

STATE OF SOUTH CAROLINA) IN THE COURT OF
)
 COUNTY OF DORCHESTER) GENERAL SESSIONS
)
)
 THE STATE OF SOUTH CAROLINA) NO. 2019-GS-18-00375
)
 VS.) TRANSCRIPT OF RECORD
)
 ANTHONY BERNARD MORRIS) Jury Selection; Trial; and
) Sentencing
)

B E F O R E:

The Honorable Maite Murphy, Judge; and a jury
 Saint George, South Carolina

DATE: Monday, March 21, 2022
 11:10 a.m.

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

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Reported by: Cathy J. Provost, RMR, Official Court Reporter

1 Also Present:

2 Tonda Westbury, Clerk of Court's Office

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JURY STRIKE SHEET

	<u>NAME:</u>	<u>RACE:</u>	<u>SEX:</u>	<u>STE:</u>	<u>DFT:</u>	<u>CRT:</u>	<u>SEATED:</u>
1							
2							
3	1. Alexandra E. Smith	W	F				X
4	2. Stacy L. Walker	W	F		X		
5	3. Heather R. Kline	W	F				X
6	4. Juliette L. Woodley	W	F		X		
7	5. Caitlin M. Ollis	W	F		X		
8	6. Oliver J. Osorio	H	M				X
9	7. Katherine E. Bond	W	F				X
10	8. Sarah E. Messenger	W	F		X		
11	9. Laura A. Jacko	W	F				X
12	10. Ashley M. Wright	W	F				X
13	11. Katherine Stewart Howell	W	F				X
14	12. Gesualdo Vietri, Jr.	W	M				X
15	13. Scott M. Manchester	W	M				X
16	14. Philip M. Clark	W	M	X			
17	15. Michael B. Rhea	W	M				X
18	16. James C. Patterson	W	M				X
19	17. Michael T. Craven	W	M		X		
20	18. Eric C. Wahrman	W	M	X			
21	19. Chasity D. Ramsey	W	F				X
22	20. Catherine A. Sammons	W	F				X
23	21. Kayla M. Smith-Reeves	W	F				X
24							
25							

1 -- P R O C E E D I N G S --

2 (Clerk of Court conducted roll call; the Court conducted
3 exemptions and transfers to qualify the jury panel.)

4 THE COURT: Thank you, ladies and gentlemen. The jury panel
5 is now qualified.

6 Solicitor, you may call your first case.

7 ATTORNEY SPEARS: Thank you, Your Honor. May it please the
8 Court. Your Honor, we are present under State v. Anthony Morris.
9 It is under true billed Indictment 2019-GS-18-0375. He is
10 charged with assault, beating, or wounding a police officer while
11 resisting arrest.

12 He has pled not guilty, and we are proceeding with trial.
13 May I approach?

14 THE COURT: Yes. Ladies and gentlemen of the jury panel,
15 we're about to begin the jury selection process for the case of
16 the State of South Carolina v. Anthony Bernard Morris.

17 Before we begin this process, I'm going to read to you the
18 indictment in this case. And the sole purpose of me reading the
19 indictment to you is to see if you know anything about this case,
20 or have any information at all about this case, or know any of
21 the parties involved in this case. Please be mindful that the
22 indictment is solely the charging document which brings the case
23 into this court and is not evidence, in any way, of the
24 allegations that it contains.

25 This is Indictment 2019-GS-18-0375, and it states that, in

1 Dorchester County, South Carolina, on or about January the 22nd
2 of 2019, the defendant, Anthony Bernard Morris, did knowing and
3 willfully assault, beat or wound Victoria Beaudoin, a law
4 enforcement officer of this state, while resisting the efforts of
5 the officer to make a lawful arrest of the defendant when the
6 defendant knew or reasonably should have known that the law
7 enforcement officer was a law enforcement officer of this state,
8 this offense being in violation of the South Carolina Code of
9 Laws, as amended.

10 Before we get started, I'm going to ask the solicitor to
11 please stand and introduce himself and the members of his office,
12 please.

13 ATTORNEY SPEARS: Thank you, Your Honor. Good morning,
14 everyone. My name's Mike Spears. I'm one of the violent crime
15 prosecutors here in Dorchester County. With me is John Rivers.
16 He's one of our newer solicitors here. Also, the elected
17 solicitor in our office is David Pascoe. The deputy solicitor is
18 Kelly LaPlante. We also have Jillian Frederick, David Osborne,
19 Shannon Elliott, and Baker Allen as other assistant solicitors.
20 And our juvenile solicitor is Emily Gates.

21 THE COURT: Thank you, solicitor. Ladies and gentlemen of
22 the jury panel, anyone related, by blood or marriage, or has a
23 close, personal or social, relationship with any members of the
24 solicitor's office, ever had a case represented by them, or a
25 case against them? If so, please stand.

1 (No response.)

2 THE COURT: I find that there is no one standing.

3 And, counsel for the defense, will you please do the same.

4 ATTORNEY NIRAVONG: Good morning. My name is Eck Niravong,
5 and I'm an attorney with Drennan Law Firm.

6 ATTORNEY BARRETT: Good morning. My name's Michael Barrett.
7 I'm also an attorney for Drennan Law firm.

8 THE COURT: Thank you, gentlemen. Same question applies,
9 ladies and gentlemen of the jury panel. Anyone related, by blood
10 or marriage, or has a close, personal or social, relationship
11 with any of the attorneys in their offices, has ever been
12 represented by them, or had a case against them? If so, please
13 stand.

14 (No response.)

15 THE COURT: I find that there is no one standing.

16 Ladies and gentlemen, I'm going to read to you a list of the
17 potential witnesses in this case. And the same question will
18 apply.

19 And if you're in the courtroom, if you'd please stand so
20 that the jury can see you.

21 Brandon Owen; Ronald Webb; Victoria Beaudoin; Andrew
22 Brucker. Ladies and gentlemen of the jury panel, anyone related,
23 by blood or marriage, or have a close, personal or social,
24 relationship with any of the potential witnesses? If so, please
25 stand.

1 (No response.)

2 THE COURT: I find that there is no one standing. And to my
3 right here is Mr. Anthony Morris in the white shirt.

4 Mr. Morris, can you please stand? Thank you, sir. You can
5 have a seat, sir. Thank you.

6 Ladies and gentlemen, the same question. Anyone related, by
7 blood or marriage, or has a close, personal or social,
8 relationship with Mr. Morris? If so, please stand.

9 (No response.)

10 THE COURT: I find that there is no one standing. Is there
11 any member of the jury panel who's a member or a contributor to
12 or has a close affiliation with any group which has its primary
13 concern the promotion of law enforcement or victims' rights?
14 These groups would include, but are not limited to, MADD, SADD,
15 or Citizens Against Violent Crime, or, in the alternative, is
16 there any member of the jury panel a member or has any
17 affiliation with any organization that opposes law enforcement?
18 If so, please stand.

19 (No response.)

20 THE COURT: I find that there is no one standing.

21 Ladies and gentlemen of the jury panel, I read to you the
22 indictment in this case. Has anyone heard anything about this
23 case, read anything about this case, or have any information
24 about this case whatsoever, whether it's before your time coming
25 to the courthouse or during your time here at the courthouse this

1 morning? If so, please stand.

2 (No response.)

3 THE COURT: I find that there is no one standing.

4 Ladies and gentlemen of the jury panel, again, I read to you
5 the indictment of this case which tells you a little bit about
6 the factual allegations about this case. Is there anything about
7 this type of case, whether it's in your personal background, work
8 background, friends, social, anything at all whatsoever that
9 would cause you to hesitate your ability to be fully fair and
10 impartial to both the state and to the defense and sit as a juror
11 in this trial? If so, please stand.

12 (No response.)

13 THE COURT: I find that there is no one standing.

14 Has any member of the jury panel formed or expressed any
15 opinion about any potential matter or issue involved in this
16 case? If so, please stand.

17 (No response.)

18 THE COURT: I find that there is no one standing.

19 Is there any member of the jury panel aware of any bias or
20 prejudice towards either the state or to the defense in this
21 case? If so, please stand.

22 (No response.)

23 THE COURT: I find that there is no one standing.

24 Is there any member of the jury panel that was a member of
25 the grand jury which issued the indictment in this case? If so,

1 please stand.

2 (No response.)

3 THE COURT: I find that there is no one standing.

4 Does any member of the jury panel know of any reason
5 whatsoever why he or she should not serve as a juror in this
6 case, with a particular emphasis being placed on your ability to
7 be fully fair and impartial? If so please stand.

8 (No response.)

9 THE COURT: I find that there is no one standing.

10 Ladies and gentlemen, that will conclude the list of
11 questions before we begin the actual jury selection. Madam
12 Clerk, do you need just a few minutes?

13 CLERK OF COURT: (Tonda Westbury) Judge, the strikes will be
14 five and five?

15 THE COURT: Yes, ma'am.

16 CLERK OF COURT: And two alternates?

17 THE COURT: Yes, ma'am.

18 Thank you for your patience, ladies and gentlemen. It takes
19 the clerks just a few minutes to put your names into kind of a
20 blind hopper before we can begin the jury selection process.

21 And I'll share with you a story while we wait that may make
22 you appreciate your time here in Saint George. As a member of
23 the judiciary, we're required to travel to Reno, Nevada, for
24 judicial training, and while you're there you meet judges from
25 all over the country and from different countries. And when I

1 was there, I met a judge from Alaska who shared with us the
2 trials of actually having court in Alaska. And for them to get
3 jurors to come to their courthouses, many of them require
4 transportation to be provided, and most jurors have to go through
5 a two-hour dogsled ride, a two-hour snowmobile ride, and a
6 two-hour airplane ride, and they're each given a firearm not for
7 anything to do with jury service, but against potential bear
8 attacks. So consider yourselves very fortunate that we have this
9 nice facility here in Dorchester County.

10 JURY SELECTION

11 CLERK OF COURT: Jurors, as I call your name and number, if
12 you'll please come forward. You'll come to the front of the
13 table here and just turn around and face the back of the
14 audience. And then we'll ask the attorneys if they want to seat
15 you or not. Juror no. 323, Alexandra Smith.

16 (Juror 323 responds.)

17 CLERK OF COURT: What says the state?

18 ATTORNEY SPEARS: Please present the juror.

19 CLERK OF COURT: Defense?

20 ATTORNEY NIRAVONG: Please seat the juror.

21 CLERK OF COURT: Ms. Smith, you will be seated. If you'll
22 just have a seat back in your spot, and we'll have you remain in
23 the courtroom. Juror no. 370, Stacy Walker.

24 (Juror 370 responds.)

25 CLERK OF COURT: What says the state?

1 ATTORNEY SPEARS: Please present the juror.

2 CLERK OF COURT: Defense?

3 ATTORNEY BARRETT: Strike the juror.

4 CLERK OF COURT: If you'll have a seat back in the audience.
5 Thank you. Juror 204, Heather Kline.

6 (Juror 204 responds.)

7 CLERK OF COURT: What says the state?

8 ATTORNEY SPEARS: Please present the juror.

9 CLERK OF COURT: Defense?

10 ATTORNEY BARRETT: Seat the juror.

11 CLERK OF COURT: You are seated on the trial panel. If
12 you'll have back in the audience. Thank you.

13 Juror no. 400, Juliette Woodley.

14 (Juror 400 responds.)

15 CLERK OF COURT: What says the state?

16 ATTORNEY SPEARS: Please present the juror.

17 CLERK OF COURT: Defense?

18 ATTORNEY BARRETT: Strike the juror, Your Honor. I'm sorry,
19 ma'am.

20 CLERK OF COURT: Juror no. 264, Caitlin Ollis.

21 (Juror 264 responds.)

22 CLERK OF COURT: What says the state?

23 ATTORNEY SPEARS: Please present the juror.

24 CLERK OF COURT: Defense?

25 ATTORNEY BARRETT: Strike the juror, Your Honor. Or, sorry.

1 CLERK OF COURT: Juror no. 268, Oliver Osorio.
2 (Juror 268 responds.)
3 CLERK OF COURT: What says the state?
4 ATTORNEY SPEARS: Please present the juror.
5 CLERK OF COURT: Defense?
6 ATTORNEY BARRETT: Seat the juror, Your Honor.
7 CLERK OF COURT: Juror no. 32, Katherine Bond.
8 (Juror 32 responds.)
9 CLERK OF COURT: What says the state?
10 ATTORNEY SPEARS: Please present the juror.
11 CLERK OF COURT: Defense?
12 ATTORNEY NIRAVONG: We'll seat her, Your Honor.
13 CLERK OF COURT: Seat her?
14 ATTORNEY NIRAVONG: Yes.
15 CLERK OF COURT: Thank you. Juror no. 237, Sarah Messenger.
16 (Juror 237 responds.)
17 CLERK OF COURT: What says the state?
18 ATTORNEY SPEARS: Please present the juror.
19 CLERK OF COURT: Defense?
20 ATTORNEY BARRETT: Strike her, please.
21 CLERK OF COURT: Juror no. 181, Laura Jacko.
22 (Juror 181 responds.)
23 CLERK OF COURT: What says the state?
24 ATTORNEY SPEARS: Please present the juror.
25 CLERK OF COURT: Defense?

1 ATTORNEY BARRETT: Seat the juror.

2 CLERK OF COURT: Juror no. 403, Ashley Wright.

3 (Juror 403 responds.)

4 CLERK OF COURT: What says the state?

5 ATTORNEY SPEARS: Please present the juror.

6 CLERK OF COURT: Defense?

7 ATTORNEY BARRETT: Seat the juror.

8 CLERK OF COURT: Juror no. 175, Katherine Stewart Howell.

9 (Juror 175 responds.)

10 CLERK OF COURT: What says the state?

11 ATTORNEY SPEARS: Please present the juror.

12 CLERK OF COURT: Defense?

13 ATTORNEY BARRETT: Seat the juror.

14 CLERK OF COURT: Juror 363, Gesualdo Vietri.

15 (Juror 363 responds.)

