nathan Rose, thank you. Stanley
22 Jadwisiak?

23 **JUROR 184:** Yes.

24 **THE COURT:** You are our alternates. We're going to put
25 you someplace else, because I don't want to lose you and let

1 me tell you why. I believe, should something happen to one of
2 our jurors as they begin their deliberations, I can stop the
3 deliberations, seat one of you and save the trial and start
4 the deliberations new. Now, I can't do that for particularly
5 a long period of time, but I think I can do that for about 15
6 minutes. So, when the jury begins its deliberations, I'm
7 going to ask you to give me 15 minutes thereafter. And then
8 we'll be able to excuse you after that. Okay? Thank you.
9 Thank you.

10 I need -- just take these gentlemen somewhere other than,
11 other than the jury room, but someplace nice and comfortable.

12 **REPORTER'S NOTE:** (Alternates removed from courtroom).

13 **THE COURT:** Alright. Any exceptions or additions from
14 the State?

15 **MR. HOLFORD:** Nothing, Your Honor.

16 **THE COURT:** From the defense?

17 **MR. SPRATLIN:** No, Your Honor.

18 **THE COURT:** Alright. Now, have you all reviewed the
19 evidence that's supposed to go back to the jury?

20 **MR. HOLFORD:** Yes, Your Honor.

21 **THE COURT:** Who is going to take it; you going to take
22 it; no, who is going to take it? I need somebody to.

23 **CLERK:** I can take it.

24 **THE COURT:** Come on. Kaitlyn, again, y'all look at the
25 verdict forms for me because I don't know if y'all actually

1 eyeballed that. Kaitlyn, give the specific instruction, now
2 that you have the verdict forms and now that you have the
3 exhibits, begin your deliberations.

4 **CLERK:** Okay. We'll be at ease while we hear from the
5 jury.

6 **REPORTER'S NOTE:** (Jury begins deliberations 11:21 A.M.)

7 **(COURT IN RECESS)**

8 **THE COURT:** We have a question. We need ---

9 **MR. HOLFORD:** They've gone to get him, Your Honor.

10 **REPORTER'S NOTE:** (Bench conference with counsel.)

11 **THE COURT:** As you know, we have two questions from the
12 jury. We've marked them; it's court's exhibit number 3. The
13 way that I intend to handle their questions, I intend to tell
14 them that they have all of the evidence, which has been
15 admitted into evidence and that if they need testimony
16 replayed, we absolutely have that ability. They need only to
17 let us know which witnesses they would like to have the
18 testimony played for them and that the videos are in evidence
19 and if they wish to have one or both played for them, we
20 absolutely have the capacity to do that. They need to only
21 let us know. Okay?

22 **MR. HOLFORD:** Yes, Your Honor.

23 **MR. SPRATLIN:** Yes, Your Honor.

24 **THE COURT:** Thanks. Yes, let me have the jury.

25 **REPORTER'S NOTE:** (Jury enters courtroom 11:52 A.M.).

1 **THE COURT:** Ladies and gentlemen, I have your note, and
2 this would be what I would tell you in response to the note.
3 First of all, you have all of the exhibits which have been
4 admitted. Secondly, I would tell you that if you need to have
5 testimony of any or all of the witnesses played for you, we
6 have that ability. Not only are there the mask-writing being
7 done, but also there are recordings. So, if you need to have
8 testimony replayed, we have that ability to do that, you need
9 to only let us know.

10 Now, also in evidence there are the videos. If you wish
11 to have those replayed for you, we certainly have the ability
12 to do that as well. You need only to let us know. I hope
13 that is sufficiently in response. I'm going to ask you to
14 please retire to your jury room and continue your
15 deliberations.

16 **REPORTER'S NOTE:** (Jury retires to jury room 11:54 A.M.).

17 **THE COURT:** Alright. Yes?

18 **MR. SPRATLIN:** No objection.

19 **MR. HOLFORD:** None, Your Honor.

20 **THE COURT:** Very well, we will continue then to be in
21 recess until we hear from them. I think for the next few
22 minutes, if we can keep Mr. Dozier closer by, because I would
23 anticipate we will hear from them if there's something that
24 they want to hear. If we don't hear from in 15 minutes, I
25 think it's fine to take him wherever you would normally. Plus

1 Mr. Dozier, it's probably getting time for him to have lunch
2 as well. So, but - but for the next say 15 minutes, if he
3 could stay nearby that would be excellent.

4 **DEPUTY:** Yes, ma'am.

5 **THE COURT:** Thank you all.

6 **(COURT IN RECESS)**

7 **REPORTER'S NOTE:** (Jury enters courtroom 12:19 P.M.).

8 **THE COURT:** Thank you. Be seated. Alright. Are we
9 ready to play the testimony? Wonderful. Ladies and
10 gentlemen, in just a moment, we are going to play the
11 testimony of Ms. Schneider and then Officer Buckingham.

12 **REPORTER'S NOTE:** (Court Reporter playing testimony of
13 Ms. Schneider and Officer Buckingham).

14 **THE COURT:** Alright. That is the testimony. Ladies and
15 gentlemen, we are prepared to play both videos for you. If
16 that is unintended, then what I need you to do is just retire
17 to your jury room to give us instruction that based on the
18 note, it appears that you wish to see videos. If that is
19 incorrect, Madam Presiding Juror, since you send the notes, do
20 you all need to step back; is that correct, you want to see
21 both videos? Alright.

22 **MR. HOLFORD:** They should have them, Your Honor.

23 **THE COURT:** Oh, they've got them. Ha! Guess what's back
24 there; pizza. Why don't we do this. Alright. It's almost 1
25 o'clock. I'm going to leave it. I'm going to let you go to

1 your jury in and if they want to eat a little bit and then
2 come back and watch the videos or if you're ready to see the
3 videos now and then after the videos are played, retire and
4 have lunch and deliberate. So, just send us a message because
5 you've got to step back there anyway. Because if you want to
6 see them now, retrieve them. Alright? Y'all step to your
7 jury room, please?

8 **REPORTER'S NOTE:** (Jury retires to jury room 12:56 P.M.).

9 **THE COURT:** Alright. Let's just be at ease a couple of
10 minutes, because I think we'll hear from them pretty shortly.

11 **MR. HOLFORD:** Yes, ma'am.

12 **THE COURT:** The question is when they step in the jury
13 room and smell the pizza, what happened, I mean, smell the
14 sandwiches, what happened or pizza; I think it's pizza.

15 **(COURT IN RECESS)**

16 **THE COURT:** Okay.

17 **MR. HOLFORD:** Do we need to put that on the record.

18 **THE COURT:** I'm, you know, I'm old. Ask them if they'll
19 -- whatever their desire is they'll put it in a note.

20 **CLERK:** You want it in a note?

21 **THE COURT:** Yeah. And then we'll make that a note and
22 then we'll continue in recess. Alright.

23 **(COURT IN RECESS)**

24 **THE COURT:** Thank you and please be seated. We need to
25 make that Court's Exhibit. That's just the note where they

1 said they did not want to see the video and that's number 4,
2 right?

3 **COURT REPORTER:** That is number 5.

4 **THE COURT:** Okay. Alright. It is my understanding that
5 the jury has reached its verdict. Anything from the State
6 before we bring the jury out?

7 **MR. HOLFORD:** Yes, Your Honor.

8 **THE COURT:** No.

9 **MR. HOLFORD:** I'm sorry, did you say are we ready to have
10 the jury come out?

