

STATE OF SOUTH CAROLINA

In The Court of Appeals

ORIGINAL

APPEAL FROM GREENVILLE COUNTY

Edward W. Miller, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JACQUELINE YVETTE SULLIVAN

APPELLANT

APPELLATE CASE NO. 2012-212562

RECORD ON APPEAL

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SC Court of Appeals

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INDEX

INDEX .....i

TRIAL TRANSCRIPT .....1

INDICTMENT .....160

CERTIFICATE OF COUNSEL.....166



INDEX OF WITNESSES

BRAD MASHAK

Direct By Mr. Weston . . . . . 30

Cross By Mr. Cooke . . . . . 39

CHAD AYERS

Direct By Mr. Weston . . . . . 41

Cross By Mr. Cooke . . . . . 58

Redirect By Mr. Weston . . . . . 67

Recross By Mr. Cooke . . . . . 67

JEFF FOWLER

Direct By Mr. Weston . . . . . 69

Cross By Mr. Cooke . . . . . 77

ROBERT CURTIS

Direct By Mr. Weston . . . . . 79

Cross By Mr. Cooke . . . . . 84

JACQUELINE SULLIVAN

Examination By The Court . . . . . 86

Direct By Mr. Cooke . . . . . 89

Cross By Mr. Weston . . . . . 107

» > o < «

Opening Statement by Mr. Weston . . . . . 25

Closing Statement by Mr. Cooke . . . . . 126

Closing Statement by Mr. Weston . . . . . 134

Jury Charge . . . . . 144

Verdict . . . . . 154

Sentencing . . . . . 159  
Certificate of Reporter . . . . . 159

**STATE EXHIBITS**

| <u>NO</u> | <u>DESCRIPTION</u> | <u>ID</u> | <u>EV</u> |
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| 1         | CD                 | 36        | 37        |

**COURT EXHIBITS**

| <u>NO</u> | <u>DESCRIPTION</u>     | <u>ID</u> | <u>EV</u>      |
|-----------|------------------------|-----------|----------------|
| 1         | Note from Jury         | 151       | 151            |
| 2         | Note from Jury         | 152       | <del>152</del> |
| 3         | Copy of Judge's Charge | 152       | 152            |

1 THE COURT: This is the case of Jacqueline  
2 Sullivan, y'all ready?

3 MR. WESTON: The State's ready.

4 MR. COOKE: The defense is ready.

5 THE COURT: How long is this gonna take?

6 MR. WESTON: Your Honor, we have five or six  
7 witnesses, all of them will be relatively short. We only  
8 have one audio that's about five minutes and there's going  
9 to be no exhibits. We should be finished with our case by  
10 lunch time.

11 MR. COOKE: One witness here.

12 THE COURT: All right. Well you got just one?

13 MR. COOKE: My client, yes, sir.

14 THE COURT: Y'all ready to go?

15 MR. WESTON: Yes, sir.

16 THE COURT: Got voir dire?

17 MR. WESTON: Nothing from the State, Your Honor.

18 MR. COOKE: None, Judge.

19 THE COURT: All right.

20 MR. WESTON: Your Honor, I would advise the  
21 Court that these events occurred on October 1st of 2009.  
22 So they are under the old statute. One of the counts is  
23 assault and battery on a EMS provider which, of course, is  
24 no longer the law but was the law at that time. And the  
25 two assault and battery, high and aggravated nature, are

1 resistance of lawful authority involving law enforcement  
2 officers. And so they would be under the old law. I just  
3 want to make the Court aware of that.

4 THE COURT: Thank you, very much. We'll just --  
5 we'll just -- we don't have enough to pick?

6 Joelle, we don't have any jurors? Do you know?

7 THE CLERK: Let me just call her.

8 THE COURT: Okay.

9 All right, ladies and gentlemen, welcome up to  
10 courtroom number four. I haven't had the chance to see  
11 you yet this week. My name is Ned Miller, I'm one of your  
12 local Circuit Judges. I'm handling a week of criminal  
13 court this week, also known as General Sessions Court.  
14 And we are -- we've asked you up here so that we can pick  
15 a jury to try a case. And let me introduce the case to  
16 you. And that is the State of South Carolina vs.

17 Jacqueline Yvette Sullivan, Indictment number 2009-9874.

18 This is for assault and battery upon an emergency medical  
19 service provider. This Indictment alleges that  
20 Ms. Sullivan did in Greenville County October 1 of '09,  
21 unlawfully and willfully commit an assault and battery  
22 upon Jeff Fowler, an emergency medical service provider by  
23 spitting in his face while performing and or providing  
24 medical aid.

25 The next Indictment is a Indictment number

1 2009-9875, the State vs. Jacqueline Yvette Sullivan for  
2 assault and battery of high and aggravated nature. It  
3 alleges that Ms. Sullivan did in Greenville County on or  
4 about October 1 of '09, willfully and unlawfully commit an  
5 assault and battery upon Chad Ayers, a detective with the  
6 Greenville County Sheriff's Office, constituting an  
7 unlawful act of violent injury to Chad Ayers, accompanied  
8 by circumstances of aggravation. That is resistance of  
9 lawful authority.

10 And the last Indictment is 2009-9873. The State  
11 of South Carolina vs. Jacqueline Yvette Sullivan, an  
12 Indictment for assault and battery of a high and  
13 aggravated nature. And it alleges that Ms. Sullivan did  
14 in Greenville County on or about October 1st of '09,  
15 willfully and unlawfully commit an assault and battery  
16 upon Sergeant Robert Curtis of the Greenville County  
17 Sheriff's Office. Constituting an unlawful act of violent  
18 injury to Sergeant Robert Curtis accompanied by  
19 circumstances of aggravation. That is resistance of  
20 lawful authority.

21 Now to these Indictments Ms. Sullivan has pled  
22 not guilty. And as a result of that certain rights attach  
23 which belong to all of us and that is every person charged  
24 with a crime in this country is presumed to be innocent  
25 unless and until the State, who has and always has the

1 burden of proof, can prove to a jury beyond any reasonable  
2 doubt each and every element of each offense that she is  
3 charged with. Please keep that in mind throughout the  
4 course of these proceedings.

5 I will also tell you that these documents which  
6 I have read to you, or what we say publish to you, are  
7 just what that appear to be. And that is three pieces of  
8 paper. You are to make no inference, make no presumption  
9 from the fact that these documents are issued. They are  
10 just the formal documents, which allow this case to wind  
11 its way through the system and arrive here in court for  
12 disposition. So please keep those things in mind  
13 throughout the course of these proceedings.

14 Now, ladies and gentlemen, before I -- you've  
15 been qualified to serve as jurors. Now we have to qualify  
16 you to serve as fair and impartial jurors for this  
17 particular case and so I am going to have to ask you a few  
18 questions again. I remind you that you're still under  
19 oath. Before I do that I'm going to ask the attorneys to  
20 stand and introduce themselves and also their client.

21 All right, Mr. Weston.

22 MR. WESTON: My name is Jeff Weston, I'm a  
23 prosecutor with the Thirteenth Circuit Solicitor's Office.  
24 And seated next to me is Ms. Lynn Crouch, an investigator  
25 in our office.

1 THE COURT: All right, thank you, very much.  
2 Mr. Cooke.

3 MR. COOKE: My name is Larry Cooke. I'm an  
4 attorney here in Greenville. Been practicing law for  
5 about 45 years. This is my client, Jacqueline Sullivan.

6 THE COURT: All right. Thank you, very much.

7 Is there any member of the jury panel related by  
8 blood or marriage or who has a business, personal or  
9 social relationship with any of the attorneys involved in  
10 this case or any member of the Thirteenth Circuit Judicial  
11 Solicitor's Office? If so, please, stand.

12 There was no response.

13 Okay, is there any member of the jury panel  
14 related by blood or marriage or who might have a business,  
15 personal or social relationship with Ms. Jacqueline Yvette  
16 Sullivan? If so, please, stand.

17 There was no response.

18 I'm going to read a list of potential witnesses  
19 in this case, please pay attention, I'm going to need to  
20 know the same about them. Investigator Chad Ayers with  
21 the sheriff's office, Investigator B.C. Cannon with the  
22 sheriff's office, Deputy Robert Curtis with the sheriff's  
23 office, Jeff Fowler with the Greenville County Coroner's  
24 Office, Investigator B. Mashak with the sheriff's office,  
25 Deputy Shannon Piller with the sheriff's office. Is there

1 any member of the jury panel related by blood or marriage  
2 or who has a business, personal or social relationship  
3 with any of those potential witnesses whose names I have  
4 just read? If so, please, stand.

5 All right, yes, sir, your name and number,  
6 please.

7 PROSPECTIVE JUROR: 231, Jeff Willis.

8 THE COURT: Okay. And tell me who it is you're  
9 familiar with.

10 PROSPECTIVE JUROR: Shannon Piller.

11 THE COURT: Okay. And what's the nature of your  
12 relationship?

13 PROSPECTIVE JUROR: He is -- he is my ex-wife's  
14 nephew.

15 THE COURT: Okay. All right. Would the fact  
16 that you have that relationship with him impair your  
17 ability to be fair and impartial in this case and to judge  
18 the case solely on the law and the evidence as it would be  
19 presented in this courtroom? Could you be fair and  
20 impartial and do that?

21 PROSPECTIVE JUROR: Yes, sir.

22 THE COURT: All right, thank you, very much.  
23 Yes, ma'am, your name and number?

24 PROSPECTIVE JUROR: Marie Hall, 100. Chad  
25 Ayers.

1 THE COURT: Tell me the nature of that.

2 PROSPECTIVE JUROR: He's a friend.

3 THE COURT: Okay. Well, close friend?

4 PROSPECTIVE JUROR: Yeah. I'm saying I know  
5 him -- his brother's wife and me are really good friends.  
6 It's like family friends.

7 THE COURT: All right, would the fact that you  
8 have that relationship impair your ability to be fair and  
9 impartial in this case?

10 PROSPECTIVE JUROR: No.

11 THE COURT: All right, would you give his  
12 testimony any greater weight or more credit than you would  
13 any other witness?

14 PROSPECTIVE JUROR: No.

15 THE COURT: Okay. All right, thank you, very  
16 much.

17 All right, is there any member of the jury panel  
18 who has ever been the victim of or charged with these  
19 types of offenses? If so, please, stand.

20 There was no response.

21 Is there any member of the jury panel who has  
22 any knowledge about the events that are alleged in these  
23 Indictments? If so, please, stand.

24 There was no response.

25 Is there any member of the jury panel who's

1 aware of any bias or prejudice towards either the State or  
2 the Defense? If so, please, stand.

3 There was no response.

4 Is there any member of the jury panel a member  
5 of or contributor to a group whose primary concern is  
6 promotion of law enforcement or victims rights? Examples  
7 would be MADD, SADD or CAV. If so, please, stand.

8 There was no response.

9 Is there any juror who knows of any reason  
10 whatsoever why you should not serve in this case with  
11 particular inferences on your ability to be fair and  
12 impartial to both the State and the Defense and to judge  
13 this case solely on the evidence and the law that would be  
14 presented in this courtroom? If you can't do that,  
15 please, stand.

16 There was no response.

17 Okay, anything further from the State?

18 MR. WESTON: No, sir, Your Honor.

19 THE COURT: From the defense?

20 MR. COOKE: None, Judge.

21 THE COURT: All right, thank you, very much.

22 Okay, Madam Clerk.

23 THE CLERK: When I call your name, if you'd just  
24 stand in place.

25 Juror No. 219, Donna Traynham.

1 (Donna Traynham, a white female, came forward.)

2 What says the State?

3 MR. WESTON: Please present Ms. Traynham,  
4 please.

5 THE CLERK: Thank you.

6 One moment, please, ma'am.

7 What says the Defense?

8 MR. COOKE: Please swear the lady, please,  
9 Ms. Traynham.

10 THE CLERK: If you would bring your belongings  
11 and have a seat in the jury box, please.

12 Juror No. 47, Hannah Clark.

13 (Hannah Clark, a white female, came forward.)

14 What says the State?

15 MR. WESTON: Please Present Ms. Clark, please.

16 THE CLERK: Thank you.

17 What says the Defense?

18 MR. COOKE: Swear Ms. Clark, please.

19 THE CLERK: Thank you, you may be seated in the  
20 jury box.

21 Juror No. 38, Melissa Candler.

22 (Melissa Candler, a white female, came forward.)

23 What says the State?

24 MR. WESTON: Present Ms. Candler, please.

25 THE CLERK: Thank you.

1                   What says the Defense?

2                   MR. COOKE: Please excuse the lady in this case.

3                   THE CLERK: Thank you, you may be seated, you're  
4 excused from the trial of this case.

5                   Juror No. 176, John Plassmeyer.

6                   (John Plassmeyer, a white male, came forward.)

7                   What says the State?

8                   MR. WESTON: Present Mr. Plassmeyer, please.

9                   THE CLERK: Thank you.

10                  MR. COOKE: Please swear the gentleman in this  
11 case.

12                  THE CLERK: Thank you, you may be seated in the  
13 jury box.

14                  Juror No. 100, Marie Hall.

15                  (Marie Hall, a white female, came forward.)

16                  MR. WESTON: Present Ms. Hall, please.

17                  MR. COOKE: Please excuse the lady from this  
18 case.

19                  THE CLERK: Thank you, you may be seated, you're  
20 excused from the trial of this case.

21                  Juror No. 158, Lindsay Miller.

22                  (Lindsay Miller, a white female, came forward.)

23                  What says the State?

24                  MR. WESTON: Present Ms. Miller, please.

25                  THE CLERK: Thank you.

1 MR. COOKE: Please excuse the lady in this case.

2 THE CLERK: Thank you, you may be seated, you're  
3 excused from the trial of this case.

4 Juror No. 136, Buddy Lynn.

5 (Buddy Lynn, a white male, came forward.)

6 What says the State?

7 MR. WESTON: Present Mr. Lynn, please.

8 MR. COOKE: Swear Mr. Lynn please.

9 THE CLERK: Thank you, you may be seated in the  
10 jury box.

11 Juror No. 10, Matthew Bainton.

12 (Matthew Bainton, a white male, came forward.)

13 What says the State?

14 MR. WESTON: Present Mr. Bainton, please.

15 MR. COOKE: Swear Mr. Bayton, Baton -- swear the  
16 gentleman, please.

17 THE CLERK: Thank you, you may be seated in the  
18 jury box.

19 Juror No. 208, Carson Steinmetz.

20 (Carson Steinmetz, a white male, came forward.)

21 What says the State?

22 MR. WESTON: Present Mr. Steinmetz, please.

23 MR. COOKE: Excuse the gentleman from the case,  
24 please.

25 THE CLERK: Thank you, you may be seated, you're

1 excused from the trial of this case.

2 Juror No. 9, Gregory Attaway.

3 (Gregory Attaway, a white male, came forward.)

4 What says the State?

5 MR. WESTON: Excuse Mr. Attaway from the trial,  
6 please.

7 THE CLERK: Thank you, you may be seated, you're  
8 excused from the trial of this case.

9 Juror No. 112, Elizabeth Huff.

10 (Elizabeth Huff, a Hispanic female, came  
11 forward.)

12 MR. WESTON: Present Ms. Huff, please.

13 THE CLERK: Thank you.

14 MR. COOKE: Swear Ms. Huff, please.

15 THE CLERK: Thank you, you may be seated in the  
16 jury box.

17 Juror No. 170, Robert Parrish.

18 (Robert Parrish, a white male, came forward.)

19 What says the State?

20 MR. WESTON: Present Mr. Parrish, please.

21 MR. COOKE: What number was that, ma'am? I'm  
22 sorry.

23 THE CLERK: 170.

24 MR. COOKE: 170. Swear the gentleman, please.

25 THE CLERK: Thank you, you may be seated in the

1 jury box.

2 Juror No. 83, Wildamaria Garcia.

3 (Wildamaria Garcia, a Hispanic female, came  
4 forward.)

5 What says the State?

6 MR. WESTON: Excuse Ms. Garcia from the jury,  
7 please.

8 THE CLERK: Thank you, you may be seated, you're  
9 excused from the trial of this case.

10 Juror No. 101, Yolanda Handy.

11 (Yolanda Handy, a white female, came forward.)

12 What says the State?

13 MR. WESTON: Present Ms. Handy, please.

14 MR. COOKE: Swear the lady, please.

15 THE CLERK: Thank you, you may be seated in the  
16 jury box.

17 Juror No. 32, Brenda Buchanan.

18 (Brenda Buchanan, a white female, came forward.)

19 What says the State?

20 MR. WESTON: Present Ms. Buchanan, please.

21 MR. COOKE: Swear the lady, please.

22 THE CLERK: Thank you, you may be seated in the  
23 jury box.

24 Juror No. 188, Celinda Rodriguez.

25 (Celinda Rodriguez, a white female, came

1 forward.)

2 What says the State?

3 MR. WESTON: Present Ms. Rodriguez, please.

4 MR. COOKE: Swear the lady, please.

5 THE CLERK: Thank you, you may be seated in the  
6 jury box.

7 Juror No. 98, Brenda Guthrie.

8 (Brenda Guthrie, a white female, came forward.)

9 What says the State?

10 MR. WESTON: Present Ms. Guthrie, please.

11 MR. COOKE: Swear the lady, please.

12 THE CLERK: Thank you, you may be seated in the  
13 jury box.

14 Juror No. 119, Andrew Johnson.

15 (Andrew Johnson, a white male, came forward.)

16 What says the State?

17 MR. WESTON: Present Mr. Johnson, please.

18 MR. COOKE: Swear the gentleman.

19 THE CLERK: Thank you, you may be seated in the  
20 jury box.

21 THE COURT: All right, any exception or  
22 objection to the jury as impaneled pursuant to Batson or  
23 Jefferies?

24 MR. WESTON: Nothing from the State, Your Honor.

25 MR. COOKE: Nothing from the Defense, Judge.

1 THE COURT: Okay.

2 All right, we got two groups in here. One group  
3 thinks they won the lottery, one group thinks they lost.  
4 Maybe. Let me just say I think the group that was  
5 selected -- that has been selected won the lottery. It's  
6 an awesome experience, it's a heavy responsibility, a  
7 great privilege to serve on a jury. And I've often -- I  
8 tell jury pools every time I see them that before I was a  
9 Judge I was eligible to be picked. I was never even  
10 served a summons to come up and sit in the courthouse. So  
11 if that's a rare occurrence, then it's rare still to be  
12 selected. I don't think y'all are going to get a chance  
13 to serve this week. Unfortunately. You may have already  
14 served this week, I don't know. But I hope that you get  
15 an opportunity, if not this week, sometime in the future.

16 I know you all probably think I'm a crazy old  
17 bat for saying that. But after the juries have finished  
18 their work, I think they got, almost universally, have a  
19 deep sense of satisfaction because they have served  
20 community, their fellow citizens and participated in the  
21 justice system. And I'll say one last little comment.  
22 This justice system doesn't belong to me, it doesn't  
23 belong to these lawyers, it doesn't belong to the  
24 courthouse staff, it belongs to all of us. And it doesn't  
25 work unless you all, the citizens of this county, will

1 come up here and make the sacrifices that you make to  
2 ensure that our justice system runs smoothly and  
3 efficiently.

4 I thank y'all for your service. I wish I could  
5 say y'all go home but I have to ask you to go back  
6 downstairs and they will direct you and tell you what next  
7 you should do. Thank you, very much.

8 (WHEREUPON, the jury venire was excused.)

9 THE COURT: All right, ladies and gentlemen, I  
10 would ask y'all to stand at this time and take the oath.

11 THE CLERK: If you'd raise your right hand,  
12 please. The response to the oath is, I will.

13 THE COURT: Did you get all three?

14 THE CLERK: I'm getting them.

15 THE COURT: Oh, I'm sorry.

16 (WHEREUPON, the jury was sworn.)

17 THE COURT: I just publically apologize for  
18 interrupting the Clerk's Office, we've got the best  
19 Clerk's office in the State and I should have known  
20 better. I should have known they would have all the basis  
21 covered.

22 Ladies and gentlemen, I want to tell you that we  
23 have a dispute about the facts in this case which can't be  
24 resolved in any fashion other than to ask a jury to come  
25 up here and listen to the evidence presented in this

1 courtroom and the law presented in this courtroom and  
2 render a decision which will resolve this dispute. That  
3 is your job, ladies and gentlemen, and it's vitally  
4 important that we have you here. As I told the whole  
5 panel, it is a great responsibility and a great privilege  
6 to serve on a jury. We went through all those questions  
7 to ensure that we have a fair and impartial jury. And  
8 that's all we ask is that you all sit and listen  
9 objectively to the evidence that's presented and the law  
10 as I will give it to you and render a fair and impartial  
11 decision in this case.

12 I would ask you and remind you again to keep in  
13 mind that the fact that Ms. Sullivan has been arrested,  
14 charged, indicted and these documents have been issued,  
15 those documents are not evidence. And you should take no  
16 presumption -- make no presumption or take any inference  
17 from the fact that these documents have been issued.  
18 They're just the formal method by which a case is brought  
19 to court. And the case is not to be decided based on the  
20 fact that these documents have issued or what's contained  
21 in them. It's to be decided based on the evidence  
22 presented in this courtroom. And based on the law.

23 I would also remind you and it's vitally  
24 important that you keep in mind throughout the course of  
25 this trial that every person charged with a crime in this

1 country is presumed innocent unless and until the State,  
2 who always has the burden of proof, can prove to each of  
3 you beyond any reasonable doubt, each and every element of  
4 each offense. And each offense must stand on its on  
5 merits. Okay. And be judged by that same standard.