16 CLERK OF COURT: What says the state?

17 ATTORNEY SPEARS: Please present the juror.

18 ATTORNEY NIRAVONG: Please seat the juror.

19 CLERK OF COURT: Juror no. 222, Scott Manchester.

20 (Juror 222 responds.)

21 CLERK OF COURT: What says the state?

22 ATTORNEY SPEARS: Please present the juror.

23 CLERK OF COURT: Defense?

24 ATTORNEY NIRAVONG: We'll seat him, please.

25 CLERK OF COURT: Juror no. 64, Philip Clark.

1 (Juror 64 responds.)
2 CLERK OF COURT: What says the state?
3 ATTORNEY SPEARS: Please strike the juror.
4 CLERK OF COURT: Have a seat back in the audience. Thank
5 you. Juror no. 287, Michael Rhea.
6 (Juror 287 responds.)
7 CLERK OF COURT: What says the state?
8 ATTORNEY SPEARS: Apologies to the clerk. You said 287?
9 CLERK OF COURT: 287, yes, sir. Michael Rhea.
10 ATTORNEY SPEARS: Please present the juror.
11 CLERK OF COURT: Defense?
12 ATTORNEY NIRAVONG: Please seat the juror.
13 CLERK OF COURT: Juror no. 275, James Patterson.
14 (Juror 275 responds.)
15 CLERK OF COURT: What says the state?
16 ATTORNEY SPEARS: Please present the juror.
17 CLERK OF COURT: Defense?
18 ATTORNEY NIRAVONG: We'll seat the jury.
19 CLERK OF COURT: Juror no. 80, Michael Craven.
20 (Juror 80 responds.)
21 CLERK OF COURT: What says the state?
22 ATTORNEY SPEARS: Please present the jury.
23 CLERK OF COURT: Defense?
24 ATTORNEY NIRAVONG: Please strike.
25 CLERK OF COURT: Have a seat back in the audience. Thank

1 you. Juror no. 366, Eric Wahrman.

2 (Juror 366 responds.)

3 CLERK OF COURT: What says the state?

4 ATTORNEY SPEARS: Please strike the juror.

5 THE COURT: Juror no. 286, Chasity Ramsey.

6 (Juror 286 responds.)

7 CLERK OF COURT: What says the state?

8 ATTORNEY SPEARS: Please present the juror.

9 CLERK OF COURT: Defense?

10 ATTORNEY NIRAVONG: We're out of strikes.

11 CLERK OF COURT: Seat the juror.

12 ATTORNEY NIRAVONG: Please seat the juror then.

13 CLERK OF COURT: And for the alternates, juror no. 305,
14 Catherine Sammons.

15 (Juror 305 responds.)

16 CLERK OF COURT: What says the state?

17 ATTORNEY SPEARS: Please present the juror.

18 CLERK OF COURT: Defense?

19 ATTORNEY NIRAVONG: Present the juror. Seat the juror.

20 CLERK OF COURT: You're alternate no. 1. For alternate no.
21 2, Juror 330, Kayla Smith-Reeves.

22 (Juror 330 responds.)

23 CLERK OF COURT: What says the state?

24 ATTORNEY SPEARS: Please present the juror.

25 CLERK OF COURT: Defense?

1 ATTORNEY NIRAVONG: Please seat her.

2 CLERK OF COURT: Seat the juror, alternate no. 2. Thank
3 you, Judge.

4 THE COURT: Thank you. Are there any exceptions or
5 objections from the selection of this jury, from either the state
6 or the defense?

7 ATTORNEY SPEARS: Nothing from the state, Your Honor.

8 THE COURT: Any from the defense?

9 ATTORNEY NIRAVONG: None, Your Honor.

10 THE COURT: Ladies and gentlemen of the jury that was
11 selected for the trial of this case, if you would please remain
12 in the courtroom, we'll begin the trial of this case.

13 For those of you that were not selected for the trial of
14 this case, you may be excused. If you need an excuse for work or
15 anything, you can get that downstairs in the Clerk of Court's
16 Office. If you were not selected for jury duty, you are now
17 excused. Have a nice day.

18 (Members of the jury panel not selected are dismissed at
19 11:36 a.m.)

20 THE COURT: Madam clerk, if you'd please swear in the jury.

21 CLERK OF COURT: Yes, ma'am. Members of the jury panel, if
22 you'll please stand and raise your right hand to be sworn.

23 (Clerk of Clerk administers oath to the impaneled jury.)

24 CLERK OF COURT: If you accept this oath, please indicating
25 by saying "I do", and please be seated.

1 (Jurors respond.)

2 COURT'S INSTRUCTIONS

3 THE COURT: Welcome, ladies and gentlemen of the jury. I
4 know some of you in the very back, it may be a little bit hard
5 for you to see and hear. If you all want to scoot up a little
6 bit, that will be helpful.

7 We certainly appreciate your patience with us. We're still
8 set up for COVID protocols as far as seating of the jury and
9 whatnot, so we certainly appreciate your patience as we try to
10 transition back to normal.

11 I want to thank you for accepting the important
12 responsibility of jury service and for your contribution today to
13 our system of justice. What I will now say to you is intended to
14 serve as an introduction to the trial of this case. These
15 remarks are not the charge on the law in this case. I will
16 instruct you on the law applicable to this case at the end of the
17 trial before you retire to consider your verdict. This is merely
18 an explanation of the procedures that we will follow so you may
19 better understand what is happening during the trial of this
20 case.

21 You may not take notes during the trial of this case.

22 The defendant in this case is charged by indictment filed in
23 this court with the crime of assault, beat or wound a police
24 officer while serving process or while resisting arrest. The
25 elements of this indictment will be explained to you at a later

1 time. The indictment is simply the charge by which the case is
2 brought into this court and it is not, in any sense, evidence of
3 any of the allegations that it contains. The defendant has pled
4 not guilty to this indictment, and the state, therefore, has a
5 burden of proving each of the elements of the indictment beyond a
6 reasonable doubt.

7 It will be your duty, ladies and gentlemen, to decide
8 whether the state has met that burden. Your purpose as jurors is
9 to find and determine the facts. You are the sole judges of the
10 facts. If, at any time, I make any comment regarding the facts,
11 you must disregard them. You are to determine the facts from the
12 testimony that you hear and the other evidence that is introduced
13 in court. It is up to you to determine the inferences which you
14 feel may be properly drawn from the evidence.

15 It is especially important that you perform your duty of
16 determining the facts diligently and conscientiously, because
17 ordinarily there is no way to correct an erroneous determination
18 of the facts by a jury.

19 On the other hand, and with equal emphasis, the same law
20 that makes you the judges of the fact makes me the judge of the
21 law. The law as given by the Court is the only law that you may
22 consider. You must accept and it and follow it even though you
23 may disagree with it. I cannot tell you what the facts are, and
24 you cannot disagree with me about what the law is or what the law
25 should be. Your job is to take the law, as I give it to you, and

1 apply it to the facts as you find them from the testimony of the
2 witnesses and from any other evidence that is introduced. After
3 doing that, you will render your verdict under the solemn oath
4 that you just took as jurors.

5 Until I advise you to begin your deliberations, you must not
6 discuss this case with anyone, including your fellow jurors, your
7 friends, your family members, and anyone involved in this case.
8 This includes any discussions which are face-to-face, by
9 telephone, email, text, blogs, or any other method of
10 communication. You may not use a computer, a cellphone, or any
11 other electronic device with communication capabilities at any
12 time while you are in the courtroom or during your deliberations.

13 During breaks, or for meals, or overnight, if necessary, you
14 may use these devices. However, you may not, at any time, use
15 these devices to get or send information about this case. This
16 includes any information about a party, a witness, an attorney,
17 any court officer, any news accounts about the case, any research
18 on any topics that may be raised, or any topic that you think
19 might be helpful in deciding the case, or any testimony that is
20 presented by any of the witnesses.

21 During the trial, please do that read, listen to, or watch
22 any news reports about this case. This includes anything that
23 would have been in the newspapers, TV, internet, radio. You must
24 not consider anything that you may have read or heard about this
25 case outside of this courtroom, whether before or during the

1 trial of this case.

2 After the case is submitted to you, you must discuss it only
3 in the jury room with your fellow jurors. The attorneys and the
4 parties in this case have been advised they're not to talk to you
5 at all so, again, if you see them coming in and out of the
6 courthouse and they don't speak to you, they're not being
7 unfriendly; they're following the Court's instructions.

8 It is important that you keep an open mind and not decide
9 any issues in this case until all of the evidence has been
10 presented, the parties have made their closing arguments, and you
11 have been instructed on the law in this case.

12 It is your solemn responsibility to determine the guilty or
13 the innocence of the defendant, and your verdict must be based
14 solely on the evidence as it is presented to you in this trial,
15 and the law, as I instruct you, during and at the close of the
16 trial.

17 In just a moment, the solicitor will make what is called an
18 opening statement in which the solicitor will explain to you what
19 the issues in this case are, at least what the solicitor thinks
20 the issues in this case are. The attorney for the defense may
21 also make an opening statement, although they're not required to
22 do so. What the attorneys tell you during their opening
23 statements is not evidence in this case; it is only their
24 contention as to what the issues are.

25 The evidence in this case will be presented to you by the

1 testimony of sworn witnesses from the witness stand, and by any
2 exhibits which are properly introduced during the trial of this
3 case.

4 From time to time during the trial, you may hear one of the
5 attorneys say something like "Your Honor, we believe we have a
6 matter of law," or "May we approach the bench," or sometimes
7 myself, I might find it necessary to excuse you from the
8 courtroom for a short while so the attorneys and I can discuss a
9 matter of law. The reason for this is because you're the judges
10 of the facts in this case, and sometimes when I'm discussing
11 matters of law with the attorneys it may be necessary for me to
12 make some comment as to the facts in connection with the ruling
13 as to whether or not a particular law applies. I'm not supposed
14 to tell you what I think the facts are, so I'll excuse you from
15 the courtroom for a short while so that the attorneys and I can
16 discuss that matter and nothing that I say, in any way, would
17 influence you in connection with your ruling as to what the facts
18 are.

19 In determining what the true facts are in this case, you
20 must decide whether or not the testimony of the witnesses is
21 believable. It is my responsibility to rule as a matter of law
22 as to whether certain testimony is admissible at all or not, but
23 once the testimony is admitted, whether or not you believe it is
24 solely for to you determine.

25 In deciding whether to believe a witness, you have the right

1 to consider the interest of any witness, the bias of any witness,
2 the prejudice of any witness, the opportunity for the witness to
3 have seen the matters and the things about which the witness may
4 testify, and the way that the witness acts on the witness stand.
5 You have a right to consider anything that is in the record that
6 will help you evaluate the testimony of the witnesses.

7 That means it is your duty to pay close attention to these
8 witnesses, to observe the witnesses, to listen to the witnesses,
9 and please pay close attention to the attorneys and the Court.
10 Please do not let your thoughts wonder, but give strict a
11 attention to the testimony in this case so that at the end of the
12 testimony and after the arguments of counsel and after you're
13 charged on the law in this case by the Court, you will be in a
14 position to determine the true facts and to render a verdict.

15 Are there any exceptions or objections to the opening
16 remarks from either the state or from the defense?

17 ATTORNEY SPEARS: None, Your Honor.

18 ATTORNEY BARRETT: None, Your Honor.

19 THE COURT: All right. Solicitor.

20 OPENING STATEMENT FOR THE STATE

21 ATTORNEY SPEARS: Thank you, Your Honor. Good morning,
22 everyone. As you heard before, my name's Mike Spears. I'm a
23 prosecutor here in Dorchester County. What we're doing now, this
24 is opening arguments. This is my opportunity to speak with you
25 directly. I'll have two opportunities to do that, one now and

1 then one later in closing.

2 Today, as you heard, we're here because of a case of
3 resisting arrest. Actually, it will be a very short trial.
4 There's not all that much to discuss in this matter. But I just
5 want to give you a brief idea of what we're looking at
6 beforehand.

7 Now, the South Carolina Code -- well, let me rephrase that.
8 The Judge is going to charge you what the law is applicable to
9 this case, all right, and she is the only one who can. But I'm
10 going to give you a brief preview of that law so you can
11 understand what we're looking at in the context going forward
12 today. All right.

13 South Carolina Code tells us that it is unlawful for a
14 person to knowingly and willfully assault, beat, or wound a law
15 enforcement officer when resisting arrest being made by one whom
16 the person knows or reasonably should know is a law enforcement
17 officer.

18 So we have a few things here. You cannot assault, wound, or
19 beat an officer who is making a lawful arrest when you should
20 know, or a reasonable person would know, that they are a law
21 enforcement officer.

22 So let's go back to January 22nd of 2019, all right. On
23 that day, Ms. Beaudoin here was on patrol on that evening, and
24 was called to an apartment complex for an assist. The off-duty
25 security officer requested an assist through 911, the dispatch.

1 When she got there, she saw a bunch of broken bottles all outside
2 of a certain apartment. And she attempted to make contact with
3 the individual in that apartment, Mr. Morris here in the white
4 shirt. He wouldn't answer the door. He would actually knock
5 back when she attempted to knock. She spoke with the individuals
6 across the hall who owned the vehicle that supposedly got hit by
7 some of these bottles, and decided that there really wasn't all
8 that much for her to do, so she proceeded to leave the scene.
9 She had settled the scene and was attempting to leave.

10 As she was leaving, there was an argument between Mr. Morris
11 and the off-duty officer. It was purely verbal, a verbal
12 argument. But before Ms. Beaudoin could get into her patrol car,
13 she saw Mr. Morris climb, climb, over the ledge from his
14 first-floor porch, the banister, and approach the off-duty
15 officer and actually bump him with his chest.

16 Now, you can see this happen because she's wearing a body
17 camera at that point in time. It's dark outside. You can't
18 really see everything, but you can see that moment, and you can
19 hear the rest of what happened. She attempts to get in between
20 them. And the entire event escalates. You clearly hear her at
21 one point in time tell Mr. Morris to stop, to get his hands off
22 of her. All right.

