

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

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On Writ of Certiorari to the Court of Appeals
Appeal from Lexington County
Honorable R. Knox McMahon, Circuit Court Judge

S.C. Supreme Court

THE STATE,

Petitioner,

vs.

ADRIAN EAGLIN,

Respondent.

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In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY

R. Knox McMahon, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ADRIAN EAGLIN,

APPELLANT

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STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA

-vs-

ADRIAN EAGLIN,

Defendant.

TRANSCRIPT OF RECORD

08-GS-32-3506

August 24-25, 2009
Lexington, South Carolina

B E F O R E:

HONORABLE R. KNOX MCMAHON, Judge; and a jury.

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

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COURT'S EXHIBITS

22	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
23	1	Report (evaluation)	65	
24	(Court Reporter's Note: No other exhibits were offered			
25	during the trial).			

1 (The following proceedings are reported on
2 August 24, 2009).

3 THE COURT: Solicitor, you may call your first
4 case for trial.

5 MR. RIDDLE: May it please the Court, Your
6 Honor. The State would call the State of South Carolina
7 versus Adrian Eaglin, Indictment Number 2008-GS-32-3506.
8 It is a true bill indictment for assault on a
9 correctional officer.

10 Indictment 2008-GS-32-3507, the State versus
11 Adrian Eaglin. It's likewise a true billed indictment
12 for assault on a correctional officer. I would hand up
13 to the Court the indictments as well as a witness list.

14 (Hands to Court).

15 THE COURT: Ladies and gentlemen of the jury
16 panel, if you would please give me your complete and
17 undivided attention. Also, I would ask you to please
18 consider yourselves still under oath.

19 We are now going through a process to select a
20 trial jury for the trial of the first case that the
21 solicitor has called for trial. I am going to publish
22 or read to you the two indictments that have been handed
23 up to me.

24 The indictments are the formal charging
25 documents. They are the documents by which a defendant

1 is placed on notice of the charges that have been
2 brought against him or her.

3 They are mere allegations, and they are in no
4 way to be considered evidence of any of the allegations
5 contained therein. I read or publish these indictments
6 to you because of the questions that I will ask you
7 concerning the allegations.

8 The first indictment, 2008-GS-32-3507, reads
9 that Adrian Eaglin did in Lexington County, on or about
10 January 18, 2008, willfully, feloniously, and unlawfully
11 commit an assault on Troy Hall, an employee of a State
12 or local correctional facility, to wit, the Lexington
13 County Detention Center, while the said Troy Hall was
14 performing his job-related duties in violation of
15 Section 16-3-360 of the South Carolina Code of Laws 1976
16 as amended. That is a true bill indictment for assault
17 upon an employee of a correctional facility.

18 The next indictment, 2008-GS-32-3506, alleges
19 the same charge, the same Defendant, with a different
20 employee of the local correctional facility, one Isaac
21 Jackson, occurring on the same date, January 18, 2008.

22 The State in this case is represented by
23 Deputy Solicitor Dayton Riddle and Assistant Solicitor
24 Derrick Mobley. If you would please stand and introduce
25 yourselves to the jury panel.

1 MS. HAHN: Please seat Ms. Anderson.

2 CLERK: Have a seat in the jury box. That's
3 the alternate, Your Honor.

4 (The jury is impaneled at 11:47 a.m.)

5 THE COURT: Thank you, Madame Clerk. Any
6 motions regarding the jury selection process from the
7 State?

8 MR. RIDDLE: No, sir.

9 THE COURT: From the defense?

10 MS. HAHN: No, Your Honor.

11 THE COURT: If y'all would approach the bench
12 momentarily.

13 (Whereupon there is a bench conference off the
14 record in the presence of the jury but out of the
15 hearing of the jury).

16 THE COURT: Ladies and gentlemen of the jury
17 panel that was selected for the trial of this case,
18 momentarily I am going to release you from your jury
19 service for the remainder of the day.

20 I have some pretrial matters that I have to
21 take up with the attorneys and rather than release you
22 for lunch and have you come back after lunch and those
23 not be completed and have you held captive back in your
24 new temporary home, the jury room, I will release you.
25 We will start fresh with the jury at 9:30 in the

1 morning.

2 I must advise you of certain information,
3 however, before I release you. I remind you that during
4 this recess you are not to discuss this case with
5 anyone. This includes your fellow jurors, your family,
6 your friends or anyone else or people involved in the
7 trial. If anyone tries to talk with you about the case,
8 please let me know immediately.

9 I must further instruct you that until your
10 jury service is concluded that you shall not discuss the
11 case with others, including other jurors, except as
12 authorized by the Court. You shall not read or listen
13 to any news reports about this case should there be any.

14 You shall not use a computer, cellular phone
15 or other electronic device with communication
16 capabilities while in attendance at trial or during any
17 deliberations.

18 These devices may be used during lunch breaks,
19 of course, during recesses but may not be used to obtain
20 or disclose any information which I will tell you is
21 prohibited below.

22 You may not use a computer, cellular phone or
23 other electronic device with communication capabilities
24 or any other method to obtain or disclose information
25 about the case, whether you are in court.

1 Information about the case includes but is not
2 limited to the following: Information about a party,
3 witness, attorney or court officer, news accounts of the
4 case, information collected through juror research on
5 any topics raised or testimony offered by any witness or
6 information collected through juror research on any
7 other topic the juror might think would be helpful in
8 deciding the case.

9 There have been cases throughout the country,
10 with the information capabilities of technology now,
11 where jurors -- none of which I am aware of in South
12 Carolina -- but where jurors will go and Google a name
13 or Google a law and say, I wonder what the law is on
14 this or I wonder what the law is on that. There have
15 been cases where jurors go out and do independent
16 investigation also.

17 You must decide this case based on what you
18 hear from the witnesses testifying under oath from this
19 stand in this courtroom and the law as I tell you the
20 law is. You can't go out and do any independent
21 investigation.

22 We are required by our State Supreme Court to
23 advise you of that. Obviously that is what the law is,
24 and you are obviously sworn to and will follow the law
25 and uphold your oath.

1 So, again, I am going to release you for the
2 remainder of the day and ask you to please return
3 promptly to your new temporary home, your jury room, at
4 9:30 in the morning. I hope you have a pleasant rest
5 of the morning, which is about ten minutes, and the rest
6 of the day. See you in the morning. Have a good
7 afternoon.

8 (The jury is excused for the day at
9 11:50 a.m.)

10 (The panel is excused).

11 THE COURT: Any motions on State versus
12 Eaglin?

13 MR. RIDDLE: I don't know of any motions at
14 this time, Your Honor. We will need to conduct a Blair
15 hearing in this matter this afternoon, I think after --
16 we had kind of planned after you concluded Mr. Graham's
17 and Mr. Mathew's matter. We will need to conduct the
18 Blair hearing.

19 I believe Ms. Fullwood mentioned some subpoena
20 issues at the bench, and I want to make sure that gets
21 squared away, but I don't know of any motions we have in
22 reference to this particular charge.

23 THE COURT: All right. Ms. Fullwood?

24 MS. FULLWOOD: Your Honor, we did serve
25 several subpoenas last week. We are today getting in

1 the returns on those subpoenas, and I don't think that
2 it's going to be any impediment to beginning the trial
3 tomorrow morning.

4 Now, that being said, during jury selection
5 Mr. Eaglin told me in a note that he wished to dismiss
6 Ms. Hahn and I as counsel. I don't know if Your Honor
7 would like to take that up at this time.

8 THE COURT: All right. Can you tell me a
9 little bit more about what Mr. Eaglin would want me to
10 do, Ms. Fullwood?

11 MS. FULLWOOD: Well, from what I can glean,
12 Your Honor, he is unhappy because he did not have any
13 input into the jury selection, at least that's what he
14 is telling me right at this instant. I am not sure if
15 that's why he wants us relieved or if it is for another
16 reason.

17 THE COURT: Mr. Eaglin, if you would please
18 stand for me.

19 Sheriff, can you help him come around to the
20 microphone.

21 (Pause).

22 THE COURT: Madame Clerk, would you please
23 Mr. Eaglin under oath for me.

24 ADRIAN TYRELL EAGLIN is first
25 duly sworn.

1 THE COURT: Just speak up for me Mr. Eaglin so
2 I will be able to hear you. Tell me your full name
3 please.

4 THE DEFENDANT: Adrian Tyrell Eaglin.

5 THE COURT: How old are you, sir?

6 THE DEFENDANT: Twenty-eight, sir.

7 THE COURT: How much education do you have?

8 THE DEFENDANT: Tenth grade education.

9 THE COURT: Now, Ms. Fullwood indicated to me,
10 to the Court, that you wrote a note, and you want to
11 fire Ms. Fullwood and Ms. Hahn; is that correct?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Explain to me what you want me to
14 do.

15 THE DEFENDANT: My attorneys and I --

16 THE COURT: I can't quite hear you, and I
17 don't want you to be -- I don't want to rule on your
18 motion if I can't hear your motion, do you understand?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: So speak up and tell me what your
21 situation is, Mr. Eaglin.

22 THE DEFENDANT: Okay, Your Honor. I am having
23 ongoing problem with these two attorneys. First
24 starting off with Ms. Hahn herself, you know --

25 THE COURT: First off what?

1 THE DEFENDANT: First starting off with
2 Ms. Hahn alone. She was once my attorney alone until
3 Mr. Keesley appointed Ms. Fullwood on my case as well
4 due to me trying to relieve Ms. Hahn from my case.

5 I recently wrote Mr. Keesley. He responded
6 back that I would be coming before you for dealing with
7 the pro se litigant or court-appointed attorney due
8 through the off and ongoing problems with these two
9 attorneys at hand, you know.

10 The jury was picked just now. I see no
11 understanding because I had no dealing with it, you
12 know. I feel I need to have some type of energy dealing
13 with picking a jury. I been having ongoing problems
14 with these attorneys and the defender agency. This
15 isn't the first time I have spoken on these issues.

16 THE COURT: So you are asking me to relieve
17 Ms. Fullwood and Ms. Hahn from representing you?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Then what do you want me to do?

20 THE DEFENDANT: If I can't receive a court
21 appointed, I want to go pro se because they are not
22 representing me. I did receive a visitation from them
23 both yesterday at the Lexington County Detention Center.
24 The conversation was not -- you know, it's more like I
25 am dealing with the prosecutors instead of being

1 represented on my case.

2 THE COURT: Well, of course, you have a
3 constitutional right to be represented by an attorney.
4 If you cannot afford an attorney to represent you, you
5 have the right to be represented by a court-appointed
6 attorney.

7 It appears you have two court-appointed
8 attorneys, Ms. Hahn and Ms. Fullwood. Do you know
9 Ms. Hahn or Ms. Fullwood's experience or educational
10 levels?

11 THE DEFENDANT: Not like on a --

12 THE COURT: Sir?

13 THE DEFENDANT: I can't speak on their
14 educational level as far as knowing them because I just
15 met them.

16 THE COURT: Do you know their experience?

17 THE DEFENDANT: Their appearance by dealing
18 with them.

19 THE COURT: Experience as trial lawyers, as
20 criminal defense lawyers. Do you know that?

21 THE DEFENDANT: Yes, sir -- oh, no, speaking
22 like dealing with myself dealing with them.

23 THE COURT: Let me ask them. Ms. Fullwood,
24 would you please state to me what your background,
25 education, and experience is in the field of criminal

1 defense.

2 MS. FULLWOOD: I received my law degree from
3 the University of South Carolina in 1979, and I worked
4 briefly for a State agency in Columbia and then went to
5 work for the Sumter County Public Defender's Office for
6 approximately 18 months.

7 There I was involved in the trials of felony
8 and misdemeanor cases. I went from Sumter County to
9 work at the Office of Appellate Defense, which handles
10 the appeals of indigent criminal defendants throughout
11 the State of South Carolina.

12 I was a staff attorney there for four years
13 and then I was the Deputy Chief Attorney there for
14 another four years. I was in private practice briefly.
15 Then in 1991 I became the Public Defender for Lexington
16 County.

17 Since, I believe, 1995 I been certified by the
18 South Carolina Supreme Court to act as lead counsel in
19 death penalty cases. If my recollection is correct, I
20 have represented defendants in nine death penalty trials
21 and nine death penalty appeals. Of course, in the past
22 18 years, I have been involved in Lexington County in
23 numerous felony criminal trials.

24 THE COURT: Thank you, Ms. Fullwood.

25 Ms. Hahn.

1 MS. HAHN: Thank you, Your Honor. I graduated
2 from the University of South Carolina School of Law.
3 Following that I worked for several months doing
4 document reviews for an attorney in Columbia.

5 I began working as an assistant public
6 defender at the Public Defender's Office in Lexington
7 County in May of 2006. Since then I have had two trials
8 of my own, and I have assisted several other attorneys
9 on trials that they have had.

10 THE COURT: Thank you. So what you have,
11 Mr. Eaglin, is an attorney who -- one of the attorneys
12 finished law school 30 years ago, 1979, again if my math
13 is correct. She has been a Public Defender or Chief
14 Deputy Public Defender since 1991 in Lexington County.
15 That's 18 years of experience.

16 She is certified by the South Carolina Supreme
17 Court to act as lead counsel in death penalty cases.
18 She has tried nine death penalty cases. She has
19 represented clients on nine death penalty appeals.
20 Prior to being public defender, she has eight years
21 experience in criminal appellate defense.

22 Ms. Hahn has been with the Public Defender's
23 Office in excess of three years. She has had two trials
24 on her own, I believe she indicated, and has assisted
25 other attorneys in the trial of cases.

1 So you have one attorney with a wealth of
2 experience and another with a great deal of experience
3 already trying cases. I'm not going to relieve them
4 from representing you and appoint you other attorneys.
5 They are qualified.

6 Both of the attorneys have appeared in front
7 of me before in court, both in trials and in pleas. I
8 have always found them to represent their clients
9 professionally, competently, and effectively. Of
10 course, I am not going to make you keep them as
11 attorneys. You can represent yourself.

12 THE DEFENDANT: That's what I'd rather do
13 before I let them handle it.

14 THE COURT: Is that what you want to do?

15 THE DEFENDANT: I rather be appointed another
16 attorney, Mr. McMahon, but you are not going to do that.
17 You just stated that. Before I let them represent me
18 due to the conflict of interest that we have, I rather
19 represent myself.

20 THE COURT: Let's talk about that a little
21 bit. Let's talk about that, about representing
22 yourself. There are many dangers in
23 self-representation, Mr. Eaglin.

24 THE DEFENDANT: Yes, sir.

25 THE COURT: If you were to choose to represent

1 yourself, you would be required to follow the rules of
2 evidence and the rules of court. You have told me that
3 you have a tenth grade education.

4 I'm sure you are a very intelligent young man.
5 You appear to be. You respond to me appropriately and
6 correctly and responsibly and reasonably. However, you
7 are not learned in the law.

8 Even if you were learned in the law, even if
9 there was an attorney standing before me charged with a
10 crime, I would advise that attorney against
11 self-representation.

12 There may be certain motions that should be
13 made that because of your lack of legal training, you
14 may not know to do so. You may have defenses involved
15 in this case. Because of your lack of legal training,
16 you may not know what those defenses are.

17 You may have challenges. There could be
18 statements you gave in this case that should be
19 challenged. You may not know to challenge those
20 statements. I don't know what the evidence is.

21 THE DEFENDANT: Sir --

22 THE COURT: Have you been in the criminal
23 justice system before?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Have you been in general sessions

1 court before? Have you been in big court before?

2 THE DEFENDANT: No, sir. If I do a crime, I
3 plead guilty to it. If I don't do a crime, I'm not
4 pleading guilty to it.

5 THE COURT: So you have been in court before
6 and have pled guilty to crimes that you committed
7 before?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: That is what you are telling me?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Have you ever had a jury trial
12 before?

13 THE DEFENDANT: No, sir.

14 THE COURT: Do you understand the dangers
15 associated with representing yourself?

16 THE DEFENDANT: Yes, sir. But when dealing
17 with the attorneys at hand, we see no understanding. We
18 see no understanding with one another.

19 THE COURT: I don't understand. I don't even
20 understand what that means, Mr. Eaglin. I'm not saying
21 it's not important to you. I'm sure it is. But I don't
22 understand what that means when you say we have no
23 understanding.

24 THE DEFENDANT: Okay, sir. I been filing with
25 the Court --

1 THE COURT: Sir?

2 THE DEFENDANT: I said okay. I'm about to
3 explain and elaborate a little further. I been filing
4 with the Courts trying to relieve these attorneys,
5 dealing through motions that I have requested, and I
6 have been denied --

7 COURT REPORTER: I'm sorry. I've been denied
8 what? I didn't understand what you said.

9 THE DEFENDANT: I have been denied --

10 THE COURT: If she doesn't get down what you
11 say -- I talked over you. I apologize. Go ahead.

12 THE DEFENDANT: Go ahead, sir.

13 THE COURT: If she doesn't get down what you
14 say, it's not going to be on the record correctly.
15 That's why she will ask you sometimes, What did you say?
16 You have a very deep based voice.

17 THE DEFENDANT: My voice is scratchy due to
18 music. I have a sore throat at the moment.

19 THE COURT: All right. What motions have you
20 made in regards to the case of assault upon an employee
21 of a correctional facility?

22 THE DEFENDANT: Dealing with those charges
23 right there, I don't even know what is going on with
24 that case, nor my other case dealing with the defense.
25 These attorneys don't speak with me on the defense.

1 They just speak to me as they are the prosecutor trying
2 to prosecute me for crimes I did not commit. I see no
3 understanding in that, sir.

4 Like I just mentioned a little while ago, I
5 received a visit from these women yesterday. They spoke
6 as if I would be coming to my trial dealing with the
7 murder and kidnapping. That's what I was thinking I was
8 coming here for, you know.

9 That conversation got really heated, not due
10 to myself, but due to Ms. Fullwood, you know. They want
11 to speak with you as if they are angry because if you
12 are not accepting a plea bargain, and that person needs
13 to be dismissed from within your situation.

14 I don't need her energy, sir, nor Ms. Hahn.
15 They got angry, highly upset because I am not willing to
16 plead to a lesser charge dealing with the murder case in
17 which I did not commit.

18 THE COURT: You are not before me now on the
19 murder charge.

20 THE DEFENDANT: I understand that, sir.

21 THE COURT: Ms. Hahn and Ms. Fullwood, nor any
22 attorney on that side of the courtroom, on the defense
23 side of the courtroom, has any control over the docket
24 and what case is called for trial.

25 The solicitor under our law has the control of

1 the docket. He or she, the solicitor, calls the cases
2 for trial. So they may have had the understanding that
3 the murder charge, which you tell me is pending, was
4 going to be called for trial.

5 But until the solicitor stands up and says --
6 and the Court says, Call your next case for trial and
7 announces the indictment, the defense attorneys have no
8 control over that. The Court has no control over that.
9 You have no control over that.

10 Under our law the solicitor has control over
11 that. So the charges you are going forward on today or
12 tomorrow would be two counts of assault upon an employee
13 of a correctional facility. Do you understand?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: So, as to those charges and those
16 charges only, what motions have you made that you want
17 me to respond to besides the motion regarding your
18 lawyers?

19 THE DEFENDANT: In dealing with this case
20 right here you are speaking of, when I do mention that
21 case, I have been told, Don't worry about that case
22 right now. We need to worry and stick to the stronger
23 case, which is the murder and kidnapping. So that's all
24 I hear from them dealing with that.

25 THE COURT: Let me stop you, Mr. Eaglin. I

1 would advise you not to discuss in open court any
2 substantive conversations that you had with your
3 attorneys about the murder charge and/or about the
4 assault charge on a correctional officer.

5 But I will tell you this. If a lawyer has
6 told you, Don't worry about the assault on a
7 correctional officer charge, worry about the murder
8 charge, I kind of understand that.

9 What is the potential sentence, Solicitor, or
10 Ms. Fullwood? What is it, Ms. Fullwood?

11 MS. FULLWOOD: Five.

12 THE COURT: Five years. On the assault on a
13 correctional officer is five years. What is the
14 potential penalty on the murder charge?

15 MS. FULLWOOD: Thirty to life.

16 THE COURT: Thirty years to life without
17 parole. So in the balancing and looking at things, I
18 could see why someone would say, Worry about the murder
19 charge, the charge for which you could get a sentence of
20 no less than 30 years, up to life without parole, as
21 opposed to assault on a correctional officer, which is a
22 serious charge, but it only carries five years.

23 THE DEFENDANT: See, I did not assault anyone.

24 THE COURT: And you are going to have a trial
25 on that, a jury trial on that.

1 THE DEFENDANT: Sir, when dealing with this
2 case right here, I have requested through these two
3 women right here, evidence that has been tampered and
4 destroyed when dealing with this case of assault to
5 prove my innocence.

6 THE COURT: You have requested what? Let me
7 stop you a minute. Don't refer to them anymore as these
8 two women right here. It's the same as referring to the
9 solicitors as these two men over here. Refer to them as
10 these two attorneys over here, all right?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: If you would do that for me. What
13 have you requested?

14 THE DEFENDANT: I have requested documentary
15 evidence when dealing with this case because the whole
16 case was caught on a security recording.

17 THE COURT: The whole case what?

18 THE DEFENDANT: The whole incident was caught
19 on security camera recordings.

20 THE COURT: All right.

21 THE DEFENDANT: That's to prove my innocence,
22 but it has been destroyed.

23 THE COURT: All right. What about the
24 security cameras, Ms. Hahn?

25 MS. HAHN: Your Honor, Mr. Eaglin requested

1 any kind of recordings very early on. I talked to Major
2 Tate from the detention center, and he told me there was
3 no videos available.

4 At late as last week, we prepared a subpoena
5 for any video recording and have gotten the results of
6 that today. It is my understanding there is no video
7 available.

8 THE COURT: When did you first request videos,
9 Ms. Hahn?

10 MS. HAHN: Your Honor, that was several,
11 several months ago. It may have even been over a year
12 ago.

13 THE DEFENDANT: At the time of the incident, I
14 requested that.

15 THE COURT: All right. Well, if they don't
16 exist, they can't give them to you. That does not mean
17 that your attorneys can't ask people that testify, Did
18 you have videos? You haven't seen your attorneys
19 perform in the courtroom yet, Mr. Eaglin.

20 THE DEFENDANT: I seen them perform in front
21 of me.

22 THE COURT: Right, but not in front of a jury.

23 THE DEFENDANT: Sir, with me that's the best
24 experience with myself. These two attorneys and I do
25 not see eye to eye on a lot of things dealing with my

1 cases.

2 THE COURT: There's a lot of things I don't
3 see eye to eye with people on, Mr. Eaglin, but at the
4 same time, you are fixing to inflict a serious wound
5 upon yourself.

6 THE DEFENDANT: I rather do that then they
7 decide my fate. I need justice.

8 THE COURT: They are not going to decide your
9 fate. That jury will decide it first off of whether you
10 are guilty or not guilty. I will tell that jury that
11 the State has got to prove you guilty beyond a
12 reasonable doubt, that you don't have to prove anything.

13 You are presumed to be innocent. I will tell
14 them that. If the jury finds you not guilty, there's no
15 sentences on these charges. If the jury finds you
16 guilty, then it would be up to me whatever sentence you
17 would receive.

18 THE DEFENDANT: Another thing dealing with
19 what the attorney spoke on earlier, how come I had no
20 ins on picking a jury? From my understanding I supposed
21 to receive acknowledgment, as well as on getting picked,
22 when getting picked, and whether I rather them be
23 picked. I had no consent nor knowledge dealing with the
24 enrollment you all just called out.

25 THE COURT: Well, jury selection is a

1 different process, Mr. Eaglin. It appears that they
2 struck -- the first strike they used was an individual,
3 number 229, who stood up out there in the audience and
4 said he was a friend of Sheriff Metts. You wouldn't
5 have wanted him on your jury, would you?

6 THE DEFENDANT: No, sir. But still yet I like
7 to have an insight on what is going on. This is my life
8 on the line.

9 THE COURT: It's not your life on the line.
10 It's ten years of it.

11 THE DEFENDANT: That's my life.

12 THE COURT: It's not your life on the line.
13 Let's see who the second one was. I'm not going to
14 second-guess these attorneys on how they selected the
15 jury. But right off the bat, when I see that they
16 struck a friend of Sheriff Metts, I think that would be
17 a reasonable thing to do; don't you?

18 THE DEFENDANT: Yes, sir. A good majority of
19 the jury that was just picked just now, if I'm not
20 mistaken, I would like to ask a question. Do they stay
21 in Lexington County because I have a civil action on the
22 same sheriff, as well as officers within the institution
23 from the same case right here.

24 THE COURT: So your question is does the jury
25 or do the members of the jury stay in Lexington County?

1 THE DEFENDANT: Yes, sir, and have affiliation
2 with the officers.

3 THE COURT: I asked that question. I called
4 every name of every potential witness. I also read the
5 names of the two officers that were in the indictment,
6 Jackson and...

7 MR. RIDDLE: Mr. Hall, Your Honor.

8 THE COURT: What was the other one?

9 MR. RIDDLE: Mr. Hall.

10 THE COURT: Jackson and Hall. I asked all the
11 jurors if they were related by blood or marriage or
12 close personal friends of those officers. I also asked
13 the jurors if they were related by blood or marriage or
14 close personal friends with anybody that worked at the
15 Sheriff's Department or at the detention center.

16 Several of them stood up. As I recall,
17 Mr. Brigman stood up and said his daughter worked over
18 in Irmo. The firefighter from Columbia stood up,
19 Mr. Hall, I believe his name was, and said he had some
20 friends.

21 There were other others that stood up that
22 said they had friends and/or relatives that worked at
23 the Sheriff's Department and that worked at the
24 detention center or had friends. I do not know any one
25 of those that were placed on this jury panel. I haven't

1 reviewed it in detail. Is there one that stood up under
2 those circumstances, Ms. Hahn?

3 MS. HAHN: I don't believe so, Your Honor.

4 THE COURT: I don't know of one that stood up.
5 The jurors are required to be residents of Lexington
6 County.

7 THE DEFENDANT: I don't even possess --

8 THE COURT: Sir?

9 THE DEFENDANT: I don't even possess paperwork
10 when dealing with the jury.

11 THE COURT: I can't understand you,
12 Mr. Eaglin. I apologize.

13 THE DEFENDANT: I said I don't even possess
14 paperwork dealing with the jury that has been spoken of,
15 picked from. I see no list, no nothing. I don't even
16 see the attorneys on a regular basis, as far as speaking
17 with my case.

18 THE COURT: Your attorneys had jury lists.
19 Your attorneys were here when the jury was qualified for
20 the whole panel.

21 THE DEFENDANT: I possess none of that.

22 THE COURT: Sir?

23 THE DEFENDANT: I possess none of that, sir.

24 THE COURT: You weren't here for the
25 qualifications of the entire jury panel, nor was any

1 defendants, nor were any of the parties. That's the
2 general qualifications. You were present for the
3 qualification of the jury that was selected for the
4 trial of your case.

5 THE DEFENDANT: But one more thing. When
6 going on my case pro se, can I request that they not be
7 the backup attorneys while I represent myself? I don't
8 want them on my case, period.

9 THE COURT: I haven't decided if I will let
10 you go pro se. I haven't decided that at this point.
11 Anything else you would like to say?

12 THE DEFENDANT: I told you, me and my
13 attorneys don't get along. We don't see eye to eye. I
14 need justice.

15 THE COURT: All right. Prior to being
16 incarcerated, what type of work did you do?

17 THE DEFENDANT: Could you state that for me
18 once more.

19 THE COURT: Before you got locked up, did you
20 have a job?

21 THE DEFENDANT: I was awaiting employment
22 through my probation officer and my counselor, but
23 really I was on my way to college.

24 THE COURT: Do you have a G.E.D.?

25 THE DEFENDANT: That's what I was going to

1 Denmark Tech to receive.

2 THE COURT: So you were going to go to
3 Midlands Tech?

4 THE DEFENDANT: Denmark.

5 THE COURT: Sir?

6 THE DEFENDANT: Denmark Tech.

7 THE COURT: Denmark Tech. To get your G.E.D.?

8 THE DEFENDANT: Yes, sir. It's like close to
9 Orangeburg. I had to await to be approved by my
10 probation officer.

11 THE COURT: After you got your G.E.D., what
12 were your plans?

13 THE DEFENDANT: To become self-employed.

14 THE COURT: Now, do you understand what you
15 are charged with in this case that they have called for
16 trial?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: What is it?

19 THE DEFENDANT: This is assault and battery on
20 a correctional officer times two.

21 THE COURT: Times two, what does that mean?

22 THE DEFENDANT: There are two charges of the
23 same, not only one.

24 THE COURT: Do you know how much time you can
25 get for the charges?

1 THE DEFENDANT: She was telling me up to five
2 to ten years.

3 THE COURT: Five years for each charge, so
4 that would be a total of up to ten years; is that right?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: And you know the names of the
7 officers?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: What are their names?

10 THE DEFENDANT: Mr. Troy Hall and Mr. Isaac
11 Jackson.

12 THE COURT: Are there any witnesses that you
13 want subpoenaed in this regard?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Who are those witnesses? Let me
16 stop you a minute. I didn't ask the defense for a
17 witness list. Were there any witnesses beyond the
18 potential witnesses that were listed by the State?

19 MS. FULLWOOD: I will tell you, Your Honor,
20 this. We did come in here with a list for the other
21 cases. Now, I hate to get into communications.

22 THE COURT: I don't want you to. Is there any
23 that you can tell me at this time as far as potential
24 witnesses?

25 THE DEFENDANT: They never investigated that

1 section, sir. That's another reason.

2 THE COURT: I can't understand you,
3 Mr. Eaglin.

4 THE DEFENDANT: I said they never investigated
5 that. That's another reason why I want them relieved
6 from my case. They don't have a defense dealing with my
7 defense. They don't care.

8 THE COURT: Do you understand how much time
9 you can get if you are found guilty beyond a reasonable
10 doubt?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: And you understand you are going
13 to be required to follow the rules of evidence and the
14 rules of court?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Do you have any questions you
17 would like to ask me about that?

18 THE DEFENDANT: If I represent myself, I would
19 like to receive some type of way of entering under West
20 Law on the internet so I can study some things dealing
21 with my case.

22 THE COURT: Do y'all have that capability,
23 Ms. Fullwood?

24 MS. FULLWOOD: We have it at the office, yes,
25 sir..

1 THE COURT: Do you have it in the courtroom?

2 MS. FULLWOOD: Yes, sir. We might need I.T.
3 to give us a hand, but we should be able to hook it up.

4 THE COURT: What is West Law?

5 THE DEFENDANT: It's a cite on the web dealing
6 with lawyer issues.

7 THE COURT: Are you familiar with West Law?

8 THE DEFENDANT: Yes, sir, I am familiar with
9 it.

10 THE COURT: And you have been on it before?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: And how did you get access to West
13 Law?

14 THE DEFENDANT: I had to go through a third
15 party.

16 THE COURT: Go through what?

17 THE DEFENDANT: A third party.

18 THE COURT: A third party in the jail?

19 THE DEFENDANT: No, sir, within society.

20 THE COURT: All right. So you would do
21 research? You have done legal research in the jail in
22 books?

23 THE DEFENDANT: They possess none, sir. Well,
24 they possess some, they possess some, but we have no
25 access to a law library in Lexington County. They

1 enlightened me as far as the request form with the bar
2 dealing with the cases that you would like to recite.
3 But if you don't possess those bar and codes, you are
4 back at square one, nothing.

5 THE COURT: But you are familiar with and you
6 have been able to, even incarcerated, to mine
7 information through third parties on the outside and
8 access West Law; is that correct? That's all I'm asking
9 you. You have been able to do some research through
10 third parties?

11 THE DEFENDANT: Yes, sir, but I'm not highly
12 advanced dealing with such. I understand enough to go
13 along with this right here, pro se, if I cannot receive
14 a court appointed besides these two attorneys because we
15 don't see eye to eye on nothing, sir.

16 THE COURT: All right. Are there any other
17 requests you have?

18 THE DEFENDANT: Dealing with what section are
19 you speaking of?

20 THE COURT: Any other requests you have as far
21 as legal research or anything of that nature you want
22 during your trial?

23 THE DEFENDANT: Are you speaking on the basis
24 of going pro se, correct?

25 THE COURT: Yes, sir.

1 THE DEFENDANT: Yes, sir, I would like to
2 receive a laptop, if possible, so I can study these
3 charges.

4 THE COURT: What part of the law do you want
5 to study?

6 THE DEFENDANT: As much dealing with my type
7 of situation, sir.

8 THE COURT: Is there a particular area
9 concerning this particular statute or a particular
10 issue?

11 THE DEFENDANT: A particular issue?

12 THE COURT: Yes, sir.

13 THE DEFENDANT: Talking about dealing with my
14 case, correct?

15 THE COURT: Yes, sir.

16 THE DEFENDANT: Yes, everything dealing with
17 it.

18 THE COURT: I don't know what that means. Do
19 you want a copy of the statute?

20 (Pause).

21 THE COURT: Do you know what legal challenges
22 you can bring up during your trial, Mr. Eaglin?

23 THE DEFENDANT: Legal challenges?

24 THE COURT: Sir?

25 THE DEFENDANT: You are speak of dealing with

1 the defense?

2 THE COURT: Do you know what legal defenses
3 you can bring up?

4 THE DEFENDANT: Yes.

5 THE COURT: What defenses are available?

6 THE DEFENDANT: Like spoken types of evidence.
7 I spoke on dealing with the recordings of the cameras,
8 as well as like the officers' statements throughout my
9 civil action dealing with this case right here. I filed
10 a civil action. I have statements from these officers,
11 and they are not even adding up with their first
12 reports.

13 THE COURT: Do you have any questions you
14 would like to ask me concerning your attorney or your
15 right to self-representation?

16 THE DEFENDANT: I just like to ask that if
17 given the chance for pro se, due to not being issued a
18 different court-appointed attorney, I would like to
19 excuse these two attorneys right here from helping me on
20 the side.

21 THE COURT: I'm not going to -- here are your
22 choices, Ms. Fullwood and Ms. Hahn or pro se. Those are
23 the choices.

24 THE DEFENDANT: I rather go pro se. I don't
25 even want them to be the lawyers sitting on the side

1 like watching me go through this situation while going
2 pro se. I would like different assistance on the side
3 besides these two attorneys right here.

4 THE COURT: All right. I'm not going to make
5 a decision until post Blair hearing since I have not
6 reviewed that information concerning his mental health.
7 I have reviewed in detail all the Feretta factors: His
8 age, his educational background, his physical health.
9 He appears to be in good physical health. Do you take
10 any medications?

11 THE DEFENDANT: Yes, sir, dealing through
12 mental health because of nightmares.

13 THE COURT: So you take --

14 THE DEFENDANT: Dealing with this case right
15 here.

16 THE COURT: So you are taking medication for
17 mental health, and that will be part of the Blair
18 hearing. Do you take any medication for any physical
19 symptoms or physical ailments that you have?

20 THE DEFENDANT: Only asthmatic.

21 THE COURT: Asthmatic?

22 THE DEFENDANT: Yes, sir, I'm asthmatic.

23 THE COURT: And do you take medication for
24 that?

25 THE DEFENDANT: I just use the inhaler, sir.

1 THE COURT: All right. He tells me he has
2 previously been involved in criminal court but not in
3 criminal trials. I understand from talking with him he
4 has been on probation.

5 He knows the nature of the charges and the
6 possible penalties. He has been represented by two
7 competent attorneys prior to today, and I am going to
8 require Ms. Fullwood and Ms. Hahn to remain as standby
9 counsel.

10 He is aware that he must comply with the rules
11 of procedure at trial. He knows legal challenges he
12 could raise in his defense to the charges against him.
13 As a matter of fact, he discussed with the Court
14 videotapes and the fact that they may have been
15 destroyed.

16 His answers to me have not been merely
17 pro forma answers, and I have not just asked pro forma
18 questions. I do not believe his waiver of these two
19 attorneys is the result of any coercion or of any
20 mistreatment.

21 The Court does have concern, an underlying
22 concern, that Mr. Eaglin may be attempting to manipulate
23 the proceedings; however, I do not see him disrespectful
24 to the Court in any manner.

25 I think he understands the position that he is

1 in. I will not make my final decision until we have the
2 Blair hearing. And I take it we are going to do that
3 this afternoon?

4 MR. RIDDLE: Yes, sir, the doctor should be
5 here in the next 20 or 30 minutes or so.

6 THE COURT: We, will do that after the
7 luncheon recess. Thank you, Mr. Eaglin.

8 THE DEFENDANT: Thank you.

9 THE COURT: You may take your seat. Anything
10 further in this case before we break, Solicitor, or
11 Ms. Hahn, Ms. Fullwood?

12 MS. FULLWOOD: No, Your Honor.

13 MR. RIDDLE: Your Honor, I did notice one
14 thing in the body of the two indictments.

15 THE COURT: I did, too.

16 MR. RIDDLE: On the 16 it says 116. It's
17 clearly typographical. The statute number is correctly
18 referenced in two other spots on the indictment, Your
19 Honor.