11 **THE COURT:** No, I said is there anything before we bring
12 the jury out?

13 **MR. HOLFORD:** No, the State is ready to proceed with the
14 verdict.

15 **MR. SPRATLIN:** Defense is ready to proceed with the
16 verdict too, Your Honor.

17 **THE COURT:** Thank you. Let us have the jury, please.

18 **REPORTER'S NOTE:** (Jury enters courtroom 2:02 P.M.).

19 **THE COURT:** Alright. Ladies and gentlemen, it's my
20 understanding the jury has reached its verdict; is that
21 correct?

22 **JUROR 91:** We have, Your Honor.

23 **THE COURT:** Thank you. And Kaitlyn is going to come
24 retrieve it. Alright. I find that the verdict forms and the
25 verdict is in appropriate form. You may publish it and thank

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1 you.

2 **CLERK:** Indictment number 2018-GS-26-05643, State of
3 South Carolina, County of Horry v. Shaquille B. Dozier. As to
4 the charge of carjacking, we, the jury, unanimously find the
5 defendant guilty.

6 Indictment number 2018-GS-26-05644, State of South
7 Carolina, County of Horry v. Shaquille Dozier. As to the
8 charge of failure to stop for a blue light or siren, we, the
9 jury, unanimously find the defendant guilty. Signed by
10 Foreperson Meredith Donahue, dated August 21st, 2019.

11 Ladies and gentlemen of the jury, if this is your
12 verdict, so signify by raising your right hand?

13 **THE COURT:** Let me observe for the record that all of our
14 jurors have their right hands raised. Thank you, madam clerk.

15 Alright. Anything from the State before we dismiss our
16 jury?

17 **MR. HOLFORD:** No, Your Honor.

18 **THE COURT:** From the defense?

19 **MR. SPRATLIN:** No, Your Honor.

20 **THE COURT:** Very well. Alright. Ladies and gentlemen, I
21 want to thank you for your service on this jury. You have
22 given to our system of justice so much of your dear and
23 precious time and I want each and every one of you to know how
24 grateful we all are for your time. It is a sacrifice and we
25 are all aware of that and we are so grateful for you, having

1 given to us so much of your time. I do need to give you some
2 instructions and I'll go into that now.

3 The ones that I gave you yesterday, today, about do not
4 discuss this matter or allow anyone to discuss it with you,
5 that is no longer applicable. If you wish to discuss this
6 matter, you certainly may. It's up to you.

7 Now, ladies and gentlemen, I tell jurors this in all
8 candor because I'm so concerned now if I don't, then I'm going
9 to jinx that jury. Over 21 years, I have told juries this,
10 should anyone persist in asking you to talk about the case
11 when you have told them, I don't want to talk about this
12 matter. There is a place for you to go. What you will do is
13 you'll call the clerk and they'll contact me, and I will
14 intercede on your behalf. I just hope it's not your
15 significant other, because that would kind of be embarrassing.
16 But you do need a place to go and that -- that's where you go.
17 The concern, in all candor, the concern is -- is sometimes
18 they're different individuals who study the jury system and
19 that person might want to interview you and you don't want to
20 talk to them and they perhaps could be a little more insistent
21 and so you need a place to go. Well, that's where you go.
22 Having said that, that's always -- I'm almost like making that
23 up, because I got to tell you, over 21 years, maybe, maybe
24 that happened a little bit, maybe, but I'm concerned if I
25 don't tell you, it'll happen and you want know where to go.

1 I'm not concerned about that. I will tell you this. The
2 practice of law is an art; it's not a science. And as these
3 lawyers try cases and continue to want to get better at what
4 they do, they may want to have a chat with you about what was
5 effective in my presentation; what wasn't effective in my
6 presentation. If you're comfortable sharing that with them,
7 it would -- it would be a wonderful thing for you to do, but
8 you must not feel compelled to do that. All you need to tell
9 them is we don't want to talk about it. These lawyers
10 certainly aren't going to insist. But you may get a call like
11 that and if you do, it's perfectly fine for you to have that
12 conversation.

13 Now, I need to tell you that you have an exemption for
14 your jury service for 2020 and 2021 in a court of record,
15 Common Pleas or General Sessions. You'll want to remember
16 that. You'll have a certificate when you get your big, fat,
17 jury check, that will get you squarely into Aynor. Maybe not
18 beyond, but certainly to Aynor. And so, if, but jurors
19 remember that, '20, '21 you have an exemption, should you
20 choose to exercise it. You are not eligible to serve on a
21 jury in a court of record in the balance of 2019. So, should
22 you get another juror summons, this is not Magistrate's Court
23 or Municipal Court, but Common Pleas or General Sessions. I
24 would just call the clerk's office and let them know and
25 depending on the Chief Administrative Judge, they may be able

1 to excuse you before you would arrive or you may need to just
2 come and report in and let the judge know. The Chief
3 Administrative Judge or whoever is qualifying the jury,
4 they'll let you go, because you're not eligible to serve for
5 the balance of 2019.

6 Now, I know I've got my jurors who work at night. You
7 have been here all day and again, it's not fair to expect you
8 to perform these duties all day and then work at night. I
9 will leave it up to you, in your discretion. Last night I
10 ordered you not to go to work. I'm going to leave it to your
11 good discretion what you're comfortable doing. If you believe
12 you need to rest tonight, which I think you do, you can use me
13 as the reason why you stayed out, because I think you should,
14 because you have worked all day. I think you should rest this
15 evening. But, last night I -- I did enter that order and the
16 reason that I entered the order and I believe the night
17 before, was because I did want you rested for the trial. I'm
18 going to leave it up to your good discretion. You know your
19 body; you know what degree of rest you need to be effective,
20 but let me say this, if -- if you wish to rest tonight, do.
21 And again, should anyone that would be concerned about that,
22 if you will get their name and number give it to the clerk's
23 office, I will be here tomorrow and I will absolutely
24 intercede on your behalf. I'm not going to have anybody
25 fussing at my jurors; they can fuss at me.

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1 So, that covers that. I just, you know, I just want to
2 conclude by telling you that I believe that we have the
3 greatest system of justice that people have ever come up with
4 and I want you to understand the reason that we have that, the
5 reason we're so lucky to have that is because of you. It's the
6 people just like you all over this country come into court and
7 help fellow citizens resolve disputes. It's powerful, it's
8 energizing, I am so grateful to you for being here. You
9 renewed that promise for the world and for ourselves. It's so
10 small thing that you're here today and you're here and you've
11 given so much of your dear and precious time. Please know
12 that I appreciate every tick of the clock. It's important,
13 it's a sacrifice, you've given it, I am grateful. It has been
14 an honor and a privilege to serve with you in this capacity
15 and I want you to know that as well.

16 And what will occur now, just for your informational
17 purposes, is that I will go forward. It will give me an
18 opportunity to hear a little bit more and then I'm going to go
19 into the sentencing of this defendant, of Mr. Dozier. You all
20 are welcome to remain if you wish. You are also welcome to
21 take your leave at this time. Let me share with you, that I
22 am dismissing you for the balance of the week as well. So,
23 not only am I dismissing you from this trial jury, but also
24 from the jury panel this week. And again, you take with you
25 all of our gratitude and thank you so much. Those of you who

1 wish to remain, just stay in your jury -- just stay in your
2 seat; it's perfectly fine. Those of you who wish to take your
3 leave, you certainly may do so. You probably want to give
4 them back their buttons, so you don't -- they don't go like
5 attack you or something. Thank you all so much.

