

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Nov 24 2021
SC Court of Appeals

Appeal from Lancaster County

Honorable Brian M. Gibbons, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

RALPH DALE DIXON, JR.

APPELLANT

APPELLATE CASE NO. 2020-001556

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INDEX

INDEX	i
PRETRIAL MOTIONS TRANSCRIPT DATED NOVEMBER 17, 2020.....	1
MOTION TO QUASH INDICTMENT.....	2
RULING OF THE COURT	5
TRIAL TRANSCRIPT	6
JURY SELECTION.....	11
OPENING STATEMENT BY MS. COLLINS	31
OPENING STATEMENT BY MR. FREEMAN	35
TESTIMONY	
DUANE ROLLINGS	
Direct Examination by Ms. Collins	50
Cross Examination by Mr. Freeman	64
Redirect Examination by Ms. Collins	74
Re-Cross Examination by Mr. Freeman	77
ROBERT MARSHALL	
Direct Examination by Ms. Collins	78
Cross Examination by Mr. Freeman	86
Redirect Examination by Ms. Collins.....	93
ANTHONY DIXON	
Direct Examination by Ms. Collins	94
Cross Examination by Mr. Freeman	97
Redirect Examination by Ms. Collins	102
Re-Cross Examination by Mr. Freeman	103
THOMAS DEAN	
Direct Examination by Ms. Collins	107
Cross Examination by Mr. Freeman	117
Redirect Examination by Ms. Collins	125
JAMIE BURR	
Direct Examination by Ms. Collins	127
Cross Examination by Mr. Freeman	137

Redirect Examination by Ms. Collins.....	142
Re-Cross Examination by Mr. Freeman	143
JOAN BOWERS	
Direct Examination by Ms. Collins	145
Cross Examination by Mr. Freeman	152
WES GLADDEN	
Direct Examination by Ms. Collins	156
Cross Examination by Mr. Freeman	164
Redirect Examination by Ms. Collins.....	165
PAULETTE ANDERSON	
Direct Examination by Ms. Collins	167
Cross Examination by Mr. Freeman	171
AUSTIN FOWLER	
Direct Examination by Ms. Martin	174
Cross Examination by Mr. Freeman	183
Redirect Examination by Ms. Martin.....	186
Re-Cross Examination by Mr. Freeman	187
MATTHEW BARRETT	
Direct Examination by Ms. Martin	188
Cross Examination by Mr. Freeman	195
Redirect Examination by Ms. Martin.....	198
Re-Cross Examination by Mr. Freeman	199
THE STATE RESTS	206
MOTION FOR DIRECTED VERDICT.....	206
RULING OF THE COURT	209
CLOSING ARGUMENT BY MS. COLLINS	211
CLOSING ARGUMENT BY MR. FREEMAN.....	218
CHARGE ON THE LAW	224
VERDICT	243
MOTION FOR A NEW TRIAL	244
RULING OF THE COURT	245

SENTENCING (SEALED)	255
SENTENCING HEARING TRANSCRIPT DATED NOVEMBER 17, 2020	258
SENTENCING	262
INDICTMENTS AND SENTENCE SHEETS.....	265
CERTIFICATE OF COUNSEL	269

1 going --

2 THE COURT: Well, now here's the problem. The
3 way we're doing the jury, we're doing three different
4 panels because of the restrictions in the space and
5 limitations. So we'll probably need to go ahead and
6 before we bring in the first one because we are going to
7 be doing voir dire for each panel. Okay. So the State
8 is actually going to be calling the case three times.
9 See what I'm saying?

10 MR. FREEMAN: Yes, sir.

11 THE COURT: So what kind of motions do you
12 have.

13 MR. FREEMAN: Your Honor, it would be a motion
14 to quash the indictment for failure to register third
15 offence. You have a copy of it. I'll be glad to hand
16 it up. That is exactly the copy that was handed to the
17 grand jury. It says, "third offense" on there, I think
18 it becomes prejudicial. They had just sent it to the
19 grand jury with failure to register, which is the way
20 the statute is titled. The statute doesn't say that it
21 just becomes, as you pointed out, an enhancing part of
22 the statute. So the grand jury get's a piece of paper
23 that says, this guy has done this thing at least twice
24 in the past. I don't think they could have been
25 impartial in their consideration. Obviously, to call

1 someone a sex offender is a very charged sentenced.
2 It's kind of like if you call somebody a Nazi, it just
3 carries certain kinds of connotations. If you go into
4 the grand jury, which as you know, we are not privy to
5 nor part of, and say, this guys done this at least twice
6 before, here's his third offense. I just don't think he
7 can get a fair consideration by the grand jury. As you
8 just acknowledge, it's not something you would ever tell
9 a jury nor would I ever ask you to tell a jury; that
10 this is someone's greater than first offense of any
11 charge. I thinks it's -- even more so in a sensitive
12 case like this. So I'm moving to quash the indictment.
13 I think the only way to correct it, is to send one to
14 the next grand jury that says failure to register. And
15 then depending on the record, the perks that you could
16 enhance the punishment if they were, in fact, convicted
17 later.

18 THE COURT: All right.

19 MR. FREEMAN: I just don't think it -- I don't
20 think it can be cured by you nor can it be cured today.

21 THE COURT: Madam Solicitor?

22 MS. COLLINS: Your Honor, I would welcome
23 defense counsel to provide any case law that supports
24 his theory. That would apply to DUI cases, drug cases,
25 many other cases where there's a second or a prior

1 offense. And your Honor, we would submit that the
2 purpose -- the case law is clear, that the purpose of an
3 indictment is to put the defendant on notice as to what
4 he is charged to answer. And of course, that noticed
5 indictment has to be true billed for us to be able to go
6 forward. If we were to have simply submitted a failure
7 to register, then the defense counsel could have made an
8 argument that: He's not put on notice by this true bill
9 indictment as a second offense or third offense or what
10 he's required to answer. So unless he's got some case
11 law, plainly on point, that says: Any prior enhancement
12 or with specificity, a failure to register enhancement,
13 would prejudice the grand jury. I would submit that
14 we're required to put that information in there so that
15 the defendant can properly be on notice, which is the
16 role of the indictment.

17 THE COURT: Counsel -- yes.

18 MR. FREEMAN: Your Honor, I would take issue
19 with that. Again, that becomes a sentencing issues. If
20 a statute in it's own name says, second or third
21 offence, because as you know, some of the statutes have
22 names that are not very revealing of what they actually
23 do. If it just said, failure to register as sex
24 offender, that's what the statute is named 23-3-470
25 Failure to Register; provide required notifications;

1 penalty. It doesn't say, third offense. It's in the
2 body of the text and I would submit that's just an
3 enhancement. I just don't think that person -- that
4 Mr. Dixon could have gotten a fair consideration by the
5 grand jury.

6 THE COURT: You're protected under the record.
7 Your motion has been denied.

8 MR. FREEMAN: Your Honor, I would like to make
9 a copy of the indictment. And obviously, I would make
10 the same argument that, if that copy is handed to the
11 jury during the course of this trial that we're going to
12 have to need to wipe that part out.

13 THE COURT: Yeah, it's not going to be in
14 there.

15 MR. FREEMAN: In the front and back. In that
16 case, I would make a copy of the indictment and the
17 statue as an exhibit for the record.

18 THE COURT: Let's make that Court Exhibit
19 Number 1. Go ahead and hand that to the court report
20 for the purpose of the record of this trial.

21 (Court's Exhibit 1, indictments, were marked
22 for identification.)

23 MR. FREEMAN: Thank you, your Honor.

24 THE COURT: All right, any other pretrial
25 matters?

STATE OF SOUTH CAROLINA - COUNTY OF LANCASTER
COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA,)
PLAINTIFFS,)
) Indictment: 2020-GS-29-794
) Indictment: 2020-GS-29-795
V.)
)
)
RALPH DALE DIXON, JR.,) JURY TRIAL
DEFENDANT.)

November 9, 2020
Lancaster, South Carolina

B-E-F-O-R-E:

HONORABLE BRIAN M. GIBBONS

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

LISA COLLINS, Deputy Solicitor
NADINE MARTIN, Assistant Solicitor

Attorney(s) for the State

JOHN FREEMAN, ESQ.

Attorney for the Defendant

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Official Court Reporter

I N D E X

1		
2	WITNESS:	PAGE:
3		
4	Constable Duane Rollings.....	
5	Direct by Ms. Collins	45
6	Cross by Mr. Freeman	59
7	Redirect by Ms. Collins	69
8	Recross by Mr. Freeman	72
9	Corporal Robert Marshall.....	
10	Direct by Ms. Collins	73
11	Cross by Mr. Freeman	81
12	Redirect by Ms. Collins	88
13	Anthony Dixon.....	
14	Direct by Ms. Collins	89
15	Cross by Mr. Freeman	92
16	Redirect by Ms. Collins	97
17	Recross by Mr. Freeman	98
18	Deputy Thomas Dean.....	
19	Direct by Ms. Collins	102
20	Cross by Mr. Freeman	112
21	Redirect by Ms. Collins	120
22	Sergeant Jamie Burr.....	
23	Direct by Ms. Collins	122
24	Cross by Mr. Freeman	132
25	Redirect by Ms. Collins	137
	Recross by Mr. Freeman	138
	Joan Bowers.....	
	Direct by Ms. Collins	140
	Cross by Mr. Freeman	147
	Sergeant Wes Gladden.....	
	Direct by Ms. Collins	151
	Cross by Mr. Freeman	159
	Redirect by Ms. Collins	160
	Paulette Anderson.....	
	Direct by Ms. Collins	162
	Cross by Mr. Freeman	166

I N D E X

WITNESS:	PAGE:
Deputy Austin Fowler.....	
Direct by Ms. Martin	169
Cross by Mr. Freeman	178
Redirect by Ms. Martin	181
Recross by Mr. Freeman	182
Deputy Matthew Barrett.....	
Direct by Ms. Martin	183
Cross by Mr. Freeman	190
Redirect by Ms. Martin	193
Recross by Mr. Freeman	194
Jury Selection.....	6
Opening Statement by Ms. Collins.....	26
Opening Statement by Mr. Freeman.....	30
Closing Argument by Ms. Collins.....	206
Closing Argument by Mr. Freeman.....	213
Jury Charge.....	219
Jury Verdict.....	236
Certificate of Reporter.....	249

E X H I B I T S

NO.	DESCRIPTION	ID.	EV.
S-1	Initial Sex offender Registry forms	37	57
S-2	Sex offender Registry forms dated 1/17/2020	37	81
S-3	Stipulation of facts		100
S-4	CD-1 Officer Dean	101	111
S-5	Trespass Notice	101	128
S-6	CD-2 Deputy Fowler	101	146
S-7	CD-3 Deputy Fowler	101	146
S-8	Prior convictions	246	
C-1	Original indictments	5	
C-2	Bail/Bond proceeding form	19	
C-3	2017 Conviction record	40	
C-4	Plea transcript	40	
C-5	Jury question No.1	230	
C-6	Jury question No.2	231	
C-7	Jury questions No.3	232	

1 (Court's Exhibit 1, Indictments, were marked for
2 identification.)

3 THE COURT: Madam Solicitor, please call the case.

4 MS. COLLINS: At this time, the State of South
5 Carolina calls the following case to trial: *The State versus*
6 *Ralph Dale Dixon, Jr.*, Indictment 2020-GS-29-794, indictment
7 for failure to register as a sex offender. Also Indictment
8 2020-GS-29-795, *State versus Ralph Dale Dixon, Jr.*, indictment
9 for resisting arrest.

10 THE COURT: Thank you. The State of South Carolina
11 is represented by lawyers who we refer to as Solicitors in
12 South Carolina. They are called district attorneys or
13 prosecutors elsewhere, and we call them solicitors in South
14 Carolina. And the defendant is represented by, of course,
15 attorneys, who we call defense attorneys.

16 So you've heard the State just call the trial, the
17 case of, *The State of South Carolina versus Ralph Dale Dixon,*
18 *Jr.*, who's been charged with failure to register as a sex
19 offender and resisting arrest. All right?

20 So before I ask some more questions to you, I am
21 going to have each side introduce themselves to you.

22 Madam Solicitor?

23 MS. COLLINS: Thank you, your Honor.

24 I am Deputy Solicitor Lisa Collins. I work for
25 Chief Solicitor Randy Newman. And Assistant Solicitor Nadine

1 Martin is my co-counselor in this case. Thank you.

2 THE COURT: Mr. Freeman?

3 MR. FREEMAN: Thank you, your Honor. I am John
4 Freeman. I'm the defense attorney and I represent Mr. Dixon.

5 THE COURT: All right. Thank you.

6 So the first question I have, ladies and gentlemen,
7 and the same situation as when I went through qualifications,
8 and the question applies to you to stand where you are:

9 Is anybody related by blood or marriage or have any
10 close, personal, or social relationship with any of the
11 attorneys involved in this case? If so, please stands.

12 No response.

13 All right. The name of the defendant in this case,
14 the person who has been charged with the crime is Ralph Dale
15 Dixon, Jr. And I will tell you, ladies and gentlemen,
16 especially if you are selected to be on the trial jury in this
17 case, that a person accused by -- of committing a criminal
18 offense is always presumed innocent until proven guilty.

19 So you may have recognized already that Mr. Dixon is
20 not present in court today. Well, guess what? He doesn't have
21 to be present in court because he is presumed innocent until
22 proven guilty. No person who's arrested and charged with a
23 crime ever has to prove innocence. The State always bears a
24 burden of proving somebody guilty beyond a reasonable doubt.
25 So the defendant does not have to attend the trial. And the

1 fact that he is not present may not be and shall not be
2 considered against the defendant in any manner whatsoever.

3 But some of you may recognize that name, Ralph Dale
4 Dixon, Jr., if you're related to him by blood or marriage, or
5 if you're a close friend or social acquaintance of his. So my
6 question to you:

7 Are any of you related by blood or marriage or have
8 a close personal social relationship with Ralph Dale Dixon,
9 Jr.? If so, please stand.

10 No response.

11 I'm going to read out some names of witnesses who
12 may be called at the trial in this case. Same question that
13 would be involved, and the question will be:

14 Are any of you related by blood or marriage or do
15 any of you have any close, personal or social relationship with
16 any of these people?

17 And most of them are employed with the Sheriff's
18 Office in Lancaster County.

19 Officer Jamie Burr, Officer Rob Marshall, Constable
20 Duane Rollings, Deputy Thomas Dean, Deputy Austin Fowler, does
21 anybody recognize those names as previously described?

22 No response.

23 Deputy Matthew Barrett, Deputy Wes Gladden, Sergeant
24 Ken Kelly, Investigator Aaron Carroll, does anybody recognize
25 those names as previously described?

1 No response.

2 Joan Bowers, Lieutenant Christy Rogers, Anthony
3 Dixon, Paulette Anderson, does anybody recognize those names as
4 previously described?

5 No response.

6 Have any of you or a member of your immediate family
7 ever been charged with either failure to register as a sex
8 offender or resisting arrest? If so, please stand.

9 No response.

10 Are you or any member of your immediate family
11 currently being prosecuted in general sessions court by the
12 Solicitor's Office or being defended by the Public Defender's
13 Office in Lancaster County?

14 No response.

15 Has any potential juror ever been prosecuted by the
16 Solicitor's Office of Lancaster County or defended by the
17 Public Defender's Office in Lancaster County, that's you or a
18 member of your immediate family? If so, please stand.

19 No response.

20 Do you or a member of your family contribute to or
21 support any organization that advocates defunding or suing
22 police or law enforcement or do you contribute or you
23 attributed to or in support of any social justice group? If
24 so, please stand.

25 No response.

1 Is there any juror who does not understand that a
2 real court maybe substantially different from what you see on
3 TV and movies or read in books? If so, please stand.

4 No response.

5 Has anybody formed or expressed any opinion in this
6 case?

7 No response.

8 Is any juror has any moral, religious, or
9 philosophical reason why he or she cannot be a fair and
10 impartial juror?

11 No response.

12 Any further voir dire from the State?

13 MS. COLLINS: No, your Honor.

14 THE COURT: Any further from the defense?

15 MR. FREEMAN: No, your Honor.

16 THE COURT: All right, thank you.

17 So ladies and gentleman, what's going to happen, as
18 I see, the clerk's office is going to randomly generate a list
19 including you-all and the previous 50 or so jurors we've
20 qualified. The computer software program is doing it right
21 now. The clerk is going to look at your jurors numbers and
22 anything 167 or above, she will call your name and you will
23 stay here in the courtroom until everybody's name in this
24 particular group is called.

25 If your name in this particular group is not called,

1 then you will leave at the end of the process and you don't
2 have to come back until you're told to come back by the phone
3 message that you get after 6:00 p.m. each night.

4 THE CLERK: If I call your name, please stand.

5 Juror 154, Emily Marshall, what say the State?

6 MS. COLLINS: Please excuse the juror in this case.

7 THE COURT: Ma'am, just have a seat. Thank you.

8 THE CLERK: Juror 238, Robert Vincent, what say the
9 State?

10 MS. COLLINS: Please present the juror.

11 MR. CLERK: Defendant?

12 MR. FREEMAN: Please swear the juror.

13 THE CLERK: Please follow the bailiff.

14 Juror 36, Mary Carr, what say the State?

15 MS. COLLINS: Please present the juror.

16 THE CLERK: Defendant?

17 MR. FREEMAN: Please excuse the juror.

18 THE CLERK: You are excused, please be seated.

19 Juror 193, Byron Ross, what say the State?

20 MS. COLLINS: Please present the juror.

21 THE CLERK: Defendant?

22 MR. FREEMAN: Please swear the juror.

23 THE CLERK: Please follow the bailiff.

24 Juror 135, Steven Knight, what say the State?

25 MS. COLLINS: Please swear the juror.

1 THE CLERK: Defendant?

2 MR. FREEMAN: Yes, please swear the juror.

3 THE CLERK: Please follow the bailiff.

4 Juror 237, Lisa Veal, what say the State?

5 MS. COLLINS: Please present the juror.

6 THE CLERK: Defendant?

7 MR. FREEMAN: Please excuse the juror.

8 THE CLERK: You're excused. Please be seated.

9 Number 196, Valentina Sakhanskaya, what say the

10 State?

11 THE CLERK: Defendant?

12 MR. FREEMAN: Please swear the juror.

13 THE CLERK: Please follow the bailiff.

14 Juror 122, Angela James, what say the State?

15 MS. COLLINS: Please present the juror.

16 THE CLERK: Defendant?

17 MR. FREEMAN: Please swear the juror.

18 THE CLERK: Please follow the bailiff.

19 Juror 218, Sheena Sterling, What say the State?

20 MS. COLLINS: Please present this juror.

21 THE CLERK: Defendant?

22 MR. FREEMAN: Please swear the juror.

23 THE CLERK: Please follow the bailiff.

24 Juror 142, Erik Lengers, what say the State?

25 MS. COLLINS: Please excuse the juror in this case.

1 THE CLERK: You're excused. Please be seated.
2 Juror 95, Christopher Gilbert, what say the State?
3 MS. COLLINS: Please present the juror.
4 THE CLERK: Defendant?
5 MR. FREEMAN: Please swear the juror.
6 THE CLERK: Please follow the bailiff.
7 Juror 214, Caroline Stauers, what say the State?
8 MS. COLLINS: Please present the juror.
9 THE CLERK: Defendant?
10 MR. FREEMAN: Please excuse the juror.
11 THE CLERK: You're excused. Please be seated.
12 Juror 37, Michael Carr, what say the State?
13 MS. COLLINS: Please present this juror.
14 THE CLERK: Defendant?
15 MR. FREEMAN: Please swear the juror.
16 THE CLERK: Please follow the bailiff.
17 Juror 12, Raven Baucom, what say the State?
18 MS. COLLINS: Please present this juror.
19 THE CLERK: Defendant?
20 MR. FREEMAN: Please swear the juror.
21 THE CLERK: Please follow the bailiff.
22 Juror 189, Joshua Roberts, what say the State?
23 MS. COLLINS: Please present this juror.
24 THE CLERK: Defendant?
25 MR. FREEMAN: Please swear the juror.

1 THE CLERK: Please follow the bailiff.

2 Juror 33, Patricia Campbell, what say the State?

3 MS. COLLINS: Please present this juror.

4 THE CLERK: Defendant?

5 MR. FREEMAN: Yes, please swear the juror.

6 THE CLERK: Please follow the bailiff.

7 THE CLERK: Juror 204, Nathaniel Smith, what say the
8 State?

9 MS. COLLINS: Please present the juror.

10 THE CLERK: Defendant?

11 MR. FREEMAN: Please swear the juror.

12 THE CLERK: Please follow the bailiff.

13 THE COURT: That's 12. One and two on alternates.

14 THE CLERK: Juror 246, Robert Whiteside, what say
15 the State?

16 MS. COLLINS: Please excuse the juror in this case.

17 THE CLERK: You're excused. You may be seated.

18 Juror 75, Warren Duncan, what say the State?

19 MS. COLLINS: Please excuse the juror in this case.

20 THE CLERK: You're excused. Sorry, I take that
21 back. Challenge for cause?

22 THE COURT: Any challenge for cause by the State?

23 MS. COLLINS: There are.

24 THE COURT: Thank you.

25 Defense?

1 MR. FREEMAN: Please swear the juror -- alternate.

2 THE COURT: Thank you, sir. Please follow the
3 bailiff.

4 THE CLERK: Juror 224, any challenge -- excuse me.
5 Juror 22.

6 MS. COLLINS: Please present this juror.

7 THE CLERK: Defendant?

8 MR. FREEMAN: Please present this alternate.

9 THE CLERK: Follow the bailiff.

10 THE COURT: All right. Any -- So what we're going
11 to do is one more strike for an alternate. We'll do that and
12 then I will explain what's going to happen to one of the other
13 jurors.

14 So move on to Number 85, Tamesha Fletcher.

15 THE CLERK: Number 85, Tamesha Fletcher, what say
16 the State?

17 MS. COLLINS: Please present this juror.

18 THE CLERK: Defendant?

19 MR. FREEMAN: Please swear the alternate.

20 THE CLERK: Follow the bailiff please.

21 THE COURT: Mr. Smith, you can just be seated right
22 there.

23 Ladies and gentlemen -- any matters of law regarding
24 jury selection from the attorneys?

25 MS. COLLINS: Nothing from the State.

1 MR. FREEMAN: Nothing from the defense.

2 THE COURT: Ladies and gentlemen and Mr. Smith, I am
3 excusing you from the trial of this case. That's why I brought
4 you back down here. If your name has -- if your name was not
5 selected for the trial of this case, you will need to call the
6 call-in number you have after 6:00 p.m. today and you'll
7 receive instructions about what you're supposed to do tomorrow.
8 It may be, call tomorrow after 6:00 p.m. We just have to
9 confer and figure out what kind of business we have for you, so
10 you can get on home. You-all are free to leave. Thank you
11 very much.

12 I want to go on record so to explain what we did and
13 why we did it. We had a Juror Number 204, who neither party
14 used a preemptory challenge on and was seated as a trial juror
15 and then we struck two -- the parties selected two alternates.
16 Upon getting down to the modified jury room, bailiff came and
17 told our clerk, what did he say?

18 THE CLERK: He said he had paperwork full of COVID
19 information.

20 THE COURT: He had all kinds of -- the juror, Juror
21 204 had all kinds of paperwork regarding COVID information, et
22 cetera, et cetera. Even though none of that was revealed
23 during ample opportunity for voir dire and qualifications. And
24 if he filled out a COVID questionnaire, he wouldn't be here. I
25 just removed him from the juror on my action without objection.

1 So the issue came, how do we replace him on a jury
2 of 12? My understanding is, you take the first alternate and
3 bump them up to jury and we selected another alternate for that
4 purpose. So that's what we did.

5 Any objection to how the Court did it or need
6 clarification for the record? First from the State.

7 MS. COLLINS: Judge, can I have just a minute
8 because I thought that the statute provides that they would be
9 selected at random and not in an order? I just want to check.

10 THE COURT: All right. You all can look at that and
11 14-7-11-10 regarding the paneling of a jury.

12 MS. COLLINS: 11-20 is as to the number of
13 strikes --

14 THE COURT: Correct.

15 MS. COLLINS: -- we would have, but it doesn't say
16 what order they would be seated. It might be under Article 11.

17 THE COURT: Nonetheless --

18 MS. COLLINS: Here it is. I'm sorry, Judge.

19 14-7-1340, "Duties of service as alternate jurors:
20 If, before the final submission of the case to the jury or
21 juror thereon dies or becomes so ill or disabled as to be
22 unable in the judgment of the Court to perform, the Court shall
23 order him discharged and draw the name of one of the
24 alternates, if there be more than one by ballot, to serve in
25 the place of such other juror that's been discharge."

1 So I would ask that that procedure be followed per
2 statute.

3 THE COURT: All right. Mr. Freeman?

4 MR. FREEMAN: Your Honor, I never had that come up
5 in all the years I've been practicing. The seat says that they
6 were selected in a random order from the greater pool. I think
7 it's arduous to move people up the ladder, that's why there's
8 first alternate, second alternate, et cetera.

9 MS. COLLINS: Your Honor, the statute is clear.
10 14-7-1340 is clear. The random order was the initial selection
11 of them but it talks of one being moved up to serve that states
12 shall be done by -- that the Court shall order that one
13 discharged and draw the name of one of the alternates. I'm
14 simply asking that that be followed.

15 THE COURT: The statute says -- first of all, we
16 haven't even tried the case. The jury isn't even sworn. It
17 does say, "If, before the final submission of the case of a
18 jury, a juror thereon dies," which has happened, "or becomes so
19 ill," which hasn't happened or disabled, I guess, what does
20 that mean, "as to being unable to enter the judgment of the
21 Court to perform its duties thereon, the Court shall order him
22 to be discharged," and draw the name of one of the alternates,
23 "if there be more than one by ballot to serve in the place of
24 such dead or discharged juror through the remainder of the
25 proceedings."

1 The way I construed that, it would not support the
2 State's proposition. I'm just moving alternate -- what was
3 Alternate 1, up to be part of the 12 deliberative body of
4 jurors and what was Alternate 2, will be moved to Alternate 1
5 and we all struck the new Alternate 2.

6 And the reason Juror 246 -- there was an issue with
7 Juror 75, who is now on the body of the juror, the State
8 intended to strike him but didn't have a strike left. All they
9 had was a strike for cause left and that was not made.

10 Anything else on this issue?

11 MR. FREEMAN: Nothing, your Honor.

12 MS. COLLINS: I understand the Court's ruling.

13 THE COURT: You-all ready for the jury, so I can
14 swear them in and do all those things?

15 MS. COLLINS: Yes, sir.

16 THE COURT: Let's bring them in.

17 MS. COLLINS: Your Honor, I want make this as a
18 court's exhibit. This is a copy of the bond paperwork showing
19 that the defendant signed saying he understood he has a right
20 and obligation to be present at trial. If he fails to attend,
21 the trial will proceed in his absence. I think that's
22 important to make that part of the record.

23 MR. FREEMAN: No objection, your Honor.

24 THE COURT: Without objection, that will be Court
25 Exhibit 1, I guess, Maria?

1 COURT REPORTER: Two.

2 (Court's Exhibit 2, Bail/Bond Proceeding Form, was
3 marked for identification.)

4 (Jurors enter.)

5 THE COURT: All right. Madam Clerk, swear in the
6 jury.

7 (Jurors sworn.)

8 THE JURORS: I do.

9 THE CLERK: You may be seated.

10 THE COURT: Again, thank you so much, ladies and
11 gentlemen, for doing your civil duty of being a juror in the
12 trial case in our courts. I know, instead of all of you being
13 seated in a jury box like we would normally have, some of you
14 are on the floor. We tried to modify this courtroom as best we
15 could to keep it safe for all of you and try to keep you
16 comfortable as possible. And we appreciate your continued
17 cooperation.

18 Let me speak to you briefly before we start the
19 trial of the case. Only thing we are going to do today, ladies
20 and gentleman, is, I'm going to give you kind of a brief
21 outline of what you can expect serving as a juror in a trial
22 and what the law expects of you. And then I will defer to the
23 attorneys, who will be able to make some brief opening
24 statements to you about the case. And that's it for today.
25 Okay? And then we'll break here shortly. And then tomorrow

1 morning we'll start with testimony and evidence and go through
2 all that. Okay?

3 So let me speak to you briefly and let you know that
4 this trial is probably going to be different than what you
5 might expect. Many people don't have a chance to attend actual
6 court and think that what they see on TV or movies or read in
7 books is what trials always are. They tend to think trials are
8 always full of high drama, intense action in the way they
9 interpret things. Well, that's just not true.

10 Now, from time to time, those things may happen but
11 this trial is not for entertainment. Okay? This trial is a
12 fundamental part of our democracy in an effort to make sure
13 that justice is done between the parties before the Court.

14 In making sure that justice is done may sometimes be
15 a repetitive and slow process; the opposite of what you may be
16 expecting. Now this courtroom, ladies and gentleman, is a
17 place of honor dedicated to the protection and preservation of
18 citizen's rights through what many have called, "The greatest
19 justice system ever created."

20 The attorneys appearing before you are advocates for
21 the parties they represent. The State of South Carolina is
22 represented by our attorneys we call solicitors. And
23 Mr. Freeman is here representing his client. They are officers
24 of this Court. They're sworn to uphold the integrity and
25 fairness of our system and to help you in your efforts to reach

1 a verdict. You should expect them, therefore, to be
2 professional, confident, and ethical in the representation of
3 their client.

4 Remember that you've just taken an oath to try this
5 case to reach a verdict and you're also expected to act the
6 same way.

7 Now, let me tell you basically how a trial proceeds.
8 First, the State's going to make an opening statement to you.
9 In an opening statement, ladies and gentleman, whenever lawyers
10 talk to us, it's not evidence; it's simply an outline. Just
11 like in closing arguments, when they get to talk to you again,
12 it's argument or evidence. But opening statements is an
13 outline to help you understand what the issues are or what that
14 lawyer thinks the evidence will show.

15 Following opening statements starting tomorrow, you
16 will then hear testimony and evidence in this case. Those will
17 consist of testimony from various witnesses right here on this
18 witness stand and from your review of any physical exhibits
19 which may be introduced in evidence.

20 Following the completion of all that, the attorneys
21 will make closing arguments with you. And at the end of that,
22 that's when I will read you or instruct you on the law as it
23 pertains to the issues which have arisen in this case. And
24 see, that's how you reach your verdict, ladies and gentlemen.

25 You will take the facts as you find them to be

1 because you are the judge of the facts and you will apply those
2 facts to the law which I give you because I am the judge of the
3 law. And that's how you reach your verdict. Okay?

4 As you know, this is a criminal case. It's been
5 brought by the State of South Carolina, who has charged the
6 defendant with resisting arrest and failure to register as a
7 sex offender. The charges against the defendant are contained
8 in these pieces of paper called Indictments. Now, ladies and
9 gentlemen, these pieces of paper are not evidence of anything.
10 These indictments are not evidence of anything. They are
11 simply the written description of the charges that have been
12 made by the State against this defendant.

13 The defendant has pled not guilty to this charge and
14 is presumed innocent unless and until proven guilty beyond a
15 reasonable doubt. I will define this more in detail for you at
16 the appropriate time.

17 But a reasonable doubt is the kind of doubt that
18 would cause a reasonable person to hesitate to act. The
19 defendant has the right not to testify and never has to prove
20 innocence or present any evidence. The defendant does not have
21 to be present at his or her trial either. The burden of proof
22 is always on the State of South Carolina.

23 It will be your duty, ladies and gentlemen, to
24 decide from the evidence what the facts are. As I've told you
25 before and I will emphasis to you again, you are the judges of

1 the facts. Please don't take anything I may say or do during
2 this trial as indicating what you think I think of the evidence
3 or what your verdict should be. And just like we have rules
4 which govern sports and other activities that we all
5 participate in, we have rules of evidence in our court which
6 control what can come into evidence and what can't come into
7 evidence. And the reason we have these rules, ladies and
8 gentlemen, is because we want to make sure that you have the
9 best evidence possible.

10 So if a lawyer is asking a question that the other
11 lawyer may think violates the rules of evidence or tries to get
12 something into evidence, which may violate the rules of
13 evidence, that lawyer will say, "objection." You've seen all
14 of that. You've heard that before in watching TV and movies
15 and stuff. Then I make a ruling on that objection. The ruling
16 I make is a legal ruling, okay, since I am the judge of the
17 law.

18 If I overrule an objection, that means the question
19 can be answered or the thing may come into evidence. If I
20 sustain an objection, that means the question cannot be
21 answered or the thing cannot come into evidence. And, of
22 course, you're not to speculate about what the answer would
23 have been if I sustain an objection or what the thing maybe
24 would have shown if I sustain an objection. Because, remember,
25 you can only go by the evidence that you received in this

1 courtroom, not what you don't receive.

2 That's why I told you, before you left, before you
3 came back here this afternoon, when you leave this courtroom,
4 you are not to do any independent research of the case. You
5 know nothing about this case. Everything you need to know
6 about this case is going to come from this witness stand. It's
7 going to be submitted into whatever evidence and what the
8 lawyers tell you, what you hear the witness say and that's how
9 you make your decision in this case.

10 They'll be -- time to time maybe where I have to
11 bring the lawyers up here to discuss legal issues. We're not
12 trying to keep anything from you. It's just sometimes I may
13 have to make rulings on the law and I will try to keep you-all
14 from having to get back up and walk all the way down the hall
15 and go to your modified jury room because that would just take
16 too long and it will just interrupt the flow of everything.
17 Okay?

18 Now, ladies and gentlemen, before I concluded my
19 brief remarks to you, I will tell you in deciding the facts of
20 the case, you may have to decide which witnesses to believe and
21 which witnesses not to believe. You may believe everything a
22 witness says, only some of it or none of it. That's up to you.
23 You are the judges of the facts. And during a trial, you're
24 not going to be allowed to take notes of certain testimony of
25 the witnesses. Please pay close attention, because of that, as

1 to what the witnesses say and everything.

2 Also at the conclusion of the trial, you are not
3 going to have a written transcript to go over and it's very
4 difficult to come back in the courtroom and replay lengthy
5 testimony. So please listen as things go, as things develop.
6 I know we have you-all spread out throughout the courtroom.
7 You will see, the seats on the floor, they are all pointing
8 here, so you all can see the witness and hear the witness so
9 please pay close attention.

10 And until I tell you that you can actually start
11 deliberating the case, you cannot discuss this case with
12 anybody, including yourselves. You can't start discussing
13 until I tell you you can. Again, there's a reason for that...
14 because you haven't heard anything. You don't know what the
15 law is yet because I ain't told you what the law is yet. Okay?
16 Don't -- again, don't go on social media or do any independent
17 research about this thing. I'm not naive. I know when you go
18 home to your spouse or significant other and say "Hey, did you
19 get picked?" "Yeah, I'm on trial jury."

20 I'm not naive, it's fine. You can tell them that
21 it's a criminal trial. A trial in criminal court and what you
22 think it's about, but nothing else. All right? "Because Judge
23 Gibbon's said I can't talk about it." Okay? And if somebody
24 persists in trying to find out information about the case, you
25 let me know and I will take care of it.

1 Lastly, it's important that you are keeping an
2 open-mind. Do not decide anything in this case until you've
3 heard everything, until I've instructed you on the law in this
4 case. It is your solemn responsibility, ladies and gentlemen,
5 to determine the guilt or innocence of this defendant and your
6 verdict must be based solely on the evidence that's presented
7 to you in this courtroom and on the law as I instruct you
8 during the close of the trial.

9 Thank you again for your undivided attention. I'm
10 now going to defer to the attorneys for opening statements.
11 Madam Solicitor?