23 Now, the testimony that you'll hear today is that she also
24 saw him strike, or attempt to strike, the off-duty officer, like
25 actually strike. And that's when she tries to grab on to him,

1 Mr. Morris. Ms. Beaudoin is not Mr. Morris's size. She's doing
2 her best to control him as best she can. And you will see the
3 video. It gets worse and worse as she's trying to calm him down.
4 There's a lot of colorful language in here, and I apologize for
5 that ahead of time, but it's something that you all need to see.
6 You will hear him say "Why are you holding on to me?" and she
7 will say, "Because I'm trying to keep you from going to jail."
8 He goes, "Why would I go to jail?" She said, "Because you are
9 putting your hands on me." At that point in time she is telling
10 him that she has every legal opportunity to place him under
11 arrest. She was in pursuit. Her car still has its blue lights
12 on. He knows she's law enforcement. He knows that she has every
13 legal right to arrest him, and she is restraining him.

14 The law will tell us that whether you're under arrest or not
15 is an objective standard, or a reasonable person standard, not
16 particularly a subjective one, what a reasonable person believed,
17 at that point in time that they're under arrest. The evidence
18 will show you that, yes, he is.

19 At that moment, he continues to strike her. And you'll hear
20 testimony today, because of his striking her, she has actually
21 got nerve damage and has permanent hearing loss as a result of
22 the events of that night.

23 You'll see another individual testify. We will place in
24 another video showing the continued resisting of arrest that
25 happens.

1 Like I said, it will be a fairly short case. That is what
2 we intend to place before y'all to show, the finders of fact,
3 what actually happened on that day. Thank you.

4 THE COURT: Counsel.

5 ATTORNEY NIRAVONG: Good morning, Your Honor.

6 THE COURT: Good morning.

7 OPENING STATEMENT FOR THE DEFENSE

8 ATTORNEY NIRAVONG: First of all, I want to thank you guys
9 for being here as jury members, and thank you for doing your
10 civic duty. A duty, let's talk about that for a minute. You
11 have a duty. We all have duties. We have duties at home. We
12 have duties at our jobs. The state, the state here, they have a
13 duty. They have the duty to prove to you that Anthony here did
14 strike Officer -- I don't want to mispronounce it --

15 LAW ENFORCEMENT OFFICER: Beaudoin.

16 ATTORNEY NIRAVONG: Beaudoin. Now, the state may show you a
17 video of an alleged indent. Now, the footage won't be clear, as
18 Solicitor Spears said. It's going to be dark, and it's going to
19 be murky. In fact, there aren't even any punches on camera.
20 You're going to learn that Anthony was in his house, in his
21 house. You're going to learn that Anthony was effectively
22 gloated into an altercation with that courtesy officer. That
23 officer's name is Deputy Abell. Deputy Abell is a Dorchester
24 County Sheriff's deputy. You're going to learn that Officer
25 Beaudoin repeatedly ordered, repeatedly ordered, Deputy Abell to

1 stand down and to let Anthony remain in his home, where he was
2 the whole time when this happened.

3 You're going to also learn that Deputy Abell, the Dorchester
4 County Sheriff's officer, did, in fact, antagonize Anthony into
5 coming out.

6 Now, let's bear in mind, he's in his home the whole time, a
7 home in which Officer Beaudoin had instructed to let him remain
8 in. Now, she's the primary officer. It's her scene because she
9 is called in. She's in control. She calls the shots on this
10 thing. And see that Deputy Abell was clearly disobeying her
11 orders, not once but multiple times.

12 And after you've seen all this, after you've seen everything
13 the state's presented to you today, you'll find that they have
14 not satisfied their duty to you guys to prove that Anthony did,
15 indeed, strike Officer Beaudoin. All right. Thank you.

16 THE COURT: Thank you, counsel. Ladies and gentlemen of the
17 jury, it's right about lunchtime, so it's actually a perfect time
18 for us to take our lunch break before we begin with the testimony
19 in this trial. I'm going to ask the bailiff to show you to your
20 jury room so you know where to go and to report when you come
21 back after lunch. We will resume with the trial -- it's almost
22 12, so if you'll be back in your jury room at 1:00, we'll start
23 with the testimony.

24 And it's very important that you not discuss this case
25 amongst yourselves, or with anyone else, as you are to make your

1 factual determination only from what you hear in this courtroom.

2 And if you need recommendations of where to go to lunch, I'm
3 sure they will be happy to assist you with that. Have a nice
4 lunch.

5 (Jury escorted out of the courtroom at 11:54 a.m.)

6 THE COURT: Any matters before the Court before we recess
7 for lunch?

8 ATTORNEY SPEARS: None that I can think of, Your Honor.

9 ATTORNEY NIRAVONG: Can we get some heat in here?

10 THE COURT: I know. We're trying. All right. So we'll see
11 everyone at 1:00.

12 (Court recessed at 11:55 a.m. and reconvened at 1:21 p.m.,
13 with defendant present.)

14 THE COURT: Counsel, everyone ready to proceed with the
15 jury?

16 MATTER(S) OF LAW

17 ATTORNEY SPEARS: Yes, Judge. Briefly, just for a matter of
18 the record, Schmidty actually reminded me that the state should
19 have requested that the defendant be held in custody during
20 breaks. I failed to, but in the future -- I don't expect this
21 case to last any longer than a day, but for any more breaks, the
22 state would request the defendant be taken into custody.

23 THE COURT: And, counsel for defense, obviously the bond is
24 distinguished at this juncture, so once the case is called for
25 trial the defendant will be taken into custody.

1 ATTORNEY BARRETT: Yes, Your Honor.

2 THE COURT: All right. Anything further before we bring the
3 jury in?

4 ATTORNEY SPEARS: Nothing, Your Honor.

5 THE COURT: Thank you. Anything for the defense?

6 ATTORNEY BARRETT: No, Your Honor.

7 THE COURT: All right. Let's have our jury, please.

8 (Jury seated in the courtroom at 1:23 p.m.)

9 THE COURT: Thank you. Welcome back, ladies and gentlemen
10 of the jury. We're now ready to begin with the trial of this
11 case.

12 Solicitor, you may call your first witness.

13 ATTORNEY SPEARS: Thank you, Your Honor. State calls
14 Victoria Beaudoin.

15 CLERK OF COURT: If you'll please raise your right hand, and
16 state your name for the record.

17 MS. BEAUDOIN: Victoria Lynn Beaudoin.

18 VICTORIA LYNN BEAUDOIN,
19 having first been duly sworn, was examined and testified as
20 follows:

21 CLERK OF COURT: Thank you. If you'll have a seat. And
22 just speak in to that microphone. I'll turn the mic up.

23 THE WITNESS: Yes, ma'am.

24 THE COURT: Your witness.

25 ATTORNEY SPEARS: Thank you, Your Honor.

DIRECT EXAMINATION

1
2 BY ATTORNEY SPEARS:

3 Q Good afternoon, Victoria.

4 A Hello.

5 Q Can you just lean forward a little bit, speak into the mic
6 for us. It's going to be hard to hear.

7 A Yes, sir.

8 Q Thank you. And also, I mispronounced your name again.

9 A Yes.

10 Q Can you tell the Court and everyone on the jury what your
11 last name is.

12 A It's Beaudoin.

13 Q Beaudoin. And about how many times have I mispronounced
14 that?

15 A Every time.

16 Q I apologize for that. I am sorry. Can you just please tell
17 the jury where you live.

18 A I live in Summerville.

19 Q And about how long have you lived there?

20 A Almost 14 years.

21 Q And where are you currently employed?

22 A Currently I'm employed with North Charleston Police
23 Department.

24 Q And how long have you been employed there?

25 A Almost eight years.

1 Q And currently what is your rank?

2 A Currently I'm a corporal over patrol.

3 Q Is that dayshift or night shift?

4 A I work night shift.

5 Q How about back in 2019? What was your position?

6 A I was a patrolman on night shift.

7 Q Now, are you married?

8 A I am.

9 Q About how long have you been married?

10 A Almost ten years.

11 Q And do you have any children?

12 A I do.

13 Q How old are they?

14 A Eleven and seven.

15 Q Well, corporal, let's go back to January 22nd of 2019. Did
16 you respond to a call on that day?

17 A I did.

18 Q I'm sorry. On that night.

19 A Yes.

20 Q And was that call to -- what, 5300?

21 A 5300 Patron Place. It's Kilnsea Village Apartments.

22 Q And what was the nature of the call that brought you out
23 there?

24 A The first time I was advised by dispatch, it was in
25 reference to a disturbance with the courtesy officer asking for

1 assistance with somebody throwing glass bottles off of their
2 balcony.

3 Q And what floor was that balcony?

4 A It was the first floor.

5 Q First-floor balcony. Now, can you tell us what you saw when
6 you first got there?

7 A When I arrived on scene, I had exited my vehicle. And as I
8 was walking towards the front of the building, there was glass
9 bottles in the parking lot between the cars and on the sidewalk
10 area.

11 Q And was that in front of a certain apartment?

12 A Yes, sir.

13 Q And whose apartment was that?

14 A It was Mr. Morris's .

15 Q Now, what did you do? Okay. So the officer who called you,
16 called dispatch and brought you to the scene, he was an off-duty
17 officer?

18 A Yes, sir. He was off duty, employed with Dorchester County,
19 but he's also the courtesy officer for the apartment complex.

20 Q And that's kind of a new thing for me. Can you explain what
21 his job is as a courtesy officer there?

22 A Yes, sir. So a courtesy officer is normally somebody who
23 lives on site, will handle normal disturbances such as loud
24 music; if somebody accidentally bumped into another person's car;
25 issues at a pool if the apartment complex has it, instead of

1 having law enforcement who is currently working the road.

2 So they'll handle just the small complaints that can be
3 handled without reports or such, things like.

4 Q When you arrived to the scene, was Mr. Morris inside or
5 outside of his apartment?

6 A He was inside.

7 Q Were you able to make contact with him?

8 A I attempted. I knocked at the door, and I just didn't get
9 much of a response, but back and repeating whatever I would say.

10 Q Can you just elaborate. When you knocked on the door, what
11 did he do?

12 A So right before I actually got to his door I was advised by
13 dispatch that I had a subject, which ended up being Mr. Morris,
14 also calling, because he wanted North Charleston officers to
15 respond because a gentleman was at his door asking for his name.

16 So I went to the door and I advised, after knocking, that I
17 was with North Charleston and was requesting to speak to him.
18 And the only thing I will get back is either knocking back or
19 repeating "North Charleston Police."

20 Q Gotcha. After that, what did you do?

21 A After a couple of attempts of trying to make contact with
22 him to have some type of communication, I advised Abell I was not
23 able to speak with him, and then attempted to meet with the
24 victims whose car got hit by the broken glass bottles to see if
25 they would like a report for their car being hit.

1 Q Did you end up filing a report?

2 A No. They didn't find any damage on their vehicle, so they
3 said they didn't want one.

4 Q And so at that point in time you hadn't made contact with
5 them; the people whose car was hit by these bottles didn't want
6 to file a report. So what do you do?

7 A I advised Abell to speak with the apartment complex in the
8 morning, and if the apartment complex wanted to file an eviction
9 or take up any other further actions, that they could do it first
10 thing in the morning through the apartment complex, but there was
11 nothing much I could do since he was in his apartment and the
12 persons whose car got hit didn't want to report.

13 Q Also, when it comes to Officer Abell and his position as
14 security officer for the apartment complex, I mean, do you have
15 any authority over him and his actions in taking care of the
16 apartment complex?

17 A No, sir.

18 Q Are you even in the same apartment?

19 A No, sir.

20 Q So you wouldn't be able to just give him orders?

21 A No, sir.

22 Q Now, as you were leaving, after you discussed that with him
23 about filing a report, can you just tell us what happened next?

24 A As I was walking to my vehicle after speaking with Abell,
25 telling him to handle it in the morning, Mr. Morris had opened up

1 the door and asked for our names. I gave him my name and my
2 badge number, and he would close the door. And then he would
3 open the door again and was yelling at Abell, and would close the
4 door.

5 And I told Abell just to let it be; pick it up in the
6 morning. He's in his apartment; he's not harming nobody. And
7 then I walked back to my vehicle.

8 Q And what did you see or hear happen after that?

9 A As soon as I got back to my vehicle, I could hear the door
10 open again, and they were verbally having an altercation. And
11 then I heard Mr. Morris hit the bush as he rolled off of his
12 balcony railing, and he approached Mr. Abell.

13 Q So when you say he kind've rolled off the balcony railing,
14 the door he was opening and closing, was that his balcony door?

15 A Yes, sir.

16 Q And Abell, that would place him in the parking lot; right?

17 A Abell was in the parking lot, and Mr. Morris was at his
18 apartment. And then he exited it, onto the patio, and to get
19 over he kind've rolled. And there was this big holly bush in
20 front of it, so it made a noise as he was coming off of it.

21 Q And in your experience as an officer, eight years in North
22 Charleston, did you see any signs of intoxication or inebriation
23 during this?

24 A When he kept opening the door, you could hear the slurred
25 speech. And when he would close it, you could hear him talking

1 very loud, in a kind of hectic manner. He was just back and
2 forth, screaming in his apartment. And then he'd open the door,
3 and he'd ask us our names again, and I'd give it to him, and he'd
4 close the door. So I assumed that he was under the influence at
5 that point.

6 Q And when he was asking these questions, was he being meek or
7 confrontational?

8 A He was being very boisterous. It was hard to talk to him
9 because he would talk back over you when you would go to give him
10 your name, and he'd slam the door. And then he'd try it again.

11 Q So you heard him go over the banister, hit a bush, and
12 approach Abell. Did you ---

13 A At that point when I heard him hit the bush, I started
14 approaching. And that's when, as I was getting up to him, they
15 were -- Mr. Morris is now up to Mr. Abell in the parking lot, and
16 they're bumping chests and busting at each other.