6 **REPORTER'S NOTE:** (Jury excused for the remainder of
7 week).

8 **MR. HOLFORD:** Your Honor, if I could have a moment to
9 prepare.

10 **THE COURT:** Absolutely and I'm just going to ask, no
11 further motions from the state; any from the defense at this
12 time?

13 **MR. HOLFORD:** Nothing from the state, Your Honor.

14 **MR. SPRATLIN:** Your Honor, I would have the motion for a
15 judgment for directed verdict or in the alternative a motion
16 for a new trial on the basis of the jury verdict being against
17 the great weight of the evidence. I would also reraise all
18 the previous motions I've made for a directed verdict made
19 throughout the trial, as well as the motion made at the Blair
20 hearing prior to beginning of trial.

21 **THE COURT:** Thank you so kindly. Mr. Spratlin, I would
22 respectfully deny the motion, noting your exception thereto.

23 **MR. SPRATLIN:** Thank you, Your Honor.

24 **THE COURT:** Alright. Now, you need -- I understand, I'm
25 right here.

1 **MR. HOLFORD:** Just a moment while I step to the office.

2 **THE COURT:** Very well. Of course, I'm happy to hear from
3 the victim should she wish to speak.

4 **MR. HOLFORD:** Yes, Your Honor.

5 **THE COURT:** And Mr. Spratlin, I'm happy to hear from
6 either your client. I do want to hear from you or anyone that
7 he would wish to present.

8 **MR. SPRATLIN:** Yes, Your Honor. I'll inform my client.

9 **THE COURT:** Ladies and gentlemen, just for your
10 informational purposes, Solicitor Holford has just stepped
11 out. What he is doing is retrieving what is called a
12 sentencing sheet and it is that document that I will use and
13 memorialize in writing, the sentence. So, that's what he's
14 gone to do, just to prepare that for me.

15 **(COURT IN RECESS)**

16 **THE COURT:** Alright. Yes?

17 **MR. HOLFORD:** Yes, Your Honor. For indictment 2018-GS-
18 26-05643, for carjacking without great bodily injury, that is
19 a violent, most serious, no parole offense that carries up to
20 20 years.

21 And 2018-GS-26-05644, failure to stop for a blue light or
22 siren, no injury or death, first offense, it carries 90 days
23 to 3 years or not less than \$500 fine. My understanding is
24 that 90 days may be suspended. It is a non-violent offense.
25 Having the defendant being convicted of both, I'll present the

1 sentencing sheets.

2 **THE COURT:** Thank you. Thank you very much. Now, I know
3 that the -- that our victim is certainly present.

4 **MR. HOLFORD:** Yes, Your Honor.

5 **THE COURT:** Does she -- is there anything that she wants
6 to share and then I need his record, please?

7 **MR. HOLFORD:** Yes, Your Honor. The victim is obviously
8 present. She's been present with us this whole time. She did
9 not want to speak to the Court again. I think that the trial
10 itself and having to testify, being put in that position that
11 she had not been in before, was nerve racking enough. She has
12 given a statement to me. I have met with her on multiple
13 occasions throughout the course of this trial and spoke to
14 her. She says that she understands that it was his first
15 offense, but it was still a significant offense. It was a --
16 a great inconvenience, especially given the situation that her
17 and her husband are in these days. Her husband needing --
18 needing more assistance certainly that she does herself.
19 She's also expressed to me that there's a fear on both her and
20 her husband's part that her husband just wasn't able to be
21 here again, but that he's afraid for her and we see this in
22 burglary cases all the time, where someone expresses a fear to
23 go back in their home. Well, the fear here is when she is
24 out, that her and her husband have a fear of her going out
25 alone. You know, this is one of the things that people are

1 most afraid of is getting yanked out of their own car and
2 having it stolen. It's something that honestly doesn't happen
3 very often. But that that has traumatized her and -- and her
4 husband having to suffer through this with her. Such to the
5 fact that there is fear of going out in public on her own now.
6 And -- and it's, you know, it causes a strain on what she
7 feels comfortable doing throughout her everyday life. The
8 things that we don't think about, that I don't think about,
9 give a second thought to when I go out in public. And so, she
10 wanted me to share those -- those concerns with the Court.

11 As to his prior record, I show an arrest from -- he is
12 young. I show an arrest from Georgetown in 2018 for petty
13 larceny. I don't see a conviction for that. I'm not sure
14 what the result was. So, I'm not offering that as a conviction
15 on his NCIC. However, that was the arrest without a
16 disposition. Oftentimes, those Magistrate Court level
17 offenses, it's a 30-day offense and don't show up unless you
18 go on the public index. He has no prior convictions prior to
19 that, before this. Not necessarily to consider as far as
20 sentencing goes, but for the Court's edification, he does have
21 two pending charges since this arrest that still remain
22 pending in Horry County and have not been resolved and have
23 not been dismissed.

24 **THE COURT:** Okay. Thank you.

25 **MR. HOLFORD:** Judge, would you like to know what they

1 are?

2 **THE COURT:** No.

3 **MR. HOLFORD:** Okay.

4 **MR. SPRATLIN:** Thank you, Your Honor.

5 **THE COURT:** Yes?

6 **MR. SPRATLIN:** My client is 26 years old and comes before
7 the Court. The Court has a lot more information already about
8 his background than you would normal defendants, based on the
9 extensive Blair hearing that we had beforehand. As you know,
10 Your Honor, he was evaluated by the doctors at MUSC in
11 Charleston and was found to be competent to stand trial.
12 However, one useful thing out of that evaluation is, I believe
13 it does show that there is some mental health issues present.
14 Perhaps not enough that the competency or that he was -- a
15 necessity that he was found not competent. However, there are
16 some mental health issues going on with my client and I think
17 his conduct throughout my representation of him, have
18 demonstrated that.

19 He did not have the best of upbringings. I'm not using
20 that as an excuse, Your Honor, more just mitigation. His
21 mother passed in 2008, as Your Court is aware. He dropped out
22 of high school in the 9th grade. He did eventually get his
23 GED, but he definitely had some struggles growing up.

24 I do think, and I don't believe he's going to speak to
25 the Court. I've asked him and he has told me repeatedly no.

1 I do think there is some remorse here. Throughout this trial,
2 I've observed him at times and I'm sure the Court has observed
3 him too, break down and put his head down and during that
4 time, he appears to be weeping. I believe there is some
5 remorse on his part, and I think that is demonstrated by what
6 he has shown. I think his mental health issues are playing a
7 part in some of the aspects that the Court sees here. I would
8 ask the Court for whatever mercy the Court could give my
9 client. As the solicitor stated, there is really no prior
10 record. Even the charge in Georgetown was nothing like this.
11 I would ask the Court to show him mercy, whatever mercy you
12 can provide.

13 **THE COURT:** Thank you so much.

14 **MR. SPRATLIN:** You sure you don't want to talk to her?

15 **MR. DOZIER:** I apologize for being a menace to society.
16 I apologize for whatever I did to the other person. I
17 apologize to this lady over here, Ms. Schneider. I apologize
18 to her for that.

19 **THE COURT:** Thank you, Mr. Dozier. Alright. Mr. Dozier,
20 with regards to 2018-GS-26-05643, which is the indictment for
21 carjacking. I'm going to commit you to the State Department
22 of Corrections for a period of 15 years.