6 Just a little -- I don't anticipate this is  
7 going to be a long trial. I break a trial into five  
8 parts. Five big parts. You can dissect it as much as  
9 you'd like. But the first part we're engaged in now,  
10 these are the opening comments, my opening comments to  
11 you. The brief non-argumentative opening statements from  
12 the lawyers in this case is the first part. The second  
13 part would be the presentation of the testimony and the  
14 evidence in the case. That's usually the longest part. I  
15 always refer to it as the meat and potatoes. The third  
16 part of the case will be when all of the evidence is  
17 presented and the lawyers will get up and make their  
18 closing arguments to you. As opposed to an opening  
19 statement, it's a closing argument. Where they advocate  
20 their positions. The fourth part will be when I tell you  
21 what the law is as it applies to this case. And the fifth  
22 part would be when you all retire to your jury room to  
23 resolve the dispute. Make a decision in this case.

24 I'll ask you probably to do a number of things  
25 throughout the course of the trial. There are some sort

1 of basic, very important things I ask you to do. That is  
2 to keep an open mind throughout the course of the case.  
3 Be fair and impartial. The second thing will be to pay  
4 attention. If you let your mind wonder off you might miss  
5 an important piece of testimony or the way a witness acts  
6 on the witness stand. And if that happens then you might  
7 be at a disadvantage with your fellow juror when you're  
8 deliberating in the case.

9 Then finally I instruct you and ask you -- most  
10 importantly instruct you not to talk about this case with  
11 anyone. Until you're free to deliberate at the end of the  
12 case back in the jury room. That seems -- you might think  
13 that seems over the top but it's not. We're not  
14 interested in what anyone else thinks about this case.  
15 I'm sure we're going to break for lunch, y'all are out at  
16 lunch and you see somebody you know or you talk to a  
17 family member or close friend, they're going to want to  
18 know what you're doing and what the case is about, it's  
19 human nature. But don't talk about it. And I tell you  
20 that even an innocent comment from someone who you like  
21 and trust or even someone you don't like might impact your  
22 state of mind in this case and that wouldn't be fair to  
23 these parties, it wouldn't be fair to your fellow jurors,  
24 it wouldn't be fair to you to let someone who have any  
25 outside influence on the outcome of this case. They're

1 not making the sacrifices you're making, they're not  
2 hearing the evidence, they're not listening to the law.  
3 So don't let them have any impact. Just don't talk about  
4 it until it's all over.

5 I'll tell you that you all are the sole judges  
6 of the facts in this and every case. That means you all  
7 decide what is true and what is not true from the  
8 evidence. A trial Judge is not allowed to have any  
9 opinion about the facts. So, please don't think by  
10 anything I say or do that I have an opinion because the  
11 law does not allow it. You all are the sole judges of the  
12 facts. That same law makes me the sole Judge of the law  
13 in the case. So if you have any idea about what the law  
14 is or what the law should be and it disagrees with what I  
15 tell you the law is throughout the trial and at the end of  
16 the case, then you have sworn an oath to set aside your  
17 own opinion and apply the law precisely as I state it to  
18 you.

19 I'm sure there will be a number of other things  
20 I'll ask you to do throughout the course of the trial, I  
21 can't think of what they are right now. Except I will  
22 tell you that perhaps I'll ask the lawyers from time to  
23 time to come up here and talk to me so you can't hear. Or  
24 I might ask you all to retire to your jury room because we  
25 have to discuss some legal matter. Could be about a piece

1 of evidence that might or might not be admissible. And,  
2 of course, I think you can understand that if it's not  
3 admissible, that you all shouldn't be privy to what's said  
4 about it. We're not trying to deceive you in any way but  
5 we may be trying to keep something from you. But it's  
6 only so you all get only the constitutionally proper  
7 evidence and law in the case.

8 All right. I'm all done with my opening  
9 comments and I'm going to turn it over to the  
10 attorneys for their comments.

11 All right, Mr. Weston.

12 OPENING STATEMENT

13 MR. WESTON: Thank you, Your Honor, may it  
14 please the Court.

15 Ladies and gentlemen, as I said a few moments  
16 ago, my name is Jeff Weston, I'm a prosecutor with the  
17 Thirteenth Circuit Solicitor's Office. As I said, Lynn  
18 Crouch seated at the table with me is an investigator in  
19 our office. And it's our job to present this case to you  
20 today. I like to use my opening statement to briefly do  
21 three things. Number one, tell you what the case is  
22 about. Number two, tell you what we're required and what  
23 we intend to prove. And finally, tell you how we intend  
24 to prove it. Number one, this case is about law and  
25 order. It's about a social contact that we have as a

1 community that says we're going to act like civilized  
2 people. Most importantly, when the police say, Stop, we  
3 stop. When the police say we're under arrest, we submit  
4 to a lawful arrest.

5 Now we are required and we intend to prove in  
6 this case that the Defendant committed three crimes.  
7 Number one, she committed an assault and battery of a high  
8 and aggravated nature against a deputy sheriff of the  
9 Greenville County Sheriff's Office who was attempting to  
10 transport her to the detention center after a lawful  
11 arrest. She did so by kicking him in his torso and then  
12 viciously kicking him in the groin. Then she committed  
13 another assault and battery of a high and aggravated  
14 nature against another deputy who was trying to put her  
15 into -- who was trying to assist her in an ambulance  
16 shortly after the first assault. Because she had been  
17 complaining of chest pains by spitting in his face. And  
18 finally she committed an assault and battery upon a EMS  
19 worker who was in the line of his duty, was trying to help  
20 her in that ambulance to administer first aid to her by  
21 spitting in his face. That's what we are required and  
22 that's what we intend to prove. That's what we intend to  
23 prove, excuse me.

24 Finally, this is how we intend to prove it. We  
25 believe that the evidence will show, and you will hear

1 first from a deputy sheriff who will tell you that they  
2 were conducting an unlawful -- excuse me, an undercover  
3 prostitution sting here in Greenville County on October  
4 the 1st of 2009 about 7:00-7:15 p.m. That deputy will  
5 tell you that he came upon this Defendant standing in the  
6 roadway or standing next to the roadway. He approached  
7 her, a conversation ensued and during that conversation  
8 she offered to have sex with him for money. He did as  
9 they do, as the protocol, she got in his car, he drove her  
10 to an area where other deputies then came and arrested her  
11 lawfully.

12           You will then hear from Deputy Chad Ayers who  
13 will tell you that she was told she was under arrest, told  
14 her what she was being arrested for. She was handcuffed,  
15 put into the back of his patrol car. He was then driving  
16 her to the detention center when she began violently, and  
17 he will testify, kicking the window of the back of the  
18 patrol car. Cursing and just out of control. He's going  
19 to testify that he stopped his car at the intersection of  
20 Church and Augusta in order to try to subdue her and keep  
21 her from hurting herself and damaging his car. She began  
22 kicking him about the torso and in the groin. He then  
23 called for back up because he's standing in the middle of  
24 Church Street and Augusta Road in the middle lane, traffic  
25 is going around, he was afraid he would be kicked into

1 traffic. He made the decision he needed to tase her and  
2 he did. Three times before she finally subdued -- was  
3 subdued.

4 Testimony will be that she then began to  
5 complain of chest pains. So the police, who were in the  
6 process of arresting her, called a ambulance to assist  
7 her. Because that's what they're supposed to do. The  
8 testimony you will then hear from the ambulance tech, who  
9 will testify when they arrived, she was still in a out of  
10 control state, cursing, just rampaging basically in  
11 handcuffs. They got her on the gurney. Had to handcuff  
12 her to the gurney because she was acting so violently out  
13 of control. But they're still trying to help her.

14 It will be their testimony that they lift her  
15 up, put her into the EMS wagon. This EMS worker who  
16 didn't know her, didn't know the officers, had nothing to  
17 do with what had gone, just simply trying to administer  
18 aide to her, check her blood and heart, what have you.  
19 He's going to testify that she didn't rant and raved and  
20 happened to spit on him as she was talking, that she  
21 reared her head back and spit a loogie at him in his face.  
22 That she cursed at the officers. You will then hear that  
23 the Officer Curtis, who was also in the back of the  
24 ambulance with her, who will corroborate what the  
25 ambulance attendant was saying that that's what she did to

1 him. As the officer tries to stop her after she did that,  
2 she turned her head and she then spit in his face.

3 She's then finally subdued but she continued to  
4 have rage. But those are the three crimes she committed.  
5 She kicked a officer in the groin who was trying to keep  
6 her from not kicking a window out of his car. She spit on  
7 a ambulance attendee's face, then she spit on another  
8 officer's face. One of these were inadvertent, they were  
9 intentional acts. That's how we intend to prove it.

10 At the end of this case, ladies and gentlemen, I  
11 will come back to you and ask you for a verdict of guilty.  
12 We think the evidence is clear. And it has to do simply  
13 as I said at the outset, law and order. That you have to  
14 submit to lawful authority. Otherwise, you have chaos.  
15 Thank you.

16 THE COURT: Mr. Cooke!

17 MR. COOKE: I have no remarks at this time,  
18 Judge.

19 THE COURT: All right, call your first witness.

20 MR. WESTON: Your Honor, the State calls  
21 Investigator Brad Mashak as our first witness.

22 THE COURT: Okay..

23 THE CLERK: Place your left hand on the Bible,  
24 raise your right hand, please.

25 BRAD MASHAK, after being duly sworn, testified

1 as follows:

2 THE CLERK: Please state your name for the  
3 record.

4 THE WITNESS: Investigator Brad Mashak.

5 DIRECT EXAMINATION

6 BY MR. WESTON:

7 Q Investigator Mashak, with whom are you employed?

8 A Greenville County Sheriff's Office.

9 Q How long have you been with the sheriff's office?

10 A Approximately six years.

11 Q What is your rank?

12 A It's investigator.

13 Q Are you married, sir?

14 A I'm sorry?

15 Q Are you married?

16 A Yes.

17 Q All right. You live here in Greenville, I take it?

18 A Yes, sir.

19 Q Did you ever have occasion to participate in a  
20 undercover prostitution sting on October 1st, 2009?

21 A Yes, sir.

22 Q Were you -- you're wearing a suit today, you're a  
23 uniformed officer?

24 A This is what I wear everyday now.

25 Q You're an investigator?

1 A Private crimes, yes, sir.

2 Q So you were, at the time, you were an investigator in  
3 2009?

4 A No, sir, I was a deputy in direct patrol unit.

5 Q What's directed patrol?

6 A Investigate prostitution, gambling drugs, I mean,  
7 pretty much anything.

8 Q Street level crimes?

9 A Street level, vice, pretty much street level, vice  
10 and narcotics.

11 Q Would tell the jury what the nature of this  
12 undercover operation was on that day?

13 A This was an investigation in reference to  
14 prostitution. I was the undercover deputy and road  
15 around in a unmarked County vehicle which was wired.  
16 Which another undercover vehicle had the surveillance  
17 tape so they could listen to the audio. So pretty  
18 much I would drive around Greenville in reference to  
19 picking up prostitutes.

20 Q Where was the area that this -- that this operation  
21 was target? What area of Greenville?

22 A West side. We switch from South end to West side.  
23 At this point it was the West side of Greenville.

24 Q I'm sorry, go ahead.

25 A At this point it was the West side of Greenville.

1 Q Are these kinds of undercover operations random or  
2 are they a result of complaints or?

3 A Both. I mean, it's an on-going thing. It's been  
4 there for years. So obviously prostitution -- a lot  
5 of prostitutions use drugs, stuff like that. So that  
6 leads to, you know, further investigations, drug  
7 complaints, you know, it goes to armed robbery. I  
8 mean, it stems all with that. So, I mean, we started  
9 with the doing the prostitution.

10 Q Did you have an occasion to interact with the  
11 Defendant, Ms. Jacqueline Sullivan on that day?

12 A Yes, sir.

13 Q What time of day or night was this?

14 A I believe it was around 9 p.m. I'm not -- I know it  
15 was the night time. I don't know the exact time.

16 Q And you said you were in civilian clothes?

17 A Yes, sir, I was in civilian attire that day.

18 Q Were you in a unmarked car?

19 A Yes, sir.

20 Q All right. And when did you come upon the Defendant?

21 A It was Anderson Street and Jenkins Street.

22 Q All right. And just tell the jury what happened as  
23 you drove up.

24 A I drove up, she was on the side of the road. Asked  
25 her if she needed a ride. She -- or I believe I said

1 I was looking for a date.

2 And she said, Why?

3 I stated that I was lonely.

4 She got in the vehicle.

5 I asked her, How much are we talking about?

6 She said \$20.

7 Q Twenty dollars for what?

8 A For her -- I said -- in my words I said \$20 for head.  
9 Which is oral sex.

10 She said, Yes.

11 Q All right, so what happened then?

12 A I pretended like I didn't know the area. I asked her  
13 where I needed to go. She pointed to a street. I  
14 don't know if she was talking about Jenkins Street  
15 that goes into Sterling, I believe that's what she  
16 was talking about.

17 She said, Don't go this way, that's -- the  
18 police are over there.

19 So she took me into the Dunning community. And  
20 we drove around.

21 Q How -- how did your interaction with her end after  
22 you were driving around?

23 A We just talked. She said she was employed with some  
24 distribution place, I think in Laurens. And she said  
25 she was looking for a little getting money. I guess

1 for her commute back and forth. I think I even asked  
2 her why she couldn't get a job closer. I mean,  
3 that's a long drive. So we sat there and talked for  
4 a little while until we were pulled over.

5 Q Now when you say y'all were pulled over, I assume by  
6 another law enforcement officer, marked car?

7 A Yes, sir, marked car.

8 Q And was that part of the way the operation was run?

9 A Yes, sir.

10 Q Would you describe to the jury how that worked?

11 A A lot of times we'll give tape cues -- if a deals,  
12 been made, there's two other deputies in a unmarked  
13 car. One driving obviously and the other listening  
14 to the surveillance, the audio. So he's listening  
15 the whole time, the deal's been made. You know,  
16 we'll say, Is it going to good be? That's one thing  
17 that we'll say. I mean, it depends on that day.

18 Q That's a signal to the other officer?

19 A It's a signal. I mean, we don't have to give a  
20 signal because they're listening to the audio. So  
21 the deputy or whoever was listening to the video says  
22 on a secured radio will tell over units in the area  
23 that aren't listening to the audio, say, Okay it's a  
24 go. You know. And they'll say, \$20 for head. They  
25 go initiate a traffic stop. They'll tell them where

1 I am. So they'll initiate the traffic stop.

2 Q So you were expecting to be stopped?

3 A Yes.

4 Q All right. So tell the jury what happened once --  
5 did the officer put on blue lights and everything?

6 A Yes. It's -- I mean, if one of y'all were driving  
7 down the road and got pulled over, same thing, blue  
8 lights, pulled over. Deputy, I think it was, deputy  
9 Cannon and Investigator Ayers got out.

10 Q Tell the jury what happened once they got out and  
11 what happened next with regard to you and the  
12 Defendant?

13 A They told the Defendant to exit the vehicle, that  
14 she was under arrest for prostitution. And they  
15 blocked Investigator Ayers vehicle.

16 Q What was the Defendant's reaction and demeanor to  
17 being arrested at that time?

18 A It was fine. It was like nothing, I mean, nothing  
19 out of the ordinary, I guess you could say.

20 Q Did she object?

21 A No, sir.

22 Q Did she indicate in any way that she was being  
23 arrested wrongfully?

24 A No, sir.

25 Q So she submitted to being handcuffed at that time?

1 A Yes.

2 Q Where was she taken?

3 A To Investigator Ayers patrol car.

4 Q All right. Now at conclusion and once that happened,  
5 did you have any further interaction with the  
6 Defendant?

7 A No, sir.

8 Q Now once -- you saw her being arrested and placed in  
9 his car?

10 A Yes, sir.

11 Q And was -- did you get any indication that she was  
12 objecting to the arrest?

13 A No, sir.

14 Q All right. Let me show you --

15 Excuse me one moment, Your Honor.

16 THE COURT: Okay.

17 (WHEREUPON, State's Exhibit No. 1 was marked for  
18 identification only.)

19 Q Let me show you what's been marked as State's Exhibit  
20 1 marked for identification and ask you do you  
21 recognize it?

22 A I do.

23 Q How do you recognize this?

24 A This is the audio from that night. And I also  
25 initialed it.

1 Q Does this audio conversation that you had with the  
2 Defendant in your car regarding the solicitation for  
3 prostitution?

4 A Yes, sir.

5 Q When you say you initialed it, are those your  
6 initials at the top it?

7 A They are.

8 Q And does it accurately depict the conversation that  
9 took place between you and the Defendant in your car  
10 when you stopped and she got in?

11 A Yes, sir, it does.

12 Q All right.

13 State would offer this as State's Exhibit 1.

14 MR. COOKE: No objection.

15 THE COURT: All right.

16 MR. WESTON: Permission to publish, Your Honor.

17 THE COURT: Yes sir.

18 (WHEREUPON, State's Exhibit No. 1 was admitted  
19 into evidence.)

20 (WHEREUPON, State's Exhibit No. 1 was  
21 published.)

22 BY MR. WESTON:

23 Q Officer, just for the record to be clear the act that  
24 y'all were discussing was never completed, is that  
25 correct?

1 A I'm sorry?

2 Q The act that y'all were discussing never took place?

3 A No, no, sir.

4 Q She was arrested before that?

5 A (The witness nods.)

6 Q Now the voices we heard at the end of this tape, Put  
7 your hands behind your -- were those the interceptors  
8 or the take out officers?

9 A Yes, sir.

10 Q All right. And did she, in fact, proposition you or  
11 offer sex for money in your presence?

12 A Yes.

13 Q When she was -- when the other officers arrived, were  
14 you present when they advised her that she was being  
15 placed under arrest?

16 A Yes, sir.

17 Q Did you have any further interaction with her once  
18 she was moved to Deputy Ayers' car?

19 A No, sir.

20 Q All right, thank you, sir. I'm sorry, did all the  
21 events that took place occur here in Greenville  
22 County?

23 A Yes, sir.

24 MR. WESTON: All right, thank you. Answer any  
25 questions that counsel may have for you.

1 THE COURT: All right, Mr. Cooke.

2 CROSS-EXAMINATION

3 BY MR. COOKE:

4 Q What was your name, again?

5 A Investigator Mashak.

6 Q You got to be lying. You said that you been a deputy  
7 for 26 years?

8 A I said approximately --

9 Q You don't look --

10 A -- six years--

11 Q -- that old. You got to be telling a story. You  
12 been there that long?

13 A Approximately six years.

14 Q You're awful young looking.

15 THE COURT: Mr. Cooke.

16 MR. COOKE: Yes, sir.

17 THE COURT: You're not hearing him, he said six  
18 years.

19 MR. COOKE: Oh, I thought he said 26.

20 THE WITNESS: I said approximately six years.

21 BY MR. COOKE:

22 Q Oh, okay, I got you now. I was going to say, man,  
23 you look awfully young to be there 26 years or you  
24 had a face lift. Anyhow, you did arrest her for  
25 prostitution.

1 A Yes, sir.

2 Q And she took you down in the Sterling area, I  
3 believe.

4 A Yes, sir, in Dunning.

5 Q All right. And as I heard on the tape, she was in a  
6 very good mood. She was laughing with you, you  
7 carried on a conversation. You talked about -- you  
8 talk about her job, I believe. She said she had no  
9 way to get to the distribution center, is that  
10 correct?

11 A Yes, sir.

12 Q And she was doing this in order to supplement her  
13 income, is that what she was saying?

14 A I would say so.

15 Q She had lost her car, is that correct?

16 A I mean, I don't know 100 percent sure.

17 Q So when she was arrested everything was fine. I  
18 mean, she didn't protest, she didn't give you any  
19 trouble at all, did she?

20 A No, sir.

21 Q Okay. As a matter of fact she was very nice to you?

22 A I mean, we just sat there and talked until --  
23 obviously she didn't know I was law enforcement.

24 Q Okay. Okay.

25 MR. COOKE: I have no further questions. Thank

1 you, very much.

2 THE COURT: Any redirect?

3 MR. WESTON: Nothing on redirect, Your Honor.

4 THE COURT: All right, thank you, sir, you can  
5 step down.

6 MR. WESTON: Your Honor, the State would ask  
7 this witness be allowed to be excused.

8 THE COURT: Any objection?

9 MR. COOKE: No objection.

10 THE COURT: Okay.

11 MR. WESTON: Your Honor, the State would call  
12 Investigator Chad Ayers.

13 THE CLERK: Investigator Ayers, if you'd come  
14 forward to be sworn, please. Place your left hand on the  
15 Bible, raise your right.

16 CHAD AYERS, after being duly sworn, testified as  
17 follows:

18 THE CLERK: Thank you, you may be seated. State  
19 your name for the record.

20 THE WITNESS: Chad Ayers, A-Y-E-R-S.

21 THE CLERK: Thank you.

22 DIRECT EXAMINATION

23 BY MR. WESTON:

24 Q Investigator Ayers, with whom are you employed?

25 A Greenville County Sheriff's Office.

1 Q How long have you been with the sheriff's office?

2 A Almost six years.

3 Q All right, what's your rank?

4 A I'm investigator assigned to the Drug Enforcement  
5 Administration as a task force officer.

6 Q All right. And I noticed you're wearing green today  
7 and not in the usual officers blue. Why are you in a  
8 green outfit?

9 A I'm also on the SWAT Team and we had training today.

10 Q All right, sir. And did you have an occasion to  
11 participate in the take down at an arrest of the  
12 Defendant, Ms. Jacqueline Sullivan on October 1st of  
13 2009?

14 A Yes, sir, I did.

15 Q And do you remember that evening.

16 A I do.

17 Q What was your role, were you part of this operation?

18 A I was. At the time I was assigned to directed patrol  
19 unit and we were conducting an investigation in  
20 reference to prostitution in Greenville.