12 MS. COLLINS: Thank you.

13 May it please the Court: Your Honor, as you know,
14 this is our first time, where would you like me to stand? Is
15 this good?

16 THE COURT: Wherever you feel comfortable standing.
17 If you're going to be mingling in the jury, I ask that you wear
18 a mask. You may want to do that anyway.

19 MS. COLLINS: I'll try to stand back.

20 Ladies and gentlemen of the jury, South Carolina law
21 requires that certain people register as a sex offender with
22 the sheriff's department for the county in which they live. We
23 will present evidence that Ralph Dale Dixon, Jr., is one of
24 those people, that because of a criminal conviction, he is
25 required by South Carolina law to register as a sex offender.

1 And when you register, there is certain things under
2 South Carolina law that you have to provide in terms of:

3 They take a picture of you and make sure they have
4 the right name. And very importantly, they want to know where
5 you're living; where you're residing. They also ask in terms
6 of where you're working, if anywhere and what kind of car you
7 drive.

8 Due to a conviction that Mr. Dixon had, he was
9 required to register. He was also required to notify the
10 sheriff's department if he changed his residential address.
11 Because the law requires not only that you register a certain
12 time and then over a certain period of time, it's biannually
13 and an officer will come and testify to that. But that if in
14 the meantime, you change your information that you are required
15 to give, that you then within a certain period of time have to
16 come back to the sheriff's department and say, "Hey, I've
17 changed my address. Let me give you my new address," as
18 required by the law.

19 And at the end of the case, his Honor will instruct
20 you as to the law. You will hear testimony from the sheriff's
21 office, the personnel who runs the sex offender registry in our
22 county, as to why they were requiring Mr. Dixon to register,
23 when he registered and when he failed to give them updated
24 information because that is the evidence that we will be
25 presenting, was that he had registered, but when he changed his

1 residential address, he failed to report that change within the
2 time required by law.

3 In fact, the evidence will show that the defendant
4 moved from that address that he was supposed to be living at
5 per his registration and that he failed to let the sheriff's
6 department know that. The evidence will further show that he
7 had actually been put on trespass notice where he wasn't
8 supposed to come around that place anymore, the place that he
9 designated as his residence.

10 So the first charge is simply failure to register as
11 a sex offender. And that is the first charge Mr. Dixon is
12 charged with.

13 The second charge that we will be presenting
14 evidence about is resisting arrest. South Carolina law makes
15 it unlawful for a citizen to oppose or resist an officer who is
16 serving an arrest warrant or is in the process of arresting
17 someone upon good cause.

18 We will present evidence that when officers went the
19 next day to serve Mr. Dixon with the arrest warrant for failing
20 to register, that he did resist them and oppose them. He did
21 not fail to -- that he in fact failed to comply with the
22 arrest. We would submit that the law simply requires that a
23 person submit to law enforcement so that at a later date, such
24 a trial as here, if they have a beef with the warrant, that can
25 be addressed at that time. But the law requires for you to

1 submit and to comply that that fight be for another day. That
2 at that point, you're being put on notice for an arrest warrant
3 and the law also requires that the person should reasonably be
4 able to understand these are officers and the evidence will
5 show that these were officers with the sheriff's department
6 that were wearing their uniforms and, in fact, had come up in
7 patrol cars. And so it should have been clear to Mr. Dixon
8 that they were law enforcement officers authorized to arrest
9 him and they put him on notice before arresting him as well,
10 and at that point, it was his burden to submit. I shouldn't
11 say "burden." It was his responsibility as a citizen under the
12 law to submit to the arrest; and if he had a beef with the
13 underlining charge, fight that another day, but submit.

14 Clearly, the purpose of law I submit to you, is that
15 at that moment in time intentions are high, emotions are high.
16 That for the safety of the person who is being arrested as well
17 as for the safety of the officers, that the person's do as
18 they're required to do and simply submit that -- that is the
19 requirement of law.

20 And so our second charge is simply that Mr. Dixon
21 failed to do that. He struggled and he engaged in a struggle
22 with officers, that he didn't readily submit and that it rose
23 to such a level that he was charged with resisting arrest.
24 That would be the case that you'll hear. That he failed to
25 register, although he's required to do so; and that when they

1 arrested the man, that he struggled and did not submit
2 peaceably to the officers.

3 Thank you, all of you, for leaving your jobs and
4 your homes and your families to come to this courtroom to bring
5 justice here today. Thank you.

6 THE COURT: Thank you, Madam Solicitor.

7 Mr. Freeman?

8 MR. FREEMAN: Thank you very much, your Honor.

9 Ladies and gentlemen, my name is John Freeman. I
10 represent Mr. Dixon. I think all your chairs face up here so
11 this is probably the best place for me to stand so that you can
12 all hear me. And I do want you to hear me because it's an
13 important day for everybody, for Mr. Dixon, for the State, for
14 myself, for all parties involved.

15 I've been practicing law for about 30 years and I'm
16 so used to standing over there just like everybody else in this
17 courtroom is, so forgive me if we have some awkward moments
18 getting used to the new reality of our lives. If you can't
19 hear, and this is important, stop, raise your hand and say,
20 "Hey, Judge, I can't hear."

21 The Judge explained to you everybody's role in the
22 room, so I'm not going to reiterate that. I do think that the
23 Judge in some way is the referee. He's the one that kind of
24 controls what the evidence is if there's a dispute. Referees
25 are only necessary if we disagree on what should happen and we

1 did disagree. We disagreed. You're going to hear some
2 evidence. And the other reason I'm up here is, if you've never
3 been on a trial before, it's not like TV. We're not going to
4 solve this case in an hour including commercial breaks. That's
5 simply not reality. That's what we have been raised as
6 entertainment.

7 What a trial mostly is, is there's going to be
8 people sitting right here in this seat telling you things,
9 maybe handing pieces of paper, maybe videos. You see we have
10 some TVs on the wall. Technology does in many ways enhance the
11 practice of law. But I still want to get back to what it's
12 really all about.

13 The State of South Carolina has the burden as any
14 state would to convince each and everyone of you, not some of
15 you, not half of you, not most of you, but all of you beyond a
16 reasonable doubt. Not just a maybe but a reasonable doubt of
17 the guilt of Mr. Dixon on both cases. Remember, there's two
18 charges, they may have happened in one sort of incident but
19 there's two charges. Possibly you might think he is guilty of
20 one but not the other or vice versa or not guilty of either
21 one.

22 Now, admittedly, Mr. Dixon had made some mistakes in
23 the past. And you've got to as jurors use your oath. And you
24 did take an oath to not hold that against him. He was required
25 to do things that a lot of people are not required to do

1 because of some errors in judgement he had made in the past.
2 However, you get to decide whether what he did was reasonable
3 or unreasonable.

4 In that sense, you've got to say, well, was the
5 State asking something impossible, something that no normal
6 person would do? Secondly, you're also going to hear about
7 resisting arrest. This is a crime, I submit to you, that
8 ultimately is going to be a crime of opinion. And it's going
9 to be the officers opinions of what happened. You may see some
10 videos of what happened from various footages in either the car
11 or the officer's body cam. But ultimately, it's going to be
12 their opinion that he did not comply enough or to use the
13 solicitors word "submit." Emotions were high. When you're
14 getting arrested, I would think your emotions would be
15 extraordinarily high.

16 So I'm going to ask you as we go through this trial
17 to hold the State to the burden, to say, wait a minute, I need
18 to hear enough evidence so that every single one of us has not
19 the slightest doubt that you have proven both of these charges
20 against Mr. Dixon.

21 Now, at the end of the trial, we both get the
22 opportunity, the State and the defense attorney, to speak to
23 you again. But again, the trial itself will mostly take place
24 in this little box where I'm standing. Which again, I've
25 notice the way they've angled all your chairs up here, which is

1 why I came up here. I think it's the best place for everybody
2 to see what's going on.

3 But at the end of the trial, we'll have the
4 opportunity to address it, to address to you again and maybe go
5 over some of the evidence. As the Judge said, you don't get to
6 take notes. You just use your common sense. You listen to
7 what's presented and common sense, you determine maybe what you
8 think is important, maybe what you think is not important,
9 maybe when you think, well, this person could not have seen or
10 felt or heard what they said they did, versus this person could
11 have felt or was closer to the situation or had a better
12 vantage point.

13 So common sense wasn't left outside, it wasn't
14 destroyed by the pandemic. Each and everyone one of you gets
15 to use common sense which we all are born with and have through
16 our life experiences to filter through all the evidence, all
17 the testimony you're going to here from this box, all the
18 pieces of paper you're going to maybe hold and maybe the videos
19 you're going to see, you get to use your common sense to say,
20 does that meet the State's burden of proof? Does that overcome
21 that reasonable question on the charge of failure to register?
22 And does that -- your opinions are the one's that count, by the
23 way, on the facts. And were the officers reasonable in their
24 opinions when they said, well, this person didn't just roll
25 over and throw his hands up. He basically said, I don't want

1 to be arrested. He was in fact arrest. I submit the evidence
2 will show that. So we're not talking about somebody that
3 sprinted away and they arrested him a week later.

4 The resisting arrest takes place over the course of
5 a couple of seconds, honestly. But you're going to see all
6 that or hear all that, or hear testimony about it. Use your
7 common sense to filter it. Now you don't get to discuss it as
8 a group until the case is over. But each and every one of you
9 has the same obligation, and I just ask you to keep that in
10 mind as we go through this trial.

11 On behalf of Mr. Dixon and the defense, thank you in
12 advance for your attention.

13 THE COURT: Thank you, Mr. Freeman.

14 Ladies and gentlemen of the jury, at this point in
15 time, it's a good time -- it's been a long day, why don't we go
16 ahead and break for the day. We'll start with the testimony
17 and evidence phase of the trial. Tomorrow, I want you in your
18 jury room -- I have a matter at 9 o'clock, I think, here and I
19 don't want to make you-all sit there and wait. So why don't we
20 say 9:45 tomorrow morning, I want you in your modified jury
21 room down there.

22 Until then, don't talk about case, and don't do any
23 independent research. You all are free to leave for the day.
24 Thank you very much.

25 Anything else?

1 (Jurors exit.)

2 MS. COLLINS: Well, I am concerned to be honest.
3 This is the first -- I was not aware it was going to be laid
4 out like this. I am concerned about, that they are going to
5 have to, if they want to, turn their head back to whoever's
6 asking the question and then turn their head back. I think
7 John had a great point. I was wondering if maybe the juror
8 that's sitting right there in that back corner could be placed
9 over here and then we go out that door and then we stand at the
10 door and talk to the witness.

11 THE COURT: That's fine. I don't have a problem
12 with it.

13 MR. FREEMAN: Your Honor, I'm fine with it. That's
14 why I kind of suggested if they say, hey, I can't see or can't
15 hear --

16 THE COURT: Yeah.

17 MR. FREEMAN: -- as we go along. And perhaps, if
18 you could suggest that in the morning as well.

19 THE COURT: That's fine. I mean, you-all go
20 ahead -- do we have any members of the clerk staff in here?
21 There you are. Just put that lady seated in the very back
22 behind the witness, let's move her out to where Lisa is, right
23 there. That way when they are doing their arguments, they are
24 not anywhere within ten-feet of anybody and they will have
25 amplification of that microphone.

1 Plus -- again, while we're doing this, if you all
2 are okay sitting down talking behind that screen, that's fine
3 with me. Okay? I mean, we are trying to make the best out of
4 a bad situation.

5 MR. FREEMAN: Yes, sir, Your Honor.

6 MS. COLLINS: Your Honor, for this particular case,
7 it wouldn't be true of every case, I would be okay if you
8 prefer for us to sit and ask questions since there's a
9 microphone back here.

10 THE COURT: I'm okay. However you-all want to do
11 it.

12 MS. COLLINS: The only problem is, if you-all are up
13 there, we're going to have to go around probably where Chip's
14 standing. And then if we're right here, we're certainly
15 six-feet away from that juror right there.

16 THE COURT: Right.

17 MR. FREEMAN: Even when I was talking at the box, I
18 knew I had the plexiglas but I kept thinking that was the
19 bailiff over there so I'm glad we didn't move that chair.

20 THE COURT: Right.

21 MS. COLLINS: They don't have a side plexiglas over
22 there.

23 THE COURT: If you-all want to sit at your desk and
24 just have your notes with you while you examine the witness,
25 we'll bend the rules and allow that to happen. We'll just make

1 the best -- it's a beautiful courtroom; it's just small.

2 MS. COLLINS: I might stand and do it.

3 THE COURT: Whatever makes you comfortable. It's
4 just weird for all of us.

5 Thank you-all very much. I have a matter at 9
6 o'clock.

7 (Court was adjourned on, Monday, November 9, 2020.)

8 (Court resumed as of Tuesday, November 10, 2020.)

9 (State's Exhibit 1, Initial Sex Offender Registry
10 Forms, were marked for identification.)

11 (State's Exhibit 2, Sex Offender Registry Forms
12 dated 1/17/2020, were marked for identification.)

13 MS. COLLINS: We have marked for introduction into
14 evidence, State's Exhibits 1 and 2.

15 One is the conviction for indecent exposure and the
16 sentencing sheet for which the defendant was ordered by Judge
17 Hall to register on the sex offender registry. The sex
18 offender statute requires that for an indecent exposure
19 conviction -- now, the judge actually made a finding on the
20 record, that under the circumstances of that particular case,
21 that is the type of exposure, indecently, sexual, lewdly, et
22 cetera, that would require him to be on registry. So we also
23 have the transcript of the plea that we would also entered into
24 evidence.

25 Mr. Freeman has told me that he will stipulate to

1 that. So I don't know if you want to make it a court's
2 exhibit, we would mark it as a State's exhibit. If he
3 stipulates, we would like to, at break, just type up so there
4 would be something that the jury later can take back and read
5 that the two parties stipulate or agree that the defendant has
6 been convicted for a crime which requires -- and that he was
7 ordered to be on the sex offender registry and that the judge,
8 at the time of his conviction, made the proper findings on the
9 court record to require that. Or something like that.

10 THE COURT: Okay. Let me hear from you.

11 MR. FREEMAN: I think it could be that much more
12 simpler, your Honor, perhaps by a charge in the closing to you
13 that we both agree to this. The State was kind enough to
14 provide me with the transcript. It's five pages, including the
15 cover sheet from Judge Hall, September 12, 2017. And the last
16 paragraph, the Court does make that finding. So I would
17 stipulate to that. I think it would be unduly prejudicial to
18 put a lot of attention on it. And I would prefer the jury not
19 hear what the original charge was. If you may recall, I
20 touched on it when I openly admitted that he had made a
21 mistake.

22 THE COURT: Okay. Coming back to the State.

23 MS. COLLINS: Your Honor, it is one of the elements
24 of the defense, that we establish that he is required to
25 register. I don't have to stipulate. Just like in a burglary

1 conviction, I don't have to stipulate in terms of the priors,
2 et cetera. But I'm willing to do so for reasons down the road.
3 As you know, that might be touched on by appeal of collateral
4 attack with PCR. For that reason though, I do think it's
5 required when there's a stipulation. Not that it come from a
6 charge to the judge. You explain what a stipulation is. But
7 in terms of just stating that here is the stipulation, I think
8 at the time that I'm putting forth my evidence that I need to
9 say, your Honor, at this time, the defense and I both stipulate
10 on behalf of the State and defense that, blah, blah, blah, I
11 don't know, I'm not very succinct this morning, that's one of
12 my problems. But I do think I'm required to say that. Again,
13 I would like to type it up, otherwise I'm gonna put it in.

14 THE COURT: All right. I agree with the State in
15 part. And you can go ahead and mark what you have in your hand
16 as court exhibits next in order, whatever they are, 3 and 4.
17 I'm not going to allow those into evidence for the jury to see
18 but I will allow a stipulation to go to the jury. You know,
19 the jurisdiction of that and of the finding that he is on the
20 sex offender registry. And I will explain it to the jury, of
21 course, of what a stipulated fact is.

22 So, you know, you-all get together and draft up the
23 stipulation to go to the jury that can be entered into
24 evidence. I will explain to them what that means. Now, by not
25 allowing the transcript in, I mean, I do find that would be

1 unfairly prejudicial under 403. Not allowing the sentencing
2 sheet in, I do find that would be unfairly prejudicial under
3 the -- under Rule 403, as well.

4 But the jury is entitled to know that he is on the
5 sex offender registry, that there was a judicial finding that
6 he should be on the sex offender registry and that he is on the
7 sex offender registry for an offense commented, I don't know,
8 however many years ago, I think that will do the trick.

9 (Court's Exhibit 3, 2017 Conviction Records, were
10 marked for identification.)

11 (Court's Exhibit 4, Plea Transcript, was marked for
12 identification.)

13 MS. COLLINS: I can say that the Court made that
14 finding in September of 2017.

15 THE COURT: That's fine. I think it doesn't get
16 into the substance of what he did, but it gets the point across
17 that this just wasn't something -- you know, it was a finding
18 made against him. I think the State is allowed to let the jury
19 know that without the specific offense.

20 MR. FREEMAN: I understand, your Honor. And I think
21 we are agreeing and disagreeing at the same time. It's just my
22 position I think that your charge can cover it without calling
23 undue attention to it.

24 THE COURT: Okay. I got you. I understand what
25 you're saying. What she has now are going to be Court exhibits

1 for the purpose of the record. They're not going to be
2 anything the jury sees. The jury will see the stipulated facts
3 that he is on the sex offender registry based upon -- you all
4 just word it up the way it needs to be worded up.

5 MS. COLLINS: And will I be able to state that on
6 the record and then say that we will submit a copy?

7 THE COURT: That's fine. And I will explain to them
8 that's how a stipulation is. These facts are in agreement; no
9 other proof is necessary.

10 All right. What else?

11 MS. COLLINS: Nothing else.

12 THE COURT: Any other issues before we bring the
13 jury in from the defense?

14 MR. FREEMAN: I think the Solicitor wanted to move
15 the alternate's chair back.

16 MS. COLLINS: Well, I just wanted to know if John
17 and I could bring --

18 THE COURT: That's not an alternate. The alternates
19 are down here.

20 MR. FREEMAN: I'm sorry, the chair we moved down
21 here yesterday.

22 MS. COLLINS: For the juror -- based upon the
23 particular type of case this is, I'm comfortable doing it from
24 the table. If we both do it from the table, then that chair
25 should be moved back to where it was. I see there is a chair

1 now there. I don't know if that's for the bailiff or what.

2 THE COURT: That's for whoever was up here. I'll do
3 whatever you-all want to do, just as long as we keep social
4 distance. I was going to tell the jury when they came in,
5 ladies and gentleman, I know this is awkward seating and
6 whatever... but for the purposes of trying cases during this
7 pandemic, I'm allowing the lawyers to sit at their desks if
8 they want to, rather than normally walking around like they
9 want to. And that, you know, I kind of, under lawyers, you
10 know, you're all used to trying things a certain way. If
11 you-all want to move that chair back over there, that's fine
12 but I don't see any other place to put it. The problem is, if
13 they are over there, they're looking at the back of the
14 witnesses head. They ain't going to be looking at the mouth or
15 the eyes of a witness. That's why I'm okay with having that
16 chair there.

17 MR. FREEMAN: That's fine with me. Either way, your
18 Honor.

19 THE COURT: I mean, I don't care what you-all want
20 to do.

21 MS. COLLINS: I'll tell you what, I'm very
22 uncomfortable with just walking through them --

23 THE COURT: I agree.

24 MS. COLLINS: I've talked to the bailiff about
25 handing him exhibits that he can then maybe hand up.

1 THE COURT: Maybe you all want to do that.

2 MS. COLLINS: Because I think they are very
3 uncomfortable with that.

4 THE COURT: I agree. It's weird. I know. I wish
5 we had a bigger courtroom but we don't.

6 MR. FREEMAN: Your Honor, I think if you would just
7 tell them this morning, again, like you just touched on, these
8 are not normal times and we're both trying to get used to the
9 new normal.

10 THE COURT: Right. That's right.

11 Okay. What else? You know what? Let me grab my
12 magic wand. Hang on a second. I am just as frustrated as
13 you-all are, you know?

14 MS. COLLINS: I'm just glad it's not a murder case.

15 THE COURT: I agree. We may have to rethink things
16 for the more serious cases.

17 Maria, you can go off the record.

18 (A brief discussion was held off the record.)

19 (Jurors entered.)

20 THE COURT: Members of the jury, ladies and
21 gentlemen, thank you for being here on time as we start this
22 morning. Again, I apologize for the layout of the courtroom
23 and how you all are spread out the way you are. Of course you
24 understand why we are doing it that way. Because of these
25 strange times, we're doing things a lot different than we're

1 normally used to doing in the courtroom. I have told the
2 lawyers that they are more than welcome -- typically, when
3 lawyers talk, at least in South Carolina, they have to stand
4 when addressing the jury or when addressing me or the presiding
5 judge.

6 I've given them the option, since they are seated
7 far away and they're behind their desk with plexiglas
8 protection in front, that if they want to sit, they can do
9 that. And, of course, I think they both expressed to me they
10 were uncomfortable walking amongst you-all handing up exhibits
11 to a witness and all that kind of stuff. I agree with that.
12 It's kind of -- it's awkward so we're not going to do that. If
13 they don't want to, they may hand the exhibit to the bailiff
14 who will then hand it to the witness. We are all trying --
15 this is the first trial we've had in Lancaster County since
16 February. Okay? So we're trying to see how it goes.

17 And, of course, and after the trial, whatever it is,
18 I certainly want you-all to bend my ear and give me some kind
19 of suggestions. Okay? And we'll deal with that at that time.
20 Thank you for your understanding and patience as we move
21 forward with this.

22 All right. So we did opening statements yesterday
23 and we will now begin with the testimony and evidence phase of
24 the trial.

25 Madam Solicitor, you may call your first witness.

1 MS. COLLINS: Thank you, your Honor. May it please
2 the Court:

3 Your Honor, the State of South Carolina calls as its
4 first witness, Constable Duane Rollings, formerly Investigator
5 Rollings from the sheriff's department.

6 THE COURT: All right, sir, come on up here. And
7 weave your way through the maze. There we go. All right.
8 Perfect.

9 THE BAILIFF: Raise your right hand, please.

10 (Witness sworn.)

11 THE WITNESS: I do.

12 THE COURT: Thank you, sir.

13 Sir, once you're behind the plexiglas, you may lower
14 your mask so you can -- everybody can hear you good.

15 Ladies and gentlemen of the jury, because of the way
16 I've described, if you're not able to hear real good, raise
17 your hand and let us know and we'll make sure -- I know I talk
18 loud so you can hear. I'm going to remind each witness to
19 speak loud. Okay?

20

21 **CONSTABLE DUANE ROLLINGS,**

22 Having been first duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MS. COLLINS:

25 Q. Good morning.

1 A. Morning.

2 Q. Would you please state your name for the record?

3 A. Duane Rollings.

4 Q. What is your occupation?

5 A. Right now I am a magistrate constable.

6 Q. And when did you start that job?

7 A. 1st of August of 2019.

8 Q. What was your occupation before being a constable in
9 magistrate court?

10 A. I was a deputy with the Lancaster County Sheriff's
11 Office.

12 Q. And how many years were you a law enforcement
13 officer with the Lancaster County Sheriff's Department?

14 A. Six years.

15 Q. And what was the total number of years that you were
16 a law enforcement officer prior to becoming a constable?

17 A. Thirty.

18 Q. And so tell me where those other 24 years were in.

19 A. The City of Lancaster, South Carolina.

20 Q. And what was your role there?

21 A. Started off as a dispatcher. Worked my way up to
22 lieutenant when I retired.

23 Q. Going back to the six years that you were a -- an
24 investigator or a deputy with the Lancaster County sheriff's
25 office, what was that timeframe? Do you remember just by year?

1 A. I went to work for the sheriff in March of 2013 and
2 I left there the end of July 2019.

3 Q. Did you retire at that time?

4 A. No, ma'am. I actually retired from the City of
5 Lancaster.

6 Q. You had retired previously and then --

7 A. Went to work for the sheriff.

8 Q. -- you supplemented your retirement or came out of
9 retirement to work with the sheriff's department?

10 A. Yes, ma'am.

11 Q. Okay. But when you left the sheriff's department,
12 of course it was your decision to do?

13 A. Yes, ma'am.

14 Q. While you were there at the sheriff's department,
15 what were your duties throughout that six-year period?

16 A. The first few months, I was a road deputy. Then I
17 went into the lobby as a lobby officer handling walk-ins and
18 stuff. The last five years was handling the sex offender
19 registry.

20 Q. Were you also at times an investigator that
21 investigated sexual assault crimes?

22 A. I was not an investigator. I was just a regular
23 deputy but we do investigate crimes before it gets turned over
24 to an investigator.

25 Q. So the last five years that you were there -- the

1 last five years that you were there, you said you were over the
2 sex offender registry; is that right?

3 A. Yes.

4 Q. And what was your title at that time?

5 A. Just deputy with support services, sex offender
6 registry coordinator.

7 Q. Can you explain for the jury, what are the duties of
8 the sex offender registry coordinator for Lancaster County
9 Sheriff's Department?

10 A. What we are responsible for is pretty much keeping
11 up with the registry, everybody who's supposed to be on it.
12 Making sure that their files are complete with all the
13 information necessary. We have to keep updates. There's a
14 certain time period for certain people, whether it's three
15 months, six months, where we have to update all their
16 information. You attend training every so often throughout the
17 year to any kind of new legal updates or changes in the system.

18 We also have to do yearly address checks, where you
19 physically go out and make sure they live where they say they
20 live. You have to keep up and list any vehicles they own or
21 any schools they attend, any tattoos they have. I mean, it's a
22 complete physical-type thing.

23 Q. Thank you.

24 MS. COLLINS: Your Honor, at this time, the State of
25 South Carolina would like to state for the court record, that

1 the defendant is represented by Attorney John Freeman and the
2 State is represented by myself and Assistant Solicitor Nadine
3 Martin, stipulate to the fact that the defendant, Ralph Dale
4 Dixon, Jr., has a prior conviction of criminal offense for
5 which the Court ordered on September 12th, 2017, that the
6 defendant was required to register as a sex offender.

7 Both party's further stipulate that at the time of
8 conviction, the Court made the necessary findings on the court
9 record, that the defendant's conviction and the facts
10 supporting that conviction were sufficient to require him to
11 register as a sex offender.

12 THE COURT: Is that a correct statement,
13 Mr. Freeman?

14 MR. FREEMAN: I believe it is, your Honor.

15 THE COURT: Ladies and gentleman, let me explain to
16 you briefly what a stipulation is.

17 A stipulation is when both sides agree to a fact; in
18 other words, no other evidence needs to be proven to show that
19 that fact exists. So both sides have agreed, what you just
20 heard the Solicitor say, that's what it is and I'll tell you
21 more about that whenever I charge you the law. Okay?

22 Madam Solicitor?

23 MS. COLLINS: Thank you, Your Honor.

24 And at the appropriate time, we'll hand up a written
25 memorialization of that stipulated to be entered into evidence.

1 THE COURT: Thank you.

2

3 CONTINUED DIRECT EXAMINATION

4 BY MS. COLLINS:

5 Q. How would you like me to refer to you? I keep
6 thinking Constable Rollings. I know you're testifying about
7 your work as a sex offender coordinator, deputy at the
8 sheriff's department.

9 A. You can just call me Duane. that's fine.

10 Q. I respect you. I'll call you Mr. Rollings, although
11 we've known each other for a long time.

12 Mr. Rollings, in the course of your work as a sex
13 offender registry coordinator with the Lancaster County
14 Sheriff's Department, did you have occasion to come in to
15 contact with the defendant, Ralph Dale Dixon, Jr.?

16 A. I did.

17 Q. And can you tell us when was the time that you came
18 into contact with him due to your sex offender registry duties?

19 A. The first time we meet concerning this was on March
20 the 23rd of 2018.

21 Q. And at that time, did you explain to Mr. Dixon what
22 information he was required to give you as the coordinator for
23 the sex offender registry?

24 A. I did.

25 Q. And what information did you tell him that that

1 included that he would have to provide to you?

2 A. I usually have a usual spiel that I'd go through and
3 it's like, you know, I'd tell him -- and basically, I would --
4 I got a form that we have to fill out with all kinds of
5 information including address, vehicles. Like I said before,
6 tattoos, anything like that. And then as he is going through
7 the paperwork because there's a lot of signatures and initials,
8 I'm explaining to him: Now, I need you to understand if
9 anything were to change, you must notify this office within
10 three days. If you start a job, quit a job, get a new
11 telephone number, get a new tattoo, get a new vehicle, lose a
12 vehicle. Move, start at a university, you know, anything, you
13 are to notify this office within three days. And if it is
14 something that we're not required to know, I will let you know.
15 But you need to do what you can to make sure that all of this
16 is up-to-date and as accurate as possible.

17 Q. All right. You stated, "if you move," as one of
18 those requirements.

19 A. Yes, ma'am.

20 Q. Did you explain to them that they are required to
21 let you know their residential address?

22 A. I did.

23 Q. And did you confirm that the residential address
24 given to you was in Lancaster County, South Carolina?

25 A. I did.

1 Q. And in fact was the purpose of that, that the
2 Lancaster County Sheriff's Department is the agency that under
3 South Carolina law, was mandated to monitor and register sex
4 offenders that reside within Lancaster County; is that correct?

5 A. Yes.

6 Q. And that's true throughout the State of South
7 Carolina for people who reside in different counties, they have
8 to register in the county of their residence with the sheriff's
9 department there; is that right?

10 A. Yes.

11 Q. So, and you also require that they register -- if
12 they have a job, that they also make you aware of where they're
13 working; is that right?

14 A. It is.

15 Q. The purpose of which is basically so that you're
16 aware of their whereabouts.

17 A. Yes.

18 Q. Right?

19 When was the first time that you met with Mr. Dixon?

20 A. March 23rd, 2018.

21 Q. So on March 23, 2018, you meet with Mr. Dixon. In
22 your capacity as the sex offender coordinator, did you take his
23 photograph?

24 A. I did.

25 Q. Was that placed in the materials, the registration

1 information that you keep at the sheriff's department?

2 A. It was.

3 Q. And in fact you have with you today, the original
4 March 23rd, 2018, materials that you went through with Mr.
5 Dixon to register him and to inform him as to his requirements
6 to keep that registration current and correct in the future?

7 A. Yes.

8 Q. And did you review all that information with
9 Mr. Dixon?

10 A. I did.

11 Q. And did he sign that he -- verify that -- at that
12 time where his address was?

13 A. Yes. We have initials, but yes.

14 Q. And did he initial that he understood that if he
15 changed his address, that he is required to let you know within
16 a certain period of time? I think you said within three days.

17 A. Right.

18 Q. Did you sign that document also as the original
19 operator's name memorializing that the date you met with him
20 was March 23rd, 2018?

21 A. I did.

22 Q. And at that initial registration, did Ralph Dale
23 Dixon, Jr., the defendant, provide to you the address at which
24 he would be residing as [REDACTED] Street, Lancaster, South
25 Carolina?

1 A. Yes.

2 Q. And did you confirm that that address is within
3 Lancaster County, South Carolina, and therefore within your
4 jurisdiction?

5 A. I did.

6 Q. And did you tell him the next date he would be
7 required to register?

8 A. I did.

9 Q. What date was that?

10 A. It was supposed to be October 2nd of 2018.

11 Q. Now, he was seeing you in March. He was required to
12 come back in October. Why is that?

13 A. For him, he's got a biannual registration, so every
14 six months. One of those has to be in the birth month. The
15 next one would be six months after that. Since this was in
16 March and his birth month was April, there was no sense having
17 him come in so close together, so we just bumped it out the six
18 months from his birth month which would make it October.

19 Q. But you also explained to him that if anything
20 changed in between from all the information that he had given
21 you, whether it's residential address or didn't you say that
22 even a tattoo or where he's working, what kind of car he's
23 driving, he needed to notify you right away; correct?

24 A. Yes. I tell everybody it has to be done within
25 three days.

1 Q. In fact, I believe that one of the pages of those
2 original materials specifically says that, that he is, "to
3 provide written notification within three-business days of
4 establishing a new residence or acquiring real property in the
5 same county."

6 That's Page 1 of the 10 pages of materials. Is that
7 right?

8 A. It is.

9 Q. And the defendant initialed that at the bottom;
10 correct?

11 A. And also right beside that line.

12 Q. On Page 2 of those materials, he also initialed that
13 he understood that the failure to register or provide
14 notification of a change of his address would constitute a
15 crime in South Carolina.

16 A. Yes.

17 Q. Is that correct?

18 A. It is.

19 Q. So he initialed that paragraph and he initialed
20 again the date at the bottom of that page; correct?

21 A. Correct.

22 Q. Now, on Page 7 of those registration materials, it
23 goes into some detail about the complete address of all
24 residents that are required to be shared and registered with
25 the sheriff's department; correct?

1 A. Yes.

2 Q. And in fact, you noted that complete address of all
3 residence -- and this on the form dictated by SLED; correct,
4 per the South Carolina law as set forth by SLED?

5 A. Yes. This is required information obtained.

6 Q. And it notes, the complete address of all residences
7 where the offender may stay for ten or more days including the
8 city, street, apartment number, et cetera; correct?

9 A. Yes.

10 Q. And it notes further that if there's no permanent
11 residence, the location of description then where the offender
12 habitually lives would be provided; correct?

13 A. Yes.

14 Q. Now on March 23rd, 2018, did the defendant in
15 providing the address of [REDACTED] Street confirm that that
16 was his residence?

17 A. He did.

18 Q. He didn't equivocate. He didn't say, "sometimes."
19 He said, "This is where I will be residing"?

20 A. Yes.

21 Q. Is that right?

22 A. Yes.

23 Q. You have there the original of those forms --

24 A. I do.

25 Q. -- right with you. Would you hand those to the

1 bailiff, please?

2 MS. COLLINS: And if the bailiff would please bring
3 them to me so I can show Mr. Freeman what has previously been
4 provided as a copy to him. And we would offer that as State's
5 Exhibit 1.

6 THE COURT: Any objection?

7 MR. FREEMAN: Yes, your Honor.

8 THE COURT: What is your objection?

9 MR. FREEMAN: May I approach?

10 THE COURT: Yes. You-all come up here.

11 (A brief discussion was held off the record.)

12 THE COURT: Objection is overruled.

13 MS. COLLINS: Mr. Bailiff, if you could please hand
14 that to the court reporter so that it be marked as State's
15 Exhibit 1.

16 And, your Honor, at this time, I would move that
17 into evidence.

18 THE COURT: All right. It's in evidence. Objection
19 was overruled. It's in evidence.

20 (State's Exhibit 1, Initial Sex Offender Registry
21 Forms, were marked in evidence.)

22

23 CONTINUED DIRECT EXAMINATION

24 BY MS. COLLINS:

25 Q. That was March of 2018 that you met with the

1 defendant, Ralph Dale Dixon, Jr. And you stated that you
2 retired or left employment with the sheriff's department in
3 July of 2019. Is that correct?

4 A. Yes.

5 Q. At any time from March of 2018, until you left the
6 sheriff's department in July of 2019, did the defendant, Ralph
7 Dixon, Jr., notify you, the official coordinator for the sex
8 offender registry of Lancaster County Sheriff's Department,
9 that he had changed his residential address from [REDACTED]
10 Street to somewhere else?