23 With regards to 2018-GS-26-05644, which is the indictment
24 for failure to stop for a blue light and siren, I'm going to
25 commit you to the State Department of Corrections for a period

1 of 3 years. These sentences will run concurrent, and you're
2 to be given credit for the time that you have served. Good
3 luck to you, sir.

4 **MR. SPRATLIN:** Thank you, Your Honor.

5 **MR. HOLFORD:** Thank you, Your Honor.

6 **THE COURT:** Very well. Alright. Now, ladies and
7 gentlemen, that concludes this trial. We're going to now do
8 some other work. Any of you want to have a conversation, I am
9 certainly more than willing to give you some of my time,
10 because goodness knows, you have given me so much of yours.
11 So, if you have any suggestions or things that you want to
12 talk about and if you all would just retire to your jury room
13 and let our bailiff security know, I will be more than happy
14 to join you there just very shortly, if you wish. Otherwise,
15 be well, be safe, thank you ever so much again. Thank you.

16
17

(COURT ADJOURNED)

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C E R T I F I C A T E

I, the undersigned, Sallie Beth Todd, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete transcript of the Transcript of Record of the hearing held in the interest of State of South Carolina versus Shaquille Bradon Dozier held in the Court of General Sessions for Horry County, Horry County Courthouse, Conway, South Carolina, on August 19 - 21, 2019.

I do hereby certify that I am neither of kin, counsel, nor interest to any party hereto.



Sallie Beth Todd, CVR

Official Reporter

February 21, 2020.

COMPETENCY TO STAND TRIAL EVALUATION**Examinee:** Shaquille Dozier**DOB:** [REDACTED]**DMH#:** 1015-6238**Date of Evaluation:** 12/27/18**First Examiner:** R. Ryan Leahy, M.D.**Second Examiner:** Kristin Eyre, LISW-CP**Supervisor:** Sheresa Christopher, Ph.D., ABPP**Report Date:** 1/22/19**Charge(s):** Escape, Attempted Escape or Possess Tools to Escape From Prison, Recaptured; Malicious Injury, Willful Injury to Courthouse or Jail; Carjacking/Take or Attempt a Vehicle by Force From Person, Great Bodily Injury; Failure to Stop for a Blue Light, No Injury or Death-1st Offense.

IDENTIFYING DATA: Mr. Shaquille Dozier is a 25-year-old man currently charged with Escape, Attempted Escape or Possess Tools to Escape From Prison, Recaptured; Malicious Injury, Willful Injury to Courthouse or Jail; Carjacking/Take or Attempt a Vehicle by Force From Person, Great Bodily Injury; Failure to Stop for a Blue Light, No Injury or Death-1st Offense for the alleged events occurring on 7/3/18 and 10/3/18. An evaluation of his competency to stand trial was ordered on 12/6/18 by The Honorable Benjamin H. Culbertson of the Horry County Court of General Sessions pursuant to State v. Blair, 275 S.C. 529, 273 S.E.2d 536 (1981) and S.C. Code Ann. 44-23-410 (1976). The basis for the order reads: "The defendant reports to the court that he is hearing voices and they are repeating 'disturbing things' to him. Furthermore counsel [sic] for the defendant reports difficulty in communicating with the Defendant about the case and concerns about defendant's understanding of the proceedings against him." Mr. Dozier is currently detained at the J. Reuben Long Detention Center and was transported for evaluation on 12/27/18 to the Medical University of South Carolina (MUSC) Forensic Psychiatry Program.

OPINION/COMPETENCY TO STAND TRIAL: *Per S.C. Code Ann. 44-23-410 (1976), an individual "...is not fit to stand trial because the person lacks the capacity to understand the proceedings against him or to assist in his own defense as a result of a lack of mental capacity...."*

Yes. It is our opinion Mr. Dozier currently has a factual and rational understanding of the proceedings against him and the capacity to rationally assist counsel in his own defense. Therefore, on the date of the evaluation, it is our opinion he is competent to stand trial.

SOURCES OF INFORMATION:

1. Clinical interview of Mr. Dozier on 12/27/18 for two hours and 23 minutes at the Medical University of South Carolina (MUSC) Forensic Psychiatry Program;
2. Psychological testing performed by Sheresa Christopher, Ph.D., ABPP on 12/27/18 for 39 minutes;

Name: Shaquille Dozier**DMH#:** 1015-6238

3. Order for Competency to Stand Trial Evaluation signed by The Honorable Benjamin H. Culbertson of the Horry County Court of General Sessions, dated 11/6/18;
4. Motion By Defendant to Represent Himself at Trial, Horry County Court of General Sessions, dated 10/29/18;
5. Office of the Solicitor, Fifteenth Judicial Circuit, Plea Offer, dated 9/20/18;
6. Horry County Police Department records, to include:
 - a. Affidavit and Arrest Warrant #2018A2610202451, dated 10/3/18;
 - b. Affidavit and Arrest Warrant #2018A2610202452, dated 10/3/18;
 - c. Affidavit and Arrest Warrant #2018A2610201704, dated 7/4/18;
 - d. Affidavit of Indigency and Application for Counsel, dated 7/4/18;
 - e. Uniform Traffic Ticket #93594GV, 93595GV, and 93596GV, dated 7/3/18;
 - f. Incident and Case Reports for Case #18059825, dated 7/3/18;
 - g. Witness statement for K.S, dated 7/3/18;
 - h. Pictures of Vehicles involved in traffic crash, undated;
 - i. Pictures of lacerations to arms and leg of unknown person, undated;
7. J. Reuben Long Detention Center medical records, dated 7/13/18 to 12/20/18;
8. State of South Carolina Department of Motor Vehicles 3 year driving record for Mr. Dozier, dated 7/7/18;
9. State of South Carolina Department Criminal History Report for Mr. Dozier, dated 7/3/18;
10. Waccamaw Mental Health Center medical record, dated 2/18/09.

DISCLOSURE OF NON-CONFIDENTIALITY: Mr. Dozier was informed of the nature and purpose of the evaluation prior to the interview. Specifically, he was informed that the judge in his case ordered a forensic evaluation regarding his competency to stand trial. It was explained that any observations and information he provided would not be held confidential, and would be included in a written report submitted to the court and disseminated to the judge and attorneys for the defense and prosecution. Mr. Dozier was also informed evaluators may be asked to provide oral testimony. Mr. Dozier read the notification form out loud with ease and when asked if he had any questions he stated, "No. Oh yeah, who are witnesses... got a thing on my phone." He was redirected to discuss factual information of his case with his attorney. He recalled the purpose of the evaluation as "so I could be treated as a patient instead of going to prison for eight years." Mr. Dozier was provided additional information as to the purpose of the evaluation, asked to read the form again, and stated the purpose is to see "If I am competent to stand trial." He understood that the report results would not be confidential and that copies of the reports would be sent to "the judge, public defender, and the solicitor." He signed the notification form and agreed to proceed.