21 Q All right. What was your role in this operation?

22 A I was part of the arrest team.

23 Q All right, did you -- were you the other person on  
24 the audio listening to what was going on in the other  
25 officer's -- in the undercover officer's car?

1 A No, sir. I had a 800 megahertz radio and the  
2 officers listening to the wire were relaying the  
3 information as to where the vehicle was. And, you  
4 know, when we were told to move in and arrest the  
5 subject.

6 Q And did you receive such an instruction regarding to  
7 moving in?

8 A I did.

9 Q All right. And did you participate in the arrest of  
10 the Defendant?

11 A Yes, sir.

12 Q Tell the jury where -- well where did this take  
13 place? Where did the arrest take place?

14 A The arrest took place, I believe, on Daring Street.  
15 I believe it was the corner of Guess Street and  
16 Daring Street.

17 Q And that was in the Dunning Community, West side?

18 A Yes, sir, off of Mills Avenue.

19 Q All right. And when you arrived were you in a patrol  
20 car by yourself?

21 A Correct.

22 Q Was your patrol car a marked sheriff's department  
23 vehicle?

24 A At the time I believe it was. Either around that  
25 time or shortly after I went to an unmarked that had

1 blue lights and siren. But at the time I'm pretty  
2 sure I was in a marked patrol car .

3 Q Did it have a cage in between the front passenger and  
4 backseat?

5 A Yes, sir, it did.

6 Q All right. So when you arrived what was the  
7 situation? Had any other deputies arrived before  
8 you?

9 A Yes, sir. I believe another deputy had initiated his  
10 blue lights and I pulled in behind him. I got out  
11 and walked to the passenger side of the vehicle,  
12 asked Ms. Sullivan to step out of the vehicle. I  
13 placed her under arrest and advised her she was being  
14 placed under arrest for prostitution at that time.

15 Q Did you participate in the search of Ms. Sullivan?

16 A I did.

17 Q Was there anything found on her?

18 A Yes, sir. Located in a glass pipe that was burnt,  
19 that I know from my experience to be used to smoke  
20 crack cocaine.

21 Q Did you subsequently charge her with any other  
22 offenses as a result that?

23 A She was also charged with the possession of drug  
24 paraphernalia.

25 Q Was she advised of that?

- 1 A Yes, sir.
- 2 Q Did you advise her of that?
- 3 A Yes, sir, I did.
- 4 Q Was there any doubt in your mind that she knew she  
5 was being arrest?
- 6 A I'm sorry, can you repeat that?
- 7 Q Is there any doubt in your mind that she knew she was  
8 being arrested by law enforcement?
- 9 A No, sir, absolutely not.
- 10 Q All right. And were you in uniform by the way then?
- 11 A Yes, sir. I was in blue duty style -- kind of like  
12 this but they would have been blue. Had a sheriff's  
13 office vest on that said Sheriff's Office on the  
14 front. And my firearm.
- 15 Q All right. So did you -- were you -- did you  
16 handcuff her?
- 17 A Yes, sir, I did.
- 18 Q All right. Was she handcuffed in the front or behind  
19 her back?
- 20 A Behind her back.
- 21 Q All right, what happened -- just tell the jury what  
22 happened next. Well when you first arrived, what was  
23 her demeanor?
- 24 A Asked her why she was being arrested, what was going  
25 on. Again, I advised her she was under arrest for

1 prostitution. Kind of asked a lot of questions. But  
2 once she got into the patrol car, her demeanor  
3 changed extremely.

4 Q All right. When you said she got into the patrol  
5 car, she was placed in your patrol car?

6 A Yes, sir, correct.

7 Q Were there any other officers in your car?

8 A No, sir, it was just me.

9 Q What's the reason -- she was put in your car for what  
10 reason?

11 A To be transported to the detention center.

12 Q All right. And when you said she -- when she was  
13 place in your car, was she placed in car in a seated  
14 position in the backseat with her hands behind her  
15 back?

16 A Correct.

17 Q Did she ever indicate to you that she was in any  
18 distress with regards to her physical circumstances?

19 A No, sir.

20 Q All right. Tell the jury how her demeanor changed?

21 A I turned on -- took a left on Mills Avenue, drove up  
22 to where Augusta Road intersects. I was in the  
23 middle lane. So to my left there was a turn lane and  
24 to my right there's another lane to go straight. As  
25 we approached the light, had a red light,

1 Ms. Sullivan became extremely angry, was cursing.  
2 Rolled to her back and began attempting to kick out  
3 the back window of my patrol car.

4 Q Did you instruct her to stop?

5 A Yes, sir.

6 Q How many times?

7 A Multiple times.

8 Q What was her response to your instructions?

9 A She continued to kick, yell, scream, curse.

10 Q Was she cursing at you or just the world?

11 A Both.

12 Q All right. Did she call you derogatory names?

13 A She made several racial slurs towards me.

14 Q Had you had any kind of -- had you ever met her  
15 before that night?

16 A No, sir.

17 Q Did you -- when you arresting her and putting her  
18 into the vehicle and handcuffing her, was there any  
19 negative conversation between you and her?

20 A No, sir. In the unit I work in we're assigned to do  
21 prostitution stings. We're called names, racial  
22 slurs, other words all the time. It's, you know,  
23 just part of the job. Most people just don't like  
24 going to jail so it doesn't effect me.

25 Q All right. So you're at Augusta Road and Mills

1 Avenue, headed toward downtown, I take it?

2 A Yes, sir.

3 Q And you're in the middle lane, I think you said?

4 A Yes, sir.

5 Q Is there traffic going around you?

6 A I remember there being traffic behind me and on both  
7 sides of me. At the time I believe there was one car  
8 next to me on the turn lane to go left. And I don't  
9 believe there was a car yet behind that car directly  
10 next to the passenger door.

11 Q All right. So did she -- when you going back to  
12 where you are in you events, in your testimony, when  
13 you told her repeatedly to stop kicking at the  
14 window, what did you do next?

15 A Got on the radio, advised Sergeant Curtis that I  
16 needed another unit, signal one, which means lights  
17 and sirens, I needed assistance. I also advised  
18 dispatch. I knew we were in the city limits. I also  
19 notified the city that I needed back up.

20 Q Why did you think you needed back up?

21 A You know, here she is kicking my windows out,  
22 attempting to escape. You know, with her kicking and  
23 being in the middle of the intersection, I knew for  
24 my safety and hers, it would be beneficial to have  
25 other officers there.

1 Q All right. What happened once you completed the  
2 call?

3 A I got out, went to the backdoor, opened the backdoor  
4 up, where she was kicking the window. Advised her, I  
5 pulled my taser out, I advised her to quit kicking  
6 the window, to sit up. She was just belligerent,  
7 yelling, screaming, cursing and just kicking her legs  
8 just as fast as she could towards me. I couldn't get  
9 in, I reach in. I attempted to reached in to grab  
10 her to pull her up, at which time she kicked me in  
11 the groin area. I couldn't get -- the way she was  
12 laying on her back, the way her legs were up kicking,  
13 I couldn't get a clear shot to deploy my taser. So  
14 what I was able to do was I was able to take my leg  
15 and kind of kick one of the legs down and kind of  
16 hold it down and pen it down and deploy my taser.

17 Q All right, when you said she kicked you in the groin,  
18 it is possible that she just was flaying and she  
19 happened to strike your groin area or do you feel  
20 like it was deliberate?

21 A No, sir. From the angle she was kicking at, she was  
22 kicking at the window before and she dropped down and  
23 directly kicked me in the groin area intentionally.

24 Q All right. Was it a light tap?

25 A No, sir.

1 Q All right, sir. And I'm not going to ask you anymore  
2 about that. So what happened after you tased her?

3 A When I--

4 Q Excuse me, I'm sorry to interrupt, I apologize.  
5 Let's go back a little bit. When you pulled out your  
6 taser, did you warn her that she was going to be  
7 tased if she didn't stop?

8 A Yes, sir, I did.

9 Q How about how many times?

10 A Probably at least two or three. I know at least  
11 twice I advised her she was going to be tased. I was  
12 having to try to yell over her voice because she was  
13 yelling.

14 Q Did you want to tase her?

15 A Absolutely not.

16 Q All right. Once she was tased the first time, then  
17 what happened?

18 A Whenever we deploy our tasers, it deploys it  
19 automatically cycles for five seconds. As the  
20 taser's cycling, I was yelling, Stop kicking, stop  
21 kick, stop kicking. Once that taser -- once the  
22 leads from the taser deploy into you, they remain  
23 into you. After that five second cycle was over, she  
24 immediately began kicking again.

25 At this point I'm standing outside the car. And

1 I was in fear that, you know, as hard as she was  
2 kicking, the possibility was there that she was going  
3 to kick me into oncoming traffic. So again, I told  
4 her to stop kicking. She wouldn't. She was still in  
5 the same position and I was unable to reach in and  
6 grab her. My back up had not arrived yet. At which  
7 time I cycled, pulled the trigger which cycles my  
8 taser again for another five seconds. She was  
9 yelling. At that point stop, stop, stop. After the  
10 five seconds the taser stopped again. I again,  
11 reached in to try to grab her. And again, a third  
12 time, I told her to sit up, she was not complying  
13 with my commands at all.

14 Q Did she continue to kick at you?

15 A Yes, sir.

16 Q Did she strike you more than one time with her feet  
17 by the way?

18 A Yes, sir. I remember the one time in the groin but I  
19 had blade myself at this point so the kicks where  
20 being directed like at my thigh area and the side of  
21 my body.

22 Q How about many times did she kick you all together?

23 A Eighteen, 20.

24 Q All right.

25 A It wasn't just an every so often kick, it was almost

1           like you would imagine like a little baby, you know,  
2           flailing it legs, just kicking non-stop.

3    Q    What about her conversation at that point, was she  
4           still screaming and yelling?

5    A    Yes, sir..

6    Q    Was she still cursing?

7    A    Yes, sir.

8    Q    All right. Was she still calling you derogatory  
9           names?

10   A    Not at time but just cursing at me.

11   Q    What happened after the second taser cycle ended?

12   A    Again, I reached back in to try to grab a hold, back  
13           up had not arrived yet. I believe that at point I  
14           remember hearing the sirens coming. And I reached in  
15           to grab her again and again starts kicking again. I  
16           pulled the trigger, cycled my taser a third time. At  
17           which time she yells, I can't move, I can't move.  
18           And at that point is when she -- once the taser cycle  
19           stopped that time she said, I can't move, I can't  
20           move. And Deputy Bucannon had arrived and I told him  
21           to -- I told him to go to the other side of the car.  
22           And I believe he went to the other side of the car to  
23           help stand her up.

24   Q    Did she--

25   A    Sit her further in the seat, sorry.

1 Q -- did she stop flailing and fighting at that point?

2 A She had stopped flailing and fighting but she was  
3 like yelling, yelling, crying, screaming all  
4 together. But as far as being combative, at that  
5 point towards me she had temporarily stopped.

6 Q All right. What was when how would you characterize  
7 her state of mind?

8 A You know, I had worked at that point in street level  
9 narcotics unit for several years. And she was giving  
10 all the signs of someone that was possibly under the  
11 influence or more than likely under the influence of  
12 drugs or narcotics. Also finding the pipe that's  
13 commonly used to smoke crack cocaine, I believe that  
14 she was possibly under the influence of a narcotic.

15 Q All right. So once Officer Cannon arrived, did y'all  
16 get her upright back in the seat?

17 A Set her up in the patrol car. The taser probes, one  
18 I believe, that hit her in the leg area, one hit her  
19 in the chest area. And by policy, if one of the  
20 probes hits a female in the chest area, we notify EMS  
21 to have a medical personnel remove it from the chest  
22 area. So I had Sergeant Curtis or myself notify EMS  
23 and advised that we need EMS to come and assist.

24 Q All right. What was her demeanor at this point?

25 Well what happened next?

1 A Shut the door and I basically turned my blue lights  
2 on and drove -- I believe I turned my blue lights on,  
3 the intersection was blocked. I pulled into the Taco  
4 Bell parking lot right there at the corner of Mills  
5 and Church or Mills and Augusta. And waited for EMS  
6 to arrive. EMS arrived and she--

7 Q About how long take did it take EMS to get there,  
8 just ballpark? From the time that y'all were able to  
9 get her up right?

10 A It was quick, four or five minutes.

11 Q All right. Now, during that four or five minute  
12 time, was she the only person in the car?

13 A Correct.

14 Q Did you have any interaction with her in terms of  
15 conversation or attempts to restrain or do anything  
16 with her?

17 A No, sir. At that point I had -- I had lost my  
18 flashlight during the scuffle and I actually walked  
19 over into the street to try to locate my flashlight.  
20 By this time most of the directed patrol unit had  
21 arrived on scene. And had taken over monitoring her.

22 Q All right. Did she make any complaints of any  
23 physical problems she was having?

24 A I believe she said that her chest was hurting.

25 Q You said EMS was on the way?

1 A Correct. And we notified them when they got there  
2 about the complaint that she was making about her  
3 chest hurting.

4 Q All right. Tell the jury what happened once EMS  
5 arrived as far as from your perspective?

6 A I kept looking, I couldn't find my flashlight. So I  
7 came back. And they had stood her up, she again  
8 began yelling, not kicking but we get her on to the  
9 stretcher, put a handcuff on each of the rails of the  
10 stretcher.

11 Q Why did y'all do that?

12 A Just to protect ourselves and also protect her from  
13 hurting herself.

14 Q What was she doing?

15 A Yelling, screaming, Leave me alone, you can't be in  
16 here. Being combative, you know, with her arms.

17 Q All right. Now, did you accompany them to the  
18 ambulance with her?

19 A I was standing -- yes, sir. I was standing by as  
20 they loaded her into the ambulance.

21 Q Who got in the ambulance with her. Any law  
22 enforcement?

23 A Sergeant Curtis.

24 Q All right. At that point what happened once Sergeant  
25 Curtis got in there with her? From your perspective.

1 A I was standing outside and I heard them yelling for a  
2 spit bag. And I ran to my car, was looking for a  
3 spit bag. And I believe it was the Deputy Cannon had  
4 advised that he had one. I ran back over to the  
5 ambulance and Sergeant Curtis had advised that she  
6 was pitting, had spit in his face and also on the EMS  
7 worker.

8 Q What is a spit bag?

9 A Basically what it does is it just covers their face.  
10 They can still breathe but it just protects us from  
11 been hit with any saliva or liquid, blood or anything  
12 coming from someone.

13 Q All right. Once you got that to the ambulance, did  
14 you have any further interaction with the Defendant?

15 A I advised them that I was going to follow her back,  
16 you know, follow me -- the ambulance down to the  
17 hospital. They were going to take her down there due  
18 to her complaining of her chest pains. I believe it  
19 was chest pains. And I would meet them down there.  
20 Then when we got to the hospital I stood by with her.  
21 Again, she was -- I bet for over 45 minutes to an  
22 hour she was yelling, screaming at the hospital.  
23 They moved her up to a bed. We again, put handcuffs  
24 on each wrist hooking her to the bed. And the whole  
25 time she's yanking on them and just yelling and

1 screaming.

2 Q All right. So you were, from the time she was  
3 arrested, at the staging area or the take out area,  
4 until the time she was in the hospital, you were in  
5 pretty close proximity to her the entire time?

6 A Yes, sir. Aside from the time that she was in the  
7 ambulance. I didn't ride in the ambulance with her  
8 but I followed them down there.

9 Q Did you or you see any of the other officers do  
10 anything inappropriate to her that was outside the  
11 protocol.

12 A No, sir.

13 Q All right. Did you see EMS workers do anything  
14 inappropriate to her or with her that was outside of  
15 protocol?

16 A No, sir. I was with them the whole time. They  
17 attempted to calm her down. You know and they kept  
18 saying they can't -- they can't help her, you know,  
19 until she calms down. Because they were attempting  
20 to remove the taser probe.

21 Q All right. And when she kicked you in the groin,  
22 were you attempting to exercise lawful authority to  
23 restrain her as part of your arrest?

24 A Yes, sir. Like I said, keep her from breaking out  
25 the back window of the patrol car in attempt to flee.

CHAD AYERS-DIRECT BY MR. WESTON

57

1 MR. WESTON: Thank you, sir.

2 THE COURT: Cross-examination.

3 MR. COOKE: Thank you.

4 CROSS-EXAMINATION

5 BY MR. COOKE:

6 Q Officer you said that when you arrived on the scene  
7 you couldn't remember whether you were in a marked or  
8 unmarked car, is that correct?

9 A Yes, sir.

10 Q What would your car normally be equipped with  
11 though, I mean, if you're on a undercover sting  
12 operation, narcotics, prostitution, normally what  
13 would your car be equipped with? I mean, do you have  
14 a computer in there, the take down lights, that sort  
15 of thing. What else would be in one?

16 A Blue lights, it's got a in-car camera. Which the  
17 reason I transitioned into a new car is because they  
18 had so many issues. My car had been in and out of  
19 the shop. They were having trouble with my camera.  
20 And it was documented that for an extended period of  
21 time, my camera was not working in this car. That's  
22 part of the reason why I transitioned into a new car.

23 Q So you were in a new car?

24 A I don't know at that time if I was in a new car or I  
25 was still in the old car.

1 Q Well do we know whether we had a camera in the car  
2 that you were in that night?

3 A Yes, sir, they might have a camera in it but that  
4 doesn't mean they're going to work or record. That's  
5 part of the reason. They take the internal parts of  
6 it out.

7 Q I think -- let me make my myself clear.

8 A Yes, sir.

9 Q Did you have a in-car camera in that car that night?

10 A All the cars had a camera.

11 Q Okay.

12 A Whether or not they worked or not.

13 Q Well did you attempt to work it?

14 A Once we turn our blue lights on, they're set up to  
15 automatically start recording. So depending on which  
16 vehicle I was in, if I were to turn the blue lights  
17 on, it would have started recording.

18 Q Did you record this then?

19 A No, sir. Like I said, my camera was not -- if I was  
20 in the old vehicle, which again I don't remember if I  
21 was in the old vehicle or the new vehicle, it would  
22 have, you know, it would have started recording. And  
23 that tape would have been in evidence. So if there's  
24 not a tape in evidence, no, sir, I was in the old car  
25 and it was not working.

1 Q Okay. But do you have a camera that's mounted on the  
2 dash?

3 A Yes, sir, we do.

4 Q Okay. But whether you turned your lights on or not,  
5 whenever you arrest somebody, you can turn that  
6 camera around and turn it on, can't you?

7 A If it had worked, yes, sir.

8 Q Well, but you didn't turn it on so you don't know  
9 whether it worked or not?

10 A Yes, sir, I know it works. It did not work, that's  
11 why they transitioned me out of that car into a new  
12 car because it was not working.

13 Q Okay. So you -- you were not in that new car that  
14 night?

15 A No, sir, I don't believe so. Because if so there  
16 would have been a tape into evidence.

17 Q You don't believe so or you know, which is it? Do  
18 you believe or know, which is it? It's very  
19 important.

20 A I understand. And I don't know what car I was in  
21 that night.

22 Q Okay. So you don't know whether you had a working  
23 camera or not?

24 A If there was a working camera there would have been a  
25 tape in evidence. So obviously there's not so I was

1 in the old car because there's not a tape into  
2 evidence.

3 Q Well if you didn't turn it on, naturally there  
4 wouldn't be a tape into evidence, right?

5 A The tapes automatically start working once we  
6 activate our blue lights. So once I turn my blue  
7 lights on, I can't control it. It's automatically  
8 going to come on and start recording. The old car I  
9 was in, like I said, Mr. Cooke, if the camera was not  
10 working, it's documented in the system through my  
11 supervisor that I had a camera that was not working.  
12 And the company was attempting to get that camera to  
13 work.

14 Q And you submit an affidavit that you have problems  
15 with your camera, normally, don't you? You have to  
16 submit a sworn affidavit?

17 MR. WESTON: Judge, the question is misleading,  
18 that only applies to DUI's cases.

19 MR. COOKE: It doesn't matter, this is an  
20 affidavit we're talking about.

21 THE COURT: Well, he can--

22 MR. WESTON: He can explain it to the witness.

23 THE COURT: Well that's all right, I'm going to  
24 overrule your objection.

25 Go ahead and ask your question and he can answer

1 what he knows.

2 BY MR. COOKE:

3 Q Have you submitted -- and you understand that in most  
4 cases where you have these camera that are inoperable  
5 or not working, you're supposed to submit an  
6 affidavit that if yours is inoperable, not working,  
7 it's in the shop being fixed, that sort of thing?

8 A No, sir, our supervisor just ask for a list. The  
9 direct patrol unit, we basically get the pass down of  
10 older cars. So they just would ask, Whose the camera  
11 is working? They send us all to Diversified  
12 Electronics to have our cameras tested. And there  
13 was a number of them that were not working at the  
14 time. And which was -- one of those was mine. And  
15 it's documented through him. I did not sign an  
16 affidavit, there was no affidavit typed up that I  
17 had.

18 Q Now, how about do you have any audio, was it broke  
19 too?

20 A It all -- it all intertwines together. If the  
21 camera's not working, the audio's not going work to  
22 work.

23 Q Well how about don't you carry one in your pocket?  
24 Don't you have some sort of audio system in your  
25 pocket?

1 A It is linked to the camera system.

2 Q So everything was broken that you had?

3 A Correct.

4 Q Well why were you carrying it if it was broken?

5 A I wasn't carrying an audio device.

6 Q Oh, you weren't?

7 A (The witness shook his head.)

8 Q Okay. All right. So anyhow you had stop in the  
9 middle of the road, of Augusta Road, rather than  
10 pulling in the Taco Bell parking lot immediately.