17 Q So Mr. Morris approached Abell then?

18 A Yes, sir.

19 Q When he did that, bumped him with his chest, what happened
20 next?

21 A They pushed it onto each other. And then as they were
22 pushing on each other, I was already, at that point, getting in
23 between them to separate them, and Mr. Morris had swung at Abell.
24 I don't know if he made contact. And as he was swinging, I
25 pushed him away, and then he swung and hit me.

1 Q Okay. And what did you do after he swung and hit you?

2 A I grabbed one arm, and at that point Abell is now assisting
3 me to be able to take him under control.

4 Q Did that happen? Were you able to get him under control
5 immediately?

6 A Not immediately; no, sir.

7 Q When you were trying to get him under control, were you
8 attempting to place him under arrest?

9 A After hitting me, yes, sir.

10 Q Did you have any intention of charging him for attempting to
11 assault Abell?

12 A No.

13 Q Now, what happened after that?

14 A After that, there had been a tussle. Abell went to help me,
15 and I was able to get them two separated, but I was holding on to
16 Morris. I had one of his arms, his left arm up behind his back.
17 And at first I grabbed what I could to keep him with me instead
18 of going after Abell again.

19 At one point I had his dreads. Part of the holly bush was
20 in his hair, so I had to readjust and grab his shirt because the
21 stickers in the bushes stabbed me in my hand. So after that, I
22 held him, separated them. I tried several times to make him go
23 down to the ground, tried the knee strikes and turning him away,
24 but he's quite larger than I am.

25 Q And so while you were trying to get him down, were you

1 speaking to him?

2 A Yes. I was trying to calm both of them down. I already had
3 asked for backup when I noticed that they were coming together in
4 the parking lot. And after I got hit, I advised them that we
5 were in a fight. So I knew my guys were coming, so I was trying
6 to keep everything calm until they got there due to the size and
7 me not being able to take him under control.

8 Q And so when you're talking to him, did you tell him why
9 you're restraining him?

10 A Yes. Well, I was trying to keep him out of trouble. And at
11 that point he asked me why he would be in trouble, and I told him
12 "for putting his hands on me".

13 Q And after that, did he attempt to strike you anymore?

14 A Yes. I got struck at least two to three more times in the
15 face.

16 Q Were you ever able to subdue him?

17 A After the final hit of me getting hit in the face, Abell was
18 able to hit him, and I took -- we went together onto the ground,
19 and I was able to maintain him on the ground until my backup came
20 and assisted with the rest of the handcuffing.

21 Q Now, while maintaining him on the ground, were you able to
22 get anything done, like get him to your squad car or anything, or
23 did you need more?

24 A No, sir. He kept his one arm completely under him. I was
25 unable to get it. He kept on trying to push up off the ground to

1 get away from me. So I stayed on top of him with the assistance
2 of Abell.

3 Q How were you eventually able to get him to the car?

4 A The rest of my guys, which was about six or seven of them,
5 came, handcuffed him, and then helped escort him to my vehicle.

6 Q Was he passive while they were escorting him?

7 A No. He was just fighting and pulling away the entire time,
8 and kicking, headbutting.

9 Q So was he attempting to headbutt everybody?

10 A Yes, sir.

11 Q And what happened after you got him in the car?

12 A Once he -- which was a struggle getting him into the car --
13 once we got him into the car, he began to kick out the passenger
14 back door of my vehicle, which ended up causing it to bow
15 outwards.

16 Q Just for points of clarification on this, were you in
17 uniform when this happened?

18 A Yes, sir.

19 Q Did you present yourself as a North Charleston officer?

20 A Yes, sir.

21 Q Did you give him your badge number?

22 A I did.

23 Q Now, after this, can you please explain to the jury if you
24 had any, like, lasting effects that occurred, lasting injuries
25 that occurred from this night?

1 A The lasting injuries that I do have currently is I have
2 hearing loss due to nerve damage, and a collapsed tube in my ear.
3 And I have a hearing aide due to it.

4 Q Let's just kind of start from, like, when did you realize
5 you had injuries from this event?

6 A Well, I would say more the next morning. Anybody getting
7 hit in the head is going to feel sore. I finished out my night.
8 But the next day is when it had hurt even more, and a lot of
9 pressure, so I figured, okay, it's from the hit. But after them
10 then telling me to wait a couple of weeks due to the trauma,
11 that's when they discovered the nerve damage.

12 Q Any other damage from him striking you?

13 A My jaw had been moved over, but they were able to just
14 readjust that without any actual major surgeries or anything like
15 that.

16 (State's Exhibits 1 and 2 are marked for identification.)

17 BY ATTORNEY SPEARS:

18 Q Now, officer, I am going to show you what's marked State's
19 Exhibit 1 and 2.

20 A Yes, sir.

21 Q Do you recognize these two exhibits? Just open them and up
22 take a look at them for me.

23 A Yes, sir.

24 Q And can you tell us, what are they?

25 A These are the camera footage from my in-car body camera from

1 that incident.

2 Q And so you were wearing a body camera during this entire
3 event?

4 A Yes, sir.

5 Q And is it two separate videos?

6 A Yes, sir. The initial contact was the first video. And
7 then when I went to re-engage after he had come off of the
8 balcony and I realized that it was going, another incident was
9 occurring, I had turned my body camera back on walking away from
10 my vehicle.

11 Q Have you had the chance to review these?

12 A Yes, sir.

13 Q And are these a fair and accurate representation of the
14 events that occurred on that night?

15 A Yes, sir.

16 Q All right. Thank you.

17 ATTORNEY SPEARS: Your Honor, I'd like to move State's 1 and
18 2 into evidence.

19 THE COURT: Any objection?

20 ATTORNEY BARRETT: No.

21 THE COURT: All right. They're in.

22 (State's Exhibits 1 and 2 are received in the record.)

23 BY ATTORNEY SPEARS:

24 Q Now, I'm only going to show the second one, even though 1 is
25 evidence. And now I'd like to play your bodycam footage of the

1 initial incident as opposed to you trying to clear the scene
2 before that. I'm going to pause it every now and again and ask
3 you a question to clarify, but I think what I'd like to do is
4 play it once, and then we might go back over a couple of things.
5 All right.

6 (State's Exhibit 2 is published to the jury.)

7 BY ATTORNEY SPEARS:

8 Q So, officer, can you see this screen all right?

9 A I can see it.

10 Q The individual with the flashlight in the middle of your
11 body camera footage, who is that?

12 A That's Deputy Abell.

13 Q Okay. Now, it's hard to see, but there's a figure. I'm
14 talking over -- what's over here?

15 A That is Mr. Morris's balcony.

16 Q Okay. And is Mr. Morris on his balcony at this point in
17 time?

18 A He's still kind of in the apartment right at the door. Like
19 his head is on the balcony; the rest of him is inside the
20 apartment.

21 Q So over here, same thing, same video. He's on the
22 right-hand side. All right.

23 (State's Exhibit 2 is published to the jury.)

24 BY ATTORNEY SPEARS:

25 Q Who was that talking, "What's your name again?"

1 A He's referring to Abell.

2 Q So that's the defendant, Mr. Morris?

3 A Yes, sir.

4 Q Okay. Thank you.

5 (State's Exhibit 2 is published to the jury.)

6 ATTORNEY SPEARS: Your Honor? Your Honor, may we approach
7 briefly?

8 THE COURT: Yes, sir.

9 (Sidebar discussion off the record.)

10 (State's Exhibit 2 is published to the jury.)

11 BY ATTORNEY SPEARS:

12 Q Officer, when you said uh-uh just now, what had he done?

13 A He had hit me.

14 Q Okay.

15 (State's Exhibit 2 is published to the jury.)

16 BY ATTORNEY SPEARS:

17 Q Sorry to keep pausing as it's going through, but
18 clarification here. What are you trying to do right now?

19 A At that point I was trying to -- I had done a knee strike on
20 him, and it didn't phase him, and I'm trying to, like, turn him
21 away from Abell so I can get him down on the ground, but it's not
22 working.

23 Q Okay.

24 (State's Exhibit 2 is published to the jury.)

25

1 BY ATTORNEY SPEARS:

2 Q What did he do exactly?

3 A He had hit me in the face. I had his left arm up behind
4 him, and he had been swinging with his right hand, and I'm
5 standing off to the side. He hit me at least once there onto the
6 left side of my face.

7 Q Okay.

8 (State's Exhibit 2 is published to the jury.)

9 BY ATTORNEY SPEARS:

10 Q How about right there?

11 A I had been hit again.

12 Q At any point in time during this if you had been able to
13 take him down and subdue him in an arrest, would you have done
14 so?

15 A Yes, sir.

16 Q Had you already called in for assistance at this point in
17 time?

18 A Yes, sir. You can hear the tones in the background. After
19 the first time he had hit me, I advised dispatch I was 10-10, and
20 that's why the tones were going off.

21 (State's Exhibit 2 is published to the jury.)

22 BY ATTORNEY SPEARS:

23 Q Now, right here were y'all actually able to subdue him at
24 this point in time?

25 A We were able to maintain him on the ground.

1 (State's Exhibit 2 is published to the jury.)

2 BY ATTORNEY SPEARS:

3 Q Is that after you put handcuffs on him?

4 A I got one on him.

5 (State's Exhibit 2 is published to the jury.)

6 BY ATTORNEY SPEARS:

7 Q Two more follow-up questions. All right. What county was
8 this apartment complex in?

9 A Dorchester County.

10 Q And this individual, Mr. Morris as you were describing in
11 your testimony and that we saw on the video, is he in the
12 courtroom today?

13 A Yes, sir.

14 Q Can you please point him out to the jury.

15 A (indicating.) He's the one wearing the white shirt.

16 Q Please answer any questions the defense might have for you.

17 A Yes, sir.

18 THE COURT: Cross-examination.

19 **CROSS-EXAMINATION**

20 BY ATTORNEY NIRAVONG:

21 Q Okay, Officer Beaudoin. And like the state, I will not
22 mispronounce your name anymore. Officer Beaudoin, you responded
23 to a call at, is it, Kilnsea Apartments?

24 A Yes, sir.

25 Q And that's in Summerville?

1 A Yes, sir, the city.

2 Q And upon arrival there was already a situation occurring
3 that had transpired before any bodycam or any recording device
4 had happened between Deputy Abell and Anthony; correct?

5 A Yes, sir.

6 Q So Deputy Abell, just for the record again, is a deputy for
7 the Dorchester County Sheriff's Office; correct?

8 A At the time, yes, sir. I don't know if he still is.

9 Q And during this altercation, alleged altercation, where you
10 had stated that you had been struck a few times, where was Deputy
11 Abell this whole time?

12 A At the time of the first hit, he was behind me. I had
13 gotten in between them to separate them. When I had gotten hit
14 the rest of the times, he was in front of us, and I tried to keep
15 the distance between them so they wouldn't keep going at it.

16 Q And Deputy Abell, he's a pretty big guy; isn't he?

17 A He's tall, yes, sir.

18 Q And he's a pretty fit dude; right?

19 A I believe so.

20 Q So it's fair to say if someone were to be hit by him, it
21 could cause some damage, as well?

22 A Yes, sir.

23 Q So let's rewind a little bit. After you arrive, you
24 investigate the scene, you gauge the situation, and you concluded
25 and found Anthony to be relatively calm inside his home; correct?

1 A Not calm, no.

2 Q On your statement to the Court here that's logged and
3 authenticated, you state "relatively calm". So is he --

4 A I stated boisterous.

5 Q But I have an electronically filed court document here that
6 states how relatively calm he was, and that these are your
7 statements.

8 ATTORNEY SPEARS: Your Honor, may we approach?

9 THE COURT: Yes, sir.

10 (Sidebar discussion off the record.)

11 BY ATTORNEY NIRAVONG:

12 Q Let's continue, Officer Beaudoin. But let's just go back
13 then. We can both agree that you assessed that he was calm? You
14 agree just now he was calm?

15 A I said boisterous.

16 Q But calm. As you stated earlier in your direct examination,
17 that you had found that he was calm; he was in his house; right?

18 A He was in his house.

19 Q And, now, while Anthony was inside his house, Deputy Abell
20 began shouting at Anthony; correct?

21 A Yes.

22 Q In fact, Deputy Abell was goading Anthony come to come out
23 of his house; right?

24 A He told him to come and pick up his glass.

25 Q During this yelling and goading by Deputy Abell, you

1 repeatedly directed Deputy Abell to stand down?

2 A I advised him to handle it with the apartment complex in the
3 morning.

4 Q And you had told him to, at that time to, let Anthony just
5 stay in his house; right?

6 A I had suggested that; yes.

7 Q Now, based on Deputy Abell's behavior, can you agree that he
8 just blatantly disregarded your orders to stand down?

9 A He's in charge of the apartment complex. He has the final
10 say-so.

11 Q The shouting, the shouting at Anthony who was still inside
12 his home, after your orders, you can agree that that can be
13 viewed as antagonizing?

14 A Yes, sir.

15 Q Deputy Abell drinking that night?

16 A I am not aware of that.

17 Q But you can agree that he was a bit confrontational as well?

18 A Agree.

19 Q But you don't know for sure if he was or was not drinking?

20 A No, sir.

21 Q So it could be a possibility?

22 A I'm not sure.

23 Q Now, is it fair to say that there was, based on what we
24 discussed, that there was provocation of Anthony into this
25 altercation from Deputy Abell?

1 A I'm sorry. Can you repeat?

2 Q Based on all we discussed just now, it can be seen that
3 Anthony was provoked by Deputy Abell during their exchange?

4 A I wouldn't say provoked.

5 Q But he did continue to yell during the whole time; right?

6 A He did tell him to come out and pick up his glass.

7 ATTORNEY NIRAVONG: No further questions. Thank you.

8 THE COURT: Any redirect?

9 ATTORNEY SPEARS: Yeah.

10 **REDIRECT EXAMINATION**

11 BY ATTORNEY SPEARS:

12 Q One quick matter of clarification. You were asked if
13 Abell's a tall and fit guy, and if someone were to be hit by him
14 it could cause some damage also; right?