BACKGROUND HISTORY: *The following information has been synthesized from a clinical interview with Mr. Dozier and a review of collateral information.*

Family/Social History: Mr. Dozier was born and raised in Georgetown, South Carolina. His mother raised him until 2008 when she died. Mr. Dozier then went to live out of state with an uncle until returning to South Carolina in 2010. He described his childhood growing up as "pretty normal." He did not endorse previous contact with the Department of Social Services (DSS) or the foster care system. Mr. Dozier did not endorse experiencing physical, sexual, or

emotional abuse. He did not endorse bullying other children, cruelty to animals, starting fires, vandalism or running away from home in his youth. Mr. Dozier reported he had engaged in six fights, was truant from school over 20 times and had engaged in theft ("I would steal stuff...countless times"). Mr. Dozier then went on to report that I have "a strange blood type" ... "strange lights follow me around" ... "luminaries in the sky." He has never been married and has no children. For the year prior to his current arrest, Mr. Dozier was living with an uncle. Mr. Dozier then reported that after he turned 25 he "started getting stuff on my phone" e.g., "telling me stuff was going to flood" and that his friends were acting as if "they were under some strange mind control." Mr. Dozier did not endorse having family history of mental illness, but stated "I had inherited these thoughts from my mom... It's a white folk's thing."

Educational History: Mr. Dozier reported being expelled from school in the ninth grade due to an interaction with a teacher ("I walked by and tapped him [the teacher] on the back of the head and said hey man, how you doin'?). Mr. Dozier reported he was enrolled in regular classes in school. He obtained a GED in 2012. Mr. Dozier said he did not receive any suspensions from school.

Occupational History: Mr. Dozier has worked multiple jobs in the restaurant, retail, and service industries. He was most recently working at a gas station in Pawleys Island before being detained on his current charges. His longest period of continuous employment lasted seven months. Mr. Dozier was fired from one job previously. He reported he has never received disability benefits from the Social Security Administration. Mr. Dozier has never served in the U.S. military.

Legal History: Mr. Dozier reported that he did not receive any legal charges as a juvenile. Collateral records noted that he had one previous arrest as an adult.

Medical History: Mr. Dozier reported he has no history of chronic medical illness. He reported no history of stroke or seizures. When asked if he ever had any loss of consciousness, he stated, "Sometimes I get this sleep paralysis and get some hag on me. That's what they called it on Facebook (Mr. Dozier was observed to be smiling)." When asked why he was smiling while describing these events, he stated, "I'm smiling because I don't really want to say what I want to say. I was surrounded by people who were under MK ultra-mind control. They would make very specific jokes about me." Mr. Dozier reported hitting his head on a "cinder block thing" in 2010. He received staples on his head in the emergency department of an unnamed hospital. He is not currently taking medication for medical ailments.

Substance Use History: In regard to his substance use history, Mr. Dozier first consumed an alcoholic beverage "a few years ago." He then changed the topic and reported, "I got this spirit on me that follow me around." Mr. Dozier regards himself as a "social drinker" and drinks between two to four times a month when out with friends. He then reported that he believes his food in the detention center has been poisoned in the past (observed to laughing while describing this incident) and that the "spirit that is on me is like a drug and I want it off man."

Mr. Dozier first smoked cannabis at age 14 and last smoked before his arrest. He related that he was smoking between two to four blunt cigars nearly every day. His longest period of cannabis

abstinence was for 10 months. Mr. Dozier reported difficulty stopping cannabis use, increased cravings, and feeling irritable if he stopped using cannabis. He reported no other illicit substance use or prescription medication misuse. Mr. Dozier has never received any substance abuse treatment.

Psychiatric History: A medical record from the Waccamaw Mental Health Center dated 2/18/09 noted Mr. Dozier was diagnosed with Adjustment Disorder, Unspecified. Mr. Dozier reported that he has not been diagnosed previously with mental illness. Mr. Dozier had received outpatient therapy on a few occasions in Chattanooga, TN after his mother passed away. He reported that he was never hospitalized and he was never prescribed psychiatric medications until he was jailed on his current alleged charges. He reported that he has been taking Seroquel (antipsychotic medication) for "sleep" and has been taking this medication for the last month at the J. Reuben Long Detention Center. Mr. Dozier also reported that he takes Seroquel because he hears noises from a radio and he can't sleep at night. When asked if he feels he has mental illness, Mr. Dozier stated, "yes" and he reported seeing "strange lights....like a rainbow color and the number 8" approximately three months ago while in the J. Reuben Long Detention Center. He also reported seeing visual hallucinations of "a cross and infinity" on the face of an evaluator during the evaluation. Mr. Dozier reported no previous suicide attempts before his arrest. He reported previous suicidal ideation while at the J. Reuben Long Detention Center ("on and off") and was last on suicide watch approximately two months ago. Mr. Dozier did not endorse a past history of non-suicidal self-injurious behavior.

COURSE OF DETENTION: Medical records from the J. Reuben Long Detention Center were reviewed. A medical record on 7/18/18 noted that Mr. Dozier refused his tuberculosis test. "PT [Mr. Dozier] stated that we are trying to kill him with TB plant [tuberculosis test] and only 1 lung works, when asked which one, he stated it rotates back and forth between lungs." A medical record on 7/19/18 noted that Mr. Dozier "is still hearing voices and they are telling him to kill himself." A medical record on 7/25/18 noted that Mr. Dozier endorsed using between "2-3 joints" (cannabis) daily with his last noted use on 7/2/18. A medical record on 9/12/18 noted that Mr. Dozier was observed to be forcing himself to throw up by a correctional officer. The record noted that "PT was making himself throw up while in the cell. Pt had red marks around his mouth."

Telepsychiatry physician progress notes indicated Mr. Dozier was seen by a physician on 7/25/18, 7/31/18, and 9/5/18. On these dates, he was diagnosed with Adjustment d/o [disorder] with depressed mood and/or Depression. Mr. Dozier was noted to prefer not to take medications. A medical record on 7/25/18 noted "He said he felt suicidal... [illegible] he is in prison." A mental status exam from the medical record dated 9/5/18 noted that Mr. Dozier described his mood as "fine" and he "denies AVH [auditory and visual hallucinations]." Mr. Dozier's thought process was described as "logical/linear." A medical record on 10/24/18 noted that Mr. Dozier endorsed experiencing auditory hallucinations (experiencing hearing things others do not hear). The medical record noted that Mr. Dozier "had been hearing voices" and had "paranoia about [illegible] things." Mr. Dozier also endorsed visual hallucinations (seeing things others do not). Mr. Dozier's mental status exam noted that his affect (outward expression of emotion) was "restricted" and his thought process was described as "logical/linear." Mr. Dozier was diagnosed

with Psychosis NOS [not otherwise specified] and he was then prescribed Seroquel on this visit. Medical records indicate Mr. Dozier is compliant with medication.

PSYCHIATRIC REVIEW OF SYSTEMS: Mr. Dozier described his current mood as “hopeful, hopeful I won’t go to prison.” He noted that his sleep is adequate (“I can sleep”) since taking medication in the Detention Center. Mr. Dozier described his appetite as “not being fed enough” and his energy level as having “too much energy.” He related he has lost approximately 20 to 30 pounds from the time of incarceration. Mr. Dozier described feeling symptoms of hopelessness since his arrest. He did not endorse symptoms of mania such as pressured speech, flight of ideas, and grandiosity. He did not report symptoms of anxiety or PTSD. When asked if he had any specific fears e.g., fear of insects or flying and Mr. Dozier stated he has a “fear of mind control” (observed to be smiling).