11 A Yes, sir, I did.

12 Q So you decided -- and Taco Bell was right there  
13 beside you in the parking lot?

14 A Yes, sir.

15 Q So you stopped in the middle of traffic and -- by the  
16 way, is there any chance that -- she was handcuffed,  
17 is that correct?

18 A Yes, sir.

19 Q Okay. And you're saying all of a sudden she just  
20 became belligerent and started kicking the window?

21 A Yes, sir, that's correct.

22 Q All right. And you say she kicked you in the groin.  
23 And, I mean, like double you over type kicks?

24 A It was a forceful kick, yes, sir.

25 Q Did you seek any medical attention?

1 A No, sir.

2 Q Okay. All right. Now, as far as -- as far as the  
3 cursing and racial slurs, that sort of thing, you  
4 didn't have any response to any of that? You just  
5 keep quite and tell her to calm down basically, is  
6 that what you said?

7 A Yes, sir.

8 Q You didn't call her any names or start the  
9 conversation?

10 A No, sir.

11 Q Okay. All right. And now tell me about a taser.  
12 Have you ever been tased as part of your training?

13 A Yes, sir, I have.

14 Q And tell me basically what that feels like when you  
15 get tased. I mean, it's like a mule kicking you or?

16 A No, sir. It basically -- it, depending on where it  
17 strikes you at, you know, it basically locks your  
18 muscles up during that time that the taser's being  
19 cycled.

20 Q Okay. And where did you hit her with the taser, do  
21 you remember?

22 A No, sir. I just remember -- I know one of them hit  
23 her in the breast area. I don't know -- if one hit  
24 her there, I don't know where the other one -- I  
25 don't remember where the other one struck her.

1 Q So they go in your body?

2 A Yes, sir.

3 Q And when while they're stuck in there an electrical  
4 charge, correct?

5 A Yes, sir. It's for five seconds.

6 Q Okay. And you get -- it recycles and you hit it  
7 again, that same charge?

8 A Correct.

9 Q Okay. So there was three charges?

10 A Yes, sir, that's correct.

11 Q What the most times you've ever charged anybody?

12 A I'm sorry?

13 Q What's the most times you ever charged somebody or  
14 hit them with that thing, one individual?

15 A In my career?

16 Q Yeah.

17 A I'm not sure.

18 Q No, I'm saying one person, how many times have you  
19 ever?

20 A More than that.

21 Q You hit them more than three times?

22 A Yes, sir.

23 Q And give me some idea, if you would, is it like a --  
24 you said it paralyzes your muscles?

25 A I wouldn't say it paralyzes your muscles, it just

1 kind of stiffens you up. It differs for different  
2 individuals how they're going to react to it.

3 Q Okay. All right. And so who ended up -- who ended  
4 up actually getting her on down to the LEC?

5 A After the hospital?

6 Q (Mr. Cooke nods.)

7 A I believe myself and I don't remember whose else was  
8 with us.

9 Q But she was complaining of chest pains?

10 A She was complaining of chest pains while out -- when  
11 the incident happened there at Mills and Augusta  
12 Road. EMS came, transported her to the hospital.

13 She saw a physician there at the hospital. Then a  
14 doctor signed off clearing her. They had run their  
15 test or whatever they do.

16 Q Okay. All right. So let me get this straight. From  
17 the time -- from the time you arrived on the scene,  
18 there was no problems, everything was fine until you  
19 got from Dunning, which is over behind K-Mart, you  
20 got up to Augusta Road where the light is and Taco  
21 Bell is, and all of a sudden she like went out of her  
22 mind, is that what you're saying?

23 A She began yelling and arguing. But as far as the  
24 actual kicking, yes, sir, that's where it began.

25 MR. COOKE: Okay, excuse me just a minute.

1 Thank you, very much. I have nothing further.

2 THE COURT: Redirect?

3 MR. WESTON: Just a couple, Your Honor.

4 REDIRECT EXAMINATION

5 BY MR. WESTON:

6 Q Mr. Ayers, just to put this to bed, when your blue  
7 light is on, assuming your camera is operable, if  
8 your blue light is not on, is the camera on?

9 A No, sir. I can manually turn it on but standard  
10 procedures, when we transport someone to the jail, we  
11 would not -- we would not turn our camera on if it  
12 was operable.

13 MR. WESTON: All right, that's all I have.  
14 Thank you, sir.

15 RECROSS-EXAMINATION

16 BY MR. COOKE:

17 Q So you can manually turn it on?

18 A Yes, sir.

19 Q You chose not to. During all this going on, say why  
20 not turn it on?

21 A Because it was not working.

22 Q Pictures worth a thousand words?

23 A The camera was not working.

24 MR. COOKE: Okay. Thank you, very much.

25 Nothing further.

1 THE COURT: Thank you, you can step down.  
2 MR. WESTON: The State would ask this witness be  
3 released.  
4 THE COURT: Any objection?  
5 MR. COOKE: None, Judge.  
6 THE COURT: Okay, thank you.  
7 THE WITNESS: Thank you, Judge.  
8 MR. WESTON: State would call Mr. Jeff Fowler,  
9 Your Honor.  
10 THE COURT: How long is that witness going to  
11 be?  
12 MR. WESTON: Probably about as long as the first  
13 witness, Your Honor. maybe 10 minutes. I only have two  
14 more. It would be about the same time.  
15 THE COURT: Let me see all up here for a second.  
16 (WHEREUPON, a bench conference was held in the  
17 presence of the jury but out of the hearing of  
18 the jury.)  
19 JEFF FOWLER, after being duly sworn, testified  
20 as follows:  
21 THE CLERK: Would you have a seat. Please state  
22 your name for the record.  
23 THE WITNESS: My name is Jeff Fowler.  
24 THE CLERK: Thank you.

25

DIRECT EXAMINATION

1 BY MR. WESTON:

2 Q Mr. Fowler, with whom are you employed?

3 A I'm a deputy for Greenville County Coroner's Office.

4 Q Is that different from deputy sheriff?

5 A Yes, sir, we're under a different elected official.

6 Q Were you -- how long have you been with the Coroner's  
7 Office?

8 A Approximately two years.

9 Q Were you employed -- where were you employed back in  
10 October of 2009?

11 A Greenville County EMS.

12 Q On October 1st of 2009, about 7:30, eight o'clock in  
13 the evening, did you have occasion to come in contact  
14 with the Defendant, Ms. Jacqueline Sullivan?

15 A We did, sir.

16 Q All right. Would you tell the jury how you first got  
17 involved -- what happened that got you to this scene?

18 A We were dispatched to a call from Greenville County  
19 Sheriff's Office for a complaint -- a patient  
20 complaining of chest pain.

21 Q All right. And you don't know who made that call?

22 A No, sir.

23 Q You got it from dispatch?

24 A We get dispatched, yes, sir.

25 Q All right. How many officers -- who arrived on the

1 scene with you?

2 A Me and my partner arrived together in a truck and  
3 when we got there Greenville County Sheriff's Office  
4 was already there.

5 Q All right. And where was the truck parked?

6 A We parked our truck in the Taco Bell parking lot next  
7 to the...

8 Q Where was the Defendant when you arrived?

9 A She was in the backseat of the patrol car.

10 Q When you first arrived on the scene, did you go over  
11 to her [sic] patrol car?

12 A I was actually in the back of the truck getting our  
13 stuff ready as my partner was going to the patrol car  
14 to bring her over to our truck.

15 Q All right. Did you see her in the back of the car as  
16 you arrived?

17 A Yes, sir.

18 Q Did you notice anything about her unusual?

19 A I mean, she was moving all about in the backseat of  
20 the patrol.

21 Q Show the jury what you mean.

22 A (The witness complies.) She was jumping -- not  
23 jumping but moving around like she was trying to get  
24 out of the patrol car. I mean, there's officers  
25 there, deputies there with her as well.

1 Q Were the windows rolled up as far as you remember?

2 A I believe whenever we pulled up the door was actually  
3 opened and deputies were right there with her.

4 Q Could you hear her?

5 A Yes, sir.

6 Q What was she saying or what was she doing?

7 A I mean, there was a lot of curse words flying, all  
8 kinds of different stuff. Just, you know, cursing at  
9 the cops, cursing at us, cursing at everybody.

10 Q Cursing at y'all?

11 A Whenever they were bringing her out of the patrol car  
12 to our truck, I mean, she was cursing me, my partner.  
13 We were there to help her and she's cursing us.  
14 She's using racial slurs. The deputies, everybody.

15 Q Just for the record, had you ever met this lady  
16 before that night?

17 A No, sir.

18 Q Did you have anything against this lady?

19 A No, sir, I'm there to help.

20 Q When they were bringing her to the truck, how was she  
21 brought to your ambulance?

22 A She was placed on a stretcher and restrained to the  
23 stretcher using handcuffs by the sheriff's office.  
24 My partner and the sheriff's office brought her to my  
25 car or my truck.

1 Q Was she submitting to the restraints passively?

2 A No, sir. She was fighting everything they were doing  
3 to get her to the truck.

4 Q All right. Did you see the officers doing anything  
5 that you thought that was out of the ordinary with  
6 regard to them other than restraining her?

7 A They've were just trying to help get her to our  
8 truck. I mean, they were helping my partner get her  
9 up there so we could get her taken care of.

10 Q Was she continuing to curse and act and talk and rant  
11 violently, lack of a better word while she was being  
12 brought over?

13 A Yes, sir.

14 Q Did you hear the officers saying anything to her that  
15 you would consider abusive or unnecessary?

16 A Everybody was trying to calm her down so we could do  
17 our job and we can check her out, make sure she's  
18 okay and take care of her.

19 Q Once she gets to the back of your ambulance, assuming  
20 the back of the ambulance doors right here.

21 A Yes, sir.

22 Q Where are you in the ambulance?

23 A Whenever they're placing her in the truck, I'm  
24 actually at the back. Basically where her head would  
25 be as she comes in. But as she gets in the truck I

1           move beside her.

2       Q     All right, would that be like, assuming that's the  
3           backdoor, would that be somewhere like up here or  
4           something?

5       A     Yeah, but it would be on this side. Because where  
6           you're standing is basically a walk. So there's a  
7           bench seat on my side, like that's the back of the  
8           truck.

9       Q     All right. Was there an officer that got in with  
10          her?

11      A     Yeah, there was an officer at the backdoor and we  
12          also had an officer that was right there at the side  
13          door that comes into the head of the stretcher.

14      Q     All right. Did an officer get inside the ambulance  
15          with her when she was put in.

16      A     I believe he got in at the backdoor. It's kind of on  
17          the bumper right there where the steps was.

18      Q     All right. Tell the jury what happened from the time  
19          they started lifting her in the ambulance, just  
20          described what happened.

21      A     I mean, she's flailing around and they're trying to  
22          hold the stretcher with someone on it. She's  
23          flailing around, cursing, just doing anything she  
24          can. She's resisting everything they can do. I  
25          mean, she's complaining of chest pains, she's

1 complaining of left leg pain as well. Or left leg  
2 numbness. We're trying to get in there to check her  
3 out and she's just fighting everything we're trying  
4 to do.

5 Q What did you?

6 A As soon as they got her in there, we started to place  
7 the EKG monitor on her, she started fighting us. We  
8 were unsuccessful in that at that time. We were also  
9 trying to hook up oxygen, putting on a breathing  
10 mask. She's fighting us everything. Unsuccessful in  
11 that. I've already got a bag of saline hung so we  
12 could started an IV. That was never attempted  
13 because there was no way we could have done it.  
14 There's absolutely no way.

15 Q You'd have to stick a needle in her arm?

16 A Yeah. And the way she was fighting us, there's no  
17 way we could have got an IV.

18 Q All right. What did she do in relationship to you?  
19 Did you any interaction with her?

20 A Yeah, I'm trying to calm her down, trying to place  
21 EKG electros on her so that we can take a picture of  
22 her heart. She's cursing me, she's flailing back  
23 against me.

24 Q Did you understand why she was cursing at you?

25 A No, sir. No, sir. I mean, I'm just there to help

1 her. I see no reason for to curse me, I'm trying to  
2 take care of her.

3 Q Did you curse at her?

4 A No, sir.

5 Q All right. What else did she do in regard to you?

6 A She spit on me. As well as spit on another deputy as  
7 we're trying to take care of her. She continued to  
8 curse us. That's...

9 Q Tell -- describe to the jury what happened with  
10 regard to her spitting on you?

11 A She basically -- I mean, the stretcher's not -- your  
12 legs are in front of you and it's not straight up  
13 back, it's kind of cocked at an angle so we can lean  
14 her back and put EKGs on her. And she rares back,  
15 leans forward and spits on me. And the deputy goes  
16 up to somewhat restrain her some more and she spits  
17 on him as well.

18 Q Where did she spit on you?

19 A Spit on the left side of my face.

20 Q Is there any chance she could have just been flailing  
21 and ranting and raving and just kind of spit as she  
22 was --

23 A No. No, sir. She rared, back threw up saliva and  
24 spit it at me.

25 Q No doubt?

1 A No doubt. It was not just like somebody spraying as  
2 they're talking or anything like that. It was an  
3 intentional act because she's mad at us, obviously,  
4 cursing. I don't know why she's mad at me. Like I  
5 said, we're there to help.

6 Q Once she spit in your face, what did you do next?

7 A We eventually got her -- right after that we were  
8 able to a breather on her face, which is a oxygen  
9 mask. We were giving her oxygen because she was  
10 complaining of chest pains. So it's in our standard  
11 orders to give them more oxygen if you're complaining  
12 of chest pains. Usually that's because your heart's  
13 lacking oxygen.

14 Q Did you participate in the ride to the hospital?

15 A I did not, I actually drove the ambulance to the  
16 hospital, my partner rode in the back.

17 Q What was her demeanor that you heard as you were  
18 driving? Did she calm down?

19 A No, sir. You can still hear her cursing as we were  
20 driving down -- we have a little window from the cab  
21 to the back and you can still hear her cursing as  
22 we're going to the hospital.

23 Q All right. Did the -- was there an officer in the  
24 back with her?

25 A Yes, sir.

1 Q Once she arrived at the hospital, how was she? Did  
2 y'all unload her?

3 A We did.

4 Q What was her demeanor at the hospital?

5 A Same thing. We actually had to get another crew to  
6 assist us in unloading her because it's hard to get a  
7 stretcher out when you got someone flailing back and  
8 forth because it's resting on two wheels.

9 Q Now aside from the officer that was with y'all in the  
10 ambulance, were there any other hospital or EMTs  
11 there?

12 A There were -- at the hospital as we were unloading  
13 her, there was, you know, we have an ambulance bay  
14 where lots of ambulances come in. And another one of  
15 our crew assist us in getting her out of the truck.

16 Q What was her reaction toward them?

17 A Just cursing anybody and everybody that came up to  
18 her, basically.

19 Q All right. Thank you, sir.

20 A Yes, sir.

21 THE COURT: Cross.

22 MR. COOKE: Just a couple, please.

23 CROSS-EXAMINATION

24 BY MR. COOKE:

25 Q How were you finally able to calm her down?

1 A We never did?

2 Q You never did?

3 A No.

4 Q Well at some point she had to calm down.

5 A Not in my care.

6 Q You couldn't do it?

7 A She never calmed down in my care. Even when we roll  
8 her into the chest pain center so she could be  
9 checked out by the doctors, she's cursing the doctors  
10 as she walked up -- or as we wheeled her in there.

11 MR. COOKE: Thank you, very much.

12 MR. WESTON: No redirect, Your Honor. We ask  
13 the witness be released.

14 THE COURT: Any objection?

15 MR. COOKE: None.

16 THE COURT: All right, you're released. Thank  
17 you.

18 MR. WESTON: The State would call Deputy Curtis.

19 THE COURT: Okay.

20 THE CLERK: Place your left hand on the Bible,  
21 raise your right.

22 ROBERT CURTIS, after being duly sworn, testified  
23 as follows:

24 THE CLERK: Thank you, you may be seated. State  
25 your name for the record.

1 THE WITNESS: Detective Robert Curtis.

2 THE CLERK: Thank you.

3 DIRECT EXAMINATION

4 BY MR. WESTON:

5 Q Deputy Curtis, with whom are you employed?

6 A With the Greenville County Sheriff's Office.

7 Q I assume you're part of the SWAT Team as well?

8 A Yes, I am. I apologize for the attire.

9 Q Did you have the occasion to participate in arresting  
10 the Defendant October 1st of 2009?

11 A I did. I was then assigned as Sergeant of the direct  
12 patrol unit and we were conducting a prostitution  
13 sting. So I was supervising it.

14 Q When did you first interact with the Defendant? When  
15 and where?

16 A Deputy Ayers called for assistance and asked for  
17 emergency assistance. Said he was at the  
18 intersection of Mills, right at Augusta. So I  
19 dispatched one of my units signal one to respond and  
20 I, the immediate supervisor, responded over as signal  
21 one as well.

22 Q And when you got there where was the Defendant?

23 A They literally were in the middle of Mills Avenue  
24 coming into the city, in the lane of travel. The  
25 Defendant was in the back of the car. Deputy Ayers

1 was out of the car dealing with her. He advised me  
2 that she had been tased. Of course, being, at the  
3 time being a supervisor, one of my concerns was to  
4 get traffic moving, get the car out of the road and  
5 get her treated, get everybody moved off to the side  
6 of the road where we could deal with it in a safer  
7 manner.

8 Q What did you do?

9 A Stood in the middle of Mills Avenue to stop traffic  
10 and direct the patrol car in the Taco Bell parking  
11 lot. And so traffic could start moving.

12 Q Once the car was moved into the parking lot, let me  
13 just ask you, when you -- were you able to see her in  
14 the car?

15 A Yes.

16 Q When you arrived?

17 A Yes.

18 Q Did you notice anything unusual about her behavior in  
19 the car?

20 A She was highly upset. Yelling, screaming, cursing.  
21 And she also had been tased which leaves probes and I  
22 can see that those were still in her when I arrived.  
23 But she was livid. Very, very angry.

24 Q When the car was moved to the Taco Bell parking lot,  
25 were you were the one that called dispatched about

1 getting EMS there?

2 A Yeah, I did. One of the probes was in her breast and  
3 we won't remove it. We'll have EMS personal or  
4 hospital personal remove it. We just don't get  
5 involved in touching those.

6 Q All right. So were you -- how long before EMS  
7 arrived, just rather quickly?

8 A Yes, it was pretty quick. No time at all for them to  
9 get there.

10 Q All right. And during that time was the Defendant  
11 detained inside Deputy Ayers car?

12 A Yes. She was just verbally hostile. Calling  
13 everybody names, cursing. Just kind of phase it out,  
14 try to ignore it.

15 Q Had you ever met this Defendant before that night?

16 A No.

17 Q All right. And do you recognize the Defendant in the  
18 courtroom as the person which was in the car that  
19 night?

20 A Yes.

21 Q Is there any doubt in your mind it's Ms. Sullivan  
22 seated right here?

23 A Uh-huh.

24 Q Okay. Now, tell the jury what happened once  
25 Ms. Sullivan was being taken out of the car and

1 placed in EMS -- in the ambulance, I mean.

2 A Yeah, she said that she wanted to be transported.  
3 And once they say that they'll let them go with no  
4 problem. Because she was still being combative, we  
5 secured her to a gurney by handcuffs. And EMS was  
6 taken care of loading her into the bus. Just a  
7 policy, we have to have a officer ride in the car.  
8 She's under arrest and in our custody so we ride with  
9 her to make sure we can protect her and protect EMS.  
10 She's under arrest and in the sheriff's office  
11 custody.

12 Q I assume so she doesn't escape?

13 A Yeah, yeah. For everybody's safety. You know. And  
14 I, being a Sergeant and being in a double car,  
15 volunteered to do it. I said, Look, you know, time  
16 I'll ride with them, I'm in a double unit.

17 Q Then what happened?

18 A Got in the back of the bus and as soon as I did she  
19 was ballistic and yelling at me. Didn't want me in  
20 the ambulance, didn't want my presence there. And I  
21 tried to explain to her it's not an option, you're  
22 under arrest. We're going to go with you. You don't  
23 have a choice in the matter. She became increasingly  
24 belligerent. And you can see when she reared back  
25 and made a sound like she was clearing her throat.

1 Q Can you make the sound for the jury?

2 A (The witness complies.) Like she was preparing to  
3 spit. And then it looked like she was spitting at me  
4 but I was at the foot of the gurney as it's laying in  
5 the ambulance and the EMS worker was right next to  
6 her and hit him all over him. And she started to  
7 gear up to spit again and made that sound again and I  
8 ran towards her. My thought was to try to get her to  
9 turn her head away from all of us. And I started to  
10 call for what we call a spit bag. It's like a fine,  
11 thin cloth that's placed over the Defendant's head to  
12 prevent them from spitting on anybody else and  
13 transferring body fluid.

14 Q Tell the jury what happened next.

15 A I wasn't quick enough. As I got to her she spit  
16 again, struck me in the face and chest and arms. And  
17 I was able to turn back to one of my master deputies  
18 to get me a spit bag.

19 Q Is there any chance that you may have -- that she may  
20 have accidently spit on you and or the EMS?

21 A No, no. This wasn't I'm yelling at you and a little  
22 bit of spit came out of my mouth, this was a  
23 concertive effort to spit on you. And there was no  
24 mistake on what her intent was.

25 Q Was this in the middle of the tirade that she was as

1 far as yelling and cursing and all?

2 A Yeah, screaming, yelling, cursing in the middle of  
3 all that is when I was spit on.

4 Q At the time you were spit on by this Defendant, were  
5 you engaged in trying -- engaged in lawfully  
6 arresting and restraining her?