20 THE COURT: Would you like to look at that,
21 Ms. Hahn, Ms. Fullwood?

22 (Attorneys confer).

23 MS. HAHN: Your Honor, we would ask the Court
24 to allow us some time and let us respond after he has
25 gotten a ruling on his motion.

1 THE COURT: Certainly. I want to determine
2 his mental health status first, of course. That's why I
3 am waiting until after the Blair hearing. I think I am
4 required to do so.

5 That's why I am waiting to make that decision.
6 So as of right now, Ms. Hahn, Ms. Fullwood, y'all are
7 still representing Mr. Eaglin until I make that
8 decision. Thank you very much.

9 MR. RIDDLE: Thank you, Your Honor.

10 MS. HAHN: Thank you, Your Honor.

11 (Whereupon there is a luncheon recess).

12 THE COURT: Solicitor.

13 MR. RIDDLE: Your Honor, I understood you
14 wanted to proceed with the Blair hearing.

15 THE COURT: Yes, sir.

16 MR. RIDDLE: In that vein, Your Honor, we
17 would call Dr. Sudhakar, S-U-D-H-A-K-A-R. The last name
18 is Morthala, M-O-R-T-H-A-L-A.

19 THE COURT: That's exactly how I would have
20 spelled it.

21 Doctor, if you would come around and be sworn
22 for us, please.

23 SUDHAKAR MORTHALA, being
24 first duly sworn, testifies as follows:

25 CLERK: Once you are seated, please state your

1 full name on the record.

2 THE WITNESS: My name is Dr. Sudhakar
3 Morthala.

4 IN CAMERA EXAMINATION

5 BY MR. RIDDLE:

6 Q Doctor, you are in private practice now?

7 A Yes, I am.

8 Q Where is that?

9 A I am in private practice in Elgin, South Carolina.

10 Q And in what field of medicine?

11 A Psychiatry, both general and forensic.

12 Q And, Doctor, briefly if I could, you grew up in
13 India; correct?

14 A Yes.

15 Q And went to the university in India?

16 A Yes.

17 Q After the university you went to medical school?

18 A I did.

19 Q And that was in India as well?

20 A Yes.

21 Q After you graduated from medical school, did you
22 move to the United States?

23 A Yes, I did.

24 Q And you did your residency in what field?

25 A I did a four-year training program in psychiatry at

- 1 Albert Einstein Medical Center in Philadelphia.
- 2 Q And after your residency in psychiatry, where did
- 3 you go from there?
- 4 A I did a one-year training in forensic psychiatry.
- 5 It's a fellowship, and I completed that at the
- 6 University of South Carolina in Columbia.
- 7 Q In Columbia. And after you completed your
- 8 fellowship, Doctor, did you decide to settle down
- 9 in this area?
- 10 A Yes, I did.
- 11 Q That's how you ended up in Elgin?
- 12 A Yes.
- 13 Q Doctor, are you board certified in psychiatry?
- 14 A Yes, I am board certified in psychiatry.
- 15 Q How about forensic psychiatry?
- 16 A Yes, I am board certified in forensic psychiatry as
- 17 well.
- 18 Q When did you take those boards, do you recall?
- 19 A I passed my forensic boards probably about four
- 20 months ago and my regular psychiatric boards two
- 21 years ago.
- 22 Q Doctor, have you conducted a number of forensic
- 23 evaluations in the past?
- 24 A Yes, I have.
- 25 Q Can you give us a rough estimate of how many you

1 have conducted?

2 A Probably about maybe 200 evaluations.

3 Q And as a result of those evaluations -- were those
4 done for D.M.H.?

5 A Most of them for D.M.H. I've also done several
6 private cases, forensic private cases.

7 Q You were on contract with D.M.H. back in 2008?

8 A That's right.

9 Q When this one was done?

10 A Yes.

11 Q As a result of those 200 forensics which you have
12 done, Doctor, have you testified in court before as
13 an expert?

14 A Yes, I have.

15 Q Approximately how many times do you believe you
16 have testified?

17 A Probably five or six times.

18 MR. RIDDLE: Your Honor, at this time I would
19 offer Dr. Morthala as an expert in the field of forensic
20 psychiatry.

21 THE COURT: Ms. Hahn, Ms. Fullwood?

22 MS. FULLWOOD: No objection, Your Honor.

23 THE COURT: Thank you. The doctor shall be
24 considered an expert in the field of general and
25 forensic psychiatry.

1 MR. RIDDLE: Thank you, Your Honor.

2 THE COURT: You may continue, Solicitor.

3 BY MR. RIDDLE:

4 Q Doctor, did you receive a Court order to conduct a
5 competency evaluation on the Defendant in this
6 case, Mr. Adrian Eaglin?

7 A Yes, I did.

8 Q And did that relate to the charges of murder,
9 kidnapping, and failure to stop for a blue light?

10 A Yes.

11 Q And you conducted an evaluation on him as it
12 related to those charges back in 2008?

13 A That's right.

14 Q Did you generate a report as a result of that?

15 A Yes, I did.

16 Q Doctor, let me show you this and ask you if you
17 recognize what it is.

18 A This is a report I completed.

19 Q On the competency evaluation?

20 A Yes, sir, the competency evaluation.

21 MR. RIDDLE: Your Honor, I would offer this
22 into evidence at this time.

23 MS. FULLWOOD: No objection, Your Honor.

24 THE COURT: Please mark it as a Court's
25 exhibit.

1 (Court's Exhibit Number 1 is marked for
2 purposes of the record).

3 BY MR. RIDDLE:

4 Q Doctor, this evaluation took place back in 2008; is
5 that correct?

6 A June 13, 2008.

7 Q And as I indicated, it was originally related to
8 the murder, the kidnapping, and the failure to stop
9 charge; correct?

10 A Yes, and I think additionally there was also a
11 distribution of cocaine charge.

12 Q And, Doctor, did you get a chance to speak with
13 Mr. Eaglin today?

14 A Yes, I did.

15 Q And were you able to discuss with Mr. Eaglin today
16 the charges that he is currently -- we have already
17 picked a jury on, that being the two counts of
18 assault on a correctional officer?

19 A Yes, we spoke about that.

20 Q Do the findings that are contained in your report
21 as they relate to the murder, the kidnapping, and
22 the failure to stop, would they be equally as
23 applicable to the assault on correctional officer
24 charges?

25 A Yes.

1 Q And do the findings or do your findings from today,
2 do they parallel what you found back in 2008?

3 A Yes, they do.

4 Q Let's just talk about what you found in 2008. If
5 anything is different, if you would just point that
6 out to us. Initially if I could, Doctor, what was
7 your finding as to whether or not Mr. Eaglin was
8 competent to stand trial?

9 A When I examined him in June 2008, an evaluation for
10 approximately two hours and 30 minutes, the main
11 issue was the competency to stand trial. We
12 discussed his charges, which was in my opinion that
13 he was capable of understanding these charges, and
14 he is also capable of assisting his attorney in his
15 defense.

16 Q Among the items that you were able to gather -- and
17 there is a very extensive list in your report of 58
18 different items, records that you had to review in
19 conjunction with the mental status exam that you
20 did on him. Was one of the items which you saw an
21 I.Q. report on him?

22 A Yes.

23 Q And I am specifically referring to page 4 of your
24 report. Doctor, what is Mr. Eaglin's I.Q.?

25 A This was -- I think he had a psychological testing

1 done in 1995 at the Lexington County School
2 District, and this report indicated that his full
3 scale I.Q. was 86.

4 Q And where does that place him in the relative range
5 of I.Q.s, Doctor?

6 A It's a low average. It's certainly not mental
7 retardation, which is below 70. Eighty-six is
8 considered a low average I.Q.

9 Q Doctor, do you expect the I.Q. to change materially
10 over time or is it pretty much by the time you are
11 a teenager, what your I.Q. is is what your I.Q. is
12 going to remain, absent some injury or something
13 along those lines?

14 A Yes.

15 Q Doctor, when you evaluated him and conducted your
16 mental status exam, did you come to any conclusions
17 about any diagnoses that you should place upon him?

18 A After I completed my evaluation, I diagnosed
19 Mr. Eaglin with impulse control disorder, not
20 otherwise specified, and also attention deficit
21 hyperactivity disorder.

22 Q And that hyperactivity, was that done by history
23 and by what was in the --

24 A It was done by history. Typically a diagnosis of
25 A.D.H.D. or attendance deficit hyperactivity

1 disorder is made when someone exhibits these
2 symptoms prior to age seven. So generally it is
3 something made by history.

4 Q Doctor, can you explain to us a little bit about
5 what impulse control disorder is?

6 A Impulse control disorder, actually what it is is a
7 high degree of impulse control issues, which is not
8 secondary to other major psychiatric conditions,
9 such as, for example, schizophrenia, bipolar
10 disorder, depression.

11 In those cases sometime you can see high
12 degrees of impulsivity, not always but sometimes.
13 A diagnosis of impulse control disorder, not
14 otherwise specified, mainly it's more of an
15 exclusionary diagnosis that the person does not
16 meet criteria for other psychiatric conditions but
17 does have a high degree of impulsivity, and
18 therefore such a diagnosis is assigned.

19 Q So you did not find that he was -- had manic
20 depression or depression or any of the other
21 illnesses which you mentioned previously?

22 A I think there is nothing in the history or of my
23 examination that indicated any symptoms consistent
24 with bipolar disorder or schizophrenia or similar
25 other psychiatric, major psychiatric, issues.

1 Q And moving to the charges that he is faced with
2 here today, Doctor, the two counts of assault on a
3 correctional officer, did you ask Mr. Eaglin about
4 those charges?

5 A Yes, I did. He told me what these charges were and
6 how they were incurred, while he was at the
7 Lexington County Detention Center. He indicated an
8 understanding of these charges and that they were
9 serious charges.

10 Q He understood the nature of the charges?

11 A Yes.

12 Q And, Doctor, the proceedings in these charges, the
13 assault on a correctional officer charges, they are
14 obviously the same type of proceedings that you
15 conducted the original evaluation on in terms of
16 the trial and courtroom proceeding. Did he
17 indicate when you evaluated him originally an
18 understanding of the courtroom proceedings?

19 A Yes, he did.

20 Q Specifically, Doctor, did he understand what my job
21 is as solicitor?

22 A Yes.

23 Q And did he understand what Ms. Fullwood and
24 Ms. Hahn's job was as defense attorneys?

25 A I think we didn't bring up Ms. Fullwood's name at

- 1 that point.
- 2 Q Right.
- 3 A But I think Ms. Hahn was his lawyer at that time,
4 and I believe she was present during the
5 evaluation.
- 6 Q And that is something I had wanted to bring up.
7 She was, in fact, there when you did the
8 evaluation?
- 9 A She was.
- 10 Q But he understood what Ms. Hahn's role was at that
11 time?
- 12 A Yes.
- 13 Q And you don't have any reason to believe he
14 wouldn't understand what Ms. Fullwood's role is if
15 she is Ms. Hahn's co-counsel?
- 16 A No, I wouldn't.
- 17 Q Did he understand what the role of the trial judge
18 was --
- 19 A Yes.
- 20 Q -- in the proceedings?
- 21 A Yes.
- 22 Q And how about the role of a jury?
- 23 A Yes.
- 24 Q Did he understand the concepts of witnesses and
25 what their role was in the courtroom proceeding?

1 A Yes.

2 Q And how about evidence that was presented, did he
3 understand about that?

4 A Yes, he did.

5 Q Did you speak with him about the various decisions
6 that he could make in terms of the trial
7 proceedings and in terms of how he might want to
8 plead, guilty or not guilty?

9 A Yes.

10 Q And did he understand the nature of the differences
11 between those type of pleas?

12 A Yes, he had an ability to distinguish the
13 difference between a guilty plea and a non-guilty
14 plea, not guilty.

15 Q And did you talk with him during the course of that
16 evaluation about the requirement of unanimity of a
17 jury verdict?

18 A Yes.

19 Q Did he understand that concept?

20 A He did.

21 Q Did you likewise talk with him about plea
22 bargaining?

23 A I think just a little bit on the jury. I think we
24 had to educate him a little bit. He didn't know
25 the exact composition. I think he might have said

1 the number of jurors were 13, but I think once we
2 informed him about the correct nature and the
3 composition, I think he was able to recall that and
4 understand that.

5 Q So he originally thought there was 13 jurors?

6 A Right.

7 Q And then y'all explained that there was 12?

8 A Yes, sir.

9 Q And, Doctor, if you could, did he understand what
10 the nature and the ramifications of plea bargaining
11 is?

12 A Yes.

13 Q Did you, in fact, give him some hypothetical
14 situations regarding sort of plea bargaining
15 scenarios?

16 A Right. I gave him a hypothetical scenario, and he
17 was able to choose something that would be
18 favorable for him. I think that gave -- that
19 shows, I think, he understood what plea bargaining
20 was.

21 Q Did you talk with him, Doctor, about assisting his
22 own lawyers during the course of all these
23 proceedings?

24 A Yes, I did.

25 Q And was he able to understand the concept of how he

1 needed to behave in court?

2 A Yes. He said he would behave in a calm and
3 appropriate manner, and he would only speak when he
4 had the opportunity, and he understood what
5 contempt of Court was.

6 Q Did he indicate to you that he knew how to
7 effectively deal with his attorneys in presenting
8 whatever facts and evidence that he might feel was
9 necessary to present?

10 A Yes.

11 Q Doctor, based on your evaluation of him back in
12 June of 2008, and as it was supplemented by your
13 discussions with him earlier today, do you believe
14 that he understands the nature of the charges and
15 the proceedings against him in this case today,
16 that being the assault on a police officer -- or
17 excuse me -- on the correctional officer charges?

18 A Yes, he does.

19 Q And, Doctor, do you have an opinion as to whether
20 or not he is able to effectively assist his lawyers
21 in the presentation of his case?

22 A Yes, I do. I think if he chooses to, there is
23 certainly no psychiatric problems or symptoms that
24 impact his ability to assist his lawyer. In other
25 words, he is not psychotic or severely depressed,

1 which may sometimes impact his ability to assist
2 his lawyer, but I didn't have any concern about
3 that today.

4 Q Doctor, as Mr. Eaglin sits here today, do you
5 believe that he is competent to stand trial on
6 these charges?

7 A I think that is really up to the judge, the Court,
8 to decide that, but I do think, yeah, he has an
9 understanding of his charges, and he can assist his
10 lawyer if he chooses to.

11 MR. RIDDLE: Beg the Court's indulgence for
12 one second.

13 (Pause).

14 MR. RIDDLE: Your Honor, that's all I have at
15 this time.

16 THE COURT: Thank you, Solicitor.

17 Ms. Fullwood.

18 MS. FULLWOOD: Thank you, Your Honor.

19 IN CAMERA EXAMINATION

20 BY MS. FULLWOOD:

21 Q Doctor, Mr. Eaglin first began getting some type of
22 mental health assistance or attention, let's say,
23 when he was in elementary school; is that right?

24 A That's correct.

25 Q And while he was there, they gave him an I.Q. test?

1 A Yes.

2 Q And they diagnosed him with A.D.H.D.?

3 A That's right.

4 Q And they put him on Ritalin; is that correct?

5 A I think he was briefly on Ritalin, yes.

6 Q And he was placed in special education classes; is
7 that right?

8 A Yes.

9 Q And do you know if those were the types of -- were
10 they for intellectual deficits or for behavioral
11 problems?

12 A It was definitely more for behavioral and learning
13 difficulties. I think he had a high degree of
14 attention and concentration issues, and he was
15 diagnosed with A.D.H.D., and I think he was
16 recommended to be in special education classes at
17 that point.

18 Q And then later he was in the Department of
19 Corrections for basically this decade; is that
20 correct?

21 A I think he was there for eight or nine years.

22 Q Yes. And while he was there, he was diagnosed in
23 February 2007 and placed on a mood stabilizer and
24 antipsychotic medication; is that right?

25 A I think he was on a medication called Depakote,

1 which is a mood stabilizer, and I think he had a
2 brief trial with medication called Risperdal, which
3 is an antipsychotic. I think in reviewing those
4 records, he didn't tolerate the Risperdal well, so
5 he was placed on Depakote in 2007.

6 Q And once he was arrested for this offense, he was
7 seen by mental health at our county jail; is that
8 right?

9 A Yes.

10 Q And they diagnosed him as suffering from psychosis,
11 not otherwise specified, likely chronic paranoid
12 schizophrenia; is that right?

13 A Yes.

14 Q And they prescribed him Geodon, which is an
15 antipsychotic; is that correct?

16 A Yes.

17 Q And was he on the Geodon when you evaluated him
18 last year, I guess it was?

19 A Yes, I think he had been on it for about maybe two
20 to three months by that point.

21 Q So at that time he was evaluated, he was on
22 antipsychotic medication?

23 A Yes, the Geodon.

24 Q Now, when we are talking about impulse control
25 disorder, in a sense that's a catchall category

1 that covers a number of different types of
2 behavior; is that right?

3 A It's more of an exclusionary diagnosis. As I
4 indicated previously, the individual tends to have
5 problems with their impulsivity. Again, there is
6 no presence of psychosis, mania, severe depression,
7 and it's just mainly characterized by high degrees
8 of impulsivity.

9 Q But the diagnosis has subcategories, doesn't it?
10 For example, aren't there some categories where
11 there is a specific impulse that the person can't
12 control, like gambling, kleptomania, pyromania,
13 maybe some sexual addiction type behavior?

14 A Actually in D.S.M. IV which is commonly used as a
15 reference guide for psychiatrists, I think whatever
16 you mentioned, the previous conditions, they are
17 listed under impulse control disorders.

18 I think kleptomania, trichotillomania, which
19 is pulling your hair out in an obsessive,
20 compulsive manner, gambling, pyromania, they are
21 all impulse control disorders, specifically if you
22 have an impulse control disorder not otherwise
23 specified.

24 It actually doesn't meet criteria for any of
25 these other impulse disorders, neither does it meet

1 criteria for any other psychiatric disorders. So
2 it is an impulse control disorder, but it doesn't
3 mean criteria for things like the pyromania and
4 kleptomania. That's why it's called not otherwise
5 specified.

6 Q And would it be fair to say that basically what
7 this diagnosis involves is a person being unable to
8 resist performing an impulsive act or acting in an
9 impulsive way that could harm themselves or
10 somebody else?

11 A Generally it is characterized by high impulsivity,
12 and generally you cannot characterize this as
13 something that's not controllable. I mean, it can
14 be controlled. Sometimes it is difficult to do
15 that. That's why you call it a disorder.

16 Q So you said it can be controlled, but it's very
17 difficult to do that?

18 A Yes.

19 Q Is that right?

20 A Uh-huh. (Indicating affirmative response).

21 Q So are you trying to say more often than not, the
22 person cannot control the impulse?

23 A If you go by example, a lot of folks, let's say
24 have pyromania, for example, and they have frequent
25 urges. They want to set things on fire. They

1 don't do that. Occasionally they do it. The same
2 thing goes with impulse control disorder.

3 Q And basically you are not talking about people
4 performing acts that are premeditated or thinking
5 about them, just spur of the moment they decide to
6 do something or behave in some way; is that broadly
7 correct?

8 A As I said earlier, it is more difficult to control
9 certain things. They have more impulsivity than
10 the lack of planning or something that happens more
11 on the spur of the moment.

12 Q All this is very difficult to control?

13 A Yes.

14 Q And concerning Mr. Eaglin specifically, what type
15 of impulses does he have trouble controlling?

16 A He has difficulty in modulating his anger. He
17 tends to get easily frustrated. There are times it
18 can lead to more physical aggression, but mainly I
19 think it's just difficult -- ability to tolerate
20 frustration is limited.

21 Q And I believe you noted in your report, you did
22 note some degree of suspicion in his personality
23 makeup; is that correct?

24 A Yes.

25 Q And it's extremely difficult for him to control

- 1 feeling that way; is that right?
- 2 A His suspicion or?
- 3 Q The frustration, being able to control the anger,
- 4 the frustration?
- 5 A Yes, he has demonstrated that many times.
- 6 Q And do you think that he might experience anger or
- 7 frustration towards people who are telling him
- 8 things that he did not especially want to hear or
- 9 that made him feel threatened when he heard that?
- 10 A Yes.
- 11 Q And it would be very difficult for him to control
- 12 that anger or frustration; is that correct?
- 13 A Yes.
- 14 Q And would he feel that anger or frustration towards
- 15 individuals who would not agree with his
- 16 interpretations of things?
- 17 A It's possible, yes.
- 18 Q And, again, he would have very much difficulty of
- 19 being able to control that reaction; is that
- 20 correct?
- 21 A Yes.
- 22 Q And would you agree with me that sometimes lawyers
- 23 have to discuss with their clients things their
- 24 clients do not want to hear?
- 25 A I can imagine certain situations, yes.

1 Q And would you agree that sometimes in order to give
2 clients their best professional advice, a lawyer
3 might disagree with a client about something or
4 another?

5 A I think it can happen even without a diagnosis.

6 Q But that can happen, correct?

7 A Yes, it can.

8 Q In Mr. Eaglin's case, because of his impulse
9 control disorder, he could experience that very
10 difficult-to-control anger or frustration; is that
11 correct?

12 A Yes, I can imagine he can get easily frustrated.

13 Q And he would -- does not want to deal with those
14 people, would he?

15 A It's possible, yes.

16 Q And basically he would -- his impulse control
17 disorder, his anger and his frustration, would lead
18 to him being able to even consider legal advice in
19 making his decisions?

20 A It can play a factor, yes.

21 Q And, again, those impulses or emotions he
22 experiences are very difficult for him to control?

23 A Yes.

24 Q Thank you.

25 MS. FULLWOOD: That's all I have.

1 THE COURT: Redirect, Solicitor?

2 MR. RIDDLE: Your Honor, just a couple of
3 questions.

4 IN CAMERA EXAMINATION

5 BY MR. RIDDLE:

6 Q Doctor, I believe you indicated on direct and on
7 cross that it would be difficult to control, but he
8 can control it if he chooses to?

9 A If he chooses to, yes.

10 Q Thank you.

11 MR. RIDDLE: That's all I have.

12 MS. FULLWOOD: One more.

13 IN CAMERA EXAMINATION

14 BY MS. FULLWOOD:

15 Q But these emotions that he feels are not
16 volitional emotions, in other words, he doesn't
17 want to feel like that; does he? He just does,
18 right?

19 A Yes.

20 Q And sometimes he just can't even if he tried,
21 right?

22 A Sometimes it can happen, yes.

23 Q He just can't?

24 A Uh-huh. (Indicating affirmative response).

25 Q Thank you.

1 THE DEFENDANT: May I approach the Court?

2 THE COURT: Sir?

3 THE DEFENDANT: May I approach the Court, sir?

4 THE COURT: No, sir.

5 Doctor, were you aware that Mr. Eaglin wants
6 to fire his lawyers?

7 THE WITNESS: Yes, he spoke about that today.
8 I go to know about it earlier today.

9 THE COURT: Did you discuss that with him?

10 THE WITNESS: Yes, I did. I asked him why
11 that was, and he maintained that his lawyer, Ms. Hahn,
12 was still a very nice lady, but he was not very happy
13 with how his case was being handled.

14 It was certainly not due to any kind of
15 paranoia or any kind of psychosis that is affecting his
16 decision. Certainly I don't think he is very depressed
17 as well.

18 THE COURT: You don't think what, Doctor?

19 THE WITNESS: I don't think he is very
20 depressed, but he does see this as a futile exercise.
21 He does want to fight this case, and he said -- I think
22 he basically talked about two options. One was to have
23 a different lawyer or the second thing was to represent
24 himself pro se.

25 THE COURT: Do you think as far as

1 representing himself pro se, he understands the nature
2 of the charges against him and the possible penalties?

3 THE WITNESS: Yes, I asked him that. He said
4 he had an understanding. He knew these were serious
5 charges. He had an idea about the possibility that he
6 could be found guilty.

7 THE COURT: Do you think in any way his
8 request to represent himself is an attempt to delay or
9 manipulate the proceedings?

10 THE WITNESS: That's a question I'm not sure I
11 can answer, but I think -- he basically told me that he
12 was not happy with how he was being represented and
13 would like to do it either himself or if possible be
14 appointed a new lawyer.

15 THE COURT: Do you think he understands that
16 if I allow him to represent himself, he would be
17 required to comply with the rules of procedure at trial?

18 THE WITNESS: Yes, I asked him about that. He
19 knew that he had to abide by certain regulations as per
20 court.

21 THE COURT: Do you think he understands that
22 there are certain legal challenges he could raise in
23 defense to the charges that have been placed against
24 him?

25 THE WITNESS: I specifically asked him that

1 question. I asked him and he certainly doesn't have any
2 kind of training as a lawyer, as these folks who are
3 going to law school. He doesn't have that advantage.

4 He does know that this is a disadvantage, but
5 he said he was willing to do it. Again, if I may say,
6 this is certainly not a result of any kind of mental
7 illness that he is making this choice.

8 THE COURT: And this was a real conversation
9 you had with him?

10 THE WITNESS: Yes, I spoke with him.

11 THE COURT: It wasn't pro forma questions or
12 pro forma answers?

13 THE WITNESS: No.

14 THE COURT: It was a conversation?

15 THE WITNESS: Yes.

16 THE COURT: Do you think the fact that he
17 wants to -- has asked the Court to remove his current
18 attorneys is a result of any coercion or mistreatment of
19 him?

20 THE WITNESS: No, I don't. He didn't indicate
21 any of that. He was just concerned about the
22 competency.

23 THE COURT: Based on his age and educational
24 background, his physical condition, do you think he has
25 the ability to represent himself?

1 THE WITNESS: Again, I asked him specifically
2 a similar question. I told him about his lack of
3 education, not just law school, but general education.
4 He said he was able to read, that if he had a laptop, he
5 would have some time and look up his case. He collected
6 a lot of files.

7 None of this sounds psychotic or paranoid. He
8 does understand that it does require a very high degree
9 of understanding. I have my own concerns, again, the
10 lack of any kind of formal education.

11 Again, I think even if you look at generally
12 his I.Q., which is 86, it doesn't mean, again, that he
13 can't do it, but I have concerns about that. Again, he
14 has a history of getting easily frustrated. He doesn't
15 have any kind of training with this situation, and the
16 charges are fairly serious charges that he is facing.

17 THE COURT: Knowing all that and having talked
18 with Mr. Eaglin, would you recommend he represent
19 himself, Doctor?

20 THE WITNESS: I wouldn't represent myself if I
21 was in a situation like that. I did specifically ask
22 Mr. Eaglin about that, and he seemed quite -- he made up
23 his mind that this was not going to be -- the option was
24 that he wanted to do it himself or be appointed a new
25 lawyer.

1 THE COURT: I noted, Doctor, in your report,
2 going back to Court's Exhibit Number 1, it appears he
3 got along, for lack of a more precise question, it
4 appears he got along well with Ms. Hahn during the
5 course of the interview.

6 THE WITNESS: He did. We had the examination
7 for almost three hours. He interacted in a good manner
8 with both the examiners and with Ms. Hahn. He did
9 specifically mention that she was a nice lady, and he
10 had no problem working with her at that point. Even
11 today he said he still thinks she is a nice lady.

12 THE COURT: Any follow up, Solicitor or
13 Ms. Fullwood, on the Court's questions?

14 MR. RIDDLE: Not at this time, Your Honor.

15 THE COURT: Ms. Fullwood?

16 MS. FULLWOOD: No, Your Honor.

17 THE COURT: Thank you. Thank you very much,
18 Doctor. You may step down.

19 MR. RIDDLE: Your Honor, is the doctor
20 excused?

21 THE COURT: Any objections, Ms. Fullwood?

22 MS. FULLWOOD: No, Your Honor.

23 THE COURT: Thank you. Thank you very much,
24 Doctor. You may be excused.

25 (Witness leaves the witness stand).

1 THE COURT: You may call your next witness,
2 Solicitor.

3 MR. RIDDLE: Your Honor, that's all we would
4 have on the issue of competency.

5 THE COURT: Ms. Fullwood.

6 MR. MOBLEY: Your Honor, we don't have any
7 witnesses. I do believe though that Mr. Eaglin wants to
8 address the Court on the issue of his own competency.
9 Is that correct, Mr. Eaglin?

10 THE DEFENDANT: Yes, ma'am.

11 MS. FULLWOOD: Would you like for him to be
12 sworn and on the stand?

13 THE COURT: Mr. Eaglin, if you would come
14 around to the microphone.

15 Madame Clerk, if you would swear him in for
16 me.

17 ADRIAN EAGLIN is first duly
18 sworn.

19 THE COURT: You may put your hand down,
20 Mr. Eaglin. I have pronounced your name two different
21 ways. I apologize. Once I start off pronouncing it
22 incorrectly, I seem to never get it corrected, not just
23 your name but any names.

24 THE DEFENDANT: That's okay.

25 THE COURT: Anything you would like to tell

1 me?

2 THE DEFENDANT: There's lots being spoken of
3 dealing with my representing myself. I can show you the
4 litigation. I can show you four papers in litigation
5 right now dealing with the same case right here on the
6 civil action prospective. I been representing myself on
7 my civil action since day one. I am doing okay with
8 that. I have paperwork right over there that can
9 elaborate.

10 THE COURT: Mr. Eaglin, I want you to
11 understand that I have reviewed all the factors under
12 Feretta versus California, which is a very important
13 Supreme Court case, which is 422 U.S. 806, a 1974 case.
14 I have also reviewed the factors cited in State versus
15 McLauren, M-C-L-A-U-R-E-N, 563 S.E.2d 346.

16 I want you to be fully and completely aware
17 of the dangers and the disadvantages of
18 self-representation. Tell me what you think and what
19 your understanding is of the dangers of
20 self-representation?

21 THE DEFENDANT: The danger right here dealing
22 with self-representation is at some point, I could
23 easily cause myself to trip up and be found guilty or
24 something.

25 THE COURT: What do you think the

1 disadvantages of self-representation are?

2 THE DEFENDANT: I don't see any disadvantages.
3 I am not receiving any --

4 COURT REPORTER: I'm sorry, you are not
5 receiving any what? I am having a hard time
6 understanding you. You are not receiving any what?

7 THE DEFENDANT: I'm not receiving any justice.

8 THE COURT: You have heard the doctor that
9 just testified, who as I understand has a college
10 degree, a medical degree, and is a board certified
11 psychiatrist and board certified forensic psychiatrist
12 who has been in court over 200 times or has, I believe
13 he said, had 200 cases and testified in the past in many
14 of those cases. With his education he says, I wouldn't
15 represent myself.

16 I am telling you I wouldn't represent myself,
17 Mr. Eaglin. Do you understand?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: You are an intelligent young man.
20 According to the doctor in 1995 by history, you have an
21 I.Q. of 86. You completed the tenth grade. You have --
22 I noted you have a certificate in carpentry while you
23 were in the Department of Corrections.

24 You appear to be mentally healthy as far as
25 the Feretta factors are concerned, but you still realize

1 there are dangers and disadvantages to representing
2 yourself. Do you understand that?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: So as between having Ms. Fullwood
5 and Ms. Hahn represent you or you representing yourself,
6 what is your choice?

7 THE DEFENDANT: I'd rather represent myself if
8 not appointed another attorney.

9 THE COURT: Again, I am not going to appoint
10 you another attorney. You are not entitled to appointed
11 attorneys of your choice. You have two fine trial
12 attorneys that have already been appointed by the Court
13 to represent you.

14 With that being said, I find under -- does
15 either party want to be heard concerning the competency
16 issue, Solicitor or Ms. Fullwood, before I rule?

17 THE DEFENDANT: Could I mention one more
18 thing?

19 THE COURT: Yes, sir.

20 THE DEFENDANT: Like I spoke of earlier when I
21 approached the Courts, I received visitation from
22 Ms. Hahn, as well as Ms. Fullwood, yesterday, you know.
23 The conversation wasn't on a positive mind frame. If I
24 am so destructive until myself and can't control myself,
25 I just asked her on paper and she shook her head yes.

1 Why did I not stand up and try to argue with her?

2 Instead of arguing, I told her I will not
3 argue with you. I left out the booth, after getting the
4 officer attention, and I went back to my cell. I did
5 not follow her negativity up.

6 THE COURT: All right. Let me ask the
7 attorneys again, does either party want to be heard
8 concerning the Blair issue? Does either party want to
9 be heard concerning the Blair issue, Solicitor or
10 Ms. Hahn?

11 MR. RIDDLE: No, sir.

12 THE COURT: Ms. Fullwood.

13 MS. FULLWOOD: Your Honor, the concerns I had
14 concerning his present ability to assist in his defense,
15 I think I brought out for the Court's consideration in
16 my cross examination of the doctor.

17 THE COURT: All right. Mr. Eaglin, you
18 certainly think you are competent; correct?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: I find based on the testimony of
21 Dr. Morthala and Court's Exhibit Number 1 that he is
22 competent to stand trial, that further he has the
23 ability to assist in his own defense.

24 He voluntarily and intelligently understands
25 his right to be represented by appointed counsel and

1 that I have advised him fully and completely of the
2 dangers and disadvantages of self-representation.

3 I have advised him that I will not appoint
4 other attorneys to represent him. He may go forward
5 with Ms. Fullwood and Ms. Hahn or he may represent
6 himself. Knowing the dangers and disadvantages of
7 self-representation, Mr. Eaglin chooses to go forward
8 and represent himself.

9 I also make that decision based on further
10 testimony that the doctor discussed those issues with
11 Mr. Eaglin and advised him further of the dangers and
12 disadvantages of self-representation. I feel like he
13 has been adequately warned of his rights, of the
14 dangers, and his right to continue the trial with these
15 two lawyers.

16 This is what you want, correct, between those
17 two choices, you want to represent yourself?

18 THE DEFENDANT: Yes, sir, correct.

19 THE COURT: Ms. Hahn and Ms. Fullwood are
20 hereby relieved from representing Mr. Eaglin. One of
21 the two -- if anybody raises their hand or stands up
22 again while this Court is ruling, I am going to have
23 them taken into custody. Ms. Hahn and Ms. Fullwood are
24 relieved from representing Mr. Eaglin. Ms. Fullwood is
25 appointed as standby counsel.

1 Anything else you want to tell me at this
2 time, Mr. Eaglin?

3 THE DEFENDANT: Yes, sir. I really don't want
4 Ms. Fullwood as my standby attorney.

5 THE COURT: I have made my decision. Do you
6 want Ms. Hahn?

7 THE DEFENDANT: No, sir, it's still as if they
8 are on my case.

9 THE COURT: Sir?

10 THE DEFENDANT: It's as if they are still on
11 my case as standby assistance; therefore, they might as
12 well continue to be on my case as they both are.

13 THE COURT: Ms. Fullwood is appointed as
14 standby counsel. Anything further?

15 THE DEFENDANT: No, sir.

16 THE COURT: You may take your seat. Now, the
17 young lady that raised her hand, do you want to come
18 around here, please, young lady, up to the podium. If
19 you would come to the podium for me, please.

20 Madame Clerk, would you place this young lady
21 under oath.

22 JOANNE EAGLIN is first duly
23 sworn.

24 THE COURT: Tell me your full name, ma'am.

25 MS. EAGLIN: My name is Joanne Eaglin. I'm

1 his mother.

2 THE COURT: I would be glad to hear from you
3 at this point.. It was somewhat distracting to me
4 earlier. I have talked for a good deal of time prior to
5 the luncheon recess with Mr. Eaglin, and I have talked
6 with him now, but I would be glad to hear from you.
7 Anything you would like to say?

8 MS. EAGLIN: Your Honor, I don't think it's in
9 his best interest for him to represent himself.

10 THE COURT: Yes, ma'am, I understand that. I
11 have tried to explain that to him also. Would you like
12 to talk with him a few minutes?

13 MS. EAGLIN: Yes, sir.

14 THE COURT: May that be arranged, sheriff?

15 DEPUTY: At your direction, Your Honor.

16 THE COURT: Allow him to talk a few minutes
17 privately with his mother. Let me know after his mother
18 has an opportunity to speak with him, and I will be
19 ready to come right back out. We will be awaiting the
20 results of that conversation. Thank you very much.

21 (Whereupon there is a recess).

22 THE COURT: It appears all the parties are
23 back present in the courtroom: The Defendant,
24 Ms. Fullwood, Ms. Hahn, and the solicitors. The
25 Defendant has had an opportunity to speak with his

1 mother and his father. It has been about 30 minutes
2 total, I guess, total. It was a little before
3 5:00 o'clock when we took a recess. It's about
4 5:20 now.

5 Mr. Eaglin, would you come back around to the
6 microphone for me, please.

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Have you had -- and please
9 consider yourself still under oath. Have you had the
10 opportunity to talk with your mother and your father?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Concerning whether or not you are
13 going to represent yourself or allow these two
14 attorneys, Ms. Fullwood and Ms. Hahn, to represent you?