Mr. Dozier reported that he often experiences auditory hallucinations (e.g., hearing things that others cannot hear) beginning about the second or third month while in the Detention Center. He reported hearing sounds coming from a radio including “clicking sounds” and other codes (e.g., “code alpha, code bravo code”). Mr. Dozier reported hearing voices coming from correctional officer’s computers or other electronic devices (e.g. stating, “I’m going to harm your family”) at the Detention Center. He also noted that he has heard voices while in a “light sleep.” Mr. Dozier reported to the evaluators that he was currently seeing a “cross” and that “it is blinking now... It’s blue and black.” He reported experiencing olfactory hallucinations (smelling things that other cannot smell) and that he “smells burned paper at times.” He reported also experiencing tactile hallucinations (feeling things that others cannot feel) such as “the sleep paralysis thing” difficulty moving in his sleep. Mr. Dozier did not endorse experiencing command auditory hallucinations (e.g., hearing voices telling him to do something). When asked if he ever felt that strangers looked at him or made comments about him, he stated that “people in society were putting strange memes on me” (e.g. on his Facebook page). When asked if he ever felt people are bothering him or trying to harm him he stated, “[The] radio says it will harm me, but I don’t believe it.” He reported that he does not have special powers (no, I don’t” but this “hag [a ghost] has special powers).”

BEHAVIORAL OBSERVATIONS AND MENTAL STATUS EXAMINATION: A formal mental status exam was conducted with Mr. Dozier on 12/27/18. He was dressed in jail-issued attire with adequate attention to hygiene. His psychomotor activity was unremarkable. His eye contact was appropriate. Mr. Dozier did not appear to be fully cooperative with the evaluation process. He did not appear to be putting forth adequate effort at times and may have been attempting to perform more poorly than is the case. Mr. Dozier’s observed affect (outward emotional expression) was appropriate. He spoke in an overly elaborate manner (answering questions in an indirect way) at times, requiring some redirection to answer the question posed. His speech volume and rate were regular. Mr. Dozier reported no current suicidal or homicidal thoughts. He was not responding to internal stimuli. Mr. Dozier’s thought process was linear and goal directed. Attention and concentration were good throughout the interview. He reported experiencing auditory hallucinations including hearing voices first speaking in code (e.g., “code... now code to harm people”, “hearing a radio, telling me I’m getting set up, and “do you hear that ringing?... never mind you don’t hear it.”) as well as visual hallucinations.

A brief cognitive exam revealed the following. He was alert and oriented to person, place, time and situation. In other words, he was aware of whom he was, that he was currently in Charleston, SC, the approximate time, the date, and the reason for the evaluation. Mr. Dozier identified the current U.S. President and his predecessor. He correctly solved a simple addition, subtraction, multiplication, and division problems suggesting adequate basic knowledge. Mr. Dozier correctly spelled the word 'world' forward and backward. In an effort to assess his working memory (i.e., the ability to hold and manipulate things in one's mind), Mr. Dozier was asked to complete a serial seven task (i.e., subtracting the number seven from 100 and then subtracting seven from that answer and so on). He correctly provided four correct subtractions in a row, before stopping and stating, "Can I not do the number thing please...I'm not good with math, I'm afraid of numbers." Mr. Dozier also reported that he was afraid of the number "23." Mr. Dozier's immediate memory was intact as he was able to repeat three unrelated words immediately after presented. After a brief delay, he correctly recalled three out of three words. Mr. Dozier's basic ability to think abstractly was fair as he identified similarities between common objects. Interpretations of proverbs were fair, indicating an ability to think abstractly. Judgment and insight were intact as he provided reasonable explanations to basic hypothetical situations.

PSYCHOLOGICAL TESTING: As Mr. Dozier endorsed uncommon psychiatric symptoms (i.e., "strange lights follow me around" and smelling "burned paper") and reported inconsistent factual legal information, screening instruments to assess for feigned psychiatric symptoms and feigned factual knowledge deficits were administered during the present evaluation by Dr. Christopher. Measures were subsequently interpreted and reported by Dr. Christopher as follows:

Miller Forensic Assessment of Symptoms Test (M-FAST). The M-FAST is a 25-item screening measure designed to detect feigning of psychiatric symptoms. Mr. Dozier endorsed symptoms and combinations of symptoms that are extreme, uncommon, inconsistent and unlikely in patients with a bona fide mental illness. He endorsed an atypical symptom course that is uncommon in the general population of psychiatric patients. Furthermore, Mr. Dozier reported a symptom that was inconsistent with evaluator observations. Taken together, Mr. Dozier's score on the M-FAST screening measure was significantly elevated and suggests he may be malingering symptoms of mental illness. Additional testing was not employed as Mr. Dozier chose to increase effort and participate meaningfully in the evaluation when his performance deficits were addressed.

Inventory of Legal Knowledge (ILK). The ILK is a 61-item, true-or-false, orally administered, interview that is used to assess response style in defendants undergoing an evaluation of their competency to proceed to trial. The measure provides a score which is used to determine whether the defendant's score falls below chance (a score which may be obtained through random responding). Mr. Dozier's total score on the ILK fell within a range that is reflective of some legal knowledge. That said, his score was lower than expected and suggestive of a feigned response style. Although his score was not

significantly below what could be expected by chance, Mr. Dozier scored lower than 90% of an adult psychiatric inpatient reference group (10th percentile).

DIAGNOSTIC FORMULATION: The following diagnoses are rendered on the bases of the above data and according to the Diagnostic and Statistical Manual of Mental Health Disorders-Fifth Edition (DSM-5; 2013).

- Cannabis Use Disorder, Moderate, In Early Remission, In a Controlled Environment
- Adjustment disorder, with depressed mood

According to the DSM-5 (2013), substance use disorders include a “cluster of cognitive, behavioral, and physiological symptoms indicating that the individual continues using the substance despite significant substance-related problems” (p. 483). Mr. Dozier reported symptoms of cannabis use disorder (e.g., developing cravings for cannabis, increased use over time, difficulty stopping, and feeling irritable when not smoking cannabis). The specifier ‘moderate,’ is used to denote severity and number of symptoms; the specifier ‘in early remission’ is used to denote course. As Mr. Dozier is currently detained and presumed abstinent from substances, the specifier ‘in a controlled environment’ is applicable.

Per the DSM-5 (2013), adjustment disorders are characterized by “the development of emotional or behavioral symptoms in response to an identifiable stressor(s) occurring within 3 months of the onset of the stressor(s)” (p. 286). Mr. Dozier described depressive symptoms (e.g., suicidal thoughts, hopelessness, and depressed mood) related to his current incarceration. His distress is out of proportion to the severity of the current stressor (incarceration). The specifier ‘with depressed mood’ is warranted because low mood and feelings of hopelessness are predominant. He also previously carried a diagnosis of Adjustment Disorder, with Depressed Mood at the J. Reuben Long Detention Center.

The characteristic symptoms of schizophrenia include cognitive, behavioral, and emotional dysfunctions which could include delusions (fixed, false beliefs), hallucinations (the apparent perception of something not present, such as voices), disorganized speech (evidence of non-linear thought process), disorganized or catatonic behavior (difficulty formulating and producing goal-directed behavior), and negative symptoms (such as lack of motivation or diminished emotional expression). These symptoms persist for at least six months and impair functioning in life areas including work, relationships, or self-care (DSM-5, 2013). Mr. Dozier reported a history of experiencing auditory, visual, tactile, and olfactory hallucinations. However, his description of these symptoms was not consistent with what is typically reported by individuals with bona fide psychotic symptoms. For example, he reported a visual hallucination of seeing a “cross and infinity sign” on the face of one of the evaluators. He also reported experiencing olfactory hallucinations (smelling “burned paper”). Both of these types of hallucinations are rare in those who experience true psychotic symptoms. Additionally, a diagnosis of a psychotic spectrum disorder would also require other psychotic symptoms, such as delusions, disorganized speech, disorganized behavior, negative symptoms, etc. During the current evaluation, Mr. Dozier did not display any negative symptoms of Schizophrenia (e.g., diminished emotional expression and avolition), disorganized speech and disorganized behavior. The results of a screening measure designed to rule out feigned psychosis indicated he was likely feigning

psychosis. Finally, collateral records do not indicate a previous history of psychotic illness and note only a diagnosis of Psychosis NOS, approximately three months after entering the J. Reuben Long Detention Center. Thus, a psychotic-spectrum disorder diagnosis is not rendered at this time.