7 A Absolutely. Yeah, she had already been told she was  
8 under arrest for prostitution.

9 Q All right. And did she resist your lawful authority  
10 by spitting on you?

11 A Yes.

12 MR. WESTON: All right. Thank you, sir.

13 MR. COOKE: Just a couple of questions.

14 CROSS-EXAMINATION

15 BY MR. COOKE:

16 Q You said you were holding her head?

17 A The chin, is what I try to get to turn her face away.

18 Q You had her under her chin. I got you. Excuse me  
19 just a minute. Do you remember any of the officers  
20 being abusive to my client or cursing her or  
21 anything? Everybody was trying to help out?

22 A Yes, nothing like that.

23 MR. COOKE: No further questions, thank you.

24 MR. WESTON: No redirect. We ask the witness be  
25 released.

1 THE COURT: Any objection?

2 MR. COOKE: No objection.

3 THE COURT: All right, thank you, sir, you're  
4 released.

5 THE WITNESS: Thank you, Your Honor.

6 MR. WESTON: Your Honor, the State rests.

7 THE COURT: All right. Ladies and gentlemen,  
8 let's go ahead and break for lunch. We will -- I'll ask  
9 you to be back -- if I got you back at 2:15 would that be  
10 enough time for y'all? Just a little over an hour.  
11 Anybody need more time than that for lunch? Okay. Just  
12 remember not to talk about the case. Don't discuss it.  
13 Don't go to the scene, don't go on any kind of electronic  
14 media to do any sort of investigation. Let everything you  
15 need to hear to resolve this dispute, let's hear it here  
16 in this courtroom. One thing I'll ask you to do when you  
17 come back, is see if y'all can decide who you would like  
18 to be your foreperson. And the foreperson is just the  
19 moderator of the discussions at the end of the case in the  
20 jury room and the jury's spokesperson here in the  
21 courtroom if that becomes necessary. So if you'll go with  
22 Ms. Cooke, she'll show you where to go and we'll see you  
23 in an hour and five minutes. Great.

24 (WHEREUPON, the jury left open court at  
25 approximately 1:10 p.m.)

1 THE COURT: All right, any motions?

2 MR. COOKE: None.

3 THE COURT: Okay, take her in custody.

4 All right, see y'all in an hour.

5 (WHEREUPON, a lunch break was taken.)

6 MR. COOKE: Judge, now may be a good time to  
7 question my client.

8 THE COURT: All right, Ms. Sullivan, raise your  
9 right hand.

10 JACQUELINE SULLIVAN, after being duly sworn,  
11 testified as follows:

12 EXAMINATION

13 BY THE COURT:

14 Q All right, Ms. Sullivan, I want you to understand  
15 that every person charged with a crime has a  
16 Constitutional right to testify in their own defense.  
17 They have a equal, absolute Constitutional right not  
18 to testify and it cannot be held against you. There  
19 are a number of strategic decisions that may go into  
20 the decision about testimony but that's all something  
21 between you and your lawyer. Have you made a  
22 decision about what it is you want to do?

23 A Yes, sir.

24 Q What is that?

25 A I want to testify in my defense.

1 Q You're going to testify?

2 A Yes, sir.

3 Q You need anymore time to talk to your lawyer about  
4 that?

5 A Can I get about 10 minutes?

6 Q No, ma'am.

7 A Okay, that's fine.

8 THE COURT: See what she wants, Mr. Cooke.

9 MR. COOKE: Just a second, Judge.

10 Before we get started with that, I want to just  
11 check and see what Mr. Weston intends to impeach my client  
12 with.

13 THE COURT: Have any impeachable offenses?

14 MR. WESTON: Yes, sir, Your Honor. We got 2009  
15 false information, possession of hypodermic needles,  
16 fraudulent check.

17 THE COURT: How is possession of hypodermic --

18 MR. WESTON: I'm just giving you what I have,  
19 Your Honor.

20 THE COURT: Well I don't want to know her whole  
21 record at this point, I just want to know what you intend  
22 to impeach her with.

23 MR. WESTON: Your Honor, going back through  
24 them. Fraudulent check, false information, and that would  
25 be it, Your Honor.

1 THE COURT: All right.

2 Is she going to testify?

3 MR. COOKE: She's good, she's ready to go?

4 THE COURT: All right, made a decision?

5 MS. SULLIVAN: Yes, sir.

6 THE COURT: What you going to do?

7 MS. SULLIVAN: I'm going to testify.

8 THE COURT: Okay. All right.

9 Everybody ready?

10 MR. COOKE: Yes, sir.

11 MR. WESTON: Yes, sir, Your Honor.

12 THE COURT: All right.

13 (WHEREUPON, the jury came into open court at  
14 approximately 2:35 p.m.)

15 THE COURT: Okay, did y'all have enough time to  
16 vote on a foreperson? Who's the lucky? All right, we  
17 only have one assigned seat, Ms. Huff, I have to ask you  
18 to...

19 Okay. All right, Mr. Cooke.

20 MR. COOKE: Thank you, Judge.

21 Come on around, Jackie.

22 THE CLERK: Ms. Sullivan, raise your right hand  
23 to be sworn, please. Place your left hand on the Bible,  
24 raise your right.

25 Jacqueline Sullivan, after having being

1                   previously sworn, testified as follows:

2                   THE CLERK: Thank you, you may be seated. State  
3 your name for the record.

4                   THE WITNESS: My name is Jacqueline Yvette  
5 Sullivan.

6                   THE CLERK: Thank you.

7   DIRECT EXAMINATION

8 BY MR. COOKE:

9 Q Jackie, speak directly into the microphone so  
10 everybody over here can hear you. Give us your age,  
11 if you don't mind.

12 A I'm 44 years of age.

13 Q Where were you born Jackie?

14 A I was born in Greenville, South Carolina.

15 Q How long have you lived in Greenville? Have you  
16 lived here continuously since your birth?

17 A Yes, I've lived here all my life.

18 Q How far did you go in school?

19 A I went up to 11th grade, I graduated, got my GED.

20 Q Now, do you have any mental health problems, any  
21 physical problems, anything of that sort?

22 A Well I suffer from depression.

23 Q Depression?

24 A And anxiety.

25 Q And anxiety, okay. Now, at the time -- by the way,

1 are you married?

2 A I'm separated.

3 Q Have you any children?

4 A Yes, I have one daughter.

5 Q How old is she?

6 A She's 29 now.

7 Q Okay. I want to call your attention back to the day  
8 of this incident. Were you working at that time?

9 A No, sir, I was laid off.

10 Q Okay. Where had you been working?

11 A Well I, worked for Wal-Mart Distribution Center and I  
12 was also a professional hairstylist but I was  
13 unemployed.

14 Q So now, how long did you work at Wal-Mart  
15 Distribution?

16 A I worked at Wal-Mart going on five and a half years,  
17 almost six years.

18 Q Now, that's located where, the distribution center?

19 A In Laurens County.

20 Q All right. Now, when you got laid off, did you own  
21 any property, did you -- had you accumulated  
22 anything?

23 A Yes, I have my own home.

24 Q You had your own home?

25 A And car paid for and everything.

1 Q Okay. And as a result of losing -- as a result of  
2 losing your property -- I mean, your job, what --  
3 what happened to your house?

4 A Well my house was foreclosed on. Because I couldn't  
5 make my payments.

6 Q Okay.

7 A And for a little while there, you know, depression  
8 set in real bad so I was suicidal. I had been into a  
9 mental health a couple of times after, you know,  
10 losing my home and everything.

11 Q Did you lose your car?

12 A Yeah, I lost my car.

13 Q Wouldn't it be fair to say you lost everything?

14 A Yes, sir.

15 Q So on occasion that the officer was involved in your  
16 arrest for prostitution, you, in fact, admitted that  
17 you did -- you were doing that?

18 A Yeah, I admit that my life right then at that time  
19 was where I needed to do whatever I had to do to make  
20 means, you know. Because I didn't really have a  
21 stable place to stay. I was staying with my mother,  
22 you know. But, you know, it wasn't like I could live  
23 there, so. And then, I mean, like I said, I was  
24 trying to find work, employment and everything. But  
25 without a car, without transportation, it was very

1 hard for me. And then coming in -- especially like  
2 about a month before I had came out of mental health  
3 and depression I had, I had to be put in mental  
4 health because I had suicidal -- try to take my life.

5 Q Okay. And how long -- did you actually go into  
6 Marshall Pickens?

7 A Yes, they kept me for two weeks. Then they released  
8 me. And I went to stay with my mother after, you  
9 know, I couldn't keep my apartment because I had to  
10 move into a little apartment, you know, after my  
11 unemployment just stopped coming it just -- didn't  
12 have anymore way of taking care of myself.

13 Q No source of income?

14 A No, sir.

15 Q Okay. Now, you eventually pled guilty to the  
16 prostitution charge and the drug paraphernalia  
17 charge?

18 A Yes, sir.

19 Q As a result of that guilty plea, what happened to  
20 you?

21 A Well, like I was explaining when I had been arrested  
22 for the charge, when I came in I had like little  
23 bench warrants me or something. So they sent me down  
24 to Camille Griffin for a little while. And I think I  
25 stayed -- I was brought--

1 Q Wait a minute, wait a minute. Sent you where?

2 A Camille -- the women's correctional facility.

3 Q Because you hadn't appeared in the court?

4 A Yes.

5 Q Okay.

6 A And I served that time down there. I came back  
7 around November -- December the 22nd. And for the  
8 charges that are pending in this case, I stayed in  
9 Greenville County Detention up to June. And my  
10 mother released me. You know, got me out.

11 Q Your mother got you out on bond?

12 A Yeah.

13 Q Okay.

14 A And that's when, you know, I still didn't have  
15 anywhere to go? And I was just walking down the  
16 street and the same thing happened to me again. A  
17 gentleman come up and I was like, you know--

18 MR. WESTON: Your Honor, I'm going to object.

19 THE COURT: Hearsay, sustained.

20 MR. WESTON: And also, Your Honor, I think she's  
21 talking about June of the following year --

22 THE COURT: Well that's something you can clear  
23 up on examination, that's not something to handle --

24 MR. WESTON: I was objecting to relevance, Your  
25 Honor.

1 THE COURT: Okay. Well let's -- I'm going to  
2 let her go.

3 Go ahead.

4 BY MR. COOKE:

5 Q Okay, so you pled guilty to the prostitution charge,  
6 and you pled guilty to the drug paraphernalia. And  
7 then you still had to wait to get out on bond on  
8 these charges that we're here on trial for today,  
9 correct?

10 A Yes, sir.

11 Q Okay. Now, after that did you ultimately enter into  
12 a rehab program?

13 A Yeah--

14 MR. WESTON: Objection, Your Honor.

15 THE COURT: Yeah, this doesn't have anything to  
16 the with this case. Stick to the facts of the case.

17 BY MR. COOKE:

18 Q Okay. So anyhow you got on out on bond and you're  
19 back in Greenville and we're here today. Now I want  
20 to take you back to the tonight of the arrest, okay?

21 A Uh-huh.

22 Q All right. When they arrested you and put you on  
23 handcuffs -- put you in handcuffs and told you what  
24 you were charged with, did you offer any resistance  
25 at that time?

1 A No, sir.

2 Q Okay. Did you create any problems at that time?

3 A No, sir.

4 Q Did you get into the back of the patrol car without  
5 any problem?

6 A No, sir. I got in the back of the patrol car and  
7 just -- it was fine until we got up to the--

8 Q Wait a minute, we'll get into that. So you got in  
9 the patrol car. Now, tell me, in the back of that  
10 patrol car -- you're kind of a heavy woman and I  
11 don't mean--

12 A Yeah, I'm kind of cramped in there, I didn't really  
13 have a lot of room in there and my hands was behind  
14 my back.

15 Q Okay.

16 A And I was telling the officer, Can you loosening  
17 these cuffs. And I can't, you know, I said I feel  
18 bad, you know, I said I feel like I'm having an  
19 attack because I couldn't move. So he said some  
20 slang words to me and I said something back to him.  
21 So then I couldn't move so I started trying to move  
22 around.

23 And he, said, Stop kicking.

24 So I said, I can't move. My arms, you know, are  
25 hurting, I can't move.

1           Then that's when he said I was kicking. And I  
2 was kind of just, you know, trying to fumble around  
3 with it, you know. And then he got to the light and  
4 he stopped. And he said, Stop kicking. And he was  
5 cursing. And then so he jumped out the car. And  
6 then he said -- he came on this ways and I was still  
7 kind of moving around. And when he came and opened  
8 the door, then I kind of scooted this way because I  
9 got hung. One of my legs got hung and I was just  
10 kicking, you know. That's all -- that's all that  
11 happened with me. And when they was saying I was  
12 just trying to kick a window, I couldn't even get my  
13 leg up that high to kick out a window. Because it  
14 was really cramped in there. You know, for me. From  
15 where the seat was and me in there.

16 Q       The backseat of his car and--

17 A       Yeah, I mean, it wasn't much room where I can get  
18 myself really to the point of where I could lay back  
19 and start kicking out the gentleman's window in the  
20 car, it wasn't like that.

21 Q       All right. So at that time when you asked him to  
22 loosen the cuffs and you felt like you were having a  
23 panic attack--

24 A       Yeah.

25 Q       How did he respond? How did he respond?

1 A He didn't say anything. He just said, Oh, you just  
2 acting.

3 I said, Listen here, I need help. I need help.  
4 I need you to get these untied, I can't move and  
5 everything. So I was just kind of scuffling.

6 Q Okay.

7 A And then words and slurs was being thrown back and  
8 forth between me and him so.

9 Q So he was making slurs and remarks and you were  
10 making remarks back at him?

11 A Yes.

12 Q Okay. Now, once -- once he got the backdoor opened,  
13 do you recall him saying he was going to tase you?

14 A Oh, he said -- he said, If you don't stop fidgeting  
15 and moving around.

16 I said, Well I can't help it, you know.

17 Then before he say that he tried to, what he  
18 say, put his hands on me or anything like that he  
19 didn't, you know. He just took out his taser.

20 He said, If you don't stop moving.

21 I said, I can't stop moving. I said, I tried to  
22 ask you to help me.

23 Then he just tased me.

24 Q So where did the taser hit you?

25 A The taser hit me right up here in my chest.

1 Q Okay.

2 A Because it got hung in my breast.

3 Q Okay.

4 A Then the other one it kind of -- it kind of drobbled  
5 [sic] a little bit off-ways. Because it really  
6 didn't get hung to me.

7 Q Right. Okay. So once he tased you, then did you  
8 continue to struggle or were you--

9 A Well I was -- when he tased me I froze because the  
10 taser makes you go stiff, you know.

11 Q Right.

12 A In other words, you can't move.

13 Q Right.

14 A And even though when he stopped, we was still  
15 talking, you know. I still said something, you know.  
16 Because I was like, You didn't have to do that, you  
17 know. And he did it again. Then he did it a third  
18 time. And there was time that he was doing it, I  
19 couldn't even move my legs. Because one of my legs  
20 was hung right there in -- where the seat and  
21 everything is because it was real cramped space. And  
22 when they did get me out the car, my -- one of my  
23 shoes came off because my leg was stuck. So, you  
24 know, so.

25 Q I want you to come down off the stand just a minute,

1 if you don't mind.

2 A (The witness complies.)

3 Q How tall are you?

4 A I'm about 5'3.

5 Q I don't want to cause you any embarrassment. About  
6 how much do you weigh?

7 A I weigh 285.

8 Q Okay. Have a seat right there.

9 A (The witness complies.)

10 Q So you say you were wedged in between the backseat  
11 and the backseat -- his backseat, in the backseat of  
12 the patrol car?

13 A Yes.

14 Q And y'all were kind of back and forth --

15 A Uh-huh.

16 Q Was any of his remarks in any way disrespectful to  
17 you?

18 A Oh yes, very much.

19 Q And were your remarks disrespectful to him?

20 A Yes, I have to say yes they was.

21 Q Okay. All right. Did you intentionally kick him at  
22 all?

23 A No, I don't even think I kicked the gentleman, sir.  
24 Because like I said, my leg was hung. And I was  
25 scuffling.

1 Q And your hands cuffed behind your back the whole  
2 time.

3 A My hands was behind my back. I don't really believe  
4 I even kicked the gentleman.

5 Q Okay. All right. So once -- once he tased you and  
6 you pulled over into the Taco Bell parking lot, what  
7 do you remember happened then. Did other police cars  
8 arrive?

9 A Yes because, I mean, he had already called them  
10 before he jumped out the car. So when they got  
11 there, a couple of them came of to the squad car.  
12 Because see they pulled me out the car. And that's  
13 when my foot was hung. And I lost a shoe off my feet  
14 when they have pulled me out. You know, because I  
15 was stuck. I mean, you know, I ain't -- I mean, you  
16 know, wun't [sic] like I had a lot of room just to  
17 bring myself out the car. So they had to get me out  
18 the car.

19 Q Okay. So once they -- by the way, were there any  
20 blue lights blinking and all when you were -- when  
21 the other patrol cars, came do you remember blue  
22 lights blinking?

23 A Well all I know is they was coming up the road.

24 Q Okay.

25 A From where the scene was where they had arrested me.

1 Q Okay. All right. Now, once they pulled you out the  
2 of car, do you recall then being put into an  
3 ambulance?

4 A I went on to a gurney where they had me -- they  
5 strapped my feet, they had my legs -- my arms  
6 handcuffed to the thing. But they had one of the  
7 little straps over me and over my bottom part.

8 Q Are you telling the ladies and gentlemen of this  
9 jury--

10 A Yeah.

11 Q -- when the incident at the red light, that you had a  
12 panic attack and he wouldn't release the cuffs --

13 MR. WESTON: Objection, Your Honor.

14 THE COURT: Wait a minute.

15 MR. WESTON: He's leading her.

16 THE COURT: Don't lead.

17 THE WITNESS: Well I like I told him, I said I  
18 was having an anxiety attack. I told him I needed some  
19 room and I couldn't breathe. And plus this was behind me.  
20 And I told him this.

21 And he was like, Oh you gonna be all right. You  
22 know, and.

23 Q Okay. That was at the red light?

24 A Yes.

25 Q Okay. Now, they got you -- you said they pulled you

1 out the car?

2 A Uh-huh.

3 Q What happened then?

4 A Well when they got me out the car, they got me to the  
5 gurney and they laid me down and I was there. Now I  
6 admit I was scuffling. But when I was scuffling they  
7 went ahead on and put my legs down, you know, thing  
8 over my legs and put my hands in handcuffs and then  
9 they had me strapped in. Then they loaded me into  
10 the thing. And then I was kind of coughing. And  
11 that when I said, you know, I couldn't, you know,  
12 really just talk because they gotten me up in the  
13 gurney and everything. And so that's when I --  
14 that's when the ambulance -- the gentleman, he was  
15 on -- these two was on -- it was three of them. It  
16 was a skinny guy and it was kind of a heavysset guy  
17 that was helping me in the ambulance. And then it  
18 was one in the back of me.

19 Then when they got me situated in there and  
20 everything, yeah I was still kind of talking and  
21 everything like that saying what they did was wrong.  
22 How they doing me, you know. And so when the  
23 backdoor opened I kind of coughed and I coughed up  
24 and spit, you know. But it hit -- it hit like the  
25 gentleman. Like the officer said, when he opened up

1 the door and landed right there, that was the only  
2 time I spit.

3 Q Okay. Now, do you remember -- do you remember after  
4 you did that do you remember an officer grabbing you  
5 by the--

6 A Yeah, because when he came in -- when the  
7 gentleman -- like the officer said, when he opened up  
8 the door and then I spit, it hit right there on the  
9 ground right before he come in. And that's when he  
10 jumped up in and grabbed me by the throat.

11 And I said, Don't y'all see him choking me, you  
12 know. It wasn't like he was trying to restrain me.  
13 And then the gentleman who was behind me, he was the  
14 one that brought this little plastic thing around and  
15 put it over my mouth, you know. And taped it on me.  
16 And that was it.

17 Q All right. After -- after that all happened, do you  
18 remember going to the hospital?

19 A Yes, sir.

20 Q And did they remove the probs in your breast?

21 A Uh-huh. Because when they rolled me into the  
22 hospital and everything, they had me handcuffed. And  
23 I was kind of scrumming with the handcuffs, they had  
24 the little things on me. And so one of the  
25 handcuff's came loose and one of the officers came in

1 and tightened back up the handcuff because it came  
2 off. And the whole time that I was in there, yeah I  
3 was kind of, you know, upset just kind of squirming  
4 around because I really was -- I was just -- anxiety  
5 was really on me bad.

6 And the lady come back in and that's when she  
7 was able to cut my bra loose. And then that's when  
8 the doctor came in and he removed, I mean, maybe 10,  
9 15 minutes later the doctor came in and then he was  
10 able to remove it. And they was going to check my  
11 chest and everything. And then that's when the lady  
12 said that she's moving and they can't get an accurate  
13 look at it. And that's when they said, Well she  
14 seems to be all right. And then they let me go.

15 Q All right. So they did let you go and they took you  
16 down to the detention center, is that correct?

17 A Well they heard [sic] me out in a wheelchair, yeah.

18 Q Where -- where have you been living since this arrest  
19 was made back in 2009?

20 A I was living over there off of [REDACTED]  
21 where my mother stayed. And she stay over there next  
22 to the facility, a little down the road from the  
23 center.

24 Q Have you lived anywhere over than at your mother's  
25 for any period of time?

1 A No, sir. Only at my sister's house. And that was,  
2 you know, brought on with some of the parts of this  
3 case too.

4 Q Are you on any kind of medication or anything?

5 A Well I was on Zoloft and anxiety medicine and  
6 Trazodone.

7 Q Okay. Now are you still only those medications?

8 A Well after attending the program which the Greenville  
9 County Police Department sent me down to Atlanta,  
10 Georgia.