15 THE DEFENDANT: Yes, we just spoke on that.

16 THE COURT: Sir?

17 THE DEFENDANT: Yes, sir, we just spoke on
18 that.

19 THE COURT: What is your decision?

20 THE DEFENDANT: I honor my mother and my
21 father for that. I am going to accept them as my
22 attorneys --

23 COURT REPORTER: Judge, I didn't quite
24 understand all of that.

25 THE COURT: I apologize, Mr. Eaglin. Our

1 court reporter didn't quite understand. You have a deep
2 based voice.

3 THE DEFENDANT: Yes, sir.

4 THE COURT: And you have to kind of hit the
5 right distance from the microphone for it to carry well.
6 Do you want your lawyers?

7 THE DEFENDANT: I said I honor my mother and
8 my father. For their sakes I don't want to see them
9 shedding tears for me. I am going to accept these
10 attorneys, sir.

11 THE COURT: So you are going to accept these
12 attorneys?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: So you are withdrawing your
15 request to represent yourself and allow Ms. Hahn and
16 Ms. Fullwood to represent you?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Mr. Eaglin, if at any time during
19 the trial, you need time to talk with your attorneys
20 privately -- I am not going to stop the trial. I will
21 move the trial along -- but if you would tell one of
22 your attorneys, they can stand up and ask to approach
23 the bench, and I will give an opportunity for you to be
24 able to speak with your attorneys privately. During the
25 course of the trial, you can communicate with them as

1 you have done by writing them notes. Do you understand?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Do you have any questions of the
4 Court?

5 THE DEFENDANT: No, sir.

6 THE COURT: Thank you. Thank you very much.
7 You may be seated.

8 Ms. Fullwood, I noticed prior to the Defendant
9 appearing before me at this time, he had written a note.
10 Is the substance of that note concerning his
11 representation?

12 MS. FULLWOOD: It's almost verbatim what he
13 just told you.

14 THE COURT: That he accepts you and Ms. Hahn
15 as his attorneys?

16 MS. FULLWOOD: That's correct, Your Honor.

17 THE COURT: Thank you. I would like to thank
18 both his mother and father for speaking to Mr. Eaglin.
19 I do think it is in his best interest. I think it is
20 against his best interest for him to represent himself.
21 Any other matters for the Court to take up this
22 afternoon, Solicitor?

23 MR. RIDDLE: Your Honor, I would renew my
24 motion to amend the scrivener's error in the indictment,
25 that superfluous 1 that appears in both of the

1 indictments.

2 THE COURT: Ms. Hahn?

3 MS. HAHN: We have no objections, Your Honor.

4 THE COURT: That will be amended. When I find
5 the indictment, that will be amended in the indictments.
6 Any other motions, Solicitor?

7 MR. RIDDLE: No, sir. I have some
8 housekeeping matters I need to take up with them before
9 we end the day but nothing else for the Court.

10 THE COURT: Any other motions, Ms. Hahn?

11 MS. HAHN: No, Your Honor.

12 THE COURT: Thank you. What time did you need
13 Mr. Eaglin over here in the morning, Ms. Hahn?

14 MS. HAHN: At nine, Your Honor.

15 THE COURT: Sheriff, can we have the Defendant
16 here at 9:00 a.m.?

17 DEPUTY: Yes, sir, Your Honor.

18 THE COURT: Thank you very much. With that
19 being said, court will be in recess until 9:30 in the
20 morning.

21 (Whereupon the proceedings are concluded on
22 August 24, 2009).

23 (The following proceedings are reported on
24 August 25, 2009).

25 THE COURT: Anything before we bring in our

1 jury, Solicitor?

2 MR. RIDDLE: No, sir, if I could just get the
3 indictments back for opening.

4 THE COURT: Anything, Ms. Hahn, before we
5 bring in our jury?

6 MS. HAHN: Your Honor, I have a few brief
7 things. Initially I would like to make a motion to
8 sequester the witnesses in this case. My concern is the
9 statements that the witnesses provided of the incident
10 are all fairly similar. A lot of them use the same
11 language. It looks like to me there may have been some
12 comparing of notes. I would like to prevent anything
13 like that from happening in the trial.

14 THE COURT: Well, the two victims in the
15 matter are allowed to stay under the Victims' Bill of
16 Rights. Mr. Hall, Officer Hall, and Officer Jackson
17 will be allowed to stay.

18 Beyond that, Solicitor, is there anyone
19 designated as the chief investigating officer or are the
20 other witnesses fact witnesses also?

21 MR. RIDDLE: There is no, I guess, chief
22 investigating officer in this particular case.

23 THE COURT: I would grant the motion as to the
24 witnesses with the exception, of course, of Officer
25 Hall, Troy Hall, and Officer Isaac Jackson. They may

1 remain.

2 MS. HAHN: Thank you, Your Honor. I have
3 another motion as well. I would move to exclude any
4 references to any of Mr. Eaglin's other disciplinary
5 infractions while at the jail. I don't think they are
6 relevant.

7 THE COURT: So I am presuming he has
8 disciplinary infractions while he has been in the jail?

9 MS. HAHN: He has, Your Honor.

10 THE COURT: Solicitor.

11 MR. RIDDLE: I don't have any problem with
12 that, Your Honor. I have already instructed them not to
13 talk about both disciplinary infractions and as a
14 practical matter, I have also instructed them not to
15 talk about why he was an inmate, the other charges he
16 was originally arrested on. My instructions were to say
17 that he was an inmate at the facility and leave it at
18 that.

19 THE COURT: Thank you, Solicitor. That should
20 resolve that, Ms. Hahn. Anything further?

21 MS. HAHN: That was my other motion, to
22 exclude any reference as to why he was there. Your
23 Honor, I would also move for the solicitor to produce
24 the originals of some photographs that he showed us
25 yesterday.

1 There are some Polaroids that reflect -- well,
2 it's hard to tell from the photos what they reflect, but
3 it sounds like they are photos of Mr. Eaglin and
4 Mr. Hall immediately after the incident. We need the
5 original. We can't tell from the copies what they
6 actually show.

7 THE COURT: What do you have, copies of
8 Polaroids? Is that what you are saying?

9 MS. FULLWOOD: Yes, sir.

10 MS. HAHN: We also need them to compare them
11 to the photographs.

12 MR. RIDDLE: I can try to find that out, Your
13 Honor. Those photographs were produced to them pursuant
14 to a subpoena which they served on the jail. I am not
15 sure what they were asking for in the subpoena.

16 Those were produced by the jail. I didn't
17 have any knowledge of those photographs until they
18 showed me a copy -- when they showed me what the jail
19 had produced to them. I have no earthly idea where they
20 are currently, but I will do my best to locate them.

21 THE COURT: Are they are in the jail file or
22 the detention center file?

23 (Attorneys confer).

24 MS. HAHN: Your Honor, I don't know what the
25 photos were -- which of our subpoenas they were provided

1 in response to, but I do think that this information is
2 relevant to this case, I think it's discoverable as
3 well, possibly as Brady material.

4 THE COURT: Possibly as what?

5 MS. HAHN: As possible Brady material.

6 MR. RIDDLE: Beg the Court's indulgence.

7 THE COURT: Yes, sir.

8 (Attorneys confer).

9 MR. RIDDLE: I don't know if I can have just a
10 minute to make a phone call. The defense already has
11 Lieutenant Jones under subpoena. I don't know whether
12 they instructed him to bring anything with him or not.
13 I can go call him real quickly and tell him that when he
14 comes over for their subpoena, to bring any pictures
15 that he has got.

16 THE COURT: How soon do you need them,
17 Ms. Hahn? If you need them, I will have him make the
18 call. I am just asking.

19 MS. HAHN: Your Honor, he is under subpoena to
20 be here today. We didn't understand that he was going
21 to have them. We didn't ask him to bring them. We
22 didn't know they existed until after we sent the
23 subpoena to him.

24 THE COURT: Do you need them before the trial
25 starts? That's my question. If you do, I will have the

1 solicitor call now and see if we can get Lieutenant
2 Jones to bring them.

3 MS. HAHN: Your Honor, I don't think we need
4 them before the trial starts, but we would like, if the
5 solicitor can go ahead and call him and ask him to bring
6 them as soon as possible. I think we would be fine with
7 that.

8 THE COURT: Can you have your investigator do
9 that, Solicitor, and we can press on?

10 MR. RIDDLE: Yes, sir.

11 THE COURT: Thank you. Thank you very much.
12 Any other motions?

13 MS. HAHN: No, Your Honor.

14 THE COURT: You can bring the jury,
15 Mr. Bailiff.

16 (The jury returns to the courtroom at
17 9:49 a.m.)

18 THE COURT: Good morning, ladies and
19 gentlemen.

20 Madame Clerk, would you swear our jury,
21 please.

22 (The jury is duly sworn).

23 THE COURT: Thank you. Thank you very much.
24 In your absence I held an election and I elected
25 Mr. Glenn to serve as the foreperson of our jury. I

1 conclusion at the end of this case that Mr. Eaglin did
2 not commit the crime for which he is charged. You will
3 find he is not guilty. I thank you again for your
4 attention and your presence here today.

5 THE COURT: Thank you, Ms. Hahn. Solicitor
6 and Ms. Hahn, make sure there is compliance with Rule
7 615.

8 MR. RIDDLE: Yes, sir. In conjunction with
9 that, we would call Donyelle Williams to the stand, and
10 I would ask Officer Butler and Officer Derrick to be
11 excused.

12 THE COURT: Officer Williams, if you could
13 come around, please. Officers Butler and Derrick, you
14 may be excused from the courtroom.

15 DONYELLE WILLIAMS, being
16 first duly sworn, testifies as follows:

17 CLERK: Have a seat. I need you to speak up
18 loud and clear once you are seated. State your full
19 name, spelling your last, please.

20 THE WITNESS: Donyelle Williams.

21 DIRECT EXAMINATION

22 BY MR. RIDDLE:

23 Q Donyelle, where are you employed?

24 A Lexington County Detention Center.

25 Q How long have you been with those guys?

1 A Next month will be two years.

2 Q Donyelle, you are walking on a crutch. Did you
3 hurt yourself?

4 A Yeah, I fall. It's nothing to do with the case. I
5 fall.

6 Q It's unrelated to this?

7 A Yes, unrelated to this.

8 Q Donyelle, were you an employee of the Lexington
9 County Detention Center back in January of 2008?

10 A Yes, sir.

11 Q And what were your duties then?

12 A Correctional officer.

13 Q And could you just kind of tell the jury a little
14 bit about what your day-to-day job was at the
15 facility.

16 A My day-to-day job includes supervising inmates,
17 making sure they get fed three meals a day when I
18 am there, make sure I pass out mail, all mail,
19 incoming mail, pass out all outgoing mail, make
20 sure they are clothed, make sure they are well
21 taken care of. If they need medical assistance, I
22 make sure they get that. Basically just
23 supervising and maintaining security within the
24 facility.

25 Q And did you go to the law enforcement academy for

1 that?

2 A Yes, sir.

3 Q You are certified by them?

4 A I am certified ever since 2005.

5 Q Did you work in another correctional facility
6 before you came to the Lexington County Detention
7 Center?

8 A Yes, sir, I was working at Alvin S. Glenn Detention
9 Center, formerly known as the Richland County
10 Detention Center.

11 Q You were in Richland and then you came over here to
12 Lexington?

13 A I went to Richland. Then I went to the F.B.I. in
14 Winnsboro with the Federal Bureau of Prisons, and
15 then I came to Lexington.

16 Q All right. Ms. Williams, the Lexington County
17 Detention Center, where is that located?

18 A 521 Gibson Road, Lexington, South Carolina, 29072.

19 Q It's right over behind the Sheriff's Department on
20 Gibson Road?

21 A Yes, sir.

22 Q And that's in the County of Lexington?

23 A Yes, sir.

24 Q Do you know Mr. Eaglin?

25 A Yes, sir.

1 Q Do you see him here in the courtroom today?

2 A Yes, sir.

3 Q Can you point him out please, ma'am.

4 A (Indicating).

5 MR. RIDDLE: Your Honor, I would like the
6 record to reflect she has identified Mr. Adrian Eaglin.

7 THE COURT: Describe him for me, officer.

8 THE WITNESS: Brown skin male, tall, slim, got
9 braids in his hair, and got a goatee.

10 THE COURT: Thank you. The record so
11 reflects.

12 THE WITNESS: And in a white shirt.

13 THE COURT: I didn't mean to interrupt you,
14 Officer. Thank you, Officer. The record so reflects
15 she has identified the Defendant.

16 BY MR. RIDDLE:

17 Q Now, Ms. Williams, when you work at the detention
18 facility, what kind of shifts do y'all work?

19 A I work delta shift, and we work from 6:00 p.m. to
20 6:15 a.m.

21 Q So 12 on, 12 off?

22 A Yes, sir.

23 Q How many days in a row do you work?

24 A We've got rotating shifts, like we work two days,
25 off two days, work three days. This week we off

1 two days, work two days, and we off this weekend.

2 Q Back on January 18, 2008, were you working that
3 evening?

4 A Yes, sir.

5 Q The nighttime shift, correct?

6 A Yes, sir.

7 Q Did you have an opportunity to see Mr. Eaglin
8 during that shift?

9 A Yes, sir.

10 Q Where were you working, Ms. Williams?

11 A First floor.

12 Q Can you describe the layout of the jail just a
13 little bit?

14 A Okay. The layout on the jail, we have three
15 floors: First, second, and third. The first floor
16 is maximum security, which means anybody on P.C.,
17 protective custody, mental health ward, B. wing, C.
18 wing, disciplinary.

19 Q Now, let me ask you this. Was Mr. Eaglin an inmate
20 on the first floor?

21 A Yes, sir.

22 Q And that's the area you were working?

23 A Yes.

24 Q The first floor is where you were working that
25 night?

- 1 A Yes, sir.
- 2 Q It's split up into separate wings?
- 3 A Three wings.
- 4 Q How many cells are on each wing, Ms. Williams?
- 5 A A. wing is 12, B. wing is 10, and C. wing is 12.
- 6 Q And Mr. Eaglin was being housed on one of those
- 7 wings?
- 8 A Yes, sir, C. wing.
- 9 Q And at the time that you came in contact with
- 10 Mr. Eaglin, you were on C. wing?
- 11 A When I first -- no, I was coming out.
- 12 Q Coming out of C. wing?
- 13 A No, I was coming out of the officer tower.
- 14 Q Let me go back to the layout for just a minute.
- 15 The wings go off like how?
- 16 A Okay. The tower is in the middle.
- 17 Q The tower is in the middle.
- 18 A In the middle. Then you got C. wing right there on
- 19 your right.
- 20 Q Okay.
- 21 A You got A. wing on the left.
- 22 Q And B. wing straight ahead?
- 23 A B. wing is straight ahead going towards booking.
- 24 Q So you have the tower or the control room sort of
- 25 in the center of everything?

DONYELLE WILLIAMS -- DIRECT -- MR. RIDDLE

1 A Yes, sir.

2 Q You were in the tower coming out onto the wing; is
3 that correct?

4 A Yes, sir.

5 Q Your area of work that night was the first floor;
6 is that correct?

7 A Yes, sir, it was me and another officer.

8 Q And how many officers generally work a shift per
9 floor?

10 A First floor always have two because maximum, second
11 floor has one, third floor has one, and third floor
12 was female.

13 Q Third floor is females?

14 A Female max.

15 Q Now, at the time that you came out of control,
16 about what time of day or night was that?

17 A We come out during the shift anyway because we got
18 to do 15 minute checks on inmates, mental health
19 observation.

20 Q Okay.

21 A We got to do -- I think at that time we had one max
22 watch. So we have to do checks and do security
23 checks. So it was throughout the night.

24 Q The occasion that you came out to do a check that
25 you had contact with Mr. Eaglin, approximately what

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1 time of the night was that?

2 A The time of night, 2:00 o'clock.

3 Q Two a.m.?

4 A Two a.m.

5 Q And in the jail there, is there a lights-out
6 policy?

7 A Yes, sir, at 12:00 o'clock on the dot.

8 Q At 12:00 o'clock on the dot, what happens?

9 A The lights goes out. Basically they know it's bed
10 time. We do reg, but the confining, which he was
11 on, I think we start that at 11:00 o'clock.

12 Q Lights go out at 12?

13 A Yes.

14 Q When the lights go out, the lights go out in the
15 cells; is that correct?

16 A Yes, sir.

17 Q Are the lights on or off in the hallways?

18 A On.

19 Q On in the hallways?

20 A Yes, sir.

21 Q How did you come to have contact with Mr. Eaglin at
22 2:00 o'clock?

23 A Well, I was coming out the tower on my way to
24 booking to get something, and he was banging on the
25 door. So I went to his room and I opened up the

1 flap. It's a little window with a flap.

2 So I was like, What's the problem? He said
3 that his mail -- why is his mail -- sending his
4 mail back because he was correct. He happened to
5 hold up his mail in the window, and I saw two
6 infractions with the mail.

7 Q He is banging on the door?

8 A Yes, he banged on the door.

9 Q You stopped him and asked him what was going on?

10 A Yes, sir.

11 Q What did he tell you at that time?

12 A Can I read it?

13 Q Yes, ma'am.

14 A He stated, This is a violation of my M.F.ing
15 rights. Y'all did not have the right to send my
16 M.F.ing mail back.

17 Q Does he say M.F.?

18 A No.

19 Q He says the whole thing?

20 A The whole thing.

21 Q That's your initial contact with Mr. Eaglin?

22 A Yes, sir.

23 Q And you indicated that he held some mail up?

24 A Yeah, he hold the piece of mail up that was sent
25 back to him.

- 1 Q Now, let's back up just a shade; okay?
- 2 A Uh-huh. (Indicating affirmative response).
- 3 Q Inmates can mail letters?
- 4 A Yeah.
- 5 Q Correct?
- 6 A Yes, sir.
- 7 Q Is there a policy or procedure that they have to do
8 in order to mail a letter?
- 9 A Yes, sir.
- 10 Q What are those policies?
- 11 A The policy is the envelope have to come through the
12 inmate canteen that is provided at the jail, and
13 the stamp is painted on the envelope. So they
14 cannot have no stamps that you get from the post
15 office or anything.
- 16 The mail, on the mail, you got to have your
17 name, the address as the addressee, and then the
18 one -- I mean, the return address. The one he
19 mailed it to, no nicknames. It have to be a name.
- 20 Q It has to be sent to a proper name?
- 21 A Yeah, a proper name.
- 22 Q If I was in the jailhouse, could I send a letter to
23 Donyelle Williams?
- 24 A Uh-huh. (Indicating affirmative response).
- 25 Q Is that a yes?

1 A Yes, sir.

2 Q If I was in the jailhouse, could I send a letter to
3 Sweet Friend Williams?

4 A No, sir.

5 Q I would have to address you properly on that
6 envelope?

7 A Yes, sir, or put Ms. Williams, but it got to be a
8 proper name.

9 Q It has to a proper name?

10 A Yes, sir.

11 Q And is that policy related to problems that have
12 developed --

13 MS. FULLWOOD: Objection, leading.

14 THE COURT: Rephrase the question, Solicitor.

15 Objection sustained.

16 BY MR. RIDDLE:

17 Q What is the purpose of that policy regarding proper
18 names, Ms. Williams?

19 A What's the procedure?

20 Q No, what is the purpose? Why do y'all have that
21 policy?

22 A Because lower -- like gang members, gangs. It's in
23 the policy. I just follow by the policy. With
24 gangs, the problems of getting mail to the proper
25 person, the correct person.

- 1 Q Is it a security issue with y'all?
- 2 A Yeah, it's a security issue also.
- 3 Q He had tried to mail a letter and y'all had
- 4 returned it to him?
- 5 A Yes, sir.
- 6 Q Was he happy about that?
- 7 A No, sir.
- 8 Q When you talked to him, is that when he said what
- 9 you earlier testified to?
- 10 A Yes, sir.
- 11 Q After he said that to you, what action, if any, did
- 12 you take at that time?
- 13 A Well, I had told him, show me prior letters that he
- 14 already send out and they sent back or sent to him
- 15 showing that the name was on there, and show me the
- 16 receipt that he received that envelope and that
- 17 stamp through the canteen. When I get back from
- 18 booking, I want to see it. I went to booking.
- 19 When I came back, he already -- well, I saw water
- 20 on the floor.
- 21 Q When you got back --
- 22 A On C. wing.
- 23 Q Could you tell where the water was coming from?
- 24 A At that particular time, no.
- 25 Q Okay.

1 A When I came down, I had Officer Derrick was -- we
2 was four officers at the time. I tell him, flag
3 him down to come on. I went straight to his room.
4 Then we called Sergeant Butler.

5 Q Who is Sergeant Butler?

6 A Sergeant Butler is our shift sergeant at the time.

7 Q He is your boss?

8 A Yes, he is the boss of that.

9 Q When you were coming back down the hall, you saw
10 the water. Could you hear anything at that point?

11 A I heard the toilet flushing.

12 Q Could you tell which cell the toilet was flushing
13 in?

14 A No, not at the time.

15 Q After you contacted Sergeant Butler, what
16 transpired at that point in time?

17 A We went to his room because he was, again, still
18 banging on the door.

19 Q All right.

20 A We went to his room. We opened the door. I went
21 in there with a flashlight and investigate. Him
22 and his roommate already had stuff off the floor on
23 the bed.

24 Q On the bed?

25 A On the bed, the bunks. That's what we call them,

1 bunks. The water was all over the cell. Then me
2 and Sergeant Butler and Officer Derrick, we inspect
3 the other rooms that was involved -- not involved
4 but, you know, that got flooded.

5 We was checking and we noticed that the water
6 was coming from the door, not coming out the room.
7 So we came to the conclusion that it was his room,
8 1 C-09 that it was coming from.

9 Q Mr. Eaglin's room, was there any part of the floor
10 that wasn't covered in water?

11 A Probably the back room. That's all.

12 Q How about the other cells that got flooded?

13 A The six other ones got flooded but not as bad, but
14 the water was coming in, was going in the room.

15 Q But you could tell which cell had water coming out
16 and which cells had water flowing into them?

17 A Yes.

18 Q The ones that had water flowing in, were they
19 completely flooded?

20 A No.

21 Q Now, did y'all take some action with the water
22 supply that night?

23 A Yes, we did.

24 Q What did you do?

25 A We went into the water chest, the chase. The water

1 chase is located between two rooms. So if we cut
2 one room off, the other rooms have to be cut off
3 also. So what we did, we had to cut the water off
4 during that time.

5 Q After y'all did that, what did y'all do at that
6 time?

7 A We tell him the water is turned off and when he
8 calm down, then we can work things out.

9 Q So what, if any, action did y'all take at that
10 point? You turn off the water and then what?

11 A Then we just left right there until he calmed down.

12 Q Was he agitated at that point in time?

13 A Yeah, he got real agitated.

14 Q And y'all left him to sort of?

15 A Calm down, calm down and then we will talk. So we
16 went -- I went and I start on the report, on the
17 incident report about the situation. Any time we
18 turn water off, turn water off from the rooms or
19 any problems with the inmate, we have to write an
20 incident report, and that's what I done.

21 Q Was that the end of your dealings with Mr. Eaglin
22 that night?

23 A No, sir.

24 Q Tell us what happened next, Ms. Williams.

25 A Around 2:30 he started back again.

- 1 Q When you say he started back, what do you mean?
- 2 A Banging on the door saying, you know, we violated
- 3 his rights, and disturbing the wing. At this time
- 4 we got other inmates complaining about he, you
- 5 know, waking them up and stuff. So that's when --
- 6 Q Let me stop you. How loud is he banging on the
- 7 door?
- 8 A Very loud. The second floor that's above can hear
- 9 him, and booking can hear it.
- 10 Q You can hear him all over the place in the jail?
- 11 A Not all over the place.
- 12 Q I don't mean the whole jail, but some distance
- 13 away?
- 14 A Yes, sir.
- 15 Q Do y'all go back to see Mr. Eaglin at that point?
- 16 A Yes. At this time Officer Derrick called for
- 17 assistance on the floor because he was a
- 18 disturbance.
- 19 Q Who goes back at that point in time?
- 20 A Sergeant Butler. He brought Mr. Hall and
- 21 Mr. Jackson from booking.
- 22 Q These two gentlemen right here, Mr. Hall and
- 23 Mr. Jackson?
- 24 A Yes, sir.
- 25 Q They came with Sergeant Butler?

1 A They came with Sergeant Butler.

2 Q And when y'all arrived, what did y'all do then?

3 A We went to the door: Me, Officer Derrick, Officer
4 Hall, Officer Jackson, and Sergeant Butler.

5 Sergeant Butler give him several direct orders. I
6 don't know how many, but he give him several,
7 direct orders, to back up away from the door, back
8 up to the back of the cell.

9 Q And did he comply with those orders?

10 A No, sir, he refused all direct orders.

11 Q And what was his state at that point? Was he calm?
12 Was he agitated? What was he like?

13 A He was combative.

14 Q He was what?

15 A Combative.

16 Q Combative?

17 A Yeah.

18 Q Y'all give him the direct orders. After that what
19 transpired?

20 A Sergeant Butler give him one last warning to move
21 back to the back of the cell, him and his roommate.
22 He refused. At the time I had the keys. I had the
23 keys to open the door. Sergeant Butler tell me to
24 open the door. I open the door.

25 He had Officer Jackson, I think Sergeant

- 1 Butler, and Officer Hall went in first, went in
2 first. They tell him -- get him to move back, move
3 back. At that time I was coming behind. That's
4 when Mr. Eaglin started hitting.
- 5 Q Who did he hit?
- 6 A He hit Mr. Jackson.
- 7 Q This Isaac Jackson right here?
- 8 A Yes, sir.
- 9 Q On your left, my right?
- 10 A Yes, sir.
- 11 Q After he struck Mr. Jackson, what happened then?
- 12 A That's when we do a cell extraction. In other
13 words, to get him restrained and everything, get
14 him restrained, get him calmed down. His roommate
15 was trying to intervene. So I went to the roommate
16 and restrain him. So while they were dealing with
17 Mr. Eaglin, I was dealing with the roommate.
- 18 Q You dealt with the roommate?
- 19 A Uh-huh. (Indicating affirmative response).
- 20 Q And Mr. Jackson and Mr. Hall were dealing with
21 Mr. Eaglin?
- 22 A Yes, sir.
- 23 Q Does the roommate end up causing any problems?
- 24 A No, he gave up. He complied.
- 25 Q What, if anything, did you do with the roommate at

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1 that point in time?

2 A I restrained him by -- I ain't had -- I had my
3 handcuffs but was trying to reach it. I had him in
4 the back, had his hands on the back, and I had my
5 knees on his hands. He gave up. He complied with
6 direct orders. So I told him, come out. Go to the
7 P.C. day room, which is next to A. wing.

8 Q Did you take him there?

9 A Yeah, I take him there, and I lock the door. I
10 lock the A. wing door because there's doors on each
11 wing. I locked the door on A. wing and another
12 door on the P.C. day room. I locked the door
13 there. Then I came back, and they already have
14 Mr. Eaglin out the room.

15 Q You just isolated the roommate; is that correct?

16 A Yeah, I just isolated the roommate from the
17 situation.

18 Q And then you came back to where Mr. Eaglin was?

19 A Yes.

20 Q What was Mr. Eaglin's state when you came back?

21 A Statement?

22 Q What was his state? How was his acting?

23 A When they brought him out, when they brought him
24 out, he was a little compliant, but he was still
25 agitated. They tried -- they put him in the chair.

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1 the restraint chair.

2 Q Tell the jury what the restraint chair is.

3 A A restraint chair is where it's a chair with
4 velcro --

5 Q Velcro?

6 A Velcro restraints. In the area, the upper part of
7 the area, got it for the arms, got it for the legs,
8 and the ankle. They got something like a belt
9 buckle that come across, that come across you like
10 that. That's how we restrain a combative inmate.

11 Q And was he placed in that chair?

12 A He was placed in the chair. As soon as we was
13 trying to get the Velcro in, he pull away from --
14 he pulled away from us, and he started hitting. He
15 started hitting again. This time he hit both of
16 them.

17 Q When you say both of them, who are you referring
18 to?

19 A Officer Hall and Officer Jackson.

20 Q What does y'all's training tell you to do with an
21 inmate that is fighting? What do y'all try to do
22 with that inmate?

23 A Restraints. We have to restrain them.

24 Q How do you restrain them?

25 A Are you talking about after he pull away?

1 Q Yes.

2 A What we did, because the floor was slippery at the
3 time, it was still flooded, still water on the
4 floor. We were all slippery. We just, when he
5 start hitting, that's when we all slide on one big
6 pile.

7 Q Down on the floor?

8 A Down on the floor.

9 Q Okay.

10 A And they restrained him. They tried to restrain
11 him, and he was still fighting on the floor, even
12 we was -- because he's pretty strong. He was still
13 fighting on the floor.

14 Q Who all was down on the floor at that point in
15 time, Ms. Williams?

16 A Officer Hall, Jackson, myself, and Sergeant Butler.

17 Q And Mr. Eaglin?

18 A And Mr. Eaglin.

19 Q So there was four correctional officers and
20 Mr. Eaglin down on the floor?

21 A Yes.

22 Q Were you y'all able to restrain him at that point
23 in time?

24 A No, because he was still fighting. He was still
25 trying to fight, still trying to fight. He was

1 still kicking. He had his legs and he was still
2 kicking.

3 Q Had you been able to restrain his hands at that
4 point?

5 A They restrained the hands. I had one of his legs.
6 I had one leg. Like I say, it was very slippery at
7 the time. I had one of his legs. He still trying,
8 you know, trying to get out of the restraint, you
9 know.

10 Q And what, if anything, happened at that point?

11 A Sergeant Butler get him a warning, Calm down or get
12 tased. He didn't. He refused to comply. I forgot
13 what kind of taser it was, but Sergeant Butler
14 tased him on the left side, I think on the left
15 side.

16 Q On the thigh?

17 A I don't remember.

18 Q So Sergeant Butler tased him?

19 A Yeah, he tased him...

20 Q Did Mr. Eaglin comply at that point.

21 A The first time he did not comply. The second time
22 he complied.

23 Q So after he tased him, what was Mr. Eaglin doing?

24 A Mr. Eaglin stopped. We restrained him. We put the
25 handcuffs on him. We put him in the restraint

1 chair.

2 Q Was this after the first time he was tased?

3 A No, the second.

4 Q I'm sorry. Maybe I didn't make my question clear.
5 Sergeant Butler told him that if he didn't stop
6 fighting, he was going to tase him?

7 A Yes, sir.

8 Q And what did Mr. Eaglin do?

9 A He continued.

10 Q And what did Sergeant Butler do?

11 A Tased him.

12 Q After this first tase, did Mr. Eaglin --

13 A He still was trying to fight on the floor.

14 Q So he tased him once, and Mr. Eaglin was still
15 fighting?

16 A Uh-huh. (Indicating affirmative response).

17 Q Did Sergeant Butler say anything else to him at
18 that point?

19 A He said he was going to tase him, and he tased him
20 again.

21 Q And after the second time he tased him, what
22 happened?

23 A He complied. He stopped fighting and he complied.

24 Q Were you able to restrain him after the second
25 time --

1 A Yes, sir.

2 Q -- that he was tased?

3 A Yes, sir.

4 Q After he was restrained, where did y'all take him?

5 A We restrained him in the chair and we took him
6 straight to Officer Derrick. Officer Derrick took
7 him straight to medical.

8 Q To medical?

9 A Medical.

10 Q Why do y'all do that?

11 A Because that's the procedure to check and make sure
12 if he's injured, check to see if he is injured,
13 have any broken bones, anything during the
14 altercation.

15 Q And did he have any of those?

16 MS. FULLWOOD: Objection, Your Honor. That
17 would be hearsay unless she knows of her own personal
18 knowledge and was there when he was examined.

19 THE COURT: I would sustain it unless she has
20 personal knowledge, Solicitor.

21 BY MR. RIDDLE:

22 Q Did you see him after the altercation?

23 A They took him straight down to booking.

24 Q That's fine. When Mr. Eaglin was tased by Sergeant
25 Butler, were you in contact with Mr. Eaglin?

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1 A Yes, sir.

2 Q Did you get tased as well?

3 A Yes.

4 Q You did?

5 A Well, because we was in the water, we get some of
6 it, too.

7 Q You got some of it, too?

8 A We got some of it, too.

9 Q Ms. Williams, answer any of Ms. Fullwood's or
10 Ms. Hahn's questions.

11 A Okay.

12 THE COURT: Thank you, Solicitor.

13 Ms. Fullwood.

14 MS. FULLWOOD: Thank you, Your Honor.

15 CROSS EXAMINATION

16 BY MS. FULLWOOD:

17 Q Good morning, Ms. Williams.

18 A Hi, how are you doing?

19 Q Good. How are you?

20 A I'm doing fine.

21 Q Are you always stationed on the first floor or do
22 you work the different floors?

23 A I work different areas.

24 Q By January of 2008 when this incident happened,
25 were you familiar with the first floor and the

- 1 inmates that were located on the first floor?
- 2 A Yes, sir -- yes, ma'am. Excuse me, I'm sorry.
- 3 Q And so you were familiar with Mr. Eaglin, weren't
- 4 you?
- 5 A No, not -- I never was familiar with him.
- 6 Q Right. But you knew him as an inmate on the floor?
- 7 A Yes, an inmate.
- 8 Q And you fed him, right, when the time came?
- 9 A Uh-huh. (Indicating affirmative response).
- 10 Q Administered medication when the time came?
- 11 A When it came, yes, ma'am.
- 12 Q And did all the things you told us about earlier,
- 13 right?
- 14 A Yes, ma'am.
- 15 Q So you were aware that he was an inmate who was
- 16 being treated by mental health, weren't you?
- 17 A No.
- 18 Q You didn't know that?
- 19 A No.
- 20 Q Well, you knew that he got medication for mental
- 21 health purposes, did you not?
- 22 A Well, as for H.I.P.P.A. law, we are not required to
- 23 know what he takes. We just -- what we do is the
- 24 nurse come down there. They administer medication.
- 25 I make sure he take it.

- 1 Q So you made sure he had taken medication before?
- 2 A Yes, ma'am.
- 3 Q You knew that?
- 4 A Yes, ma'am.
- 5 Q Tell me about how y'all run the mail on the floor.
- 6 Do you have a nighttime mail pickup?
- 7 A We issue out mail and we pick up mail.
- 8 Q Is that at the same time?
- 9 A No, ma'am.
- 10 Q So what time did y'all pick up mail that the
- 11 inmates want to mail out to people?
- 12 A Well, we got -- we have all times of night, but we
- 13 prefer to pick up mail by 12:00 o'clock, so control
- 14 can stamp the mail and check out the mail and take
- 15 it to visitation, to the mail room.
- 16 Q So is it after that that they get incoming mail?
- 17 A No. Okay, this is how it goes.
- 18 Q Okay.
- 19 A When we come in, we already have our mail, have the
- 20 mail in our hands, the incoming mail.
- 21 Q Okay.
- 22 A After feeding, because we have to feed first, some
- 23 time medical issue out medications during that
- 24 time. We try to get the guys out for rec first,
- 25 and then we issue out mail. The mail, we have to

1 open up the mail in front of them. They got to
2 sign saying that -- initial it or sign -- saying
3 they got their mail.

4 Q Right.

5 A We check the mail in front of them to make sure no
6 contraband or anything in that mail. If there is
7 any contraband, we confiscate it and write a report
8 on it, okay.

9 Q And when people want to mail stuff out, do you make
10 them give you the envelopes unsealed, and then you
11 look at it?

12 A At that time, like the brown envelopes, at the time
13 the brown envelope with the paper, they send out --
14 what you call it, the mail. I forgot what you call
15 it. It's a piece of paper with a brown envelope
16 that has to be unsealed.

17 Q Okay.

18 A Not the mail itself. They got to seal. The
19 letters and stuff they are writing to, they have to
20 be sealed. The brown envelopes have to be left
21 unsealed.

22 Q So you are saying if an inmate writes, say, his
23 momma a letter and puts it in a regular size
24 envelope, it has to be sealed?

25 A Yes, ma'am.

1 Q But if they are mailing out a big old bundle of
2 materials, that has to be unsealed?

3 A Yes, ma'am.

4 Q And who checks the mail to see if it's suitable to
5 go on out of the jail?

6 A Well, us officers we try to help out. We try to
7 help out but annex control does that.

8 Q And on this particular occasion, who had checked
9 the mail that Mr. Eaglin was unhappy about that
10 night?

11 A Annex control.

12 Q Annex control. And when had you or the other C.O.
13 on the floor that night returned it to Mr. Eaglin?

14 A I'm not exactly sure. The other officer, Officer
15 Derrick, returned the mail to him. I just came --
16 he just was banging on the door. I just came to
17 the door to see what's going on.

18 Q Okay.

19 A I don't know the exact time when he got the mail
20 back, but how I find out was through Mr. Eaglin
21 himself when he said that his violation -- his
22 rights was violated when they send the mail back.

23 Q And is it your understanding that that mail that he
24 had gotten back was mail that he tried to mail out
25 that very same night?