COMPETENCY TO STAND TRIAL: *Mr. Dozier's competency to stand trial was assessed using a semi-structured interview format.*

Factual understanding of court proceedings: Mr. Dozier's knowledge of the legal system was assessed. He was aware of the charges he faces and the general definition. He indicated he is facing a misdemeanor and a felony charge and noted he was unsure of what the other charges were characterized as. When asked who the best person was to ask about the severity of his charges, he said, he could talk to the public defender. Mr. Dozier was able to provide an approximate amount of time he believed the charges carried (11 years). He described the possible sentence a judge could give him if found guilty as "prison, fines, and house arrest." With additional questioning, he identified probation as an option. When asked what probation was, Mr. Dozier stated he didn't know anything about what probation was and then recalled he had a brother who was probation. Mr. Dozier was able to describe what some probation rules could include (e.g. an individual "can't leave the house" and must see a probation officer and submit to drug tests). He was provided with education about additional rules someone on probation may have to follow. Mr. Dozier said that one violates probation goes "back to jail."

Mr. Dozier was asked about the roles of key courtroom personnel. He described the role of his defense attorney ("talk to the judge" and "get best outcome for his client"). Mr. Dozier identified the solicitor's job as to see the "worst possible outcome" for a person and to "put people away." He described the judge's job as to "make sure justice is served" and "ain't on nobody's side." Mr. Dozier was provided education regarding the role of a judge. Mr. Dozier recalled the role of the jury as "be judged by your peers." With additional questioning he noted the judge must "decide if your guilty or not." When asked how many jurors must agree to reach a verdict, he stated, "I don't know." Post-education, he did not recall that all 12 jurors must agree to reach a verdict ("10 right?"). Mr. Dozier was smiling when he recalled the number of jurors.

As Mr. Dozier's answers during the factual portion of the assessment of competency appeared inconsistent and he endorsed psychiatric symptoms that seemed unusual and uncommon, evaluators administered measures to assess feigned deficits in factual legal knowledge and the feigning of psychiatric symptoms. After testing, evaluators re-explained the nature and purpose of the current evaluation and encouraged him to put forth sufficient effort. Mr. Dozier subsequently began to put forth more effort when answering questions posed by evaluations. For instance, he recalled that all 12 jurors must be unanimous to reach a verdict. Mr. Dozier understood that he was the defendant in his case ("me). He defined witnesses as "they there to say what I did." Mr. Dozier understood that witness testimony could be both harmful and helpful. He described evidence as "things they have against you." Mr. Dozier understood that evidence can benefit both the defendant and the solicitor and he was able to describe types of evidence in a hypothetical situation. Mr. Dozier described an oath as a "promise." With

additional questioning, he stated it's a "promise to tell the truth." When asked what happens if you lie under oath, he stated "I don't know...gets charges."

Mr. Dozier identified the possible pleas of not guilty and guilty. With education, Mr. Dozier reported one who pleads not guilty will go to trial ("suppose you get at trial") and one who pleads guilty will "go to prison." He understood one pleading guilty will then be sentenced. He was provided with additional information about the pleas of not guilty by reason of insanity and guilty but mentally ill. Mr. Dozier identified a plea bargain as "I want this instead of that." With additional questioning he reported a defendant will "get something better for themselves" When accepting a plea bargain. Post-education he reported one may be required to plead guilty in order to get a plea bargain. With education, Mr. Dozier reported he did not recall the rights one give up to get a plea bargain. Mr. Dozier understood there are four rights one gives up after pleading guilty to include a right to trial, to confront accusers, to remain silent, and to appeal.

Rational understanding of court proceedings: In regard to his ability to rationally understand the proceedings against him, Mr. Dozier provided a rational explanation related to his desired legal outcome. However, when given a scenario of a hypothetical plea bargain, he appeared to be putting forth poor effort and stated, "I don't know... I have not been in this position." This poor effort continued with additional questioning ("I'm trying to get passed this question" and "I would rather avoid this question"). Additionally, Mr. Dozier said a defendant should talk to the solicitor without the defense attorney present, stating, "Yeah, I would tell the truth" and "I would talk to him." However, earlier in the interview he also stated that the job of the solicitor is to incarcerate a defendant suggesting awareness of an adversarial process. After he was encouraged to put forth additional effort, Mr. Dozier evidenced the ability to appropriately consider hypothetical plea bargains in a rational manner and the ability to make decisions and weigh evidence. He was able to communicate his thoughts regarding each scenario. With education, Mr. Dozier reported that he would not talk to the solicitor alone as the solicitor is "not on my side" and "he is against me."

When asked if he could go along with his lawyer's recommendation to not testify he stated, "No, because I have to explain my side." Mr. Dozier acknowledged that he would be open and honest about everything that happened in his case. He reported that if he observed a witness telling lies about him in the courtroom, "I would talk to the jury." With additional questioning, he reported he would "talk to my lawyer." Post-education he reported that if he did not understand something a witness was saying he would, "Ask my lawyer." Mr. Dozier reported that he has been to court a "few times" about his current case. He described appropriate courtroom behavior to include "be quiet ... don't make trouble." He acknowledged that defendants can speak at certain points in the courtroom such as "you can talk when you are supposed to talk." Mr. Dozier reported that those who interrupt or misbehave in court would be "arrested." Post-education, he understood that one who disrupts the court may be found in contempt of court. Mr. Dozier related he had concerns of "entities" ... and "luminaries" that follow him and noted this may impact whether he is treated fairly in his case.

Ability to consult with attorney: Mr. Dozier's ability to consult with his attorney with a reasonable degree of rational understanding was assessed. He recalled his attorney's name

("Spratlin") and noted he has spoken with him four to five times. He mentioned that he had some concerns about his lawyer not working as hard as Mr. Dozier would prefer ("not fighting for me" and "he doesn't care"). When asked what he would do if he had a disagreement with his attorney, he stated, "Get another one." With additional questioning, he stated that he could also speak with his attorney first about the matter. Mr. Dozier expressed an interest in working with his attorney and willingness to be honest and forthcoming to resolve his current charges. Mr. Dozier feels he needs an attorney to defend him and that he does not wish to represent himself in court. Mr. Dozier recognized that attorneys have specialty training in the law because of their education. Mr. Dozier exhibited a pattern of oppositional behavior and putting forth poor effort during part of the current interview. However, he also demonstrated a pattern of improved cooperation and engagement when encouraged to put forth full effort. Thus, he demonstrated the ability to participate with his attorney should he choose too.