11 MR. WESTON: Objection, again, Your Honor,  
12 relevance.

13 THE WITNESS: That's when--

14 THE COURT: Yeah, I sustain that.

15 THE WITNESS: That's when--

16 THE COURT: No, ma'am.

17 THE WITNESS: Oh, I'm sorry.

18 BY MR. COOKE:

19 Q Let me ask you this, are you on those medications  
20 today?

21 A I'm still on anxiety medicine Seroquel.

22 Q It's called what?

23 A Seroquel.

24 Q All right. No longer on the Zoloft?

25 A No, sir.

1 Q Now tell me, are you working anywhere right now?

2 A Yes, sir. I'm working at Burger King on Haywood  
3 Road.

4 Q Okay. Now is that something -- you got a full-time  
5 job now?

6 A Yes, sir. It's training into the management training  
7 program.

8 Q Right. And how long have you been -- how long have  
9 you been doing that?

10 A This will be my fourth week.

11 Q Okay. Now, are you living with your mother now while  
12 you're working?

13 A No, sir. I'm living with my daughter. But I just  
14 got me an apartment.

15 Q Okay.

16 A Fixing to move in.

17 Q Okay. All right. Now, getting back -- getting back  
18 and forth to work, are you close enough you can do  
19 that okay?

20 A Yes, sir. On a bus route.

21 Q On a bus route, okay.

22 A Uh-huh.

23 Q All right. At any time did you intentionally kick  
24 anybody?

25 A No, sir.

1 Q Okay. Did you at any time intentionally spit on  
2 anybody?

3 A No, sir.

4 MR. COOKE: Would you, please, answer any  
5 questions that the Solicitor may have of you?

6 THE WITNESS: Yes.

7 THE COURT: Cross.

8 MR. WESTON: Yes, sir, Your Honor.

9 CROSS-EXAMINATION

10 BY MR. WESTON:

11 Q Ms. Sullivan, let's see if we can start by talking  
12 about what we can agree on, okay? You admit that's  
13 your voice on the audio?

14 A Yes.

15 Q And you admit on the audio you are propositioning the  
16 officer to have sex for money?

17 A Proposition?

18 Q Yeah. You're offering to have sex with him for  
19 money. That's you saying that?

20 A Yes.

21 Q On the audio tape?

22 A Oh, yes.

23 Q Okay. And you admit -- I think you said you were  
24 arrested for prostitution?

25 A Yes.

1 Q That day.

2 A Uh-huh.

3 Q And you pled guilty to that prostitution charge?

4 A Yes.

5 Q And you admit that you were arrested for possession  
6 of drug paraphernalia to the crack pipe and you pled  
7 guilty to that charge?

8 A Yes.

9 Q And you admit you had that crack pipe on you?

10 A Yes.

11 Q Where was the crack pipe at?

12 A In my pocket.

13 Q Okay. And you admit that after when you're stopped  
14 by the other officers, you were handcuffed?

15 A Stop by the?

16 Q When the other officers -- when they came up behind  
17 you, put the blue lights on the and the other  
18 officers came over to where you were with the  
19 undercover officer, you were handcuffed?

20 A They told me get out of the car then they handcuffed  
21 me.

22 Q And they told you you were under arrest?

23 A Yes.

24 Q And they told you what you were under arrest for?

25 A Yes.

1 Q And you were guilty of those charges, you knew that?

2 A Yes, for the prostitution and the drug paraphernalia,  
3 yes, sir.

4 Q But on the tape we hear you saying, what did I do? I  
5 haven't done anything wrong. You were lying to them  
6 then, weren't you?

7 A Well I was like --

8 Q Just answer my question and then you can explain.

9 MR. COOKE: Your Honor, I object. He asked her  
10 a question, let her answer it.

11 THE WITNESS: Yeah.

12 THE COURT: Well, ma'am, you give a yes or no  
13 answer then you can explain your answer.

14 BY MR. WESTON:

15 Q On the tape, weren't you lying to them when you said,  
16 I haven't done anything wrong?

17 A Yes.

18 Q Okay. They placed you in the back of a patrol car?

19 A Uh-huh.

20 Q You have to say yes or no, ma'am, so she can pick it  
21 up.

22 A Yes.

23 Q Okay, thank you. And the officer was driving you to  
24 the Law Enforcement Center?

25 A Yes.

1 Q When you got to [REDACTED], well, excuse me. And  
2 I'm going to try to make sure I understand this.  
3 Could you just face me toward me, please? Thank you?

4 A (The witness complies.)

5 Q Now I'm just trying to place you in the car, that's  
6 all doing. I'm not trying to trick you or anything.  
7 When they put you in the car, they put you in the car  
8 on the side of the -- if I'm the driver, on the  
9 passenger side in the back; is that correct? Not  
10 behind the driver or on the other side.

11 A Yes, yes.

12 Q When y'all got to Church Street, the officer got out  
13 from over here, Officer Ayers is over here, you're on  
14 that side in the backseat; is that correct?

15 A Uh-huh.

16 Q And you're having whatever problems you say you're  
17 having and he's saying whatever he says you were  
18 doing, he gets out of the car and he comes around to  
19 the driver side, open that door and you're on the  
20 passenger side; is that correct?

21 A No, I was like--

22 Q No, I'm just saying where you were sitting.

23 A That's what I'm saying, where I was sitting at --

24 Q Right.

25 A -- when they put them in the car.

1 Q Yes, ma'am.

2 A They put me in the car behind the driver but I was  
3 like in the middle of the seat.

4 Q So you were in the middle of the seat?

5 A I wasn't really just over on the passenger side.

6 Q So you're telling this jury that they put you in the  
7 car in the middle of the seat on the hump? Is that  
8 what you're telling this jury, ma'am?

9 A It wasn't a hump, sir. I'm just saying if you -- if  
10 you look in the back of the police car, where I was  
11 sitting at was right there. You know, they didn't  
12 have really just a hump there.

13 Q Okay, fine, ma'am, if you say so, I'm sorry. If  
14 you're sitting in the middle of the car -- just face  
15 toward me, again, please.

16 A (The witness complies.)

17 Q I'm not trying to trick, I promise. I just want to  
18 make sure everybody understands where you were. But  
19 he opened the driver's side backdoor?

20 A Yes, sir.

21 Q Okay.

22 A Because when he got out the car--

23 Q Just yes or no, that's all I need. Did he open the  
24 driver's side door? Not the passenger door, the  
25 driver's side door, behind the driver?

1 A Yeah, on this side.

2 Q All right. And you couldn't move you were saying?

3 A No. Like I said I was stuck right in there because  
4 it was small. It was very small in the back.

5 Q Uh-huh.

6 A And I was just kind of like doing this toward the  
7 back of his seat.

8 Q And I think you just testified that you couldn't have  
9 kicked him because you couldn't turn that way, isn't  
10 that what you told this jury?

11 A That's what I said.

12 Q That's fine. Okay. You sure about that? You could  
13 not turn toward him?

14 A No, when I got stuck in between.

15 Q Show that to the jury. Turn and face the front  
16 again.

17 A (The witness complies.)

18 Q Show the jury where that taser shot you?

19 A It shot me right up in here.

20 Q How could that possibly be, ma'am, if you can't turn  
21 this way?

22 A Because --

23 Q How --

24 THE COURT: Wait a minute, one at a time.

25

1 BY MR. WESTON:

2 Q -- it couldn't have possibly shot you in that side--

3 A If you get the records from the doctor --

4 Q No, ma'am--

5 A It will show you that it was right there in my

6 breast.

7 Q I agree with that.

8 A Okay.

9 Q My question to you, ma'am, is if you're sitting in  
10 the car -- move up a little further, please.

11 A (The witness complies.)

12 Q If you're sitting in the car and you can't move, he's  
13 standing on the driver -- passenger side, how in  
14 God's name could he shoot a taser into you way over  
15 here if you can't turn that way?

16 A I wasn't way over there, sir. I was right here in  
17 the middle --

18 Q No, I mean, way over here on this part of your body,  
19 ma'am. If you can't turn to the side, how can he  
20 possibly shoot you on that side?

21 A Sir, the taser beam struck me in the breast.

22 Q So you --

23 A I can't remember which one but I know it was a taser  
24 in my breast?

25 Q Ma'am, did you not just point -- and I'm not going to

1 touch you, but did you not just show this jury it  
2 touched you -- the taser was up on this side of your  
3 body?

4 A No, I didn't. I said it stuck me in the breast. I  
5 didn't say which side of my body, sir.

6 Q Okay, ma'am. All right. Let's move on. You were  
7 complaining of chest pains?

8 A Yes, sir.

9 Q Because you were having an anxiety attack?

10 A Because the taser -- he had did it three times to me,  
11 sir, and I was having pains in my chest. Yes, sir.

12 Q Wait a minute, ma'am. Didn't you just tell this  
13 jury, in answer to your lawyer's question, that you  
14 were complaining of chest pains before he tased  
15 you --

16 A No, I did not --

17 Q Because you were having an anxiety attack?

18 A No, sir, I did not say that I was complaining before.

19 No, I did not.

20 Q Okay. All right. In response to your complaints of  
21 chest pain after you were tased.

22 A Yes.

23 Q He called EMS?

24 A Yes, sir.

25 Q And they responded?

- 1 A Uh-huh.
- 2 Q Didn't they?
- 3 A Yes, sir.
- 4 Q And by the way, you've never met Investigator Ayers  
5 before, have you?
- 6 A No, sir.
- 7 Q Before that night?
- 8 A Huh-uh.
- 9 Q You got no reason to be mad at him do you?
- 10 A No, sir.
- 11 Q He had, as far as you know, any reason to not want to  
12 give you medical attention or to be mad at you before  
13 that night?
- 14 A No, sir.
- 15 Q You had met Mr. Fowler over here, the EMS guy, you  
16 don't know him before that night did you, ma'am?
- 17 A No, sir, I didn't.
- 18 Q As far as you know, he had no reason to come in here  
19 and lie on you and say you spit in his face if you  
20 didn't, did he, ma'am?
- 21 A That's right, no, sir.
- 22 Q You -- do you have any reason why he might have come  
23 in here and told this jury that?
- 24 A I wouldn't understand that. I don't understand that  
25 myself, sir. Because I did not even spit on the EMS

1 officer.

2 Q We're going to come back to that, ma'am. Now, this  
3 is not your first time you testified or that you've  
4 given information to police or law enforcement or  
5 official kind of capacity like this. Isn't it true  
6 you were convicted of false information to police in  
7 October of 2009?

8 A Yes, sir, I gave them my wrong name.

9 Q As well as fraudulent check?

10 A Fraudulent check, that was a long time ago. All I  
11 know is--

12 Q It's a yes or no ma'am.

13 A -- they brought up a check I had wrote and haven't  
14 paid for, yes, sir.

15 Q So that wasn't your fault either?

16 A No, no, I'm not saying it wasn't my fault but there  
17 was a check out there that I had not paid for, sir.

18 Q So you're telling this jury you pled guilty to false  
19 information because you gave the wrong name?

20 A Yeah, when I was stopped that time, yes, sir.

21 Q Okay. So you lied then too?

22 A Yes, sir.

23 Q Okay. You lie when it suits you, don't you, ma'am?

24 A No, not really.

25 Q All right. You said you had been laid off at the

- 1 time this happened?
- 2 A Yes, sir.
- 3 Q From the place in Laurens?
- 4 A (The witness nods.)
- 5 Q Didn't you tell the officer on the tape that you were  
6 working there at this dispatch place?
- 7 A No, sir.
- 8 Q So you didn't say on this tape that you wanted to get  
9 a ride to work --
- 10 A No, sir --
- 11 Q -- that's why you needed the money?
- 12 A If you replay the tape--
- 13 Q The jury might can do that --
- 14 A -- it said -- it said, and I can repeat what I said,  
15 I said I just got called back to work. And I was out  
16 there trying to get money so I can get to work.
- 17 Q So then when you told Mr. Cooke a few minutes ago  
18 that you were laid off, that's not true?
- 19 A Yes, it is true. I was laid off.
- 20 Q So you were laid off but you had been called back?
- 21 A Yeah and I was supposed to report to work that  
22 following week coming up.
- 23 Q All right. And during this time you talk about, I  
24 didn't object, you talked about that you had had a  
25 forecloser, you lost your car, you were depressed and

1 a suicidal. You had mental health treatment, you  
2 were on Zoloft and anxiety. You were also smoking  
3 crack then, weren't you?

4 A Yes, sir.

5 Q That's why you had the crack pipe?

6 A Yes, sir.

7 Q Could it possibly be, ma'am, that you lost your home  
8 and your job because you were a crack addict and you  
9 were smoking up the money?

10 A No, sir.

11 Q Did that help you?

12 A No, sir.

13 Q Smoking the crack. You don't think that contributed  
14 at all, ma'am, to your problems?

15 A No, sir. Because at the time that I lost my house,  
16 sir, I was working. And I lost my house because of  
17 forecloser and high rates. High rates that went up  
18 on my house. And when my job and the economy started  
19 going bad, they laid me off. I got very depressed.  
20 I had anxiety issues, I had been trying to see a  
21 psych doctor who was trying to help me at North  
22 Hills --

23 Q Did you tell him you were a crack addict?

24 A Sir, at that time --

25 Q It's a yes or no, ma'am.

- 1 A -- I was not a crack addict --
- 2 Q You were smoking crack.
- 3 A No, not at that time when I lost my house, sir.
- 4 Q No, I'm talking about the night this happened?
- 5 A Oh yeah, now I can say I was smoking then?
- 6 Q You were still not a crack addict?
- 7 A I'm not saying that I'm not a crack addict. I am a  
8 recovering addict.
- 9 Q Were you a crack addict on the night this happened?
- 10 A Yes, I was smoking.
- 11 Q You were selling your body to get money to buy crack?
- 12 A Yes.
- 13 Q So you weren't trying to get money to go to your job  
14 like you just told this jury?
- 15 A Yes, I was definitely trying to get me some money,  
16 plus like I told the officer when I was arrested in  
17 his car and when I was talking to him, that I was  
18 trying to get some money together so I can get a ride  
19 to work. And pay my daughter. Because do don't  
20 nobody do anything free for you out there.
- 21 Q Yeah, we heard all that. But you had a crack pipe in  
22 your pocket.
- 23 A Even though I may have had that on me, sir, but I  
24 still had other priorities too.
- 25 Q And this was seven, eight o'clock at night.

1 A No, sir. It was at 4:00 a.m. because I had walked  
2 out of my mother's house when I was arrested. I  
3 remember the time that I had got arrested.

4 Q So you're saying that the event happened at four  
5 o'clock in the morning --

6 A Not the four o'clock in the morning --

7 Q --not seven --

8 THE COURT: Wait a minute. Wait a minute. Let  
9 me just interrupt you. This young lady is taking down  
10 every word that's said and she cannot take it down when --

11 THE WITNESS: Oh, I'm sorry.

12 THE COURT: Ma'am, when two people are talking.

13 So allow him to ask his question and then answer.

14 All right, Mr. Weston.

15 THE COURT REPORTER: Thank you, Judge.

16 BY MR. WESTON:

17 Q So you heard all these officers and EMS worker say it  
18 was seven, eight o'clock at night and you're saying  
19 it was four o'clock in the morning?

20 A No, sir. I said in the evening when I walked out of  
21 my mother's house. That's when I walked up the  
22 street and that's when the start of all that  
23 happened.

24 Q So this happened at four o'clock in the evening, not  
25 seven or eight o'clock a night, is what you're

1           telling this jury?

2       A     Yes, sir.

3       Q     Okay so all three of them -- all four of them are  
4           lying about the time, too?

5       A     Sir, I'm not saying that they're lying but as the  
6           procedure went on from four to five, going through  
7           the arrest and all of that. And then going up to by  
8           McDonald's -- not McDonald's but Taco Bell and all  
9           that, yeah it could have went on over to that time.

10      Q     Three hours?

11      A     Yeah, because it took a little while now.

12      Q     All right. You say you admit scuffling and you were  
13           talking. You were cursing weren't you, ma'am?

14      A     Sir?

15      Q     Weren't you cursing at them?

16      A     No, we was just having slang going back and forth. I  
17           wouldn't say I was just cursing them, no.

18      Q     You said you were still cursing when they were moving  
19           you in the ambulance. You said you were still  
20           talking, I'm sorry.

21      A     No, we had conversations, we had slurs going back and  
22           forth.

23      Q     So you said the officers were calling you names too?

24      A     Yes, sir. Yes, sir.

25      Q     Okay. Let's talk about this cough.

1 A Uh-huh.

2 Q Show the jury, let's assume you're sitting in the  
3 car, I mean, you're on the gurney, show them again  
4 where you coughed and some kind of liquid came out of  
5 your mouth. Where did it go?

6 A Like this, choking--

7 MR. COOKE: Your Honor, I object to him making  
8 her demonstrate anything. I don't think...

9 THE COURT: Well I'm not going to allow her to  
10 expectorate in the courtroom but she can certainly--

11 MR. COOKE: I object to that.

12 MR. WESTON: Your Honor, he asked her -- I just  
13 asked her to show me what she said on direct.

14 THE COURT: I'm going to allow it. Go ahead.

15 BY MR. WESTON:

16 Q Point to where this cough went.

17 A It went right out the back. When the gentleman  
18 opened up the door, it just kind of fell right in the  
19 back in front of him. It never even touched him.

20 Q This only happened one time?

21 A Yes, sir.

22 Q So when both of the officers and the EMS guy said you  
23 spit in their face separately, they're lying?

24 A Yes, sir, because I did not.

25 Q And you didn't kick the officer in the groin?

1 A No, sir.

2 MR. WESTON: All right, nothing further.

3 MR. COOKE: I have no further questions. Thank  
4 you, very much.

5 THE COURT: All right, thank you, you can step  
6 down.

7 Call your next witness.

8 MR. COOKE: Defense rests.

9 THE COURT: All right, anything in reply?

10 MR. WESTON: No reply.

11 THE COURT: Nothing in reply.

12 All right, let me see the lawyers up here for  
13 one second.

14 (WHEREUPON, a bench conference was held in the  
15 presence of the jury but out of the hearing of  
16 the jury.)

17 THE COURT: All right, Mr. foreman, ladies and  
18 gentlemen of the jury, I got a couple of legal matters I  
19 have to discuss with the attorneys. I'm going to excuse  
20 you to your jury room. It's going to be very brief, we'll  
21 get right back with you. Don't talk about the case yet.

22 (WHEREUPON, the jury left open court at  
23 approximately 3:10 p.m.)

24 THE COURT: All right, we'll just take five  
25 minutes for the benefit of Mr. Weston.

1 MR. WESTON: Thank you.

2 (WHEREUPON, a short break was taken.)

3 THE COURT: All right, any request to the  
4 charge?

5 MR. WESTON: Nothing from the State, Your Honor.

6 MR. COOKE: Assault and battery, Judge, rather  
7 than high and aggravated I would think.

8 THE COURT: How is that? How would you get  
9 that?

10 MR. COOKE: Well I wouldn't think there was any  
11 high aggravated to it. How could that be?

12 THE COURT: Well the acts of circumstances of  
13 aggravation alleged in this case is through the resistance  
14 of lawful authority.

15 MR. COOKE: I know.

16 THE COURT: There hasn't been any evidence to  
17 show that these men weren't acting lawfully when they made  
18 the arrest.

19 MR. COOKE: I mean, my client said that she did  
20 not kick any of them. So I would think that...

21 THE COURT: Well it's all or none.

22 MR. COOKE: Well at the same time her word is as  
23 good as theirs. If she said she didn't kick them, I mean,  
24 why wouldn't she be entitled to just a simple assault.  
25 Or -- or just -- yeah simple assault. She said she didn't

1 do it.

2 THE COURT: Well I know she said she didn't do  
3 it. It's the intentional infliction. It's all or  
4 nothing.

5 MR. COOKE: She said there was no intent to do  
6 any of that, Judge. I mean, this lady's handcuffed for  
7 God's sake. Not only her hands behind her back, at one  
8 point her legs and your hands. Now how in the heck can  
9 that be?

10 THE COURT: There's a good reason that she was  
11 handcuffed all over the place.

12 MR. COOKE: Well, no, no. I mean, that's  
13 automatically you handcuff them when you put them under  
14 arrest, Judge.

15 THE COURT: Well I'm going to deny your -- you  
16 passionately argued your...

17 MR. COOKE: Okay. Thank you, Judge.

18 THE COURT: All right, we're ready to go?

19 MR. COOKE: Yes, sir, Your Honor.

20 THE COURT: Let's go.

21 (WHEREUPON, the jury came into open court at  
22 approximately 3:17 p.m.)

23 THE COURT: All right, ladies and gentlemen, you  
24 remember in my opening comments to you I divided the case  
25 into five parts. We've now completed the first two parts

1 and we're ready to go into the third part or -- excuse me,  
2 yes, the third part of the trial which are the closing  
3 arguments of these attorneys. I ask you to continue to  
4 pay close attention while these gentleman present their  
5 argument.

6 All right, Mr. Cooke.

7 MR. COOKE: May it please the Court?

8 THE COURT: Yes, sir.

9 CLOSING STATEMENT

10 MR. COOKE: Ladies and gentlemen, as I already  
11 told you, my name is Larry Cooke. I have been practicing  
12 law in Greenville about 45 years. I also contract with  
13 the Public Defender's Office. And on behalf of the Public  
14 Defender's Office, I represent my client in this matter.  
15 You know, it's always a complicating case where you have  
16 one person testifying against another person, there's no  
17 evidence, it's just words. You take his word, you take  
18 her word. There's no video, there's audio. These are  
19 very complicated cases.