11 A. Not that I can remember without looking at the file.

12 Q. But you have that file available; correct?

13 A. It's probably on the computer.

14 Q. All right.

15 A. But it would be available.

16 Q. And you would have reviewed that with the people who
17 followed behind you who will be testifying shortly?

18 A. Yes.

19 Q. To your knowledge, he did not; correct?

20 A. No.

21 Q. Thank you.

22 MS. COLLINS: Nothing further of this witness.

23 THE COURT: All right. Mr. Freeman?

24 MR. FREEMAN: Thank you very much, your Honor.

25

CROSS-EXAMINATION

BY MR. FREEMAN:

Q. Officer Rollings, when you were -- were you the first person to handle the sex offender registry for Lancaster County or had somebody done it before you?

A. Somebody was doing it before me.

Q. So you didn't set up the original procedures. You just followed the procedures as you inherited them?

A. Yes.

Q. How many people are involved in Lancaster County? Is it just a one-man show or do you have any support staff?

A. At the time, it was just myself.

Q. So just you?

A. Yes.

Q. And if I understand you correctly, if someone is required to registered -- excuse me, I didn't turn the microphone on.

If someone's required to register, they have to tell you basically if anything changes?

A. Yes.

Q. If they get a new car or lose a car or buy a new car. If they go to school or switch schools. If they get a tattoo or presumably change a tattoo.

A. Yes.

Q. Phone number, I think you said something about a

1 phone number.

2 A. Yes.

3 Q. So if they switch a phone or get a new phone. And
4 they've got to tell you all this within three days.

5 A. Yes.

6 Q. Is that three-business days?

7 A. Yes. We don't really -- I wouldn't worry about the
8 weekends.

9 Q. Did most people tell you by email, in person, they
10 call?

11 A. Usually they call the office and tell me.

12 Q. Do they have your direct number when they call the
13 office?

14 A. Yes, sir. I give a business card to each person.

15 Q. Now, you said you went through all this with
16 Mr. Dixon. And I believe you said at the time that it was a
17 "spiel," something you -- this is what you did.

18 A. Yes.

19 Q. How long did it normally take you to go through all
20 those pieces of paper?

21 A. The initial registration could take up to an hour,
22 hour and 15 minutes.

23 Q. And I think we saw ten, 12, 15 pieces of paper.

24 Did you read all of that to each person?

25 A. I did not.

1 Q. Did you give it to them and say, "read it"?

2 A. I give it to them. I always give them a copy on the
3 first time. And I explain all the stuff that's in there but I
4 do not read it.

5 Q. And on the forms, I see the person's initials, it
6 looks like, at the bottom of most of the pages; is that
7 correct?

8 A. Yes, sir.

9 Q. They sign in three places and then initial at the
10 bottom of the box?

11 A. Yes.

12 Q. Who tells them where to initial?

13 A. I do.

14 Q. You say "here, here, here and here"?

15 A. I say initial every line down and at the bottom of
16 the page. And then we get to the other page where it requires
17 a signature, it's, "sign there."

18 Q. And they -- and they're in front of you when they do
19 that, they're physically at the sheriff's office?

20 A. Yes.

21 Q. And presumably Mr. Dixon was physically at the
22 sheriff's office?

23 A. He was.

24 Q. Do you remember him specifically, other than being
25 in this case and looking back up on his file? How many people

1 would you handle in a normal year?

2 A. Roughly 150.

3 Q. And is that about three a week?

4 A. And that would be every six months. It all depends.
5 I scheduled how their appointments would be. Say, it would all
6 depend -- it varied. Sometimes I'd have none a day; sometimes
7 I'd have five or six a day. And then if they just happened to
8 pop in, that would be extras I wouldn't be counting.

9 Q. So it's not just new people. You have a backlog of
10 people?

11 A. Everybody that's registered that lives in Lancaster
12 County has to reregister every few months. So I would have to
13 go through --

14 Q. I think you said some people would have to report
15 biannually.

16 A. Yes. You have different tiers. Some are twice a
17 year; some are four times a year.

18 Q. And most of you said just call. After the initial
19 appointment, most people would just call if something changed?

20 A. If something were to change, yes.

21 Q. "This is so and so, I've got a new address or a
22 car," whatever.

23 A. Well, most of the time, if they had a new vehicle,
24 they could bring it by the sheriff's office and let me look at
25 it. If it was a new address, they would call it in. I'd fill

1 out the paper and usually meet them at the house. And then I
2 go ahead and notify an address verification form.

3 Q. Were you required to take pictures of their
4 vehicles --

5 A. No.

6 Q. I thought you said they bring it up.

7 A. No, we're not.

8 Q. Is that something you ask them to do, bring your car
9 by?

10 A. I don't. I just have to know that they're
11 registered and that that vehicle is theirs -- whether it's
12 registered to them or if they drive it often. I have to have
13 it listed but I don't have to have pictures.

14 Q. Would that include a work vehicle for a man who
15 drove a vehicle as part of work?

16 A. Not usually.

17 Q. What if they took the work vehicle home?

18 A. That was not usually required.

19 Q. Okay. Would you call the DMV then or communicate
20 with them and say, is this car registered to, for example, Mr.
21 Dixon or whomever?

22 A. We have DMV access to where I can get on to the DMV
23 website or into their records and look up any vehicle that's
24 registered to him or anybody in his household.

25 Q. And by "household," do you mean the address he gave

1 you?

2 A. Yes.

3 Q. What if someone doesn't have a stable address?

4 A. If they're -- if they don't have a stable address,
5 then we have to either list an address or list an intersection
6 close by.

7 Q. You mean a physical location?

8 A. Yes.

9 Q. And since you -- since you handled that, did most
10 people give you physical addresses or locations?

11 A. 99 percent were physical. I only had one that
12 didn't.

13 Q. And they would say I'm living -- I'm in this area?

14 A. Yes.

15 Q. How do you confirm someone's in an area?

16 A. Once a week we have to make contact with them there.

17 Q. Once a week.

18 Was that you, your responsibility at the time?

19 A. Yes.

20 Q. At the location?

21 A. The location where they said they were staying at.

22 Q. Got you.

23 And you mentioned it earlier, you keep up with most of
24 this on a computer or a computer program?

25 A. Yes.

1 Q. Do you confirm everything everybody tells you? Like
2 if they call in and say I've got -- I guess, I'm going to
3 school. Do you try to confirm that?

4 A. Yes.

5 Q. A new phone number is easy enough. You just call
6 that back.

7 A. Yes.

8 Q. There's no way to confirm the phones in their name
9 versus the family members of them, I bet, is there?

10 A. Not that I'm aware of.

11 Q. And you said some people have to register -- I'm
12 sorry -- report.

13 After the initial registration, some people have to
14 report back twice a year; some people have to report back four
15 times a year. It just depends on how they're put into the
16 system.

17 A. Yes.

18 Q. Okay. And that registration is something they
19 always have to do?

20 A. Yes.

21 Q. So the sheriff's department is continuing to handle
22 this even though you're not with the sheriff's department
23 anymore?

24 A. Yes.

25 Q. Do you know if it's still just a one-person job out

1 there?

2 A. I don't know if totally, but I believe. I can't say
3 100 percent.

4 Q. Okay. Well, it just sounds like the kind of thing
5 that builds up over time. If you get 150 new people a year --

6 A. Uh-uh.

7 Q. You're not getting 150 new people over a year.

8 A. That's total over -- you know, when I started, I
9 might have had 130 something. When I left, it might have been
10 157. But these are -- it's the same people I'm seeing. We
11 might just have a handful of people come in or leave during the
12 year. But it's the same people we see every month.

13 Q. But over time the number has increased?

14 A. It fluctuates. It did when I left but it also
15 dropped a little bit before I left. But, you know, it just
16 fluctuates.

17 Q. And by "fluctuates," people move?

18 A. Or die.

19 Q. Or pass on because there's no mechanism through the
20 sheriff's department for them not to be on that list?

21 A. Not unless we have a court order or a death
22 certificate.

23 Q. Or a death certificate.

24 And a family member would have to bring that to you,
25 somebody?

1 A. Or a funeral home --

2 Q. Funeral would provide it.

3 Now, this address that you said Mr. Dixon initially
4 provided to you was [REDACTED] Street?

5 A. Yes, sir.

6 Q. And you confirmed that that was in Lancaster County
7 by going by it?

8 A. I know the street. I'm familiar with it from having
9 to work the road. But I also go by it. Yes, sir.

10 Q. Did you ever meet him at that address or you only
11 met him at the sheriff's department?

12 A. I believe I met him there at least once.

13 Q. So at some point, let's say after March, when you
14 first meet him, you saw him at [REDACTED] Street in Lancaster?

15 A. Yes.

16 Q. Do you remember exactly when that was?

17 A. I don't.

18 Q. You don't.

19 Did you see him at any other addresses that you can
20 recall?

21 A. Not right off I didn't.

22 Q. And you said you retired in August of last year,
23 2019?

24 A. I retired in 2012. But I left the sheriff's
25 office --

1 Q. You retired the second time from your sheriff's
2 job -- left your second job with the Lancaster sheriff's job?

3 A. I wish I retired.

4 Q. And Mr. Dixon's report dates would have defaulted to
5 April and October, if I understand correctly?

6 A. Yes.

7 Q. So his report date -- you had left by his report
8 date of last year?

9 A. For the second one, yes.

10 Q. Yes. Sorry, the second report date from October of
11 2019.

12 A. Yes.

13 Q. If someone doesn't report or doesn't do what they're
14 supposed to do, are you the person that arrest them?

15 A. No, sir. I would be the person that takes a
16 warrant. I could arrest them but that was usually some of the
17 patrol officers that would handle that stuff.

18 Q. You take a warrant and other people would handle
19 that warrant?

20 A. Yes. It's usually giving to the sheriff's and they
21 handle it.

22 Q. In Mr. Dixon's case, for example, if he, while he
23 was under your care, had not done what he was supposed to do,
24 you would have asked somebody else to arrest him?

25 A. Yes.

1 Q. And again, you were not involved in him being
2 charged or arrested because you had already left the sheriff's
3 department?

4 A. As far as I know, yes.

5 MR. FREEMAN: No further questions of this witness.

6 THE COURT: Any redirect?

7 MS. COLLINS: I have a matter of law, if we can
8 approach?

9 THE COURT: Okay.

10 (A brief discussion was held off the record.)

11

12 REDIRECT EXAMINATION

13 BY MS. COLLINS:

14 Q. Mr. Rollings, you heard the defendant's attorney ask
15 you that if Mr. Dixon had failed to comply with the
16 requirements of the registry while you were the coordinator for
17 it through March of '18, when Mr. Dixon started, until July of
18 '19, when you left the sheriff's department, that you then
19 would have been the one to seek a warrant charging him with
20 failing to comply with the sex offender registry; is that
21 right?

22 A. Yes.

23 Q. And you answered it, "Yes," you would have been the
24 one to seek the warrant had he failed to comply; is that right?

25 A. Yes.

1 Q. And in fact, was that the case?

2 A. Yes.

3 Q. By "yes," what do you mean? He did fail to comply
4 during that period of time?

5 A. I believe there was a moment. Yes, ma'am.

6 Q. And you did seek a warrant during that period of
7 time for failing to comply with the registry requirement?

8 A. I did.

9 Q. Now, Mr. Freeman also asked you in regard to whether
10 or not you would read the materials to someone coming to
11 register. And you said you would go through them. So I just
12 want to be clear.

13 Does that mean that you would not read them verbatim,
14 word-by-word, but you would summarize them; is that what that
15 means?

16 A. Yes.

17 Q. You didn't simply hand them the paper and watch as
18 they take off and initial?

19 A. No. As they are initialing the pages and every
20 line, I am steadily talking and explaining pretty much what
21 those papers talk about.

22 Q. And had I, for example, come to register with you
23 and just sat down and starting initialing, initialing and
24 flipping pages, would you have stopped me? Would you have
25 said, "We need to go over this"?

1 A. No.

2 Q. You wouldn't have allowed me just to tick all --
3 especially this first, March of '18 visit, to just tick off my
4 initials and bounce out in five minutes, would you?

5 A. I would not.

6 Q. You would have ensured that I understood the
7 requirements; correct?

8 A. Yes. I try to explain everything but it's
9 paraphrasing in my words.

10 Q. You also stated that in answering questions of Mr.
11 Freeman, that until they die or move out of the county and
12 start registering wherever they're living then, that they have
13 to continue to register; correct?

14 A. Yes.

15 Q. It is a lifetime requirement in South Carolina?

16 A. It is.

17 Q. Unless you get a court order changing that?

18 A. Correct.

19 Q. And you did not get a court order changing
20 Mr. Dixon's requirement to register during your period of time?

21 A. I did not.

22 Q. Thank you.

23 MS. COLLINS: Nothing further.

24 THE COURT: Recross-exam?

25 MR. FREEMAN: Yes.

2 BY MR. FREEMAN:

6 A. No, nobody.

9 A. They may have said, "I don't understand," and I
10 would get that line and try to explain it to where they could
11 understand. Yes, sir.

14 A. Not right off I don't.

16 THE COURT: Thank you, sir. You may step down.

17 Call your next witness.

18 MS. COLLINS: Thank you, your Honor. The State's
19 next witness is Rob Marshall with the Lancaster County
20 Sheriff's Department.

21 We'd ask that this witness be excused.

22 THE COURT: Any objection?

23 MR. FREEMAN: No, your Honor.

24 THE COURT: You are free to leave, sir. Thank you.

25 Sir, come on up here.

1 THE BAILIFF: Raise your right hand.

2 (Witness sworn.)

3 THE WITNESS: I do.

4 THE BAILIFF: Please be seated.

5

6 **CORPORAL ROBERT MARSHALL,**

7 Having been first duly sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MS. COLLINS:

10 Q. Good morning.

11 A. Morning.

12 Q. Could you please state your name for the record.

13 A. Robert Marshall.

14 Q. What is your occupation?

15 A. Currently a corporal in the training division in
16 Lancaster County Sheriff's Office.

17 Q. You have a nice deep voice and I'm hard of hearing.
18 So if you could just speak up and speak into the mic, Corporal
19 Marshall.

20 A. Yes, ma'am.

21 Q. And you're currently one of the officers over at the
22 training --

23 A. Yes --

24 Q. -- division?

25 A. Yes, ma'am.

1 Q. How long have you been a law enforcement officer?

2 A. February will be 20 years.

3 Q. And did you work at the different agencies before
4 the Lancaster County Sheriff's Department?

5 A. Yes, ma'am.

6 Q. Where was that?

7 A. I started with Charlotte-Mecklenburg Police
8 Department in '01. Got married. Moved to South Carolina.
9 Went to Rock Hill Police Department. Spent five years there.
10 Left on my own to Fort Mill Police Department. Spent five
11 years there. And again, left on my own and came here and been
12 here about six years or so.

13 Q. At the Lancaster County Sheriff's Department?

14 A. Yes, ma'am.

15 Q. And while you've been there at the sheriff's
16 department for the past six years, what has been your job
17 duties or responsibilities, just in summary?

18 A. About a year on patrol. I went to investigations.
19 Spent about four years there, I believe. I left
20 investigations. Went to judicial, which is the courthouse
21 here, serving papers, transports. Part of that, they had me
22 take over the sex offender registry when Deputy Rollings left
23 and now I'm with the training division.

24 Q. In July of '19, when Mr. Rollings left the sheriff's
25 department, you took over the sex offender registry coordinator

1 requirements?

2 A. Yes, ma'am.

3 Q. And in that capacity -- well, let me back up. That
4 was in July of 2019. You stated you now are a corporal over
5 training.

6 When did you change from July of '19 starting the sex
7 offender registry coordination to be over training?

8 A. It's either the end of February or beginning of
9 March this year.

10 Q. February or March of 2020?

11 A. Yes, ma'am.

12 Q. And that was your decision to begin training other
13 officers?

14 A. Yes, ma'am. A position became available and I put
15 in for it.

16 Q. Fair enough.

17 During your time as a sex offender coordinator here in
18 Lancaster County Sheriff's Department, did you have an occasion
19 to interact with the defendant, Ralph Dale Dixon, Jr.?

20 A. I did once. Yes, ma'am.

21 Q. When was that?

22 A. That was January 17th of this year.

23 Q. January 17th of 2020?

24 A. Yes, ma'am.

25 Q. And when you met with Mr. Dixon, do you recall if it

1 was at the sheriff's office or somewhere else?

2 A. Yes, ma'am. At the sheriff's department.

3 Q. At that time, did you take his picture again, just
4 to update it if people age as they do?

5 A. Yes, ma'am. Every time they come in, I would take
6 their picture for the registration.

7 Q. You also went over with him again in terms of where
8 he resided; is that correct?

9 A. Yes, ma'am.

10 Q. And what address -- what residential address did
11 Ralph Dale Dixon, Jr., give to you when he met with you on
12 January 17, 2020?

13 A. [REDACTED] Street, Lancaster County.

14 Q. Lancaster is -- in Lancaster, South Carolina, which
15 is in -- and the residence is in Lancaster County, South
16 Carolina?

17 A. Yes, ma'am.

18 Q. Therefore your jurisdiction?

19 A. Yes, ma'am.

20 Q. I'm sorry, I couldn't hear you.

21 A. Yes, ma'am.

22 Q. And again, you had certain forms that you were
23 required to go through with Mr. Dixon as with any other sex
24 offender that is required to register here of course within
25 your county as a resident of Lancaster County; correct?

1 A. Yes, ma'am.

2 Q. And do you have those forms in front of you?

3 A. I do.

4 Q. And those are from January 17, 2020?

5 A. Yes, ma'am.

6 Q. And did the defendant initial the forms as we went
7 through with Mr. Rollings, did he do that with you?

8 A. He did. He initialed the bottom of the pages. Plus
9 along the sides of each line, there's a space for an initial.
10 He initialed down each one of the lines and at the bottom of
11 the page.

12 Q. Did you review those with him as he initialed them,
13 whether reading it word-by-word or summarizing or did you just
14 sit silently while he did that?

15 A. Probably summarized a little bit. Just kind of,
16 hey, reminder of here's what you need to do. And if they'd
17 already been registered before, I don't go through the whole
18 thing over with them. It's the same form every time they
19 register.

20 Q. But you would remind them as noted on Page 1 of 2010
21 that the defendant was required to register and re-register on
22 the timeframes that he was given by your department as to any
23 and all counties, locations where he resides; correct?

24 A. Yes, ma'am.

25 Q. And he did initial that on Page 1. You have the

1 forms there?

2 A. Yes, ma'am.

3 Q. And he also initialed on Page 2 that he understands
4 that if he does not register a change of address that that
5 constitutes a crime in South Carolina; is that correct?

6 A. Yes, ma'am.

7 Q. And on January 17, 2020, what address did Mr. Dixon
8 tell you was his residential address?

9 A. He gave that [REDACTED] Street address.

10 Q. And did he note with you when he was required to
11 come back to register? Did he fill that out?

12 A. Yes, ma'am. Every time someone comes into register,
13 there's a sheet we fill out. They get a copy. We keep a copy.
14 And it has the next date written on there as to when they are
15 supposed to come back to reregister.

16 Q. And that's when to come back if nothing has changed;
17 correct?

18 A. Right. Kind of like Constable Rollings said, you
19 know, I would tell them if there is a change of vehicle,
20 address, whatever, they can call me and let me know and I will
21 go ahead and update it in the system then, so the next time
22 they come in, it's already -- it's already there.

23 A lot of times with vehicles, and like you said, the DMV
24 access. Being the prior investigator, I would have went ahead
25 of time, I would check to make sure they're actually giving me

1 the correct information, confirming what they're telling me.

2 Q. While they might call in, ultimately they would have
3 to sign something acknowledging, okay, this is where I now
4 live; correct?

5 A. Yes, ma'am. The next time they come register or if
6 it's an address or home visit.

7 Q. If it was an address, you would visit the home and
8 have them sign the document there?

9 A. Yes, ma'am.

10 Q. But Mr. Dixon, Ralph Dale Dixon, Jr., the defendant,
11 never during your time period, while you were over the
12 registry, from July of '19 up to February or March of 2020, the
13 defendant never reported to you that he now resided at a
14 different address other than [REDACTED] Street, Lancaster,
15 South Carolina; is that correct?

16 A. Correct, ma'am.

17 Q. And he signed the bottom of Page 3 verifying not
18 only that he understood his requirements, but that everything
19 -- all the information he had provided was true and correct;
20 right?

21 A. Yes, ma'am. Is that the Page 3 of 10? Sorry.
22 Because there's 3 of 3 and then 3 of 10.

23 Q. Yes.

24 A. It looks like they have the statutes written on
25 there as well, so...

1 MS. COLLINS: I'd ask for the Court's indulgence.
2 I'm just looking for one other thing.

3 THE COURT: Okay.
4

5 CONTINUED DIRECT EXAMINATION

6 BY MS. COLLINS:

7 Q. As I went through with Mr. Rollings, Page 7 of 10
8 notes, "The defendant must provide a complete address of all
9 residents where he may stay for ten days or more."

10 Correct?

11 A. Yes, ma'am.

12 Q. And that is something he initialed, the bottom of
13 that page; correct?

14 A. At the bottom, where it says, "I attest that the
15 information I provided and listed above is accurate," and he
16 puts his initials and the date.

17 Q. Very good. I would ask that you hand the -- and
18 those are the forms that you filled out or you signed -- after
19 watching him initial and sign himself, those are the actual
20 original forms that you did on January 2020 with the defendant,
21 Ralph Dale Dixon, Jr.; correct?

22 A. Yes, ma'am. Originally and signed them all.

23 MS. COLLINS: Please hand that to the bailiff if you
24 will, so he can walk that to Mr. Freeman for his review before
25 I put that into evidence.

1 (Tendering documents.)

2 MS. COLLINS: If you would please hand that to the
3 court reporter.

4 (Tendering documents.)

5 MS. COLLINS: Your Honor, at this time, we'd ask
6 that that be marked as State's Exhibit 2. I think that all can
7 be stapled together. And we would move that into evidence at
8 this time.

9 THE COURT: Any objection?

10 MR. FREEMAN: None, your Honor.

11 THE COURT: No objection. Admitted into evidence.

12 (State's Exhibit 2, Sex Offender Registry Forms
13 01/17/2020, were marked into evidence, as of this date.)

14 MS. COLLINS: Thank you. Nothing further. Please
15 answer any questions of Mr. Freeman.

16

17 CROSS-EXAMINATION

18 BY MR. FREEMAN:

19 Q. Officer Marshall, so when did you leave this post to
20 your current assignment?

21 A. It was either last February or early March.

22 Q. Of this year? 2020?

23 A. Yes, sir.

24 Q. And how long were you in charge of the registry,
25 let's say?

1 A. It would have been seven months, eight months.

2 Q. Were you the only person handling it or did you have
3 any support staff?

4 A. Probably 99 percent of the time there was another
5 deputy that would kind of help me when I was either out on road
6 trips or handing other judicial activities.

7 Q. And those forms that we just saw from Mr. Dixon,
8 where was he when he physically signed those?

9 A. In the sheriff's office. There's a room, a sex
10 offender registry room at the sheriff's office.

11 Q. How did you -- would you call him in?

12 A. I don't remember.

13 Q. You don't know how he knew to be there on that day?

14 A. He was, I know, previously indisposed and I know he
15 had come that day --

16 Q. You were expecting him that day. There was no
17 surprise when he came into fill out this form.

18 A. I don't believe there was any surprise when he came
19 in.

20 Q. Were you in the habit of reading all the forms to
21 each person?

22 A. No, sir.

23 Q. And I see that the people sign the form and they
24 initial the bottom of each page.

25 Are you the person that told each person, "initial here,

1 sign here," that kind of thing?

2 A. Yes. Like I said, most that had been on it already
3 know the process when they come in but I would look over the
4 pages after they were done, reading them, initialing them, "oh,
5 you missed a spot," or something on the back.

6 Q. Did you ever have to read all the forms to anybody
7 while you were there?

8 A. No. I never had anyone who said they didn't read.
9 Again, like, if they didn't understand a section, which rarely,
10 rarely anybody asked any questions about forms.

11 Q. But if somebody did, would you have explain that --

12 A. Absolutely.

13 Q. Did you ever go by [REDACTED] Street?

14 A. I did not, sir.

15 Q. When somebody is registering, are they required to
16 tell you anywhere that they might be? For example, if they
17 have a girlfriend and they're going to be at their house
18 sometimes? Or is it just places they reside?

19 A. They reside. I did have -- it's an unrelated case,
20 but I did have a guy that was on the registry that would -- he
21 told me about half the time he stays with his girlfriend; half
22 the time he stays at his house. So I did list an alternate
23 address for him in the notes. So it's about a 50/50.

24 Q. Would you, for example, say, oh, where does your mom
25 live or your dad live or those kinds of things if somebody

1 perhaps didn't indicate a stable residence?

2 A. No. If they gave me an address of where they lived,
3 that's the address I would put down on this.

4 Q. And were you the one that did the home visits?

5 A. Yes, sir.

6 Q. But you don't specifically recall going by [REDACTED]

7 [REDACTED] to see Mr. Dixon at any time?

8 A. No, sir. He came to register with me about a month
9 or two before I left the position. The home visits are
10 required once a year, I believe. I guess they're all kind of
11 in a period of a month or two. Like I said, I worked also for
12 the judicial division. So I was basically working two
13 full-time jobs while running the sex offender registry.

14 Q. So just as to the timing of your time there, you
15 didn't go by his place?

16 A. I did not, sir, no.

17 Q. And all this information is kept on a computer?

18 A. Yes. SORs, it's called State Offender Registry. As
19 they come in and they sit down, I go through the tabs. There's
20 different tabs I go through for, you know, home address,
21 telephone numbers, a tab for vehicles, a tab for Internet
22 identifiers. There's all sorts of different tabs. And I would
23 go through and ask, you know, "Is this information still the
24 same?" If not, I will change it when it's all done and they
25 say that is the accurate information, those sheets print off

1 and then they have to sign all those sheets.

2 Q. Do you then scan those sheets back into your system?

3 A. I did. I kept digital copies and then we keep the
4 hard paper copies in the filing cabinets.

5 Q. So that, the paper we just saw, were your originals?

6 A. Those are the originals him and I signed. Yes.

7 Q. Generated from the computer form?

8 A. Yes.

9 Q. Do have you any specific recollection of
10 Mr. Dixon other than these forms that you've seen today?

11 A. Vaguely.

12 Q. Would you have also have him come in twice a year on
13 his birthday and six months? Was that your policy at the time?

14 A. That is why I had him -- that Page 3 or whatever it
15 is that has his next day, that's why I scheduled him for April
16 1st, was to get him back in to his birthday month since we had
17 some missing months in there.

18 Q. Right. But you saw him in January, which was
19 neither of those two months.

20 A. Right. I could have scheduled him for June, but to
21 get him back onto his schedule that he was off of at the time,
22 I would put him back into his birthday month because that's
23 when the first registration is supposed to be.

24 Q. When someone came in -- well, Mr. Dixon, if you can
25 remember him specifically, did you go outside and look at what

1 car he arrived in for example?

2 A. I don't believe so. I don't recall him having a
3 car.

4 Q. Did he walk there?

5 A. I don't remember, sir. Some people do, though.

6 Q. And while you were handling the registry, people
7 were required to notify you if anything changes, any of the
8 many, many questions you asked; is that correct?

9 A. Any of those mandatory things that we have to keep
10 on the registry. Yes.

11 Q. Address, vehicle?

12 A. Telephone.

13 Q. Telephone?

14 A. Identifiers.

15 Q. Identifiers, was tattoos?

16 A. I don't know if that's required, but I know we did
17 take pictures of them and put it in the system. I don't
18 remember --

19 Q. That's something you would normally have taken if
20 someone came in. You'd say, "Do you have any new tattoos"?

21 A. Yes. We'd ask them.

22 Q. What other identifiers?

23 A. There's Internet identifiers. Just because they're
24 on the registry, it depends on the person, the crime, what the
25 judge orders as to whether they're even allowed on the Internet

1 or not. Most still are. So their FaceBook name; their Twitter
2 name; email addresses, all that have to be kept up-to-date in
3 the system as well.

4 Q. So when most people would touch base with you during
5 your time, would they call, come in, or email you?

6 A. Probably 50/50 between calling and come in to change
7 their information.

8 Q. When people come in, was it normally scheduled or
9 just walk in the door?

10 A. Again, about 50/50. A lot of times at their
11 scheduled registration is when they decide to tell me that they
12 just bought a car or, you know, hey, I'm moving next week or I
13 plan on moving in a couple of months or whatever, they tell me
14 then.

15 Q. If somebody said they were going to do something in
16 the future, would you just make a note in the file to follow
17 up?

18 A. There's a note section, and I've made notes in
19 there. Yes, sir.

20 Q. For example, if I said something -- I was on the
21 registry and it wasn't one of my six-month windows, I say in
22 two months is when I'm switching jobs and switching addresses
23 or whatever, would you then follow up with me in two months?

24 A. If I had the time and remembered. Yes, sir.

25 Q. So not -- maybe, maybe not? Is that fair?

1 A. Yes. Maybe, maybe not. It may have been their next
2 registration because, obviously, I go back, those notes are in
3 there. And I would -- oh, I forgot you said you switched jobs.
4 Are you still working there? Did you switch jobs? That sort
5 of thing. Yes, sir.

6 There's probably 80, 90 percent of the people on the
7 registry that are on time every time doing everything they're
8 supposed be and there's those handful that just don't care.

9 Q. And you mentioned during the time you were there you
10 had another assignment as well with the sheriff's department.

11 A. While I was over the registry, I also worked in the
12 judicial department.

13 Q. And you're not in either of those departments
14 anymore; correct?

15 A. No, sir. I'm just in the training division now.

16 Q. And I think you said you've been promoted as a
17 result of that?

18 A. More of a lateral transfer. Yes, sir.

19 MR. FREEMAN: No further questions of this witness,
20 your Honor.

21 THE COURT: Any redirect?

22 MS. COLLINS: Just in follow up.

23

24 REDIRECT-EXAMINATION

25 BY MS. COLLINS:

1 Q. Mr. Freeman asked you if someone indicated that they
2 were unstable. I want to ask you: Did Mr. Dixon give you the
3 residential address of [REDACTED], Lancaster, South
4 Carolina, as the address in which he would be residing?

5 A. Yes, ma'am.

6 Q. Thank you.

7 MS. COLLINS: Nothing further.

8 THE COURT: Thank you, sir. You can step down.

9 MS. COLLINS: Your Honor, the State's next witness
10 is Anthony Dixon. I do expect it to be brief though.

11 THE COURT: Okay. Let's go ahead and do that. And
12 after this witness, we will go ahead and take a morning recess.

13 MS. COLLINS: Could we have Anthony Dixon please?

14 We would ask that this witness be excused.

15 THE COURT: Thank you, sir. You're free to leave.

16 THE CLERK: Raise your right hand, please.

17 (Witness sworn.)

18 THE WITNESS: Yes, sir.

19

20 **ANTHONY WILLIAM DIXON,**

21 Having been first duly sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MS. COLLINS:

24 Q. Thank you, Mr. Dixon. Once you're seated, you can
25 take your mask off so that -- because you're behind that

1 plexiglas while you talk.

2 What is your name, please?

3 A. Anthony William Dixon.

4 Q. And Mr. Dixon, are you here today under subpoena
5 from my office?

6 A. Yes, ma'am.

7 Q. What, if any, relationship do you have to the
8 defendant, Ralph Dale Dixon, Jr.?

9 A. I'm his brother.

10 Q. And Anthony, where do you work -- do you mind -- let
11 me call you Mr. Dixon. I apologize for the familiarity.

12 Where do you work, Mr. Dixon?

13 A. Giti Tire Service in Richburg.

14 Q. And do you recall a time when you lived at [REDACTED]
15 [REDACTED] Street, Lancaster, South Carolina?

16 A. Yes, ma'am.

17 Q. And do you still live there?

18 A. No, ma'am.

19 Q. Were you living there in February and March of this
20 year, 2020?

21 A. Yes, ma'am.

22 Q. Do you recall an officer with the sheriff's
23 department, Jamie Burr, who came to the residence at [REDACTED]
24 Street asking about your brother, Ralph Dale Dixon, Jr.?

25 A. I believe so. There's a lot of times when they came

1 over looking for him. I don't really recall the officer's
2 name.

3 Q. Let me ask you this: Do you recall during February
4 and March of 2020, was your brother Ralph Dale Dixon, Jr.,
5 living at [REDACTED] Street with you?

6 A. He used our address. My roommate was confused about
7 what he was asking him. She asked him if -- or he asked her --

8 Q. Well, don't -- excuse me, because the rules against
9 hearsay, you can't say she has or what someone else said.
10 We'll have other witnesses testify.

11 Let me just ask you: In February or March of 2020, did
12 your brother, Ralph Dale Dixon, Jr., live with you at [REDACTED]
13 [REDACTED] Street, Lancaster?

14 A. No, ma'am.

15 MS. COLLINS: And I'll ask if Mr. Jamie Burr can
16 stand and briefly remove your mask?

17 (Complies.)

18 MS. COLLINS: Thank you. Be seated.

19 BY MS. COLLINS:

20 Q. Do you recall seeing this particular officer, if you
21 can see him through the plexiglas, at [REDACTED] Street come
22 ask about your brother?

23 A. My memory is fuzzy. I'm sorry.

24 Q. That's all right.

25 Let me ask you this: Do you recall telling an officer

1 that your brother did not live at [REDACTED] Street?

2 A. Yes, ma'am. I told a lot of officers that.

3 Q. And do you recall telling an officer that in fact
4 your brother, Ralph Dale Dixon, Jr., had been put on trespass
5 notice so that he couldn't even come to [REDACTED] Street?

6 A. Yes, ma'am. I remember that.

7 MR. FREEMAN: Objection, your Honor.

8 THE COURT: Overruled.

9 MS. COLLINS: Thank you. Nothing further.

10 THE COURT: Your witness?

11

12 CROSS-EXAMINATION

13 BY MR. FREEMAN:

14 Q. Mr. Dixon, it's Anthony William Dixon?

15 A. Yes, sir.

16 Q. Do you go by Anthony or William?

17 A. I go by Tony.

18 Q. Tony.

19 And is Ralph your older brother or younger brother?

20 A. Older brother.

21 Q. You call him Ralph or Dale?

22 A. I call him Ralph.

23 Q. Ralph.

24 Now, how long did you live at [REDACTED] Street about?

25 A. Roughly two and a half, three years maybe.

1 Q. Did anybody else live there with you during that
2 time?

3 A. Just my roommate and her kids.

4 Q. I could not hear you.

5 A. Just my roommate and her kids.

6 Q. Did you have any other family who would ever stay
7 with you during that time?

8 A. No, sir.

9 Q. You mentioned that Ralph, your brother, would use
10 your address.

11 What do you mean by that?

12 A. For mail.

13 Q. For mail?

14 A. Yes, but we ended up finding out that he registered
15 at that address without us knowing.

16 Q. But he would get mail at the house?

17 A. Yes, sir.

18 Q. How did he get his mail?

19 A. He used our address.

20 Q. How did he physically get it? Did he come by and
21 pick it up?

22 A. He'd come by and pick it up.

23 Q. So he was allowed to come by your house?

24 A. Yes, sir.

25 Q. Did you know where he was staying if he was not

1 staying at Baker Street?