15 A I would assume.

16 Q At any point in time during this entire altercation were you
17 struck by Deputy Abell?

18 A No.

19 Q Are you clear and sure as to who struck you during this?

20 A Yes. I was holding on to Mr. Morris when he struck me in my
21 face.

22 ATTORNEY SPEARS: No more questions, Your Honor.

23 THE COURT: You may step down, ma'am. Thank you.

24 You may call your next witness.

25 ATTORNEY SPEARS: Your Honor, can the state ask for just a

1 five-minute recess, please?

2 THE COURT: Sure. Ladies and gentlemen of the jury, we'll
3 take a very brief recess. Will you please go to your jury room.
4 Please remember not to discuss the case among yourselves. And
5 we'll be right back with you.

6 (Jury escorted out of the courtroom at 1:59 p.m.)

7 (Court recessed at 1:59 p.m. and reconvened at 2:08 p.m.,
8 with defendant present.)

9 MATTER(S) OF LAW

10 THE COURT: Counsel, I received a note from one of our
11 jurors. And I'll publish it. It says: It has been a while, but
12 I think I know the police officer. I know her as Lane, and she
13 is married to Kenny and has two daughters. She was a friend of
14 my daughter-in-law. I have not seen or heard of her for quite a
15 few years. Laura Jacko, no. 181. Also, that I also know her by
16 her given name.

17 Do you know one of the jurors, by chance?

18 MS. BEAUDOIN: Ms. Jacko. Yes, ma'am.

19 THE COURT: Okay. I'll just bring her out and just question
20 her regarding her knowledge of the officer and if she's heard
21 anything about the case, since she didn't answer that during the
22 voir dire process. Any objections to that?

23 ATTORNEY SPEARS: Yes, ma'am.

24 THE COURT: All right. Let's have juror 181, please.

25 ATTORNEY SPEARS: Judge, I was just told -- it's an honest

1 mistake on the juror's part, because no one knows her as
2 Victoria. She does go by Lane. And so I was calling her
3 Victoria Beaudoin. That's probably why the juror didn't make the
4 connection.

5 THE COURT: And that's what it says; she didn't know her by
6 her given name, so that would make sense.

7 VOIR DIRE OF JUROR 181

8 (Juror 181 is escorted in the courtroom.)

9 THE COURT: Actually, if she comes right over here, it will
10 be a little easier for me.

11 Afternoon, ma'am. Is it Jacko?

12 JUROR 181: Jacko.

13 THE COURT: Ms. Jacko, I'm going to swear you in real quick.

14 LAURA A. JACKO, SWORN IN

15 THE COURT: So, Ms. Jacko, I'm in receipt of your note and
16 it says you didn't know the officer by her given name. I
17 understand on the witness list she was described as Victoria
18 Beaudoin. Is that the confusion? You have to answer out loud so
19 the court reporter can take down what you're saying.

20 JUROR 181: Yes.

21 THE COURT: All right. And so based on that, you didn't
22 answer the question about knowing any of the witnesses; is that
23 correct?

24 JUROR 181: Right.

25 THE COURT: And your note says you haven't seen her in a

1 while.

2 JUROR 181: Right.

3 THE COURT: Can you tell me about how long it's been?

4 JUROR 181: Probably two, maybe three years.

5 THE COURT: Two years or so?

6 JUROR 181: Uh-huh.

7 THE COURT: Would the fact that you've known her in the past
8 affect your ability to be fully fair and impartial in this case?

9 JUROR 181: I don't think it so. No.

10 THE COURT: Do you know anything about this case other than
11 what you heard through the testimony here so far here?

12 JUROR 181: Uh-uh.

13 THE COURT: And can you fully set that he relationship aside
14 and be fully fair and impartial to both the state and to the
15 defense?

16 JUROR 181: Yes.

17 THE COURT: And you hadn't heard anything about this case
18 before then; is that correct?

19 JUROR 181: Uh-huh.

20 THE COURT: You have to ---

21 JUROR 181: Yes.

22 THE COURT: Are there any other questions from either the
23 state or from the defense you would like for me to ask the juror?

24 ATTORNEY SPEARS: Nothing from the state, Your Honor.

25 ATTORNEY NIRAVONG: Your Honor, we're going to ask for the

1 juror to be recused because of the relationship.

2 THE COURT: She said that she can set it -- do you visit in
3 each other's homes or anything?

4 JUROR 181: No, not for a few years. And it was my
5 daughter-in-law that ---

6 THE COURT: Your daughter in-law that ---

7 JUROR 181: --- that is friends -- or, was friends with her.

8 THE COURT: Did she ever, like, come to your house and stay
9 for dinner, things of that nature?

10 JUROR 181: She came to the house; yes.

11 THE COURT: But you hadn't seen her in a couple years?

12 JUROR 181: Yes.

13 THE COURT: Can you please step outside. Thank you.

14 (Juror 181 is escorted out of the courtroom.)

15 THE COURT: Counsel, time for a motion. But it really would
16 have been more appropriate when she had left the courtroom.

17 ATTORNEY NIRAVONG: Yes. I apologize, Your Honor.

18 THE COURT: Now certainly I think she would have some sort
19 of potential bias against you because of that. I feel I have no
20 excuse but to excuse her to protect your client. But in the
21 future, please don't engage in that when there's a juror present
22 until the juror has left the courtroom.

23 ATTORNEY NIRAVONG: I apologize, Your Honor.

24 THE COURT: So we'll move on to the first alternate. Will
25 you let juror 181 know she's excused?

1 DEPUTY/BAILIFF: Yes, ma'am.

2 THE COURT: Thank you.

3 DEPUTY/BAILIFF: Thank you, Your Honor.

4 THE COURT: Anything further before I bring the jury out?

5 ATTORNEY SPEARS: Nothing, Judge.

6 THE COURT: Anything further from the defense before
7 bringing the jury out?

8 ATTORNEY NIRAVONG: No, Your Honor.

9 THE COURT: All right. Let's have our jury, please. We'll
10 mark this as a Court's exhibit.

11 (Court's Exhibit 1 is marked for identification.)

12 (Jurors seated in the courtroom at 2:14 p.m.)

13 THE COURT: Welcome back, ladies and gentlemen of the jury.
14 We're now ready to proceed. You may call your next witness.

15 ATTORNEY SPEARS: Thank you, Your Honor. The state calls
16 Andrew Brucker.

17 CLERK OF COURT: If you'll place your left hand on the
18 Bible, and please raise your right hand and state your full name
19 for the record.

20 A Andrew Evan Brucker.

21 ANDREW E. BRUCKER,

22 having first been duly sworn, was examined and testified as
23 follows:

24 CLERK OF COURT: Thank you. If you'll have a seat, and just
25 speak right into that microphone.

1 THE COURT: Your witness.

2 ATTORNEY SPEARS: Thank you, Your Honor.

3 **DIRECT EXAMINATION**

4 BY ATTORNEY SPEARS:

5 Q Andrew, where do you currently work?

6 A North Charleston Police Department.

7 Q What's your position there?

8 A Currently narcotics.

9 Q And how long have you worked there?

10 A Five years.

11 Q Five years. What was your position back in January of 2019?

12 A I was a patrol officer.

13 Q Okay. Did you respond to a call that night involving
14 Officer Beaudoin?

15 A Yes, I did.

16 Q Can you just describe to the jury the scene as you saw it
17 when you first arrived there.

18 A When I first arrived, the defendant was already on the
19 ground, with officers struggling to hold him there until more
20 officers arrived in order to keep him detained. He was very
21 combative; he was resisting; he was not following directions.
22 And it was just a very hectic scene at the moment when I arrived.

23 Q Were you able to provide assistance in restraining him?

24 A Yes. I was able to keep him from kicking until more
25 officers arrived. And once more officers arrived, we were able

1 to get him stood up, with about six or seven of us, probably.

2 Q What did y'all do once you got him stood up?

3 A Once we got him stood up, we tried to get him to walk him to
4 the car, but he kept trying to shake us off. He kept trying to
5 get away from us. He just would be deadweight, pretty much.

6 Q Were you able to get him into a vehicle?

7 A Yes. It was a struggle, though. It took many of us to get
8 him into a vehicle.

9 Q What happened after he was put into a vehicle?

10 A Once he was in the vehicle, he began kicking the inside of
11 the vehicle, which I heard immediately. I notified my supervisor
12 that's what he was doing. I see could that it was bending the
13 frame of the door because he was kicking it.

14 Q Were you wearing a body camera?

15 A I was.

16 (State's Exhibit 3 is marked for identification.)

17 BY ATTORNEY SPEARS:

18 Q I'm showing you what's marked as State's Exhibit 3.

19 A Okay.

20 ATTORNEY SPEARS: Approach, Your Honor?

21 (Sidebar discussion off the record.)

22 ATTORNEY SPEARS: May I approach the witness, Mr. Your
23 Honor?

24 THE COURT: Yes, sir.

25

1 BY ATTORNEY SPEARS:

2 Q Mr. Brucker, can you just take a look at what's inside
3 there.

4 A Yes, sir.

5 Q State's Exhibit 3. What is on that disk?

6 A January 22nd, 2019. It has my initials, the date, and my
7 name it.

8 Q Were you able to review that disk?

9 A Yes, I was.

10 Q And can you tell us what is on that disk.

11 A What's on that disk is pretty much that my everything
12 bodycam captured. It's me walking up; has the other officers on
13 the ground, the defendant; and then it shows pretty much me
14 escorting the defendant to the vehicle. And then we start
15 running up to the vehicle because he was trying to shake us off,
16 so we tried to pin him against the car until he settled back
17 down. I mentioned something about, "Did anyone else get
18 headbutted?" because he attempted to headbutt me.

19 And that shows -- well, you can hear him kicking the inside
20 of the car, and me notifying my supervisors that he was -- that's
21 what he was doing.

22 Q And is this a fair and accurate representation of what
23 occurred on January 22nd, 2019?

24 A It is.

25 Q All right.

1 ATTORNEY SPEARS: Your Honor, the state would request
2 State's Exhibit No. 3 into evidence.

3 THE COURT: Any objection?

4 ATTORNEY BARRETT: No, Your Honor.

5 THE COURT: All right. Three is in.

6 (State's Exhibit 3 is received in the record.)

7 ATTORNEY SPEARS: May I publish?

8 THE COURT: Yes, sir.

9 (State's Exhibit 3 is published to the jury.)

10 BY ATTORNEY SPEARS:

11 Q Now, officer, right here, it's kind of hard to see in the
12 dark, but where is Mr. Morris?

13 A He is on the ground. That is the sidewalk right there.

14 Q And about how many officers does it take to detain him?

15 A I would say there was probably four or five officers there.

16 (State's Exhibit 3 is published to the jury.)

17 BY ATTORNEY SPEARS:

18 Q So what's happening here? When y'all were trying to escort
19 him to the car, you said take him to the car, what happens here?

20 A He tried shaking officers off of him, trying to not go to
21 the car, and so we decide that it would probably be best just to
22 pin him up against the car until he relaxed again. But he was on
23 the sidewalk, on his own, and started walking. And then he took
24 off from there.

25 (State's Exhibit 3 is published to the jury.)

1 BY ATTORNEY SPEARS:

2 Q We're going to move it towards about 7:20 on there.

3 According to your previous testimony, you were able to get him
4 into the vehicle after this last struggle?

5 A Yes.

6 Q And we're going to fast-forward. And he's been in the car
7 for a little while at this point in time?

8 A Uh-huh.

9 Q Can you tell us what's about to happen know?

10 A What's about to happen, I believe, is he begins kicking
11 inside of the car and bending the door frame.

12 Q All right.

13 (State's Exhibit 3 is published to the jury.)

14 ATTORNEY SPEARS: Officer, please answer any questions the
15 defense might have for you.

16 THE WITNESS: Okay.

17 THE COURT: Cross-examination.

18 **CROSS-EXAMINATION**

19 BY ATTORNEY BARRETT:

20 Q Good afternoon, officer. Is it Officer Brucker?

21 A Brucker, yes.

22 Q Is it officer, or is it a different rank right know?

23 A You can just say officer. That's fine.

24 Q Just want to make sure. Corporal, this will be pretty
25 short. Did you witness Officer Beaudoin getting struck by

1 Mr. Morris?

2 A I did not.

3 Q Okay. When you got there, there were another officer on
4 scene.

5 ATTORNEY BARRETT: If I can get this good gentleman right
6 here to put it back to 7:19 real quick. I want to verify one
7 thing on the video.

8 THE WITNESS: Okay.

9 ATTORNEY BARRETT: I apologize for not letting you know that
10 ahead of time.

11 (State's Exhibit 3 is published to the jury.)

12 ATTORNEY BARRETT: Right there, if you can kind of pause it.

13 BY ATTORNEY BARRETT:

14 Q If you look up on that video, you can kind of see the one
15 leg that's in shorts? See what I'm talking about?

16 A Yes.

17 Q I'm assuming that's not a North Charleston police officer
18 uniform?

19 A No, it is not.

20 Q Okay, that's all I want to know. Does North Charleston have
21 jurisdiction over this property?

22 A It does.

23 Q It does. Does Dorchester County have jurisdiction over this
24 property?

25 A It does.

1 Q Does Dorchester County and North Charleston have
2 jurisdiction when one is a courtesy officer and one is an on-duty
3 police officer?

4 A I'm sorry. Could you repeat the question?

5 Q In this situation, we have an off-duty Dorchester County
6 Sheriff's officer out of uniform; correct?

7 A Yes.

8 Q He is responding to a disturbance call, I'm assuming,
9 through the apartment complex?

10 A Correct.

11 Q And then we have Officer Beaudoin here who responds to
12 dispatch, police dispatch, saying "Go to this. We have a
13 disturbance." She's in uniform, wearing a bodycam, blue lights,
14 the whole nine yards we're used to.