- 1 A Explain that.
- 2 Q Had he just that very night tried to mail the
- 3 letter out and then just got it thrown back within
- 4 an hour?
- 5 A It ain't got thrown back. We give it back to him.
- 6 Q I know you didn't throw it at him.
- 7 A I just want to make sure.
- 8 Q I am not trying to say you threw anything.
- 9 A It was given to him. It was given to him in the
- 10 door.
- 11 Q That very same night?
- 12 A That very same night.
- 13 Q That's what got him unhappy?
- 14 A Yes, ma'am.
- 15 Q On the C. wing, you have a corridor with cells on
- 16 each side; right?
- 17 A Yes, ma'am.
- 18 Q Where along that -- say, if you are walking into
- 19 the corridor from the central control area or
- 20 whatever, where is cell 9? That's the cell we are
- 21 talking about?
- 22 A Yes, cell 9.
- 23 Q How far down that corridor is cell 9?
- 24 A It's in the middle, going towards the front.
- 25 Q The middle going towards the front?

1 A Yes, ma'am.

2 Q On the left or the right?

3 A On my right. If you are going in, it would be on
4 your right. If you are going out, it will be on
5 your left.

6 Q And how does that door to that cell open?

7 A It goes out.

8 Q So it opens out into the corridor?

9 A Yes, ma'am.

10 Q So you were instructed by Sergeant Butler to unlock
11 the cell door?

12 A After I called for assistance, yes, ma'am. After
13 we give him direct orders, several direct orders.

14 Q I understand. I understand. I am just skipping
15 ahead. So Sergeant Butler told you because you had
16 the key, right?

17 A Yes, ma'am.

18 Q Were you the person that actually opened the cell?

19 A Yes, ma'am.

20 Q But you weren't the person who went in first? It
21 was the other three. It was Butler and Hall and
22 Jackson, right?

23 A Officer Jackson went in first. Officer -- I can't
24 remember, but Sergeant Butler or Officer Hall, then
25 I went in.

- 1 Q So the three men went in before you?
- 2 A Uh-huh. (Indicating affirmative response).
- 3 Q So are you then standing kind of to the edge of the
- 4 door while they go into the cell?
- 5 A Yes, ma'am, I was standing beside the door.
- 6 Q So at that point you really couldn't see too much
- 7 what was going on in the cell, could you, because
- 8 you had the door in the way?
- 9 A Until I went in.
- 10 Q Until you went in. So anything before you went in
- 11 the cell, you don't know what happened?
- 12 A They didn't put their hands on him. They give him
- 13 direct orders to back up.
- 14 Q I am just trying --
- 15 A Yeah.
- 16 Q -- to understand how it's set up.
- 17 A That's when I went inside because he have a
- 18 roommate.
- 19 Q I understand. Until you go into the cell, you
- 20 don't know what -- you can't see into the cell
- 21 because you are by the door, and you have three men
- 22 ahead of you; right?
- 23 A Yes, ma'am.
- 24 Q And then you get in?
- 25 A Yes, I went in.

1 Q Then you attended to his roommate and dealt with
2 him?

3 A Not at the time, not before he start hitting. He
4 hit Sergeant Jackson -- I mean -- Officer Jackson
5 in the face. That's when his roommate tried to
6 intervene because he -- I will not say it -- but he
7 tried to intervene, and that's when I dealt with
8 him.

9 Q Now, shortly after this incident, you wrote up an
10 incident report?

11 A I started writing up the incident report before we
12 went in the cell. That's the first time when
13 Sergeant Butler came in there.

14 Q Let me show this to you. Have you had a chance to
15 look at it?

16 A Yes, ma'am, I got one right here.

17 Q So you are familiar with what it says?

18 A Yes, ma'am.

19 Q In that report you don't mention anything about
20 Mr. Eaglin hitting Officers Hall and Jackson inside
21 the cell, do you?

22 A No.

23 Q You talk about them being hit outside the cell; is
24 that right?

25 A Yes, ma'am.

1 Q All right. You have got the report.

2 A Yes, ma'am.

3 Q And when had that chair been brought down to C.
4 wing?

5 A When they came down the second time.

6 Q Okay.

7 A When Sergeant Butler, Officer Jackson, and Officer
8 Hall came down, and he called for assistance the
9 second time they came down.

10 Q So when the four of y'all went down there the final
11 time, y'all brought the chair down?

12 A I was the officer -- me and Officer Derrick was on
13 the floor. We the officers on the floor. We had
14 Sergeant Butler and two officers came from booking
15 to assist us. They brought the chair along with
16 them because Sergeant Butler already told him if he
17 had to come back next time, he have to be in the
18 chair, the restraint chair.

19 Q They brought the chair with them when they came
20 down?

21 A Yes, ma'am.

22 Q Did they take the chair into the cell or leave it
23 outside or what?

24 A They leave it outside the door.

25 Q Left it outside the door?

- 1 A Yes, ma'am.
- 2 Q From the cell, he was taken outside of the cell to
3 be placed in the chair?
- 4 A Yes, ma'am. We had the cameras there.
- 5 Q Have you seen the video of what happened that
6 evening?
- 7 A No, ma'am.
- 8 Q Never have?
- 9 A (Witness shakes head). (Indicating negative
10 response).
- 11 Q How many cameras do you have on C. wing?
- 12 A One.
- 13 Q One. And it should be taping everything that
14 occurs on that corridor?
- 15 A Not everything.
- 16 Q What does it tape?
- 17 A I mean, it's supposed to but not everything, like
18 the rooms, not the room to the door, but it should
19 have it right there.
- 20 Q So it should have what happened out there in
21 corridor, right?
- 22 A Uh-huh. (Indicating affirmative response).
- 23 Q So there should be a video recording of this
24 incident, correct?
- 25 A Should.

- 1 Q And after this incident you continued at times to
2 work down on first floor; is that right?
- 3 A Yes, ma'am.
- 4 Q And you continued to be in charge of the feeding
5 and medication and all the stuff that you do --
- 6 A Yes, ma'am.
- 7 Q -- for the people you are looking after, right?
- 8 A Yes, ma'am.
- 9 Q So you are aware that for almost approximately a
10 month after this incident, Mr. Eaglin was on a
11 liquid diet and then a soft diet; correct?
- 12 A Yes, ma'am. I think what you are saying is did I
13 continue to work every day. I do not work first
14 floor every day.
- 15 Q I understand. I understand.
- 16 A Okay.
- 17 Q But on the times that you did work, you were aware
18 that you were feeding him a liquid diet and after
19 that a soft diet; right?
- 20 A Yes, ma'am.
- 21 Q Directly after this happened?
- 22 A Not directly.
- 23 Q Well, in the weeks after this happened; correct?
- 24 A Yes, ma'am.
- 25 Q And, Ms. Williams, I believe you are also, in

1 connection with this incident, a defendant in a
2 civil lawsuit filed in federal district court; is
3 that correct?

4 MR. RIDDLE: I will object to that.
5 Objection, Your Honor.

6 THE COURT: Just a moment. If you would
7 approach the bench.

8 (Whereupon there is a bench conference off the
9 record in the presence of the jury but out of the
10 hearing of the jury).

11 THE COURT: You may respond to that question,
12 Officer Williams.

13 A Can you rephrase your question, ma'am?

14 Q Yes. As a result of this incident, you and others
15 have had a civil lawsuit naming you as defendants
16 filed in federal district court; is that correct?

17 A I am one of the defendants.

18 Q Thank you, ma'am.

19 THE COURT: Thank you, Ms. Fullwood.
20 Redirect, Solicitor?

21 MR. RIDDLE: Yes, sir.

22 REDIRECT EXAMINATION

23 BY MR. RIDDLE:

24 Q That federal lawsuit?

25 A Uh-huh. (Indicating affirmative response).

1 Q Mr. Eaglin filed that against you?

2 A Yes, sir.

3 Q And he is asking for a whole lot of money damages?

4 A Yes, sir --

5 MS. FULLWOOD: Objection, Your Honor,
6 irrelevant.

7 THE COURT: I overrule the objection.

8 A Yes, sir, he did.

9 Q He is asking for a whole lot of money damages?

10 A Yes, sir.

11 Q When Mr. Derrick took Mr. Eaglin to medical that
12 night, was he cleared and brought back quickly?

13 A He stayed -- I don't know what happened. From what
14 I been told --

15 MS. FULLWOOD: Objection, hearsay.

16 BY MR. RIDDLE:

17 Q I don't want to know what you have been told.

18 A When he was brought back, he was cleared.

19 Q He was cleared?

20 A He was cleared.

21 MS. FULLWOOD: Objection, based on hearsay.

22 THE COURT: Y'all are beating this young lady
23 up to try to get her to say things she may not know.
24 The question is when he is taken to medical, what's the
25 period of time when he comes back?

1 THE WITNESS: About 15 minutes.

2 BY MR. RIDDLE:

3 Q And he is brought back to the floor?

4 A He's brought back to the floor and was told --

5 MS. FULLWOOD: Objection, Your Honor, hearsay.

6 THE COURT: Yes, ma'am, you can't testify to
7 what someone else says. Do you understand what I'm
8 saying?

9 THE WITNESS: So I have to put it in the
10 report saying that he was clear of all injuries.

11 THE COURT: Hold on just a minute. Let me see
12 your report.

13 THE WITNESS: (Witness complies). It's at the
14 very end.

15 THE COURT: That would be hearsay.

16 THE WITNESS: Thank you.

17 THE COURT: I would sustain that objection.

18 BY MR. RIDDLE:

19 Q After he went to medical, he was brought back?

20 A He was brought back in the restraint chair.

21 Q Fifteen minutes later?

22 A Fifteen minutes.

23 Q Now, Ms. Fullwood asked you about your report and
24 she asked you whether or not you talked about what
25 took place in the cell. I have got another copy of

1 it here. I would direct your attention to this:
2 Sergeant Butler came to room 1C-09 and instructed
3 the inmate to step into the hallway. The inmate
4 did not comply with direct orders and became
5 combative. Is that correct?

6 A Yes.

7 Q And that's in the cell?

8 A Yes, 2:45.

9 Q So that was in the cell. Then you talked about in
10 this report --

11 MS. FULLWOOD: Objection, leading.

12 THE COURT: You can rephrase that question.

13 BY MR. RIDDLE:

14 Q Ms. Fullwood asked you about you only talked about
15 the assault that took place out in the hallway; is
16 that correct?

17 A Yes.

18 Q Does your report actually talk about him being
19 combative in the cell?

20 A Yes, sir.

21 MS. FULLWOOD: Your Honor, he is leading.

22 THE COURT: I would overrule that objection.

23 BY MR. RIDDLE:

24 Q Now, Ms. Williams, are you aware that the video
25 system in the jail sustained a lot of lighting

1 damage?

2 A Not at that time.

3 Q You don't know whether it was there or not?

4 A No.

5 Q Thank you.

6 MR. RIDDLE: That's all I have.

7 THE COURT: Recross, Ms. Fullwood?

8 MS. FULLWOOD: No, Your Honor.

9 THE COURT: Thank you. Let her sit right
10 there just a moment.

11 Ladies and gentlemen of the jury, I think we
12 are going to take a brief, about 15 minutes, recess. I
13 would remind you during this recess, do not discuss this
14 case with anyone, including your fellow jurors.
15 Remember to keep an open mind about the case until you
16 have heard all the evidence and testimony presented.
17 With that you may go with your bailiff.

18 (The jury retires to the jury room).

19 THE COURT: We will take about a 15-minute
20 recess.

21 (Whereupon there is a recess).

22 THE COURT: Anything before we bring our jury
23 in, Solicitor?

24 MR. RIDDLE: No, sir.

25 MS. HAHN: No, Your Honor.

1 (The jury returns to the courtroom).

2 THE COURT: Welcome back. We are now
3 continuing the trial of the case by the presentation of
4 testimony by the State.

5 Solicitor, you may call your next witness.

6 MR. MOBLEY: Thank you, Your Honor. May it
7 please the Court. The State calls Officer Isaac
8 Jackson.

9 THE COURT: Officer Jackson, if you would come
10 around for us, please.

11 ISAAC JACKSON, being
12 first duly sworn, testifies as follows:

13 CLERK: State your full name, spelling your
14 last.

15 THE WITNESS: My name is Isaac Jackson. The
16 last name is J-A-C-K-S-O-N.

17 DIRECT EXAMINATION

18 BY MR. MOBLEY:

19 Q Good morning, Officer Jackson.

20 A How are you doing?

21 Q Where are you currently employed?

22 A Lexington County Detention Center.

23 Q And how long have you been employed there?

24 A Approximately two years and six months.

25 Q Two years and six months?

ISAAC JACKSON -- DIRECT -- MR. MOBLEY

1 A Yes, sir.

2 Q During your time at the Lexington County Detention
3 Center, what has been your position there?

4 A Correctional officer.

5 Q Now, as a correctional officer, did you have to get
6 any type of certification or go through the
7 Criminal Justice Academy?

8 A Yes, sir, I did.

9 Q You did. I will take you back before your
10 employment with the detention center. Where were
11 you employed then?

12 A Orangeburg County Detention Center.

13 Q Orangeburg County?

14 A Yes, sir.

15 Q In the detention center?

16 A Yes, sir.

17 Q How long were you employed there?

18 A Seven years.

19 Q Seven years. Now, at the detention center what
20 were some of your job responsibilities when you
21 were in Orangeburg as it relates to --

22 A Correctional officer.

23 Q A correctional officer as well?

24 A Yes, sir.

25 Q Officer Jackson, can you let us know what an actual

1 correctional officer does?

2 A Yes, sir. We ensure custody, control, and security
3 of the jail, and we make sure they are fed, given
4 medicine, taken to court, and et cetera.

5 Q So in essence you are looking for the well being of
6 the inmates at the facility?

7 A Yes, sir.

8 Q Now, at the Lexington County Detention Center,
9 where is that exactly located?

10 A 521 Gibson Road, Lexington, South Carolina.

11 Q Is that in Lexington County?

12 A Yes, sir.

13 Q It is. Now, what type of training have you
14 received in relation to performing your job duties?

15 A I had to go to the South Carolina Criminal Justice
16 Academy.

17 Q There did they teach you about how to properly
18 restrain inmates?

19 A Yes, sir.

20 Q Did they teach you about how to properly care for
21 the inmates?

22 A Yes, sir.

23 Q Did they teach you about how to properly look out
24 for -- quote, unquote -- red flags for inmates?

25 A Yes, sir.

ISAAC JACKSON -- DIRECT -- MR. MOBLEY

1 Q If I am taking this correctly, you have been a C.O.
2 for a little over -- is it 11 years, 10 years or
3 so?

4 A More than that.

5 Q More than that?

6 A Yes, sir.

7 Q So you are well versed on how to properly carry out
8 your duties?

9 A Yes, sir.

10 Q Mr. Jackson, you are a C.O. over at the Lexington
11 County Detention Center?

12 A (Witness nods). (Indicating affirmative response).

13 Q On the night of January 18, 2008, were you working
14 that day?

15 A Yes, sir.

16 Q When did you come in to work on that night or that
17 day?

18 A My shift starts at approximately 6:00 o'clock p.m.,
19 and we enter at 5:45 to get briefed.

20 Q To get briefed?

21 A Yes, sir.

22 Q Then you go on shift at what time, when you
23 actually go to the floor?

24 A I was assigned to booking that day.

25 Q That day you were assigned to booking?

- 1 A Yes, sir.
- 2 Q Exactly what do you do while you are in booking?
- 3 A Our job at booking is to intake the inmates that
- 4 the officers bring from various counties with
- 5 different charges.
- 6 Q Now, where is the booking -- where is booking
- 7 located in relation to where the inmates are
- 8 located?
- 9 A Booking is located when you come into the jail,
- 10 it's where the sallyport is at. The inmates' cells
- 11 are in a different area. They are not in the
- 12 booking area.
- 13 Q Are you able to keep in contact with individuals,
- 14 the other C.O.s that are on the floor with the
- 15 inmates?
- 16 A Yes, sir, we are in contact with them with a
- 17 two-way radio.
- 18 Q A two-way radio?
- 19 A Yes, sir.
- 20 Q You probably know how to handle that radio?
- 21 A Yes, sir.
- 22 Q Why is that important that you are able to keep in
- 23 contact with those particular officers?
- 24 A That's our line of communication. Also, it helps
- 25 us to keep an eye on -- keep conversation with the

1 officers that are on the floor to let us know if
2 there is an emergency, you know, if someone is
3 being released or someone is coming in or whatever.
4 That is how we find out what is going on in the
5 area.

6 Q So that is your primary communication tool?

7 A Yes, sir, that's how we take count.

8 Q Officer Jackson, let me ask you this -- and you
9 don't have to give an exact number -- how many
10 inmates approximately are assigned to one C.O.?
11 What is the ratio?

12 A It's like a 10 to 1 ratio, and now it's actually
13 about 30 to 40 ratio to 1.

14 Q When you say 30 to 40 to 1, are you saying there is
15 one --

16 A One C.O. to about 40, 50 inmates or more.

17 Q I am going to take you back to January 18, 2008.
18 At that particular time how many C.O.s were there
19 to inmates at the time?

20 MS. FULLWOOD: Your Honor, I will object to
21 this line of testimony on grounds of relevancy.

22 MR. MOBLEY: Your Honor, it will go to safety
23 precautions that they have to take and in requesting
24 others.

25 THE COURT: I will allow you to go into it to

1 a limited extent, Solicitor. Move along with it.

2 MR. MOBLEY: Thank you, Your Honor.

3 BY MR. MOBLEY:

4 Q At that particular time, how many C.O.s were there
5 to how many inmates?

6 A We have a number of officers. It's like 20
7 officers assigned to the shift, and each officer
8 goes to a different area.

9 Q Now, per one officer how many inmates to that one?
10 What is the ratio like we were speaking of earlier?

11 A One to 50.

12 Q One to 50. You get that many. Now, you had an
13 opportunity to come in contact with Mr. Eaglin that
14 night; correct?

15 A Yes, sir.

16 Q Tell us how that came about.

17 A As I said, I was assigned to booking, and they
18 called over the radio, the two-way radio, that they
19 needed assistance on first floor, C. wing, where
20 Mr. Eaglin was housed. Upon arriving we was told,
21 me and Officer Hall, to take the chair down there
22 because Mr. Eaglin had been flooding.

23 Q I'm sorry, he had what now?

24 A He had been flooding his cell area.

25 Q Okay.

ISAAC JACKSON -- DIRECT -- MR. MOBLEY

1 A So once we arrived on C. wing, we noticed there was
2 water all over the floor. Sergeant Butler, myself,
3 and Officer Hall went on C. wing. Officer Williams
4 had already been there and Officer Derrick had
5 already been there. They were already talking to
6 Mr. Eaglin trying to get him to calm down.

7 Q Now, by this point you are there in front of his
8 cell?

9 A Yes, sir.

10 Q You are able to observe these things yourself?

11 A Yes, sir.

12 Q Did it appear that Mr. Eaglin was actually agitated
13 to you?

14 A Yes, sir. He was steady banging on the door and
15 fussing about his mail or something. I don't know
16 exactly what it was. All I know he had done
17 flooded the cell area and he was banging on the
18 door and fussing.

19 Q The Mr. Eaglin that you are speaking of, is he in
20 court today?

21 A Yes, sir.

22 Q Where is he located?

23 A The Defendant is right over there.

24 Q Can you describe him for me.

25 A He has braids in his hair, white shirt,

1 multicolored tie, and he has a goatee.

2 Q Thank you.

3 MR. MOBLEY: Let the Court take note, please,
4 that C.O. Officer Isaac Jackson has pointed out Eaglin
5 as the Defendant.

6 THE COURT: So reflected.

7 MR. MOBLEY: Thank you, your Honor.

8 BY MR. MOBLEY:

9 Q You are in front of the cell?

10 A Yes, sir.

11 Q And go ahead and let us know.

12 A When we approach the cell, normally what we do is
13 first thing is there is a flap on the wing door.
14 What we do is we open the flap on the door, and we
15 speak to the inmate through that flap on the door.

16 Q Okay.

17 A Like I said, I could tell he was agitated once we
18 got called down there for assistance. Sergeant
19 Butler had already explained to us what we had to
20 do.

21 Q Sergeant Butler, is he your immediate supervisor?

22 A Yes, sir, he was the floor supervisor for that
23 night.

24 Q You can go ahead.

25 A When he calls, in other words, he is the housing

1 supervisor. He instructs us what to do and what
2 not to do. When we got down there, we had the
3 chair with us. He already told us that Mr. Eaglin
4 was to be put in the chair, which is the restraint
5 chair with the Velcro straps on it.

6 On the chair you have got the shoulder straps,
7 which comes across your chest. You got the arm
8 straps, the leg straps, and you also got a waist
9 strap that comes across. We gave Mr. Eaglin
10 several direct orders to back up to the back of the
11 cell. This is our procedure. This is the normal
12 procedure.

13 Q Why is that so? Why do you have a procedure that
14 you have them back up?

15 A That gives the inmate time to calm down. Also, if
16 he is not facing us when we told him -- when we
17 give him the order to back up towards the back of
18 the cell, we have him to face the wall. Once we
19 enter we have our cuffs in our hand, and we place
20 them in cuffs behind the back.

21 Q Is that for your safety?

22 A For his safety as well as ours.

23 Q So now you are directing him to back up to the
24 wall?

25 A Yes, sir.

1 Q Excuse me, to face the wall?

2 A Yes, sir.

3 Q The wall is deep within the actual cell?

4 A Yes, sir.

5 Q Is it directly in front or behind the actual cell
6 door?

7 A It's behind the cell door.

8 Q Now, approximately what time was it at night?

9 A Approximately about 2:45 a.m.

10 Q Were the lights on in the cell?

11 A Lights were off. Lights go off at 12:00 o'clock
12 midnight.

13 Q Are there any other lights in the area?

14 A Yes, sir. You have your tier lights, which is the
15 lights that's on the tier. That's a short hallway
16 to get to that area.

17 Q Although the lights are off in the cell, could you
18 still see in the cell from the adjoining lights?

19 A Kind of. You could see at the door. Like I said,
20 you get a little light but not much.

21 Q But you were able to see what you were doing that
22 night?

23 A Yes, sir.

24 MS. FULLWOOD: Objection, leading.

25 THE COURT: You can rephrase the question.

ISAAC JACKSON -- DIRECT -- MR. MOBLEY

1 BY MR. MOBLEY:

2 Q Were you able to see what you were doing that
3 night?

4 A Yes, sir.

5 Q Is there any question that it was Mr. Eaglin?

6 A No, sir.

7 Q Now, you direct him to walk back to the wall?

8 A Yes, sir.

9 Q Tell us what happens next.

10 A We direct him to step to the back of the cell and
11 face the back of the cell. Upon entering, opening
12 the door and entering the cell, I instructed
13 Mr. Eaglin to place his hands behind him.
14 Mr. Eaglin still was agitated somewhat. However, I
15 told him that I need to put the cuffs on him.

16 When I entered the cell to put the cuffs on
17 Mr. Eaglin, he decided to turn around and swing on
18 me with a closed fist, striking me to the left of
19 my face, left side of my face and my shoulder.

20 Q Mr. Jackson, how far away were you when Mr. Eaglin
21 decides to turn on you?

22 A Arm length.

23 Q Arm length?

24 A Yes, sir.

25 Q So he decides to turn around on you and attempt to

- 1 strike you?
- 2 A Yes, sir.
- 3 Q Did he?
- 4 A Yes, sir, he made contact with the left side of my
5 face and my shoulder area.
- 6 Q So how many times did he actually hit you at this
7 time?
- 8 A Several times.
- 9 Q Several times. And this was in the cell?
- 10 A Yes, sir.
- 11 Q How do you know it was a closed fist?
- 12 A The light from the corridor area entering the cell.
13 We had the door open and the light on in the
14 hallway.
- 15 Q Did it feel like a slap?
- 16 A No, sir.
- 17 Q Did it feel like a punch?
- 18 A Yes, sir.
- 19 Q Were you stunned?
- 20 A Yes, sir.
- 21 Q Tell me what you did next.
- 22 A I attempted to push Mr. Eaglin to the back of the
23 cell to gain control of him to place the cuffs on
24 him. However, when he struck me, he stun me and
25 the cuffs went to the floor.

ISAAC JACKSON -- DIRECT -- MR. MOBLEY

1 Q So he struck you so hard you actually dropped --

2 MS. FULLWOOD: Objection, Your Honor.

3 THE COURT: Rephrase the question, Solicitor.

4 BY MR. MOBLEY:

5 Q When Mr. Eaglin struck you, did you drop anything?

6 A Yes, sir, I dropped the cuffs.

7 Q Was it as a result of the blow?

8 A Yes, sir.

9 Q Go ahead and proceed.

10 A Once I dropped the cuffs, I then still tried to
11 gain control of Mr. Eaglin to stop his assault;
12 however, he continued. The struggle became more
13 intense. We ended up on the bed, on his bed area,
14 and I still tried to put his arms behind him.
15 That's when Mr. Hall entered the cell to assist me.

16 Q Let me stop you here, Officer Jackson. You seem
17 like a fairly size man, far bigger than me.

18 A Yes, sir.

19 Q You could not handle Mr. Eaglin yourself?

20 A Well, sir, when you are -- I had no intentions, no
21 notice that Mr. Eaglin was going to assault me.
22 Even though he was agitated, me and this young man
23 never had any dealings before. This was the first
24 time I ever met Mr. Eaglin.

25 Q While you were attempting to gain control of

1 Mr. Eaglin, was it difficult?

2 A Yes, sir. It was wet. He was slippery. I was
3 slippery. The floor had water on it. So during
4 the struggle, I am trying to gain control of him
5 constantly, and it was no way of doing that.

6 Q So you weren't able to gain control because of the
7 slipperiness?

8 A No, sir.

9 Q So you all are placed on the bed still struggling?

10 A Yes, sir.

11 Q Then what happens?

12 A Mr. Hall enters. Once Officer Hall enters, he
13 tried to assist me by grabbing one arm. I tried to
14 grab the other arm. Mr. Eaglin still struggled.
15 We tried to get him outside of his cell because
16 Sergeant Butler told us to bring him outside to
17 place him in the chair. Mr. Eaglin continued to
18 struggle during this period swinging with his arms.
19 He broke loose and he struck Mr. Hall about the
20 face.

21 Q And once he struck Mr. Hall, what did you all do
22 next?

23 A We then tried -- we was trying to put him in the
24 restraint chair. However, trying to put him in the
25 restraint chair, Mr. Eaglin still continued. So

1 our normal procedure is to take the inmate to the
2 floor to put the cuffs on him.

3 Q So you all never made it to place Mr. Eaglin in
4 that restraint chair?

5 A No, sir, not at that time.

6 Q Were you able to take him down to the floor?

7 A We finally got him to the floor with the assistance
8 of Officer Williams and Sergeant Butler.

9 Q Did you feel like it was necessary in order to take
10 him to the floor at that time?

11 A Yes, sir.

12 Q So you took him to the floor?

13 A Yes, sir.

14 Q Tell me what happened.

15 A Once we got him to the floor, he continued to
16 struggle. Mr. Eaglin refused to comply with
17 orders, the direct orders that were given several
18 times before and during the struggle.

19 Once we got him cuffed, we then tried to place
20 him in the chair. However, we only had one arm
21 cuffed. Mr. Eaglin took his right hand and strike
22 me about the face again.

23 The struggle ensued again. Once we finally
24 was able to get him cuffed, we placed him in the
25 chair and strapped him in. That's when medical was

1. called to check out his injuries.

2 Q We are going to back up a little. When you were on
3 the floor with Mr. Eaglin, who else was on the
4 floor with you and Mr. Eaglin?

5 A Myself, Mr. Hall, Ms. Williams, and also Sergeant
6 Butler.

7 Q It took that many people?

8 A Yes, sir, he was very agitated.

9 Q Still fighting?

10 A Yes, sir.

11 Q Trying to wiggle out?

12 A Yes, sir.

13 Q Is there any point during the time when you all
14 were on the ground that you had to use some other
15 type of force?

16 A Yes, sir, Sergeant Butler had to employ the taser
17 to stop Mr. Eaglin's actions. He gave Mr. Eaglin a
18 five-second burst the first shot of the taser, and
19 Mr. Eaglin still struggled. So he had to give
20 Mr. Eaglin a second shot to stop his assaultive
21 actions.

22 Q Now, Mr. Jackson, have you ever been tased before?

23 A Yes, sir.

24 Q Would you have thought, based on your knowledge and
25 experience as a correctional officer, that the

1 first burst would have made him stop?

2 A I would think so, sir.

3 Q Now, when Sergeant Butler deploys the actual taser,
4 are you all in a wet area?

5 A Yes, sir, water is all over the floor from him
6 flooding. He flooded other cells, too.

7 Q On the floor y'all are out in the corridor, right,
8 you are not in the cell?

9 A Yes, sir, we are out in the corridor.

10 Q So all of you are on top of him trying to restrain
11 him?

12 A Yes, sir.

13 MS. FULLWOOD: Objection leading.

14 THE COURT: If you would rephrase the
15 question, Solicitor.

16 BY MR. MOBLEY:

17 Q Is everyone on top of Mr. Eaglin?

18 A Yes, sir, trying to gain control of him.

19 Q When the taser is deployed, does it hit Mr. Eaglin?

20 A Yes, sir, it is striking him to his thigh area.

21 Q Now, he does it once, gets tased once?

22 A Yes, sir.

23 MS. FULLWOOD: Objection, leading.

24 MR. MOBLEY: He has already testified to that.

25 THE COURT: You can rephrase the question,

1 Solicitor.

2 BY MR. MOBLEY:

3 Q How many times does he get tased?

4 A He got tased the first time to stop his actions,
5 and he was told if he did not stop his actions, he
6 would get tased again by Sergeant Butler.

7 Q During these two periods were you all ever tased
8 because of this?

9 A Yes, sir. Being in that water, the electricity
10 travels.

11 Q So you felt the same effects --

12 A Yes, sir.

13 Q -- that Mr. Eaglin felt?

14 A Yes, sir.

15 Q So after the second taser what happened?

16 A He complied. He placed his hands behind him. He
17 was cuffed. He was placed in the chair. Then he
18 was strapped down by the Velcro straps and the
19 safety belts. Then the nurse was called to the
20 floor to check him. However, we had to take him to
21 the medical area which is our infirmary to have him
22 checked.

23 Q Were you present when he was taken there?

24 A No, sir. Officer Derrick escorted him there,
25 rolled him there in the chair.

ISAAC JACKSON -- DIRECT -- MR. MOBLEY

1 Q When was the next time you saw Mr. Eaglin?

2 A When he was being rolled back to the floor.

3 Q Approximately how long was that after?

4 A About 15, 20 minutes.

5 Q Not long?

6 A No, sir.

7 Q Now, Officer Jackson, in this particular area, are
8 there any video cameras that are visible?

9 A Yes, sir.

10 Q There are?

11 A Yes, sir.

12 Q From your own knowledge on this date of the
13 incident, are you aware of whether the camera was
14 working?

15 A No, sir, I wasn't aware whether it was working or
16 not.

17 Q You did not know?

18 A No, sir.

19 MR. MOBLEY: Beg the Court's indulgence,
20 please.

21 THE COURT: Yes, sir.

22 (Pause).

23 BY MR. MOBLEY:

24 Q Mr. Jackson, did you receive any medical help that
25 night?

1 A Yes, sir.

2 Q You did?

3 A I reported to the infirmary as well after they
4 checked Mr. Eaglin.

5 Q Once you were checked out, what was the diagnosis?
6 Was there any?

7 A I had a slight bruise to my left side of my face,
8 but that's about it.

9 Q You didn't need any emergency help?

10 A No, sir.

11 Q Mr. Jackson, are you currently being sued at this
12 very moment?

13 A Yes, sir.

14 Q Who are you being sued by?

15 A By the Defendant.

16 Q Is it based off this incident?

17 A Yes, sir.

18 Q Is he asking for a whole lot of money?

19 MS. FULLWOOD: Objection, Your Honor.

20 THE COURT: I would overrule the objection.

21 BY MR. MOBLEY:

22 Q You can answer, Mr. Jackson.

23 A Yes, sir.

24 MR. MOBLEY: Nothing further, Your Honor.

25 THE COURT: Thank you, Solicitor.

ISAAC JACKSON -- CROSS -- MS. FULLWOOD

1 Ms. Fullwood.

2 MS. FULLWOOD: Thank you, Your Honor.

3 CROSS EXAMINATION

4 BY MS. FULLWOOD:

5 Q Officer Jackson, you have been a C.O. a long time?

6 A Yes, ma'am.

7 Q So you know what you are doing there, right?

8 A Pretty much, ma'am.

9 Q The procedures you folks follow and the technology
10 you are given to use is there because basically
11 your goals are to protect and keep save the public,
12 the personnel at the detention centers, and the
13 prisoners?

14 A Yes.

15 Q Is that basically an overall summary --

16 A Yes.

17 Q -- of what corrections is all about?

18 A Yes, ma'am.

19 Q Just sort of to summarize it, basically what you
20 are telling us is that you were struck on the cheek
21 and shoulder in the cell and then struck --

22 A Outside the cell.

23 Q Outside the cell?

24 A Yes, ma'am.

25 Q And this happened in a dark cell with no lights in

1 it, correct?

2 A Yes, ma'am.

3 Q And then in a corridor with what you call tier
4 lighting?

5 A Yes, ma'am.

6 Q What do you mean by tier lighting?

7 A It's basically just as you have here, where the
8 light is going down the corridor.

9 Q Do you know the wattage of the light bulbs in
10 there?

11 A No, ma'am.

12 Q Is it as bright as this courtroom or a little bit
13 dimmer?

14 A Just a little bit dimmer.

15 Q How long do you think you and the other officers
16 were in the cell itself?

17 A I can't really say, ma'am.

18 Q Well, things were happening pretty fast; right?

19 A Yes, ma'am.

20 Q This is really probably not more than two, three,
21 four minutes that y'all are in there?

22 A I can't really say. All I can tell you is that
23 however long it takes to extract the inmate from
24 the cell.

25 Q And how long do you think you were struggling on

- 1 the floor or otherwise out in the corridor?
- 2 A Could be five, could be ten minutes or more.
- 3 Q Could it have been less than five?
- 4 A I don't think it was less than five, ma'am.
- 5 Q You are not required to keep records of that, how
- 6 long incidents last --
- 7 A No, ma'am.
- 8 Q -- or anything of that nature? Now, you wrote this
- 9 up as a serious incident, correct, after it
- 10 happened?
- 11 A Yes, ma'am.
- 12 Q And have you had a chance to look at your report --
- 13 A Yes, ma'am.
- 14 Q -- in getting ready for trial. In your report you
- 15 do not state that Mr. Eaglin struck you on the
- 16 shoulder and in the face while you were in the
- 17 cell, do you?
- 18 A No, ma'am, I do not.
- 19 Q Granted you do say that he was combative, right?
- 20 A Yes, ma'am.
- 21 Q But then you go on and say specifically that while
- 22 you were trying to put him or trying to secure him
- 23 in the restraint chair -- and that would be in the
- 24 corridor, right?
- 25 A Right.

1 Q That he struck you in the face and on your arm?

2 A Yes, ma'am.

3 Q You are testifying here today that he struck you on
4 the face and arm in the cell, too?

5 A Yes, ma'am.

6 Q But in the report you didn't specifically say that
7 you were struck in those areas while you were in
8 the cell, did you?

9 A No, ma'am.

10 MS. FULLWOOD: Beg the Court's indulgence.

11 THE COURT: Yes, ma'am.

12 (Pause)..

13 MS. FULLWOOD: No further questions, Your
14 Honor.

15 THE COURT: Anything in redirect, Solicitor?

16 MR. MOBLEY: Nothing Your Honor.

17 THE COURT: Thank you very much, Officer
18 Jackson. You may step down.

19 (Witness leaves the witness stand).