20 My client denies that she acted in such a  
21 vicious manner as these men would testify in court. And  
22 to be honest with you, I find it quite unusual that  
23 somebody, if that's the case, that nobody got hurt.  
24 Nobody got treated. I mean, the lady simply just ask --  
25 does it make sense? Let me just think about it here. And

1 I'm going to jump around, I know I'm going to forget  
2 something and I'm going to mess up but I'm going to jump  
3 back to the time of arrest. Because I think this is very  
4 important. The lady had been arrested for prostitution.  
5 Well they searched her and they found the crack pipe.  
6 They handcuffed her, no problems whatsoever. Put her in  
7 the car. No problem whatsoever. Everything is a fine.  
8 She didn't give them any problem, she is under arrest.  
9 She pled guilty to prostitution. And she pled guilty to  
10 drug paraphernalia. She pled guilty to those charges. To  
11 these charges she's pled not guilty.

12 Now does it make any sense to you, unless it  
13 really happened, a panic attack. You're in the backseat  
14 of a car, you're a woman who weighs almost 300 pounds and  
15 you have a panic attack. Because they're hurting you.  
16 You can't breathe. And all you do is that you be given a  
17 little bit of relief. And they're not paying attention to  
18 you. And you start moving around in the backseat. If  
19 she -- if she could have lifted her legs, and I promise  
20 you, if you look at this lady and tell me she can lift her  
21 legs as big as she is, she could have easily kicked out a  
22 window. No window was kicked out. She's simply trying to  
23 get herself in a more comfortable position because the  
24 handcuffs and her chest she's having a panic attack.  
25 Never had one. Anxiety attack, never had one, don't know

1 anything about it.

2           The lady suffers from depression. She's  
3 testified to the medication she takes for the anxiety  
4 problem. All these things. So it makes sense that this  
5 happened to her at that red light. Because nothing was  
6 going on prior to that. She -- I mean, she and that  
7 officer hadn't had the first problem. Then they get to  
8 yan-yan [ph] back and forth. I guess you might say that  
9 it's not against the law to call her something and she  
10 calls him something right back. I don't know if it was a  
11 racial slur, have not idea. But if it's not against the  
12 law for her to call him something, he shouldn't call her  
13 anything, he's an officer of the law. But that's not  
14 against the law. That's your Constitutional right to  
15 ya-ya [ph] back and forth with him. If he's yay-yaying  
16 back and forth to you.

17           I find it very, very difficult to believe some  
18 where in all of this, police cars coming from everywhere,  
19 to the Taco Bell, that Greenville General Hospital, that  
20 there is not one video. There's not one officers audio.  
21 There's not one thing, not one thing to show or to hear.  
22 And yet we have these very serious charges. You know,  
23 when you're faced with -- and I'm not saying the police  
24 officers lied by any means. I'm not saying that. But,  
25 you, people can take -- people can take things different

1 ways. You might think somebody intentionally spit on you,  
2 you know, maybe they didn't. You can take somebody  
3 scuffling, trying to get a better position, trying to  
4 get -- there having a panic attack. There's no  
5 intentional assault there. I mean, I didn't see --  
6 there's nothing serious there.

7 I mean, it's not -- if they shoot somebody three  
8 times with a taser. That's a little bit overwhelming to  
9 me. When a woman that has her hands cuffed behind her  
10 back and you have to tase her three times. You know, I've  
11 seen people with cattle probes, probing cattle, you don't  
12 hit them that many times. I think there might have been a  
13 little over reaction there. There's no indication she was  
14 trying to escape. She was lying in the car on the seat.

15 Mr. Weston would make you think because she was  
16 sitting up here, that you can easily face this way. I can  
17 easily do that and turn my chest and still have a foot  
18 hung. I mean, that's no big deal. But he's trying to  
19 make you think that she wasn't stuck. But that's very  
20 possible. I mean, if you're twisting and you've got your  
21 leg stuck, he's going to hit you with that taser. But  
22 what kind of threat was she? For goodness sake, you don't  
23 taser somebody three times by calling you a name. And  
24 then you turn around and call her names and make slurs  
25 against her. What's fair about that? Just because you

1 have the badge and a gun does not give you a right to do  
2 that..

3 And I kept -- I kept getting confused on the  
4 responses of the car. Whether it had a camera, whether it  
5 was operable, whether he was in his car, whether he was in  
6 a reissued car. And the thing is really very critical.  
7 Don't let them kid you. Those cameras and -- the video  
8 and the audio can be manually turned on and turned off.  
9 He admitted that. But he said, I didn't have one. Well,  
10 I don't even know which car he was in, he didn't either.  
11 That's all very convenient.

12 I would venture to say that when somebody is  
13 confined in the backseat of a patrol car, a large person,  
14 and they have a panic attack or an anxiety attack, and  
15 have your hands cuffed behind your back, you got big arms,  
16 it's a very suffocating feeling, I'm sure. But I'm  
17 telling you there was no resisting. There was no assault  
18 on a police officer, nothing intentional. That's not what  
19 it's all about. That wasn't intentional. All he had to  
20 do was pull over in the Taco Bell parking lot and say,  
21 Ma'am, what's wrong?

22 I'm having a panic attack, an anxiety attack.  
23 If you'd just loosen the cuffs a little bit I'd feel a lot  
24 better, I'll be okay.

25 No, had to stop right in the middle traffic.

1 That's just not necessary. You know where the red light  
2 is Augusta and Church Street? Taco Bell is right there on  
3 the corner. So just pull over there and help the lady  
4 out. She's been a very nice person up until then. Why  
5 not believe she's not having an anxiety attack. You want  
6 to her, help her then.

7 All 12 of you folks have to make a decision in  
8 this case. It really all wraps around whether she did  
9 what they said she did, intentionally. Y'all all have a  
10 vote. One may say you have the greatest power in the  
11 world right here in your hands in this courtroom. Believe  
12 it or not. It's the greatest power in the world. Because  
13 you have a right to pass judgment on another human being.  
14 You also have the right to make sure that justice is done.  
15 And this lady is found not guilty. Because I'm telling  
16 you she did nothing intentional. Nothing. This problem  
17 could have been resolved a lot easier. Take her on down.  
18 Just -- it makes no sense. It makes no sense that you  
19 would get out of your car in the middle of Augusta Road,  
20 with the traffic and tase this lady three times. Listen,  
21 is she going to hurt you? With her hands cuffed, with her  
22 arms behind her back, for God's sake.

23 I guess people aren't entitled to have an  
24 anxiety attack, panic attack, suffer from depression, lose  
25 their job. All the thing that go on in the world today.

1 It's a pathetic situation, no question about it. I'm a  
2 law abiding citizen, most people are. And it's hard to  
3 get on the stand and admit that you're a prostitute.  
4 You're prostituting yourself to make money. And at that  
5 time to support a drug habit. She didn't fool with crack  
6 prior to loosing her house. She said, I'm a drug addict,  
7 I'm a recovering drug addict. Right now today she says  
8 that. I'm a recovering drug addict.

9 She finally got a job at Burger King. At Burger  
10 King. I mean, that's a job. At least she's got a job.  
11 Before she had a nice job but got laid off because of the  
12 economy. She's trying. She's really trying. They're  
13 trying to smack her down. It's tough when it's you  
14 against them. It's tough.

15 As I say, all 12 of you folks have to agree.  
16 Mr. Weston, my adversary, he's a very good lawyer. He  
17 gets the last argument in the case. I've probably  
18 forgotten a lot of things that maybe I should have brought  
19 out. But all you have to do is listen to the tape. If  
20 Mr. Weston says something, you say, Well how would  
21 Mr. Cooke respond to that? I can't remember it all. But  
22 let's don't let this incident lose focus of just common  
23 sense. Just think about it. All he had to do was pull in  
24 the parking lot, loosen this lady's cuff and call EMS. If  
25 she's having a panic attack then and say, Ma'am, ma'am,

1 let me help you. Not, Ah, you'll be all right. Or not  
2 treat you like some kind of dog and say, Oh everything  
3 will be all right. You're a prostitute, you're a crack  
4 head, you don't deserve that attention. But had they just  
5 pulled over there and offered that little bit of human  
6 kindness, we wouldn't be here today. We wouldn't be here  
7 toad.

8 And I ask you folks, I ask you folks, to make  
9 the State of South Carolina prove that this lady  
10 intentionally did the things that she's accused of doing.  
11 They've got to prove it beyond a reasonable doubt. Folks,  
12 that's a big burden. And that's why we have the system we  
13 have. Because we have a right to come in and tell our  
14 side of the story. And I'll bet you 10 to one, ten to  
15 one, that when the State got to prove their case, you're  
16 asking yourself, what in the world are they doing in the  
17 courtroom, having a jury room[sic]? You said, Are they  
18 stupid? I mean, this is so clear and cut, the State's  
19 proven their case, this lady is guilty. And I would have  
20 voted the same way had the case ended right then. But we  
21 have a right to come in here and tell our story. And  
22 isn't that a great system? Where we can disagree and let  
23 you folks make that decision. You folks can get up in the  
24 morning, look yourself in the mirror and say, By George, I  
25 did the right thing. I did the right thing. That's what

1 it's all about.

2 The verdict has to be unanimous, all 12 of you  
3 have to agree. We don't have another chance to come back.  
4 This is our only day in court. You have to make that  
5 decision. And whatever decision you make we have to live  
6 by. Both the State and the Defense. I want to thank you  
7 for your attention and on behalf of my client she thanks  
8 you as well. Thank you.

9 THE COURT: Mr. Weston.

10 MR. WESTON: Thank you, Your Honor, may it  
11 please the Court?

12 THE COURT: Yes, sir.

13 CLOSING STATEMENT

14 MR. WESTON: Ladies and gentlemen, you've heard  
15 all the evidence and at the conclusion of my remarks,  
16 Judge Miller will instruct you on the law. And take the  
17 law as he gives it to you. And after that the case will  
18 be yours to decide. As both I, and I think Mr. Cooke  
19 said, at the outset this is not a complicated trial.  
20 There's not a lot of elements and they're only three  
21 charges. The Judge is going to instruct on the law in  
22 this case and you take it as he gives it to you and not  
23 what I and Mr. Cooke tells you. But I believe, what I'm  
24 going to mention a few items that I think he's going to  
25 talk to you about that I'd like you to pay particular

1 attention to.

2           Number one, he's going to tell you about that  
3 the State has the burden of proof. The Defendant sits  
4 here innocent on all the charges. And she does. And  
5 she's innocent unless and until the State proves to you  
6 beyond a reasonable doubt, each and every element of each  
7 offense. He's going to tell you about what reasonable  
8 doubt is. And he's going to tell you something to the  
9 effect that reasonable doubt is a doubt that you can  
10 assign a reason or a doubt that would make a person, a  
11 reasonably strong person, firmly convinced, hesitate to  
12 act. Which is firmly convinced, hesitate to act. He'll  
13 explain that to you. He may give you an example like the  
14 sun comes up everyday. We don't know that the sun is  
15 going to come out tomorrow. We can say pretty much beyond  
16 a reasonable doubt that the sun is coming out tomorrow.  
17 He's also going to tell you that reasonable doubt does not  
18 mean beyond any reasonable doubt. Or absolute proof.  
19 It's a doubt that you can assign reason. It is  
20 reasonable? Not any doubt. Reasonable doubt.

21           And finally he's going to tell you what I think  
22 is most important in this case and that's credibility of  
23 the witnesses. He's going to tell you that you got the  
24 right to believe a number of witnesses over one or one  
25 witness over a number. He's going to tell you that you

1 have a right to believe all the witness' testimony or  
2 parts of the witness' testimony. And that's critical in  
3 this case, ladies and gentlemen. Because somebody is  
4 lying. I agree with Mr. Cooke that if this Defendant is  
5 telling the truth, that that's all she was doing is  
6 fidgeting in the backseat of the car, having a panic  
7 attack, that it would be criminal for these officers to  
8 stop on Augusta and Church Street, at a busy intersection  
9 like that, get out of their car, come back and tase her  
10 three times because she's simply being fidgety, she's  
11 being fidgety and having a panic attack. That would be  
12 criminal. It wouldn't make much sense but it would be  
13 criminal.

14 He's going to explain to you that you don't have  
15 to believe them because they're police officers. You  
16 don't believe her because she's the Defendant. You can  
17 believe part of a witness' testimony or all a witness'  
18 testimony. With that in mind, let's talk about  
19 credibility. Who has a reason to lie? Let's start with  
20 the fact that we're talking about three police officers  
21 and a EMS employee who had never met this woman before in  
22 their life. Who had no acts to grind against her. And  
23 had no reason to come in here, first of all to arrest her,  
24 file charges against her, then come in here, put their  
25 hand on the Bible, get on the witness stand and as a group

1 concoct a story.

2           Because either all -- either she's lying or all  
3 four of them are lying. Because they all pretty much told  
4 the same story with regard to certain things. The primary  
5 one being that she was out of control. She says she was  
6 just talking. All four of them said she was cursing to  
7 beat the bank. Calling them out of their name.

8 Everything but the child of God. Both of those statements  
9 can't be true. Either she's lying or all four of them are  
10 lying. And when you consider which one it is, then you  
11 need to consider what the reasons for lying would be.

12           Let's start with Investigator Ayers. He is  
13 arresting a woman as part of a prostitution sting. She is  
14 seated in the backseat of his car. He is headed to the  
15 detention center to book her. She agrees with that. He  
16 would stop his car at Augusta Road and Mills Avenue, in a  
17 lane of traffic just because she called him a name. Or  
18 just because she's fidgety and having a panic attack.  
19 Open his door, in the middle of traffic and tase her three  
20 times. Does that make any sense? Or does it make more  
21 sense that he would stop his car -- that he was forced to  
22 stop his car at Augusta Road in the middle of traffic, at  
23 a busy intersection and open the backdoor and tase her  
24 three times because she's trying to kick the window of the  
25 car out and raising sand and trying to get out. That

1 makes sense.

2           The only reason anybody would stop their car at  
3 that intersection, get out in traffic and have to interact  
4 with somebody, is unless something crazy was going on in  
5 the backseat. You don't do it because somebody's being  
6 fidgety. You don't do it because somebody calls you  
7 names. You don't it because somebody is having a panic  
8 attack. If that were the case, if what she's saying is  
9 true, what any reasonable person would do. Even if they  
10 didn't like her, would be to pull off the road. Just a  
11 counsel said. If she's telling the truth. But she's not.  
12 She is a convicted liar. She has admitted to having been  
13 convicted of false information to police before. She pled  
14 guilty to that.

15           And we're going to talk about her lies in just a  
16 few minutes. I'll get to that. But when you talk about  
17 credibility of witnesses, you got to consider the source.  
18 You've got to consider the source. And even if you say  
19 that there was some problem between Investigator Ayers and  
20 this woman, that is the two of them. Take him out of the  
21 equation. Let's talk about officer Curtis. Who came in  
22 here, put his hand on the Bible, told you all I did was  
23 come because I heard that there was a problem, I  
24 responded. I came, she was cursing, she was calling me  
25 names, she was calling everybody names, she was calling, I

1 think he said the world, she was just out of control. To  
2 the point where they had to handcuff her to the gurney.

3 Ladies and gentlemen, that's not a panic attack,  
4 that's not fidgeting anymore, that's not just talking. He  
5 comes up on this, he does not have a conversation with  
6 Investigator Ayers, he's not colluded with him. There's  
7 no evidence that they got together and said, Let's concoct  
8 some plan, a bunch of lies. And do a whole bunch of paper  
9 work to arrest somebody, have to come to court and spend a  
10 day up in court just because somebody was fidgeting. And  
11 somebody was having a panic attack and we want to frame  
12 them. He said he came up, he got up into that -- into  
13 that ambulance and that woman leaned back, hocked and spit  
14 in his face. Ladies and gentlemen, she said, I may have  
15 coughed one time downward. I submit to you either she's  
16 lying or now he's lying too.

17 Now let's throw in Jeff Fowler, the EMS worker.  
18 He is not a police officer. He does not work with these  
19 guys. He said he doesn't know these guys, he doesn't know  
20 her. He drives his ambulance up in response to a call.  
21 Doing his job. Just as they were by the way. Doing what  
22 we pay them to do. He says same thing. That as they were  
23 bringing her on that gurney, she is cursing, she is out of  
24 control, she is pulling on things. She's not fidgeting.  
25 She's definitely not talking. She is cursing to beat the

1 bank. So now if you believe her, he's in on the  
2 conspiracy. And he comes in here, taking time off of his  
3 job, got up on this stand, put his hand on the Bible,  
4 swore an oath and is lying on her too. So he's a liar.  
5 And he says, I'm trying to help this woman. And she  
6 rears, the same thing as he said, she rears back, hocks  
7 and spits in my face. He made that up?

8           With regard to this spitting, ladies and  
9 gentlemen, one of three things has to be true. Either the  
10 two of them are lying and she spit down on the floor one  
11 time. Or she's lying and she, in fact, did spit in each  
12 one of their faces separately and intentionally. Or  
13 number three, she spit on the floor, as it was going to  
14 the floor, it split into two separate loogies, one then  
15 kind of bounced off the floor, hit one person in the face,  
16 the other went and hit the other person in the face.  
17 Ladies and gentlemen, that is some loogie. Which of those  
18 stories make sense? Is there any way any reasonable  
19 person, let alone two reasonable people, would make up a  
20 lie and say somebody intentionally spit in their face if  
21 they didn't? Would a trained law enforcement officer get  
22 up on this witness stand and make up a lie that a person  
23 kicked -- that a woman kicked them in the groin if they  
24 didn't? Every one of these acts that was committed by  
25 this woman was intentional.

1           As I told you at the outset, and once again His  
2 Honor will instruct you on the law, take the law from him.  
3 But he's going to tell you something to the effect that if  
4 you find that she committed an assault and battery on a  
5 police officer, as she was resisting lawful authority,  
6 which she was in the case of Officer Ayers, as she kicked  
7 him in the groin, as well as she did with Officer Curtis  
8 when she spit in his face. And they both were simply  
9 trying to arrest her. They were exercising lawful  
10 authority. Then she is guilty of assault and battery,  
11 high and aggravated nature in each case. If you find that  
12 she spit in the face of Jeff Fowler, as he was trying to  
13 administer aid to her and working as a EMS employee, then  
14 she is guilty of assault and battery on a EMS employee.  
15 It's as simple as that. It's a either or. Either they're  
16 lying or she's lying.

17           Finally, ladies and gentlemen, let me just  
18 remind you of one thing. And some of you may have heard  
19 this when you were growing up. The problem with telling a  
20 lie, my momma use to tell me when this when I was a kid  
21 and I lie from time to time as kids do. The problem with  
22 telling a lie is you got to remember the lie. The truth  
23 is always the truth. And you can tell it six months later  
24 or a year later, it's going to be pretty much the same  
25 story. But when you start telling lies, you have to

1 remember the lies you told the last time. She's saying  
2 stuff like, I could not move in the car. I could not have  
3 been kicking out the window because at one point I  
4 couldn't turn my feet around that way. Then how, ladies  
5 and gentlemen, in the world, could she possibly had been  
6 tased over here?

7 Then she got on this witness stand and said, Oh  
8 no, it was over here. The problem with lies is you got to  
9 remember the lie. She just kept tripping herself up on a  
10 lie. Because they were lies, ladies and gentlemen. She  
11 was a woman who was prostituting herself for crack. She  
12 was high on crack and she acted a fool.

13 This is a case about law and order. This isn't  
14 about whether you like the police or not. All of us, our  
15 butt cheeks probably clinch up when we see that police  
16 officer in our rear-view mirror on the highway and we look  
17 down and we're going, Uh-oh, I'm going 73 in a 65. All of  
18 us get a little tense. All of us get panic when we get a  
19 ticket. But we have all, we have all as citizen of this  
20 community and of every community agree, to the implied  
21 contract of civilized social behavior. When the police  
22 say, we have to stop. When police say that's enough, then  
23 that's enough. When the police say you're under arrest,  
24 even if we didn't do what they say we did, we have all  
25 agreed as a community, as civilized people, that they are

1 the authority of street justice. For purpose of just  
2 avoiding chaos and war in our streets. That's what they  
3 do.

4 That's why we have laws that say it's assault  
5 and battery of a high and aggravated nature to resist  
6 lawful authority. It's different from the rest of us.  
7 That's especially for law enforcement. That's why we have  
8 laws that says it's illegal to assault and batter a EMS  
9 employee. Because we've agreed in the community, as  
10 civilized people, that we're going to have a pack between  
11 us, that no matter how much we disagree, when these people  
12 say, that's enough, then that's enough. Because those  
13 badges mean something. It means that when they say,  
14 you're under arrest, then you're going to go quietly.  
15 You're not going to be happy, you don't have to be happy.  
16 As Mr. Cooke said, you might have things to say under your  
17 breath. Some sweet words as my momma use to call them.

18 But you don't kick them in the groin, you don't  
19 call them all kinds of names and you definitely don't spit  
20 in there faces. And that's exactly what she did was spit  
21 in their faces. And by getting up on this witness stand  
22 and telling a lie she told today, she's still spitting in  
23 our faces. She spit in the face of everyone of us in this  
24 community. We've agreed that you got a duty to do what  
25 the police tell you to do.

1 Find her guilty, ladies and gentlemen. She's  
2 not a murderer. But she says she's a recovering addict, I  
3 want to give her the benefit of the doubt. I wish her  
4 well. But don't let that be an excuse for foolish  
5 behavior. Don't let that be an excuse for abhorrent  
6 behavior. Don't let that be an excuse for uncivilized  
7 behavior. And definitely don't let it be an excuse for  
8 criminal behavior. She committed three crimes, she should  
9 be found guilty of three offenses. Thank you.