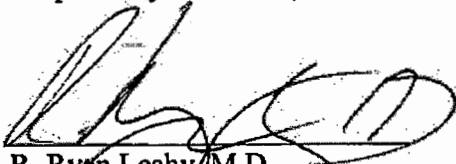
CLINICAL IMPRESSIONS REGARDING COMPETENCY TO STAND TRIAL: Mr. Dozier meets diagnostic criteria for Cannabis Use Disorder, Moderate, In Early Remission, In a Controlled Environment and Adjustment Disorder, with Depressed Mood. His symptoms have included problems stemming from cannabis use. He has also endorsed suicidal thoughts, hopelessness, and depressed mood related to his current incarceration.

Mr. Dozier's answers during the factual portion of the assessment of competency appeared inconsistent, prompting the evaluators to administer measures to assess feigned deficits in factual and legal knowledge. With regard to legal knowledge, Mr. Dozier's score was lower than expected and suggestive of a feigned response style. Mr. Dozier was also administered a screening measure that indicated he may be feigning psychiatric symptoms given his report of unusual, rare, and atypical symptoms. Mr. Dozier also appeared to show a level of suggestibility (seeing a "cross" that was "blinking" when asked directly about visual hallucinations) which is uncommon among those with documented psychiatric illness. Furthermore, Mr. Dozier's self-report of psychiatric symptoms was inconsistent with his observed behavior. He did not appear to be responding to internal stimuli in his evaluation and he demonstrated good concentration and attention. Yet, there were points when he would then change the subject and talk of rare symptoms ("do you hear that ringing, never mind you don't hear it."). Additionally, he described rare symptoms of true psychosis such as olfactory hallucinations and seeing "strange lights follow me around." Notably, Mr. Dozier's effort improved when the nature and purpose of the current evaluation was re-explained and he was encouraged to put forth full effort. Additional testing was not employed as Mr. Dozier chose to increase effort and participate meaningfully in the evaluation when his performance deficits were addressed.

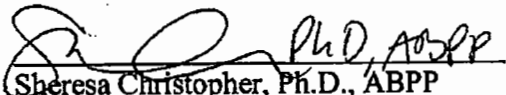
Initially, Mr. Dozier did not adequately demonstrate his current factual or rational understanding of the proceedings against him. However, this was not due to the presence of a psychiatric disorder that would cause impairment in these areas or interfere with his ability to be competent to stand trial. To the contrary, Mr. Dozier appeared to be feigning deficits in competency to stand trial. When the nature and purpose of the evaluation were re-explained and he was encouraged to put forth adequate effort, his performance much improved. Therefore, it is our opinion that Mr. Dozier has the ability to meaningfully and rationally participate in his legal case should he choose to do so. Thus, it is our opinion that he is currently competent to stand trial.

SUMMARY: Mr. Dozier is a 25-year-old man currently charged with Escape, Attempted Escape or Possess Tools to Escape From Prison, Recaptured; Malicious Injury, Willful Injury to Courthouse or Jail; Carjacking/Take or Attempt a Vehicle by Force From Person, Great Bodily Injury; Failure to Stop for a Blue Light, No Injury or Death-1st Offense for the alleged events occurring on 7/3/18 and 10/3/18. He is diagnosed with Cannabis Use Disorder, Moderate, In Early Remission, In a Controlled Environment and Adjustment Disorder, with Depressed Mood. It is our opinion that Mr. Dozier is not currently experiencing symptoms of mental illness that would impact his competency to stand trial. When putting forth sufficient effort, Mr. Dozier demonstrated an adequate factual and rational understanding of the proceedings against him. Therefore, it is our opinion that Mr. Dozier is currently competent to stand trial.

Respectfully submitted,



R. Ryan Leahy, M.D.
Forensic Psychiatry Fellow



Sheresa Christopher, Ph.D., ABPP
Board Certified in Forensic Psychology
Licensed Clinical Psychologist

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT

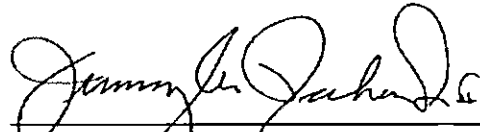
At a Court of General Sessions, convened on October 17, 2018, the Grand Jurors of Horry County present upon their oath:

CARJACKING

CDR: 2599 16-03-1075(B)(1)

That Shaquille Bradon Dozier did in Horry County on or about the July 3, 2018, take and/or attempt to take one 2015 Jeep Wrangler Unlimited from Kathleen Schneider by force and violence or by intimidation while said victim was operating and/or occupying the vehicle, in violation of Section 16-3-1075(B)(1), S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

FILED
HORRY COUNTY
2018 NOV 19 PM 12 23
RENEE M. ELVIS
CLERK OF COURT
HORRY COUNTY, SC
DATE RECEIVED FROM
GRAND JURY

DOCKET NO. 2018GS2605643

The State of South Carolina

County of Horry

Joshua D. Holford 18H03891

COURT OF GENERAL SESSIONS

October, 2018 TERM

THE STATE

vs.

Shaquille Bradon Dozier
B / M
1222 Church St
Georgetown, SC 29440-3204
DOB: [REDACTED]
SSN: [REDACTED]

ATTORNEY: Martin D. Spratlin

Indictment for

CARJACKING

Jimmy A. Richardson, II, Solicitor

ORIGINAL

WITNESSES

Crystal Buckingham Horry County Police
Department

Cody Burroughs

ARREST WARRANT NUMBER

2018A2610201704

CDR: 2600 16-03-1075(B)(2)

DOA: 7/4/2018

ACTION OF GRAND JURY

TRUE BILL

Kathleen Shaffer

Foreperson of Grand Jury

Date: NOV 14 2018

VERDICT

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT

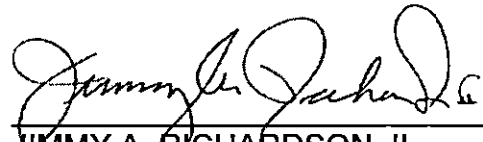
At a Court of General Sessions, convened on October 17, 2018, the Grand Jurors of Horry County present upon their oath:

FAILURE TO STOP FOR BLUE LIGHT/SIREN

CDR: 0065 56-05-0750(B)(1)

That Shaquille Bradon Dozier did in Horry County on or about July 3, 2018, while operating a motor vehicle on a road, street, or highway of the State of South Carolina, did refuse and fail to stop his motor vehicle when signaled to do so by a law enforcement vehicle, by means of a siren and/or flashing light, in violation of Section 56-05-0750(B)(1), S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

FILED
HORRY COUNTY

2018 NOV 19 PM 12 23

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

DATE RECEIVED FROM
GRAND JURY

DOCKET NO. 2018GS2605644

The State of South Carolina

County of Horry

18H03891

Joshua D. Holford

COURT OF GENERAL SESSIONS

October, 2018 TERM

THE STATE

vs.

Shaquille Bradon Dozier

B / M

1222 Church St

Georgetown, SC 29440-3204

DOB:

SSN:

ATTORNEY: Martin D. Spratlin

Indictment for

FAILURE TO STOP FOR BLUE
LIGHT/SIREN

Jimmy A. Richardson, II, Solicitor

ORIGINAL

WITNESSES

Crystal L Buckingham Horry County Police
Department

Cody Burroughs

ARREST WARRANT NUMBER

93594GV

CDR: 0065 56-05-0750(B)(1)

DOA: 7/3/2018

ACTION OF GRAND JURY

TRUE BILL

Kathleen Shaffer

Foreperson of Grand Jury
Date: NOV 14 2018

VERDICT

Foreperson of Petit Jury
Date:

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,

RECEIVED

Jan 08 2021

SC Court of Appeals



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 8th day of January, 2021.