2 A. I didn't ask him any questions. I don't get in to
3 his life like that.

4 Q. And you say the officers would come by the address
5 sometimes.

6 A. Yes.

7 Q. And you would say, "he's not here," or, "he doesn't
8 stay here"?

9 A. Yes.

10 Q. Did you ever have any other family besides your
11 roommate and her kids stay with you while you were at Baker?

12 A. No.

13 Q. Do you have any other brothers and sisters?

14 A. Yes, sir.

15 Q. Are they local?

16 A. Yes, they are.

17 Q. Would they ever visit you there?

18 A. A few times.

19 Q. A few times.

20 A. My sister lived down the street. She always came
21 by.

22 Q. Walking distance down the street?

23 A. Yes, sir.

24 Q. Does she still live in the neighborhood?

25 A. As far as I know of.

1 Q. What about your parents, are they living?

2 A. My mother just passed in July of this year. My
3 father stays at the beach.

4 Q. I couldn't hear you.

5 A. My father stays at the beach. My mother passed away
6 in July of this year.

7 Q. I'm sorry for your loss.

8 A. Thank you.

9 Q. And you said you work at Giti Tire over in Richburg?

10 A. Yes, sir.

11 Q. How long have you been there?

12 A. I've been there since, it's either the end of July
13 or beginning of August.

14 Q. Of this year or last year?

15 A. This year.

16 Q. Where did you work before that?

17 A. I worked with my father at the beach before that. I
18 just did a little bit of landscaping with him.

19 Q. That's a pretty long commute.

20 Did you stay down at the beach while you were working?

21 A. Yes, sir. That was whenever I lived there. When I
22 worked landscaping, when I lived at the beach.

23 Q. But even though you were at the beach, was your
24 address still [REDACTED] [sic]?

25 A. Baker.

1 Q. Baker, excuse me.

2 A. No, sir.

3 Q. So when you went to the beach, you changed your
4 address to the beach address?

5 A. No, I lived at the beach before I lived at Baker
6 Street.

7 Q. I get it.

8 A. The job I had before Giti Tire or GT Tire was at the
9 beach. That was my last working job.

10 Q. Because there was a period of time you weren't
11 working before Giti Tire.

12 A. Yes, sir.

13 Q. Are you from Lancaster originally?

14 A. Yes, sir.

15 Q. Is Ralph?

16 A. Yes, sir.

17 Q. Do you talk to your brother regularly?

18 A. No. Last time I'd seen him or talked to him was
19 when we informed him of our mother's passing.

20 Q. And you said that was earlier this year?

21 A. July 19th.

22 MR. FREEMAN: No further questions, your Honor.

23 THE COURT: Any redirect?

24 MS. COLLINS: Yes.

25

1 REDIRECT-EXAMINATION

2 BY MS. COLLINS:

3 Q. Mr. Freeman asked you the name -- he asked you about
4 your roommate at Baker Street. I believe you said it was your
5 roommate and your child or her child?

6 A. Her children.

7 Q. Her children?

8 A. Yes.

9 Q. What was the name of that roommate?

10 A. Kristen Aster.

11 Q. Does she also go by Paulette?

12 A. No. Paulette is her mother.

13 Q. Oh, Paulette's her mother.

14 Were you present when your brother was placed on trespass
15 notice not to come around [REDACTED] Street?

16 A. Yes, ma'am.

17 Q. You were present?

18 A. Yes, ma'am.

19 Q. From the time he was placed on trespass notice until
20 the time you moved out of Baker Street, [REDACTED] Street, did
21 your brother Ralph Dixon live there at [REDACTED] Street at
22 all?

23 A. No, ma'am.

24 Q. And when did you, to the best of your memory, move
25 from [REDACTED] Street yourself?

1 A. We moved at the beginning of April.

2 Q. April of this year?

3 A. Yes, ma'am.

4 Q. 2020?

5 A. Yes, ma'am.

6 MS. COLLINS: Thank you, nothing further.

7 THE COURT: Anything else.

8

9 RECROSS-EXAMINATION

10 BY MR. FREEMAN:

11 Q. When's the last time your brother got any mail at
12 the house, at [REDACTED] Street, that you can remember?

13 A. I'm not sure because after we moved, we got our mail
14 changed over --

15 Q. You got your mail forwarded --

16 A. Yes, sir. I don't know if it's still being sent to
17 the house or not.

18 Q. But you still get letters or bills or whatever up
19 until the time that you moved?

20 A. Yes.

21 MR. FREEMAN: No further questions.

22 THE COURT: Thank you, sir. You may step down. He
23 is free to leave?

24 MS. COLLINS: Yes. We would ask he be excused to
25 return to his job.

1 THE COURT: Thank you, sir. Please put your mask
2 back on and you can leave and go on back to work.

3 Ladies and gentlemen of the jury, let's go ahead and
4 take our mid-morning recess. Don't talk about the case.

5 Before we take a recess, where's Mr. Carr?

6 Mr. Carr, I'm appointing you to be the foreman of
7 the trial jury. Your duty will be to preside over the
8 deliberations in the jury room. You'll also be the official
9 spokesperson for the jury in case any issues come up here in
10 court. And you will also be the only juror who signs, states,
11 and fills out the verdict form. But you can't do that until
12 you've all reached an unanimous verdict. Okay? And I will go
13 over all that again. You will be the foreman for the jury.
14 Thank you for volunteering, even though you didn't volunteer,
15 thank you, sir. You-all head on back and get refreshed. Don't
16 talk about the case.

17 (Jurors exit.)

18 THE COURT: Anything before we all run to the
19 restroom?

20 MS. COLLINS: No, sir.

21 (A brief recess was taken.)

22 (Open court.)

23 THE COURT: Back on the record.

24 Mr. Freeman?

25 MR. FREEMAN: The Solicitor handed me a written copy

1 of the stipulation which appears to be verbatim to what she
2 read out earlier. As I indicated already, I think that calls
3 unnecessary attention to it and can be addressed further in
4 your charges.

5 THE COURT: Your objection is on the record. That
6 objection is overruled.

7 MR. FREEMAN: In that case, subject to your ruling,
8 I will go ahead and sign it. I don't want the jury to think
9 that I didn't sign it.

10 MS. COLLINS: Thank you. We would ask that this be
11 marked as State's Exhibit 3.

12 THE COURT: Next in order. Go and hand that to the
13 court reporter.

14 MS. COLLINS: If it's a court exhibit, I don't know
15 that they get it.

16 THE COURT: This would just be a state's exhibits.
17 It's a stipulation. You offered it as a state exhibit and he
18 objected and I overruled his objection. So it would be state's
19 exhibit, next in order.

20 MR. FREEMAN: I only ask because it had a place for
21 your signature.

22 THE COURT: Right. No, I'm not going to sign it.

23 (State's Exhibit 3, Stipulation of Certain
24 Facts, were marked in evidence.)

25 (State's Exhibit 4, CD-1, Officer Dean, was

1 premarked for identification.)

2 (State's Exhibit 5, Trespass Notice, was marked for
3 identification.)

4 (State's Exhibit 6, CD-2, Officer Fowler, was
5 premarked for identification.)

6 (State's Exhibit 7, CD-3, Officer Fowler, was
7 premarked for identification.)

8 (Jurors entered.)

9 THE COURT: All the member of the jury are present.
10 Call your next witness.

11 MS. COLLINS: Thank you, your Honor.

12 Due to a medical appointment later, we would like to
13 call State's witness Deputy Thomas Dean a little bit out of
14 order in the interest of time.

15 THE COURT: Okay.

16 THE BAILIFF: Sir, raise your right hand.

17 (Witness sworn.)

18 THE WITNESS: I do.

19 THE COURT: Sir, you may remove your mask. Speak
20 loud. Okay?

21 THE WITNESS: Yes, sir.

22 THE COURT: All right.

23

24 **DEPUTY THOMAS DEAN,**

25 Having been first duly sworn, testified as follows:

1 DIRECT EXAMINATION

2 BY MS. COLLINS:

3 Q. Good morning. Would you please state your name for
4 the record?

5 A. Thomas Dean.

6 Q. And Deputy Dean, I'm a little hard of hearing, so if
7 you don't mind removing that while you're behind the plexiglas
8 and speaking into the microphone. Thank you.

9 A. Thomas Dean.

10 Q. Very good. What's your occupation, sir?

11 A. I'm a deputy here at the sheriff's office.

12 Q. Very good.

13 How long have you been a deputy with the Lancaster County
14 Sheriff's Office?

15 A. Two and a half years.

16 Q. And I provided that it is here in Lancaster County?

17 A. Yes, ma'am.

18 Q. And your title is deputy; is that correct?

19 A. It is. Yes, ma'am.

20 Q. You are a patrol deputy?

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

22 Q. Did you have any other law enforcement experience
23 before being employed with the sheriff's department?

24 A. I have not.

25 Q. As part of your duties at the Lancaster County

1 Sheriff's Department is it one of your duties to serve arrest
2 warrants?

3 A. Yes, ma'am. It is.

4 Q. Or to apprehend individuals and take them into
5 custody pursuant to an arrest warrant?

6 A. Yes, ma'am, it is.

7 Q. Did you have occasion to interact with the Ralph
8 Dale Dixon, Jr., the defendant in this case?

9 A. Yes, ma'am.

10 Q. And what date was that?

11 A. That was the 18th of March.

12 Q. Of this year, 2020?

13 A. It was. Yes, ma'am.

14 Q. And about approximately what time on March 18th did
15 you interact with Mr. Dixon?

16 A. It was around 10:00, 10:30.

17 Q. In the morning?

18 A. In the morning. Yes, ma'am.

19 Q. In the morning.

20 And were you alone or did you have other officers with
21 you?

22 A. I had one of my partner's and a partner that was in
23 FTO phase.

24 Q. Where those Deputy Austin Fowler and Deputy Matthew
25 Barrett?

1 A. It was. Yes, ma'am.

2 Q. And did they ride in the same vehicle as you to go
3 to the place where you interacted with Mr. Dixon or did they
4 take separate vehicles?

5 A. Deputy Barrett, he was in my car, in my car with me
6 and Deputy Fowler was in his own car.

7 Q. And you said, "in your car" and "in his car" were
8 those law enforcement vehicles of Lancaster County Sheriff's
9 Department?

10 A. Yes, ma'am they were. They were clearly marked.

11 Q. Thank you. So they're marked and they also have
12 police lights above them?

13 A. Yes, ma'am.

14 Q. But the lights were not engaged at that time; is
15 that right?

16 A. No, ma'am, they were not.

17 Q. Being 10:00 in the morning, this was a fair day
18 nothing obscuring vision; correct?

19 A. No, ma'am, not at all.

20 Q. What address did you interact with Mr. Dixon at?

21 A. It was [REDACTED] Avenue.

22 Q. [REDACTED] Avenue?

23 A. Yes, ma'am.

24 Q. In Lancaster, South Carolina?

25 A. Yes, ma'am.

1 Q. And that is in Lancaster County, South Carolina; is
2 it not?

3 A. Yes, ma'am.

4 Q. And therefore within your jurisdiction?

5 A. Yes, ma'am.

6 Q. And when you went there what was the purpose of you
7 going to Grace Avenue that morning?

8 A. That's where we were told by a couple of different
9 people that's where Mr. Dixon had been staying and he had an
10 active -- active warrant.

11 Q. You confirmed that he had an active warrant for his
12 arrest with the Lancaster County Sheriff's Department?

13 A. Yes, ma'am, I did. It was in hand.

14 Q. And it was therefore, your job to take him into
15 custody pursuant to that warrant?

16 A. Yes, ma'am.

17 Q. And was that warrant for the charge of failure to
18 register as a sex offender?

19 A. It was, yes, ma'am.

20 Q. When you first interacted with Mr. Dean -- I'm
21 sorry, with Mr. Dixon, Ralph Dale Dixon, Jr., was he alone at
22 that time?

23 A. He was -- there was one other person who was at the
24 house but during the actual interaction he was actually by
25 himself.

1 Q. Let the record reflect that you are dressed today in
2 a law enforcement issued uniform of the Lancaster County
3 Sheriff's Department; is that correct?

4 A. Yes, ma'am.

5 Q. Your badge is probably displayed on your left chest;
6 correct?

7 A. Yes, ma'am.

8 Q. You have a patch on your left arm; correct?

9 A. Both arms, yes, ma'am.

10 Q. Both arms?

11 A. Uh-huh.

12 Q. Were you dressed the same on the date that you
13 interacted with Mr. Dixon on March 18, 2020 as you are today?

14 A. I didn't have on a tie at the time, but yes, other
15 than that, it was this uniform here.

16 Q. Other than the black tie you were dressed as you are
17 today?

18 A. Yes.

19 Q. And when you saw Mr. Dixon at Grace Avenue, did you
20 identify yourself as a law enforcement officer?

21 A. We did, yes, ma'am.

22 Q. And did you tell him the purpose of your visit?

23 A. We did.

24 Q. What did you tell him?

25 A. We told him that he had active warrants and he is

1 being taken into custody on that warrant.

2 Q. And did you make him aware that that warrant was for
3 failing to comply with the sex offender registry?

4 A. Yes, ma'am, we did.

5 Q. And can you just tell the jury in your own words
6 please, what happened at that time when you told Mr. Dixon that
7 he was under arrest for failing to comply with the sex offender
8 registry requirements?

9 A. We brought him out to the carport area. He was told
10 he'd be taken into custody, put his hands behind his back and
11 he was put into cuffs. At that time he was being calm. He
12 asked if he could grab a couple items from inside the house to
13 take with him. We took him in side, I think he was asking for
14 a pair of socks -- brought him back outside. He was still calm
15 a little bit agitated, but when we started to do our search of
16 his person, we took all the items out, it was a cellphone, a
17 couple other items there and we put them on a table. We told
18 him those items would put into a bag and taken with him to the
19 detention center. At that time he became agitated because he
20 wanted those items put back into his pockets. We told him that
21 per policy and just per our procedure no items other than his
22 -- what he has on him will be in the car. At that time he got
23 kind of visibly upset, kind of tensed up, but we are able to
24 take him to the car. When he got to the car, it was the
25 passenger side rear door, we opened it, tried to put him in and

1 he kind of pushed himself up against the car and said, "I'm not
2 going in there," or like, "I'm not getting in the car,"
3 something like that. At that time I went to the other side and
4 I grabbed him by his arm, I pulled him down and in, while
5 Deputy Fowler kind of pulled him down into the seat. When he
6 was in the seat, I was in the backseat still and at that time
7 he kind of jumped and he tried to hit me with his head. I kind
8 of wrapped him up, like, you know, he was going that route
9 like, you're still going to jail. Somehow, during the
10 altercation is when my name tag came off and when the
11 altercation was over with, he got calm. He kind of -- when he
12 got up, my name tag had been stuck into his eyebrow which was
13 then pulled out by Deputy Fowler and put into an evidence
14 partial where he was then taken not to jail, but he was taken
15 to the ER first to get checked out. And at that time I went
16 back on duty on the road.

17 Q. Just to back up a moment. When he was being placed
18 inside the backseat of the patrol car, were you at the back
19 drivers side door or the rear passenger door?

20 A. He was at the passenger door, rear. I went to the
21 other side, the driver side rear, in order to pull him into the
22 vehicle.

23 Q. So Deputy's Barrett and Fowler were trying to help
24 him in from the passenger side rear door and you were on the
25 drivers side rear door trying to help him in that way?

1 A. Yes, ma'am.

2 Q. Is that the time -- again, just say in your own
3 words, what did he do?

4 A. He tried to, he kind of like jumped and tried to hit
5 me with his head.

6 Q. Did he make contact with your body?

7 A. Honestly, I'm not sure. If he did, it wasn't up
8 here, I didn't feel it.

9 Q. But prior to that you were wearing your name tag;
10 correct?

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

12 Q. And afterwards you saw that your name tag was
13 sticking in the skin above his eyebrow?

14 A. Yes, ma'am.

15 Q. But it wasn't in his eye; is that right?

16 A. It wasn't in his eye, it was like, right here at the
17 corner of his eyebrow.

18 Q. And was he taken to the hospital to be checked out
19 medically --

20 A. He was.

21 Q. -- before taking him to the jail?

22 A. Yes.

23 Q. And he wasn't admitted to the hospital?

24 A. No, ma'am. He was at the hospital maybe just a
25 half-and-hour to get checked out.

1 Q. Very good.

2 Were you wearing your department issued body-worn camera
3 at that time?

4 A. I was, yes, ma'am.

5 Q. And was your camera working that day?

6 A. It was.

7 Q. And did you have it engaged?

8 A. It was, yes, ma'am.

9 Q. And later was that video and audio uploaded to the
10 system at the sheriff's department to your knowledge?

11 A. Yes, ma'am, it was end of shift.

12 Q. Did you have an opportunity to review a DVD provided
13 by crime scene investigator Joan Bowers, our evidence
14 technician, Joan Bowers?

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

16 Q. And I'm going to ask that the bailiff hand you this
17 exhibit. That has already been premarked as State's Exhibit 4
18 for identification purposes. You had a chance to review that
19 this morning; is that right?

20 A. I did, yes, ma'am.

21 Q. And did you make some type of notation on that disc,
22 that is in the envelop for State's 4 to show that that was the
23 disc that you watched this morning?

24 A. It has my name and date. I permanently wrote on it.

25 Q. That is the video and audio that you observed this

1 morning?

2 A. Yes, ma'am, it is.

3 Q. And is that a fair and accurate depiction of the
4 events that transpired on March 18, 2020 when you interacted
5 with the defendant, Ralph Dale Dixon, Jr., at [REDACTED] Avenue
6 here in Lancaster, South Carolina?

7 A. Yes, ma'am, it is.

8 MS. COLLINS: Your Honor, at this time I would move
9 that into evidence, but I'm not going to play it until the
10 other officers can testify.

11 THE COURT: All right. Any objection?

12 MR. FREEMAN: None at this time, your Honor. There
13 maybe something when we see the video.

14 THE COURT: Well, objection overruled. I will
15 withhold publish of that until the other officer testifies, is
16 that what you said Madam Solicitor?

17 MS. COLLINS: Yes, your Honor.

18 One moment.

19 (State's Exhibit 4, CD-1, Officer Dean, was marked
20 in evidence.)

21

22 CONTINUED DIRECT EXAMINATION

23 BY MS. COLLINS:

24 Q. You described what happened particularly as you all
25 got to the patrol car and you were trying to help Mr. Dixon

1 into the backseat of the patrol car.

2 Prior to that, from the time -- I think you all were in a
3 carport area from the household. From there to the car, was
4 there any resistances or opposition on the part of Mr. Dixon?

5 A. When we first put him into cuffs, he was kind of
6 angry, which we kind of -- to us is average for anybody being
7 locked up. When we told him we weren't going to be putting his
8 stuff back into his pockets is when he got angry and he started
9 kind of getting tensed up and actually had to be escorted to
10 the car, not on his own powers. We kind of like had to push
11 him to the car.

12 MS. COLLINS: Thank you. Nothing further.

13 Please answer any questions the defendant may have
14 for you.

15 THE COURT: Mr. Freeman?

16 MR. FREEMAN: Thank you, your Honor.

17

18 CROSS-EXAMINATION

19 BY MR. FREEMAN:

20 Q. Officer Dean?

21 A. Yes, sir.

22 Q. Just backing up. So you went to [REDACTED] Avenue.

23 A. Yes, sir.

24 Q. Is that what you indicated? Is that a house, an
25 apartment?

1 A. It is a -- it's a house.

2 Q. And Mr. Dixon was there?

3 A. He was. Yes, sir.

4 Q. Was anyone else there besides you and the other
5 officers?

6 A. There was a female that also stays at that house.
7 She was inside. I don't think we had any kind of interaction
8 with her at all.

9 Q. Did you ever ask her if Mr. Dixon lived there, had
10 permission to live there?

11 A. We didn't. No, sir. I didn't anyway. I didn't.

12 Q. She wasn't arrested or taken into custody that day
13 by you?

14 A. No, sir.

15 Q. How long do you think you were there in total
16 roughly?

17 A. Under 15 minutes.

18 Q. And just for the jury, where is the body cam? If
19 you can stand up and stay behind the plexiglas, where is the
20 camera?

21 A. I don't have it on me now because I have a tie on.
22 Typically, it is right here in the center of the chest
23 (indicating.)

24 Q. Do you normally wear some type of vest as well?

25 A. We have it on but it's under the shirt.

1 Q. Is the vest part of a bulletproof vest or is it --

2 A. Yes, that's right.

3 Q. -- for the body camera?

4 A. Sorry?

5 Q. Is the vest like a bulletproof vest, under --

6 A. It's a bulletproof vest under the shirt. Yes, sir.

7 Q. And then your testimony is Mr. Dixon was -- didn't
8 want to be arrested, but he was kind of cooperative until you
9 put the handcuffs on him?

10 A. He was fine until -- he was kind of calm. He was
11 still mad, obviously, because he was being locked up. But he
12 was calm. He was being kind of verbal. But it wasn't until we
13 took everything out of his pockets and told him that they would
14 be going into a bag and even though we told him the bag would
15 be going to jail with him, they just couldn't be in his pockets
16 per our policy. That's when he got angry and started to like
17 tense and come around and, like, not want us to touch him.

18 Q. At that point he had handcuffs on him; correct?

19 A. He did. Yes, sir.

20 Q. Were they in front of him or behind him?

21 A. They were behind his back.

22 Q. His hands were behind him?

23 A. Yes, sir.

24 Q. Were you -- did you feel physically threatened at
25 that point by him?

1 A. Not at that point. No, sir.

2 Q. At any point -- I understand you said he was upset.
3 Did you ever feel physically threatened that he was trying to
4 grab a weapon or something?

5 A. No, sir.

6 Q. How far -- whose car was he actually put in, yours
7 or the other officer?

8 A. He was being put into Deputy Fowler's car.

9 Q. So how far was Deputy Fowler's car from the point
10 where you put the cuffs on him?

11 A. The front of his car -- if we were here putting
12 cuffs on him, where the computer is right there (indicating.)
13 Maybe 50 feet. If that.

14 Q. So he drove his car up closer, so he was sort of
15 right there in the driveway?

16 A. Yes, sir. He did.

17 Q. Then getting him from the carport to the car, I
18 think the Solicitor asked you if you had dragged him.

19 Did he fall down? You had to pull him on the ground?

20 A. No. He -- we kind of had to like pick him up under
21 his arms. Not pick him up off the floor, but kind of push him
22 to kind of make him walk.

23 Q. And there were three of you at this point, three
24 officers?

25 A. Yes, sir.

1 Q. Two of them go to -- not you, go to the passenger
2 side and you go around to the driver's side.

3 A. At first I was on the passenger's side also, just
4 trying to help. And then when it was discovered that he was
5 pushing himself up against the car, where he couldn't be put
6 in, that's when I went to the other side and actually pulled
7 him into the backseat.

8 Q. So they're pushing on one side and you're pulling
9 from the opposite side?

10 A. Yes, sir.

11 Q. And you said he tried to headbutt you?

12 A. He did. Yes, sir. When we got him to where he was
13 actually seated, he, in essence, kicked off of the floor and
14 tried to throw his head at me.

15 Q. And is that when you think your name tag got stuck
16 in his eye -- excuse me, his eyebrow?

17 A. Yes, sir. After that, I kind of got him in what I
18 would call almost like a bear hug just to say, "Hey, man, calm
19 down. You don't need to do this." And that went on for maybe
20 15 seconds.

21 And then at that time is when he calmed down and I put
22 him back upright and that's when he said, "Hey --" I think he
23 said, "Look what you did now." And he turned his head and
24 that's when I could see my tag was in his eyebrow.

25 Q. Was he restrained in the backseat other than the

1 handcuffs in some way?

2 A. At that time, no, sir. He was just in handcuffs.

3 Q. Is there a seat belt in the back?

4 A. It is.

5 Q. Was that put around him?

6 A. After the altercation, yes, sir, the passenger was
7 belted.

8 Q. And then you said you then removed the name tag from
9 his eyebrow?

10 A. Deputy Fowler actually took it out of his eye.

11 Q. And Deputy Fowler is the one that drove him to the
12 ER?

13 A. He was. Yes, sir.

14 Q. You didn't see him again once Deputy Fowler drove
15 off that day?

16 A. No, sir.

17 Q. After that, did you leave or did you go talk to the
18 lady that lived there or what?

19 A. At that time, per our policy, I contacted our
20 supervisor to tell him about the incident. So I went back to
21 the office per our policy and so that way I could instantly
22 download all the camera footage for him to check out.

23 Q. Who had the bag with his stuff in it?

24 A. I think it was put into Deputy Fowler's car.

25 Q. You didn't transport that back to the sheriff's

1 office?

2 A. I didn't. I don't think so.

3 Q. Or the jail?

4 A. I don't think I did.

5 Q. Now is this a normal part of your regular duties,
6 serving warrants on people?

7 A. It is. Yes, sir.

8 Q. And you mentioned that most people don't want to be
9 arrested; is that correct?

10 A. Yes.

11 Q. And some people, I think you said, he was no worse
12 than normal when he was first talking to you?

13 A. Yes, sir. He didn't act like anybody else doesn't
14 act, I guess you can say. You know, anybody we lock up is
15 usually agitated because obviously they're going jail. But
16 then he went even further when we took all his items off of
17 him.

18 Q. He never denied who he was, did he?

19 A. No, sir.

20 Q. Other than this incident, did you know Mr. Dixon?

21 A. I have dealt with him a couple times just while he
22 was at -- other incidents where he wasn't necessarily involved,
23 he just happened to be there.

24 Q. And you have -- I think we heard earlier that
25 you-all take pictures. Did you have a picture of him that day?

1 A. We did and I don't think I have a copy of it here.

2 No, sir, I don't.

3 Q. Who would have given you that?

4 A. That would -- it's in our system. It would have to
5 be printed off of his mugshot.

6 Q. Some sort of electronic picture?

7 A. Yes, sir. Yes.

8 Q. How long did it take, if you remember, to get either
9 to Grace Avenue or back from Grace Avenue?

10 A. From where?

11 Q. From the sheriff's department.

12 A. Oh. To get from Grace Avenue to the sheriff's
13 office is under ten minutes.

14 Q. Who got there first, you or Officer Fowler?

15 A. To?

16 Q. You said there were two cars.

17 A. Oh. We each got there at the same time. Yes, sir.

18 Q. And then the other officer that was riding with you
19 was in your car?

20 A. He was. Yes, sir.

21 Q. If there was a person, who was in charge of the
22 three of you --

23 A. I would say out of the three people actually at the
24 scene, it was me. I was the most senior deputy on the scene, I
25 guess you would say.

1 Q. If they did something unexpected or some decision
2 had to be made, that would have been yours?

3 A. Yes, sir.

4 Q. And you were not injured that day, were you?

5 A. No, sir. I wasn't.

6 Q. You didn't seek any medical attention?

7 A. No.

8 Q. What about, to your knowledge, the other two
9 officers?

10 A. I don't think anybody else was injured either at the
11 time.

12 Q. I see you have -- is that a new name tag you have
13 there?

14 A. Yes, sir. I do.

15 MR. FREEMAN: No further questions of this witness.

16 THE COURT: Any redirect?

17

18 REDIRECT-EXAMINATION

19 BY MS. COLLINS:

20 Q. Mr. Freeman asked you that the defendant never
21 denied that he was Ralph Dale Dixon, Jr. Do you recall
22 Mr. Freeman asking you that?

23 A. I do. Yes, ma'am.

24 Q. And you testified, that that's correct, he never
25 denied that; correct?

1 A. Yes, ma'am. He never did.

2 Q. You also knew him personally to be Ralph Dale Dixon,
3 Jr.; correct?

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

5 Q. So you knew him to be the person that you were
6 placing under arrest for failure to register; correct?

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

8 Q. The defense attorney asked you just now in terms of,
9 you did not sustain an injury. Do you recall him asking you
10 that?

11 A. I do, yes, ma'am.

12 Q. And you testified, that's correct, you did not
13 sustain an injury; right?

14 A. Yes, ma'am.

15 Q. Are you aware of the charge of resisting arrest,
16 opposing or resisting an officer who was making an arrest being
17 the charge for Mr. Dixon?

18 A. Yes, ma'am, I do.

19 Q. He was not charged with resisting arrest that would
20 call on Section B for assaulting an officer; correct?

21 A. No, ma'am.

22 Q. He was charged with resisting or opposing an arrest;
23 correct?

24 A. Yes, ma'am.

25 Q. And that was for stiffening up and also, as you

1 would put it, as he was being placed in the car for struggling
2 and attempting to headbutt you in the process?

3 A. Yes, ma'am.

4 Q. Thank you.

5 MS. COLLINS: Nothing further.

6 THE COURT: All right. Thank you, sir. You may
7 step down. You are free to leave.

8 The State can call its next witness.

9 MS. COLLINS: Thank you.

10 Your Honor, the State's next witness is Jamie Burr.
11 Thank you very much.

12 THE BAILIFF: Raise your right hand please:

13 (Witness sworn.)

14 THE WITNESS: I do.

15 THE COURT: Sir, you may remove your mask so we can
16 hear you real good. Talk loud.

17 Madam Solicitor?

18

19 **SERGEANT JAMIE BURR,**

20 Having been first duly sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MS. COLLINS:

23 Q. Please state your name.

24 A. Jamie Nathan Burr.

25 Q. What is your occupation?

1 A. I'm a sergeant with the Lancaster County Sheriff's
2 Office and Sex Offender Registry Coordinator.

3 Q. And Sergeant Burr, how long have you been a law
4 enforcement officer?

5 A. Eighteen years.

6 Q. Has all that time been with the Lancaster County
7 Sheriff's Department?

8 A. No, ma'am.

9 Q. How long have you been with the sheriff's department
10 here in Lancaster County?

11 A. Six years out of those.

12 Q. And what other law enforcement agencies have you
13 served as an officer with?

14 A. Lancaster City Police Department.

15 Q. And you stated that for the past how many years have
16 you been with the Lancaster County Sheriff's Office?

17 A. Well, a total of six years. I've been with them for
18 the last three years.

19 Q. Thank you. And your current duties and title?

20 A. Current duties are a sergeant over administration,
21 the sex registry -- offender registry and records clerks, NCIC
22 and, I'm sorry, lobby officer.

23 Q. When did you begin your duties with the sheriff's
24 department in regards to the sex offender registry?

25 A. That was in mid-to-late February.

1 Q. Of this year, 2020?

2 A. Of 2020.

3 Q. And who had that role before you?

4 A. Deputy Marshall.

5 Q. Who testified earlier today?

6 A. Yes, ma'am.

7 Q. In the course of your duties as the sex offender
8 registry coordinator, did you have occasion to interact with
9 Ralph Dale Dixon, Jr., the defendant?

10 A. Not directly.

11 Q. Not in person?

12 A. Not in person.

13 Q. However, in becoming the coordinator, did you review
14 all the files assigned to you regarding the various offenders
15 who are required to register here in Lancaster County?

16 A. Yes, ma'am.

17 Q. In doing so, did you review the file of the
18 defendant, Ralph Dale Dixon, Jr.?

19 A. I did.

20 Q. And you reviewed also in terms of his registration
21 requirements; correct?

22 A. Yes, ma'am.

23 Q. In the course of your duties, did you attempt to
24 conduct an address verification as to the address that had been
25 provided by Ralph Dale Dixon, Jr., to the sheriff's department

1 to confirmed that he in fact was a resident there?

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

3 Q. Tell the jury about that, please.

4 A. Yes, ma'am. So on 3/17, I had taken a part in the
5 position of sex registry -- let me -- back in February -- in
6 reviewing the files and knowing what the statute required is to
7 check addresses of the offenders once a year. So I began with
8 the As and working my way through the rest of the alphabet to
9 get all the offenders that we have addresses verified.

10 So Mr. Dixon was on the list to be verified. So I went
11 to a residence that was on the file, which was the [REDACTED]
12 Street. So on 3/17 or in about that, I went to that address to
13 verify if he actually lived there or not.

14 Q. On 3/17 of 2020, you went to the address at [REDACTED]
15 [REDACTED] Street in Lancaster, South Carolina, in order to try and
16 verify that that in fact was the residence of Ralph Dale Dixon,
17 Jr.?

18 A. Correct.

19 Q. And did you see Ralph Dale Dixon, Jr., there at that
20 address that day?

21 A. No, ma'am.

22 Q. And did you speak with any other people residing
23 there at the home?

24 A. I did make contact with an individual there. He
25 identified himself as Anthony Dixon, who also told me that he

1 was the brother of Ralph Dixon.

2 Q. You were here in the courtroom earlier when Anthony
3 William Dixon testified. Was that the individual that you
4 spoke to at [REDACTED] Street on March 17, 2020?

5 A. Yes, ma'am.

6 Q. At that time, did you receive the information from
7 Anthony William Dixon that Mr. Ralph Dale Dixon, Jr., his
8 brother, did not reside at [REDACTED] Street?

9 A. He did inform me of this.

10 Q. Did he also inform you that he had not resided there
11 for at least over a month?

12 A. Correct.

13 Q. And did he also inform you that, in fact, Ralph Dale
14 Dixon, Jr., had been placed on trespass notice so that he
15 couldn't even go around the property much less reside there?

16 A. That is correct.

17 Q. In response to the information you received that day
18 from Anthony Dixon, the brother of the defendant, what steps
19 did you take next as the sex offender registry coordinator?

20 A. So I verified with him that he had been -- lived
21 there. So with the trespass notice, notification, I went to
22 our office where we keep the original notifications. I looked
23 for a trespass notice. And there was one in the file that was
24 dated on 10/17/2018, that he was banned from trespassing on
25 that location.

1 Q. And did that become a part of your records as the
2 sex offender registry coordinator?

3 A. It did.

4 Q. Did you bring that original document with you today?

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

6 Q. Can you please hand that to the bailiff so that he
7 can show it to Mr. Freeman for his review before I move it into
8 evidence?

9 (Tendering document.)

10 MS. COLLINS: If you would Mr. Bailiff, please hand
11 that back to Sergeant Burr.

12 (Tendering document.)

13 BY MS. COLLINS:

14 Q. Sergeant Burr, the top page that's turned to Page 1
15 is the actual trespass notice; is that correct?

16 A. Yes, ma'am.

17 Q. And that is what has become part of your records as
18 the sex offender registry; correct?

19 A. Yes, ma'am.

20 Q. Focusing on that page, then, is that something that
21 is made at the time that the trespass notice is given to a
22 person?

23 A. So the person has to be served personally. So in
24 this particular incident or with all the other trespass notices
25 we have, the individual who is being trespassed, has to be in

1 contact in -- either sign a form; or if they refuse to sign a
2 form, we will indicate that they refused it. This particular
3 form was personally served on Ralph Dixon and was signed by
4 Ralph Dixon.

5 Q. Ralph Dale Dixon, Jr., the defendant?

6 A. Yes, ma'am.

7 Q. And it was served on Ralph Dale Dixon, Jr., the
8 defendant, by Deputy Wes Gladden of the Lancaster County
9 Sheriff's Department; is that correct?

10 A. Yes, ma'am.

11 Q. And he also signed it; correct?

12 A. Yes, ma'am.

13 Q. What was the date it was served on the defendant?

14 A. 10/17/2018.

15 Q. And those records are kept in the normal course of
16 duties of the sheriff's department and you are the custodian of
17 records now of that document; correct?

18 A. Yes, ma'am.

19 MS. COLLINS: Your Honor, at this time I would move
20 that as State's Exhibit 5 into evidence.

21 THE COURT: Any objection?

22 MR. FREEMAN: None, your Honor.

23 THE COURT: Introduced.

24 (State's Exhibit 5, Trespass Notice, was marked in
25 evidence.)

1 CONTINUED DIRECT EXAMINATION

2 BY MS. COLLINS:

3 Q. Sergeant Burr, you testified that the date on that
4 paper is in October of 2018; correct?

5 A. Correct.

6 Q. And when you took over the duties as the sex
7 offender registry coordinator, the current address on file for
8 Ralph Dale Dixon, Jr., was [REDACTED] Street, Lancaster, South
9 Carolina; correct?

10 A. Correct.

11 Q. There were no other addresses listed as his
12 residence for which he had signed or initialed; correct?

13 A. Correct.

14 Q. You therefore didn't go to any other addresses
15 seeking him. You went to Baker Street because that is what he
16 registered for; correct?