10 JURY CHARGE

11 THE COURT: All right, ladies and gentlemen of  
12 the jury, during this trial you and I have certain duties  
13 to perform. As the trial Judge it is my responsibility to  
14 preside over the trial of the case and to rule upon the  
15 admissibility of the evidence that's offered during the  
16 trial. It is also my duty to charge you the law  
17 applicable to the case. And it is your duty, as jurors,  
18 to accept and apply the law as I now state it to you. As  
19 I told you in my opening comments, if you think you have  
20 any idea as to what the law is or what the law ought to be  
21 and it does not agree with what I now tell you the law is,  
22 you must forget your own idea because you have sworn an  
23 oath to apply the law precisely as I state it to you.

24 I would also remind you that every case tried in  
25 this court before a jury, the jury is the sole and

1 exclusive judges of the facts. A trial Judge is not  
2 allowed by law to have an opinion about the facts of the  
3 case so please don't think by anything I may have said or  
4 done in the trial that I have such an opinion. You are  
5 the sole judges of the facts.

6 I instruct you that the fact that the Defendant  
7 was arrested, charged and indicted in this case is not  
8 evidence of guilt. Nor does it create any presumption of  
9 or inference of guilt. These documents are simply the  
10 formal written instruments which contain the charges made  
11 against this Defendant. And they serve as the formal  
12 documents by which this case was processed and brought  
13 into court. And there are three Indictments in this case.  
14 And I have published them to you before. They are two  
15 separate Indictments for assault and battery of a high and  
16 aggravated nature. And there is a single Indictment for  
17 assault and battery upon an emergency medical service  
18 provider. Each Indictment charges a separate and distinct  
19 offense. And you must decide each Indictment separately  
20 on the evidence and the law applicable to that Indictment  
21 uninfluenced by your decision as to any other Indictment.  
22 A Defendant may be convicted or acquitted on any or all of  
23 the offenses charged. And you will be asked to write a  
24 separate verdict of either guilty or not guilty for each  
25 Indictment.

1           Now necessarily, your job as judges of the facts  
2 is to determine the credibility or believability of the  
3 witnesses who have testified in this case. And it becomes  
4 your duty as jurors to evaluate the evidence and determine  
5 which evidence convinces you that it is true. And in  
6 determining the believability of the witnesses you may  
7 believe one witness over several or several over one. You  
8 may believe a part of the testimony of a witness and  
9 reject the remaining part. You may have believe the  
10 testimony of a witness in its entirety or reject that same  
11 witness' testimony in its entirety. And you may consider  
12 whether the witness has a interest in the result of the  
13 trial, whether the witness is prejudice towards either the  
14 State or the Defendant. The opportunity for the witness  
15 to have seen the matters and things about which the  
16 witness has testified and the way the witness acts on the  
17 witness stand.

18           Now you've also heard evidence that the  
19 Defendant has been convicted of a crime, other than the  
20 one for which she is now on trial. This evidence may be  
21 considered by you if you conclude it is true, only in  
22 deciding whether the Defendant's testimony is believable  
23 and for no other purpose. You must not consider the  
24 Defendant's prior criminal history as any evidence of the  
25 Defendant's guilt of the charge we are trying to -- or the

1 charges we are trying to today.

2 Now, the Defendant has pled not guilty to these  
3 Indictments and that plea puts the burden on the State to  
4 prove the Defendant guilty. A person charged with  
5 committing a criminal offense in South Carolina is never  
6 required to prove themselves innocent. I charge you that  
7 it is a cardinal and a signal rule of the law that a  
8 defendant in a criminal trial will always be presumed to  
9 be innocent of the crime for which an Indictment has  
10 issued, unless and until guilt has been proven by evidence  
11 satisfying you, the jury, of guilt beyond a reasonable  
12 doubt.

13 Now reasonable doubt is the kind of doubt which  
14 would cause a reasonable person to hesitate to act. And  
15 reasonable doubt may arise from the evidence which is in a  
16 case or the lack or absence of evidence in the case and  
17 you, the jury, must determine whether or not reasonable  
18 doubt exists as to the guilt of the Defendant. I remind  
19 you the State has the burden of proving each and every  
20 element of a crime beyond a reasonable doubt. And any  
21 reasonable doubt that you may have in your deliberations  
22 should be resolved in favor of the Defendant.

23 Now there are two Indictments for assault and  
24 battery of a high and aggravated nature. Assault and  
25 battery of a high and aggravated nature is an unlawful act

1 of violent injury to the person of another accompanied by  
2 circumstances of aggravation. An assault occurs when a  
3 person unlawfully attempts or offers to commit a violent  
4 injury upon another person and had the present ability to  
5 complete the attempted injury. An assault is the  
6 intentional creation of a reasonable fear of immediate  
7 bodily harm. It's not necessary that the attempted injury  
8 or harm actually take place. For example, if I walk up to  
9 you and when we are witness arms reach, I draw back to hit  
10 you, that this an assault.

11 A battery is the unlawful touching of another  
12 person by the person who has committed an assault. An  
13 unlawful touching can be caused by a part of the accused  
14 body or by any object that the accused puts in motion. A  
15 battery is the completion of the assault by using or  
16 applying force to another person, however, slight, in a  
17 rude, angry or resentful manner without legal  
18 justification for doing so. Using my earlier example, if  
19 I carry through the assault by hitting you, then that is a  
20 battery.

21 Now the State also must prove a circumstance of  
22 aggravation. Circumstances of aggravation include the use  
23 of deadly weapons, the intent to commit a felony, the  
24 infliction of serious bodily injury, a great disparity  
25 between the ages or physical conditions of the parties, a

1 difference in the genders of the parties, the taking of  
2 indecent liberties or familiarities with a female through  
3 the use of force. The purposeful infliction of shame and  
4 disgrace. And the resistance of lawful authorities.  
5 These are only examples of circumstances of aggravation.

6 Now, the Defendant is also indicted for assault  
7 and battery on an emergency medical service provider. The  
8 State must prove beyond a reasonable doubt that the  
9 Defendant committed an unlawful act of violent injury to  
10 another person who is acting in their official capacity as  
11 an emergency medical provider. It's going to be a little  
12 repetitive but I'm going to tell you again that an assault  
13 occurs when a person unlawfully attempts or offers to  
14 commit a violent injury upon another person and has the  
15 present ability to complete the attempted injury. An  
16 assault is the intentional creation of a reasonable fear  
17 of immediate bodily harm. It is not necessary that the  
18 attempted injury or harm actually take place. For  
19 example, if I walk up to you and when we are within arms  
20 reach I draw back to you hit you, that is an assault.

21 A battery is the unlawful touching of another  
22 person by a person who has committed the assault. An  
23 unlawful touching can be caused by a part of the accused  
24 body or by any object the accused puts in motion. A  
25 battery is the completion of the assault by using or

1 applying force to another person, however slight, in a  
2 rude, angry or resentful manner without legal  
3 justification for doing so. Again, using my earlier  
4 example, if I carry through the assault by hitting you,  
5 then that is a battery.

6 An emergency medical service provider means an  
7 individual or employee of a health care provider who  
8 provides medical or medical care services in the course of  
9 their employment or training which includes but is not  
10 limited to emergency physicians, nurses, emergency medical  
11 technicians, paramedics, members of rescue squads and  
12 anyone directed by those individuals.

13 Now, ladies and gentlemen, with respect to each  
14 individual Indictment, each Indictment must stand on its  
15 on merit. And each one must be decided individually. But  
16 I will tell you that as to each Indictment there are two  
17 possible verdicts which you may reach. And that is guilty  
18 or not guilty. We have prepared a verdict form that we'll  
19 send back into the jury room with you. And each  
20 Indictment, they're three separate charges. And so if you  
21 all consider them each individually.

22 Then, Mr. Foreperson, if you would, when the  
23 jury has reached its decision, please sign the form where  
24 indicated. I want to tell you that all 12 of you must  
25 agree on the verdict. Your verdict must be unanimous.

1 And your verdict cannot be based on sympathy, passion,  
2 prejudice, emotion or any other consideration that is not  
3 in evidence in the case. So, Mr. Foreperson, and ladies  
4 and gentlemen of the jury, I'm going to excuse you back to  
5 your room. Don't begin your deliberations until the  
6 verdict form comes in. I need to go over my charge that I  
7 gave to you with the attorneys to make sure that I did not  
8 misstate something or omit something. When the verdict  
9 form comes back, please begin your deliberations. All  
10 right, thank you, very much.

11 (WHEREUPON, the jury left open court at  
12 approximately 4:00 p.m.)

13 THE COURT: All right, any exception or  
14 objection to the charge, from the State?

15 MR. WESTON: Nothing from the State, Your Honor.

16 THE COURT: Anything from the defense?

17 MR. COOKE: None, Judge.

18 THE COURT: Okay. I'm going to put into the  
19 record this piece of paper that indicates John Plassmeyer  
20 is the jury Foreperson. It's a Court's Exhibit.

21 (WHEREUPON, Court's Exhibit No. 1 was marked for  
22 identification and received into evidence.)

23 THE COURT: All right, we'll be at ease.

24 (WHEREUPON, deliberations began at 4:02 p.m.)

25 (WHEREUPON, Court was in recess awaiting a

1           verdict.)

2           THE COURT: All right, got a note from the jury  
3 that says, We need someone to explain the definition of  
4 the laws, again, please and how we should apply them.

5           So I've made a copy of the jury charge I gave  
6 them and I'm going to send it back in there. Any  
7 objection, from the State?

8           MR. WESTON: No, sir, Your Honor.

9           THE COURT: Any objection from the Defense?

10          MR. COOKE: None.

11          THE COURT: All right. Anything further?

12          MR. WESTON: No, sir, Your Honor.

13          THE COURT: Okay.

14          Make that a Court's Exhibit, April.

15          (WHEREUPON, Court's Exhibits Nos. 2 & 3 were  
16 marked for identification and received into  
17 evidence.)

18          MR. COOKE: Judge, I...

19          THE COURT: What?

20          MR. COOKE: I need to think on that a minute.

21 Give me a chance to just think about it. You know, I been  
22 up here since 7:30 this morning.

23          THE COURT: This place ain't been open since  
24 7:30 this morning.

25          MR. COOKE: I'm open.

1 THE COURT: Well you ain't been up here since  
2 7:30 this morning.

3 MR. COOKE: You look at the security camera,  
4 Cooke's here about every time I have court at 7:30 for  
5 sure. We don't mess around down in the Public Defender's  
6 Office.

7 THE COURT: I can get that confirmed. It's not  
8 a matter of choice, I'm sending it back in there?

9 MR. COOKE: All right, over my objection?

10 THE COURT: Well you state the grounds for your  
11 objection.

12 MR. COOKE: Okay, go ahead.

13 THE COURT: Go ahead and talk to her.

14 MR. COOKE: I'm not going to win an argument in  
15 this thing.

16 THE COURT: No, but you --

17 MR. COOKE: I think it's good, go ahead and do  
18 it. That's fine.

19 THE COURT: It's standard procedure.

20 MR. COOKE: I know. I know.

21 (WHEREUPON, deliberations continued.)

22 (WHEREUPON, Court was in recess awaiting a  
23 verdict.)

24 (WHEREUPON, the jury came into open court at  
25 approximately 6:42 p.m.)

1 THE COURT: All right, Mr. Foreman, I understand  
2 you've reached a verdict?

3 MR. FOREMAN: Yes, sir.

4 THE COURT: If you'd, please, hand it to the  
5 Bailiff for me.

6 All right, would you publish it for us, please.

7 VERDICT

8 THE CLERK: Your Honor, this is case number  
9 2009-GS-23-9873, 9874, 9875, The State vs. Jacqueline  
10 Sullivan. As to Indictment 2009-GS-23-9874, the charge of  
11 assault and battery upon Jeff Fowler, an emergency medical  
12 service provider, we, the jury, find the Defendant guilty.  
13 As to Indictment 2009-GS-23-9873, the charge of assault  
14 and battery of a high and aggravated nature upon Sergeant  
15 Robert Curtis, we, the jury, find the Defendant guilty.  
16 As to the Indictment 2009-GS-23-9875, the charge of  
17 assault and battery of a high and aggravated nature upon  
18 Chad Ayers, we, the jury, find the Defendant guilty. I  
19 certify this decision. The decision was unanimous.  
20 Foreperson, John Plassmeyer.

21 If this is your verdict, please, raise your  
22 right hand.

23 (WHEREUPON, all members of the jury raised their  
24 right hand.)

25 THE CLERK: Thank you.

1           THE COURT: All right, ladies and gentlemen, I  
2 want to thank for your service. And I know y'all were  
3 diligent and worked hard. And I really appreciate that.  
4 I'm also happy to tell you that you have completed your  
5 service for the week. So you don't have to come back  
6 tomorrow morning. I know that probably disappoints a lot  
7 of you but that's just the way it is. But thank you, very  
8 much, for your service. And you all are --

9           Joelle...

10          THE CLERK: Yes, sir, we have them if they need  
11 them.

12          THE COURT: So if y'all will wait in the jury  
13 room, we'll get any letters that you might need for your  
14 work.

15          And Mr. Plassmeyer, if you -- we need to get you  
16 to sign something.

17          And y'all are excused. So thank you, very much.

18          (WHEREUPON, the jury left open court at  
19 approximately 6:46 p.m.)

20          THE COURT: All right, you got the sentencing  
21 sheets?

22          MR. WESTON: I thought I'd given them to the  
23 clerk. I don't know may be you have.

24          THE CLERK: No, you didn't.

25          MR. WESTON: Judge, can we have approach while

1 we're waiting?

2 THE COURT: Yeah, that's fine.

3 (WHEREUPON, a bench conference was held.)

4 THE COURT: All right, well we can wait a  
5 minute. Got to get the sentencing sheets.

6 All right, Mr. Weston, how many days she been  
7 in?.

8 MR. WESTON: Your Honor, she did 35 days before  
9 being released initially. Then another 120 days on a  
10 bench warrant.

11 THE COURT: Thirty-five and 120?

12 MR. WESTON: Yes, sir.

13 THE COURT: So tell me her record.

14 MR. WESTON: 1987, assault and battery high and  
15 aggravated nature. 1996, fraudulent check. 2009,  
16 possession of drug paraphernalia and false information and  
17 fraudulent check. And 2010 false information.

18 THE COURT: All right.

19 All right, what you want to tell me?

20 MR. COOKE: Judge, you pretty much heard about  
21 her background from the stand. Her age and her problem,  
22 losing her house and losing her job and stooping to  
23 prostitution to try to make enough money to hold the ends  
24 together. I would ask you to take that into  
25 consideration. Nobody got seriously hurt or injured. And

1 I think she probably did have a panic attack. And I think  
2 probably, too, sitting in the backseat of that car, as I  
3 was trying to get in one last night without handcuffs, I  
4 had -- they finally had to let me sit up front. I'm just  
5 saying she had a panic attack. She -- I don't think she  
6 intentionally she did anything, I think she just  
7 absolutely panicked, I really do, Judge. I mean she was  
8 perfectly fine until they got to that red light, then all  
9 of a sudden, she just had a panic attack.

10 Anyhow she's very sorry about the whole thing  
11 and the way it happened. I would ask, Your Honor, not to  
12 hammer. I mean, she just finally got a job again. She  
13 just lost a good job to no fault of her own. So.

14 THE COURT: Any victim input? The officers have  
15 any input?

16 MR. WESTON: No, sir, Your Honor.

17 THE COURT: What do you want to tell me?

18 MS. SULLIVAN: What I want to say?

19 THE COURT: Yeah, Uh-huh.

20 MS. SULLIVAN: I realize, you know, I am not  
21 perfect. At that time I was stressed with a lot things  
22 that had -- I lost in life. But I was trying to deal with  
23 life on the terms that it was dealing me. And I admit  
24 that, you know, my choices was not the greatest choices to  
25 make. But the things that I've been accused of, I know

1 what I did and didn't do, sir. So I have to settle with  
2 that. But I am--

3 THE COURT: What is it that you did?

4 MS. SULLIVAN: But I ask for mercy.

5 THE COURT: What is it that you did?

6 MS. SULLIVAN: I prostitute. I tried to get  
7 money for myself because I didn't have no other way. But  
8 as far as saying I intentionally spit in an individual's  
9 face, no I would not do that. Because I wouldn't want  
10 nobody to do that to me. But I ask for mercy on the  
11 Court. And I put in God's hands.

12 THE COURT: Well this -- God doesn't have much  
13 to do with this.

14 MS. SULLIVAN: I have understand that.

15 THE COURT: You're answering to your fellow man.

16 MS. SULLIVAN: Yes, sir.

17 THE COURT: You think she -- I'm going to split  
18 it. Can she do probation or should I just give her a  
19 little more upfront?

20 MR. COOKE: Do you think you can make probation  
21 with a lighter sentence? Or you just rather go ahead and  
22 do some time and be done with it?

23 THE COURT: You're going to get the time --

24 MR. COOKE: You're going to get the time but you  
25 get a little more if you didn't get the probation. You

1 think you can do probation?

2 MS. SULLIVAN: Yes, sir, I've done it in the  
3 past.

4 MR. COOKE: Okay. You through with drugs and  
5 all that?

6 MS. SULLIVAN: Yes, sir.

7 MR. COOKE: Okay.

8 SENTENCING

9 THE COURT: All right. Well I'm going to give  
10 her 10 years provided upon 24 months, the balance is  
11 suspended, three years probation. Substance abuse  
12 counseling, random and drug and alcohol testing, \$500  
13 Public Defender Fund. Ten suspended during probation and  
14 24 months on the EMS case.

15 MR. COOKE: All right, credit for jail time?

16 THE COURT: She gets credit for that.

17 (WHEREUPON, the proceedings were concluded.)  
18  
19  
20  
21  
22  
23  
24  
25



WITNESSES

C. Ayers

*[Signature]*

Greenville County Sheriffs Office

10/1/2009

ARREST WARRANT NUMBER

1519401

ACTION OF GRAND JURY

TRUE BILL

*[Signature]*

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

*Guilt*

*[Signature]*  
Foreperson of Petit Jury

*4/19/12*  
Date:

DOCKET NO. 2009-GS-23-

WJW

The State of South Carolina

County of Greenville

009073

COURT OF GENERAL SESSIONS

April

TERM 2009<sup>10</sup>

THE STATE

vs.

JACQUELINE YVETTE SULLIVAN

Indictment for

0013

ASSAULT AND BATTERY OF A HIGH AND AGGRAVATED NATURE

VIOLATION § COMMON LAW

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENVILLE )

INDICTMENT FOR  
ASSAULT AND BATTERY OF A HIGH AND AGGRAVATED  
NATURE

At a Court of General Sessions, convened on **APR 13 2010** the Grand Jurors of Greenville

County present upon their oath:

That JACQUELINE YVETTE SULLIVAN did in Greenville County, on or about the 1st day of October, 2009, willfully and unlawfully commit an assault and battery upon SGT. ROBERT CURTIS of the Greenville County Sheriff's Office constituting an unlawful act of violent injury to SGT. ROBERT CURTIS, accompanied by circumstances of aggravation, to wit: resistance of lawful authority. This is in violation of the Common Law of the State of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
SOLICITOR

WITNESSES

C Ayers



Greenville County Sheriffs Office

10/1/2009

ARREST WARRANT NUMBER

1519399

ACTION OF GRAND JURY

**TRUE BILL**

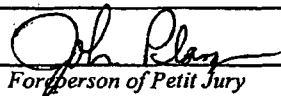


FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Guilty



Foreperson of Petit Jury

4/19/12  
Date:

DOCKET NO. 2009-GS-23-

WJW

009874

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

April

TERM 2009

THE STATE

vs.

JACQUELINE YVETTE SULLIVAN

Indictment for

2528

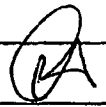
ASSAULT AND BATTERY UPON AN  
EMERGENCY MEDICAL SERVICE PROVIDER

VIOLATION § 16-03-0635



WITNESSES

C. Ayers



Greenville County Sheriffs Office

10/1/2009

ARREST WARRANT NUMBER

1519403

ACTION OF GRAND JURY

**TRUE BILL**

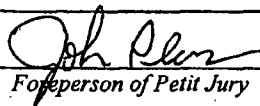


FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Guilty

  
Foreperson of Petit Jury

4/19/12  
Date:

DOCKET NO. 2009-GS-23-

WJW

009875

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

TERM 2009

April

THE STATE

vs.

JACQUELINE YVETTE SULLIVAN

Indictment for

0013

ASSAULT AND BATTERY OF A HIGH AND AGGRAVATED NATURE

VIOLATION § COMMON LAW

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 )  
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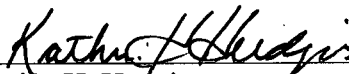
Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
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 August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

May 1st, 2013



Kathrine H. Hudgins  
Appellate Defender

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

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ATTORNEY FOR APPELLANT

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

 ORIGINAL

Appeal from Greenville County

Edward W. Miller, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

JACQUELINE YVETTE SULLIVAN

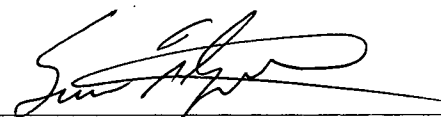
APPELLANT

RECEIVED  
MAY 01 2013  
SC Court of Appeals

APPELLATE CASE NO. 2012-212562

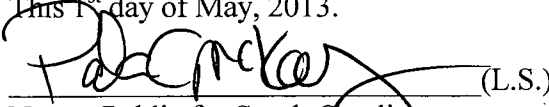
CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Salley W. Elliott, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201 this 1st day of May, 2013.

  
Sean M. Flynn  
Administrative Specialist

SUBSCRIBED AND SWORN TO before me

This 1<sup>st</sup> day of May, 2013.

  
Notary Public for South Carolina

(L.S.)

My Commission Expires: July 24, 2022.