15 We've got Deputy Abell there who's just in his PT clothes,
16 it looks like, physical training outfit, whatever you want to
17 call it.

18 A Uh-huh.

19 Q Whose scene is that, to your knowledge? To the best of your
20 training with North Charleston Police Department, who's in charge
21 of that scene?

22 A I would say Detective Beaudoin. Or, Officer Beaudoin. I'm
23 sorry. She changed titles.

24 Q So she is in charge, to the best of your knowledge? She
25 should be the one that -- she's got primacy, if you will, I

1 believe the term is?

2 A I would say so.

3 ATTORNEY BARRETT: Okay. That's all. Thank you.

4 THE COURT: Any redirect?

5 ATTORNEY SPEARS: No, Your Honor.

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

7 You may call your next witness.

8 ATTORNEY SPEARS: Your Honor, may Officer Brucker be
9 released?

10 THE COURT: Any objection?

11 ATTORNEY BARRETT: I have no objection, Your Honor.

12 THE COURT: Thank you, sir. You may leave.

13 ATTORNEY SPEARS: Your Honor, at this time the state rests.

14 THE COURT: Ladies and gentlemen of the jury, the state has
15 rested their case. We must take a very brief recess before we
16 proceed. If you would please go to your jury room. Although the
17 state has rested, please remember not to discuss this matter
18 amongst yourselves. We'll be right back with you.

19 (Jury escorted out of the courtroom at 2:27 p.m.)

20 MATTER(S) OF LAW

21 THE COURT: All right. Is the defendant intending to
22 testify?

23 ATTORNEY BARRETT: No, Your Honor.

24 THE COURT: And have y'all had an opportunity -- I know Alan
25 was going to get the jury instructions to y'all. Do y'all want

1 to take a look at those real quick before we go into -- are you
2 going to call any witnesses?

3 ATTORNEY BARRETT: We are not, Your Honor. Now that the
4 jury's out, we were going to ask if there's any chance of a
5 directed verdict.

6 THE COURT: Sure. I'll let you make that motion. Real
7 quick, I was just ---

8 ATTORNEY BARRETT: I just want to make sure I make them,
9 Your Honor.

10 THE COURT: I'll get Alan to print those, and then we can
11 take care of the motions. Go ahead. I'll be happy to hear from
12 you on your motion.

13 ATTORNEY BARRETT: Your Honor, at this point we'd ask for a
14 motion for directed verdict. We don't believe the state's proven
15 its case.

16 THE COURT: I'm going to have to respectfully disagree.
17 There has been direct and circumstantial evidence tending to
18 establish the guilt of the defendant on each of the elements in
19 the crime charged against him. And your motion is respectfully
20 denied.

21 ATTORNEY BARRETT: Thank you, Your Honor.

22 THE COURT: All right. So are there any particular jury
23 instructions that y'all wish me to give?

24 ATTORNEY SPEARS: Your Honor, I've got -- I'd like to kind
25 of read what the instruction for resisting, the first one is, if

1 it pleases the Court.

2 THE COURT: Sure.

3 ATTORNEY SPEARS: I had a couple proposed ones, but I don't
4 really think they came up in testimony, so I'm not really
5 concerned with requesting them.

6 THE COURT: Y'all just want to look and see what we have
7 from the bench book, and then we can kind of go from there?

8 ATTORNEY SPEARS: Yes, ma'am.

9 THE COURT: We'll get Alan to print that, and also a verdict
10 form.

11 DEFENDANT'S 5TH AMENDMENT RIGHTS

12 THE COURT: All right. Mr. Morris, if you would please
13 stand.

14 Have you discussed with him about his right to testify? Are
15 you ready for me to question him regarding that?

16 ATTORNEY BARRETT: We have, Your Honor.

17 CLERK OF COURT: Mr. Morris, if you'll please raise your
18 right hand, and state your full name for the record.

19 THE DEFENDANT: Anthony Bernard Morris.

20 ANTHONY BERNARD MORRIS, SWORN IN

21 THE COURT: Mr. Morris, if you wish to take off your mask
22 while you're talking, you can do so. Mr. Morris, at this time
23 I'm going to explain to you certain of your rights. If you do
24 not understand anything that I say, please let me know. If you
25 want me to explain anything in further detail, please let me

1 know.

2 We have now reached the stage of the trial where you may
3 present your defense. You have the right to explain the
4 protections given to you by the Fifth Amendment of the
5 Constitution of the United States. This Amendment states, in
6 part, that no person shall be compelled in a criminal case to be
7 a witness against himself. This means that you cannot be
8 required to testify in this case. You have the right to testify
9 in your own behalf. However, no one can make you testify. This
10 is a personal right, and no one can waive this right except for
11 you.

12 If you decide to testify, you will be subject to the same
13 rules that govern other witnesses, and you may be examined and
14 cross-examined on any relevant issue in this case.

15 In addition, if you had any convictions involving
16 dishonesty, or false statement, or for crimes punishable by
17 imprisonment for more than one year, and I determine that the
18 probative value of these convictions outweigh the prejudicial
19 effect to you, the solicitor will be able to introduce your
20 records to attack your credibility.

21 If you decide to testify, this decision, on your part, must
22 be made freely, voluntarily, and intelligently, with the
23 knowledge of the protections given to you by the Fifth Amendment
24 and the consequences of your decision to testify.

25 If you decide not to testify, I will instruct the jurors

1 that they cannot give the fact that you did not testify any
2 consideration whatsoever, and that there is to be absolutely
3 prejudice to you because you did not testify.

4 It is left entirely up to you whether or not you wish to
5 testify. You can talk to your attorney, your family, or anyone
6 else, but that decision must be completely your decision.

7 Do you understand what I've explained to you?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: Do you have any questions about what I've
10 explained to you?

11 THE DEFENDANT: No, ma'am.

12 THE COURT: Do you need any more time to talk with your
13 attorneys regarding your decision to testify?

14 THE DEFENDANT: No, ma'am.

15 THE COURT: Do you wish to testify?

16 THE DEFENDANT: No, ma'am.

17 THE COURT: All right, sir. Thank you.

18 When we get the jury instructions -- we'll go ahead and
19 print those out real quick and go over them. Looking at the
20 proposed jury charges, it has failure of the defendant to testify
21 on there twice. I'll just read it the second time and not the
22 first time.

23 ATTORNEY SPEARS: Thank you, Your Honor. That's the only
24 issue I saw.

25 THE COURT: Defense, y'all see anything that's missing in

1 here?

2 ATTORNEY NIRAVONG: Maybe I'm reading it too slow. It's
3 okay the way it is, Your Honor.

4 THE COURT: All right. And then Alan pointed out, on the
5 verdict form, apparently there was a typo on there.

6 ATTORNEY SPEARS: I didn't even notice that.

7 THE COURT: I assume you're all ready for the jury?

8 ATTORNEY SPEARS: The state is ready, Your Honor.

9 THE COURT: Defense ready?

10 ATTORNEY BARRETT: Yes.

11 THE COURT: Defense, I'll just ask if you intend on calling
12 anybody. You can rest. And then we'll just go straight into
13 closings.

14 ATTORNEY NIRAVONG: Yes, Your Honor.

15 (Jurors seated in the courtroom at 2:42 p.m.)

16 THE COURT: Welcome back, ladies and gentlemen of the jury.
17 We are now ready to proceed.

18 Does the defense intend on calling any witnesses?

19 ATTORNEY BARRETT: We do not, Your Honor.

20 THE COURT: Defense rests?

21 ATTORNEY BARRETT: Yes, Your Honor.

22 THE COURT: Ladies and gentlemen of the jury, please pay
23 close attention, as it is now time for closing arguments.

24 Solicitor.

25

1 CLOSING STATEMENT ON BEHALF OF THE STATE

2 ATTORNEY SPEARS: Thank you, Your Honor.

3 Told you this would be a quick one, and I hope I didn't
4 disappoint on this. Usually our trials can run up to a week or
5 so, and so this was a -- not a terrible Monday.

6 But, again, as I told you earlier today, I'm Mike Spears
7 with the solicitor's office. In case you are wondering, this is
8 John Rivers. He is helping me out here today. This is his first
9 trial so if, at any point in time, he looked like he was about to
10 throw up, that's why. I'm not going to take too long. The judge
11 is going to charge you with the law. And you, as the finders of
12 facts, will apply the evidence to the law to determine what
13 happened on January 22nd, 2019.

14 Now, the statute says that it is unlawful for a person to
15 knowingly and willfully assault, beat or wound a law enforcement
16 officer when resisting an arrest being made by one who the person
17 knows or reasonably should know is a law enforcement officer.

18 South Carolina Court of Appeals tells us that somebody
19 doesn't even have to be charged with the underlying arrest, the
20 underlying reason for arrest, for resisting arrest to still
21 apply.

22 In this scenario, our officer, she intended to arrest him
23 for striking her. She ended up not charging him with fact. He
24 is here with charged with striking her while resisting that
25 arrest.

1 I have the burden of proof in this case. As an officer of
2 the state, I must prove this case beyond a reasonable doubt. And
3 you'll hear about reasonable doubt in the jury charge. That does
4 not mean beyond any and all doubt. It simply means that, at the
5 end of this trial, if you firmly convinced that the defendant
6 committed the alleged actions, then you must find him guilty.

7 You saw the video here, and you heard the testimony. The
8 sole aggressor, I submit to you, was Mr. Morris.

9 Now, I understand where the defense was talking about Deputy
10 Abell aggravating the situation, all right, by telling Morris to
11 clean up the glass. He didn't let everything lie. Well, our
12 testimony also says, from the officer, that she doesn't
13 necessarily have the right to tell him what to do as a security
14 officer of the hotel -- not hotel, of the apartment complex. He
15 can do what he wants to try to keep the peace there.

16 However, on that video, I submit to you none of us saw any
17 moment where Deputy Abell instigating physical battery against
18 Mr. Morris. We saw Mr. Morris approach Abell, headbutt him, and
19 that's when our officer got in the way, got in the middle of it.
20 And that's when he struck her; that's when he assaulted her,
21 wounded her, committed battery upon her person.

22 And then the rest of that video is truly her struggling to
23 try to get him down. He is significantly larger than she is, and
24 she's doing the best she can to try to subdue him until backup
25 arrives.

1 Now, the three videos that we put into evidence, they're
2 actually going to go back to the jury deliberation room with you.
3 You can re-watch them if you want to while you all discuss.

4 But you'll note that the entirety of the physical
5 aggression, when the physical assault and battery is upon her,
6 come from Mr. Morris, and it's while she is attempting to arrest
7 him. She tells him, and he answered, "Why are you trying to keep
8 me from jail?" She said, "Because you already put your hands on
9 me." And you immediately hear him do it again. And it doesn't
10 end there. I mean, he hits her a number of times.

11 And she has permanent hearing loss because of this, and had
12 to have surgery, according to her testimony, from that night when
13 she is the peacekeeper in this scenario, simply trying to bring
14 everything back down to normal and prevent things from getting
15 worse. And that's her reward for doing her job as a peacekeeper,
16 an officer of the peace, is getting assaulted like that and
17 permanently disfigured. When I say disfigured, I mean
18 permanently losing part of her hearing.

19 Ladies and gentlemen, it's clear. The video shows it. This
20 is a resisting arrest case. Officer Morris, in Dorchester
21 County, was being arrested for an assault, and he resisted, and,
22 in doing so, he struck Officer Beaudoin, and that is why he is
23 guilty of this crime. Thank you.

24 THE COURT: Counsel.
25

1 CLOSING STATEMENT ON BEHALF OF THE DEFENSE

2 ATTORNEY BARRETT: My esteemed colleague right here,
3 Mr. Spears, just called Officer Beaudoin a peacekeeper. I find
4 that a very peculiar term, because peacekeepers step in between
5 two fighting factions. The UN does a lot this stuff; the U.S.
6 does a lot of this stuff, but there has to be two people
7 fighting. And my question is why is there a deputy from
8 Dorchester County Sheriff's Office, in civilian clothes, without
9 a bodycam on, trying to instigate -- excuse me, trying to cause
10 this fight to occur?

11 I would have hoped we would have had some more testimony
12 from Deputy Abell about this. Maybe he could have shed some
13 light; maybe he wouldn't have. I don't know, but he's not here.

14 Mr. Morris here, Anthony, was inside his house, having a bad
15 day, having a great day, having a day. Maybe he threw some beer
16 bottles out; maybe he didn't. There are apartments above his.
17 They could have thrown the beer bottles out, but they decided to
18 harass him; they decided to cause him problems. I don't know
19 why. I can only speculate, and you cannot speculate.

20 What strikes me as very odd, when Officer Beaudoin was doing
21 her job and she's trying to break up Deputy Abell and Anthony
22 from going at it -- and they were both going at it, you see that
23 in the video -- at what point did she have to do that job because
24 Deputy Abell enticed him out of his house, pulls him out by
25 verbally aggravating him?

1 He's already called 911 and talked to them because he wanted
2 a North Charleston Police Officer there. He's that concerned
3 about it. And Deputy Abell, in his civilian clothes, with no
4 bodycam on, decides to try to entice him out of the house.

5 And in doing so, he finally does come out. Oh, I'll pick up
6 the bottles; I'll do whatever. And the tension elevates. Once
7 that tension is elevated, it gets to a certain point. And we're
8 all human. We've all snapped at one point in our lives at a kid,
9 spouse, coworker, I don't know, dog that was having a bad day.
10 We've all done it at least once. We're guilty of it. The image
11 is inside of our heads. We snap. In this case, it's with Deputy
12 Abell. The two of them go at it.

13 Now, I cannot discount the fact that Officer Beaudoin over
14 here was injured. You don't just develop hearing loss for no
15 reason. You don't get nerve damage for no reason. I believe she
16 was struck. Was she struck during this fight? Probably. But
17 there were three people here. You have her. She's struck. You
18 have Anthony, who's been enticed out of his house by Deputy
19 Abell. And Deputy Abell is also in this chaotic fight.