17 A. Yes, ma'am.

18 Q. And you combed through all the records as a sex
19 offender registry coordinator to ensure that there had not been
20 any changes of address; correct?

21 A. Yes, ma'am.

22 Q. And there were none; correct?

23 A. There was none.

24 Q. The last address within your records would be from
25 January of 2020, when Ralph Dale Dixon, Jr., confirmed with

1 Corporal Marshall, who just testified earlier, that his address
2 in January 2020 was at [REDACTED] Street; correct?

3 A. That's correct.

4 Q. And yet you found, as that document reflects, that
5 he had been placed on trespass notice about a year and a half
6 before that in October of 2019; right?

7 A. Yes, ma'am.

8 Q. As a law enforcement officer, you are familiar with
9 the trespass notice form; correct?

10 A. Yes, ma'am.

11 Q. And a trespass notice form doesn't merely tell
12 someone, you've got to get out, you're ejected, you're evicted
13 from this residence. It tells someone, you cannot come around
14 this residence under this property period; correct?

15 A. That's correct.

16 Q. Now as a result of going to Baker Street, talking to
17 the defendant's brother, coming back and confirming the
18 trespass notice that had been served back in 2018, what action
19 did you take as the sex offender registry coordinator for this
20 county?

21 A. Pursuant to the State's statute and the manual that
22 I go by with the SLED requirements, I did a warrant affidavit
23 and confirmed that he hadn't been staying at the said address.
24 And under the State statute for not -- for failure to register
25 includes falsifying information to a law enforcement officer.

1 So at that particular time, he knew he was on trespassing
2 notice from what we have on file, he gave Deputy Marshall the
3 address of [REDACTED] Street in June -- I'm sorry, in January
4 of 2020. So because of the collaboration of him giving that
5 information in January, never having it changed, being
6 trespassed, he knew the stipulations that SLED required that he
7 was supposed to give us a change of address and he never
8 notified us.

9 So pursuant to that particular State statute, that's why
10 I recommended a warrant to the magistrate's office and it was
11 granted for failure to register.

12 Q. So he failed to comply with the registry
13 requirements and you sought a warrant charging him with that;
14 correct?

15 A. Yes, ma'am.

16 Q. A trespass notice does not have an expirations date;
17 is that right?

18 A. No, ma'am. It does not.

19 Q. So if I were to take out a trespass notice on you
20 and said you cannot come to my house; and then later, I
21 decided, I like you pretty good and I was going to let you come
22 back, how would I get that withdrawn?

23 A. You would have to go to the sheriff's office
24 yourself or identify yourself personally to a deputy to have it
25 recalled.

1 Q. And once it was recalled, would that form be removed
2 from the sheriff's department records?

3 A. Yes, ma'am. It would.

4 Q. And therefore, by you finding it -- after you
5 checked the registry address, by you finding that it was still
6 on record and you are the custodian of those records, it had
7 not be withdrawn from the time of this issue in October of
8 2018; correct?

9 A. It had not.

10 Q. The defendant was still on notice that he could not
11 go around that property; correct?

12 A. Correct.

13 Q. And as a required sex offender, he should have
14 notified the sex offender coordinator of the fact that he did
15 not reside at that address, in fact should not go around that
16 address; correct?

17 A. He should have.

18 Q. And he did not?

19 A. No, ma'am.

20 MS. COLLINS: Nothing further.

21 THE COURT: Mr. Freeman?

22

23 CROSS-EXAMINATION

24 BY MR. FREEMAN:

25 Q. Officer Burr, so did you go out to the Baker Street

1 address you said on the 17th, I guess?

2 A. Yes, sir. 3/17/2020.

3 Q. And you spoke with someone who identified themselves
4 as Anthony Dixon?

5 A. Yes, sir.

6 Q. Did you ask to see his ID?

7 A. Actually, I did because I wasn't familiar with
8 Ralph.

9 Q. And it said Anthony, whatever his middle name is,
10 Dixon?

11 A. Yes, sir.

12 Q. Did you speak that day, if you remember, with
13 Ms. Anderson?

14 A. I did not.

15 Q. Anthony Dixon's name does not appear on that form
16 you have, that trespass notice, does it?

17 A. No, sir. It does not.

18 Q. Did you see it, then, from Anthony Dixon saying he
19 had the right to stay at the house?

20 A. I did not.

21 Q. Did you ever speak on the 17th with Paulette
22 Anderson?

23 A. No, sir.

24 Q. Were you given a phone number for her or a way to
25 contact to call her?

1 A. No, sir.

2 Q. Did you ask Anthony Dixon, can I get a number for
3 Ms. Anderson?

4 A. No, sir.

5 Q. Where is [REDACTED]? Is it near the sheriff's
6 department?

7 A. No, sir.

8 Q. How far out is it?

9 A. About ten minutes.

10 Q. Sorry?

11 A. About ten minutes.

12 Q. Ten minutes. Okay.

13 A. It's on the west side of town.

14 Q. Is it a house? An apartment?

15 A. It is a house. A residence.

16 Q. Was anybody else there that day besides Anthony
17 Dixon when you went out there?

18 A. Not that I'm aware of. I met Mr. Anthony out in
19 front of the residence.

20 Q. Did you call first or you just went and knocked on
21 the door?

22 A. I went and knocked on the door. After I drove all
23 the way up into the driveway, Mr. Dixon or Anthony, he was
24 standing out in the yard.

25 Q. How many cars were in the driveway other than yours?

1 A. I don't recall.

2 Q. Did you ask Mr. Dixon where his brother was?

3 A. I did.

4 Q. Did he give you an address?

5 A. He said that he believed he lived somewhere on
6 Carter Street but he only gave me an indicator of where it
7 might be, like, on the corner or something like that.

8 Q. Did he tell you that Ralph Dixon got his mail at
9 that house, at [REDACTED]?

10 A. He never did.

11 Q. He never did? Okay. Did he tell you he was about
12 to move?

13 A. He did not.

14 Q. Did he tell you how long he'd been staying there?

15 A. He did not.

16 Q. Did you ask him?

17 A. No, sir.

18 Q. Did he tell you who had lived there before him?

19 A. He did not.

20 Q. Did he indicate any falling out with his brother?

21 A. No, sir.

22 Q. Did he say his brother at some point in the past was
23 allowed to stay there and wasn't now?

24 A. He indicated that he was not supposed to be there
25 and had been put on that trespass, that they had a falling out.

1 He did not specify a timeframe.

2 Q. He didn't say -- so when you left the house that
3 day, you did not know when?

4 A. No, I did not. I did not know his address until
5 after I found the documents.

6 Q. Then you said you got the warrant, I guess that day,
7 the 17th?

8 A. I got it that following morning, the 18th.

9 Q. The 18th, which was the day it was actually served;
10 correct?

11 A. Correct.

12 Q. You were not involved in serving the warrant; right?

13 A. No, sir, I was not.

14 Q. Did you assign the deputies or patrol officers that
15 served it?

16 A. No, sir.

17 Q. When that trespassing notice was taken out, would
18 somebody come to the sheriff's department or the magistrate's
19 office?

20 A. Usually it's on the scene. It is usually done at
21 the -- wherever the particular incident occurred at. There was
22 documentation where the officer was on-scene that indicated
23 that that's where it was taken place at. They have these forms
24 in their vehicles that's blank.

25 Q. So that wasn't -- that wasn't you back in whatever

1 day that form was done?

2 A. No, sir.

3 Q. Okay. And have you spoken with the officer that
4 took out that form?

5 A. I have not.

6 MR. FREEMAN: No further questions of this witness,
7 your Honor.

8

9

REDIRECT-EXAMINATION

10 BY MS. COLLINS:

11 Q. I believe you already testified that it was Deputy
12 Wes Gladden that served that form on the defendant; correct?

13 A. Correct.

14 Q. As sex offender registry coordinator, do you ask the
15 defendant, "Where do you get your mail?" Or do you ask them,
16 "Where do you live?"

17 A. I'll ask them where they live.

18 Q. That is the requirement that they're to give you;
19 correct?

20 A. Correct.

21 Q. And that is made clear to them on the rules and
22 regulations promulgated by SLED; correct?

23 A. It is.

24 Q. And if someone is placed on trespass notice and
25 they're not supposed to come to a residence, they can't come to

1 a residence to get their mail either.

2 A. They shouldn't be able to, that would be a violation
3 of the trespass.

4 Q. And Mr. Freeman asked you, did Anthony Dixon, the
5 brother -- and I may have misunderstood the question and so,
6 I'm sorry, but it sounded more like he asked you, did Anthony
7 Dixon tell you he had a right to stay at the address? Do you
8 remember him asking about that?

9 A. No, ma'am.

10 Q. Certainly Anthony Dixon was not on the registry;
11 right?

12 A. No, ma'am. He was not.

13 Q. Anthony Dixon is not required to register his
14 address with the sheriff's department; correct?

15 A. He is not.

16 Q. But Ralph Dale Dixon, Jr., is and he failed to do
17 so; correct?

18 A. Correct.

19 Q. Thank you.

20 THE COURT: Any recross?

21

22 RECROSS-EXAMINATION

23 BY MR. FREEMAN:

24 Q. I think the Solicitor asked you: You ask where
25 people live, not where they get their mail?

1 A. That is correct, where they live.

2 Q. Or reside, what's the -- what's the word? You ask
3 somebody in normal terms, "Where do you live?"

4 A. Where do you live? Where are you sleeping at?

5 Q. Where are you sleeping at? Okay.

6 What if somebody indicates they either lack a stable
7 address or they have more than one address?

8 A. So in the sex registry manual and pursuant to SLEDs
9 standards, if they tell us that they don't have a specific
10 address that they literally are bouncing from house to house,
11 then I have to go by what the State statutes says to do,
12 whatever the registry says to do.

13 Which is: We check once a week physically wherever
14 they're staying at and keep in contact like once a week. So if
15 they're homeless, so to speak, then we put a cross address,
16 cross street at the address to where the closest intersection
17 that they're saying they're living in the woods at. And then
18 we will go there and look and -- to verify once a week that
19 they are staying where they're saying they're staying.

20 Q. And that is all stuff you explain to people when
21 they come on?

22 A. Yes.

23 Q. You were not the officer who was initially there
24 when Ralph Dale Dixon was required to register?

25 A. No.

1 Q. You didn't give that -- you didn't have your initial
2 talk with him?

3 A. I didn't. No.

4 Q. Somebody did but not you?

5 A. Correct.

6 MR. FREEMAN: No further questions.

7 THE COURT: Thank you, sir. You can step down.

8 You have one more witness before we break for lunch?

9 MS. COLLINS: I do, but if you guys are hungry, we
10 can wait. Whatever you want to do.

11 THE COURT: Mr. Foreman, you want to break for lunch
12 now or you want to hear one more witness and then break for
13 lunch?

14 You want to do one more?

15 Let's do one more.

16 MS. COLLINS: The State calls Joan Bowers to the
17 stand.

18 THE BAILIFF: Raise your right hand please.

19 (Witness sworn.)

20 THE WITNESS: I do.

21

22 **JOAN BOWERS,**

23 Having been first duly sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MS. COLLINS:

1 Q. Would you please state your name?

2 A. Joan Bowers.

3 Q. What is your occupation?

4 A. I'm a digital evidence technician with the Lancaster
5 County Sheriff's Office.

6 Q. Ms. Bowers, how long have you worked with the
7 Lancaster County Sheriff's Department?

8 A. I started with them back in 2013.

9 Q. And how long have you worked doing your particular
10 duties right now as a evidence, digital evidence technician?

11 A. May of 2017.

12 Q. In the course of your duties with the sheriff's
13 department as a digital evidence technician, if an officer
14 makes body camera -- I don't know what you call it -- body-worn
15 camera?

16 A. Body-worn camera. Yes, ma'am.

17 Q. Body-worn camera video or audio, how is that -- can
18 you tell us just briefly, uploaded to being maintained and kept
19 at the sheriff's department?

20 A. It is on a server at the sheriff's office. It's
21 called the Watch Guard System. And then I will download those
22 videos, if I need to put them on a disc or flash drive
23 depending on the size.

24 Q. And how long, to your knowledge, has a body-worn
25 camera been utilized at the sheriff's department here in

1 Lancaster County?

2 A. May 2017.

3 Q. And were all the officers immediately given
4 body-worn cameras or was it kind of phased in --

5 A. It was a phase process.

6 Q. In the course of your duties as a digital evidence
7 technician, is it also your responsibility to maintain those
8 records?

9 A. Yes, ma'am.

10 Q. Is it also your responsibility, if requested by
11 either my office, the prosecutor's office, here at the
12 Solicitor's office, or perhaps a defense attorney or under the
13 Freedom of Information Act, to provide true and accurate copies
14 of those recordings to the person requesting them?

15 A. Yes, ma'am.

16 Q. And did I request as the prosecutor on this case
17 that you provide our office with any and all recordings from
18 the arrest of Ralph Dale Dixon, Jr., on March 18th, 2020?

19 A. Yes, ma'am.

20 Q. And in response to that request, what videos and
21 audios did you determine existed?

22 A. There was a body-camera worn by Deputy Dean, Thomas
23 Dean. And there were two in-car cameras. You had a front view
24 and a rear video of Deputy Austin Fowler.

25 Q. Earlier when I submitted State's Exhibit 4, Thomas

1 Dean's body-worn camera video into evidence, that disc, you
2 handed it to me; correct?

3 A. Yes, ma'am.

4 Q. And that is a recording that you made from the
5 server at the sheriff's department; correct?

6 A. That is correct. Yes, ma'am.

7 Q. And when you copy or produce that from the server,
8 it's not altered or edited in anyway; is that correct?

9 A. That's correct.

10 Q. And so you provided that to our office. And again,
11 State's Exhibit 4 was a recording that you downloaded from the
12 server; correct?

13 A. That is correct. Yes, ma'am.

14 Q. And again, that's Thomas Dean who testified earlier
15 as to the arrest of Mr. Dixon, that first officer, it was his
16 body-worn camera; correct?

17 A. Yes, ma'am. That's correct.

18 Q. Now, there were two other officers referenced by
19 Deputy Dean, they were Deputy Austin Fowler and Deputy Matthew
20 Barrett; is that right?

21 A. That's correct.

22 Q. And did you check your server to see if you had any
23 body-worn camera footage from either of those officers?

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

25 Q. And did you?

1 A. The only thing I had was just the in-car cam from
2 Deputy Fowler.

3 Q. So the in-car camera of Deputy Fowler, you did have
4 footage and audio from that; correct?

5 A. That's correct.

6 Q. And did you download that from the server?

7 A. Yes, ma'am.

8 Q. Was that -- you downloaded it completely?

9 A. I downloaded it on two different discs. You have
10 front view of a patrol car and then the backseat of the patrol
11 car on the second disc.

12 Q. Okay. And the front view of the patrol car, that's
13 as if I was sitting behind the driver's wheel and was looking
14 at what was in front of the car?

15 A. That's correct. Yes, ma'am.

16 Q. It's not me standing outside looking back at the
17 car?

18 A. No, ma'am.

19 Q. And the rear-view or the backseat, that's as if
20 someone sitting in the driver's seat and turned around looking
21 at that backseat; correct?

22 A. That's correct.

23 Q. Okay. You said as to Deputy Fowler, you did find on
24 the server both of those views from the incident where they
25 arrested Ralph Dale Dixon on March 18, 2020; correct?

1 A. That's correct.

2 Q. You made those recordings off the server and that
3 had not been edited or altered in any way; correct?

4 A. That's correct. Yes, ma'am.

5 Q. And you brought those to court here with you today?

6 A. Yes, ma'am.

7 Q. Will you -- have you marked each of them? One is
8 Number 1 showing what's outside the car and one is Number 2
9 showing the backseat of the car.

10 A. I have two, that's a disc Number 2 and disc Number
11 3.

12 Q. Okay. So Disc Number 1 would have been Thomas
13 Dean's body cam?

14 A. Would be a body cam, that's correct.

15 Q. So disc Number 2 is the --

16 A. The front.

17 Q. -- front of the patrol vehicle of Fowler?

18 A. That's right.

19 Q. Disc Number 3 is the backseat of patrol vehicle
20 Fowler?

21 A. That's correct.

22 Q. Will you hand those two discs to the bailiff to show
23 Mr. Freeman?

24 MS. COLLINS: Mr. Bailiff, if you will have the court
25 reporter label those as the next two State's exhibits.

1 THE COURT: Any objection to those coming in,
2 Mr. Freeman?

3 MR. FREEMAN: No, sir, your Honor, I've been given
4 copies.

5 THE COURT: Without objection, they're marked and entered
6 into evidence.

7 MS. COLLINS: Thank you, your Honor.

8 (State's Exhibit 6, CD-2, Officer Fowler, was marked
9 in evidence.)

10 (State's Exhibit 7, CD-3, Officer Fowler, was marked
11 in evidence.)

12

13 CONTINUED DIRECT EXAMINATION

14 BY MS. COLLINS:

15 Q. So there was no body-worn camera footage on Fowler;
16 correct?

17 A. No, that's correct.

18 Q. No body-worn camera footage on Barrett; correct?

19 A. Yes, ma'am. That's correct.

20 Q. And the only vehicle footage was for the front,
21 essentially from Fowler's seat?

22 A. That's correct. Yes, ma'am.

23 Q. And you don't know why that is?

24 A. I don't.

25 Q. Okay. When it's uploaded to the server, is it keyed

1 in like with an incident report number? Or is it simply like
2 it would identify, this is Lisa's camera, on this day?

3 A. When the camera -- when the videos come through, it
4 will have the deputy's name, it will have their car number,
5 unit number, body cam number. Also, the deputies would be
6 responsible for categorizing these kinds of videos. And it
7 goes through our server on the system at the sheriff's office.

8 Q. And when you're trained as the digital evidence
9 technician, did your training involve learning about the
10 mechanics of the reporting device itself?

11 A. Just a -- just a little bit, just understanding how
12 they're uploaded but more or less mine is just viewing the
13 videos, making sure they're categorized right.

14 Q. But again, to your knowledge, it's an automatic
15 upload. The officer cannot edit or reduce it in any way as
16 it's being uploaded?

17 A. No, ma'am.

18 Q. Thank you.

19 MS. COLLINS: Nothing further.

20 THE COURT: Mr. Freeman?

21 MR. FREEMAN: Thank you.

22

23 CROSS-EXAMINATION

24 BY MR. FREEMAN:

25 Q. So Officer Bowers, who decides when an officer turns

1 on his body cam?

2 A. It's within our policy, when they arrive on-scene,
3 they're supposed to be turning it on.

4 Q. So you said the only body footage you had from this
5 incident, that it was from Officer Dean; is that correct?

6 A. That's correct.

7 Q. Nothing from -- no body footage from the other two
8 officers?

9 A. That's right. That's correct.

10 Q. At this point, are all the officers, at least all
11 the officers who are patrol officers fitted with body cams?

12 A. The majority are. There's some that's are still
13 not. They're still trying the best -- again, it's goes with a
14 grant.

15 Q. You get it as you get the equipment and the money;
16 is that a fair statement?

17 A. Yes.

18 Q. Do you know back in March if either Officer Fowler
19 or Officer Barrett had a body cam?

20 A. Not off the top of my head.

21 Q. If they did, you don't have any footage from that
22 day regarding this incident from them?

23 A. That's correct.

24 Q. What about the car cams, are all the cars set up
25 with cameras?

1 A. No, not all of them.

2 Q. Do you know for example, that day, if the car driven
3 by Officer Dean had a camera?

4 A. No, it did not.

5 Q. It did not have a camera in front or in back?

6 A. Right.

7 Q. So the only camera he has is the body camera?

8 A. Yes, sir -- yes, that's correct.

9 Q. And the only footage from the other vehicle is from
10 the vehicle, not from either of the officers?

11 A. That's correct.

12 Q. And is it uploaded automatically when they get
13 within a certain range of your server?

14 A. The in-car cameras are pretty much automatic. But
15 some of the body cams, depends on how they're sent in with the
16 cars, they have to be uploaded or docked in a docking station
17 at the Sheriff's office.

18 Q. Do you know, in this case, for example, did Officer
19 Dean's have to be docked or it just happened when he got within
20 range of the server?

21 A. I don't know that.

22 Q. Other than that, you just make copies when they are
23 needed, for either court or for some other purpose; is that
24 correct?

25 A. That is correct, yes, sir.

1 MR. FREEMAN: I don't have any further questions for
2 this witness.

3 MS. COLLINS: Nothing further.

4 THE COURT: Thank you, ma'am, you may step down.
5 You are free to leave.

6 Ladies and gentleman of the jury, now is a good time
7 to take our lunch break. Don't talk about the case. I want
8 you back in your jury room, your modified jury room at 2:00
9 p.m. okay, thank you very much. Have a good lunch.

10 (Jurors exit.)

11 THE COURT: Anything before we break for lunch?

12 MS. COLLINS: No, your Honor.

13 MR. FREEMAN: Nothing from me, your Honor.

14 THE COURT: See you at 2:00 p.m.

15 (Jurors exit.)

16 (Lunch recess.)

17 (Jurors enter.)

18 (Open court.)

19 THE COURT: All right. Everybody's present.

20 Hope you all had a nice lunch, ladies and gentlemen.

21 The State calls its next witness.

22 MS. COLLINS: The next witness for the State is
23 Sergeant Wes Gladden, if you'll come forth and be sworn.

24 THE BAILIFF: Raise your right hand, please.

25 (Witness sworn.)

1 THE WITNESS: I do.

2

3 **SERGEANT WES GLADDEN,**

4 Having been first duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MS. COLLINS:

7 Q. Can you please state your name for the record.

8 A. Sergeant Wes Gladden.

9 Q. What is your occupation?

10 A. Patrol sergeant.

11 Q. With?

12 A. The Lancaster County Sheriff's Department.

13 Q. How long have you been a law enforcement officer?

14 A. Approximately nine years.

15 Q. And has all of the time been served as an officer
16 with the Lancaster County Sheriff's Department?

17 A. No, ma'am. I started in Chester County.

18 Q. And how long were you with Chester County?

19 A. About two years.

20 Q. With the sheriff's department?

21 A. Yes, ma'am.

22 Q. And since that time with the Lancaster County
23 Sheriff's Department?

24 A. I had about a year with the city police department.

25 Q. Okay. Was that here?

1 A. With Chester City.

2 Q. Chester City.

3 You served with three different law enforcement agencies,
4 most recently with the Lancaster County Sheriff Department;
5 correct?

6 A. Yes, ma'am.

7 Q. Were you on duty on October 17, 2018?

8 A. Yes, ma'am.

9 Q. And in your capacity as a law enforcement officer
10 with the sheriff's department here in Lancaster County, did you
11 serve a trespass notice on the defendant, Ralph Dale Dixon,
12 Jr.?

13 A. Yes, ma'am.

14 Q. Where were you when you served that notice on him?

15 A. I responded to [REDACTED] Street in Lancaster, South
16 Carolina.

17 Q. When you arrived there, did you speak with the
18 homeowner?

19 A. I did.

20 Q. And who was that?

21 A. That was Ms. Paulette Anderson.

22 Q. And did she make a request to you as to placing
23 Ralph Dale Dixon, Jr., on trespass notice?

24 A. She did.

25 Q. Was he present there at that time?

1 A. Not initially but he came out while I was speaking
2 with Ms. Anderson.

3 Q. Out of the house?

4 A. Out from the -- across the road.

5 Q. Okay. All right. And you spoke with Ralph Dale
6 Dixon, Jr., at that time?

7 A. Yes, ma'am.

8 Q. You confirmed his identity with him?

9 A. Yes, ma'am.

10 Q. You knew him?

11 A. Yes, ma'am. I had several encounters with him.

12 Q. All right. And when you spoke with him, were you
13 dressed as you are today?

14 MS. COLLINS: Let the record reflect that the
15 Officer is wearing standard uniform issued by the Lancaster
16 County Sheriff's Department.

17 BY MS. COLLINS:

18 Q. Were you dressed as you are today?

19 A. Yes, ma'am.

20 Q. With a badge prominently on your left chest?

21 A. Yes, ma'am.

22 Q. With, I don't know what you call these.

23 A. Patches on my arm.

24 Q. Patches on either arm. Thank you for helping with
25 that.

1 A. Yes, ma'am.

2 Q. And you identified yourself to Mr. Dixon as a law
3 enforcement officer with the sheriff's department?

4 A. Yes, ma'am.

5 Q. And based upon the request of Ms. Anderson, you did
6 place Mr. Dixon on trespass notice; correct?

7 A. Yes, ma'am.

8 Q. What procedure is involved in doing so?

9 A. I advised Mr. Dixon that he was no longer allowed at
10 the [REDACTED] Street address. I got his information and I had
11 him sign the bottom of the form, stating that he'd been advised
12 that he cannot come back or he will be arrested.

13 Q. All right. And did you sign your name --

14 A. Yes, ma'am.

15 Q. -- or wrote your name?

16 A. Yes, ma'am. I wrote it on it.

17 Q. Okay. And you had these blank trespass forms --
18 form designated by Sheriff Barry Faile in your patrol car;
19 right?

20 A. Yes, ma'am.

21 Q. So you filled it out right there. Did the homeowner
22 Paulette Anderson also sign it?

23 A. Yes, ma'am.

24 Q. That it was her residences and she was asking that
25 he'd be placed on trespass notice?

1 A. Yes, ma'am.

2 Q. And you confirmed of course that the residence was
3 at -- within Lancaster County, South Carolina, within your
4 jurisdiction; right?

5 A. Yes, ma'am.

6 Q. And that was [REDACTED] Street; correct?

7 A. Correct.

8 Q. And Mr. Dixon signed it in your presence; correct?

9 A. Yes, ma'am.

10 Q. Do you have --

11 MS. COLLINS: I'll ask that the bailiff, we put
12 on -- the original in evidence, so if the bailiff can hand
13 State's Exhibit, I believe it's 5, to the witness.

14 BY MS. COLLINS:

15 Q. Do you see State's Exhibit 5 there before you?

16 A. Yes, ma'am.

17 Q. Is that the original of the trespass notice form you
18 signed that day?

19 A. Yes, ma'am.

20 Q. And did Mr. Dixon sign it in your presence?

21 A. Correct.

22 Q. And what does the top part say, if you could --

23 A. LCSO Notice of Trespass Form, Sheriff Barry S.
24 Faile.

25 Q. And? Continue.

1 A. This is to advise that Ralph Dale Dixon, Jr., is
2 prohibited from being in or on the premises of [REDACTED]
3 Street, Lancaster, South Carolina 29720, located in Lancaster
4 County, South Carolina, places hereby made at the Lancaster
5 County Sheriff's Office, to enforce all trespass violations
6 against the above-named individual and at the above-named
7 location if this notice is violated.

8 Q. And below it is signed, Paulette Anderson, the
9 resident and to the left, it says name of business, you put
10 residence; is that correct?

11 A. Yes, ma'am.

12 Q. Now, proof of service. You said Mr. Dixon came
13 across the road and you officially served it on him; is that
14 correct?

15 A. Yes, ma'am.

16 Q. And did you read or state to him what you just
17 shared with us?

18 A. I handed him the form and allowed him time to read
19 it and sign it and explained it to him.

20 Q. Did you explain it to him?

21 A. I explained the consequences of it and that he could
22 not be back on the property or he would be arrested for
23 trespassing.

24 Q. And you made it clear to be back for any reason;
25 correct?

1 A. Yes, ma'am.

2 Q. And certainly that goes then, clearly, not just
3 there to pick up mail, he would be prohibited for coming on the
4 property even for that; correct?

5 A. Yes, ma'am.

6 Q. And certainly would be prohibited from living there
7 from that point; correct?

8 A. Yes, ma'am.

9 Q. Now, you've got the date the notice was served as
10 10/17/18. That's the same date you served it on the defendant
11 and he signed it; correct?

12 A. Yes, ma'am.

13 Q. Now, he listed a residence below that as the address
14 of himself, and what is that address?

15 A. [REDACTED] Street.

16 Q. That was a different and separate residence; is that
17 correct?

18 A. Yes, ma'am. It's the residence across the street.

19 Q. And the contact number below is also what he
20 reported was his telephone number?

21 A. Yes, ma'am.

22 Q. All right. Now, let me just ask you procedurally
23 Sergeant, this does not have an expiration date; correct?

24 A. Correct.

25 Q. After it's served on the defendant, in this case on

1 Ralph Dale Dixon, Jr., do you then take it and place it in the
2 records department at the Sheriff's department?

3 A. I do.

4 Q. So if a homeowner at the later time wanted to change
5 that, would they have to take some steps to get this notice
6 taken back so it's no longer in effect at the sheriff's
7 department?

8 A. Yes, ma'am. They would have to call the sheriffs
9 office and have it rescinded.

10 Q. Okay. Again, to your knowledge that was never done;
11 correct?

12 A. Yes, ma'am.

13 Q. You only know that on that day you served it and
14 made the defendant aware, not only from that point on, he could
15 not come on the property or live there, but the consequences if
16 he failed to be -- failed to abide by that department; right?

17 A. Correct.

18 Q. One moment. When you spoke with him that day, did
19 he appear to be clearheaded?

20 A. From what I can remember, yes, ma'am. I didn't
21 notice anything out of the ordinary.

22 Q. You didn't have any concern that he didn't
23 understand what you were relating to him?

24 A. No, ma'am.

25 Q. Thank you.

1 MS. COLLINS: Nothing further.

2 THE COURT: Mr. Freeman?

3

4 CROSS-EXAMINATION

5 BY MR. FREEMAN:

6 Q. Officer Gladden, would this be something you would
7 just handle as the normal course of your duties at that time?

8 A. Yes, sir.

9 Q. Did Mr. Dixon leave the property that evening -- was
10 it evening you said?

11 A. I can't remember exactly what time it was, but he
12 went back across the street to the [REDACTED] address.

13 Q. So he left. Did you wait until he left before you
14 departed?

15 A. Yes, sir, it didn't take him long. I sat back down
16 in my car for a second and didn't leave yet.

17 Q. And then who did you speak with at [REDACTED] other than
18 Mr. Dixon?

19 A. The homeowner, Paulette Anderson.

20 Q. Was she the only person there other than Mr. Dixon
21 when you arrived?

22 A. No. I believe there was someone else on-scene at
23 the residence.

24 Q. Did you talk with that person or do you know?

25 A. I can't recall.

1 Q. If you did, they didn't sign that form, did they?

2 A. No, sir.

3 Q. You don't know if that person was related to
4 Ms. Anderson or whomever?

5 A. No, sir. I'm not sure.

6 Q. And then you said those forms, once you're done with
7 it, you took it back to the sheriff's department?

8 A. Yes, sir. We turn it over to records and they enter
9 it into the system.

10 Q. So they type it into the computer, so to speak?

11 A. Yes, sir.

12 Q. And then where does the original go?

13 A. It goes in a file drawer in the same records office.

14 Q. And when you put it in the computer, it puts the
15 name, address and all that stuff, everybody's name that is on
16 the form and the address?

17 A. Usually it's just -- I believe what I can see is
18 just Mr. Dixon and the address.

19 Q. And would it have the date that it was originally
20 created?

21 A. Yes.

22 MR. FREEMAN: No further questions, your Honor.

23

24 REDIRECT EXAMINATION

25 BY MS. COLLINS:

1 Q. It's not required that every person that resides
2 there sign that form putting Mr. Dixon on notice; right?

3 A. No, ma'am. Just the homeowner and the manager of
4 the property.

5 Q. And you determined that that would be Paulette
6 Anderson on that day; correct?

7 A. Yes, ma'am.

8 Q. And when you served that notice with Mr. Dixon, did
9 you show him the form because he signed it; right?

10 A. Yes, ma'am. He physically signed it. Yes, ma'am.

11 Q. And therefore, in fact, if you look, you can see
12 that the only person that signed it was Paulette Anderson;
13 correct?

14 A. That's correct.

15 Q. Because she signed it first; right? She signed it
16 first requesting that you serve it; right?

17 A. I believe so. If not, she signed it right after. I
18 can't remember the order in which I did.

19 Q. To your memory and recollection, he never said, "oh,
20 well, there are other people here, let's ask them? Or, "it's
21 cool with them," did he?

22 A. No, ma'am.

23 Q. Didn't argue with you in any way?

24 A. Not that I recall.

25 Q. Thank you.

1 MS. COLLINS: Nothing further.

2 THE COURT: Thank you, sir. You may step down. You
3 are free to leave if you need to.

4 The State may call its next witness.

5 MS. COLLINS: Thank you, your Honor. The State's
6 next witness is Ms. Paulette Anderson.

7 THE BAILIFF: Raise your right hand please.

8 (Witness sworn.)

9 THE WITNESS: I do.

10 MS. COLLINS: Mr. Bailiff, do you still have State's
11 Exhibit 5?

12 MR. BAILIFF: I gave it back to the court reporter.

13 MS. COLLINS: If you can get that and hand it to Ms.
14 Anderson. That's one of the things I'm going to ask her about.
15 Thank you, sir.

16

17 **PAULETTE ANDERSON,**

18 Having been first duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MS. COLLINS:

21 Q. Would you please state your name for the record.

22 A. Paulette Anderson.

23 Q. Ms. Anderson, if you will, so that everybody can
24 hear you, since you're behind the plexiglas, if you will remove
25 your mask and speak into that microphone.

1 A. Paulette Anderson.

2 Q. Very good. Are you a resident of Lancaster, South
3 Carolina?

4 A. I am.

5 Q. In 2018, were you a resident of Lancaster County,
6 South Carolina?

7 A. Yes, ma'am.

8 Q. And in fact, did you reside at [REDACTED] Street?

9 A. I did.

10 Q. In Lancaster, South Carolina?

11 Who resided there with you at that time?

12 A. My daughter and her five children and Tony Dixon.

13 Q. All right. And your daughter's name?

14 A. Ashley Anderson.

15 Q. Okay. And Ashley had five children?

16 A. Five children. Three females and two males.

17 Q. I'm sorry?

18 A. Three females and two males.

19 Q. Thank you. I'm a little hard of hearing. Thank
20 you.

21 And you said also Anthony Dixon lived there too; ain't
22 that right?

23 A. Yes.

24 Q. Now, did you know Ralph Dale Dixon, Jr., at that
25 time?

1 A. I did. My -- her -- his mother and I were best
2 friends.

3 Q. And were you aware of the relationship between Ralph
4 Dale Dixon, Jr., and Anthony Dixon?

5 A. I was.

6 Q. And what was that relationship?

7 A. They were brothers.

8 Q. Although Anthony Dixon lived there as you stated.
9 Did Ralph Dale Dixon live there?

10 A. No.

11 Q. As you heard testimony, you were here in the
12 courtroom just a moment ago when Sergeant Gladden testified,
13 were you not?

14 A. I was.

15 Q. And on October 17, 2018, did you request that
16 Sergeant Gladden place Ralph Dale Dixon, Jr., on trespass
17 notice for that property?

18 A. I did.

19 Q. And in doing so, you have before you, I believe
20 State's Exhibit No. 5. And it says Notice of Trespass Form.
21 Did you sign that form making that request?

22 A. I did.

23 Q. And it was your intent that from that point on that
24 Ralph Dale Dixon, Jr., be prohibited from being in or on the
25 premisses at [REDACTED] Street, Lancaster, South Carolina, just

1 as it stays. Is that right?

2 A. It absolutely was.

3 Q. Were you standing like in the yard somewhere when
4 you spoke with Sergeant Gladden?

5 A. Yes, ma'am.

6 Q. Were you still there present when Sergeant Gladden
7 spoke with Ralph Dale Dixon, Jr., about it?

8 A. Yes, ma'am, in the yard.

9 Q. So you heard Sergeant Gladden tell Ralph Dale Dixon,
10 Jr., that from that point on he was not permitted in or on
11 those premisses in any way; right?