20 THE COURT: Solicitor, you may call your next
21 witness.

22 MR. MOBLEY: The State calls Troy Hall,
23 Officer Troy Hall.

24 TROY HALL, being
25 first duly sworn, testifies as follows:

TROY HALL -- DIRECT -- MR. MOBLEY

1 CLERK: State your full name, spelling your
2 last on the record.

3 THE WITNESS: My name is Troy Hall, H-A-L-L.

4 DIRECT EXAMINATION

5 BY MR. MOBLEY:

6 Q Officer Hall, where are you currently employed?

7 A Lexington County Detention Center.

8 Q And how long have you been employed there?

9 A Four and a half years.

10 Q And during the course of the four and a half years,
11 what has been your position there?

12 A Correctional officer.

13 Q Now, is this your first stint being a correctional
14 officer?

15 A No, sir.

16 Q Where were you employed before Lexington County
17 Detention Center?

18 A South Carolina Department of Corrections at Goodman
19 Correctional Institution, Kirkland, and Walden.

20 Q So several other correctional institutions?

21 A Yes, sir.

22 Q Now, did you receive any certification through the
23 Criminal Justice Academy?

24 A Yes, sir.

25 Q Approximately -- and we just need roundabout

- 1 figures -- how many years have you been a
2 correctional officer throughout those stints?
- 3 A Nine and a half years.
- 4 Q Nine and a half years?
- 5 A (Witness nods). (Indicating affirmative response).
- 6 Q So you've had a great opportunity to deal with
7 numerous inmates?
- 8 A Oh, yes, sir.
- 9 Q Now, during your course of employment as well as
10 your training, were you trained to properly
11 restrain inmates?
- 12 A Yes, sir.
- 13 Q Were you taught what to look for when using that
14 type force?
- 15 A Yes, sir.
- 16 Q Have you utilized it over the years?
- 17 A Yes, sir.
- 18 Q I will take you back to January 18, 2008. Were you
19 working then?
- 20 A Yes, sir.
- 21 Q Where were you working?
- 22 A Booking.
- 23 Q And in what location?
- 24 A Booking is where the inmates, when they first come
25 into the detention center, various municipalities,

TROY HALL -- DIRECT -- MR. MOBLEY

- 1 counties, bring them to the detention center. I
2 was the intake officer that night.
- 3 Q Just to put clarification on it, you were in
4 booking at the detention center?
- 5 A Yes, sir.
- 6 Q Is that here in Lexington County?
- 7 A Yes, sir.
- 8 Q So what time did you come on shift that night?
- 9 A Six o'clock.
- 10 Q Six o'clock?
- 11 A Yes, sir.
- 12 Q You went directly to booking?
- 13 A Yes, sir.
- 14 Q Throughout the night you were just doing your
15 normal duties in booking?
- 16 A Yes, sir, doing my intakes and stuff of that
17 nature.
- 18 Q Did you have an opportunity to encounter
19 Mr. Eaglin?
- 20 A Prior to that night, no, I had no knowledge of him,
21 never met him. I didn't even know him.
- 22 Q Now you know Mr. Eaglin?
- 23 A Oh, yes, sir.
- 24 Q As a result of that night?
- 25 A Yes, sir.

1 Q Tell us what happened that night.

2 A That night I was working booking. I was doing some
3 intake. It got very busy. It was on Thursday
4 night. Sergeant Butler and Jackson approached me
5 and said, We need you on first floor. We've got an
6 inmate that is very uncooperative. He's not
7 following our directives.

8 So I followed him down to the first floor.
9 Jackson opened the flap and tried to reasonably
10 talk to him a little bit, but he was standing there
11 talking about his mail, wanting to talk about his
12 mail. Sergeant Butler then gave a directive to
13 Officer Williams to open the door.

14 Q Are you there at this time when this exchange is
15 going on?

16 A Yes.

17 Q Go ahead.

18 A She opens the door and Sergeant Butler and Officer
19 Jackson are both giving him orders to turn and be
20 handcuffed. He is refusing to do that. He is
21 still standing there holding his mail, wanting to
22 talk about his mail.

23 What's going on? What's up? What's up, to
24 that nature. Officer Jackson then goes to handcuff
25 him and a struggle breaks out between him and

TROY HALL -- DIRECT -- MR. MOBLEY

1 Officer Jackson.

2 Q Where are you in relation to where the struggle is?

3 A I am standing outside the door, outside the cell in
4 the hallway.

5 Q And when the struggle between Mr. Eaglin and
6 Mr. Jackson occurs?

7 A It's inside of the cell.

8 Q So go ahead and tell us what you see.

9 A I entered the cell and started struggling with them
10 to get him under control.

11 Q Why did you enter the cell at that time?

12 A I see one of my fellows officers in a struggle with
13 an inmate. It's for his safety and for ours.

14 Q Is that typically what you all would do?

15 A Yes, sir.

16 Q Continue.

17 A I entered the cell. I helped secure one of his
18 arms. A brief little struggle breaks out between
19 me and Jackson and Eaglin. Well, of a sudden he
20 kind of sits on the bed and says, I give up. I
21 give up. You got me. You got me. So Jackson
22 secures an arm. I secure an arm. I try to execute
23 a transport wrist lock.

24 Q What is that?

25 A It's a lock that applies a little pain. It gets

1 them to fellow our directives.

2 Q What kind of wrist lock would apply a little pain?

3 A It applies enough pain to get them to comply to our
4 directives.

5 MR. MOBLEY: Your Honor, if I can have --

6 THE COURT: You want him to show you,
7 Solicitor?

8 MR. MOBLEY: Yes, sir.

9 THE COURT: Please.

10 (Witness leaves the witness stand).

11 BY MR. MOBLEY:

12 Q Don't hurt me. You can demonstrate if you would
13 like for the jury.

14 A All we do is apply a little pressure to the wrist
15 here (indicating) and you will get a little pain.

16 Q Oh.

17 A You got it.

18 Q So where did you place -- were you utilizing this
19 when you had Mr. Eaglin inside the cell?

20 A Yes, I tried to.

21 Q You tried to?

22 A I tried to.

23 Q So show me exactly what you did, without applying
24 the same force, but just to demonstrate to the
25 jury.

TROY HALL -- DIRECT -- MR. MOBLEY

1 A All I did was try to get him under control. I
2 tried to hold him like this, but I could not.

3 Q Why couldn't you? You have been properly trained
4 in this restraint type hold.

5 A It appeared to me that he was very double jointed,
6 and he was very slippery because he was wet. He
7 was constantly getting his hand out, constantly. I
8 couldn't.

9 Q Now, how would double jointed play into not being
10 able to get a restraint hold on him?

11 A A double jointed person won't work.

12 Q Why is that?

13 A You can pull all you want, but some people if you
14 take their wrist, it won't ever work.

15 Q So it didn't work on Mr. Eaglin?

16 A No, it did not.

17 Q You can have a seat on the stand.

18 A (Witness resumes the witness stand).

19 Q So you tried to place the wrist lock on Mr. Eaglin
20 at the time?

21 A Yes, sir.

22 Q And he was able to somehow maneuver out of it?

23 A Yes, he was constantly just getting his hands out
24 of it. He was constantly. Finally I just grabbed
25 his arm, and Sergeant Butler gives the order, Bring

1 him out and put him in the restraint chair.

2 Q Then what happened?

3 A We escort him out, put him in the restraint chair.
4 He is being somewhat compliant, somewhat. At that
5 time we put him in the restraint chair. For some
6 reason something -- I don't know what it was. They
7 were dealing with his roommate or something.
8 Something happened in the cell.

9 I kind of turned for a minute, like what is
10 going on. The next think I know, he jumps up and
11 he starts wailing on Officer Jackson. He starts
12 punching him.

13 Q Officer Hall, you stated there was something going
14 on with his roommate. Where was his roommate in
15 relation to where this was occurring at?

16 A At that time I'm not a 100 percent sure. I don't
17 know. Something went on in the cell with Butler
18 and Williams and Officer Derrick. They were doing
19 something. For some reason I just turned my
20 attention for a second, like, What is going on?

21 Q Okay.

22 A That's when he broke lose from Officer Jackson's
23 hold.

24 Q That was Mr. Eaglin?

25 A Yes.

TROY HALL --- DIRECT -- MR. MOBLEY

1 Q Now, Mr. Eaglin that you were tussling with at the
2 time, is he in the courtroom today?

3 A Yes, he is.

4 Q Where is he located?

5 A He is the Defendant right over there (indicating).

6 Q Can you describe him for me.

7 A He is a black male about six foot tall, black
8 braided hair and he's got a multicolored tie.

9 MR. MOBLEY: I would like the Court to take
10 notice that he pointed out the Defendant, Your Honor.

11 THE COURT: So reflected.

12 BY MR. MOBLEY:

13 Q So, Mr. Hall, what happens next?

14 A After he strikes me and officer -- well, first he
15 started punching Officer Jackson to the point where
16 Officer Jackson was like this (indicating), trying
17 to protect himself. I tried to go get him to
18 restrain him, and he turns and pops me -- punches
19 me in the face.

20 Q So did it look like Officer Jackson was in trouble
21 by the time you came to assist?

22 A Oh, yes, he was in trouble.

23 Q You say he was wailing on him. What do you mean by
24 that?

25 A He was what now?

- 1 Q When you say that he was wailing on him -- did you
2 say that?
- 3 A He was repeatedly just punching him, just
4 repeatedly.
- 5 Q And you saw him connecting with Officer Jackson?
- 6 A Oh, yes.
- 7 Q He turned his attention from Officer Jackson and he
8 does what?
- 9 A He punches me one time.
- 10 Q You caught one as well?
- 11 A Yes, sir.
- 12 Q Then what happened?
- 13 A Somehow we all get him on the floor. We just piled
14 on top of him. The whole time he's still
15 struggling. He's pushing, kicking. He's
16 struggling. Somebody is still giving him direct
17 orders, Stop resisting. Stop resisting. I will
18 tase you. I don't know who was saying that. I was
19 trying to get him under control by placing my body
20 weight across his.
- 21 Q Across Mr. Eaglin?
- 22 A Yes, sir.
- 23 Q Was there anybody else helping you with trying to
24 restrain him on the floor?
- 25 A Yes, Officer Jackson, Sergeant Butler, and Officer

TROY HALL -- DIRECT -- MR. MOBLEY

1 Williams.

2 Q You heard that, Stop or I'm going to tase you?

3 A Yes. I don't know who was saying it but somebody
4 did say that.

5 Q You all were still struggling on the ground?

6 A Yes, sir.

7 Q Then what happened?

8 A Sergeant Butler -- I believe Sergeant Butler tased
9 him. I heard the taser go off and he continued to
10 resist, pushing, trying to kick us. Sergeant
11 Butler told him again, If you don't stop, I will
12 tase you again. He tased him a second time.

13 Q The second time, were you all surrounded by water?

14 A Yes, sir.

15 Q Did you feel the effects of the taser?

16 A That night I did not.

17 Q You did not?

18 A I did not.

19 Q So after they employed the taser the second time?

20 A He complied with our orders.

21 Q He complied. Then what did you all do next?

22 A We handcuffed him. We set him up, placed him in
23 the restraint chair. We placed both shoulder
24 straps and wrist straps, and Sergeant Butler said,
25 Pull him out into the dayroom so we will have a

- 1 little more room to complete restraining him. We
2 completed restraining him in the restraint chair.
3 We applied the wrist straps and ankle straps.
- 4 Q Once you all placed him in the restraint chair, did
5 you take him anywhere?
- 6 A He was then taken to medical by Officer Derrick and
7 Sergeant Butler.
- 8 Q You did not go with them at the time?
- 9 A No.
- 10 Q Where were you at that time while they were taking
11 him to medical?
- 12 A I was in booking, returning back to my duties in
13 booking.
- 14 Q Did you ever see Mr. Eaglin again that night?
- 15 A No, I did not.
- 16 Q You did not?
- 17 A No.
- 18 Q Before they took him to medical, did you observe
19 any injuries?
- 20 A I did not.
- 21 Q To Mr. Eaglin?
- 22 A No, sir.
- 23 Q You did not. Officer Hall, are you aware of any
24 videotaping equipment in that area of the jail?
- 25 A No, sir, none that I know of.

TROY HALL -- CROSS -- MS. HAHN

1 Q Is there an actual setup there for one to be
2 placed?

3 A Yes, there is one set up to be there. As far as my
4 knowledge that night, the camera was not working.

5 Q But you are aware -- you are aware of the setup?

6 A Yes, sir.

7 Q But that night --

8 A Yes, sir.

9 Q -- you are not aware it was working?

10 A Yes, sir.

11 MR. MOBLEY: Beg the Court's indulgence, Your
12 Honor.

13 THE COURT: Yes, sir.

14 (Pause).

15 MR. MOBLEY: Nothing further, Your Honor.

16 THE COURT: Thank you, Solicitor. Ms. Hahn.

17 MS. HAHN: Thank you, Your Honor.

18 CROSS EXAMINATION

19 BY MS. HAHN:

20 Q Officer Hall, you said that you had been working at
21 the detention center about how long when the
22 incident occurred?

23 A At that time about three years.

24 Q And you had been at several different institutions
25 in the past nine and a half years, correct?

- 1 A Yes, ma'am.
- 2 Q You said you were normally stationed in -- or on
- 3 this night you were stationed in booking, correct?
- 4 A Yes, ma'am.
- 5 Q During the course of your duties, are you stationed
- 6 on C. wing ever?
- 7 A I was, yes, ma'am in the past.
- 8 Q So do you have some familiarity with Mr. Eaglin?
- 9 A No.
- 10 Q So you are not aware of his mental issues of
- 11 anything like that, are you?
- 12 A No.
- 13 Q Now, on the night this happened, you responded to
- 14 help Officer Derrick; is that correct?
- 15 A Officer Derrick and Officer Williams.
- 16 Q And Officer Williams, excuse me. And you got there
- 17 to help put Mr. Eaglin in the restraint chair,
- 18 correct?
- 19 A Yes, ma'am.
- 20 Q And when you got there, was the water off?
- 21 A I do not know.
- 22 Q You are not sure. How about this, do you remember
- 23 how much water was in the cell or how deep the
- 24 water was in there?
- 25 A About an inch.

TROY HALL -- CROSS -- MS. HAHN

1 Q Was that just in the cell or in the hallway?

2 A It was everywhere.

3 Q You mentioned that Mr. Eaglin was combative.

4 Exactly what was he doing that you considered to be
5 combative?

6 A When Officer Jackson went to restrain him, he
7 turned toward Officer Jackson, and they began to
8 struggle. They began to wrestle.

9 Q Okay.

10 A He was non-compliant.

11 Q Officer, how tall are you?

12 A How tall am I?

13 Q Yes.

14 A I'm five-ten.

15 Q And your testimony was that Mr. Eaglin is six feet
16 tall?

17 A Yes, ma'am.

18 Q And about how much did you weigh at the time?

19 A About 260, 265.

20 Q How much do you think that he weighed at the time?

21 A About 200-pounds.

22 Q Okay. Now, you talked about putting him into the
23 restraint chair, and I believe that you talked
24 about how you and Officer Jackson each took an arm
25 to try to put him in the chair; is that correct?

- 1 A Yes, ma'am.
- 2 Q And you are trained in the use of force continuum,
3 correct?
- 4 A Yes, ma'am.
- 5 Q And basically that's --
- 6 A One plus one.
- 7 Q Right. Basically the idea is you are not supposed
8 to use an unreasonable amount of force against a
9 suspect, correct?
- 10 A Correct.
- 11 Q And it's also the Sheriff's Department policy, I
12 believe, that the policy is to use only the
13 reasonable --
- 14 A Amount of force.
- 15 Q Reasonable and necessary to accomplish a lawful
16 objective, correct?
- 17 A Yes, ma'am.
- 18 Q So you know that you are not supposed to use too
19 much force, right?
- 20 A Yes, ma'am.
- 21 Q Now, when this all happened, you said the restraint
22 chair was out in the hall; correct?
- 23 A Yes, ma'am.
- 24 Q So y'all are taking Mr. Eaglin out into the hall to
25 put him into the chair, correct?

TROY HALL -- CROSS -- MS. HAHN

1 A Yes, ma'am.

2 Q And you said your attention was distracted for just
3 a second, and somehow he was able to break free of
4 both of y'all; is that correct?

5 A Yes, ma'am.

6 Q And you said he was able to hit you in the face?

7 A Yes, ma'am.

8 Q Did you have any kind of injury?

9 A I had a slight abrasion up under my eye.

10 Q You are saying a 200-pound man punched you in the
11 eye, and you had a small abrasion; is that correct?

12 A Yes, ma'am.

13 Q Do you know whether any photographs were taken of
14 your injuries?

15 A Yes, there was.

16 Q Did you have to have any kind of medical treatment
17 after that?

18 A I saw the medical staff there at the jail. I was
19 never taken to the hospital or anything like that.

20 Q Did they give you any kind of medication?

21 A No.

22 Q Or wound dressing?

23 A No.

24 Q Let's go back to the time when Mr. Eaglin, right
25 after you tried to put him in the restraint chair

- 1 and he broke free, at that point how did you take
2 him to the ground?
- 3 A I got hit. When I got hit, I got tased and somehow
4 we ended up on the floor. I do not know exactly
5 how we got on the floor.
- 6 Q But in your report, I believe, you told how -- you
7 kind of explained what happened, right?
- 8 A In my report, yes, I did.
- 9 Q And in your report you said that you placed him to
10 the floor; is that correct?
- 11 A Yes, ma'am, we all did.
- 12 Q So even though you were tased, you were able to
13 write that in your report; right?
- 14 A Yes, ma'am.
- 15 Q Now, it's my understanding that you are also a
16 defendant in a federal lawsuit that is pending;
17 correct?
- 18 A Yes.
- 19 Q And that you had to prepare some other statements,
20 either in response to that litigation or based on
21 the internal investigation done on y'all; correct?
- 22 A Yes, ma'am.
- 23 Q And I believe that you made a statement in April of
24 2008. Have you had a chance to review this
25 statement that you made?

1 A I haven't had a chance to look over it, no, ma'am.

2 Q I will direct you to this part and ask you if you
3 remember what you said here.

4 A This line right here (indicating)?

5 Q Right here (indicating).

6 A We took the inmate to the floor face first.

7 Q So you are saying in this statement that you wrote
8 on April 23rd, you said that you took the inmate to
9 the floor face first; correct?

10 A Yes.

11 Q And then I will direct your attention to this
12 further part, that line (indicating). In that
13 statement did you also say that you secured his
14 face to the floor?

15 A To the best of my ability, yes, ma'am.

16 Q So today you are saying you don't remember what
17 happened and in the April statement, you say you
18 took him to the floor face first and secured his
19 face to the floor. In your other statement you
20 said that you placed him on the floor; is that
21 correct?

22 A Yes, ma'am.

23 Q When y'all had him on the floor, all of you on top
24 of him; is that correct?

25 A Yes, ma'am.

1 Q And were you in a position to observe Officer
2 Butler deploy the taser?

3 A No, I was not.

4 Q So you didn't actually see the tasing?

5 A No.

6 Q Are you aware of how many times -- were you able to
7 hear how many times the taser went off?

8 A Two bursts.

9 Q Two bursts?

10 A Two bursts.

11 MS. HAHN: Your Honor, beg the Court's
12 indulgence.

13 THE COURT: Yes, ma'am.

14 (Pause).

15 MS. HAHN: No further questions, Your Honor.

16 THE COURT: Thank you. Redirect, Solicitor?

17 MR. MOBLEY: Thank you, Your Honor.

18 **REDIRECT EXAMINATION**

19 BY MR. MOBLEY:

20 Q Officer Hall, when you went to work that evening,
21 did you imagine becoming a punching bag?

22 A No, I did not.

23 MS. HAHN: Objection, Your Honor.

24 THE COURT: I sustain the objection. If you
25 would disregard that, ladies and gentlemen.

TROY HALL -- REDIRECT -- MR. MOBLEY

1 BY MR. MOBLEY:

2 Q Officer Jackson -- excuse me -- Officer Hall, there
3 was an internal investigation that was conducted;
4 right?

5 A Yes.

6 Q Were you exonerated?

7 A Yes, we were.

8 Q Officer Hall, you are currently involved in a
9 federal lawsuit; correct?

10 A Yes, sir.

11 Q That Ms. Hahn was speaking of, correct?

12 A Yes.

13 Q Is that by Mr. Eaglin as well?

14 A Yes, it is.

15 Q He is asking for a lot of money?

16 A A lot, yes, sir.

17 Q Is that in response to you carrying out your
18 everyday duties?

19 A Yes, sir.

20 Q Now, during your training that you received and in
21 your experience as C.O., the use of force is used
22 for what?

23 A Controlling an inmate.

24 MS. HAHN: Objection, Your Honor.

25 THE COURT: I will allow the question.

1 Q Go ahead.

2 A It's used to control them, to get them to follow
3 directive orders, to follow the rules.

4 Q Now, do you all do that to get away with doing some
5 type of other force, like a deadly force?

6 A No.

7 Q So in order to make Mr. Eaglin comply, you had to
8 use something you were trained upon?

9 A Yes.

10 MS. HAHN: Objection, Your Honor, leading.

11 THE COURT: I overrule the objection.

12 BY MR. MOBLEY:

13 Q I'm sorry, go ahead.

14 A Yes.

15 Q Did he comply?

16 A No, not at first.

17 Q Not at first. But eventually did he comply?

18 A Yes, sir.

19 MR. MOBLEY: Nothing further, Your Honor.

20 THE COURT: Recross, Ms. Hahn?

21 MS. HAHN: No, Your Honor.

22 THE COURT: Thank you, Officer Hall. You may
23 step down.

24 (Witness leaves the witness stand).

25 THE COURT: Solicitor, you may call your next

1 witness..

2 MR. RIDDLE: We call Sergeant Barrington
3 Butler to the stand.

4 THE COURT: The jury may recall I had Sergeant
5 Butler and Mr. Derrick, I believe, outside the courtroom
6 during this procedure. That's why there is a delay.

7 BARRINGTON BUTLER, being
8 first duly sworn, testifies as follows:

9 CLERK: State your full name, spelling your
10 last on the record, please.

11 THE WITNESS: My name is Barrington Butler. I
12 was the supervisor employed with Lexington County at the
13 time of the incident.

14 DIRECT EXAMINATION

15 BY MR. RIDDLE:

16 Q Let me ask you a question, Mr. Butler. Where do
17 you live now?

18 A I live in Richland County, sir, in Columbia.

19 Q And you were employed at the Lexington County
20 Detention Center?

21 A Yes, sir.

22 Q And you have subsequently retired; is that correct?

23 A Yes, sir.

24 Q And how long did you work in the area of
25 corrections?

- 1 A A total of 12 years.
- 2 Q Twelve years?
- 3 A Yes, sir.
- 4 Q How long, of those 12, were you with Lexington
- 5 County?
- 6 A Eleven.
- 7 Q Eleven of the 12?
- 8 A Yes, sir.
- 9 Q Did you retire from Lexington County?
- 10 A Yes, sir.
- 11 Q When you started at the Lexington County Detention
- 12 Center, what was your job title then?
- 13 A I was an officer, detention officer.
- 14 Q How long did you remain a detention officer before
- 15 you got promoted?
- 16 A I got promoted twice. Within four years I was
- 17 promoted to junior supervisor which was a corporal.
- 18 Q Okay.
- 19 A And between the fifth and sixth year, I got
- 20 promoted to sergeant.
- 21 Q And you retired as a sergeant?
- 22 A Yes, sir.
- 23 Q And as a sergeant would you have supervisory duties
- 24 over other correctional officers?
- 25 A Yes, sir.

BARRINGTON BUTLER -- DIRECT -- MR. RIDDLE

1 Q And approximately how many folks would be working
2 for you at any given time?

3 A Average of 17.

4 Q Seventeen?

5 A Yes, sir.

6 Q Were you, as the sergeant, would you be the senior
7 man on any given shift at the detention center?

8 A Yes, sir. During the time I worked, I was the
9 senior individual in the jail. My supervisor --
10 all the supervisors that was supervising me were
11 not in jail at that time. They would have to be
12 called in.

13 Q So you are the senior man --

14 A Yes, sir.

15 Q -- on site?

16 A Yes, sir.

17 Q And did Officer Jackson work for you?

18 A Yes, sir.

19 Q Did Officer Hall work for you?

20 A Yes, sir.

21 Q Officer Williams, did she work for you?

22 A Yes, sir.

23 Q Were you working on January 18, 2008?

24 A Yes, sir.

25 Q And were you working in your role as sergeant?

- 1 A Yes, sir.
- 2 Q Did you have any contact with Mr. Eaglin that
- 3 night?
- 4 A Yes, sir.
- 5 Q And how did you come to be in contact with
- 6 Mr. Eaglin that night?
- 7 A I was in the booking area. Being a supervisor I
- 8 basically go to different areas. But while I was
- 9 in that area, I got a call on the radio from the
- 10 floor officer, Officer Williams was one and
- 11 Mr. Derrick was the other. He called me down to
- 12 the first floor and said he needed my assistance.
- 13 So I went down there.
- 14 Q All right. What did you find when you got down
- 15 there, Sergeant?
- 16 A The first time I went down there, I observed the
- 17 inmate was banging on the door and basically
- 18 demanding that the mail they gave back to him, his
- 19 mail should have gone out. He was just demanding
- 20 that his letter not be returned back to him.
- 21 Q And when you say the inmate, who are you referring
- 22 to?
- 23 A Mr. Eaglin.
- 24 Q Do you see him in the courtroom today?
- 25 A Yes, sir.

1 Q Can you describe him for us?

2 A That's the gentleman sitting over there with the
3 long white sleeve shirt.

4 MR. RIDDLE: Your Honor, I would like the
5 record to reflect that he identified Mr. Eaglin.

6 THE COURT: All right. So reflected.

7 BY MR. RIDDLE:

8 Q When you got there and he was banging on the door
9 and being demanding about the mail, what, if
10 anything, did you do in response to that?

11 A Well, I asked the officer to explain to me what was
12 happening, and he told me. During the process I
13 also observed the inmate knocking on the door. So
14 I went to the cell and I asked the inmate what was
15 the problem.

16 He explained to me that the officers took
17 some mail -- brought his mail back that should have
18 gone out, and they stamped the mail return to
19 sender.

20 He wanted it to go out but the officer
21 explained to me that the mail had a -- it had a
22 stamp on there that was not -- the stamp was out of
23 use.

24 That stamp was not good enough for federal
25 mail. So that was one of the reasons on there.

1 Plus he had failed to follow the instructions on
2 how to address the letter going out.

3 Q And did you explain all that to Mr. Eaglin?

4 A Yes. I told him that based on his action at the
5 time, I said or I suggested to him that he calm
6 down. I explained to him that the other inmates
7 basically needed to get some sleep and that he
8 should try not to create any disturbance to awake
9 the inmates or cause any problems per se on that
10 wing.

11 Q About what time of the day or night was this
12 roughly?

13 A First time I went there was approximately
14 2:00 o'clock in the morning when I went down there.

15 Q And you told Mr. Eaglin all this the first time you
16 were there?

17 A Yes, sir.

18 Q Did you remain in this area at that time, Sergeant,
19 or did you leave the area?

20 A No, sir. I gave them instruction as to what I
21 suggest he should have done or he should do, and I
22 departed the floor. It was just me. I left and
23 went back to the booking area.

24 Q Did there come a time that you had to go back down
25 to that same area, Sergeant?

1 A Yes. It basically was about 25 after or 2:30,
2 close to that time. Mr. Derrick called me and
3 said, We need assistance on the first floor. I
4 asked him what happened, and he said we have
5 flooding down here and we have problems here, that
6 the wing was out of order.

7 Q All right. So did you respond back down there at
8 that time?

9 A Yes. I took two officers with me, which was
10 Officer Jackson and Officer Hall. We reported to
11 the first floor. When we got to the first floor, I
12 observed water coming out. It appeared to be
13 coming from out of cell 9 and 8, which he was in 9.

14 What we did was we basically -- I turned the
15 water off. Mr. Derrick and I shut the water off.
16 Then Officer Williams, I asked her to get the water
17 off the floor, drain it before we let anybody out
18 of anywhere. After we did that, then I went
19 into -- I went to room 1C-9 where Mr. Eaglin was,
20 and I communicated with him.

21 Q Let me stop you real quick. How did you
22 communicate with him at that time?

23 A They have a sort of window at the door, and we
24 looked in the room and just asked him to step back
25 from the door so we could get to open the door

1 without basically hitting him.

2 Q What was Mr. Eaglin's emotional or mental state at
3 that time?

4 A He got rowdy and became combative.

5 Q Okay.

6 A But at that time before we opened the door, we
7 managed to open the door, and he had a roommate.
8 When we walked into the room, their properties were
9 on their bunk, but there was water in the room. So
10 we removed his roommate from the room and have
11 Mr. Derrick and the other officer to secure the
12 individual elsewhere.

13 Q What did y'all do with Mr. Eaglin at that
14 particular time?

15 A I asked him, I instructed him to step out of the
16 room, and he refused. During the process he was
17 cursing and refused to follow my instructions.
18 After I told him the second time, he would not
19 follow my instruction to come out of the room.

20 So I stepped back and I asked the two officers
21 to escort him from the room. So they took him by
22 the arm, and they brought him out the room where we
23 had -- we had the safety chair that we use to place
24 combative inmates per se in the hallway.

25 Q Let me back you up just a minute. You asked the

BARRINGTON BUTLER -- DIRECT -- MR. RIDDLE

1 officers to bring him out of the room?

2 A Yes, sir.

3 Q What, if anything, did you observe when the two
4 officers went in the room to get him?

5 A We went in the room. There was water still coming
6 out of the -- running from the commode. But his
7 property, his property was not -- had no water in
8 it. It was dry.

9 Q What did that tell you?

10 A It indicated to me that he had flooded the room,
11 either him or his roommate, but somebody in that
12 room, one of those two occupants, flooded the room.

13 Q Did you observe any kind of physical exchange
14 between either Officer Jackson or Officer Hall and
15 Mr. Eaglin when they went in to escort him out of
16 the room?

17 A He resisted and when he resisted they took him by
18 the arm and backed him out of the room.

19 Q Once they got him out of the room, what did you
20 observe at that time?

21 A Well, once they got him out of the room, they were
22 preparing to put him, secure him in the chair. So
23 they sat him in the chair. As soon as he got in
24 the chair before he could be secured, he pulled
25 away from the officers in a turning motion. He

1 pulled away.

2 As soon as he pulled away, he struck Mr. Hall.
3 He assaulted Mr. Hall by striking him in the face
4 with a closed fist. Then he changed angles and
5 came back and hit the other officer in his face and
6 on his arm with a closed fist.

7 Q What you saw was all out in the hallway in terms of
8 the closed fist?

9 A Yes, sir.

10 Q What was his mental state at that time?

11 A He was angry.

12 Q Was he cursing?

13 A Yes. He cursed from the time we entered the area
14 until after he had left the medical station.

15 Q All right. He strikes the two officers. You saw
16 that?

17 A Yes.

18 Q Then what happened after that, Sergeant?

19 A Once he struck the officers, the officers basically
20 locked both arms behind him, placed him on the
21 ground. When they placed him on the ground, I made
22 an attempt to get my handcuff to secure him. One
23 of the officers did the same thing.

24 At that time or during the process, he spun
25 away from the officer, meaning he spun around. He

1 was on his face. We placed him face down. He spun
2 around and he had this rock and roll concept or he
3 spun from his left to his right and started kicking
4 at the officers. I told him to stop resisting, and
5 at that time he refused.

6 Q At that time had they got his hands secured?

7 A He was partially secured, not from the handcuff.

8 Q Not the handcuffs?

9 A No, sir.

10 Q They were trying to hold onto him?

11 A Yes, sir.

12 Q But not...

13 A They had him down but he was not secured.

14 Q Okay. That's fair. I was trying to think how to
15 ask that question without leading you, Officer. At
16 that point did you indicate just a second ago that
17 he was also kicking at the officers?

18 A Yes, sir.

19 Q That tried to secure him?

20 A Yes, sir.

21 Q What, if anything, did you do in respond to that?

22 A I had a taser that I wore. It's an X-26. I
23 removed the taser from my waist, and I spark tested
24 the taser.

25 Q Let me stop you for just a minute, and I want to

- 1 talk about the detention center policy. Who has
2 tasers at the detention center?
- 3 A At that time the supervisor only.
- 4 Q And that's you?
- 5 A Yes, sir.
- 6 Q So in the whole facility you are the only one at
7 that time that would have had a taser on you?
- 8 A There were two sergeants on duty, so two of us had
9 tasers.
- 10 Q Two of you had them?
- 11 A Yes, sir.
- 12 Q And you removed your taser, correct?
- 13 A Yes, sir.
- 14 Q The taser that you have, was it the kind that, you
15 know, you would stand back and shoot the darts out
16 or did you have to be in contact with somebody?
- 17 A It works both ways, sir. You can shoot the dart
18 25 meters down and it worked. We also had an
19 option of using it for dry stun. That's where you
20 put it to the subject's body and activate it.
- 21 Q You physically touch them?
- 22 A Yes, sir.
- 23 Q You removed your taser. What did you do at that
24 time?
- 25 A I spark tested it first. Basically normally when

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1 you spark test something, sometimes you get the
2 subject's attention, and they change their
3 demeanors. But at that time he refused, and so I
4 spark tested it, and he continued and I tased him
5 once.

6 Q And did you warn him that you were going to tase
7 him?

8 A Yes. When I spark tested it, I told him to stop
9 resisting. Basically he was laying down and I was
10 right above him and then spark tested him and I
11 said, Do not resist.

12 Q And what was his reaction to you telling him not to
13 resist at that point?

14 A He just continued to kick. I don't remember
15 exactly what he said, but he called us names and
16 told us to get off him, we had no right to be
17 having him down on the floor. He continued to
18 fight. So I tased him a second time.

19 Q After you tased him the second time, what
20 transpired?

21 A After I tased him the second time, he complied with
22 our instructions, and we basically secured him in
23 handcuffs and placed him in the chair, in the
24 restraint chair, and took him to medical.

25 Q And do you know approximately how long he remained

1 in medical that night?

2 A He was in medical approximately about 15 minutes or
3 more.

4 Q The individual we are talking about is Mr. Adrian
5 Eaglin?

6 A Yes, sir.

7 Q Did you witness him assault Mr. Hall and
8 Mr. Derrick?

9 A Yes, sir.

10 Q Or excuse me, Mr. Hall and Mr. Jackson?

11 A Yes, sir.

12 Q Were Mr. Hall and Mr. Jackson employees of the
13 Lexington County Detention Center?

14 A Yes, sir.

15 Q Were they performing job-related functions or
16 duties at the time he assaulted them?

17 A Yes, sir.

18 Q Thank you sir. Please answer any of their
19 questions.

20 THE COURT: Thank you, Solicitor. Ms. Hahn.

21 MS. HAHN: Thank you, Your Honor.

22 CROSS EXAMINATION

23 BY MS. HAHN:

24 Q Sergeant Butler, you are no longer employed by
25 Lexington County; is that correct?

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1 A That's correct.

2 Q On the night of this incident, you initially
3 responded to help out some other officers; correct?

4 A Yes, ma'am.

5 Q And in your report you talked about how there was
6 water coming out of two cells, right?

7 A Yes.

8 Q And then you determined that it was coming out of
9 Adrian Eaglin's cell, correct?

10 A Yes.

11 Q And then you talked about how once you got there
12 that Mr. Eaglin was being kind of loud; is that
13 right?

14 A Yes.

15 Q And at that point y'all brought in a restraint
16 chair, right?

17 A We brought the restraint chair when I went down the
18 second time. When the officer called me for
19 assistance, that's when we took the restraint chair
20 down.

21 Q Now, I understand that after this incident an
22 internal investigation was conducted; correct?

23 A Yes, ma'am.

24 Q And there has been a lot of talk about how
25 Mr. Eaglin was being loud in his cell and wouldn't

1 calm down, correct?

2 A Yes.

3 Q Now, did you prepare a statement in response to a
4 request coming out of that international
5 investigation?

6 A The statement that I provided to the county was the
7 one that they used in the investigation.

8 Q Have you had a chance to review your statement?

9 A Yes, ma'am, I have a copy of it.

10 Q You have had a chance to review it before today,
11 correct?

12 A Before when?

13 Q Before today.

14 A Yes, ma'am.

15 Q So you remember that in that statement, you don't
16 say anything about him being loud; correct?

17 A I might not have said anything, but I probably put
18 in there that he was combative.

19 Q Okay. But you didn't mention anything about him
20 causing a ruckus down on C. wing, right?

21 A My initial statement stated that that was reported
22 to me.

23 Q But there is a discrepancy in your statements,
24 correct?

25 A I wouldn't say so, ma'am. You are saying that.

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1. Q Would you like to review your statement?

2. A I will look at it.

3. (Pause).

4. A This was a statement I provided to an internal
5. investigator from my initial statement about the
6. incidents.

7. Q Correct.

8. A So there is another statement I provided which
9. correlates pretty well with that one.

10. Q Just to be clear, there is nothing in this
11. statement about his being loud and causing a ruckus
12. down on C. wing; right?

13. A That statement basically explains why he was tased
14. or the action that I took when I went down to the
15. floor the second time.

16. Q And in this incident you go through everything that
17. happened, correct?

18. A Most of everything.

19. Q But not anything about him being loud?

20. MR. RIDDLE: I'm sorry, Your Honor. I can't
21. hear Ms. Hahn when she is standing that close to the
22. witness.

23. MS. HAHN: I apologize.

24. THE COURT: If you would just speak up,
25. please, Ms. Hahn.

1 A Yes. When I got called, when I got called to the
2 floor, the officer reported that he was being loud,
3 banging on the door. When I went there the first
4 time, when I went to talk to him, he was talking
5 loud. He was at the top of his voice. It was the
6 top of his voice.

7 And before I left the floor, he was banging on
8 the door. I walked away to give him the benefit of
9 the doubt. I went back to the booking area. I may
10 not have put that in my statement, but that's what
11 happened.

12 Q I think I understand. And there is nothing about
13 that in the statement, correct?

14 A Ma'am?

15 Q I withdraw the question. Now, in the statement you
16 also mention in there about how he kicked Officer
17 Hall in the legs and the thighs; correct?