20 You hear a lot of what was identified as blows landing, but
21 you don't see who's throwing punches; you don't see who's landing
22 those blows. Was it Deputy Abell? He's a pretty big guy. Looks
23 like it on video, at least. I can assume he is, because I've
24 never seen him in person. Anthony's a pretty big buy. I don't
25 know who's the one throwing punches and landing. I can't tell

1 from the video. You can't tell from the video.

2 When I first started practicing law, I asked somebody why he
3 defended people. I was curious, sitting in a bar one night,
4 actually. And he gave me this -- he kind of slightly misquoted,
5 but it was Benjamin Franklin and Sir William Lacson. And the
6 concept is, you would rather have 100 guilty people go free than
7 one innocent person go to jail. That's something you need to
8 think about, because that is the basis of our system. We're not
9 other countries where we assume guilt; throw you in jail; and
10 say, "Good luck proving your innocence." We do it the exact
11 opposite way for a reason. It's become a very polarized issue in
12 this country. It's one you need to take seriously.

13 We talked to Anthony a lot over the last week or so working
14 on this case. We wouldn't be up here vigorously defending him if
15 we didn't think there was something to defend.

16 As far as I'm concerned, obviously Anthony is innocent,
17 because I'm his defense attorney. So is Eck. As far as Mike is
18 concerned, he's not going to bring this case unless he thinks
19 he's guilty.

20 The beauty of this is we're both biased. Y'all are not
21 supposed to be. You need to take into consideration everything
22 that's been in front of you today. I realize it hasn't been a
23 lot. It probably calls on you to you make a lot of judgments.
24 And we trust you to do it. That's all I have for you. Thank
25 you.

1 JURY CHARGE

2 THE COURT: Ladies and gentlemen of the jury, it's now time
3 for me to charge you on the law in this case. The indictment
4 charged the defendant with one count of resisting arrest, beating
5 or wounding a police officer serving process or while resisting
6 arrest.

7 I remind you that the fact that the defendant was arrested,
8 charged and indicted in this case is not evidence in this case
9 and cannot be considered by you as evidence of guilt in this
10 case, nor does it create any presumption or inference of guilt.
11 This document is simply the formal written instrument and
12 contains the charge made against the defendant. It is a formal
13 document by which this case is brought into this court.

14 The defendant has pled not guilty to this indictment, and
15 that plea puts the burden on the state to prove the defendant
16 guilty. A person charged with committing a criminal offense in
17 South Carolina is never required to prove himself innocent. I
18 charge you that it is an important rule of the law that the
19 defendant in a criminal trial, no matter the seriousness of what
20 the charge may be, will always be presumed to be innocent of the
21 crime for which the indictment was issued unless guilt has been
22 proven by evidence satisfying you of that guilt beyond a
23 reasonable doubt. This presumption of innocence does not end
24 when you begin your deliberations but it accompanies the
25 defendant throughout the trial until you reach a verdict of guilt

1 based upon the evidence satisfying you of that guilt beyond a
2 reasonable doubt.

3 The presumption of innocence is like a robe of righteousness
4 placed about the shoulders of the defendant, which remains with
5 the defendant until it has been stripped from the defendant by
6 evidence satisfying you of the defendant's guilt beyond a
7 reasonable doubt. The presumption of innocence is not a mere
8 legal theory. It is not just a legal phrase. It is the
9 substantial right to which every defendant is entitled to unless
10 you, the jury, are satisfied from the evidence of the defendant's
11 guilt beyond a reasonable doubt.

12 What is a reasonable doubt in the law? A reasonable doubt
13 is the kind of doubt that would cause a reasonable person to
14 hesitate to act. The state has the burden of proving the
15 defendant guilty beyond a reasonable doubt. Some of you may have
16 served as jurors in civil cases where you were told that it is
17 only necessary to prove that a fact is more likely true than not
18 true, such as by the greater weight, or preponderance, of the
19 evidence. In criminal cases, the state's proof must be more
20 powerful than that. It must be beyond a reasonable doubt.

21 Proof beyond a reasonable doubt is proof that leaves you
22 firmly convinced of the defendant's guilt. There are very few
23 things in this world that we know with absolute certainty. In
24 criminal cases, the law does not require proof that overcomes
25 every possible doubt. If, based on your consideration of the

1 evidence, you are firmly convinced that the defendant is guilty
2 of the crime charged, you must find the defendant guilty. If, on
3 the other hand, you think there is a real possibility the
4 defendant is not guilty, you must give the defendant the benefit
5 of the doubt and find him not guilty.

6 I remind you that during this trial you and I have certain
7 duties to perform. As the trial judge, it's my responsibility to
8 preside over the trial of this case, and I also have the duty to
9 rule on admissibility of the evidence offered during this trial.

10 You are to consider only the competent evidence before you.
11 If there was any testimony ordered stricken from this record in
12 this case during this trial, you must disregard that testimony.
13 You are to consider only the testimony which has been presented
14 from the witness stand, any exhibits which have been made part of
15 the record in this case, and any stipulations of counsel.

16 I have the additional duty to charge you the law applicable
17 to this case. As the presiding judge, I am the sole judge of the
18 law of this case, and it is your duty, as jurors, to accept and
19 apply the law as I now state it to you. If you already have an
20 idea as to what the law is or what the law ought to be and it
21 does not agree with what I now tell you what the law is, you must
22 abandon this idea because you are sworn to accept the law and
23 apply the law exactly as I state it to you.

24 In every case tried in this court about before a jury, the
25 jury becomes the sole and exclusive judge of the facts in the

1 case. A trial judge cannot intimate, state, comment on, or make
2 any statement to the trial jury about the facts in the case.
3 Since you, the jury, are the sole judges of the facts in this
4 case, you are not to infer from what I have said during the
5 progress of this trial in ruling upon the admissibility of
6 evidence or otherwise, or anything that I say now during the
7 course of this instruction to you that I have any opinion about
8 the facts in this case. The law does not allow me to have an
9 opinion about the facts in this case.

10 This matter is solely for you, the jury, to determine. As
11 jurors, it is your duty to determine the effect, value, weight,
12 and truth of the evidence presented during trial.

13 There are two types of evidence which are generally
14 presented during a trial, direct evidence and circumstantial
15 received. Direct evidence directly proves the existence of a
16 fact and does not require deduction. Circumstantial evidence is
17 proof of a chain of facts and circumstance indicating the
18 existence of a fact.

19 Crimes may be proven by circumstantial evidence. The law
20 makes no distinction between the weight or to the value to be
21 given, either to direct or circumstantial evidence. However, to
22 the extent that the state relies on circumstantial evidence, all
23 of the circumstances must be consistent with each other and, when
24 taken together, point conclusively to the guilt of the accused
25 beyond a reasonable doubt. If these circumstances merely portray

1 the defendant's behavior as suspicious, the proof has failed.

2 The state has a burden of proving the defendant guilty
3 beyond a reasonable doubt. This burden rests on the state
4 regardless of whether the state relies on direct evidence,
5 circumstantial evidence, or some combination of the two.

6 Necessarily, you must determine the credibility of witnesses
7 who have testified in this case. Credibility simply means
8 believability. It becomes your duty, as jurors, to analyze and
9 to evaluate the evidence and determine which evidence convinces
10 you of its truth.

11 In determining the believability of witnesses who have
12 testified in this case, you may believe one witness over several
13 witnesses, or several witnesses over one witness. You may
14 believe a part of the testimony of a witness, and reject the
15 remaining part of the testimony of that same witness. You may
16 believe the testimony of a witness in its entirety or reject the
17 testimony of a witness in its entirety.

18 You may consider whether any witness has any exhibited to
19 you any interest, bias, prejudice, or other motive in this case.
20 You may also consider the appearance and the manner of the
21 witness while on the witness stand.

22 I instruct you and emphasize that the fact the defendant did
23 not testify is not a factor to be considered by you in any way in
24 your deliberation and in your consideration of the question of
25 guilt or the innocence of the defendant. It must not be

1 considered by you in any manner whatsoever. A defendant has a
2 constitutional right to remain silent, and the assertion of this
3 right must not be considered by you in your deliberations.

4 I repeat, under your oath, you are to draw no conclusion
5 whatsoever from the fact that the defendant did not testify. The
6 fact that the defendant did not testify should not even be
7 discussed in the jury room. The burden of proof, as I have
8 stated to you, is on the state. A defendant is not required to
9 prove his innocence. The burden of proof remains on the state to
10 prove guilt beyond a reasonable doubt.

11 In order to establish criminal liability, criminal intent is
12 required. For example, the mental state required to be proven by
13 the state for a particular crime might be purpose, intent,
14 knowledge, recklessness or criminal negligence. Criminal intent
15 must be proven by the state beyond a reasonable doubt. Criminal
16 intent is always a matter that must be determined by the jury
17 from the circumstances surrounding the situation. There is no
18 way to prove intent to a mathematical certainty. There is no way
19 medical science can dissect a person's brain and determine what
20 the person had in mind, so the law says that criminal intent
21 maybe inferred from the circumstances shown to have existed.

22 This is how you make a determination as to whether or not
23 the element requiring intent was present. It is not necessary to
24 establish intent by direct and positive evidence, but intent may
25 be established by inference in the same way as any other fact by

1 taking into consideration the acts of the parties and all of the
2 facts and circumstances of the case.

3 Criminal intent is a mental state, a conscious wrongdoing.
4 It is up to you to determine what the defendant intended to do
5 based upon the circumstances shown to have existed. Criminal
6 intent can arise from action or a failure to act, and may arise
7 from negligence, recklessness, or an indifference to duty or to
8 consequences that is considered, by law, to be the equivalent of
9 criminal intent.

10 The defendant is charged with assaulting a law enforcement
11 officer while resisting a lawful arrest. The state must prove
12 beyond a reasonable doubt that the defendant knowingly and
13 willfully assaulted, beat, or wounded a law enforcement officer
14 who was serving, executing or attempting to serve or execute a
15 legal writ or process, or the defendant assaulted, beat, or
16 wounded an officer when the defendant was resisting an arrest
17 being made by a person the defendant knew or reasonably should
18 have known was a law enforcement officer.

19 Knowingly means with knowledge, consciously done. Willfully
20 means was done intentionally and not done by accident.

21 An assault occurs when a person violently or forcefully
22 attempts to hurt or injure another person, and has the present
23 ability to complete the attempted injury.

24 An assault is the intentional creation of fear of immediate
25 bodily harm. It is not necessary that the attempted injury or

1 harm actually take place. For example, if I walk up to you, and
2 when we are within arm's reach I draw back to hit you, that is an
3 assault.

4 A battery is an unlawful touching of another by a person who
5 has committed the assault. An unlawful touching can be caused by
6 a part of the accused or by any object that the accused puts in
7 motion.

8 A battery is a completion of the assault by using or
9 applying force to another person, however slight, in a rude,
10 angry or resentful manner without legal justification for doing
11 so. Under my earlier example, if I carry through the assault by
12 hitting you, that is a battery.

13 A law enforcement officer means any duly appointed
14 commissioned law enforcement officer of state, county, or
15 municipality.

16 Ladies and gentlemen of the jury, your verdict must be a
17 unanimous verdict which, of course, means that all 12 of you must
18 agree on the verdict. And, ma'am, in the green shirt on the
19 front row, can I have your name please?

20 JUROR 286: Chasity Ramsey.

21 THE COURT: Ms. Ramsey, I'm going to appoint you as the jury
22 foreperson because you're sitting in that chair. It's a
23 scientific process, as you can tell. And you'll have the verdict
24 form, along with the indictment in the jury room with you.

25 And the verdict form is rather self-explanatory. It states,

1 as to the charge of assault, beat, or wounding a police officer
2 serving a process or while resisting arrest, we, the jury,
3 unanimously find the defendant, and then you circle the
4 appropriate verdict, sign and it, and it is dated.

5 You will also have the indictment in the jury room with you.
6 And on the front of the indictment there's a section here on the
7 front that says verdict. If you would write the appropriate
8 verdict, and sign and date as the foreperson.

9 If you would, I will ask you to go to the jury room. Please
10 do not begin your deliberations until you have the verdict form,
11 the indictment, and any exhibits. When you receive those, you
12 may begin your deliberations. And when you do come to a verdict,
13 please knock on the door, and we'll bring you back in to read
14 your verdict. Thank you.

15 THE DEPUTY/BAILIFF: You want to let the alternates go, too?

16 THE COURT: If you'll put the alternates in a separate room
17 other than the jury room.

18 THE DEPUTY/BAILIFF: Okay. Thank you, ma'am.

19 (Jury escorted out of the courtroom at 3:04 p.m.)

20 THE COURT: Are there any exceptions or objections to the
21 charge on the law from the state or the defense?

22 ATTORNEY SPEARS: Nothing, Your Honor.

23 ATTORNEY BARRETT: Nothing, Your Honor.

24 THE COURT: All right. If you'll make sure we have all the
25 exhibits. And don't go too far in case we have a verdict.

1 I need to release the alternates.

2 (Court recessed at 3:06 p.m.)

3 (Verdict form, Indictment, and exhibits go out to the jury
4 at 3:10 p.m.)

5 JURY QUESTION

6 (Court reconvened at 3:35 p.m., with defendant present.)

7 THE COURT: It's my understanding that the jury's having a
8 difficult time reviewing the CDs that were introduced into
9 evidence. So I proposed to both, if they were okay, with
10 bringing the jury out and playing them in the courtroom. Any
11 objection from either side?

12 ATTORNEY SPEARS: No, Your Honor.

13 ATTORNEY BARRETT: No, Your Honor.

14 THE COURT: All right. Let's have our jury, please.

15 (Court's Exhibit 2 is marked for identification.)

16 (Jury seated in the courtroom at 3:39 p.m.)

17 THE COURT: Welcome back, members of the jury. Madam
18 Forelady, I understand y'all are having a difficult time watching
19 the video.