12 A. Yes, ma'am, for what good it did.

13 Q. So that was October 17, 2018. At any time
14 thereafter Ms. Anderson, did you request that trespass form be
15 withdrawn?

16 A. Absolutely not.

17 Q. And to your knowledge it still stayed remaining --

18 A. Yes, ma'am.

19 Q. -- even to this day?

20 A. Although we continued to have problems with him
21 throughout the reminder of that day.

22 Q. All right. Okay. The bottom line is, he's placed
23 on trespass notice at your request; correct?

24 A. Correct.

25 Q. And you never withdrew that request; correct?

1 A. Never.

2 Q. And to your knowledge, he never was allowed to come
3 back with your permission; correct?

4 A. No, ma'am.

5 Q. And he was never allowed to reside there after that
6 day; correct?

7 A. Absolutely not.

8 Q. Thank you.

9 MS. COLLINS: Nothing further.

10 THE COURT: Mr. Freeman.

11 MR. FREEMAN: Thank you, your Honor.

12

13 CROSS-EXAMINATION

14 BY MR. FREEMAN:

15 Q. Ms. Anderson, you said -- let's go back to 2018, who
16 was living there at that time. You were. Your daughter.

17 A. My daughter.

18 Q. Her kids and Anthony Dixon.

19 A. Anthony.

20 Q. Right?

21 So eight people in the house. Five children, but eight
22 people.

23 A. Five children.

24 Q. Do you own -- did you own or do you own [REDACTED]?

25 A. No, her -- her other sister-in-law owned it.

1 Q. I'm sorry, "her" being Ashley?

2 A. My daughter's sister-in-law. My sister-in-law owned
3 it but we rented it from her.

4 Q. Okay. Your sister-in-law said it was okay if
5 you-all stayed there?

6 A. Right. It was a very busy household, sir.

7 Q. Understood.

8 A. You do what you have to with eight children -- with
9 five children involved.

10 Q. Yes, ma'am. Are you still at that address?

11 A. No. I have my own apartment now.

12 Q. You're not with Ashley and her kids anymore?

13 A. No.

14 Q. I think we heard earlier from the officer, that when
15 he got out there, Ralph Dixon was across the street and walked
16 over?

17 A. Right. He was staying with his sister at that time.
18 He had walked over from her residents.

19 Q. His sister lived across the street from that
20 address?

21 A. Correct.

22 Q. Do you know if he or Anthony had any other family in
23 that neighborhood?

24 A. To my understanding they had a relative down the
25 road that they had grew up with, a Philip Melton.

1 Q. And you said it briefly, you knew the boy's because
2 you were best friends with their mom?

3 A. Right.

4 Q. I believe we heard earlier she has passed recently?

5 A. Right. She passed a few months ago.

6 Q. Yes, ma'am. I'm sorry to hear that.

7 A. She was a lovely women.

8 Q. You and she grew up together?

9 A. We knew each other 33 years, so best friends.

10 Q. Yes, ma'am.

11 A. Her children were like my godchildren.

12 Q. Now does your -- lets come forward to today, does
13 your sister-in-law now live at [REDACTED]?

14 A. No, but she owns the property to my understanding.

15 Q. Do you know if she sold it --

16 A. -- unless she sold it.

17 Q. -- today -- or she sold it you think; correct?

18 A. She may have. I'm not sure about that. We are
19 still sister-in-laws.

20 Q. Understood. You don't know exactly what's going on
21 with [REDACTED] today?

22 A. No. I'm not sure as to ownership.

23 Q. Yes, ma'am. Did you have any other family in the
24 area besides you and Ashley in that neighborhood?

25 A. Not in that neighborhood, no.

1 MR. FREEMAN: No further questions, your Honor.

2 THE COURT: Redirect?

3 MS. COLLINS: Nothing further.

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

5 You are free to leave.

6 MS. MARTIN: The State now calls Deputy Austin

7 Fowler.

8 THE BAILIFF: Raise your right hand please.

9 (Witness sworn.)

10 THE WITNESS: I do.

11

12 **DEPUTY AUSTIN FOWLER,**

13 Having been first duly sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MS. MARTIN:

16 Q. Good afternoon. Could you please state your full
17 name for the record.

18 A. My name is Austin Drew Fowler.

19 Q. What's your occupation?

20 A. I'm a deputy with the Lancaster County Sheriff's
21 Office.

22 Q. How long have you been with the Lancaster County
23 Sheriff's Office?

24 A. I've been with the sheriff's office for two years.

25 Q. Do have you any prior law enforcement experience?

1 A. I do. I served four years as a Master at Arms in
2 the United States Navy.

3 Q. Thank you for your service.

4 What are your duties with the Lancaster County Sheriff's
5 Office?

6 A. I am a patrol deputy officer.

7 Q. Is one of your duties with the Lancaster County
8 Sheriff's Office to serve warrants?

9 A. Yes, ma'am.

10 Q. Did you have occasion to become involved in the
11 service of a warrant on Mr. Ralph Dale Dixon?

12 A. I did.

13 Q. And what was this warrant for?

14 A. His warrant was for failure to register for the sex
15 offender registry.

16 Q. And do you remember on what day you became involved?

17 A. It was March 18th of this year.

18 Q. And do you remember what time you became involved?

19 A. It was around 10:00 or 10:30 in the morning.

20 Q. And how did you become involved in that service of
21 that warrant?

22 A. We knew that Mr. Dixon was at -- we believed that
23 Mr. Dixon was at that address. And so we went to that address
24 to try to make contact with him and when I knocked on the door,
25 he answered the door.

1 Q. What address is that?

2 A. That's [REDACTED] Avenue here in Lancaster.

3 Q. That's in Lancaster county; correct?

4 A. Yes, ma'am.

5 Q. I see that you're wearing your uniform today. On
6 the date and time in question, were you wearing your uniform
7 too?

8 A. Yes, ma'am.

9 Q. And did you arrive at [REDACTED], at that address, with a
10 patrol vehicle?

11 A. Yes, ma'am. In my patrol car.

12 Q. And was it a marked patrol vehicle?

13 A. Yes, ma'am. It was.

14 Q. Did you arrive there by yourself or were other
15 deputies with you?

16 A. I arrived there at the same time as my partner
17 Deputy Thomas Dean. And he had another deputy riding with him,
18 Matthew Barrett.

19 Q. All right. And did you park directly at the
20 residence or did you park somewhere else before making contact?

21 A. We actually parked right across the street, across
22 Grace Avenue and then walked across Grace Avenue to the
23 residence, down the driveway to the residence.

24 Q. And when you got -- walked to that driveway, what
25 did you encounter? In your own words, just state what you

1 encountered.

2 A. I went to the door at the carport entrance and
3 knocked on the door. Ralph answered the door and he stepped
4 outside to talk with us. I advised Ralph that he was under
5 arrest, that he had an active warrant and that we had confirmed
6 with the sheriff's office that it was him. And I told him to
7 put his hands behind his back. And he was upset but he was
8 compliant and put his hands behind his back and was placed in
9 handcuffs.

10 He then asked if he could use the restroom. We told him
11 he couldn't use the restroom since he was already in handcuffs.
12 Then he said he wanted to grab some stuff from inside the house
13 to take with him. So we -- I let him inside the residence to
14 grab a couple of items that he just wanted to go with him to
15 the detention center.

16 We then walked back outside and I searched him and found
17 a wallet, cell phone, other small items and I just placed them
18 on a table that was out in the carport. Then I told him that
19 we were going to get a bag to put his items in to take with him
20 to the detention center. And he got really irate at that
21 notion. He wanted the items to go back in his pockets.

22 I told him we can't have, you know, stuff with people
23 while they're in the back of our patrol cars. It's just kind
24 of a policy thing and that I would place it in the trunk of my
25 vehicle so that nobody would touch it or anything. And he was

1 upset. He was yelling at me that, you know, he wanted his
2 stuff back in his pockets. So I told him no and we -- I then
3 attempted to escort him to the vehicle. Told him, "Hey, it's
4 time to go. We need to go to the car."

5 Deputy Dean got ahold of -- I'm sorry, let me backtrack,
6 I apologize.

7 After I searched him, I went across the street to grab my
8 patrol vehicle while Deputy Dean and Deputy Barrett were still
9 with Mr. Ralph. I then pulled my patrol vehicle into the
10 driveway so we wouldn't have to walk across the street. And
11 then, at that point, we advised him we weren't going to be
12 putting his stuff back in his pockets, that we were going to
13 put it in a bag. He became upset. Then when I tried to lead
14 him to the patrol car, he was yelling, upset and he refused to
15 walk to the patrol car. So I did have a wrap underneath his,
16 underneath his left arm and then escorted him to the back of
17 the vehicle, just kind of had to pull on him a bit to get him
18 to walk to the back of the car.

19 I opened the passenger side rear door of my patrol car
20 and he turned his back to the entranceway, as we normally do
21 with somebody's hands behind their back, you know, sit them in
22 the patrol car and said, "Watch your head when you sit down, I
23 don't want you to hit your head."

24 He said, "I'm not getting in the car."

25 I said, "Don't do this, Ralph," you know, "You need to

1 sit down in the car. We have to go."

2 And he said, "I'm not sitting down. I'm not sitting
3 down."

4 So I put my head or my hand upon the top of his head, you
5 know, at this point, it seemed apparent he wasn't -- he didn't
6 want to go in under his own power and I didn't want him to hit
7 his head on the door or on the entranceway to the vehicle when
8 he went in. And that's just kind of customary. And I didn't
9 want him to hit his head.

10 At that time, Deputy Dean had walked around to the
11 driver's side of the vehicle, entered the vehicle through the
12 driver's side rear door and he started pulling on Ralph's arm.
13 Ralph sat down and then lunged at Deputy Dean. So I went down,
14 Ralph had straightened his legs out completely so that I
15 couldn't get his feet inside the car. I pulled on his legs and
16 pushed on his legs until I could get his feet inside the back
17 seat of the patrol car. So Ralph sat up after -- I saw Deputy
18 Dean hugging, kind of like bear hugging Ralph from behind,
19 trying to get him to calm down. He like -- he calmed down and
20 then he kind of sat up, you know, and he said, "Now look what
21 you did."

22 He had Deputy Dean's name tag, kind of, hanging from,
23 like, the corner of his eyebrow. So I just pulled that out
24 real quick and I put a seat belt on Ralph. And then I closed
25 the door and handed the name tag to Deputy Dean to be placed

1 into an evidence bag. And then I transported Ralph to the MUSC
2 Lancaster Hospital to be seen for his injury.

3 Q. I'm just going to ask several follow-up questions.
4 When you went from the carport to bring Mr. Dixon to the
5 vehicle, you stated that you kind of had to lift him up
6 underneath his arms. Was somebody on the other side of
7 Mr. Dixon lifting him up so you could bring him to the vehicle?

8 A. Yes, ma'am. Deputy Barrett was on the other side of
9 Mr. Dixon, I believe he had a hold of his other arm.

10 Q. And was Mr. Dixon stiffing his body so it made it
11 hard? He refused to walk at all?

12 A. Yes, ma'am. He was -- he had tensed up so -- and he
13 didn't walk. We had to push him to get him to move. He was
14 resisting what -- our efforts to get him to walk.

15 Q. All right. And then once you got to the vehicle,
16 you stated that Mr. Dixon lunged at Deputy Dean. Why did he
17 lunge at him?

18 A. Well when he sat down -- I know Deputy Dean had
19 started to pull him down as I was pushing his head down so he
20 would sit in the car. And then he seemed to start to go, kind
21 of, on his own and then he -- he -- he jumped backwards, kind
22 of, like that towards Deputy Dean. And then he had
23 straightened -- he straightened his legs out completely as to
24 keeping me from being able to putting him in the back of the
25 vehicle.

1 Q. Was this lunge, was it just to kind of get into the
2 vehicle --

3 A. No, ma'am.

4 Q. -- like lunging himself into the vehicle?

5 A. -- No. He was yelling. And he was upset and irate.
6 It was -- it was because he was upset at what was -- it seemed
7 to be because he was upset with what we were doing.

8 Q. Was it a forceful lunge you would say --

9 A. Yes, ma'am.

10 Q. -- in order to resist arrest?

11 A. Yes, ma'am. It was not to sit down in a practical
12 manner.

13 Q. You did order Mr. Dixon to get into the car, that
14 you had to transport him; correct?

15 A. Yes, ma'am. I told him to watch his head when he
16 sits down. He told me that he's not going to sit down in the
17 car. I said, "Don't do this. Sit down in the car. I don't
18 want to have to do this."

19 I think he said, "I'm not sitting down. I'm not sitting
20 down."

21 At that point is when Deputy Dean pulled on his arm and
22 he lunged into the vehicle.

23 Q. And you stated that you transported Mr. Dixon to
24 MUSC Lancaster; correct?

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

1 Q. Why is that?

2 A. He had -- the name tag caused an injury, a small
3 injury to his eye. It was bleeding a little bit. We just
4 wanted to make sure there wasn't any, like, serious
5 repercussions or anything like that. And wanted him to be
6 cleared by a doctor for incarceration before we took him to the
7 detention center.

8 Q. To clarify, the name tag, was it stuck in the eye or
9 in the eyebrow, where was it exactly?

10 A. It was in the, like in the eyebrow area. So it
11 wasn't in his eye. It was kind of hanging from his eyebrow,
12 just the sharp point of the back of the name tag, just one side
13 was right there.

14 Q. And were you wearing a body-worn camera at this
15 point?

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

17 Q. Did you engage that body-worn camera?

18 A. I did attempted to engage my body-worn camera. My
19 body-worn camera and in-car camera are linked wirelessly. When
20 I attempted to engage my body-worn camera, it did activate my
21 in-car camera, but for whatever reason, the body-worn camera
22 malfunctioned and didn't record any video.

23 Q. And you were actually the one that took out a
24 warrant on Mr. Dixon for resisting arrest; is that correct?

25 A. Yes, ma'am. I did write the warrant for resisting

1 arrest.

2 Q. It wasn't for assault on an officer. It was that he
3 didn't obey a lawful order by a police officer; correct?

4 A. Yes, ma'am. That's correct.

5 MS. MARTIN: No further questions.

6 THE COURT: Mr. Freeman?

7

8 CROSS-EXAMINATION

9 BY MR. FREEMAN:

10 Q. Officer Fowler, there were three officers out there
11 that morning; right?

12 A. Yes, sir.

13 Q. And tell me -- I heard the whole story how it
14 happened. Tell me, how big is Mr. Dixon? Is he a large guy,
15 like a football player?

16 A. No. He's approximately 5'9", 5'10", maybe 150
17 pounds, 160 pounds.

18 Q. Not to embarrass you, how big and tall are you?

19 A. I'm 6'3" and weigh 240 pounds.

20 Q. So you easily outweighed him by yourself?

21 A. Yes, sir.

22 Q. And had two other officers with you at that time?

23 A. Yes, sir.

24 Q. And the point at which you said he started, I guess
25 struggling, was when you put him in your car. He already had

1 handcuffs on at that point; right?

2 A. Yes, sir.

3 Q. His hands were behind his back?

4 A. Yes, sir.

5 Q. Did you feel threatened by him?

6 A. Not threatened, no.

7 Q. Well tell me about the backseat of the patrol car.
8 Is it like a normal car, the seats, or is it just a bucket or
9 what?

10 A. It's a plastic seat so there's not like a middle
11 seat. There's two -- there's one seat on either side, the
12 driver's side and the passenger's side with the seat belt
13 buckle. And the entire apparatus is plastic, the backing and
14 the seats part is plastic.

15 Q. It would be fair to say it's just one big piece of
16 plastic in the back?

17 A. Yes, sir.

18 Q. And you said how many seat belts are in the back?

19 A. There's two seat belts, on the driver's side and on
20 the passenger's side.

21 Q. And then you ultimately got him in the car and I
22 believe you said you took him to the emergency room?

23 A. I did. Yes, sir.

24 Q. How long did it take to get over to the emergency
25 room? Roughly?

1 A. Probably roughly ten minutes.

2 Q. Ten minutes.

3 Did Mr. Dixon try to kick the windows out of the car or
4 anything on the way?

5 A. No, sir.

6 Q. When you got to the hospital, was he seen by ER --

7 A. Yes, he was.

8 Q. -- or whoever the doctor that came out?

9 A. Yes, he was.

10 Q. Do you know if he stayed the night at the hospital
11 or --

12 A. No, sir. We were cleared from the hospital in half
13 an hour -- at the hospital.

14 Q. And then took him straight to jail?

15 A. To the detention center. Yes, sir.

16 Q. So he was in your car at that time as well?

17 A. Yes, sir.

18 Q. Did he, during that time, to get from the hospital
19 over to the detention center, try to kick the windows out or
20 anything like that?

21 A. No, sir.

22 Q. Were you in the car by yourself with him at that
23 point?

24 A. I was. Yes, sir.

25 Q. Did he pose any threat to you at that point --

1 A. No, sir.

2 Q. -- in your opinion?

3 A. I'm sorry?

4 Q. In your opinion, did he pose any threat to you at
5 that point?

6 A. I did not feel threatened with him in the back of my
7 car with handcuffs on.

8 Q. He was buckled in that big piece of plastic with his
9 arms behind his back; is that correct?

10 A. That's correct.

11 Q. Whole time?

12 A. Yes, sir.

13 Q. Did he ask you any questions while going to the
14 hospital or while you were going to the jail, if you can
15 remember?

16 A. Not that I can remember.

17 Q. You don't recall?

18 MR. FREEMAN: No further questions of this witness,
19 your Honor.

20 THE COURT: Any redirect?

21 MS. MARTIN: Yes, your Honor. Just one more
22 question.

23

24 REDIRECT EXAMINATION

25 BY MS. MARTIN:

1 Q. The warrant for resisting arrest was for disobeying
2 your lawful order or commands; correct?

3 A. Yes, ma'am. That's correct.

4 Q. It was not for assaulting any of you guys; correct?

5 A. That's correct. It was not for assaulting anyone.

6 MS. MARTIN: No further questions from the State.
7

8 RECROSS-EXAMINATION

9 BY MR. FREEMAN:

10 Q. It was based on your opinion that he disobeyed you;
11 is that correct?

12 A. It was based on the facts of what happened. I
13 advised him to get in the car, he said, "I'm not going to get
14 in the car."

15 Q. Based on what happened, you decided to take out a
16 warrant for resisting arrest; is that correct?

17 A. Yes, sir. For disobeying to get in the car.

18 Q. My question is, you were the one who made that
19 decision to take out that warrant?

20 A. Yes, sir. I am the one who wrote the request for a
21 warrant.

22 Q. He was going to be served with the other warrant
23 regardless and go to jail regardless; is that correct?

24 A. Yes, sir, that warrant was being served at that
25 time.

1 Q. So whether or not you had also charged him with
2 resisting arrest, he was still going to jail and all that other
3 stuff was still going to happen?

4 A. Yes, sir.

5 Q. Ultimately, it was your decision to take out that
6 warrant?

7 A. Yes, sir.

8 MR. FREEMAN: No further questions.

9 THE COURT: Thank you, sir. You may step down.
10 State calls its next witness.

11 MS. MARTIN: State calls Matthew -- Deputy Matthew
12 Barrett.

13 THE COURT: All right. Sir?

14 THE BAILIFF: Raise your right hand please.

15 (Witness Sworn.)

16 THE WITNESS: I do.

17

18 **DEPUTY MATTHEW BARRETT,**

19 Having been first duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MS. MARTIN:

22 Q. Could you please state your full name for the
23 record.

24 A. Yes. Matthew Barrett.

25 Q. What is your occupation?

1 A. I'm a deputy for Lancaster County Sheriff's Office.

2 Q. And how long have you been employed with the
3 Lancaster County Sheriff's Office?

4 A. A little over a year.

5 Q. Do have you any prior law enforcement experience?

6 A. I do not.

7 Q. What are your duties with the Lancaster County
8 Sheriff's Office?

9 A. Patrol deputy.

10 Q. And is one of your duties to serve warrants?

11 A. Yes, ma'am.

12 Q. Did you have occasion to become involved in the
13 service of a warrant on Mr. Ralph Dixon?

14 A. Yes, ma'am.

15 Q. And what was the warrant for?

16 A. This warrant was for failure to register.

17 Q. On what date did you become involved?

18 A. The date was on March 18, 2020.

19 Q. What time was it?

20 A. It was around 10:30 am.

21 Q. And how did you become involved in the service of
22 the warrant of Mr. Ralph Dixon?

23 A. At the time, I was riding with Deputy Dean as -- he
24 was my FTO. And it was my -- I was doing field training.

25 Q. And you're wearing a uniform today. Were you

1 wearing a uniform on that date?

2 A. Yes, ma'am.

3 Q. And did you arrive in a marked patrol vehicle on
4 that day?

5 A. Yes, ma'am.

6 Q. And what was the location where you went to serve
7 that warrant?

8 A. It was [REDACTED] Avenue, which is located in
9 Lancaster County.

10 Q. And in your own words, can you state what happened
11 when you arrived at that residence.

12 A. Yes. Like I said before, I was riding with Deputy
13 Dean. I was on the passenger side of the vehicle. We arrived
14 there with Deputy Fowler, which he was in his own marked patrol
15 vehicle. We parked across the street from this address and
16 then we got out of the vehicle and walked across the street.
17 Deputy Dean advised that they knew that Mr. Dixon was at this
18 residence and that the warrant was confirmed for his arrest.

19 As soon as we walked over there, Deputy Dean went around
20 back to check the shed. I stayed on the side of the house as a
21 cover officer because I was going to backup whatever Deputy
22 Dean or Deputy Fowler needed me to do. Deputy Fowler then came
23 up to the side door and knocked on the door and that's when
24 Ralph Dixon came out.

25 At that time Deputy Fowler advised Mr. Dixon that he had

1 a warrant for his arrest and that's when they brought him --
2 that's when he came outside and placed him in handcuffs behind
3 his back. And then Deputy Dean asked me to search Mr. Dixon
4 for his arrest, but at the time I didn't have any gloves.
5 Deputy Fowler was wearing gloves at the time and he searched
6 him and found several items on his person, no contraband or
7 anything like that. It was just a phone, wallet, maybe a
8 couple other items, I don't recall and he placed them on a
9 chair.

10 Then at that time, I believe Deputy Fowler allowed
11 Mr. Dixon to go back inside to grab some items because, you
12 know, he wanted to grab a couple things to take with him. We
13 all went inside just to make sure, you know, so we can keep an
14 eye on him to make sure nothing happens.

15 After that, he came back outside and we stood outside
16 with him under the carport while Deputy Dean -- excuse me,
17 Deputy Fowler went across the street to get his car. Then he
18 drove it in the driveway so it was a little bit closer, so that
19 way we can -- so that way we can put him in the marked patrol
20 vehicle.

21 At the time Deputy Dean -- excuse me, Deputy Fowler
22 advised Deputy Dean that he was going to put the items inside a
23 bag, an evidence bag. So Deputy Dean went to Deputy Fowler's
24 marked patrol vehicle to grab a bag.

25 Q. Excuse me, by "him" you mean Ralph Dixon; correct?

1 A. Yes, Ralph Dale Dixon.

2 Q. Thank you.

3 A. At that time Ralph Dixon started to get upset and
4 angry. He says, you know, he says something in the lines of
5 "Why are you taking my stuff? Put them back in my pocket." He
6 wanted to put his wallet back in his pocket and a couple other
7 items maybe. And Deputy Fowler advised him that we weren't
8 going to do that.

9 Then Deputy Dean was still trying to find a bag to put
10 the items in. At that time Deputy Fowler advised him they were
11 now going to the marked patrol vehicle to place him inside. I
12 saw that he -- he started to tense up and he was still yelling
13 at him, arguing with him, like, "Can you put the stuff in my
14 pockets," you know. I was like, okay, he's tensing up.

15 So I -- Deputy Fowler grabbed one side of, I think it was
16 his left arm and he grabbed him while he was still tensing up
17 and I grabbed the other side. And we started to try to walk
18 him to the marked patrol vehicle. At that time we could still
19 feel him tensing up and he was -- he was obviously resisting,
20 so we had to walk him forward.

21 Once we got to the passenger side of the patrol vehicle,
22 Deputy Fowler then opened the door and asked Mr. Dixon to go
23 inside. And at that time, Mr. Dixon said he wasn't going
24 inside the patrol vehicle. At that point Deputy Fowler was
25 trying to reason with him. He's like, "Don't do this. Let's

1 go inside. Let's not make this tougher on anybody."

2 So I believe he placed his hand on his head to try and
3 force him in the seat because he wasn't budging at all. I
4 tried to get on the other side but, you know, there really
5 wasn't any room at that point because the door was opened and,
6 you know, Deputy Fowler was -- was face to face with him, I
7 didn't really have that much room to help him.

8 At that point, he finally got him to sit down, but his
9 feet was still out because he was still resisting. And then, I
10 can see Deputy Fowler trying to bring his feet inside the
11 vehicle. And Deputy Dean was on the other side of the vehicle
12 and trying to -- he opened the door and went inside to try and
13 pull Mr. Dixon, you know, inside the vehicle so that way we can
14 put his feet in.

15 At that time -- like I couldn't really see what was
16 happening inside the vehicle because of where my position
17 was -- yeah, I couldn't see anything but what Deputy Fowler was
18 doing. As soon as Deputy Fowler was able to bring his feet in,
19 he started -- Mr. Dixon started to sit up and that's when I saw
20 the name tag in front of his right eyebrow. And I did see
21 Deputy Fowler take it out and then ask Deputy Dean to put it
22 inside an evidence bag.

23 At that point, he kind of started to, you know, calm down
24 and we are able to shut the doors and that's when -- that's
25 when Deputy Fowler was able to escort him to the hospital.

1 Q. All right. And you said that you were riding with
2 Deputy Dean on that day; correct?

3 A. Correct.

4 Q. Why were you riding with him instead of responding
5 in your own patrol vehicle?

6 A. I was in the FTO phase, which Deputy Dean was my
7 field training officer at the time and this was the early
8 stages of it, I believe it was the first week.

9 Q. And can you clarify, you said you and Deputy Fowler
10 were standing on one side of the vehicle. What side was that
11 on?

12 A. It was the passenger side of the vehicle.

13 Q. And you said the name tag was stuck in his eyebrow.

14 A. Correct.

15 Q. And you said the right side; correct?

16 A. Yes, on the right eyebrow.

17 Q. And were you wearing a body-worn camera at this
18 point in time?

19 A. I was.

20 Q. Was it activated?

21 A. To be honest with you, I'm not -- I'm not sure it
22 was. Again, it was my first week of FTO. I don't know if I
23 pressed the button or not. I wasn't really sure how -- how the
24 camera worked at the time.

25 Q. So your first week of FTO, that was your first week

1 as a police officer, if you will, out of the academy?

2 A. Correct.

3 Q. You were on the road, so to speak, for one week at
4 this point?

5 A. Correct. It was probably around one week. I'm not
6 sure how long it was at the time.

7 Q. And you saw lawful orders being given. Mr. Dixon
8 got lawful orders to get into the vehicle, but he refused;
9 correct?

10 A. Correct.

11 MS. MARTIN: No further questions from the State.

12 THE COURT: Mr. Freeman?

13 MR. FREEMAN: Thank you, your Honor.

14

15 CROSS-EXAMINATION

16 BY MR. FREEMAN:

17 Q. Officer Barrett, how long did you travel with
18 another officer, how long were you on FTO?

19 A. I believe it was 26 -- 26 days when it comes to FTO.

20 Q. And this was really your first week sort of on the
21 job, so to speak?

22 A. Correct.

23 Q. Let's go back to when you-all were trying to get
24 Mr. Dixon in the car. You're on the passengers side which is
25 the same side as Deputy Fowler; is that right?

1 A. Correct.

2 Q. And but because the doors open and there's kind of a
3 car frame and the body of the car, you said you really couldn't
4 help him get him in or anything like that.

5 A. I -- I tried to grab ahold of something. I think I
6 was able to grab his arm or, again, tried to push him. But I
7 mean there really wasn't any space for me at that point.

8 Q. So Deputy Dean's leaning through the other side of
9 the car. Deputy Dean never said, "Come around and help me on
10 this side," did he?

11 A. At the time, no.

12 Q. At that time, no. Did you ever feel threatened by
13 Mr. Dixon at that point?

14 A. At that point, since he was in the vehicle, I was
15 kind of behind Deputy Fowler, I did not feel threatened at that
16 point.

17 Q. And his hands were cuffed behind his back at that
18 point, were they not?

19 A. They were cuffed behind his back.

20 Q. Who actually put the cuffs on him, do you remember?

21 A. It was Deputy Dean.

22 Q. Deputy Dean. And then he left with Officer Fowler,
23 Mr. Dixon did; right?

24 A. Yes. Mr. Dixon left with Deputy Fowler.

25 Q. Did you and Officer Dean then leave together because

1 he was your, sort of, day supervisor at that point or your
2 immediate supervisor?

3 A. Correct. I did leave with Deputy Fowler or Deputy
4 Dean, sorry.

5 Q. Did Deputy Dean ask you to take him to the hospital?

6 A. Deputy Dean did not ask me to take him to the
7 hospital because Deputy Fowler took him to the hospital.

8 Q. No, no. Did Deputy Dean ask you to take Deputy Dean
9 to the hospital?

10 A. Sorry, can you repeat the question?

11 Q. Did Deputy Dean need medical attention of any kind?

12 A. Oh, did Deputy Dean? No. No, he didn't need any
13 medical.

14 Q. Now, did you discuss with Deputy Dean what had just
15 happened?

16 A. We might have talked about it, but I don't recall
17 what was stated.

18 Q. And neither of you were concerned about him riding
19 off with Officer Fowler by himself, were you?

20 A. We were not concerned, no.

21 Q. How long do you think you were out at the house
22 altogether?

23 A. Probably about 15 minutes maybe. I don't recall.

24 Q. You said you don't know if you had a body camera
25 that was working or not working that day.

6 A. I do have a body camera, yes.

9 THE COURT: Redirect?

12 BY MS. MARTIN:

14 A. Ralph Dixon was not assaulting any of us.

17 | A. Correct. He was disobeying Deputy Fowler.

21	A. Correct.
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24 A. Yes. Once you -- again, he was -- he was handcuffed
25 behind the back and once we do put him inside the patrol car,

1 we did put a seat belt on him. So he had a seat belt, he was
2 cuffed behind his back and then once we shut the patrol car
3 doors, it automatically locks. They can't get out. We have to
4 unlock the car from the outside and open it from the outside
5 for a subject to get out -- outside of the vehicle.

6 Q. And are there dividers or something to protect the
7 officer from somebody who's arrested in the backseat, are there
8 dividers or...

9 A. Yes, ma'am. There's a cage, like -- there's bars
10 between the passenger's seat and the driver's seat door, they
11 can't get in. It's -- it's a barricade. Their separate.

12 Q. And plus Mr. Dixon was cuffed behind his back and
13 seat belted in; right?

14 A. Yes.

15 MS. MARTIN: No further questions from the State.

16 THE COURT: Anything else?

17 MS. MARTIN: No, your Honor.

18 THE COURT: No, I know, but it's John's recross.

19

20 RECROSS-EXAMINATION

21 BY MR. FREEMAN:

22 Q. He said he was cuffed and he was in the seat -- when
23 you left, he was in the backseat of Deputy Fowler's car cuffed
24 behind his back. And when you last saw him, he was seat belted
25 in?

1 A. Correct.

2 Q. Officer, you didn't give him any commands to get in
3 the car. I think you said Deputy Fowler did; is that correct?

4 A. Correct.

5 Q. Did you speak to Mr. Dixon in this process other
6 than sort of generally?

7 A. I don't recall if I ever started talking to him
8 during the incident. I was just there to provide cover for
9 both officers that were there -- deputies that were there.

10 Q. Plus this was your field training --

11 A. Yes.

12 Q. -- or on-the-job training. Is that better?

13 A. Yes. On-the-job training, yes.

14 MR. FREEMAN: No further questions, your Honor.

15 THE COURT: Thank you, sir. You may step down.

16 State calls its next witness.

17 MS. COLLINS: Our next presentation will be of the
18 videotapes. So we would like a ten-minute break, just to make
19 sure of its function.

20 THE COURT: All right. Thank you. Ladies and
21 gentleman, let's take a break at this time. Don't talk about
22 the case.

23 (Jurors exit.)

24 MS. COLLINS: Judge, I anticipate this will be the
25 end, after we play the video. But Number 1, Mr. Freeman

1 indicated there might be a brief issue with the tap. So I
2 wanted to go ahead and review that. And second, I just wanted
3 to use this opportunity to make sure all the exhibits have been
4 moved to evidence.

5 THE COURT: You-all go ahead and do all that. The
6 State hasn't officially rested yet. So I'll have to send the
7 jury back out to do --

8 MR. FREEMAN: The only question, your Honor, is --
9 for some reason is something which I think is very unlikely is
10 provide a direct verdict motion, but I have no reason...

11 THE COURT: While we're taking a break then, I have
12 the proposed charge, as well as, the proposed verdict form. Of
13 course I'm anticipating -- well, we'll come back to that after
14 I hear your directed verdict motion. How about that? You-all
15 can come look at this while we have some time. All right?
16 We're done.

17 (A brief recess was taken.)

18 THE COURT: Back on the record.

19 I'm still going to hear your motion for directed
20 verdict. But assuming the case is going to the jury for the
21 purpose of this discussion, any issues with the proposed
22 request to instruct the jury?

23 MR. FREEMAN: Yes, your Honor. I addressed one of
24 those with your clerk and I think the Solicitor agreed to it.

25 THE COURT: Failure of defendant to testify.

1 MR. FREEMAN: Yes, sir. I'll realize it's a little
2 duplicative with failure of the defendant to appear and I would
3 like other than -- you might combine them into one long
4 paragraph.

5 THE COURT: Is that okay, Madam Solicitor?

6 MS. COLLINS: I am not opposed, it's fine.

7 THE COURT: All right. And Madam Solicitor, I
8 believe you said you had an issue?

9 MS. COLLINS: Just with the failure to register
10 language because it does have on there about if they change
11 their address. I think that is really such a complicated
12 convoluted law. But they also have to initially provide --
13 well, they also have to be truthful in the information they
14 provide, which is something they check in -- I'm fine with it.
15 Don't worry about it.

16 THE COURT: I'll tell you where I got this charge
17 from. It was from a trial I did actually in Walterboro six
18 years ago maybe. The Public Defender's Office in Walterboro
19 provided that to me, which was kind of a good amount of
20 variation of the statutes.

21 In other words, you don't want to dumb it down too
22 much, but you want to make sure it correctly states the law in
23 an easy to understand fashion.

24 MS. COLLINS: Right. Yours addresses the change of
25 address. I guess, I also wanted to address providing the

1 initial information before you do the change of address, but
2 that's fine.

3 THE COURT: It says, "It is the duty of the offender
4 the contact the sheriff in order to register, provide
5 notification of change of permanent or temporary address or
6 notification of employment or an attendance or enrollment,"
7 blah, blah, blah.

8 So how do you want me to -- what do you propose
9 change? It's duty of the offender to contact the sheriff in
10 order to register?

11 MS. COLLINS: To provide truthful information
12 regardless of residence and to do so at the time intervals are
13 required by sheriff.