18 A He punched Officer Hall in the face and, yes, he
19 kicked him.

20 Q So that's in the statement you prepared for the
21 internal investigation, but it's not in the other
22 statement that you prepared after the incident; is
23 that correct?

24 A The statement, my initial statement, states that,
25 and I have a copy of that if you want to see it.

1 Q All right. I have a copy of a statement that you
2 prepared.

3 A Right.

4 Q A standard incident report form, correct?

5 A Yes.

6 Q And in this one you don't mention anything about
7 him kicking Officer Hall; is that correct?

8 A I may not have mentioned anything about him kicking
9 Mr. Hall, but I knew I put information in the
10 statement that he punched him in the face.

11 Q So what you are saying is you have got two
12 statements where you have left out information from
13 one, but it's in the other one; correct?

14 A I would not -- what I would say is that when I
15 wrote the statement, I wrote the incident as I
16 remember how it occurred. I may not have been
17 100 percent in detail in one statement or the
18 other.

19 Because when I wrote the statements, the
20 initial statement, I wrote it as close as possible
21 after the incident took place. That other second
22 statement that I wrote was basically resulting from
23 an investigation that followed the incident. So it
24 may not be exactly the same thing that I have in my
25 initial statement.

1 Q All right. But would you agree that as an employee
2 of the detention center that part of your job is to
3 keep accurate reports about what did or didn't
4 happen?

5 A Yes, ma'am.

6 Q Now, going back to the incident itself, had you
7 worked on C. wing much before the incident
8 happened?

9 A I worked in the jail. I don't work one particular
10 wing. I worked in every area of the jail.

11 Q Did you have much prior interaction with Adrian
12 Eaglin?

13 A No, ma'am.

14 Q So you didn't know about his mental health problems
15 or anything of that nature, correct?

16 A I wouldn't say I wouldn't know about it, but I had
17 no -- I did not have as close information as I
18 would, let's say, on my child per se, knowing their
19 mental or problems or whatever they have.

20 Q So would it be correct to say that you knew he had
21 mental health problems, but you just didn't know
22 the specifics?

23 A I wouldn't say I knew he had mental health
24 problems. What I do in the jail is whenever I want
25 to know what an inmate's problems is, I go to the

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1 records. The records will tell me basically about
2 the charges. We don't have access to -- we don't
3 have access to an inmate's medical chart.

4 Q So would it be fair to say that you didn't know
5 about his medical -- about his mental health
6 problems rather?

7 A I would say yes. I would say I did not know.

8 Q Now, I believe that Solicitor Riddle asked you
9 whether you or one of the officers had a taser;
10 correct?

11 A Yes.

12 Q Is that something that you normally carry on your
13 person while you are on duty?

14 A Yes, ma'am.

15 Q And as part of the training that goes along with
16 that, you are trained in how the taser operates;
17 correct?

18 A Yes.

19 Q And you are also trained in the use of force and
20 when force is appropriate, correct?

21 A Yes.

22 Q So it's your understanding -- let me ask it this
23 way. Is it your understanding that the policy of
24 the Sheriff's Department is not to use more force
25 than is necessary in any given incident?

- 1 A Correct.
- 2 Q Now, in working with the tasers, do you know that
- 3 those tasers record information about when they are
- 4 deployed?
- 5 A Yes, ma'am.
- 6 Q So there's some sort of internal device that tracks
- 7 all that stuff, correct?
- 8 A Yes, ma'am.
- 9 Q So that information includes things like the date
- 10 and the duration of the blast and that kind of
- 11 thing, correct?
- 12 A Yes.
- 13 Q Also with tasers you know that when somebody gets
- 14 hit with a taser, that causes pain; correct?
- 15 A Yes.
- 16 Q And you know that that shot can be enough to
- 17 immobilize a person, correct?
- 18 A Not the way -- not the shot that I gave to this
- 19 inmate.
- 20 Q The shot you gave him was not enough to immobilize
- 21 him?
- 22 A The shot that I gave him was just to bring him in
- 23 compliance, not to immobilize him.
- 24 Q How many shots did you give him?
- 25 A I gave him two.

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1 Q Are you aware that the internal investigation
2 revealed that the taser was deployed three times
3 that evening?

4 A The taser was deployed three times, but he got two
5 shots. The first time the taser was deployed, that
6 was the spark test to let him know when I told him
7 to stop resisting. That's when I did the spark
8 test.

9 That's something that is required by us to
10 warn the subject that this is coming to you if you
11 refuse to follow instructions. So the first time
12 the taser was deployed, that's what the spark test
13 was about. That's one of the three times.

14 Q Do you also know that as a result of that internal
15 investigation, it was determined that the dates and
16 times were all completely off on that taser?

17 A It may have been, ma'am. I don't have any control
18 over the internal system of the taser. It's all
19 computerized. If the date is incorrect, I have no
20 control.

21 Q So you didn't know the taser was recording all
22 kinds of wrong dates and time?

23 A I have not discussed that with anybody. Once I use
24 the taser, someone else take the taser and they
25 download the information. That is basically how we

1 do the investigation or when the question comes
2 out.

3 Q So basically somebody else handles that stuff?

4 A Somebody else does, but if the taser records the
5 wrong information in there, I have no control over
6 it.

7 Q Let me ask you about the security cameras. Were
8 you aware that the cameras in that area were not
9 operational on the night of January 18, 2008?

10 A Not until the next morning, not until -- not the
11 next morning but after the incident.

12 Q Do you know how long those cameras had been not
13 operational?

14 A They go on and off. It's like when I went on duty,
15 the cameras are working. That is something I
16 check. I will ask the operator if the cameras are
17 working. But whenever you have a change of
18 weather, such as storm or lightning, it only takes
19 a few seconds to knock the cameras out, sometimes
20 all of them, sometimes two or more.

21 Q So sometimes the camera go on and off just based on
22 whether there is a storm?

23 A Not to go on and off. Whenever there is lighting
24 or an electrical shortage or something like that,
25 the cameras get affected.

BARRINGTON BUTLER -- CROSS -- MS. HAHN

1 Q Was there some kind of storm the night of -- excuse
2 me -- the night of January 17 and the morning of
3 January 18?

4 A There probably could be lightning or something like
5 that. But as far as I'm concerned, I cannot -- I
6 don't remember if there was a storm that night.

7 Q So there may have been something that affected the
8 camera, but you are not sure what it might have
9 been?

10 A Right, yes.

11 Q And can you give us any idea how long those cameras
12 have been in such a state that they just go on and
13 off when there is a storm or when there is some
14 kind of interruption in the electrical current?

15 A That's all the equipment at the detention center.
16 Basically when you go on duty, you check everything
17 and see what's working and what is not working.
18 The cameras, it could be working when I walked up
19 here, and as soon I turn my back and I go outside
20 to get a drink of water or something and I come
21 back, maybe because of a short -- not a short in
22 the system, but an interference in some circuits
23 another. That could cause the equipment to go out.
24 So it's no particular time that I can tell you how
25 long it has been or how long it has not been

1 working.

2 Q And so that happens with other equipment in the
3 jail, too; correct?

4 A Yes, ma'am, computers.

5 Q And you don't have any -- well, let me ask it this
6 way. For as long as you have been working, has
7 that kind of been the way things go?

8 A No.

9 Q So it's something recently that has happened?

10 A Well, what happens is the equipment, I'd say
11 90 percent of the time, the equipment work. But
12 whenever you have disturbance, that's when the
13 equipment goes out.

14 It's something like if you have a computer in
15 this room working and there is a surge anywhere and
16 the computer goes out or shuts off for a while.
17 Sometimes it shuts off and it comes right back on
18 by themselves.

19 But we don't have any control as to how the
20 electrical system operates in the jail. The only
21 thing we know is when something goes out, the first
22 thing we do is record information and report it,
23 and the facility will try to get it fixed as soon
24 as possible.

25 Q And they do that because it's put in a bad -- it

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1 makes things less safe and the electricity goes and
2 something doesn't work properly, correct?

3 A Well, if an individual -- basically that's why I
4 told my officers and we were trained to make sure
5 that everything works. One of the reasons is
6 safety for everybody.

7 So when something does not work, our first,
8 basically, instinct is to check it to see why. If
9 we can't fix it, then we report it and the facility
10 will get it fixed.

11 Q So do you know how long the cameras were kind of
12 going on and off then when things happened?

13 A I cannot tell how long it's been going on and off,
14 but I know there were several occasions in there
15 when we had rain, lightning or a surge, the surge
16 sometimes could be in the Sheriff's Department, and
17 the equipment back in the jail would be affected.

18 Q After this incident or after other incidents like
19 this where the power went out and the cameras were
20 affected, did you make reports about that?

21 A Every time we see something that is out of order,
22 we report it.

23 Q Did you make a report about the cameras being or
24 not functioning on January 18?

25 A I did not make a report specifically on that

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1 because at that time I didn't know it wasn't
2 working until after the incident, which was the
3 next morning.

4 Q After you found out, did you make a report about
5 it?

6 A Somebody else might have made a report because
7 we -- our shift ends at 6:00 o'clock in the
8 morning, and we pass the information onto -- we
9 pass the information onto the oncoming shift or the
10 oncoming supervisor.

11 Q Do you know who made that report that something
12 wasn't working correctly?

13 A All the officers that were working whatever station
14 basically will make the report.

15 Q So you are a sergeant in charge of making sure that
16 everything is safe, and you are not sure who
17 actually filed that report to make sure that
18 everything was safe after a problem arose; correct?

19 A Well, at that time I did not know if the cameras
20 wasn't working, and if I knew or get the
21 information from anybody, it's automatically that
22 we submit a report.

23 Q So once you found out, you made a report?

24 A Whenever we found out, not just the camera,
25 anything. But to your question about that

1 particular day, I did not file a report because I
2 did not know about the camera not -- that it wasn't
3 working.

4 Q But you learned later that the cameras didn't work,
5 correct?

6 A Later on down it could be -- yes, based on what was
7 discussed afterwards.

8 Q And you made a report then?

9 A No, ma'am.

10 Q And you don't know --

11 A If I never knew the camera wasn't working, I never
12 made a report then and I wouldn't make it
13 afterwards.

14 Q And you don't know whether anybody else ever
15 reported it?

16 A I'm not sure.

17 Q Okay, all right. Let's go back to the night of --
18 well, excuse me, the morning of January 18.

19 A Okay.

20 Q It has been your testimony that Mr. Eaglin was
21 taken out of his cell, correct?

22 A Yes, ma'am.

23 Q Can you tell us after you said that he broke free
24 of the officers holding his arms, how did the
25 officers regain control of him?

1 A They placed him on the ground.

2 Q And how specifically were they holding onto him at
3 that time?

4 A When they took him from the room, they sat him in
5 the chair. And after they sat him in the chair,
6 they made an attempt to secure him because the
7 chair has straps and they are like Velcro straps.
8 They made an attempt to secure him in the chair.

9 During the process is when he got up and he
10 pulled away from the officers. Basically he made a
11 turn and pulled away from both officers, and that's
12 when he assaulted them.

13 Q After that happened they got a hold of him again,
14 correct?

15 A Yes.

16 Q Did they then secure his arms at the small of his
17 back?

18 A They placed both arms behind him, placed his arms
19 in the small of his back, placed him on the ground.
20 Basically they grabbed his arms and put him on the
21 ground. Once he got on the ground, that's when
22 they placed his arm or attempted to place his arm
23 in the small of his back.

24 Q I believe in your report that you did for the
25 internal investigation that you mentioned that they

1 secured his arms at the small of his back; is that
2 correct?

3 A Yes, ma'am.

4 Q And after that his arms are secured and you tased
5 him, correct?

6 A No, ma'am.

7 Q What's wrong with that?

8 A I tased him after he pulled away from the officer.
9 Once he pulled -- once he rolled away from the
10 officer and started kicking at the officers, that's
11 when I tased him.

12 Q On what part of his body did you deploy the taser?

13 A I tased him on his right thigh.

14 Q Front or back?

15 A Rear.

16 Q So he was face down?

17 A Yes, ma'am.

18 MS. HAHN: Beg the Court's indulgence.

19 THE COURT: Yes, ma'am.

20 (Pause).

21 BY MS. HAHN:

22 Q Sergeant Butler, when you made a report about this
23 incident, is there a form that you are supposed to
24 use?

25 A We use a computer and the computer basically prints

1 it out in a form. It's a preprinted form.

2 Q I see. And one other thing. When this incident
3 was completed, did you take any photographs of
4 Adrian Eaglin?

5 A Yes, ma'am.

6 Q You did?

7 A Yes, ma'am.

8 Q And what happened to those photographs?

9 A I made a packet with the report that includes the
10 taser report, photographs, the result of the
11 medical evaluation, and I placed that in a packet.
12 I made one copy and I gave both the original and
13 the copy to my supervisor, which at the time was
14 Lieutenant Jones.

15 Q Did you also take photographs of Officer Hall or
16 Officer Jackson?

17 A Yes, ma'am.

18 Q And were those --

19 A Those were part of the packet, too.

20 Q So those were all retained the same way?

21 A Yes.

22 Q Thank you.

23 MS. HAHN: No further questions, Your Honor.

24 THE COURT: Thank you. Redirect?

25 MR. RIDDLE: Very briefly, Your Honor.

REDIRECT EXAMINATION

1

2 BY MR. RIDDLE:

3 Q Sergeant, Ms. Hahn asked you about the statement
4 that you gave and whether or not you had mentioned
5 anything about Mr. Eaglin causing a disturbance?

6 A Yes.

7 Q Is this your initial incident report of that?

8 A Yes, sir.

9 Q Would you read to the jury that underlined sentence
10 right there (indicating)..

11 A He continued fighting at the cell door for over 15
12 minutes.

13 THE COURT: You may have to slow down a little
14 bit, Sergeant, and read a little bit louder.

15 THE WITNESS: I'm sorry.

16 A It says, The inmate continued to pound on the cell
17 door for over 15 minutes causing an uproar on the
18 C. wing.

19 Q Causing an uproar on the C. wing?

20 A Yes, sir.

21 Q You were also asked about the camera that is on C.
22 wing?

23 A Yes, sir.

24 Q That doesn't show what is in the cell, does it?

25 A No, sir, the camera does not. It does not. They

1 cannot go in the cell. They have no cameras in the
2 cell.

3 Q If it's working, it shows the hallway area?

4 A It shows the hallway and the general public area.

5 Q The camera was not working that night?

6 A I wasn't aware. I'm not going to say yes it was or
7 no it wasn't working at the time of the incident.
8 If it wasn't working, I did not know.

9 Q Fair enough. Fair enough.

10 A Yes, sir.

11 Q Let me ask you this. Talking about the tasing, was
12 there water in the area?

13 A The floor was wet but the water on the floor could
14 not be measured because what happened when we went
15 down there and we saw there was water on the floor,
16 before we extract the inmate from the cell, I
17 believe it was Officer Williams, we basically
18 cleaned the water, drained it, pushed it in the
19 drain, and let it drain before we opened the door.

20 The only water that basically came out, came
21 out on the floor, was after we opened the door, and
22 the water that came out of the sink, that's what
23 basically was on the floor, but the amount of water
24 on the floor could not be measured.

25 Q Could not be measured?

1 A Yes, sir.

2 Q But it was wet?

3 A It was wet, yes, sir.

4 Q At the time you tased Mr. Eaglin, was he on the
5 floor?

6 A Yes, sir.

7 Q And was he in contact with any of your staff
8 people?

9 A Yes, sir. He was in contact with Mr. Jackson and
10 Mr. Hall, and I believe the other floor officer,
11 Mr. Derrick, came in while we had him on the floor
12 and probably tried to help, held his feet down.

13 But when I tased him, I guess the spark could
14 have applied to the point where it affected some of
15 the officers because they told me they felt a jolt
16 when I did it.

17 Q Exactly.

18 A Yes, sir.

19 Q And you knew that would happen when you did it?

20 A Yes, sir. Because when you are in a struggle with
21 an individual, basically my aim was to get him in a
22 certain area so I don't cause an injury to him or
23 anybody else. But when movement starts, sometime
24 you don't know who get tased.

25 Q Right.

1 A That's what happened because of the way he was
2 rocking and rolling on the floor at the time.

3 Q But Mr. Eaglin's actions were so bad --

4 MS. HAHN: Objection, leading, your Honor.

5 THE COURT: If you would rephrase the
6 question.

7 BY MR. RIDDLE:

8 Q Were Mr. Eaglin's action so bad that you felt it
9 was necessary to tase him even though you knew you
10 were the taking the risk that you were tasing your
11 own people at the same time?

12 A Yes, sir.

13 MS. HAHN: Objection.

14 MR. RIDDLE: Thank you, Your Honor. That's
15 all I have.

16 THE COURT: What was the objection, the basis
17 for it?

18 MS. HAHN: Leading testimony.

19 THE COURT: I overrule that objection.

20 Anything in recross, Ms. Hahn?

21 MS. HAHN: No, Your Honor.

22 THE COURT: Thank you. Thank you, Sergeant
23 Butler. You may step down.

24 THE WITNESS: Thank you, sir.

25 (Witness leaves the witness stand).

1 THE COURT: Mr. Foreman, ladies and gentlemen
2 of the jury, we are now going to take our luncheon
3 recess you. I would remind you during this recess that
4 you are not to discuss this case with anyone. That
5 includes your fellow jurors, lunch mates, family,
6 friends or anyone else. If anyone tries to talk with
7 you about the case, please let me know immediately.

8 Please recall my instructions to you yesterday
9 concerning reading or listening to any news reports
10 about the case, should there be any, or the use of
11 computer, cellular phone or other electronic devices to
12 communicate in any manner concerning the case or do any
13 investigation on your own.

14 With that being said, I will allow you your
15 luncheon recess until 2:30. That gives you a few extra
16 minutes to sit in Lexington lunchtime traffic. You can
17 just get the ambiance of what it is like in Lexington
18 midday. If you would please be back promptly at 2:30,
19 we will start immediately thereafter. Thank you very
20 much. I hope y'all have a pleasant lunch.

21 (The jury is excused for lunch at 1:00 p.m.)

22 THE COURT: Anything, Solicitor, before we
23 break for lunch?

24 MR. RIDDLE: No, sir.

25 THE COURT: Ms. Hahn?

1 MS. HAHN: No, Your Honor.

2 THE COURT: How many more witnesses do you
3 have, Solicitor?

4 MR. RIDDLE: Maybe one.

5 THE COURT: At the most one?

6 MR. RIDDLE: Yes, sir.

7 THE COURT: All right. Thank you. We will be
8 in recess until 2:30.

9 MR. RIDDLE: That would not count reply if any
10 of that is necessary. I am just talking about my case
11 in chief.

12 THE COURT: Right, I am talking about your
13 case in chief. Thank you very much.

14 (Whereupon there is a luncheon recess).

15 THE COURT: Anything before we bring in our
16 jury, Solicitor?

17 MR. RIDDLE: Your Honor, I am going to rest as
18 soon as the jury comes in. I don't know if you want to
19 do motions now or not.

20 THE COURT: Does that suit y'all to do motions
21 now, Ms. Hahn, Ms. Fullwood?

22 MS. FULLWOOD: We will do the motions now.

23 THE COURT: Will you tell the jury we will be
24 a few minutes, please.

25 THE COURT: So the State has rested; is that

1 correct?

2 MR. RIDDLE: Yes, sir.

3 THE COURT: Ms. Fullwood?

4 MS. FULLWOOD: Your Honor, at this time we
5 would move for a directed verdict on both indictments.
6 The grounds for the motion is that there is no competent
7 evidence that reasonably tends to prove Mr. Eaglin's
8 guilt.

9 There is a complete absence of evidence by
10 which a reasonable juror could conclude beyond a
11 reasonable doubt that the State proved every element of
12 each of the charges.

13 I direct the Court's attention to the
14 witnesses' statements that are internally inconsistent
15 on the different occasions that they gave them and
16 inconsistent in this courtroom between each other.

17 THE COURT: Thank you. Thank you,
18 Ms. Fullwood. Solicitor.

19 MR. RIDDLE: Your Honor, if it please the
20 Court. You could deny that motion based on about four
21 questions that I intentionally asked Sergeant Butler,
22 that being the identity of the Defendant, whether an
23 assault occurred, whether or not the two officers were
24 employees of the correctional facility, and whether or
25 not they were performing job-related duties or

1 functions. There is clearly an abundance of evidence
2 from which this jury could find Mr. Eaglin guilty, and
3 it should be submitted to them.

4 THE COURT: I would respectfully deny the
5 motion for directed verdict. In the light which I must
6 look at the evidence at this stage, taking into account
7 the testimony of Officer Williams, Jackson, Hall, and
8 Butler, although there may be inconsistencies within
9 statements or within the witnesses, there is still
10 sufficient evidence from which a jury could determine
11 that an assault occurred as to Officer Jackson and an
12 assault occurred as to Officer Hall.

13 At the time both of those officers were
14 employees of a local correctional facility, and they
15 were performing job-related duties at the time. I would
16 respectfully deny the motion.

17 Do you have any other motions, Ms. Fullwood?

18 MS. FULLWOOD: That's all, Your Honor.

19 THE COURT: Does the defense wish for me to
20 interview Mr. Eaglin as to his right to testify or not
21 to testify?

22 MS. FULLWOOD: Yes, Your Honor.

23 THE COURT: Would you come around to the
24 podium for me, please.

25 Madame Clerk, would you place Mr. Eaglin under

1 oath for me, please?

2 ADRIAN EAGLIN is first duly
3 sworn.

4 THE COURT: I want you to speak up for me --

5 THE DEFENDANT: Yes, sir.

6 THE COURT: -- so that I can hear your
7 responses. I need to go over some things with you. I
8 do this with everyone who is on trial, and I need your
9 responses to be under oath. That's why I had the clerk
10 place you under oath. Would tell me your full name,
11 please.

12 THE DEFENDANT: Adrian Tyrell Eaglin, sir.

13 THE COURT: How old are you?

14 THE DEFENDANT: I'm 28, sir.

15 THE COURT: Again, tell me, what is your
16 educational level? How far did you go in school?

17 THE DEFENDANT: Tenth grade.

18 THE COURT: We have reached the stage of the
19 trial where the State has rested, and your side, the
20 defense, now has the opportunity to present evidence for
21 the jury to consider. Do you understand where we are at
22 in the trial?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: In that regard you may call
25 witnesses to testify. If you choose to testify, you may

1 do so. Do you understand?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: No one can force you to testify.
4 You have an absolute right to remain silent. And if you
5 choose not to testify, I will tell this jury that they
6 cannot hold your silence against you in any way. I will
7 tell them that they are not to discuss that in the jury
8 room. Do you understand?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: If your side offers no evidence at
11 all, in other words, if neither you nor anyone on your
12 behalf testifies or offers any evidence or exhibits,
13 then your attorney will get to make the last argument to
14 the jury. Otherwise the prosecutor gets to make the
15 last argument. Do you understand?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Does the Defendant have a record
18 that would subject him to impeachment under Rule 609?

19 MR. RIDDLE: Yes, sir.

20 THE COURT: All right. Hold on just a minute.
21 What is that record, Solicitor?

22 MR. RIDDLE: Your Honor, if it please the
23 Court. I have got two portions of the record. He had a
24 conviction in 2007 -- and the reason I am handling this,
25 Your Honor, is I don't believe this shows on his rap

1 sheet.

2 But in 2007 he was convicted on Indictment
3 2009-GS-18-0443. That's in Dorchester County, Your
4 Honor. That was for an assault and battery of a high
5 and aggravated nature.

6 He has a conviction, Your Honor, in 2000 for
7 possession of a stolen vehicle that he received a
8 sentence at that time of five years with credit for 18
9 months served.

10 Also, Your Honor, from the same court date in
11 2000, he has a burglary second degree. Does Your Honor
12 want sentence information or just the charges?

13 THE COURT: You can give me the sentencing
14 information also, please.

15 MR. RIDDLE: Okay. On the burglary second
16 degree, Your Honor, he received a sentence of ten years
17 concurrent with credit for 18 months served, A.T.U.
18 while incarcerated.

19 He likewise in 2000, Your Honor, had a charge
20 for assault and battery of a high and aggravated nature,
21 for which he received ten years concurrent; a breaking
22 and entering an automobile, for which he received five
23 years concurrent; a grand larceny, for which he received
24 five years concurrent; and a malicious injury to
25 personal property, for which he received five years

1 concurrent.

2 I apologize, Your Honor. I ran a new copy of
3 the rap sheet. That original A.B.H.A.N. that I talked
4 about from Dorchester County is on my rap sheet, on my
5 newer rap sheet.

6 THE COURT: So setting aside the '07 assault
7 and battery of a high and aggravated nature, possession
8 of stolen vehicle, burglary second, assault and battery
9 of a high and aggravated nature, breaking and entering
10 motor vehicle, grand larceny, malicious injury to
11 personal property all occurred, as far as the
12 sentencing, he pled guilty to all of these on the same
13 date in 2000?

14 MR. RIDDLE: Yes, sir.

15 THE COURT: What counties were those in or
16 what county were those in?

17 MR. RIDDLE: All in Lexington, Your Honor.

18 THE COURT: Then the 07-18-443 is the
19 Dorchester County assault and battery of a high and
20 aggravated nature?

21 MR. RIDDLE: Correct. On the Lexington County
22 charges, Your Honor, on the sentences that he got, he
23 was released from incarceration in approximately May of
24 2007 on those charges.

25 THE COURT: All of the crimes charged carries

1 a sentence in excess of one year; is that correct?

2 MR. RIDDLE: All the ones that I read to Your
3 Honor did, yes. There was some small charges, like
4 possession of beer by a minor and simple assault which I
5 did not go into.

6 THE COURT: Ms. Fullwood, do you have any
7 position as to these charges?

8 MS. FULLWOOD: Well, Your Honor, as to the
9 A.B.H.A.N.s I do. That would be that when you perform
10 the balancing test under Rule 609(a)(1), they ought to
11 be excluded.

12 Your Honor, there is a line of cases where
13 convictions have been reversed where the -- and I'm
14 sorry, Your Honor, I cannot point to one off the top of
15 my head -- but when the crime for which the Defendant is
16 impeached are very similar to the crimes they are on
17 trial for.

18 That has on several occasions been held to
19 be -- any probative value has been held to be outweighed
20 by their prejudicial effect. I think that would be the
21 situation here. So for those convictions, they ought to
22 be excluded.

23 THE COURT: Assault and battery of a high and
24 aggravated nature is a misdemeanor?

25 MS. FULLWOOD: Yes, sir.

1 MR. RIDDLE: That's my understanding as well,
2 Your Honor.

3 MS. FULLWOOD: An unclassified misdemeanor.

4 THE COURT: Solicitor, do you have any
5 position in that regard?

6 MR. RIDDLE: Your Honor, I won't quibble with
7 whatever Your Honor does in that regard, although if
8 Your Honor does exclude those charges from being used
9 for impeachment purposes, I would move in limine that
10 the defense not be able to argue he has stolen things,
11 he has broken into things, but he has never been violent
12 or anything along those lines. I don't think they can
13 have it both ways, but whatever Your Honor thinks is the
14 appropriate ruling on the 609 issue, we are fine with
15 that.

16 THE COURT: All right. In doing the balancing
17 test, I think there is always a potential for -- not
18 always -- but I think in this case, there may be a
19 potential for the probative value to be outweighed by
20 the prejudicial effect it might have on the jury, in
21 other words, just hearing the label of assault and
22 battery of a high and aggravated nature.

23 In that regard, Solicitor, I would allow you
24 to ask, Do you have a conviction for a crime that
25 carried more than -- in excess of one year, a

1 misdemeanor that carried in excess of one year in 2007.

2 You may also do that as to the 2000 assault
3 and battery of a high and aggravated nature charge
4 without using that label itself. You may not even want
5 to quibble with that quite frankly, but my ruling would
6 be you would be allowed to do so.

7 MR. RIDDLE: I can ask about the event but not
8 use the label.

9 THE COURT: You can't ask about the event as
10 far as the facts of what happened.

11 MR. RIDDLE: Right.

12 THE COURT: I know you knew that. I just
13 wanted to make sure I got that on the record clearly.
14 You can ask: In 2007 were you convicted of a
15 misdemeanor that carries in excess of one year in
16 prison? In 2000 were you convicted of a misdemeanor
17 that carries in excess of one year in prison to show it
18 fits the statute.

19 I don't know how to label it any other way.
20 The prejudicial effect means like how bad does it sting.
21 He is on trial for assault on a correctional officer.
22 Obviously, assault and battery of a high and aggravated
23 nature, in my opinion if I can connect the dots a
24 moment, it appears he was probably in Lieber
25 Correctional Institute.

1 I'm not sure but that would happen because
2 that is Dorchester County, but be that as it may, of
3 course, the jury wouldn't know that. I assume they
4 wouldn't know that. You can phrase it in that regard,
5 and I think that would be admissible.

6 Any other issues in regards to his prior
7 record under 609, Ms. Fullwood?

8 MS. FULLWOOD: No, Your Honor.

9 THE COURT: Solicitor?

10 MR. RIDDLE: I would ask for a ruling on the
11 motion in limine since I can't ask about it being an
12 assault, I don't want to hear that he has got no history
13 of prior violence.

14 THE COURT: I would agree. You would not be
15 able to argue that he has a burglary charge, possession,
16 breaking in motor vehicle, grand larceny, malicious
17 injury, but he doesn't have any prior crimes of
18 violence, personal violence. That would not be
19 appropriate. I am sure you wouldn't intend to do that
20 anyway, Ms. Fullwood, but I would rule in that regard.

21 MS. FULLWOOD: I'm not sure that would be
22 proper even if it wasn't the case. I'm not sure.

23 THE COURT: I'm not sure either, but I'm sure
24 many attorneys may argue it. Be that as it may, I would
25 grant that motion in limine.

1 MS. FULLWOOD: Yes, sir.

2 THE COURT: Let's get back to where we were.
3 We have his record settled now. Let me make sure we
4 have his record settled. You can ask about the '07
5 misdemeanor that carries in excess of one year.

6 You can ask about '02 -- excuse me -- 2000,
7 you can ask about the following charges: Possession of
8 a stolen motor vehicle, burglary in the second degree, a
9 misdemeanor that carries in excess of one year, breaking
10 and entering motor vehicle, grand larceny and malicious
11 injury to personal property. With that being said, his
12 record is now settled.

13 What that means, Mr. Eaglin, is if you do
14 testify, the law allows the prosecutor to ask you about
15 those charges in front of the jury, about whether or not
16 you have been convicted of those certain offenses in the
17 past. They cannot go into the details of the prior
18 offenses, but they can ask you if have been convicted of
19 those offenses.

20 If that happens, in other words, if you take
21 the witness stand and the solicitor asks you about your
22 prior record, I would tell the jury that they can only
23 consider that evidence, your prior record, against you,
24 if they consider it against you at all, on the issue of
25 whether or not your testimony is believable and for no

1 other purpose. Do you understand?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: The decision about whether you
4 testify or not is your decision to make and yours alone.
5 I expect that you may confer with your attorneys or with
6 others whose opinions you value on important decisions,
7 but the decision about whether you testify or not is
8 your call, your decision. Do you understand?

9 THE DEFENDANT: Yes, sir, I do.

10 THE COURT: Has anyone exercised any undue
11 influence over you to get you to choose to testify or
12 not to testify?

13 THE DEFENDANT: No, sir.

14 THE COURT: Today are you under the influence
15 of any drug, alcohol, medication or anything that
16 negatively affects your thinking ability?

17 THE DEFENDANT: I took medication for
18 nightmares this morning, but it's not affecting my
19 thinking right now, sir.

20 THE COURT: And you take that medication
21 according to a doctor's prescription?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: And it's not interfering with your
24 thinking ability today?

25 THE DEFENDANT: No, sir, just for nightmares.

1 THE COURT: All right. Thank you. Do you
2 suffer from any mental or physical problems that
3 negatively affect your thinking today?

4 THE DEFENDANT: No, sir.

5 THE COURT: Have you had an opportunity to
6 discuss with your attorneys your right to testify or not
7 to testify?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Have you made your decision?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: What is your decision?

12 THE DEFENDANT: To not testify, sir.

13 THE COURT: Is that decision you have made, is
14 that your decision?

15 THE DEFENDANT: Yes, sir, it's my decision
16 after conversating with my attorneys.

17 THE COURT: And that is a decision you made of
18 your own free will and accord?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: And nobody is twisting your arm or
21 forcing you to make that decision?

22 THE DEFENDANT: No, sir, Your Honor.

23 THE COURT: Do you have any questions you
24 would like to ask me about your decision or your right
25 to testify or not to testify?

1 THE DEFENDANT: No, sir, my attorney has
2 summed it up for me.

3 THE COURT: Thank you. I find that Mr. Eaglin
4 is aware of his right to testify or not to testify, that
5 he has made a decision not to testify, that that is his
6 own decision made freely, knowingly, and voluntarily.
7 Thank you. You may be seated Mr. Eaglin.

8 THE DEFENDANT: Thank you, sir.

9 THE COURT: Ms. Fullwood, may I ask if y'all
10 are going to present any evidence or testimony?

11 MS. FULLWOOD: No, Your Honor.

12 THE COURT: So let me make sure I get this
13 straight. When we bring the jury out, the State is
14 going to formally rest. I then will note -- I may say a
15 couple of things to the jury at that point.

16 I will then note your motions for the record,
17 tell the jury that you may present evidence if you
18 choose to do so. You are not required to do so. I will
19 then turn to you and ask you if you -- I will probably
20 ask you if you want to call your first witness, and you
21 will rest. Is that correct?

22 MS. FULLWOOD: Yes, sir.

23 THE COURT: Then we will be ready for closing
24 arguments, correct?

25 MR. RIDDLE: Yes, sir.

1 THE COURT: I want to make sure we all have
2 got the procedure straight. What order are we going on
3 closings? The solicitor is first, correct?

4 MR. RIDDLE: I believe that is correct, Your
5 Honor.

6 THE COURT: Then either Ms. Hahn or
7 Ms. Fullwood?

8 MS. HAHN: Yes, sir.

9 THE COURT: Any specific requests to charge
10 from the State?

11 MR. RIDDLE: No, sir.

12 THE COURT: From the defense?

13 MS. HAHN: No, Your Honor.

14 THE COURT: There was one issue earlier
15 concerning photographs. Is that issue off the table
16 completely?

17 MS. HAHN: I believe Ms. Fullwood is checking.

18 THE COURT: I'm sorry?

19 MS. FULLWOOD: The witness just got here, Your
20 Honor. I am taking a quick look. If I may get the
21 Court's indulgence.

22 THE COURT: Yes, ma'am, certainly.

23 (Pause).

24 THE COURT: Just let me know when you have
25 reviewed it.

1 (Whereupon there is a recess).

2 THE COURT: Yes, sir, Solicitor.

3 MR. RIDDLE: Your Honor, I just had one
4 another matter I would like to address with the Court.

5 THE COURT: Yes, sir.

6 MR. RIDDLE: As I understand it, we are still
7 where we are, which means I go first and they go last.
8 Then Your Honor goes. But I don't know whether Your
9 Honor charges defendant's right not to testify to the
10 jury. I know some lawyers like it; some lawyers don't.
11 I would like for Mr. Eaglin to direct the Court as to
12 what he would prefer to have done in that regard.

13 THE COURT: Ms. Fullwood.

14 MS. FULLWOOD: Your Honor, we want that
15 charged.

16 THE COURT: All right. I generally charge it.
17 Anything further before we bring in our jury from the
18 State?

19 MR. RIDDLE: No, sir.

20 THE COURT: From the defense?

21 MS. HAHN: No, Your Honor.

22 THE COURT: Thank you. If you would bring us
23 our jury, please.

24 (The jury returns to the courtroom at
25 3:18 p.m.)

1 THE COURT: Thank you. Thank you very much,
2 ladies and gentlemen, for your patience. Welcome back.
3 I hope y'all had a pleasant lunch. We are now at the
4 point where we are continuing the trial of case by the
5 presentation of testimony by the State.

6 Solicitor, you may call your next witness.

7 MR. RIDDLE: Your Honor, at this time the
8 State would rest.

9 THE COURT: The State rests. Ladies and
10 gentlemen, upon the State resting that means you have
11 heard all the evidence and testimony you are going to
12 hear from the State in its case in chief.

13 The defense may now present evidence if the
14 defense chooses to do so. A defendant never has to
15 present evidence in South Carolina in a criminal trial
16 because a defendant is presumed innocent, and the State
17 has the burden of proving its case beyond a reasonable
18 doubt.

19 However, the defense may present evidence or
20 testimony if they choose to do so. I would note the
21 defense's motions for the record and then turn to the
22 defense and ask, you may call your first witness.

23 MS. HAHN: Your Honor, the defense rests.

24 THE COURT: With that being said, ladies and
25 gentlemen, the defense has rested. Again, they are not

1 required to present any evidence or testimony. The
2 Defendant is presumed innocent. The State has the
3 burden of proving its case beyond a reasonable doubt.

4 You have now heard all the evidence and all
5 the testimony that you are going to hear in the trial of
6 this case. We are now at the stage of the case where
7 the closing arguments will be presented to you by the
8 attorneys.