20 THE FOREPERSON: Yes.

21 THE COURT: Would you all be okay if we just played it in
22 the courtroom? We can't send a different device back in the jury
23 room. Do y'all need all three.

24 THE FOREPERSON: Just the second video, I think, is where we
25 were.

1 THE COURT: So State's Exhibit No. 3, the bodycam, the
2 bodycam of the second officer; would that be correct?

3 THE FOREPERSON: Her testifying -- or, her video. I'm
4 sorry. The second one.

5 THE COURT: All right. We will play that.

6 ATTORNEY SPEARS: Just for clarification, Your Honor, I
7 think that's State's No. 2.

8 THE COURT: Correct. Ma'am, if it's the wrong one, just let
9 me know.

10 (State's Exhibit 2 is published to the jury.)

11 THE COURT: Madam Forelady, does that conclude what you all
12 needed to see?

13 THE FOREPERSON: Yes.

14 THE COURT: All right. Would you all please retire to your
15 jury room for deliberations. Thank you.

16 (Jury escorted out of the courtroom at 3:46 p.m.)

17 THE COURT: All right. We'll be in recess until the jury
18 runs with a verdict.

19 JURY QUESTION

20 (Court recessed at 3:46 p.m. and reconvened at 5:17 p.m.,
21 with defendant present.)

22 THE COURT: I received a note from the jury. And it says,
23 "We cannot decide unanimously." So, of course, I'll bring them
24 in here and give them an Allen charge. Any objection from either
25 the state or from the defense?

1 conviction, and you should not give up your firmly held beliefs
2 merely to be in agreement with your fellow jurors. The jury
3 should consider the minority's position, and the minority should
4 consider the majority's position. You should carefully consider
5 and respect the opinions of each other and re-evaluate your
6 position for reasonableness, correctness, and impartiality. You
7 must lay aside all outside matters and agree to examine the
8 questions before you based on the law and the evidence in this
9 case.

10 If you do that agree on a verdict in this case, I must
11 declare a mistrial. In that case it does not mean anybody wins;
12 it means that, at some point in a future time, I will try this
13 case with some other jury sitting where you now sit. The same
14 participants will come and the same lawyers will ask basically
15 the same questions and give basically the same answers, and we'll
16 go through the whole process again.

17 You were selected in the same manner and from the same
18 sources as any future jury will be, and there's no reason for me
19 to suppose that the case well ever been submitted to 12 more
20 intelligent, impartial, and conscientious, and competent jurors
21 than you, or that more or clearer evidence will be produced on
22 one side or the other.

23 I, therefore, ask you to return to your deliberations with
24 the hope that you can arrive at a verdict within a reasonable
25 time. Please return to your jury room to continue your

1 deliberations.

2 (Jury escorted out of the courtroom at 5:22 p.m.)

3 THE COURT: Any exceptions or objections on the charge of
4 the law from either the state or the defense?

5 ATTORNEY SPEARS: None, Your Honor.

6 ATTORNEY BARRETT: None, Your Honor.

7 THE COURT: We'll mark this as a Court's exhibit.

8 (Court's Exhibit 4 is marked for identification.)

9 (Court recessed at 5:23 p.m. and reconvened at 5:45 p.m.,
10 with defendant present.)

11 JURY QUESTION

12 THE COURT: Welcome back, ladies and gentlemen of the jury.
13 I'm in receipt of your question. Really, the best way to address
14 your question is to replay the officer's testimony, so we will
15 replay her testimony for you.

16 (Testimony of Victoria Beaudoin is replayed, via audio
17 recording, for the jury.)

18 THE COURT: Thank you, ladies and gentlemen of the jury. I
19 hope that answers your question. You may retire to your jury
20 room to continue your deliberations.

21 (Jury is escorted out of the courtroom at 6:19 p.m.)

22 THE COURT: We'll mark this last one as a Court's exhibit,
23 as well.

24 (Court's Exhibit 5 is marked for identification.)

25 THE COURT: It appears that we have a verdict. Anything

1 before we bring the jury out?

2 ATTORNEY SPEARS: Nothing, Your Honor.

3 ATTORNEY NIRAVONG: Nothing, Your Honor.

4 THE COURT: All right. Let's have our jury, please.

5 VERDICT

6 (Jury seated in the courtroom at 8:26 p.m.)

7 THE COURT: Madam Forelady, has the jury reached a verdict?

8 THE FOREPERSON: We have.

9 THE COURT: Would you please hand it to bailiff.

10 Madam Clerk, if you'd please publish the verdict.

11 CLERK OF COURT: Yes, ma'am. In the matter of the State of
12 South Carolina versus Anthony Morris, Indictment no.

13 2019-GS-18-00375, as to the charge of assault, beat, or wound
14 police officer serving process or while resisting arrest, we, the
15 jury, unanimously find the defendant guilty. Dated March 21st,
16 2022. Signed by Foreperson Chasity Ramsey.

17 THE COURT: Thank you, Madam Clerk. Does the defense wish
18 to poll the jury?

19 ATTORNEY NIRAVONG: Yes.

20 CLERK OF COURT: As I call your juror number and name, if
21 you'll please stand. Juror no. 323, Alexandra Smith. Was this
22 your verdict in the jury room?

23 JUROR 323: Yes.

24 CLERK OF COURT: Is it still your verdict?

25 JUROR 323: Yes.

1 CLERK OF COURT: Thank you. Juror no. 204, Heather Kline.
2 Was this your verdict in the jury room?

3 JUROR 204: Yes.

4 CLERK OF COURT: Is it still your verdict?

5 JUROR 204: Yes.

6 CLERK OF COURT: Thank you. Juror no. 268, Oliver Osorio.
7 Was this your verdict in the jury room?

8 JUROR 268: Yes.

9 CLERK OF COURT: Is it still your verdict?

10 JUROR 268: Yes.

11 CLERK OF COURT: Thank you. Juror no. 32, Katherine Bond.
12 Was this your verdict in the jury room?

13 JUROR 32: Yes.

14 CLERK OF COURT: Is it still your verdict?

15 JUROR 32: Yes.

16 CLERK OF COURT: Thank you. Jury. No. 403, Ashley Wright.
17 Was this your verdict in the jury room?

18 JUROR 403: Yes.

19 CLERK OF COURT: It still your verdict?

20 JUROR 403: Yes.

21 CLERK OF COURT: Thank you. Juror no. 175, Katherine
22 Stewart Howell. Was this your verdict in the jury room?

23 JUROR 175: Yes.

24 CLERK OF COURT: Is it still your verdict?

25 Juror 175: Yes.

1 CLERK OF COURT: Thank you. Juror no. 363, Gesualdo Vietri.
2 Was this your verdict in the jury room?

3 JUROR 363: Yes.

4 CLERK OF COURT: Is it still your verdict?

5 JUROR 363: Yes.

6 CLERK OF COURT: Thank you. Juror no 222, Scott Manchester.
7 Was this your verdict in the jury room?

8 JUROR 222: Yes.

9 CLERK OF COURT: Is it still your verdict?

10 JUROR 222: Yes.

11 CLERK OF COURT: Thank you. Juror no. 287, Michael Rhea.

12 Was this your verdict in the jury room?

13 JUROR 287: Yes.

14 CLERK OF COURT: Is it still your verdict?

15 JUROR 287: Yes.

16 CLERK OF COURT: Thank you. Jury. No. 275, James
17 Patterson. Was this your verdict in the jury room?

18 JUROR 275: Yes.

19 CLERK OF COURT: Is it still your verdict?

20 JUROR 275: Yes.

21 CLERK OF COURT: Thank you. Jury. No. 286, Chasity Ramsey.
22 Was this your verdict in the jury room?

23 JUROR 286: Yes.

24 CLERK OF COURT: Is it still your verdict?

25 JUROR 286: Yes.

1 CLERK OF COURT: Thank you. And Juror no. 305, Catherine
2 Sammons. Was this your verdict in the jury room?

3 JUROR 305: Yes.

4 CLERK OF COURT: Is it still your verdict?

5 JUROR 305: Yes.

6 CLERK OF COURT: Thank you.

7 THE COURT: Thank you, madam clerk.

8 Ladies and gentlemen of the jury, if you'd please retire to
9 your jury room, I'll be in there momentarily to release you.

10 (Jury escorted out of the courtroom at 6:30 p.m.)

11 (Court's Exhibit 3 is marked for identification.)

12 THE COURT: Solicitor, if you'd please prepare a sentencing
13 sheet.

14 ATTORNEY SPEARS: Yes, Your Honor.

15 THE COURT: Anything further before I release the jury, from
16 either party?

17 ATTORNEY SPEARS: Nothing from the state, Your Honor.

18 ATTORNEY BARRETT: Nothing, Your Honor.

19 THE COURT: I'll be right back.

20 (The Court leaves the courtroom temporarily and returns to
21 resume the bench.)

22 THE COURT: Solicitor, ready?

23 ATTORNEY SPEARS: Yes, Your Honor. I apologize. I was
24 making sure this was a violent crime -- it wasn't a violent
25 crime.

1 THE COURT: All right. Are the parties ready to proceed
2 with sentencing?

3 ATTORNEY BARRETT: Yes, Your Honor.

4 THE COURT: Yes, sir, solicitor.

5 ATTORNEY SPEARS: Your Honor, I've spoken about this case
6 with Ms. Beaudoin, and she's expressed to me from the git-go that
7 she thinks multiple years kind of far exceeds the crime; that she
8 does not want to ruin his life; she simply wants him to face what
9 he's done, and wanting to acknowledge what was done. That's why
10 we went so low with the plea offer.

11 I don't do this, but in this specific scenario the state
12 would request some sort of a split sentence, maybe a year,
13 followed by probation. The defense has told us that he is
14 attempting to get his life together, and Officer Beaudoin doesn't
15 want to ruin his life as punishment for this. She just wants
16 accountability for what he did to her that night.

17 THE COURT: Does the state have a restitution request as far
18 as the car?

19 ATTORNEY SPEARS: No, Your Honor.

20 THE COURT: Any prior record?

21 ATTORNEY SPEARS: None, Your Honor.

22 THE COURT: I'll be happy to hear from defense.

23 ATTORNEY NIRAVONG: Well, Your Honor, it's not so much the
24 fact that he's trying to get his life together. He has his life
25 together. You know, as bad as this looked or seemed to the jury

1 today, this was an isolated incident. It was one night that
2 whatever happened happened. I think he went through some
3 personal things, obviously.

4 I want to restate, he does have zero criminal history, Your
5 Honor. Prior to that, no incidences. In the three years since,
6 no incidences.

7 He's got two great jobs, professional jobs, one leading to
8 the next job, which is more than a job, it's a career, where he
9 has opportunity to build some decent wealth; professional wealth,
10 as well. He'll lose his job, Your Honor, if he goes in. As
11 simple as that. Everything he's worked for will go away.

12 He comes from a good family. He helps take care of his
13 parents. And I just, you know, anything -- I think, from today,
14 it's a harsh realization that he does take accountability through
15 what happened today.

16 Mike, do you have anything you want to add?

17 ATTORNEY BARRETT: Just to reiterate everything Mr. Niravong
18 just said, Your Honor. He's talked to us ad nauseam for the last
19 two weeks about this. He's been remorseful that this incident
20 even occurred, that night occurred. He's got a sparkling record
21 as far as criminal history goes.

22 He most likely, even if he receives probation, will loss
23 these jobs and have to start over again on his professional side
24 and career side to build himself back up. And that, in itself in
25 this day and age, is a huge obstacle to overcome, particularly

1 given the circumstances of the economy right now.

2 We would just ask for as much mercy as the Court can offer.

3 THE COURT: Anything further from anyone?

4 ATTORNEY SPEARS: Nothing, Your Honor.

5 ATTORNEY NIRAVONG: I think, Your Honor, you hear -- you
6 hear sometimes where there's that one guy, there's that one
7 person that you want to, you know, like, you can do this. But,
8 you know, this guy deserves it. This guy deserves a chance for,
9 you know, the mercy that you are able to give. I think,
10 certainly in all my time practicing, Anthony's it, you know. In
11 our line of work, we get a lot of people that don't deserve the
12 chance; that get more leniency than Anthony may or may not get
13 today. And Anthony deserves it. I mean, he's the one. I met
14 with him numerous times. I can't emphasize it anymore that this
15 is the guy that deserves that chance, Your Honor.

16 THE COURT: Anything further from anyone? All right.

17 SENTENCE OF THE COURT

18 ATTORNEY SPEARS: Well, Mr. Morris, people have nice things
19 to say about you. But they say that you've taken accountability
20 for your actions, but clearly you have not. You have not said a
21 word as far as apologizing to this officer for causing her
22 permanent hearing loss. You punched a female that's half the
23 size of you at least four times. There is no excuse for that.
24 You laughed at her. You degraded her.

25 Quite frankly, I don't think that warrants a probationary

1 sentence. I won't give you the maximum, but I'm certainly not
2 going to give you a probationary sentence considering the
3 circumstances of this crime.

4 On Indictment 2019-GS-18-0375, you are hereby committed to
5 the State Department of Corrections for a period of seven years.

6 DEPUTY/BAILIFF: Thank you, Your Honor.

7 (End of Transcript of Record)

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CERTIFICATE OF REPORTER

1
2 I, Cathy J. Provost, Official Court Reporter for the
3 Fourteenth Judicial Circuit of the State of South Carolina, do
4 hereby certify that the foregoing is a true, accurate and
5 complete Transcript of Record of the proceedings had and evidence
6 introduced in the trial/proceedings of the captioned case in the
7 Court of General Sessions for Dorchester County, South Carolina,
8 on the 21st day of March, 2022.

9 I do further certify that I am neither of kin, counsel, nor
10 interest to any party hereto.

11
12 Date: April 27, 2022

13
14 /s/ Cathy J. Provost
15 Cathy J. Provost, RMR
16 Official Circuit Reporter
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