14 THE COURT: If I say "truthful" won't that be
15 commenting on the facts?

16 MS. COLLINS: No.

17 MR. FREEMAN: I would object to that, your Honor.

18 THE COURT: Mr. Freeman, what do you want to say?

19 MR. FREEMAN: I think it does. As you said, it
20 comments on the facts or lack of findings on the issue.

21 THE COURT: "It's the duty of the offender to
22 contact the sheriff in order to provide or register his --"

23 MS. COLLINS: Actual, not pretend where he gets his
24 mail out of.

25 THE COURT: -- "his actual -- his actual residence."

1 Then it keeps on going from there.

2 MS. COLLINS: That's fine.

3 THE COURT: Okay. You-all want to add anything else
4 to the charge?

5 MS. COLLINS: No, your Honor.

6 THE COURT: And I assume if you lose your direct
7 verdict motion, everything's okay with the verdict form?

8 MR. FREEMAN: Yes, sir. It looks fine to me.

9 THE COURT: And I'm sure my law clerk told you, due
10 to the hour of the day, we want to move through this. And I do
11 want the jury to get the case today. And I think it's a very
12 straightforward case. I want to go -- we'll publish this
13 exhibit and then after that, the State will rest.

14 I'll take a brief recess for you to do your thing,
15 like a brief recess and we're going to go right into closing
16 arguments because you're not presenting anybody; right?

17 MR. FREEMAN: I do not intend to. No, sir.

18 (Jurors entered.)

19 THE COURT: Madam Solicitor?

20 MS. COLLINS: Let the record reflect that the first
21 video is the hard queued up start at 00, is the body-worn
22 camera of Deputy Thomas Dean.

23 THE COURT: Which is in evidence as exhibit --

24 MS. COLLINS: Four.

25 THE COURT: Exhibit 4. Permission to publish

1 granted.

2 MS. COLLINS: Thank you.

3 (Video playing.)

4 MS. COLLINS: I am going to say this behind the
5 plexiglas and you-all can change it. That was the complete
6 reporting of Thomas Dean's body-worn camera video.

7 Now I am going to play Austin Fowler's car video
8 that faces the front area of the patrol car that is recorded by
9 the car camera. I'm going to begin at marker 18 minutes and 30
10 seconds into it and continue to about 24 seconds. The complete
11 video however is in evidence. The defense can choose to have
12 any portion played or the jury can see it later, this is for
13 the interest of time.

14 (Video playing.)

15 MS. COLLINS: Let the record reflect, I played it
16 from 17 minutes and 3 seconds to 21:31.

17 Now I'm moving to the next exhibit -- that was
18 State's Exhibit 6. The next exhibit will be just the in-car
19 camera from Officer Fowler's patrol vehicle, just pointing
20 towards the backseat.

21 I just wanted to play a few seconds of that. The
22 entire portion is available for defense council and the jury to
23 see the entire thing just to show where it starts. I'll let it
24 speak for itself.

25 (Video played.)

1 MS. COLLINS: The record would reflect that State
2 had played State's Exhibit 7, the in-car camera from Deputy
3 Officer Fowler from point 00 of the video up to 32 seconds,
4 just to reflect that the defendant at that time where the
5 in-car camera starts because he was already in and his seat
6 belts was buckled.

7 THE COURT: Okay. State calls its next witness.

8 MS. COLLINS: Your Honor, respectfully, the State of
9 South Carolina rests its case.

10 THE COURT: The State has rested.

11 Ladies and gentlemen, there are a few brief matters
12 of law I need to take up with the lawyers. And after I do
13 that, we'll get you back out here. I don't anticipate a very
14 long break. Why don't you all just -- line them up in the
15 hallway going down to the jury room. Okay.

16 (Jurors exited.)

17 All right. Mr. Freeman?

18 MR. FREEMAN: Thank you, your Honor.

19 Your Honor, first of all, I would move for a
20 directed verdict. I don't think the State has carried its
21 burden on either charge. I want to be heard on them
22 separately.

23 On the failure to register charge, I did already
24 stipulate that Mr. Dixon was on the registry. I think we've
25 heard ample testimony that he's dealt with several different

1 people. Went to the sheriff's department numerous times. I
2 think the requirements that the State has put upon him, he
3 complied with to the best of his abilities. So I don't think
4 they've meet their burden in that the State has evidence in the
5 light most favorable to the State.

6 Secondly, on the resisting arrest. I don't
7 believe -- the same thing. I think it was ultimately the
8 officer's opinion. And I don't think the evidence that we've
9 seen, in the particular the videos, which I think are the best
10 evidence for putting us there, simply do not support the
11 suggestion from a juries point of view, that Mr. Dixon resisted
12 arrest under Section A. I don't think there's any suggestion
13 that he's under Section B, but he did not -- that he resisted
14 arrest -- or excuse me, that he did not resist arrest.

15 I will concede that he was obviously unhappy to be
16 arrested, I would think anybody would be. And that his use of
17 choice language in the videos, which it is what it is. But I
18 don't think the State has carried the burden on either of
19 those.

20 THE COURT: Madam Solicitor?

21 MS. COLLINS: Your Honor, taking them in reverse
22 order. In terms of the resisting arrest, I believe your Honor
23 will instruct the jury that it is not necessary that the arrest
24 be violent. That in fact it can either be peaceable but if it
25 obstructs the officer from being able to arrest them and

1 there's no certain length of time for that resisting to
2 continue. And certainly despite the cross-examination
3 questions by defense counsel, not require that the officer feel
4 threatened or be assaulted, that is not even the section of law
5 that we're under. We're under Section A.

6 And again, it's noted -- and I believe what you
7 intend to instruct the jury is that, if the person opposes or
8 resist an arrest and again, he's under -- he's aware that the
9 officer's are in fact law enforcement officers and that they
10 are arresting him. The video is clear as to what? That he
11 knows it's -- he's being told it's for failure to register.
12 And that therefore at the moment that he starts to tense up and
13 not walk of his own accord and then particularly when he's
14 being placed into the back of the patrol vehicle, where you can
15 hear the officer saying, "put your feet in. Put your feet in.
16 Put your feet in."

17 You've heard the spontaneous declaration immediately
18 afterwards by Thomas Dean of, "He headbutted me," or, "tried to
19 headbutt me." So I would submit, your Honor, that it is
20 sufficient too -- that it is evidence as requiring you, the
21 standard force for a directed verdict motion to take this task
22 to the jury.

23 Your Honor, as to the failure to register. Defense
24 counsel has argued that the defendant has done it as best as he
25 was able to. And again, there's no testimony and I certainly

1 won't say that in terms of the jury. But there is in terms of
2 defendant, because he is not required to be here. He's
3 certainly not here. And I am not going to say this in my
4 closing argument, but in an argument to your Honor.
5 Mr. Freeman's speculating as to the best that the defendant is
6 able. There is no evidence, no indication, there's nothing
7 noted that the defendant is unable to give an address. He
8 reports to the officers. He gives an address. He doesn't
9 equivocate. He doesn't act like he's got difficulties and sets
10 forth that address and it turns out that that address is
11 blatantly wrong, that he has not resided there. That testimony
12 is from Paulette Anderson and by Anthony Dixon that, in fact,
13 he was put on trespass notice two years prior to when he was
14 served with this warrant, that he should not even come around
15 the residence much less reside there.

16 So we would submit that it's clear from the evidence
17 and defense counsel stipulated that he was required to register
18 under the law due to prior conviction and that was in September
19 of 2017.

20 We'd ask that you deny the motion as to both
21 warrants.

22 THE COURT: I agree with the State. Motion to
23 direct verdict is denied.

24 Anything else while the jury is out?

25 MR. FREEMAN: Yes, your Honor. I have a few other

1 motions briefly.

2 First of all, as to the sex offender registry
3 statute as it's applied in this situation, I think it is
4 volitive of due process as a whole in that it doesn't provide
5 any mechanism for someone, such as Mr. Dixon, to be removed
6 from it. So I guess that it doesn't give him any reasonable
7 opportunity. He is what I've referred to as a status offender.
8 He's just in the status by virtue of the rest of his life.

9 I think there's -- I think, as such, that's effected
10 his due process of State and Federal.

11 THE COURT: Motion denied.

12 MR. FREEMAN: Your Honor, I'd also, for the record,
13 would renew the three motions I made at the beginning of the
14 case, at the end of each section of jury selection. I'll be
15 glad to summarize them if the Court wishes.

16 THE COURT: No, I remember it. Those arguments have
17 already been ruled on and my ruling shall remain the same.

18 MR. FREEMAN: Thank you, your Honor.

19 THE COURT: Anything else?

20 MS. COLLINS: No, your Honor.

21 MR. FREEMAN: Nothing from me.

22 THE COURT: All right. Bring the jury in.

23 (Jurors entered.)

24 THE COURT: Okay. Mr. Freeman?

25 MR. FREEMAN: Your Honor, the defense would rest at

1 this time.

2 THE COURT: The defense rests.

3 Ladies and gentlemen, we have now completed the
4 testimony and evidence phase of the trial. We will go into
5 what's called closing arguments. You will remember at the
6 outset of the trial, yesterday, I indicated to you that closing
7 arguments are a time where the lawyers -- both the lawyer for
8 the State and the lawyer for the defense get to talk to you and
9 argue what the evidence is to you, to try to persuade to you a
10 verdict they see.

11 Now in doing that, ladies and gentlemen, I want you
12 to listen very carefully what they say to you. It's important
13 what they say to you. But remember, what they tell you is not
14 evidence, okay, it's argument. The evidence is what's in the
15 record. The evidence is what your memory is from what was
16 testified here on this witness stand and what you see during
17 the trial of this case.

18 So at this time, I'm going to ask that you give your
19 undivided attention to the lawyers.

20 Madam Solicitor?

21 MS. COLLINS: Thank you, your Honor.

22 After we do our closing arguments, the Judge will
23 instruct you as to the law to be applied in this case. That's
24 called the jury charge. He will charge you as to the law. I
25 submit to you very respectfully toward Mr. Freeman, that it has

1 been the effort of the defense attorney throughout this trial
2 to change the law. Because as much as he would like to suggest
3 to you that a residence is sufficient in terms of registering
4 as a sex offender, to simply be that you get your mail there,
5 that's simply not what the law requires. His Honor will
6 instruct you as to residence. And as much as he would suggest
7 with his cross-examination questions that opposing or resisting
8 arrest has to be assaulting an officer or threatening an
9 officer, that simply is not the charge that was charged against
10 the defendant in this case.

11 The defendant was charged with resisting or opposing
12 an arrest. His Honor will instruct you, I believe, and please
13 don't listen to me, I am certainly not his Honor. But he will
14 instruct you as to resisting arrest. And I believe that he
15 will use language to the effect that opposing or resisting an
16 arrest can even be peaceable but if it obstructs the officer
17 from being able to arrest the defendant or the accused, then it
18 will rise to the level for that charge.

19 Again, the charge is not assaulting an officer. The
20 charge is, in the course of being arrested, that the defendant
21 oppose or resisted that arrest. I submit to you on the
22 video -- and again, the law does not require that it take over
23 for a certain period of time. It does not require that anyone
24 be injured. It's simply that the defendant resisted or
25 obstructed the officer from being able to arrest him for

1 whatever period of time.

2 From the videos you see, it was very brief.

3 Initially he was cooperative. But he got more and more angry
4 about his property not being returned to his pocket. And
5 ultimately, when he was being walked to the patrol car in order
6 to effectuate the arrest, he tensed up. He stiffened his legs.
7 And ultimately the officers had to kind of lift and escort him
8 to the car. And then there's that brief struggle. And it is a
9 brief struggle within the car, where you can hear the officer
10 saying, "Put your feet in. Put your feet in. Put your feet in."
11 And you can hear the struggle. And then ultimately he is
12 ultimately secured.

13 And then you hear almost -- about a minute later,
14 Officer Dean, the first officer that had testified,
15 spontaneously say, "He tried to headbutt me."

16 I submit to you that the evidence is sufficient to
17 show the charge as charged. Again, he's not charged with
18 assaulting a law enforcement officer. He's charged with
19 resisting or opposing the effecting of an arrest, by someone
20 that he knew were law enforcement officers. They were all in
21 uniform. They were coming out of patrol cars. They told him
22 "You're under arrest." They told him what you're under arrest
23 for, for failing to register.

24 Again, the law is such for the protection not only
25 of the defendant himself. You heard how the officer said, "I

1 put my hand on top of his head just to help guide his head in
2 so he wouldn't be harmed," but also so that any struggle would
3 not result in harm. I look to the defendant himself or to the
4 officers involved or heaven forbid any citizens are in the
5 area, which thankfully in this case did not occur. It is
6 simply requiring a citizen to submit peacefully -- peacefully
7 at that point and then fight the underline charge later. But
8 don't add to the charge by resisting.

9 Now let's talk about the basic charge. You know, as
10 Mr. John Freeman, I have been an attorney for many years also.
11 John and I have known each other a long time. Sometimes it's
12 just a matter of connecting the dots. I submit to you that
13 this is one of those cases. This is a very straightforward
14 case. Both sides have stipulated which means we've entered
15 into an agreement. You will have that memorialized in a
16 written document back in the jury room that we agree that the
17 defendant is one of those people who is required to register as
18 a sex offender under the law of South Carolina, that he was
19 ordered to do so by this Court in September of 2017 and that
20 the Court made the necessary findings to determine that he
21 should be so required to register.

22 From that point, it's simply a matter of showing,
23 did he comply with those registration requirement or did he
24 fail to comply?

25 You heard from three officers. The first Officer

1 Dwayne Rollings, he first met with Mr. Dixon in March of 2018
2 and went over the requirements. You will have the paperwork
3 there and you will see where Mr. Dixon signed it in front of
4 him and initialed everywhere that said he has to provide his
5 address. At the time he provided the [REDACTED] Street.

6 I know we can all say that because we've kept saying
7 it over and over in the trial. So it might be playing in your
8 mind as you go to sleep tonight. But [REDACTED] Street was the
9 address that was given; it's the address that this defendant
10 stuck with. March of 2018 is when he first gave that to Deputy
11 Rollings.

12 In October of 2018, he was served with a trespass
13 notice. Paulette Anderson testified she lived at [REDACTED]
14 Street with her daughter, the defendant's brother, Anthony
15 Dixon, said that the defendant never lived there and the five
16 children of her daughter. She said that she asked that they
17 put him on a trespass notice. She said he never lived there.
18 He never lived there before. He never lived there
19 subsequently. She didn't want him to even come around there.
20 She asked that they serve him with that trespass notice and
21 they did so. They memorialized that and that is in evidence
22 also with the trespass notice form that the defendant was
23 served with in October of 2018.

24 Now, why is that date important? That dates
25 important because in January of 2020, the defendant came in and

1 met with Corporal Ralph Marshal, who was the second officer you
2 heard testify about the sex offender registry requirements.
3 And at that day, the defendant gave the address still of [REDACTED]
4 [REDACTED] Street. You have the paperwork there. He signed it. He
5 initialed it. He stated he understood, if he changed his
6 address, he had to let them know. At that moment the address
7 was wrong. At that moment the defendant was failing to comply
8 with the requirements of the registry.

9 Corporal Marshal became an instructive officer to
10 teach other officers. Sergeant Burn's took over the sex
11 offender registry. First thing he did in February when he took
12 over was review the paperwork with the individuals. He picked
13 up Mr. Dixon's file and he determined he needed to go and check
14 that address at [REDACTED] to see if the defendant in fact
15 lived there.

16 He went and he spoke with the brother of Mr. Dixon,
17 Anthony Dixon who came in and testified. And Anthony Dixon
18 confirmed it, he told the officer, had told several officers,
19 "No, he does not live here." In fact, he went over to the
20 officer, as Sergeant Burr testified, he was told, that he was
21 placed on trespass notice. Sergeant Burr went back to the
22 station, went to the records rooms, found where he had been
23 placed on trespass notice and made that memorialized and part
24 of the sex offender registry file. And he went back in and
25 requested a warrant, which was issued, that the defendant

1 failed to comply with the sex offender registry.

2 He didn't give his correct address. And even if he
3 had, which he didn't -- according to Paulette Anderson he never
4 lived there. He didn't change it once he was put on notice
5 that he couldn't even go about there. And as much as
6 Mr. Freeman would love to be able to say, "Well did he still
7 get his mail there when you went to the beach for a while," or,
8 "Do you get your mail when you moved, Mr. Anthony Dixon?"
9 Anthony Dixon isn't required to register, Ralph Dale Dixon,
10 Jr., is.

11 The purpose of the law is not to find out where a
12 sex offender gets their mail. The purpose of the law is quite
13 simple, that someone that falls within this category is
14 required to keep law enforcement apprised of their whereabouts.
15 That's simply how it is.

16 Again, his Honor will charge you as to the law. He
17 will instruct you as to the law. That's how the law is. As
18 much as Mr. Freeman or defense wants to change the law, that is
19 something that has to be done by the legislation of South
20 Carolina. As the law is, his Honor will instruct you, the
21 defendant falls within the category of people. He failed to
22 comply with the requirements of that category and he was
23 charged accordingly. And I submit to you and request very
24 respectfully that you find him guilty of both charges.

25 His Honor will instruct you as to the definition of

1 reasonable doubt. Mr. Freeman mentioned in his opening that --
2 he suggested that it's beyond any doubt. Please listen
3 carefully to the instruction given to you by the Judge and the
4 definition of reasonable doubt. I believe his Honor will say
5 something similar to this:

6 Proof beyond a reasonable doubt can also be
7 described as proof that leaves you firmly convinced of the
8 defendant's guilt. And that there are very few things that we
9 know in this world with absolute certainty. And that in
10 criminal cases, the law does not require proof, then it becomes
11 every possible doubt. If, based on your consideration of the
12 evidence, you are firmly convinced that the defendant is
13 guilty, then you must find him guilty.

14 Ladies and gentlemen, I submit to you that
15 consideration of the evidence, I ask -- and I ask that you
16 consider yourselves to be unanimously, firmly convinced that
17 the defendant was categorized as someone who had to register
18 and he failed to meet the requirements of that registry.

19 Thank you.

20 THE COURT: Thank you, Madam Solicitor.

21 Mr. Freeman?

22 MR. FREEMAN: Thank you, your Honor.

23 Ladies and gentlemen, it's what I told you. It's
24 not a TV show. It took more than 48 minutes with commercials.
25 But that is a trial. It's mostly what I told you. It was

1 people sitting in this box. Pieces of paper that you will have
2 then and because we are in the 21st Century, technology, so you
3 will have those discs available. If you need to see them, they
4 will probably have you come back out here and put them on the
5 big TV. Excuse me. But I kind of want to back up a little
6 bit.

7 The State has indicated that I wish to rewrite the
8 law. That is not -- not my purpose at all. I've acknowledge
9 and I acknowledged yesterday that Ralph is not perfect. He's
10 made a mistake in his life and he has to deal with some of the
11 consequences of that. But I do think the law ultimately has to
12 be applied fairly and everybody has to have a fair opportunity
13 to participate in the law, in the court system, in life.

14 Though Mr. Dixon made a mistake at some point in the
15 past, I think it was a couple years back, I heard the phrase
16 also from this stand that there was a cage, it was in the back
17 of the car. Mr. Dixon lives in a cage. He lives in a cage of
18 rules, regulations and legal requirements. He is far from
19 perfect. You saw the video. He was unhappy to be arrested. I
20 would be unhappy to be arrested. I think anybody would be.
21 But he is in this cage, and it's an impossible cage, he can
22 never get out. He's got to register.

23 The lawyers are allowed to take notes, I know,
24 you-all are not. He's got to tell if he changes his tattoo, if
25 he gets a new car, switches cars, schools, phone numbers, all

1 of that. And that's an impossible hurdle for someone to
2 overcome I submit. It's easy for us to be able to get up and
3 go to work and have our routines and resources. That's not
4 true for everyone. And that's not true for Mr. Dixon. That
5 what the State asked of him, he meet with them multiple times.
6 At some point, at least one of the officers, I think it was
7 Officer Rollings, the one who was on the registry the longest,
8 the first officer who spoke, said, "Yes, I went out to that
9 address and saw him there."

10 The [REDACTED] address, which as the Solicitor said, we've
11 all heard that address so many times, we could probably repeat
12 it in our sleep. So he was at that address at the point at
13 which the officers initially went out to -- to check with him.
14 He then reported, I think with each of the other officers who
15 were not on that position nearly as long, I think they each saw
16 him once if I remember correctly.

17 Now, when I say "I remember," my memory is not the
18 one that counts. You-all's is the one that counts. Your
19 collective memory is what counts.

20 The Judge talked about the facts and the evidence.
21 Well, the evidence is the stuff we put in the paper, testimony,
22 the videos. But the facts are what you decide are important.
23 Things that the Solicitor has stipulated to. We can stipulate
24 that the trees are green. We stipulate to those things. That
25 doesn't mean I don't disagree with them. I don't disagree that

1 Mr. Dixon should have been on that registry. We don't disagree
2 about ceratin things. There's just simply no point in fighting
3 over every little thing.

4 So coming back to the fundamentals, you will hear
5 from the Judge, I believe, about what reasonable doubt is. And
6 remember, Mr. Dixon's charged with two different crimes. One
7 I've already touched on. It's -- again, I think he's in this
8 cage and I'll use the phrase "metaphorical cage," excuse me,
9 where he was placed into this position and when somebody said
10 do something, keep doing this and just impossible standards to
11 meet.

12 Secondly, I want to talk about resisting arrest. I
13 did not suggest that somebody has to be hurt in a resisting
14 arrest. In fact, I'm glad no one was hurt other than
15 apparently Mr. Dixon got poked in the eye with something. You
16 saw the video. You saw the video. This is somebody who's
17 unhappy, obviously using profanity. But again, this is an
18 arrest. This is not a normal everyday occurrence. He's
19 unhappy about it. He knows he's going to jail. But he's
20 unhappy about it. And I submit to you that the resisting
21 arrest initially came from the officers opinion and he admitted
22 this much on the stand. It was his decision to do that.
23 Regardless of whether he made that decision or not, Mr. Dixon
24 was going to jail for the other charge.

25 But remember there's two charges. You don't have to

1 find him guilty of either one. You don't have to find him
2 guilty of both. You could do one, the other, you can do A or B
3 or A and B.

4 The last person you're going to hear from -- well,
5 ultimately the last person you will hear from is you-all. But
6 the last person you'll hear from today is the Judge. The Judge
7 is going read things to you and I know it's dry. I've always
8 felt like we're back in kindergarten. He is going to read to
9 you about the law and the legal standards. But I ask you to
10 listen very carefully and just use your common sense. When you
11 listen to those things, listen to reasonable doubt standard.
12 It's a doubt that would make a reasonable person hesitate. Not
13 that you wouldn't act, but hesitate to act. Hesitate to do
14 something. It's that little flicker that gives you a pause.
15 And remember, we have two charges for each and everyone one of
16 you to make that decision on and it does have to be unanimous.
17 If you have any hesitation that the State has not proven its
18 burden on both charges, then you have an obligation under your
19 oath to return a verdict of not guilty.

20 Again, the Judge will charge you about the law and
21 the process and there's paperwork and everything. You're going
22 to get some pieces of paper back. Remember we talked about a
23 stipulation. We both signed it and said we agreed to this.
24 You will get the piece of paper from the Judge that lists some
25 things about how to check this and sign that for your verdict

1 and all that.

2 But ultimately, it just comes down to that. I do
3 want you to keep in mind that Mr. Dixon made a mistake in his
4 past. And the rules and the law of this State said, you are at
5 liberty, you are free, but there are hurdles you must jump.
6 And the hurdles keep getting higher and higher and higher and
7 higher, until they become impossible to overcome.

8 So I'm not asking you to come back and say, "let's
9 change the law." The Solicitor is 100 percent right. That's
10 nobody in this courtroom's job. That's the legislatures job to
11 make those decisions. But you do ultimately have to decide if
12 application of the law in a given situation, this situation, is
13 reasonable or not. Hence the phrase, "reasonable doubt." No
14 law is going to be applied the same on any given day, by any
15 two people, in any two different situations. That's simply the
16 reality of life. And that's why you all bring your common
17 sense in. That's why we relay on people that have life
18 experiences to come forward.

19 Ultimately, I don't think the State has met its
20 burden on either case. Again, you will have the opportunity to
21 go back and talk collectively, share that wisdom that you've
22 assembled over your lifetimes and make those decisions. And
23 whatever your verdict is, it should speak the truth, which is
24 the derivation of the word verdict. But I just submit that
25 there is significant doubt in both cases.

1 I think specifically on the resisting arrest, you
2 saw the same video I did. This is somebody that did not want
3 to be arrested. That's not a crime. This is somebody that
4 just said, "I don't want to be arrested." And yes, he did
5 become agitated. I'm not going to apologize for his profanity.
6 That's who he is. I don't -- and the officer said, "He tried
7 to headbutt me." That was the officer's words. I think the
8 angle of the video shows somebody who's just not laying down
9 and saying, "Hey, just take me in."

10 But if the State did not want to put these kind of
11 burdens in front of someone, they should not allow them to be
12 out. They should simply say, when you meet these criteria,
13 your living is gone for good. Rather than say, go out and then
14 by the way, you have to touch first base, second base, third
15 base, but now fourth base, fifth base, sixth base and just keep
16 going and going and going.

17 Ladies and gentlemen, I thank you very much for your
18 time and attention on behalf of Mr. Dixon and I appreciate your
19 services. Thank you.

20 THE COURT: Ladies and gentlemen of the jury, now
21 it's my time to talk to you. And I will instruct you on the
22 laws that pertain to the issues which have arisen in this case.
23 Please listen very carefully because you are to take and to
24 apply this law that I give you now and apply it to the facts as
25 you find them to be and that's how you reach a verdict.

1 Mr. Foreman and Members of the Jury: You've heard
2 the testimony, the evidence and arguments of both the State and
3 the defense. I'm now going to explain to you the laws that
4 applies to this case.

5 As I told you before, under the Constitution and
6 laws of South Carolina, you are the finders-of-fact. I do not
7 have the right to pass upon the facts or even express any
8 opinion or my opinion as to what I think it may be because
9 that's a matter solely for you, the jury, to determine. It is
10 your duty, then, as jurors, to determine the effect, the value
11 and the weight of the evidence that has been presented during
12 this trial.

13 As the trial judge, it's been my responsibility to
14 preside over the trial of this case and to rule upon the
15 admissibility of any evidence offered during the trial. You
16 are to consider only the testimony which has been presented
17 from this witness stand, together with any exhibits which have
18 been made part of the record in this case. As the Judge of the
19 law, I am the sole judge of the law of this case. It is your
20 duty as the jury to give your duty as a juror, to accept as
21 correct and to apply the law as I now state it to you and use
22 that to reach a verdict.

23 Now the fact that I may instruct you on various
24 subjects in this case must not be taken as indicating what you
25 think my opinion of what your verdict should be. And finally,

1 I charge you that you should not be concerned with what you
2 think the law ought to be but rather what I charge you the law
3 is.

4 Now you are the judges of the credibility, that is
5 also known as the believability, of the witnesses who have
6 testified and of the evidence which has been presented during
7 this trial. And in passing upon credibility, ladies and
8 gentlemen, you can consider many things, such as: The demeanor
9 or the way in which a witness testified; whether or not a
10 witness had a reason to be bias or prejudice or whether or not
11 a witnesses testimony was contradicted on the one hand or
12 supported and corroborated on the other hand; all these things
13 you will consider. Bear in mind, that you should give the
14 defendant the benefit of any reasonable doubt. It becomes your
15 duty as jurors to analyze and to evaluate the evidence and
16 determine that evidence which convinces you.

17 Now, generally, there's two types of evidence which
18 are presented at the trial: You have direct evidence and
19 circumstantial evidence.

20 Direct evidence directly proves the existence of a
21 fact and does not require further deduction; in other words, a
22 stipulation, for example. The State and the defense have
23 stipulated a matter that's in the record and that's an exhibit.
24 A stipulation, they've agreed upon a fact. That means no
25 further proof of that fact needs to be made.

1 You also have evidence called circumstantial
2 evidence. That's a proof of a chain of facts and circumstances
3 indicating the existence of a fact.

4 What does that mean? Well that means, if you think,
5 for example, a fall/winter night before you go to bed, you look
6 outside and you see brown grass on your front lawn. You go to
7 bed. The next morning you wake up and you see snow on your
8 lawn and footprints in the snow. Well, the first thing you can
9 do is you can infer that it snowed. Secondly, you can infer
10 that somebody's been walking on your lawn. See, these are
11 things you can infer even though you didn't see it snow and
12 even though you didn't see somebody walking on your lawn.
13 That's a good example of circumstantial evidence. And crimes
14 maybe proven that way.

15 The law makes no distinction between the waiver of
16 value to be given to either direct or circumstantial evidence;
17 however, to the extent the State relies on circumstantial
18 evidence, the circumstances must be consistent with each other
19 and when taken together point conclusively to the guilt of the
20 accused beyond a reasonable doubt. If these circumstances
21 merely portray the defendant's behavior as suspicious, the
22 proof has failed.

23 The burden of proof rests with the State regardless
24 of whether or not the State relies on direct evidence,
25 circumstantial evidence or some combination of the two.

1 Now, ladies and gentlemen, the fact that the
2 defendant was arrested, charged and indicted is not evidence in
3 this case and cannot be considered by you as evidence of guilt
4 of this case; nor does it create any presumption or inference
5 of guilt. The indictment, I told you yesterday, are simply the
6 formal written instruments by which a case comes to court.

7 The defendant has pled not guilty to these charges.
8 And that plea, of course, places the burden on the State to
9 prove the defendant guilty. A person charged with committing a
10 criminal offense is never required to prove innocence. I
11 charge you that it is an important rule -- it is a very
12 important rule of law, ladies and gentlemen, that a defendant
13 in a criminal trial, no matter what the seriousness of the
14 charges may be, will always be presumed to be not guilty of the
15 crime for which the indictment was issued, unless guilt has
16 been proven by evidence satisfying you of that guilt beyond a
17 reasonable doubt.

18 Now this presumption of innocence doesn't end when
19 you start your deliberations. But it accompanies the defendant
20 throughout the trial, until you've reached a verdict of guilt
21 based on evidence satisfying you of that guilt beyond a
22 reasonable doubt.

23 You could image, if you will, the presumption of
24 innocence being a road to righteousness, placed about the
25 shoulders of the defendant which remains with him until it has

1 been stripped away by evidence satisfying you of the
2 defendant's guilt beyond a reasonable doubt.

3 This presumption of innocence, ladies and gentlemen,
4 is not just merely legal theory. It's not just a legal phrase.
5 It's a substantial right to which every defendant is entitled,
6 unless you, the jury, are satisfied from the evidence of the
7 defendant's guilt beyond a reasonable doubt.

8 So what is a reasonable doubt in the law? A
9 reasonable doubt is a doubt which makes an honest, sincere,
10 conscientious juror in search of the truth to hesitate to act.

11 So proof beyond a reasonable doubt must therefore be
12 proof of such a convincing character that a reasonable person
13 would not hesitate to rely and act upon it in the most
14 important of his or her own affairs.

15 Now, proof beyond a reasonable doubt can also be
16 described as proof that leaves you firmly convinced of the
17 defendant's guilt. Now, there are very few things we know in
18 this world with absolute certainty and in a criminal cases, the
19 law does not require proof that overcomes every possible doubt.

20 If, based on your consideration of the evidence, you
21 are firmly convinced that the defendant is guilty, then you
22 must find them guilty; therefore, on the other hand, if you
23 think there's a real possibility that he's not guilty, you must
24 then give him the benefit of the doubt and find him not guilty.

25 And in order to establish criminal liability,

1 criminal intent is required. For example, the mental state
2 required to be proven by the State for a particular crime,
3 i.e., purpose, intent, knowledge, recklessness, criminal
4 negligence.

5 Criminal intent must be proven by the State beyond a
6 reasonable doubt. Criminal intent is always a matter that must
7 be determined by you, the jury, from the circumstances
8 surrounding a situation. There's no way that you can prove
9 intent to a mathematical certainty. There's no way medical
10 science can dissect a person's brain and determine what a
11 person had in mind. So the law says that criminal intent may
12 be inferred from the circumstances which have been shown to
13 have existed. That's how you make a determination of whether
14 or not the element requiring intent was present.

15 It's not necessary to establish intent by direct or
16 positive evidence but intent may be established by
17 circumstantial evidence in the case.

18 Criminal intent is a mental state; it's a conscience
19 wrongdoing. It's up to you to determine what the defendant
20 intended to do based on the circumstances which have been shown
21 to have existed.

22 I instruct, ladies and gentlemen, and emphasize to
23 you that the fact that the defendant is not present is not a
24 factor to be considered by you in any way in your deliberations
25 or your considerations on the question of guilt or innocence.

1 You are to draw no conclusion from the fact that the defendant
2 in this case did not appear for his trial. The burden of
3 proving guilt is always upon the State of South Carolina, the
4 defense does not have to prove innocence.

5 I also instruct and emphasis to the fact that the
6 defendant did not testify, that's not something to be
7 considered by you in any way in your deliberations and in your
8 consideration on the question of guilt or innocence. It must
9 not be considered by you in any manner whatsoever.

10 A defendant has a constitutional right to remain
11 silent and a search of this right must not be considered by you
12 in your deliberations. So I'll repeat, under your oath, you
13 are to draw no conclusion whatsoever from the fact that the
14 defendant in this case did not testify. The fact that he did
15 not testify should not even be discussed in the jury room. The
16 burden of proof is on the State. The defendant is not required
17 to prove innocence.

18 I've already defined for you what a stipulation is.
19 Remember, it's a fact agreed to by both sides. You can
20 consider that stipulation, give it the weight you think it
21 deserves.

22 Now let's talk about failure to register as a sex
23 offender.

24 It is the duty of the offender to contact the
25 sheriff in order to provide or register his actual residence or

1 to provide notification of change of permanent or temporary
2 residence; or address or notification of employment; or in
3 attendance, enrollment, employment, volunteer status, intern
4 status or vocational status at any public or private school.

5 And if you find that the State has proven beyond a
6 reasonable doubt that the defendant failed to meet that duty,
7 you should find the defendant guilty. If, on the other hand,
8 you find the defendant's not met its burden, you should find
9 the defendant not guilty.

10 Now the defendant is also charged with resisting
11 arrest. The State must prove beyond a reasonable doubt that
12 the defendant knowingly and willfully opposed or resisted a law
13 enforcement officer in serving, executing or attempting to
14 serve or execute a legal writ or process; or that the defendant
15 resisted a lawful arrest being made by a person the defendant
16 knew or reasonably should have known was a law enforcement
17 officer.

18 "Knowingly" means with acknowledge, consciously
19 done.

20 "Willfully" means done intentionally and not done by
21 accident.

22 "Resist" means to oppose, strive against or
23 obstruct.

24 "Obstruct" means to impede, hinder or interfere
25 with.

1 Even peaceful, nonviolent indirect obstruction of an
2 arrest for the service of or execution of process is considered
3 resisting arrest. If the means used are sufficient to prevent
4 the officer from making an arrest, the defendant can be guilty
5 of resisting arrest.

6 Now let me say something about your deliberations,
7 ladies and gentlemen, I'm almost through. The word
8 deliberation is defined as, "careful consideration weighing up
9 with a view to a decision."

10 You see the genius about our jury system is that it
11 allows 12 good people, both men and women from different
12 backgrounds, life experiences and perspectives to consider the
13 evidence, talk about it and ultimately reach a verdict. The
14 task of a juror is called deliberation for a reason. Because
15 you, the jurors, are to consider the evidence in this case
16 carefully and deliberately, discuss it in a calm, thorough and
17 courteous manner. Remember, you are not partisans or advocates
18 for one side or the other. You are the judges of the facts.
19 Your sole duty is to sort through the information that you've
20 received in this trial and reach your verdict from the evidence
21 presented in this courtroom.

22 The supreme law of our land, the United States
23 Constitution affords everybody a day in court and a fair trial.
24 So this case is very important to both sides because it's their
25 day.