9 The procedure we follow at this stage is the
10 solicitor will present the closing argument on behalf of
11 the State, followed by either Ms. Hahn or Ms. Fullwood
12 on behalf of the Defendant.

13 Closing arguments are very different from
14 opening statements. In the closing arguments, the
15 attorneys may comment on the law, the facts and how the
16 facts apply to the law and any reasonable inferences
17 that may be drawn from the facts.

18 They are true arguments. The arguments are
19 not evidence, but they are true arguments, and I would
20 ask you to please give the parties your complete and
21 undivided attention during their closing arguments.

22 After the closing arguments of the attorneys,
23 I will then do what is known as charge you the law or I
24 will tell you the law that applies to the facts of this
25 case or I will read you the law that applies to the

1 THE COURT: Thank you. Thank you, Ms. Hahn.
2 (Whereupon the Court charged the jury as
3 follows).

4 THE COURT: Mr. Foreman, ladies and gentlemen
5 of the jury, if you will please give me your complete
6 and undivided attention. The way I do my charges is I
7 cover the general criminal law that applies to all
8 criminal cases in South Carolina.

9 I then cover the specific statute involved in
10 this case, and then I will cover what is known as the
11 form of the verdict. I will generally give you a
12 caption of the paragraph I am fixing to cover. When I
13 move from that particular topic to the next topic, I
14 will give you the heading of that next paragraph I am
15 going to cover.

16 Charge, arrest, indictment not evidence. The
17 indictments charge the Defendant with assault upon an
18 employee of a correctional facility. I remind you that
19 the fact the Defendant was arrested, charged, and
20 indicted in this case is not evidence and cannot be
21 considered by you as evidence of guilt, nor does it
22 create any presumption or inference of guilt.

23 Again, these documents, these indictments, are
24 simply the formal written instruments which contain the
25 charges made against the Defendant. They are the formal

1 documents by which the case is brought into court.

2 Presumption of innocence. The Defendant has
3 pled not guilty to these indictments. That plea puts
4 the burden on the State to prove the Defendant guilty.
5 A person charged with committing a criminal offense in
6 South Carolina is never required to prove himself
7 innocent.

8 I charge you that it is an important rule of
9 the law that the Defendant in a criminal trial, no
10 matter what the seriousness of the charge may be, will
11 always be presumed to be innocent of the crime for which
12 the indictment was issued unless guilt has been proven
13 by evidence satisfying you of that guilt beyond a
14 reasonable doubt.

15 This presumption of innocence does not end
16 when you begin your deliberations, but it accompanies
17 the Defendant throughout the trial until you reach a
18 verdict of guilt based on evidence satisfying you of
19 that guilt beyond a reasonable doubt.

20 The presumption of innocence is like a robe of
21 righteousness placed about the shoulders of the
22 Defendant which remains with the Defendant until it has
23 been stripped from the Defendant by evidence satisfying
24 you of the Defendant's guilt beyond a reasonable doubt.

25 The presumption of innocence is not a mere

1 legal theory. It is not just a legal phrase. It is a
2 substantial right to which every defendant is entitled
3 unless you the jury are satisfied from the evidence of
4 the Defendant's guilt beyond a reasonable doubt.

5 What is a reasonable doubt? A reasonable
6 doubt is the kind of doubt that would cause a reasonable
7 person to hesitate to act. The State has the burden of
8 proving the Defendant guilty beyond a reasonable doubt.

9 Some of you in the past may have served as
10 jurors in civil cases where you were told that it is
11 only necessary to prove that a fact is more likely true
12 than not true, such as by the greater weight or
13 preponderance of the evidence.

14 In criminal cases the State's proof must be
15 more powerful than that. It must be beyond a reasonable
16 doubt. Proof beyond a reasonable doubt is proof that
17 leaves you firmly convinced of the Defendant's guilt.

18 There are very few thing in this world that we
19 know with absolute certainty, and in criminal cases the
20 law does not require proof that overcomes every possible
21 doubt.

22 If based on your consideration of the evidence
23 you are firmly convinced that the Defendant is guilty of
24 the crimes charged, you must find the Defendant guilty.
25 If, on the other hand, you think there is a real

1 possibility that the Defendant is not guilty, you must
2 give the Defendant the benefit of the doubt and find him
3 not guilty.

4 Duties of jury and trial judge. I remind you
5 that during the trial, you and I have certain duties to
6 perform. As the trial judge, it is my responsibility to
7 preside over the trial of this case, and I also have the
8 duty to rule on the admissibility of the evidence
9 offered during the trial.

10 You are to consider only the competent
11 evidence before you. If there was any evidence ordered
12 stricken from the record, you must disregard it. You
13 are to consider only the testimony which has been
14 presented from this witness stand.

15 I have the additional duty to charge you the
16 law that applies to the case. As the presiding judge, I
17 am the sole judge of the law of this case, and it is
18 your duty as jurors to accept and apply the law as I now
19 state it to you.

20 If you already have an idea as to what the law
21 is or what the law ought to be and it does not agree
22 with what I now tell the law is, you must abandon your
23 idea because you are sworn to accept the law and apply
24 the law exactly as I state it to you.

25 In every case tried in this court before a

1 jury, the jury becomes the sole and exclusive judge of
2 the facts in a case. A trial judge cannot intimate,
3 state, comment on or make any statement to a trial jury
4 about the facts in the case.

5 Since you the jury are the sole judge of the
6 facts in the case, you are not to infer from what I
7 have said during the progress of the trial in ruling
8 upon the admissibility of evidence or otherwise or
9 anything that I say now during the course of this
10 instruction to you that I have any opinion about the
11 facts in this case.

12 The law does not allow me to have an opinion
13 about the facts in this case. This is a matter solely
14 for you the jury to determine. As jurors it is your
15 duty to determine the effect, the value, the weight, and
16 the truth of the evidence that has been presented during
17 this trial.

18 Direct and circumstantial evidence. There are
19 two types of evidence which are generally presented
20 during a trial, direct evidence and circumstantial
21 evidence.

22 Direct evidence is the testimony of a person
23 who claims to have actual knowledge of a fact, such as
24 an eyewitness or an ear witness. It is evidence which
25 immediately establishes the main fact to be proved.

1 Circumstantial evidence is proof of a chain of
2 facts and circumstances indicating the existence of a
3 fact. It is evidence which immediately establishes a
4 collateral fact from which the main fact may be
5 inferred. Circumstantial evidence is based on inference
6 and not on personal knowledge or observation.

7 Our law makes absolutely no distinction
8 between the weight or value to be given to either direct
9 or circumstantial evidence, nor is a greater degree of
10 certainty required of circumstantial evidence than of
11 direct evidence.

12 You should consider all of the evidence in the
13 case. After weighing all of the evidence, if you are
14 not convinced of the guilt of the Defendant beyond a
15 reasonable doubt, you must find the Defendant not
16 guilty.

17 Credibility of witnesses. Necessarily you
18 must determine the credibility of the witnesses who have
19 testified in this case. Credibility simply means
20 believability.

21 It becomes your duty as jurors, in using your
22 good judgment and your common sense, to analyze and to
23 evaluate the evidence and determine which evidence
24 convinces you of its truth.

25 In determining the believability of witnesses

1 who have testified in this case, you may believe one
2 witness over several or several over one. You may
3 believe part of the testimony of witness and reject
4 the remaining part of the testimony of that same
5 witness.

6 You may believe the testimony of a witness in
7 its entirety or reject the testimony of a witness in its
8 entirety. You may consider whether any witness has
9 exhibited to you any interest, bias, prejudice or other
10 motive in this case. You may also consider the
11 appearance, the demeanor, and the manner of a witness
12 while on the witness stand.

13 I instruct you and emphasize that the fact
14 that the Defendant did not testify is not a factor to be
15 considered by you in any way in your deliberation and in
16 your consideration of the question of the guilt or
17 innocence of the Defendant. It must not be considered
18 by you in any manner whatsoever.

19 A defendant has the constitutional right to
20 remain silent, and the assertion of that right must not
21 be considered by you in your deliberations. I repeat,
22 under your oath you are to draw no conclusion whatsoever
23 from the fact that the Defendant in this case did not
24 testify.

25 The fact that this Defendant did not testify

1 should not even be discussed in the jury room. The
2 burden of proof, as I have stated to you, is on the
3 State. The Defendant is not required to prove his
4 innocence. The burden of proof remains on the State to
5 prove guilt beyond a reasonable doubt.

6 Intent. In order to establish criminal
7 liability, criminal intent is required. For example,
8 the mental state required to be proven by the State for
9 a particular crime might be purpose, intent, knowledge,
10 recklessness or criminal negligence.

11 Criminal intent must be proven by the State
12 beyond a reasonable doubt. Criminal intent is always a
13 matter that must be determined by the jury from the
14 circumstances surrounding the situation.

15 There is no way to prove intent to a
16 mathematical certainty. There is no way medical science
17 can dissect a person's brain and determine what the
18 person had in mind.

19 So the law says that criminal intent may be
20 inferred from the circumstances shown to have existed.
21 This is how you make your determination of whether or
22 not the element requiring intent was present.

23 It is not necessary to establish intent by
24 direct and positive evidence, but intent may be
25 established by inference in the same way as any other

1 fact, by taking into consideration the acts of the
2 parties and all of the facts and circumstances of the
3 case.

4 Criminal intent is a mental state, a conscious
5 wrongdoing. It is up to you to determine what the
6 Defendant intended to do based on the circumstances
7 shown to have existed.

8 Ladies and gentlemen, that is the general law
9 that applies. Now I will cover the specific statute
10 which is assault upon an employee of a State or local
11 correctional facility performing job-related duties.
12 It's under South Carolina Code Section 16-3-630.

13 In order to prove assault upon an employee of
14 a State or local correctional facility performing
15 job-related duties, the State must prove beyond a
16 reasonable doubt, first, that an assault occurred.

17 Second, that the victim of the assault was a
18 State or local correctional facility employee. And,
19 third, that the employee was performing job-related
20 duties.

21 It is that an assault occurred, the victim of
22 the assault was a State or local correctional facility
23 employee, and the employee was performing job-related
24 duties.

25 An assault is the intentional creation of fear

1 of immediate bodily harm. It is not necessary that the
2 attempted injury or harm actually take place. For
3 example, if I walk up to you and when we are in arm's
4 length, I reach and draw back to hit you, that is an
5 assault.

6 While words alone do not constitute an
7 assault, if by words and conduct a person intentionally
8 creates a reasonable fear of bodily harm, it is an
9 assault.

10 Examples of assault include any attempt to do
11 violence in a rude, angry or resentful manner, raising a
12 stick or fist within striking distance or spitting in
13 another's face. That is the charge of assault upon a
14 correctional officer performing job-related duties.

15 Now, ladies and gentlemen, there are obviously
16 two indictments in this case, and they must be
17 considered separately and distinctly. You will have the
18 indictments in there with you.

19 Again, as I have said many times before, the
20 indictments are not evidence, but there are two possible
21 verdicts which you may find in this case as to each
22 indictment. There is absolutely no significance
23 whatsoever in the order in which I state these possible
24 verdicts. It's simply that one must be stated first.

25 As to Indictment 08-GS-32-3506, it alleges an

1 assault upon Officer Isaac Jackson. Two possible forms
2 of verdict, guilty or not guilty. As to 08-GS-32-3507,
3 alleging an assault upon Officer Troy Hall, the two
4 possible forms of verdict are guilty or not guilty.

5 You can find the Defendant guilty as to both
6 indictments, not guilty as to both indictments or guilty
7 of one, not guilty of the other. They should be
8 considered separately and distinctly, uninfluenced by
9 evidence of one as to the other.

10 Ladies and gentlemen, your verdicts must be
11 unanimous ones. Your verdict must not be based on any
12 sympathy, passion, prejudice or any consideration not in
13 evidence in this case.

14 After your determination of the facts in the
15 case and you reach a verdict of guilty, Mr. Foreman,
16 when the jury reaches whatever verdict -- or not
17 guilty -- you would write the verdict on the back of the
18 indictment where it indicates verdict.

19 You would write whatever the verdict is,
20 guilty or not guilty, sign your name as foreperson of
21 the petit jury and today's date, which I believe is 25
22 August, '09.

23 That would be as to Mr. Jackson. His name is
24 in the body of the indictment. As to the other, it's
25 the same form, not guilty or guilty, foreperson, today's

1 date as to Officer Hall.

2 Once y'all have reached that unanimous
3 verdict, you have signed the indictments and dated the
4 indictments, if you would knock on the jury room door.
5 Inform the bailiff you have reached your verdict. At
6 that time we will receive you back into the courtroom
7 for the reception of the verdicts.

8 If you have any questions during the course of
9 your deliberations, Mr. Foreman, just write out a note
10 for me and knock on the door. There will be a bailiff
11 posted outside of the jury room door.

12 I am going to send all 13 of you into the jury
13 room for a moment. The law requires me to meet one
14 final time with the attorneys outside of the jury's
15 presence.

16 All of you look fine and healthy, ready to go
17 forward in your deliberations. What will happen is if I
18 do not have to bring you back out here for further
19 instructions, you will receive the indictments, and you
20 will be directed to begin your deliberations by either
21 the bailiff or the clerk.

22 Our alternate, Ms. Anderson, will come out of
23 the jury room. Then you may begin your deliberations.
24 Again, if you have any questions, write me out a note.
25 Thank you very much. You may now go with your bailiff.

1 (The jury retires to the jury room).

2 THE COURT: Exceptions, Solicitor?

3 MR. RIDDLE: None.

4 THE COURT: Ms. Hahn?

5 MS. HAHN: None, Your Honor.

6 THE COURT: I don't think we have to check the
7 exhibits, correct?

8 MR. RIDDLE: No, sir.

9 THE COURT: If you would give them the
10 indictments, bring out our alternate, and we will be
11 awaiting our verdict.

12 (The alternate is excused).

13 (The jury commences its deliberation at
14 3:57 p.m.)

15 (The following occurred at 4:18 p.m.)

16 THE COURT: I understand we have a verdict.
17 Mr. Bailiff, if you would bring our jury, please.

18 (The jury returns to open court to report its
19 verdict).

20 THE COURT: Madame Clerk.

21 CLERK: Mr. Foreman, have you reached your
22 verdicts?

23 FOREMAN: Yes, ma'am, we have.

24 CLERK: Please pass them up by the bailiffs.

25 (Hands to Court).

1 THE COURT: The verdicts appear to be in the
2 proper form. Madame Clerk, if you would publish the
3 verdicts, please.

4 (Whereupon the verdicts of the jury are
5 published as follows).

6 CLERK: Indictment 2008-GS-32-3056, the State
7 versus Adrian Eaglin, indicted for assault upon an
8 employee of a correctional facility, the verdict is
9 guilty.

10 Indictment 2008-GS-32-3057, the State versus
11 Adrian Eaglin, indicted for assault upon an employee of
12 a correctional facility, the verdict is guilty. They
13 are both so signed by the foreperson, Gary Glenn.

14 Mr. Glenn, ladies and gentlemen, if this is
15 your verdict, please indicate each of you by raising
16 your right hand.

17 (All jurors so indicate).

18 CLERK: All hands are raised, Your Honor.

19 THE COURT: Anything further from the jury
20 from the State?

21 MR. RIDDLE: No, sir.

22 THE COURT: From the defense?

23 MS. HAHN: No, Your Honor.

24 THE COURT: Mr. Foreman, and ladies and
25 gentlemen of the jury, I never criticize nor commend a

1 jury for its verdict. However, I will say if you ever
2 find yourself a party of the system again, as far as a
3 party, witness or otherwise -- and I hope you never
4 do -- that the jury that is selected for the trial of
5 that case is as focused and attentive and as patient as
6 you have been and you have shown all the parties
7 throughout the trial of this case.

8 This will conclude your service for jury duty
9 for the remainder of the week. I have another case to
10 try. We have already selected a jury or we already have
11 a panel to select a jury from in that matter. That
12 should take up the remainder of the week for the Court's
13 time.

14 I believe they are already trying a civil case
15 downstairs that will take the remainder of the week for
16 civil court. You would have an exemption from jury
17 service in circuit court of record for South Carolina
18 for the remainder of this calendar year.

19 Thereafter you have two years whereby you can
20 exercise an exemption if you choose to do so in State
21 circuit court of record. The check is in the mail? The
22 check is almost in the mail?

23 CLERK: Almost.

24 THE COURT: I tell people commonly, don't go
25 home and get on the internet and book a cruise awaiting

1 that check, not even to Shull Island. If we paid you
2 what you were worth, it would break the county.

3 It has been my pleasure and privilege to be
4 with y'all this week. The bailiffs will ask you to
5 leave your buttons as you leave. You are now excused.
6 Thank you very much. Court will be in recess about ten
7 minutes prior to sentencing.

8 (The jury is excused).

9 (Whereupon there is a recess).

10 THE COURT: Any reason sentencing cannot be
11 imposed at this time, Ms. Fullwood?

12 MS. FULLWOOD: No, sir. Of course, we would
13 have a motion prior to sentencing.

14 THE COURT: Yes, ma'am, I would be glad to
15 hear your motions.

16 MS. FULLWOOD: Your Honor, at this time I
17 would move for new trials on both indictments on behalf
18 of Mr. Eaglin. The grounds of the motion are based on
19 all of the objections made and exceptions taken during
20 the course of this trial.

21 THE COURT: I would respectfully deny the
22 motion. I reaffirm all my trial rulings in that regard.
23 As far as the motion on the directed verdict at the
24 close of the evidence, I would renew my ruling in that
25 regard. Anything further?

1 MS. FULLWOOD: No, Your Honor.

2 THE COURT: If you would come around please,
3 Mr. Eaglin.

4 (Pause).

5 THE COURT: Solicitor, anything additional
6 from the State prior to imposition of sentence?

7 MR. RIDDLE: Your Honor, I think you have a
8 pretty good understanding of what Mr. Eaglin's -- the
9 crimes that would have been admissible under Rule 609.
10 The only other thing is he had a simple assault and
11 battery from 1998 which I didn't read out before because
12 I knew that wasn't going to be admissible.

13 I can do the rest of the rap sheet again. I
14 know Your Honor was making notes. I would be glad to do
15 it either way. As far as the 2007 indictment, Your
16 Honor, the A.B.H.A.N., I would note that that appears to
17 be a substantially similar charge to what we are here on
18 today.

19 The facts that Mr. Eaglin pled guilty to on
20 that particular indictment, Your Honor, were striking
21 the victim in the head with a set of handcuffs that he
22 was wearing at the time.

23 THE COURT: Was the victim an officer?

24 MR. RIDDLE: It does not state that he was an
25 officer, Your Honor, but he was wearing a set of

1 handcuffs at the time.

2 The other thing I would like to submit to the
3 Court at this time, Your Honor, and this was not raised
4 during the course of the trial, but since Mr. Eaglin has
5 been confined in the Lexington County Detention Center,
6 he has had over 90 write-ups for disciplinary
7 infractions at the jail since July 12, 2007.

8 The last remaining thing I would like to put
9 on the record is that I spoke with Mr. Jackson and
10 Mr. Hall and asked them whether or not they wanted to
11 address, Your Honor, during the sentencing proceeding.
12 They indicated that their testimony they thought spoke
13 for themselves.

14 One additional correction, Your Honor, as far
15 as the A.B.H.A.N. was concerned, I was just told it was,
16 in fact, an officer from somebody that knew him. So I
17 would like to put that on the record. That would be it,
18 Your Honor.

19 THE COURT: How many infractions did you say
20 he had at the jail?

21 MR. RIDDLE: Over 90, 90, Your Honor.

22 THE COURT: What type of infractions are
23 these? Are they disrespect or failure to comply?

24 MR. RIDDLE: The whole range of them. This
25 would obviously be the most serious one. There is

1 disrespect, failure to comply. As you stated, there is
2 flooding. There is contraband, just the whole gamut.

3 THE COURT: Contraband in the form of the
4 improper stamps or are you talking about cell phones?
5 Are you talking about drugs?

6 MR. RIDDLE: The whole gamut. A cell phone I
7 know is one of them. I am told at least one was a
8 weapon.

9 THE COURT: A weapon made in-house?

10 MR. RIDDLE: Yes, sir.

11 THE COURT: All right. Anything further,
12 Solicitor?

13 MR. RIDDLE: No, sir.

14 THE COURT: Thank you. Thank you very much.
15 Ms. Hahn, Ms. Fullwood?

16 MS. HAHN: Thank you, Your Honor. I
17 understand that you heard a little bit about Mr. Eaglin
18 during the course of the trial and his motions that
19 preceded the trial. So I will be fairly brief.

20 You know he is from Gaston. He has a tenth
21 grade education. He does have some extensive
22 involvement with mental health care. As Dr. Morthala
23 indicated, he has a serious problem with impulsivity.

24 It's certainly not rising to the level of a
25 problem with his competence, but it's also something

1 that really does affect his behavior and has for some
2 time.

3 As far as the other writeups at the jail, I
4 would point out they are certainly not all combative
5 type incidents. Mr. Eaglin denies that he had any kind
6 of weapon.

7 I believe if I have seen the one that the
8 solicitor is referring to, I believe if my memory is
9 correct, it was a piece of metal that he was caught with
10 if I thinking about the same thing Mr. Riddle is.

11 Your Honor, we just ask you to consider that
12 he has got family that cares about him very much. His
13 parents have been here throughout the course of the
14 trial, have interacted with our office, and have tried
15 to do everything they can for him.

16 I would point out that he has been
17 incarcerated since July 12, 2007, on other charges, but
18 he has been incarcerated on this obviously since
19 January 18th of 2009 (sic).

20 We ask the Court to consider making the
21 sentences on these charges concurrent with each other
22 based on the fact that both charges arose out of the
23 same incident, and they involve the same struggle over a
24 brief period of time. We just ask for any leniency that
25 the Court feels it can provide.

1 THE COURT: Thank you, Ms. Hahn.

2 Ms. Fullwood, anything you would like to say?

3 MS. FULLWOOD: No, Your Honor.

4 THE COURT: Mr. Eaglin, anything you would
5 like to say?

6 THE DEFENDANT: Yes, sir. The weapon that
7 y'all are referring to is a piece of metal clipping off
8 the top of an ink pen on which I used to clean out my
9 ear with lubrication. It was never filed or nothing,
10 sir. It was not a weapon.

11 THE COURT: All right. I will not consider
12 that. I won't consider that. Anything else you would
13 like to say?

14 THE DEFENDANT: I don't feel the need, Your
15 Honor, to say anymore.

16 THE COURT: What about his parents, either one
17 of them want to address the Court, Ms. Hahn?

18 MS. HAHN: I believe his father would like to
19 address the Court.

20 THE COURT: Certainly. Yes, sir, your full
21 name, please?

22 MR. EAGLIN: Hello, Your Honor. My name is
23 Monty Eaglin, Adrian Eaglin's father. I know for some
24 time he has been going through some things. I just
25 wanted to show that I am here for him. I just ask that

1 whatever sentence that you all come up, that you be real
2 lenient toward him.

3 He has been going through some things. I am
4 trying, you know, to work with him and work with them,
5 what he is going through. I just want to say that you
6 all have some compassion on him.

7 I have a lot of things for him to do whenever
8 I get him back to where I am. I have work for him to
9 do, keeps him in lines when I am home. I work at night,
10 but I just hope to say that I hope you all have some
11 compassion on him.

12 THE COURT: Thank you. Thank you, sir.

13 Anything further, Ms. Hahn?

14 MS. HAHN: No, Your Honor.

15 THE COURT: I didn't cut you off, did I,
16 Mr. Eaglin?

17 MR. EAGLIN: No, sir.

18 MR. RIDDLE: Your Honor, I don't have anything
19 in opposition to what Ms. Hahn said, except for her one
20 request that the charges run concurrently. I don't
21 think by statute they can.

22 THE COURT: I looked it up earlier. It has to
23 run consecutive to each other or consecutive to his
24 active sentence, which he doesn't have one.

25 MR. RIDDLE: He does not currently have an

1 active sentence. It says a sentence under this
2 provision must be served consecutively to any other
3 sentence the person is serving.

4 Your Honor, I might be wrong but I read that
5 to mean any other sentence that you impose today as
6 well, but I may be wrong about that.

7 MS. HAHN: Your Honor, I would argue that
8 these sentences would not be concurrent to any sentence
9 he is currently serving because he is not serving one
10 yet.

11 MS. FULLWOOD: Your Honor, Mr. Eaglin tells
12 us, Your Honor, he would like to say one more thing.

13 THE COURT: Certainly.

14 THE DEFENDANT: I am sitting here wondering,
15 right. You asked me, being the judge, Your Honor,
16 couldn't you like override a sentencing if you felt
17 something wasn't right with this conviction?

18 THE COURT: I'm not sure I exactly understood
19 your question, Mr. Eaglin. I can override a sentence if
20 I felt that something wasn't right? Is that your
21 question?

22 THE DEFENDANT: See, I'm the victim in this
23 situation, but right now I am the Defendant. While I am
24 sitting over here just listening and heard this case,
25 you have as well, and I'm still trying to find it hard

1 to believe they found me guilty of these charges, sir.

2 MS. FULLWOOD: It sounds like he is speaking
3 about like a J.N.O.V. which isn't available, of course.

4 THE DEFENDANT: I didn't assault these
5 officers. It was on video and they destroyed that.

6 THE COURT: Mr. Eaglin, I think you are an
7 intelligent young man. But when I think of the
8 situation that confronted the officers, you gave them no
9 choice but to do what they did.

10 I'm not fussing at you. I'm not preaching to
11 you. You have a very fine mother and father. I think I
12 recall your mother and father being here with you one
13 time at a bond reduction. I believe your father is
14 employed with U.P.S. I could be wrong with that.

15 It seems like he was a supervisor with U.P.S.
16 They support you very much. But you have plenty enough
17 intelligence to know that at 2:00 o'clock or 2:30 or
18 3:00 o'clock in the morning is not the time to be
19 dealing with concerns you have about your mail delivery.

20 I can't imagine Officer Butler treating
21 anybody disrespectfully from his demeanor on the witness
22 stand or Ms. Williams for that matter. She called
23 Sergeant Butler. He came down there, and they basically
24 said you need to calm down. You have been in that
25 environment before.

1 Then these two other officers, Hall and
2 Officer Jackson, they testified they never even heard
3 your name. They didn't know you. You put yourself in
4 this position by failing to comply with the instructions
5 and the directions of the staff at the correctional
6 facility and using very poor judgment in really
7 attempting to get what you want.

8 That's a controlled environment. The real
9 world is a controlled environment. None of us can get
10 what we want, none of us. Clearly in the jail you can't
11 get what you want when you want it. Go ahead. Do you
12 want to say something?

13 THE DEFENDANT: Yes, sir. You keep repeating
14 that I violated the policy or whatever, you know. I
15 never violated the policy. It's the only thing that
16 could have proven my innocence without reasonable doubt.

17 THE COURT: I didn't say violate their
18 policies. I said you have to follow rules and
19 regulations in a controlled environment.

20 THE DEFENDANT: That is violating policy, sir.

21 THE COURT: If an officer tells you to do
22 something, you have to do it. And if there is a
23 procedure or grievance to have that corrected, you can
24 do it, but you don't correct it by violence.

25 THE DEFENDANT: Yes, sir.

1 THE COURT: These officers are not paid to be
2 hit in the face and hit in the shoulder and kicked at.
3 They are not paid for that. You need self control to
4 not do that and not engage in that type of conduct.

5 THE DEFENDANT: That's why I am trying to
6 convince you, sir. I never reacted in the formation
7 they have spoken of, my reactions.

8 THE COURT: Well, the jury has decided that
9 you did.

10 THE DEFENDANT: That's why I was wondering,
11 could you approach that?

12 THE COURT: No, sir. As your lawyer just
13 said, there is no such motion as a J.N.O.V., which is
14 judgment notwithstanding the verdict, that exists, but I
15 think the jury found the appropriate verdicts in this
16 case.

17 (Pause).

18 THE COURT: 08-GS-32-3506, 3507, Adrian
19 Eaglin, the jury having returned a verdict of guilty of
20 assault upon an employee of a local correctional
21 facility, the Defendant is committed to the State
22 Department of Corrections for a determinate term of
23 three years on each charge. Those are consecutive, one
24 to the other.

25 He is given credit for time served from

1 1/18/09 (sic). I recommend mental health treatment as
2 deemed appropriate by the Department of Corrections.
3 Good luck to you, Mr. Eaglin.

4 MS. FULLWOOD: Thank you, Your Honor.

5 THE COURT: Thank you very much. Court will
6 be in recess until 9:30.

7 *** END OF REQUESTED TRANSCRIPT OF RECORD ***
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WITNESSES

Lexington County Sheriffs Department

Sgt Nathan

Law Enforcement Case #:

CDR

ARREST WARRANT NUMBER

J846086

ACTION OF GRAND JURY

TRUE BILL

Donald L. Enghart
Foreperson of Grand Jury
Date: 11-10-08

VERDICT

Guilty

Gary S. Givens 25 Aug 2009
Foreperson of Petit Jury
Date:

DOCKET NO. 2008-GS-32-3506

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

NOVEMBER TERM 2008

THE STATE

vs.

Adrian Eaglin

CDR #: 2525

Indictment for

**ASSAULT UPON AN EMPLOYEE OF A
CORRECTIONAL FACILITY**

§ 16-03-0630

DONALD V. MYERS, SOLICITOR

STATE OF SOUTH CAROLINA)

COUNTY OF LEXINGTON)

INDICTMENT FOR
ASSAULT UPON AN EMPLOYEE OF A
CORRECTIONAL FACILITY

§ 16-03-0630

At a Court of General Sessions, convened on NOVEMBER 2008, the Grand Jurors of Lexington County present upon their oath:

That Adrian Eaglin in Lexington County on or about January 18, 2008 willfully, feloniously, and unlawfully commit an assault on Isaac Jackson, an employee of a state or local correctional facility, to wit: Lexington County Detention Center, while the said Isaac Jackson was performing his job-related duties in violation of Section ²¹16-3-630 of the South Carolina Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


ASSISTANT SOLICITOR

WITNESSES

Lexington County Sheriffs Department

Blondell Nathan

Law Enforcement Case #:

CDR

ARREST WARRANT NUMBER

J846087

ACTION OF GRAND JURY

TRUE BILL

Donald Leaphart
Foreperson of Grand Jury
Date: 11-10-08

VERDICT

Guilty

Gary S. Jones 25 Aug 2009
Foreperson of Petit Jury
Date:

DOCKET NO. 2008-GS-32-3507

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

NOVEMBER TERM 2008

THE STATE

vs.

Adrian Eaglin

CDR #: 2525

Indictment for

ASSAULT UPON AN EMPLOYEE OF A
CORRECTIONAL FACILITY

§ 16-03-0630

DONALD V. MYERS, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)

INDICTMENT FOR
ASSAULT UPON AN EMPLOYEE OF A
CORRECTIONAL FACILITY

§ 16-03-0630

At a Court of General Sessions, convened on NOVEMBER 2008, the Grand Jurors of Lexington County present upon their oath:

That Adrian Eaglin in Lexington County on or about January 18, 2008 willfully, feloniously, and unlawfully commit an assault on Troy Hall, an employee of a state or local correctional facility, to wit: Lexington County Detention Center, while the said Troy Hall was performing his job-related duties in violation of Section ^{21a} 16-3-630 of the South Carolina Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


ASSISTANT SOLICITOR

APP'X 262

260
COUNTY OF
STATE

Lexington

VS.

Adrian Eaglin

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2008GS3203507

AW#: J846087

Date of Offense: 1/18/2008

S.C. Code §: 16-03-0630

CDR Code #: 2525

AKA: _____
 Race: _____ Sex: _____ Age: _____
 DOB: _____ SS#: _____
 Address: _____
 City, State, Zip: _____
 DL#: _____ SID#: _____

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was

☒ CONVICTED OF or ☐ PLEADS

TO: Assault / Assault upon an employee of a correctional facility

In violation of § 16-03-0630

of the S.C. Code of Laws, bearing CDR Code #

2525

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act)☐ \$17-25-45The charge is ☒ As indicted, ☐ Lesser Included Offense,☐ Defendant Waives Presentment to Grand Jury, (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation,☐ Negotiated Sentence, ☐ Recommendation by the State

ATTEST

Solicitor

SC Bar # 74448

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,for a determinate term of 3 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment

of \$ _____; plus costs and assessments as applicable; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: 086532-3506☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections. FROM 18 JAN 08 (2A)☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP

Total: \$ _____ plus 20% fee: \$ _____

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐☐ Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp. _____

Recipient: _____

May serve W/E. beginning _____

Substance Abuse Counseling ☐

*Fine:

\$14-1-208 (Assessments 107.5%)

\$14-1-211 (A)(1)(Conv. Surcharge)

\$14-1-211 (A)(2)(DUI Surcharge)

\$56-5-2995 (DUI Assessment)

\$56-1-286 (DUI Breath Test)

\$47.12 (Public Def Prob)

\$14-1-212 (Law Enforce. Funding)

\$14-1-213 (Drug Court Surcharge)

\$50-21-114 (BUI Breath Test Fee)

\$58-5-2942(J) (Vehicle Assessment)

\$90.7 (SCCJA Surcharge)

3% to County (if paid in installments)

TOTAL

\$

\$

\$100

\$100

\$

\$

\$

\$

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Random Drug/Alcohol Testing ☐

Fine may be pd. In equal, consecutive weekly/monthly

pmts. of \$ _____ Beginning _____

\$ _____ Paid to Public Defender Fund

Other: _____

MENTAL HEALTH TREATMENT
AS DEEMED APPROPRIATE☐ Appointed PD or appointed other counsel,

\$47.12 requires \$500 be paid to Clerk

during probation.

Presiding Judge

Judge Code:

Sentence Date

Clerk of Court/Deputy Clerk

Court Reporter:

SCCA/217 (06/2009)

APP'X 263

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS **261**COUNTY OF Lexington
STATE

VS. Adrian Eaglin

INDICTMENT/CASE#: 2008GS3203506

AKA: _____
Race: _____ Sex: _____ Age: _____
DOB: _____ SSN: _____
Address: _____
City, State, Zip: _____
DL#: _____ SID#: _____

AM#: J846086

Date of Offense: 1/18/2008

S.C. Code §: 16-03-0630

CDR Code #: 2525

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was

☒ CONVICTED OF or ☐ PLEADS

TO: Assault / Assault upon an employee of a correctional facility

In violation of § 16-03-0630 of the S.C. Code of Laws, bearing CDR Code # 2525

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ \$17-25-45(CSC w/minor 1st or Lewd Act)The charge is ☒ As indicated, ☐ Lesser Included Offense,☐ Defendant Waives Presentment to Grand Jury, (defendant's initials)The plea is ☒ Without Negotiations or Recommendation,☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST: *[Signature]* 74448

Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,for a determinate term of 3 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment

of \$ _____; plus costs and assessments as applicable; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: 08 69 32 - 3507☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections. FROM 18 JAN 08 (Pm)☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP _____

Total: \$ _____ plus 20% fee: \$ _____

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐☐ Set by SCDPPPS _____

Attend Voc. Rehab. Or Job Corp. _____

Recipient: _____

May serve W/E beginning _____

Substance Abuse Counseling ☐

*Fine:

§14-1-206 (Assessments 107.5%)		\$	
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$	\$100.00
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$	
§56-5-2995 (DUI Assessment)	\$12	\$	
§56-1-286 (DUI Breath Test)	\$25	\$	
§47.12 (Public Def/Prob)	\$500	\$	
§14-1-212 (Law Enforce. Funding)	\$25	\$	\$25.00
§14-1-213 (Drug Court Surcharge)	\$100	\$	
§50-21-114 (BUI Breath Test Fee)	\$50	\$	
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$	
§90.7 (SCCJA Surcharge)	\$5	\$	\$5.00
3% to County (if paid in installments)		\$	
TOTAL		\$	\$130.00

Random Drug/Alcohol Testing ☐

Fine may be pd. In equal, consecutive weekly/monthly

pmts. of \$ _____ Beginning _____

\$ _____ Paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,
\$47.12 requires \$500 be paid to Clerk
during probation.Presiding Judge *[Signature]*

Judge Code: 2145

Clerk of Court Deputy Clerk *Hope Smith Deputy Clerk*Court Reporter: *C Pantseri*

Sentence Date 25 AUG 09

SCCA/217 (06/2009)

APP'X 264

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability, with the August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

September 7th, 2010

A handwritten signature in black ink, appearing to read 'M. Robinson', with a long horizontal line extending to the right.

M. Celia Robinson
Appellate Defender

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

ATTORNEY FOR APPELLANT

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Lexington County

R. Knox McMahon, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ADRIAN EAGLIN,

APPELLANT

FINAL BRIEF OF APPELLANT

M. CELIA ROBINSON
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
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ATTORNEY FOR APPELLANT.

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STATEMENT OF ISSUES ON APPEAL

Did the trial judge err as a matter of law in construing the applicable statute to require consecutive sentencing in contradiction of the plain language of the statute so that the judge imposed sentence under a mistaken impression as to the statute's requirements?