1 I charge you, ladies and gentlemen, listen to the
2 views of your fellow jurors. Carefully consider their
3 viewpoints and courtesy to discuss the evidence. Remember,
4 you're doing something deliberately. You are not in a big
5 hurry and you are tasked with the duty of the utmost
6 importance. Your verdict cannot be based on sympathy, passion,
7 prejudice, emotion or any other consideration not in evidence
8 in this case.

9 And in conclusion, ladies and gentleman, you've been
10 selected by both the State and the defendant to be fair and
11 impartial jurors. It is your duty, then, in your deliberations
12 to determine your verdict in this case giving the defendant the
13 benefit of every reasonable doubt. From the facts that you
14 determine to be relevant, you take and apply the law which I've
15 just given you and thus arrive at a verdict.

16 I've told you what the standards are to apply to the
17 charges. You've heard the evidence and now you've heard the
18 law. Whatever your verdict is as to the charges, guilty or not
19 guilty, Mr. Foreman, you will indicate it by marking the jury's
20 decision in the blank on the verdict form. You will then sign
21 and date the verdict form down here.

22 Now, remember all those forms, the only juror who
23 writes the verdict, is not his verdict alone. The verdict must
24 be unanimous. That means all 12 of you must agree.

25 And, Mr. Foreman, you are not authorized to write on

1 this verdict form until all of you agree as to what the verdict
2 should be. And the verdict form says, first, on the charge of
3 failure to register as a sex offender and lists the indictment
4 number:

5 "We the jury unanimously find the Defendant, Ralph
6 Dale Dixon, Jr.," and it says, "check one, blank." You either
7 check not guilty or guilty.

8 Then the second charge, "resisting arrest," same
9 thing. You either check not guilty or guilty and then you sign
10 it down here and date it. Okay? So, and once you've done all
11 that, you will knock on the door of the jury room, let the
12 bailiff know and we'll bring you out and receive your verdict.

13 So what's going to happen at this point in time,
14 ladies and gentlemen, you're going to go back down to your jury
15 room. Do not start discussing this case until you receive the
16 verdict form along with the evidence that has been introduced
17 in this case. And once that happens, that's your signal to
18 start talking about it. Okay?

19 And then once you've reached a verdict, knock on the
20 door, advise the bailiff and we'll bring you back out here.
21 All right? So you-all can retire to your jury room at this
22 time, everybody except for my alternates, I need you-all to
23 remain in the courtroom.

24 (Jury deliberations began at 4:34 p.m.)

25 THE COURT: Any exceptions to the charges, from the

1 State?

2 MS. COLLINS: No, your Honor.

3 THE COURT: Any from the defense?

4 MR. FREEMAN: Nothing form the defense, your Honor.

5 THE COURT: Thank you very much. You-all can look
6 through the evidence, make sure everything is ready to go as
7 well as the verdict form.

8 All right. Where are the alternates? Thank you
9 very much. Good news for you is, we are not going to need you
10 for the rest of the week. So your jury service has ended. You
11 are free to go home. If you want to stick around and see what
12 happens, because you've been here all day, you're more than
13 welcome to. You just have to have a sit out there. You can't
14 go back in the jury room. If you have personal things in the
15 jury room, just let one of the bailiffs know and they will go
16 retrieve it for you. Okay?

17 All right, thank you very much.

18 We are in recess.

19 (A brief recess was taken.)

20 (Open court.)

21 (Court's Exhibit 5, Jury question No. 1, was marked
22 for identification.)

23 THE COURT: We have a question from the jury room.

24 The question is: "Does resisting arrest equal to
25 the failure of arrest process?"

1 MR. FREEMAN: I'm sorry, what?

2 THE COURT: "Does resisting arrest equal to the
3 failure of arrest process?"

4 I'm going to bring them back out here and recharge
5 them on resisting arrest.

6 (Jurors enter.)

7 THE COURT: All members of the jury are present.

8 Ladies and gentlemen, I received your note where it
9 says, "Does resisting arrest equal to the failure of arrest
10 process?"

11 It's inappropriate for me to just answer that and
12 hand it back to you. Any time you-all send a question,
13 typically, I have to bring you back out here and read you the
14 law again. So I'm going to read you the law, so listen very
15 carefully of what the law of resisting arrest is. So listen
16 carefully.

17 If the defendant is charged with resisting arrest,
18 the State must prove beyond a reasonable doubt that the
19 defendant knowingly and willfully opposed or resisted a law
20 enforcement officer in serving, executing or attempting to
21 serve or execute a legal writ or precess; or resisted a lawful
22 arrest being made by a person that the defendant knew or
23 reasonably should have known was a law enforcement officer.

24 "Knowingly" means with knowledge, consciously done.

25 "Willfully" means, done intentionally and not done

1 by accident.

2 "Resist" means to oppose, strive against or
3 obstruct.

4 "Obstruct" means to impede, hinder or interfere
5 with.

6 Even peaceful, nonviolent indirect obstruction of an
7 arrest or the service or execution of process is considered
8 resisting arrest. If the means used are sufficient to prevent
9 the officer from making an arrest, the defendant is guilty of
10 resisting arrest.

11 Thank you, ladies and gentlemen, you've heard the
12 law, please return to your deliberations.

13 We are back in recess.

14 (Jurors exited.)

15 (A brief recess was taken.)

16 (Jurors entered.)

17 (Court's Exhibit 6, Jury question No. 2, was marked
18 for identification.)

19 (Court's Exhibit 7, Jury question No. 3, was marked
20 for identification.)

21 THE COURT: I have gotten two different -- more
22 notes from the jury. This note will be the next court exhibit.

23 It says, "On Charge No. 2, jury is split 8 guilty to
24 4 not guilty."

25 So I wrote, "Keep deliberating," saying reach a

1 mistrial, whatever. That will be Court Exhibit 6. Then that
2 came in at 5:20 p.m. And then literally two minutes ago, I was
3 handed this note and this will be Court Exhibit 7, which says:

4 "Can we have a copy of the law on resisting arrest?
5 Need a definition." Okay? That will be No. 7.

6 Let me hear proposals on how you-all wish to deal
7 with this.

8 MS. COLLINS: The State's fine if you want to send
9 that part of the charge back as to resisting.

10 THE COURT: Okay. Mr. Freeman?

11 MR. FREEMAN: I am okay with your comment on the
12 first one, "keep deliberating."

13 THE COURT: Right. What about the second?

14 MR. FREEMAN: I don't even know what Charge 2 is to
15 them, but --

16 THE COURT: I can send just that page of resisting
17 arrest back there or bring them out here and charge them again.
18 Or I can make them come back Thursday morning.

19 MS. COLLINS: Maybe we should do that.

20 MR. FREEMAN: I prefer you not send the statute
21 back. If you choose to send the charge back, I have less
22 objection to that because it's obviously not the whole statute.

23 THE COURT: Okay. Well here's what's going to
24 happen --

25 MS. COLLINS: Judge, can I ask one question?

1 THE COURT: Yes.

2 MS. COLLINS: Is number, the second one on the
3 verdict form resisting?

4 THE COURT: Yes. So here's what I think I'm going
5 to do.

6 Mr. Bailiff, go ask the foreman if they would like
7 to continue to deliberate tonight or they just want to come
8 back Thursday morning? Okay? He's the spokesperson. And then
9 report back what he says. Okay? Thank you.

10 (Jurors entered.)

11 THE COURT: Ladies and gentlemen, listen carefully,
12 here's what we are going to do. I've heard your wishes and we
13 are going to break today. I will need you back in the jury
14 room 8:30 Thursday morning to start -- to resume your
15 deliberations. Between now and then, you are not to speak with
16 anybody about this case, not even your fellow jurors. You
17 can't call each other up on the phone and say, "Hey, let's talk
18 about this some more." You can't do that. You can only
19 deliberate in this case in your jury room in this courthouse.
20 Okay? You can't do any independent research on the case.
21 Don't look up any information on the case.

22 Now, for your assistance in arriving at a verdict,
23 of course you are the judges of the facts. I am the judge of
24 the law. I will read to you again, one more time, the law on
25 resisting arrest. And I'll read it to you again Thursday

1 morning before you resume your deliberations. Listen
2 carefully. All right?

3 The defendant is charged with resisting arrest. The
4 State must prove beyond a reasonable doubt that the defendant
5 knowingly and willfully opposed or resisted a law enforcement
6 officer in serving, executing or attempting to serve or execute
7 a legal writ or process; or the State must prove beyond a
8 reasonable doubt that the defendant resisted a lawful arrest
9 that was being made by a person that the defendant knew or
10 reasonably should have known was a law enforcement officer.

11 "Knowingly" means with knowledge, consciously done.

12 "Willfully" means done intentionally, not done by
13 accident.

14 "Resist" means to oppose, strive against or
15 obstruct.

16 "Obstruct" means to impede, hinder or interfere
17 with.

18 Even peaceful, nonviolent indirect obstruction of an
19 arrest or the service or execution of process is considered
20 resisting arrest. If the means used are sufficient to prevent
21 the officer from making an arrest, the defendant is guilty of
22 resisting arrest.

23 All right. You've heard the law again on resisting
24 arrest, ladies and gentlemen. Pursuant to your wishes, we will
25 we recess for the day. You are to be back in your jury room

1 8:30 Thursday morning because tomorrow is a State holiday.

2 You-all have a good evening and see you Thursday morning.

3 Thank you very much.

4 (Jurors exited.)

5 (Court concluded for that day at 5:45 p.m.)

6 (Court resumed trial on Thursday, November 12, 2002)

7 THE COURT: It's my understanding that we have a
8 verdict. Any issues? Anything I need to know before we bring
9 the jury out and proceed with the verdict?

10 MR. FREEMAN: No, your Honor. It was my
11 understanding, when we left Tuesday, you were going to charge
12 them again before they began deliberating. Obviously, that did
13 not happen.

14 THE COURT: No, it didn't. I've decided not to do
15 that because I charged them right at the end. Remember?

16 MR. FREEMAN: Yes, sir. I remember too.

17 THE COURT: And I felt -- I kind of had a change of
18 heart. I thought that if I charged them again, that would be
19 putting too much emphasis on it. And so by that time, that
20 would have been the third time they heard the law on resisting
21 arrest.

22 MR. FREEMAN: Yes, sir.

23 THE COURT: And anyway, I instructed the clerk this
24 morning at about 8:15, that said, as soon as everybody gets
25 here, tell them to start deliberating. Because I've been here

1 since about 8:45. And sure enough, here we are. I walk in and
2 we have a verdict.

3 MR. FREEMAN: I understand. I would have also asked
4 if you mentioned a -- or renewed your instructions of, if they
5 hadn't spoken with anyone or each other, along those things.

6 THE COURT: They have a verdict.

7 MR. FREEMAN: I understand, your Honor.

8 THE COURT: Bring them out.

9 (Jurors entered.)

10 THE COURT: All members of the jury are present.

11 Good morning, ladies and gentlemen, Mr. Foreman.

12 Hope you all had a wonderful Veteran's Day yesterday. It is my
13 understanding that the jury has reached a verdict?

14 MR. FOREMAN: We did.

15 THE COURT: And is the verdict unanimous?

16 MR. FOREMAN: Yes.

17 THE COURT: If you-all hand the verdict form to the
18 Clerk of Court.

19 Mr. Clerk, you may publish the verdict.

20 THE CLERK: Thank you, your Honor.

21 The State of South Carolina versus Ralph Dale Dixon,
22 Jr., on the charge of failure to register as a sex offender,
23 Indictment Number 2020-GS-29-794, we, the jury, unanimously
24 find the defendant, Ralph Dale Dixon, Jr., guilty.

25 On the charge of resisting arrest, Indictment

1 2020-GS-29-795, we, the jury, unanimously find the defendant,
2 Ralph Dale Dixon, Jr., guilty.

3 I certify this decision was unanimous, signed:
4 Michael Karr, November 12, 2020.

5 Ladies and gentlemen of the jury, if this be your
6 verdict, say so you all by the raising of your right hands.

7 (All jurors voted unanimously.)

8 THE CLERK: Let the record reflect that all jurors
9 raised their right hands.

10 THE COURT: All right. Mr. Foreman, ladies and
11 gentlemen of the jury, thank you so much for your service to
12 Lancaster County and the State of South Carolina. At this time
13 your term of service for jurors has ended here this week. I
14 would ask that you go back to your jury room briefly before you
15 are released. Thank you very much. You can head on back to
16 your jury room and we'll let know you when you can leave.
17 Thank you.

18 (Jurors exited.)

19 THE COURT: All right. All the jurors are out.

20 MR. FREEMAN: Again, your Honor, I would obviously
21 move for the Court to set aside the verdict as to the two
22 charges for the reasons I indicated earlier and the motions I
23 made previously. I will be glad to renew those if the Court
24 likes.

25 THE COURT: I will let the record reflect that your

1 motions have been renewed. I will deny your motion for a new
2 trial or to toss out the verdict or whatever it is. And all
3 the Court's previous rules are to remain in full force and
4 effect as you are protected under the record.

5 MR. FREEMAN: Secondly, your Honor, in light of the
6 way things worked out, the jurors seemed deadlocked, that would
7 be my term, Tuesday evening and then they were back for ten
8 minutes this morning and suddenly have reached a verdict. I
9 would ask that the Court poll them I guess specifically as to
10 each charge separately. Obviously, there's confusion, and
11 we're guessing, seemed to be more on the resisting arrest
12 charge. But I'm more concerned about you polling them for
13 that.

14 THE COURT: Well, you know, on Tuesday -- I'll hear
15 from you, Madam Solicitor -- on Tuesday, one of the notes I
16 received, it's in the record of the case, indicated that it was
17 8 guilty, 4 not guilty at that time for the charge of resisting
18 arrest and that was at 5:20 in the evening. That's the one
19 where I said keep deliberating. It didn't say they were
20 deadlocked. It didn't say they were at an impasse. It was a
21 note letting me know what the split was. That's why I said
22 "keep deliberating." And then 20 minutes later we got another
23 note from them asking for -- to hear about resisting arrest
24 again and wanting a copy of the written charge back there.
25 That's when I brought them out. I think you all agreed at that

1 time at least, that's my memory, that we would go ahead and
2 break for the day. Then I read the law to them one more time.
3 At that time, I did indicate to you-all that I would consider
4 charging them again or charging them again Thursday morning.
5 But they got here and immediately went to deliberating and came
6 up with a verdict. So it was moot at that point in time. And
7 I specifically charged them not to use any outside influences.
8 Not to do any independent research. Not to look up any issue
9 on their own.

10 I agree, they did come back and have a quick
11 decision but maybe it's because they were refreshed. It was a
12 long day on Tuesday.

13 But anyway I'll hear from the State. Let me hear
14 from you, Madam Solicitor.

15 MS. COLLINS: Your Honor, my recollection is as your
16 Honor's, that they never indicated that they were hopelessly
17 deadlocked. Because if so, then, as your Honor knows, we would
18 have asked that they have an Alan charge. So they never
19 indicated they were hopelessly deadlock, that's my
20 recollection.

21 However, I do think that under the case law, as I
22 understand it to be, respectfully, that if the defense has
23 moved for the jury to be polled, I think that they should be
24 polled. I think that might be a problem down the road if they
25 are not. But I'm not asking that they be polled but I'm not

1 opposed to it.

2 THE COURT: You just want them to be polled on the
3 charge of resisting arrest then?

4 MR. FREEMAN: Yes, sir, your Honor. I think
5 that's -- again, we're guessing. But based on the notes, I
6 think the note actually said it was 8 to 4 on the second
7 charge.

8 THE COURT: Right. They didn't say anything on the
9 first charge.

10 MR. FREEMAN: But we were guessing that based on
11 your jury form, that it's the second one on the form.

12 THE COURT: Right. We'll poll the jury then. And
13 while their on their way back -- and you can go ahead and get
14 them -- while they are on their way back, Madam Solicitor, you
15 can prepare the sentencing sheet for me?

16 MS. COLLINS: Yes, sir, I will.

17 THE COURT: Of course, I'll hear any mitigation or
18 anything from the State before I enter the sentence. Of course
19 the sentence will be sealed since he was tried in his absence.
20 It will be open at some later time whenever he is secured by
21 law enforcement.

22 MR. FREEMAN: I understand. Your Honor, just for
23 the record, while we are waiting, it's probably going to be my
24 intent to appeal some of the legal issues. If I understand the
25 rules, if we wait until the sentence is unsealed, then the

1 clock will begin. I will still offer the mitigation I have
2 today.

3 THE COURT: Okay.

4 MS. COLLINS: That's my understanding too.

5 THE COURT: Remember, I can't give advice.

6 (Jurors entered.)

7 THE CLERK: Ladies and gentleman, on the resisting
8 arrest charge, when I call your name, if you will respond.

9 Mr. Foreman, Michael Karr, is this your verdict and
10 is this still your verdict?

11 MR. KARR: Yes.

12 THE CLERK: Robert Vincent, is this your verdict and
13 is this still your verdict?

14 MR. VINCENT: Yes.

15 THE CLERK: Byron Ross, is this your verdict and is
16 this still your verdict?

17 MR. ROSS: Yes.

18 THE CLERK: Steven Knight, is this your verdict and
19 is this still your verdict?

20 MR. KNIGHT: Yes, sir.

21 THE CLERK: Valentina Sakhanskaya, is this your
22 verdict and is this still your verdict?

23 MS. SAKHANSKAYA: Yes.

24 THE CLERK: Angela James, is this your verdict and
25 is this still your verdict?

1 MS. JAMES: Yes, sir.

2 THE CLERK: Sheena Sterling, is this your verdict
3 and is it still your verdict?

4 MS. STERLING: Yes.

5 THE CLERK: Christopher Gilbert, is this your
6 verdict and is this still your verdict?

7 MR. GILBERT: Yes, sir.

8 THE CLERK: Raven Baucom, is this your verdict and
9 is this still your verdict?

10 MS. BAUCOM: Yes. Yes.

11 THE CLERK: Yes? Thank you.

12 Joshua Roberts, is this your verdict and is this
13 still your verdict?

14 MR. ROBERTS: Yes, sir.

15 THE CLERK: Patricia Campbell, is this your verdict
16 and is this still your verdict?

17 MS. CAMPBELL: Yes.

18 THE CLERK: Thank you.

19 THE COURT: Thank you, ladies and gentlemen. Again,
20 head back down to your jury room and you will be given
21 instructions when you can leave. Thank you very much.

22 Anything else?

23 MR. FREEMAN: I think that it was Juror 14,
24 Ms. Baucom.

25 THE COURT: Yes.

1 MR. FREEMAN: I'd just note for the record -- and I
2 realized it on Tuesday, I know it's not perfect because she was
3 behind three plexiglas' from the court reporter, but her
4 response seemed very hesitant and shy to me at that point. I
5 could barely hear her. I realized we had masks on and she
6 does, again, for the record. But I would say that I did not
7 feel her response indicated a wholehearted response to the
8 clerk's question.

9 THE COURT: Okay.

10 MR. FREEMAN: That was Juror No. 14 -- well, 14 in a
11 random draw, but Juror No. 12 on the overall list, Ms. Baucom.

12 THE COURT: Does the State want to respond to that?

13 MS. COLLINS: I would just note for the record that
14 although her initial response was in fact muffled, that when
15 asked further by the Court, I believe as to her response, it
16 was emphatic and brazen and very clear in terms of "yes."

17 THE COURT: I heard "yes" twice. I just didn't hear
18 it very loud the first time.

19 MR. FREEMAN: And did we poll Mr. Duncan? Did I
20 miss it?

21 THE COURT: We polled every juror, all 12.

22 MR. FREEMAN: I was just checking them off in order.

23 THE COURT: So the record will reflect that I find
24 that all 12 jurors responded yes. One may have been a little
25 more weak than the other, but she still said yes twice. All

1 right. Anything else?

2 MR. FREEMAN: No further motions from the defense at
3 this time.

4 THE COURT: Anything else, Madam Solicitor?

5 MS. COLLINS: Nothing regarding the jury. I do have
6 defendant's prior record --

7 THE COURT: All right. What is it?

8 MS. COLLINS: -- for sentencing purposes.

9 Your Honor, this is a true third. I will state,
10 first of all, his record that's been handed up, certifies
11 priors as to the sex offender registry. In 2004, the defendant
12 was convicted of resisting arrest and public disorderly
13 conduct. In 2005, was convicted of nonviolent burglary, second
14 degree. Received a suspended YOA. In May of 2007, however, he
15 was sentenced to SCDC for a violent burg, second, got 30
16 months, an active sentence on that offense. He was also
17 convicted in 2011 for receiving stolen goods. In 2009, in
18 North Carolina, he was convicted of a misdemeanor offense in
19 North Carolina for resisting a public officer. In May of 2012,
20 he received a 10-year sentence for a burglary, second degree,
21 violent. Which he served some active time. And then in 2016,
22 was placed on probation in Richland County. In September of
23 2017, he plead guilty to indecent exposure here and was
24 sentenced and ordered to register on the sex offender registry
25 after Judge Hall made a finding, which I'm handing up in the

1 transcript, that he should be on the registry on the facts. He
2 had a probation violation in the end of September 2017. In May
3 of 2018, he was convicted for sex offender registry violation,
4 first offense, in magistrate court. In August of 2018, he was
5 convicted of assault and battery, third. October 2018,
6 domestic violence, third degree. February 2019, assault and
7 battery, third degree. In March of 2019, the defendant was
8 convicted of failure to register as a sex offender as a first
9 offense, he pled. It was reduced from the original charge of a
10 second offense failure to register. In January of 2020, he was
11 convicted of possession of one gram, less than one gram of meth
12 or cocaine-based, first offense; that was January 15th of 2020.

13 Also, on that day, he was convicted of sex offender
14 registry violation, failure to provide internet information as
15 a first offense. Also on that day, he was convicted of
16 exposing his private parts in a lewd and lascivious manner. In
17 December of '19, he also had assault and battery, third degree.

18 At this time, I will hand up a certified true copy
19 of a conviction in magistrate court. It can be either a
20 State's exhibit or a court's exhibit, but I just felt like we
21 should make it part of the record showing that he did plea and
22 was convicted of a first offense then. Also, his conviction in
23 General Sessions court for, again, he pled to a first offense
24 reduced down from a second. But again, I think under the
25 language of the statute, he has two prior convictions. He also

1 has an internet violation as a prior. I'm going to hand that
2 one up as well.

3 The language of the statute is not clear on whether
4 the internet enhances just a regular failure to register, so I
5 am not even counting that when I say this is a true third.
6 Thank you, your Honor.

7 (State's Exhibit 8, Prior convictions, was marked
8 for identification.)

9 THE COURT: Thank you. Any mitigation from the
10 defense?

11 MS. COLLINS: Oh, and may I just say, we are asking
12 for the full five-years for the registry violation.

13 THE COURT: Thank you. Any mitigation from the
14 defense?

15 MR. FREEMAN: Your Honor, again, as I read the
16 statute the internet violation would be one I'd ask you not to
17 consider. You've already heard the sheriff's department ask
18 for numerous things that the statute does not, tattoos,
19 vehicles, phone numbers, things of that nature.

20 In terms of his failure to register with the
21 sheriff's department, it does unfortunately appear to be a true
22 third offense. I've already argued before that I think the
23 statute in its application was not constitutional at least in
24 this instance, however, I understand that.

25 It's my understanding that Mr. Dixon is from

1 Lancaster County originally. I believe he's 34 at this point.
2 He has family in this area, you've heard from the testimony.
3 His family was originally at the one address, then across the
4 street, then across town. I would also point out that when the
5 officer's went to arrest him, they knew immediately where to
6 look for him and it was in Lancaster.

7 I would ask the Court to consider giving him the
8 minimum, which if I understand it correctly from the statute,
9 is three-years and running the resisting arrest concurrent with
10 it. I believe we're under the A Section, which I think carries
11 a maximum of one year. So I would ask the Court to give him
12 the minimum and run the sentences concurrent. I would
13 certainly ask the Court not to penalize him for not being
14 present of course. His record does speak for itself. The
15 majority of the charges were here in Lancaster. I saw one up
16 in Charlotte and one I believe the Solicitor mentioned down in
17 Camden.

18 THE COURT: Okay.

19 MS. COLLINS: May I just say briefly: I think that
20 the registry requires a mandatory five-year sentence and it
21 says "three of which cannot be suspended." So although I
22 understand the defense is asking for three, I would submit that
23 if you give him three, it has to be five suspended on three
24 followed by a period of probation. We're asking for the full
25 five.

1 THE COURT: I understand.

2 MR. FREEMAN: I would agree that that's the way I
3 think it's phrased, and therefore, I would ask you give him
4 five suspended on three, and run whatever time you give on the
5 other concurrent, credit for time served. I do not know how
6 many days he had off the top of my head before he bonded out.

7 MS. COLLINS: It was a PR bond on these charges. It
8 was a \$10,000 PR bond. We would ask that a bench warrant also
9 be issued, your Honor. I don't think that was done the other
10 day. So we would ask that a bench warrant be issued by the
11 Court.

12 THE COURT: I'm going to issue a bench warrant since
13 he failed to appear for this case, that's the first thing
14 that's going to happen. I've enacted my sentence, it will be
15 unsealed at which time it's appropriate and he's brought before
16 the Court. Jeff, I will hand you my sentence. There it is.
17 Just seal it up. And whichever judge is presiding, if it's me,
18 I can unseal it. I really does not matter.

19 MR. FREEMAN: Your Honor, depending on the
20 circumstance, I or some other attorney that may be representing
21 him at the sentencing, may wish to offer other mitigation as it
22 becomes available. So we are simply asking --

23 THE COURT: That's fine. The sentence is the
24 sentence.

25 MR. FREEMAN: I understand.

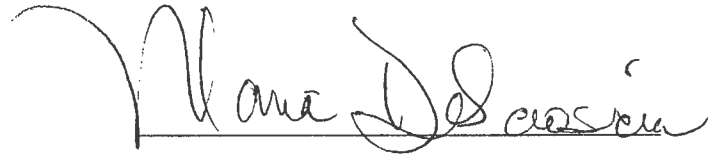
1 THE COURT: Right. We'll wait for then. Thank you.
2 That concludes the trial in this case.
3 (Jury trial was concluded on November 12, 2020.)
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State of South Carolina v Ralph Dale Dixon, Jr.

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I, the undersigned Maria DiScioscia, Official Court Reporter for the 6th Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of the record of all the proceedings in the captioned case, in the Circuit Court for Lancaster, South Carolina, on the 12th day of November, 2020.

I do further certify that I am not related, either by blood or marriage, to any of the parties in this action; and that I am in no way interested in the outcome of this matter.



Maria DiScioscia
Official Court Reporter

1 STATE OF SOUTH CAROLINA - COUNTY OF LANCASTER
2 COURT OF GENERAL SESSIONS
3

4 STATE OF SOUTH CAROLINA,)
5)
6 PLAINTIFFS,)
7) Indictment: 2020-GS-29-794
8) Indictment: 2020-GS-29-795
9 V.)
10)
11)
12 RALPH DALE DIXON, JR.,) SENTENCING
13)
14 DEFENDANT.)

10 November 17, 2020
11 Lancaster, South Carolina
12

13 B-E-F-O-R-E:

14 HONORABLE BRIAN M. GIBBONS
15

16

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

18 LISA COLLINS, Deputy Solicitor
19 Attorney(s) for the State

20

21 JOHN FREEMAN, ESQ.
22 Attorney for the Defendant

23

24

25 Maria DiScioscia, RPR
Official Court Reporter

I N D E X.

1		
2	WITNESS:	PAGE:
3		
4	Sentencing of the Court.....	5
5	Certificate of Reporter.....	7
6		
7		
8		
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1 (Whereupon, sentencing was unsealed.)

2 THE COURT: Mr. Dixon, you're appearing in front of
3 me to be sentenced. You were tried in your absence last week.
4 I'll be glad -- before I hear anything from you, I will give
5 your lawyer, Mr. Freeman, an opportunity to speak to me as well
6 as the State. Then I will hear from you. I will tell you that
7 I sentenced you last week based upon the finding by the jury of
8 finding you guilty on two charges. I'm going to unseal the
9 sentence at this point in time.

10 I will ask if the State has anything additional to
11 add before I hear from the defense?

12 MS. COLLINS: Your Honor, I read his record to you
13 last week. I'm glad to repeat that, even though it was
14 extensive. The State expressed concern, this was a true third
15 offense and we'd ask for the full five years on the third
16 offense charged and on the resisting arrest for one-year
17 concurrent.

18 THE COURT: Thank you. Mr. Freeman, what would like
19 to tell me, sir?

20 MR. DIXON: Your Honor, Mr. Dixon is 34 years old.
21 It's my understanding he's from Lancaster. I would invite him
22 to tell you a little bit more about his individual past. At
23 this time -- and I had asked at the end of the trial and I
24 renew this request, that the Court consider sentencing him to
25 the minimum and running both of those sentences concurrent.

1 Mr. Dixon obviously has some issues finding a stable
2 place to live. It's my understanding he was picked up in a
3 tent. So he was not at what I would consider a stable
4 residence. In all fairness to the officers that testified last
5 week, I think the statute is designed for someone who otherwise
6 has a place to live, stable transportation, means of support.
7 So we'd simply ask the Court to take all that into account and
8 give Mr. Dixon the minimum and running the two sentences
9 concurrent.

10 THE COURT: Thank you.

11 Mr. Dixon, I will be glad to hear from you.
12 Anything you would like to tell me before I read to you the
13 sealed sentence?

14 MR. DIXON: Yes, sir. Your Honor, I really had no
15 stable residence. My brother kicked me out. I was staying
16 with my mother and the guy -- her boyfriend at the time. My
17 mother passed away. The guy evicted me from the house. I
18 really had -- I had no stable residence. I was staying next
19 door in an abandon house. It was given -- I was given leeway
20 to stay there and to live there. The officer didn't know that.
21 When they showed up at the house, the guy that I was staying
22 with, my mother's boyfriend, said I wasn't staying there. They
23 had no idea that I was staying right next door. I was in the
24 lot right next door in the building. And well -- and I lost my
25 mother, I kind of, I don't know -- I kind of lost my mind. You

1 know, I just don't like being around myself. I found out I had
2 a warrant last week. I seen the officer in the woods and they
3 arrested me and brought me to jail.

4 THE COURT: All right. Thank you, sir.

5 MR. DIXON: I would ask for your leniency, your
6 Honor, please.

7 THE COURT: All right. I will take all that into
8 consideration. I think I did take a lot of things into
9 consideration after sitting through your trial on this case.

10 Anyway, on Indictment 2020-GS-29-794, having been
11 found guilty by a jury of sex offender registry violation,
12 failing to register, third offense, it's the sentence of the
13 Court, it's five years in the South Carolina Department of
14 Correction.

15 As to indictment 2020-GS-29-795, having been found
16 guilty by a jury of the charge of resisting arrest, Subsection
17 A, the sentence of the Court is one year in the South Carolina
18 Department of Corrections. That sentence shall run concurrent
19 with the previously aforementioned sentence.

20 You have five years, Mr. Dixon. I wish the very
21 best of luck to you. Good luck to you.

22 MR. DIXON: Five years on that? That's ridiculous.
23 That is ridiculous.

24 MR. FREEMAN: Your Honor, for the record, I would
25 simply ask if you -- considering it's your sentence, I think

1 you have the right to modifying five suspended to three, which
2 I think is the minimum the statute requires.

3 THE COURT: That motion to clarify or motion to
4 amend the sentence is denied.

5 MR. FREEMAN: Thank you, your Honor.

6 THE COURT: Good luck to you. That concludes your
7 hearing.

8 (Whereupon, sentencing was concluded.)

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C E R T I F I C A T E

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I, the undersigned Maria DiScioscia, Official Court Reporter for the 6th Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of the record of all the proceedings in the captioned case, in the Circuit Court for Lancaster, South Carolina, on the 17th day of November, 2020.

I do further certify that I am not related, either by blood or marriage, to any of the parties in this action; and that I am in no way interested in the outcome of this matter.



Maria DiScioscia

Official Court Reporter

WITNESSES

Fowler/Carroll - LCSO #20-15613

S. Leonard

ARREST WARRANT NUMBER/DOA

2020A2910100779 (DOA-3-18-20)

TRUE BILL
ACTION OF GRAND JURY

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2020-GS-29- 795

The State of South Carolina

County of Lancaster

COURT OF GENERAL SESSIONS

JUN 25 2020 TERM

THE STATE

vs.

Ralph Dale Dixon, Jr.

Indictment for

Resisting Arrest

SC Code: § 16-9-320(A)

CDR Code: 0326

Class: Misdemeanor, C

JUN 26 2020
OF COURT
2020 JUN 26 PM 2:35

STATE OF SOUTH CAROLINA)
)
 COUNTY OF LANCASTER)

INDICTMENT

At a Court of General Sessions, convened on _____

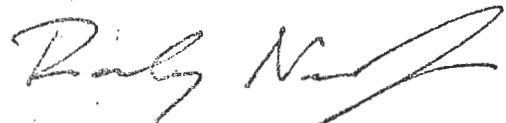
JUN 25 2020

the Grand Jurors of Lancaster County present upon their oath:

RESISTING ARREST

That Ralph Dale Dixon, Jr., did in Lancaster County, South Carolina, on or about March 18, 2020, knowingly and wilfully oppose or resist Deputy A. D. Fowler and other uniformed deputies of the Lancaster County Sheriff's Office, all being law enforcement officers, who were serving or executing or attempting to serve or execute a legal writ or process or arresting the defendant, the officers being persons the defendant knew or reasonably should have known were law enforcement officers, in violation of § 16-9-320(A), *Code of Laws of South Carolina, (1976), as amended*.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Randy E. Newman, Jr., SOLICITOR

WITNESSES

Burr - LCSO #20-15430

S. Leonard

ARREST WARRANT NUMBER/DOA

2020A2910100773 (DOA- 3-18-20)

TRUE BILL
ACTION DE GRAND JURY

Foreperson of Grand Jury

Date:

JUN 25 2020

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2020-GS-29- 794

The State of South Carolina

County of Lancaster

COURT OF GENERAL SESSIONS

JUN 25 2020 TERM

THE STATE

vs.

Ralph Dale Dixon, Jr.

Indictment for

Failure to Register as Sex Offender 3rd
or Subsequent Offense

SC Code: § 23-3-450, 23-3-460, 23-3-470

CDR Code: 2435

Class: Felony F

JUN 26 2020 PM 2:35
COURT

STATE OF SOUTH CAROLINA)
)
 COUNTY OF LANCASTER)

INDICTMENT

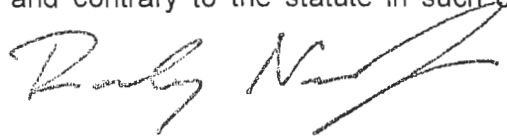
JUN 25 2020

At a Court of General Sessions, convened on _____,
 the Grand Jurors of Lancaster County present upon their oath:

FAILURE TO REGISTER AS SEX OFFENDER – 3rd OR SUBSEQUENT OFFENSE

That Ralph Dale Dixon, Jr., did in Lancaster County, South Carolina, on or about March 17, 2020, being a sex offender as defined by § 23-3-430 of the Code of Laws of South Carolina, fail to register with the sheriff of Lancaster County as a sex offender and provide the information prescribed by the State Law Enforcement Division, after having been at least twice previously convicted of a violation of §§ 23-3-450, 23-3-460, and/or 23-3-470, *Code of Laws of South Carolina, (1976), as amended*.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided:


 Randy E. Newman, Jr., SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

RECEIVED

Nov 24 2021

SC Court of Appeals



Victor R Seeger
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 24th day of November, 2021.