STATEMENT OF THE CASE

Adrian Eaglin, appellant, was indicted by the Lexington County Grand Jury for two counts of assault on a correctional officer. (2008-GS-32-3506 and -3507). On August 24, 2009, appellant proceeded to trial before the Honorable R. Knox McMahon and a jury. Upon the jury's finding appellant guilty, Judge McMahon sentenced him to incarceration for three years for each conviction, with the sentences to be served consecutively.

ARGUMENT

The trial judge erred as a matter of law in construing the applicable statute to require consecutive sentencing in contradiction of the plain language of the statute so that the judge imposed sentence under a mistaken impression as to the statute's requirements.

Following announcement of the guilty verdicts, defense counsel indicated, "We ask the Court to consider making the sentences on these charges concurrent with each other based on the fact that both charges arose out of the same incident and they involve the same struggle over a brief period of time." (R. p. 249, lines 20-24). The prosecutor responded, indicating, "Your Honor, I don't have anything in opposition to what Ms. Hahn said, except for her one request that the charges run concurrently. I don't think by statute they *can*." (R. p. 250, lines 18-21, emphasis added).

The trial judge indicated, "I looked it up earlier. It has to run consecutive to each other or consecutive to his active sentence, which he doesn't have one." (R. p. 250, lines 22-24). The prosecutor responded, indicating, "He does not currently have an active sentence. It says a sentence under this provision must be served consecutively to any other sentence the person is serving. Your Honor, I might be wrong but I read that to mean any other sentence that you impose today as well, but I may be wrong about that." (R. p. 250, line 25-p. 299, line 6). Defense counsel argued to the contrary that "these sentences would not be concurrent to any sentence he is currently serving because he is not serving one yet." (R. p. 251, lines 7-10).

South Carolina Code Ann. Section 16-3-630 (1976) provides, "A person convicted of assault upon an employee of a state or local correctional facility performing job-related duties must serve a mandatory minimum sentence of not less than six months nor more

than five years. A sentence under this provision must be served consecutively to any other sentence the person is serving." The trial judge sentenced appellant "for a determinate term of three years on each charge. Those are consecutive, one to the other." (R. p. 254, lines 18-24). The trial judge erred in sentencing appellant to consecutive sentences under the mistaken impression that consecutive sentencing was required by the statute.

Penal statutes are strictly construed against the State and in favor of the defendant. State v. Fowler, 322 S.C. 157, 470 S.E.2d 393 (Ct.App.1996); Williams v. State, 306 S.C. 89, 91, 410 S.E.2d 563, 564 (1991). A court's primary purpose in construing a statute is to ascertain the intent of the Legislature. State v. Johnson, 347 S.C. 67, 552 S.E.2d 339 (Ct.App.2001). If a statute's language is plain and unambiguous, there is no need to employ rules of statutory interpretation and the court has no right to look for or impose another meaning. Courts must take a statute as it is drafted and give effect to the legislative intent as expressed in its language; a statute must be taken as found, giving effect to the legislative intent as expressed in its language. State v. White, 525 S.E.2d 261 (Ct.App. 1999). When the terms of a statute are clear, the court must apply those terms according to their literal meaning. State v. Morgan, 352 S.C. 359, 574 S.E.2d 203 (Ct.App.2002). The Court should give words "their plain and ordinary meaning without resort to subtle or forced construction to limit or expand the statute's operation." State v. Sweat, 386 S.C. 339, 688 S.E.2d 569 (2010).

Here, as defense counsel argued, the statute provides that a sentence imposed for a violation of this section must be served consecutively to "any other sentence the person is serving." Where appellant was not serving any sentence at the time of his conviction

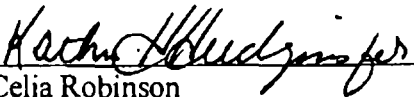
and sentencing for violating Section 16-3-630, the trial judge was free to order that the sentences imposed upon him for assaulting correctional officers be served concurrently. The trial judge had indicated that his reading of the statute made it mandatory that appellant's sentences for assaulting correctional officers be served consecutively, one after the other. Where the statute's plain language contains no such requirement that sentences for multiple violations of the statute be served consecutively, the sentence imposed by the trial judge was affected by an error of law such as to require reversal.

The trial judge's ruling was affected by an error of law. Where the trial judge imposed sentence under a mistaken interpretation of the statute, appellant's sentence should be reversed and the matter remanded for resentencing.

CONCLUSION

Appellant's sentence should be reversed and the matter remanded for resentencing.

Respectfully submitted,


M. Celia Robinson
Appellate Defender

ATTORNEY FOR APPELLANT.

This 18th day of October, 2010.

CERTIFICATE OF COUNSEL

The undersigned certifies that to the best of my ability this Final brief of Appellant complies with Rule 211(b), SCACR, and the August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

October 18, 2010



M. Celia Robinson
Appellate Defender

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STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Lexington County

R. Knox McMahon, Circuit Court Judge

THE STATE,

RESPONDENT,

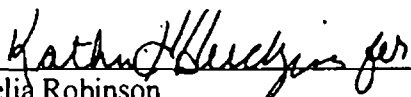
V.

ADRIAN EAGLIN,

APPELLANT

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Final Brief of Appellant in the above referenced case has been served upon Mark R. Farthing, Esquire, at Rembert Dennis Building, Room 519, 1000 Assembly Street, Columbia, South Carolina 29201, this 18th day of October, 2010.



M. Celia Robinson
Appellate Defender

ATTORNEY FOR APPELLANT.

SUBSCRIBED AND SWORN TO before me
this 18th day of October, 2010.

_____(L.S.)
Notary Public for South Carolina
My Commission Expires: August 23, 2014 .

APP'X 275

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal From Lexington County
Honorable R. Knox McMahon, Circuit Court Judge

THE STATE,

Respondent,

vs.

ADRIAN EAGLIN,

Appellant.

FINAL BRIEF OF RESPONDENT

HENRY DARGAN McMASTER
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ATTORNEYS FOR RESPONDENT

APP'X 276

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Other Authorities:

S.C. Code Ann. § 16-3-630.	8

STATEMENT OF ISSUE ON APPEAL

Any issue with Appellant's sentence is not preserved due to Appellant's failure to contemporaneously object to the sentence during trial. Furthermore, Appellant has failed to establish the trial judge committed an error of law in imposing consecutive sentences in this case.

STATEMENT OF THE CASE

In November of 2008, the Lexington County grand jury indicted Appellant Adrian Eaglin for two counts of assault upon an employee of a correctional facility. On August 24, 2009, a jury trial was commenced in the Lexington County court of general sessions with the Honorable R. Knox McMahon, circuit court judge, presiding. At the conclusion of trial, Appellant was convicted as charged. The trial judge sentenced Appellant to a term of imprisonment of three (3) years for each offense. The sentences were ordered to run consecutively. Subsequently, Appellant filed a timely notice of appeal.

STATEMENT OF FACTS

Around 2:00 a.m. on January 18, 2008, Appellant Adrian Eaglin began banging on the door to his cell in the Lexington County Detention Center. (R. p. 89; p. 92).

Donyelle Williams, a correctional officer at the detention center, responded to the noise and spoke with Appellant. (R. p. 93). Appellant explained he was banging on the door because his mail had been improperly sent back. (R. p. 93). Appellant claimed his rights had been violated and used vulgar language with the officer. (R. p. 93). Officer Williams instructed Appellant to produce the improperly-returned letters when she returned and left Appellant in his cell. (R. p. 96).

When Officer Williams returned to the cell, she noticed there was water on the floor. (R. p. 96). She then contacted several other correctional officers for assistance and went to speak with Appellant because he was again banging on the door to his cell. (R. p. 97; p. 176). Upon entering the cell, she noticed there was water all over the floor, and other cells in the wing were flooding from water coming out of Appellant's cell. (R. pp. 97-98). The officers shut off the water to the cells, and Appellant became very agitated. (R. pp. 98-99). Officer Williams then left the area in order to give Appellant time to calm down. (R. p. 99).

At approximately 2:30 to 2:45 a.m., Appellant again began banging on the door to his cell. (R. p. 99; p. 136). Officer Williams requested assistance, and Sergeant Barrington Butler, Officer Isaac Jackson, and Officer Troy Hall responded to Appellant's cell. (R. p. 132; p. 154; p. 179). Initially, Sergeant Butler repeatedly ordered Appellant to back away from the cell door and move to the back of the cell. (R. p. 101). Appellant refused the officer's direct commands and acted in a combative manner. (R. p. 101; p.

180). The officers then opened the door, and Officer Jackson entered the cell. (R. pp. 101-102; p. 137; pp. 154-155). Officer Jackson ordered Appellant to place his hands behind his back so he could be handcuffed. (R. p. 137; pp. 154-155). Appellant responded by suddenly striking Officer Jackson in the face with a closed fist. (R. p. 102; p. 117; p. 137). During the ensuing struggle, Appellant struck Officer Jackson several more times. (R. p. 138).

Officer Hall entered the cell to assist, and the officers temporarily subdued Appellant and brought him out of the cell. (R. pp. 139-140; p. 155; p. 181). As the officers attempted to place Appellant in a restraint chair, he continued to struggle, broke free, and struck Officer Hall in the face. (R. p. 104; pp. 140-141; pp. 157-158; pp. 181-182). The officers were unable to get Appellant secured in the restraint chair, and Appellant was forced to the ground. (R. p. 105; p. 141; p. 182). While on the floor, Appellant continued to struggle with the officers and again struck Officer Jackson in the face. (R. pp. 105-106; p. 141; p. 159; p. 182). After warning Appellant to desist, Sergeant Butler tasered Appellant twice before he ceased struggling with the officers. (R. p. 106; p. 142; p. 160; p. 161; p. 185). After finally surrendering, Appellant was placed in the restraint chair and transported to the medical area. (R. p. 108; pp. 141-142; pp. 161-162). Appellant then was returned approximately fifteen to twenty minutes later. (R. pp. 122-123; p. 145). Subsequently, Appellant was indicted for assaulting Officer Jackson and Officer Hall during the incident. (R. p. 5).

Appellant proceeded to trial and was convicted of two counts of assault upon an employee of a correctional facility. (R. p. 242). During sentencing, defense counsel made the following request to the trial judge: "We ask the Court to consider making the

sentences on these charges concurrent with each other based on the fact that both charges arose out of the same incident, and they involve the same struggle over a brief period of time. We just ask for any leniency that the Court feels it can provide.” (R. p. 248).

Subsequently, the following exchange occurred:

[SOLICITOR]: Your Honor, I don’t have anything in opposition to what Ms. Hahn said, except for her one request that the charges run concurrently. I don’t think by statute they can.

THE COURT: I looked it up earlier. It has to run consecutive to each other or consecutive to his active sentence, which he doesn’t have one.

[SOLICITOR]: He does not currently have an active sentence. It says a sentence under this provision must be served consecutively to any other sentence the person is serving. Your Honor, I might be wrong but I read that to mean any other sentence that you impose today as well, but I may be wrong about that.

[DEFENSE COUNSEL]: Your Honor, I would argue that these sentences would not be concurrent to any sentence he is currently serving because he is not serving one yet.

(R. pp. 250-251). At the conclusion of the sentencing hearing, the trial judge sentenced Appellant to consecutive terms of three years imprisonment. (R. p. 254). After the sentence was announced, defense counsel responded: “Thank you, Your Honor.” (R. p. 255). Appellant did not object to the sentence after it was imposed. (R. p. 255).

ARGUMENT

Any issue with Appellant's sentence is not preserved due to Appellant's failure to contemporaneously object to the sentence during trial. Furthermore, Appellant has failed to establish the trial judge committed an error of law in imposing consecutive sentences in this case.

Appellant maintains the trial judge erred in imposing consecutive sentences for his convictions of assaulting an employee of a correctional facility. Appellant asserts the trial judge's statements showed he believed he was required to impose consecutive sentences even though he was not. Appellant failed to preserve the issue by failing to object to the sentence after it was imposed and by failing to seek modification based on any alleged error. Furthermore, Appellant failed to establish the commission of an error of law by the trial judge in ordering the consecutive sentences by not seeking any clarification of the basis upon which the sentences were imposed. As Appellant's sentence complied with the statutory limits for his offenses, there is no basis to disturb the sentence. Appellant's convictions and sentence should be affirmed.

A. Issue Preservation

For an issue to be properly preserved for appellate review, there must be a contemporaneous objection that is ruled upon by the trial court. State v. Sweet, 374 S.C. 1, 5, 647 S.E.2d 202, 205 (2007). If an error is not presented to and ruled upon by the trial judge, it cannot be raised for the first time to the appellate court. State v. Freiburger, 366 S.C. 125, 135, 620 S.E.2d 737, 742 (2005). An issue must be raised in a sufficiently specific manner to call attention to the exact error to the trial court. State v. Johnson, 363 S.C. 53, 58, 609 S.E.2d 520, 523 (2005); see State v. Prioleau, 345 S.C. 404, 411, 548 S.E.2d 213, 216 (2001) ("[A]n objection should be sufficiently specific to bring into

focus the precise nature of the alleged error so it can be reasonably understood by the trial judge.”). An issue cannot be raised for the first time on appeal. State v. Huggins, 336 S.C. 200, 205, 519 S.E.2d 574, 577 (1999). Likewise, an appellant’s failure to timely object to or seek modification of a sentence in the trial court precludes him from pursuing the issue on appeal. State v. Winestock, 271 S.C. 473, 475, 248 S.E.2d 307, 308 (1978).

In the case sub judice, at the conclusion of the sentencing hearing, the trial judge sentenced Appellant to two consecutive sentences. Appellant did not object to the sentence on any grounds and did not move for reconsideration or modification of the sentence. See State v. Garner, 304 S.C. 220, 222, 403 S.E.2d 631, 632 (1991) (“No objection to sentencing was raised at trial and this issue is not properly before the court.”). Appellant did not allege to the trial judge an error of law had been committed in ordering the consecutive sentences. Instead, the only response to the imposition of the sentence was, “Thank you, Your Honor.” See State v. Shumate, 276 S.C. 46, 47, 275 S.E.2d 288, 288 (1981) (finding Shumate’s issue with his sentence was not preserved when he failed to timely object to or seek modification of the sentence and instead only responded, “Thank you, Your Honor[,]” after the sentence was imposed). Therefore, as Appellant failed to contemporaneously object to the sentence or seek its modification, the issue cannot now be raised on appeal. The issue was not properly preserved for appellate review. Appellant’s convictions and sentence should be affirmed.

B. Alleged Error in Sentencing

In criminal cases, the appellate court sits to review errors of law only. State v. Wilson, 345 S.C. 1, 5, 545 S.E.2d 827, 829 (2001). “[T]he trial court’s ruling will not be

disturbed absent a prejudicial abuse of discretion amounting to an error of law.” State v. Sheldon, 344 S.C. 340, 342, 543 S.E.2d 585, 585-586 (Ct. App. 2001).

The trial judge has broad discretion in imposing a sentence within the statutory limits. State v. Sidell, 262 S.C. 397, 398, 205 S.E.2d 2, 3 (1974). “A judge or other sentencing authority is to be accorded very wide discretion in determining an appropriate sentence, and must be permitted to consider any and all information that reasonably might bear on the proper sentence for the particular defendant, given the crime committed.” State v. Hicks, 377 S.C. 322, 325, 659 S.E.2d 499, 500 (Ct. App. 2008). Generally, appellate courts will only interfere with the discretion of a judge in the imposition of a sentence in rare and unusual circumstances. State v. Ferguson, 221 S.C. 300, 307, 70 S.E.2d 355, 358 (1952). “Absent partiality, prejudice, oppression, or corrupt motive, [the appellate court] lacks jurisdiction to disturb a sentence that is within the limits prescribed by statute.” State v. Barton, 325 S.C. 522, 531, 481 S.E.2d 439, 444 (Ct. App. 1997).

In the case at bar, the trial judge sentenced Appellant to two consecutive sentences of three years incarceration for his convictions of assaulting an employee of a correctional facility. Under S.C. Code Ann. § 16-3-630, the sentencing range for this offense is between six months and five years, and the sentence “must be served consecutively to any other sentence the person is serving.” Clearly, Appellant’s sentence fell within the statutory sentencing range for his offenses.

Appellant contends the trial judge committed an error of law in imposing the consecutive sentences because the trial judge’s statements indicated he believed he was required to issue consecutive sentences for the convictions. Although the trial judge stated during the sentencing hearing the sentences had to run consecutive to one another

or to any active sentence, defense counsel then asserted to the judge Appellant was not currently serving a sentence, which allowed for the sentences to run concurrently.

Subsequently, the trial judge imposed consecutive sentences without specifically stating the basis for the consecutive sentences. Appellant sought no further clarification or modification of the sentence to determine if an error of law had in fact occurred.

Appellant has failed to establish the trial judge's issuance of consecutive sentences was controlled by an error of law. See State v. Smith, 230 S.C. 164, 168, 94 S.E.2d 886, 887 (1956) ("The burden is upon the appellant to satisfy this court that there has been prejudicial error.").

The trial judge sentenced Appellant to consecutive sentences falling within the permissible statutory range. The trial judge did not state a reason for ordering consecutive sentences at the time they were imposed, and Appellant did not seek one. Consecutive sentences were certainly permissible and warranted under the facts of the case as Appellant repeatedly assaulted two correctional officers in the early morning hours based on a perceived error in the detention center's delivery of his mail. Appellant has failed to meet his burden of establishing an error of law. See State v. Crocker, 366 S.C. 394, 408, 621 S.E.2d 890, 897 (Ct. App. 2005) ("To warrant reversal, an appellant must show both error and resulting prejudice."). As Appellant's sentence complied the statutory limits and no error of law was conclusively shown, there is no basis to overturn the sentence issued by the trial court.¹ Appellant's convictions and sentence should be affirmed.

¹Furthermore, any issue with Appellant's sentence is largely moot as, according to the South Carolina Department of Corrections' online inmate database, Appellant is currently serving a life sentence without the possibility of parole issued after his convictions and sentence in this case.

CONCLUSION

For all of the foregoing reasons, it is respectfully submitted that the judgment and conviction of the lower court be affirmed.

Respectfully submitted,

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ATTORNEYS FOR RESPONDENT

September 9, 2010

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal From Lexington County
Honorable R. Knox McMahon, Circuit Court Judge

THE STATE,

Respondent,

vs.

ADRIAN EAGLIN,

Appellant.

CERTIFICATE OF COUNSEL

The undersigned certifies that this Final Brief of Respondent complies with Rule 211(b), SCACR, and the August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

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ATTORNEYS FOR RESPONDENT

September 9, 2010

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal From Lexington County
Honorable R. Knox McMahon, Circuit Court Judge

THE STATE,

Respondent,

vs.

ADRIAN EAGLIN,

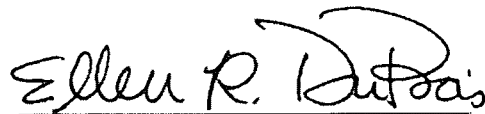
Appellant.

PROOF OF SERVICE

I, Ellen R. DuBois, certify that I have served the within Final Brief of Respondent on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

M. Celia Robinson, Esquire
S.C. Commission on Indigent Defense
Division of Appellate Defense
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I further certify that all parties required by Rule to be served have been served.
This 9th day of September, 2010.



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THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

The State,

Respondent,

v.

Adrian Eaglin,

Appellant.

Appeal From Lexington County
R. Knox McMahon, Circuit Court Judge

Unpublished Opinion No. 2012-UP-218
Heard February 13, 2012 – Filed April 4, 2012

REVERSED AND REMANDED

Appellate Defender Dayne C. Phillips and Appellate Defender M. Celia Robinson, both of Columbia, for Appellant.

Attorney General Alan Wilson, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, Assistant Attorney General Mark R. Farthing, all of Columbia, and Solicitor Donald V. Myers, of Lexington, for Respondent.

PER CURIAM: Adrian Eaglin appeals his sentences for two counts of assaulting a correctional officer. Eaglin argues the trial court should have sentenced him to concurrent instead of consecutive sentences. We reverse and remand for resentencing.

Eaglin assaulted two correctional officers while awaiting trial in the Lexington County jail. At the time of his convictions for the assaults, he was still awaiting trial and not serving an active sentence. Section 16-3-630 of the South Carolina Code (2003)¹ states that a sentence imposed for a conviction for assaulting a correctional officer "must be served consecutively to any other sentence the person is serving." During sentencing, the trial judge stated the statute meant Eaglin's assault sentences had "to run consecutive to each other or consecutive to his active sentence, which he doesn't have one." When the judge later announced the consecutive sentences, he did not indicate whether he based that decision on section 16-3-630 or on his discretionary power to impose consecutive or concurrent sentences. See Major v. S.C. Dep't of Prob., Parole & Pardon Servs., 384 S.C. 457, 465-66, 682 S.E.2d 795, 799-800 (2009) (stating "a court's final judgment in a criminal case is the pronouncement of the sentence which includes the ability to designate whether sentences run concurrent or consecutive, subject to statutory restrictions").

The court could have imposed the consecutive sentences based on its interpretation of section 16-3-630 or based on its view of the facts of the case. § 16-3-630 (stating a person convicted of assaulting a correctional officer "must serve a mandatory minimum sentence of not less than six months nor more than five years"). While we disagree with the trial court that it was required to issue consecutive sentences under section 16-3-630, we cannot tell whether the consecutive sentences were imposed based on the statute or on the judge's discretionary sentencing power, regardless of the statute. Therefore, we reverse and remand for resentencing.

FEW, C.J., and HUFF and SHORT, JJ., concur.

¹ Section 16-3-630 was repealed by 2010 Act No. 273 § 7.A on June 2, 2010.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County
Honorable R. Knox McMahon, Circuit Court Judge

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SC Court of Appeals

THE STATE,

Respondent,

vs.

ADRIAN EAGLIN,

Appellant.

RESPONDENT'S PETITION FOR REHEARING

On April 4, 2012, this Court issued an unpublished opinion in which it reversed Appellant Adrian Eaglin's case and remanded for resentencing. State v. Eaglin, Op. No. 2012-UP-218 (S.C. Ct. App. filed Apr. 4, 2012). Pursuant to Rule 221(a), SCACR, Respondent ("the State") respectfully petitions for rehearing on the following points the State believes were misapprehended or overlooked by this Court.

Issue Preservation

Initially, the State respectfully believes this Court overlooked its argument regarding Eaglin's failure to properly preserve the issue for appellate review during trial. In reversing Eaglin's case and remanding for resentencing, this Court addressed Eaglin's appellate claim that his sentence was imposed based on a mistaken interpretation of the law. However, Eaglin did not raise any objection to his sentence during trial or seek any clarification from the trial judge in regards to the basis for the imposition of Eaglin's consecutive sentences. Therefore, since the

issue was not raised to or ruled upon by the trial judge, the issue cannot be raised for the first time to the appellate court.

In order to properly preserve an issue for appellate review, a defendant must make a contemporaneous objection to a perceived error during trial. State v. Blalock, 357 S.C. 74, 79, 591 S.E.2d 632, 635 (Ct. App. 2003); see State v. Hoffman, 312 S.C. 386, 393, 440 S.E.2d 869, 873 (1994) ("A contemporaneous objection is required to properly preserve an error for appellate review."). If an error is not presented to and ruled upon by the trial judge, it cannot be raised for the first time to the appellate court. State v. Freiburger, 366 S.C. 125, 135, 620 S.E.2d 737, 742 (2005). The appellate court will not consider any issues that were not presented to or passed upon by the trial judge. State v. Fleming, 254 S.C. 415, 421, 175 S.E.2d 624, 627 (1970). "Imposing this preservation requirement on the appellant is meant to enable the lower court to rule properly after it considered all relevant facts, law, and arguments." Ion v. Town of Mt. Pleasant, 338 S.C. 406, 422, 526 S.E.2d 716, 725 (2000).

The requirements of South Carolina's issue preservation rules apply with equal force to sentencing issues just as they do to any other issue that could potentially be raised during trial. In order to preserve an issue with a sentence for consideration on appeal, a defendant must raise a contemporaneous objection to the sentence during trial. State v. Winestock, 271 S.C. 473, 475, 248 S.E.2d 307, 308 (1978). If no objection to a sentence is raised during trial, no sentencing issues can be raised for the first time on appeal. See State v. Garner, 304 S.C. 220, 222, 403 S.E.2d 631, 632 (1991) ("No objection to sentencing was raised at trial and this issue is not properly before the court.").

In Eaglin's case, the trial judge sentenced Eaglin to two consecutive terms of imprisonment of three years after Eaglin was convicted of two counts of assault upon an

employee of a correctional facility. After the trial judge imposed the consecutive sentences, Eaglin did not raise a contemporaneous objection to his sentence. Furthermore, Eaglin did not seek modification of his sentence, did not suggest to the trial judge that an abuse of discretion or error had occurred, and did not seek any clarification from the trial judge as to the reason why consecutive sentences were imposed to ascertain whether an error had occurred. Instead, defense counsel simply responded: "Thank you, Your Honor." Cf. State v. Shumate, 276 S.C. 46, 47, 275 S.E.2d 288, 288 (1981) (finding Shumate's issue with his sentence was not preserved for appellate review when Shumate failed to timely object to or seek modification of the sentence and instead only responded, "Thank you, Your Honor[,] after his sentence was imposed). Because Eaglin's sentencing issue was not raised to the trial judge, which deprived the trial judge of any opportunity to rule on the alleged issue or explain his sentencing decision, Eaglin cannot now raise the issue on appeal.

Due to the fact Eaglin failed to contemporaneously object or take any other remedial actions at the time the alleged sentencing error occurred, Eaglin failed to properly preserve the issue for appellate review. See State v. Johnston, 333 S.C. 459, 462, 510 S.E.2d 423, 425 (1999) ("[A] challenge to sentencing must be raised at trial, or the issue will not be preserved for appellate review."). In deciding Eaglin's case on appeal, this Court addressed the merits of Eaglin's unpreserved challenge to his sentence while failing to address the issue preservation argument raised by the State. For the foregoing reasons, the State respectfully asks this Court to reconsider its decision, rehear the matter, and affirm Eaglin's convictions and sentence after finding Eaglin's sentencing issue was not properly preserved for appellate review.

Impropriety of Granting Relief When Error Not Shown

Furthermore, the State respectfully believes this Court overlooked its argument regarding Eaglin's failure to establish that the trial judge actually committed an error of law in imposing consecutive sentences. In its opinion, this Court stated it admittedly could not determine whether the trial judge erred in sentencing Eaglin to consecutive sentences but, nonetheless, reversed Eaglin's case and remanded for resentencing. However, because Eaglin failed to establish the trial judge erred in imposing consecutive sentences, Eaglin failed to meet his appellate burden of establishing a prejudicial error occurred. Therefore, Eaglin was not entitled to reversal on appeal, and his case should not have been reversed and remanded for resentencing by this Court.

In criminal cases, the appellate court sits to review errors of law only. State v. Wilson, 345 S.C. 1, 5, 545 S.E.2d 827, 829 (2001). In order to be entitled to reversal on appeal, an appellant must establish an error occurred and prejudice resulted from the error. State v. Crocker, 366 S.C. 394, 408, 621 S.E.2d 890, 897 (Ct. App. 2005). Critically, "[t]he burden is **upon the appellant** to satisfy this court that there has been prejudicial error." State v. Smith, 230 S.C. 164, 168, 94 S.E.2d 886, 887 (1956) (emphasis added). In satisfying this burden, the appellant has an additional burden of providing the appellate court with an adequate record to show the alleged error actually occurred. See State v. Serrette, 375 S.C. 650, 652, 654 S.E.2d 554, 555 (Ct. App. 2007) ("[T]he burden is on the appellant to provide the appellate court with an adequate record for review.").

On appeal, a trial judge's rulings and orders are presumed to be correct. See Martin v. Carolina Water Servs., Inc., 273 S.C. 43, 46, 254 S.E.2d 52, 53 (1979) ("The order of the lower court is presumed to be correct."). The appellant has the sole burden of establishing error to overcome the presumption of correctness in an appealed ruling and is not entitled to reversal unless that burden is met. See Ehlike v. Nemec Constr. Co., Inc., 298 S.C. 477, 481, 381 S.E.2d

508, 510 (Ct. App. 1989) (“[T]here is a presumption in favor of correctness of an appealed order and the burden of showing error by the trial judge is on the appellant.”). Notably, if the record is unclear as to whether an error occurred, an appellate court must not assume an error occurred and, instead, must resolve ambiguities in favor of the correctness of the trial judge’s ruling. See 16 S.C. Jur. Appeal and Error § 120 (“[I]f the record is unclear as to which arguments were made in the trial court or upon which of several possible grounds the trial court made its ruling, the appellate court will not supply the missing elements through assumptions favorable to the appellant. **This is particularly true if the issue has not been properly raised.** On the other hand, the appellate court will indulge the respondent with favorable assumptions in order to resolve lack of clarity in the record.” (emphasis added and footnotes omitted)); see also State v. Kelly, 75 N.C. App. 461, 467, 331 S.E.2d 227, 231-232 (N.C. Ct. App. 1985) (“An appellate court cannot assume or speculate that error occurred when none appears in the record before them.”); see, e.g., 5 C.J.S. Appeal and Error § 900 (“[E]rror is never to be presumed by an appellate court on an appeal thereto. Presumptions which would result in reversal will not be indulged. . . . The burden of showing error is on the party alleging it, as is the burden of showing prejudice from the error. The party alleging such error must show that the record will not support the judgment on any theory.” (footnotes omitted)).

In the case sub judice, the trial judge sentenced Eaglin to consecutive sentences, which the trial judge unquestionably had the authority to do. See Major v. South Carolina Dep’t of Prob., Parole and Pardon Servs., 384 S.C. 457, 465-466, 682 S.E.2d 795, 799-800 (2009) (“[A] court’s final judgment in a criminal case is the pronouncement of the sentence which includes the ability to designate whether sentences run concurrent or consecutive, subject to statutory restriction.”); see, e.g., Oregon v. Ice, 555 U.S. 160, 163 (2009) (“Most States continue the

common-law tradition: They entrust to judges' unfettered discretion the decision whether sentences for discrete offenses shall be served consecutively or concurrently."'). Thus, Eaglin received a sentence falling within the permissible sentencing limits for his offenses. See State v. Franklin, 267 S.C. 240, 246, 226 S.E.2d 896, 898 (1976) ("[T]his Court has no jurisdiction to review a sentence, provided it is within the limits provided by statute for the discretion of the trial court, and is not the result of prejudice, oppression or corrupt motive."').

In order to be entitled to a reversal of his seemingly-proper sentence, Eaglin was required to establish the trial judge erroneously imposed the sentence on an improper basis or as the result of some improper motive. However, as this Court acknowledged in its opinion, it is unclear from the record whether the trial judge imposed consecutive sentences based on an improper statutory interpretation or based on his discretionary authority to impose consecutive sentences where warranted by the particular facts and circumstances of a case.¹ See Eaglin, Op. No. 2012-UP-218 ("[W]e cannot tell whether the consecutive sentences were imposed based on the statute or on the judge's discretionary sentencing power, regardless of the statute."'). Thus, it is unclear if an error actually occurred in the imposition of Eaglin's sentence.

Significantly, Eaglin could have clarified the basis upon which the trial judge imposed the consecutive sentences by simply raising a contemporaneous objection to the sentence during trial. Instead, Eaglin elected to remain silent and raise a challenge to his sentence for the first time on appeal. However, because Eaglin failed to establish the trial judge erred in imposing

¹ Notably, the sentence imposed by the trial judge suggests the trial judge believed consecutive sentences were warranted under the circumstances based on the nature of Eaglin's crimes. In sentencing Eaglin, the trial judge imposed an aggregate six-year sentence, which exceeded the maximum potential sentence Eaglin faced following conviction for a single count of assault upon an employee of a correctional facility. See S.C. Code Ann. § 16-3-630 (authorizing the imposition of a sentence of no less than six months or more than five years upon conviction for assault upon an employee of a correctional facility). Although the trial judge could have imposed a sentence well under the maximum permitted for a single offense even if he was statutorily-constrained to impose consecutive sentences, the trial judge specifically elected to impose a sentence exceeding that maximum. Thus, the manner in which the trial judge chose to exercise his sentencing discretion strongly suggests he did not commit a prejudicial error in imposing Eaglin's sentence.

consecutive sentences and has not presented a record establishing such an error occurred, Eaglin has not satisfied his burden as the appellant and is not entitled to reversal on appeal. See Crocker, 366 S.C. at 408, 621 S.E.2d at 897 ("To warrant reversal, an appellant must show both error and resulting prejudice."); see also Dicks & Gillian, Inc. v. Cleland, 295 S.C. 124, 127, 367 S.E.2d 430, 432 (Ct. App. 1988) ("[O]n appeal, this court is not unmindful that there is a presumption in favor of the correctness of a decree and that the burden of showing error by the trial judge is on the appellant."). For the foregoing reasons, the State respectfully submits this Court erred in reversing Eaglin's case and remanding for resentencing based on an error it was forced to presume occurred due to Eaglin's failure to present a sufficient record to assess the basis upon which the trial judge made his sentencing decision. Accordingly, the State asks this Court to reconsider its decision, rehear the matter, and affirm Eaglin's convictions and sentence after finding Eaglin failed to meet his appellate burden of conclusively establishing the trial judge committed a prejudicial error in imposing consecutive sentences.²

Conclusion

Based on the foregoing reasons coupled with the arguments raised in the Final Brief of Respondent and during oral argument, Respondent respectfully requests that the panel reconsider this matter, rehear the case, and affirm Eaglin's convictions and sentence after finding any

² The State notes that by reversing Eaglin's case and remanding for resentencing, the relief granted by this Court on appeal is relief that Eaglin would only be entitled to if an error was shown. Critically, if the trial judge did not commit a prejudicial error in sentencing Eaglin, this Court would not have jurisdiction to interfere with the sentence imposed and could not reverse Eaglin's case and remand for resentencing. See State v. Barton, 325 S.C. 522, 531, 481 S.E.2d 439, 444 (Ct. App. 1997) ("A trial judge is given wide discretion in determining what sentence should be imposed. Likewise, whether multiple sentences should run consecutively or concurrently is a matter left to the sound discretion of the trial judge. Absent partiality, prejudice, oppression, or corrupt motive, this Court **lacks jurisdiction to disturb a sentence that is within the limit prescribed by statute.**" (citations omitted and emphasis added)). Notably, in its opinion, this Court acknowledged it could not determine whether Eaglin committed a prejudicial error in sentencing Eaglin. Therefore, without a clear showing of error, Eaglin was not entitled to the relief he received on appeal.

objection to Eaglin's sentence was not preserved for appellate review and Eaglin failed to meet his appellate burden of establishing the trial judge committed a prejudicial error.

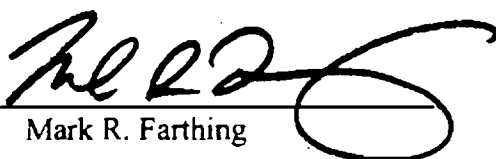
Respectfully submitted,

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April 19, 2012

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Lexington County
Honorable R. Knox McMahon, Circuit Court Judge

THE STATE,

Respondent,

vs.

ADRIAN EAGLIN,

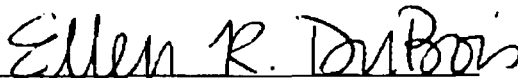
Appellant.

PROOF OF SERVICE

I, Ellen R. DuBois, certify that I have served the within Respondent's Petition for Rehearing on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

Dayne C. Phillips, Esquire
S.C. Commission on Indigent Defense
Post Office Box 11589
Columbia, SC 29211

I further certify that all parties required by Rule to be served have been served.
This 19th day of April, 2012.


ELLEN R. DuBOIS
Legal Assistant

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APP'X 302

The South Carolina Court of Appeals

The State, Respondent,

v.

Adrian Eaglin, Appellant.

Appellate Case No. 2009-137686

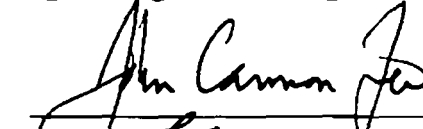
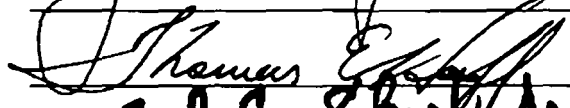
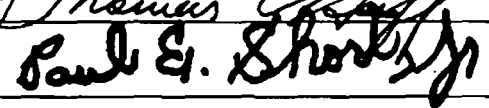
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ATTORNEY GENERAL'S
OFFICE

ORDER DENYING PETITION FOR REHEARING

After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded. We find no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.

 C.J.
 J.
 J.

Columbia, South Carolina

cc: Appellate Defender Dayne C. Phillips
Appellate Defender M. Celia Robinson
Attorney General Alan McCrory Wilson
Chief Deputy Attorney General John W. McIntosh
Senior Assistant Deputy Attorney General Salley W. Elliott
Assistant Attorney General Mark Reynolds Farthing
Solicitor Donald V. Myers

FILED

31 May 2012

APP'X 303