

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Jasper County

Honorable Carmen T. Mullen, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

KAREEM STEVENSON,

APPELLANT

APPELLATE CASE NO. 2021-000417

RECORD ON APPEAL

SARAH E. SHIPE
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

DAVID SPENCER
Assistant Attorney General

PO Box 11549
Columbia, SC 29211
(803) 734-3727

ATTORNEY FOR APPELLANT

I. McDUFFIE STONE
Solicitor, Fourteenth Judicial Circuit

Post Office Box 1880
Bluffton, South Carolina 29910
(843) 255-5880

ATTORNEYS FOR RESPONDENT

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
COURT’S EXHIBIT #5 (DASH CAM DVD)**

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1 If you need anything, please tell Ms. Bostic, who is in
2 charge of this courthouse, or anyone who is with the
3 courthouse, and we will do whatever we can to rectify it.

4 So ladies and gentlemen, go out if you can and grab
5 a bite and be back in the courtroom by 1:30.

6 (Jury exits courtroom.)

7 * * *

8 PRETRIAL MOTIONS

9 * * *

10 THE COURT: Let's just go through the motions if we
11 can. Your first one is is to renew your Rule 5 Brady motion;
12 is that correct?

13 MR. WHETSEL: Yes, Your Honor. Prior to the court
14 week, I did send a copy of the proposed motions that we made
15 this morning. The first is just to renew Rule 5 for any Brady
16 or Giglio material. I do have a good working relationship with
17 Ms. Musser. I don't think she is holding anything back. Just
18 for the record, I want to make sure that any potential Brady or
19 Giglio impeachment material has been turned over to the
20 defense.

21 THE COURT: Has everything been turned over, Ms.
22 Musser?

23 MS. MUSSER: Yes, Your Honor.

24 THE COURT: Thank you.

25 THE COURT: You have taken care of the proposed

1 voir dire. Obviously, I did not read defense questions 10 -
2 13. I will put on the record that I don't think that's
3 appropriate. We made an exhibit for the record.

4 MR. WHETSEL: Yes, ma'am. Correct.

5 THE COURT: Motion to sequester witnesses.

6 MR. WHETSEL: As to the next Under Rule 615 we
7 would make a formal motion that would ask to sequester
8 witnesses.

9 THE COURT: Who is your case officer?

10 MS. MUSSER: It would be Hallie Godley. We would
11 just ask for reciprocal sequestration.

12 MR. WHETSEL: Ms. Stevenson is not a proposed
13 witness, except in the event of of potential sentencing, but
14 not as far as a fact witness. We would ask that she be allowed
15 to stay.

16 THE COURT: She may.

17 THE COURT: What about prior convictions?

18 MR. WHETSEL: Your Honor, that is just more -- if
19 we were able to take that up now. I don't know yet if
20 Mr. Stevenson may exercise his Constitutional right not to
21 testify. I just want to -- if we are able to clarify what, if
22 any, prior convictions may be admissible, that way we can
23 factor that in.

24 THE COURT: I understand. Do you have his rap
25 sheet?

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1 MS. MUSSER: I do, Your Honor.

2 THE COURT: How old is your client, Mr. Whetsel?

3 MR. WHETSEL: 35.

4 MS. MUSSER: He has a 2004, possession of less than
5 one gram of meth or cocaine base. Two years suspended to 18
6 months. 2007 CDV. 2013 assault and batter third, as well as
7 malicious injury to personal property. 2013 driving under
8 suspension. 2014 CDV where he received time served. 2016
9 driving under suspension.

10 MR. WHETSEL: Your Honor, based on Rule 609, I
11 don't think any of those convictions would qualify as far as
12 being allowed to impeach Mr. Stevenson. They don't carry more
13 than a year or they are outside the ten-year limit. As far as
14 any potential prior convictions for impeachment purposes, I
15 just want to settle that on the front end, if possible. I
16 understand Ms. Musser to say that he would have any convictions
17 that would be allowed to impeach him.

18 MS. MUSSER: Your Honor, the only one that I think
19 carries more than a year would be the malicious injury to
20 personal property from 2013.

21 THE COURT: Let's move on with the other motions.

22 MR. WHETSEL: Your Honor, the next would be a
23 suppression motion based on the underlying traffic stop.

24 I did send Your Honor a copy of the motion as well
25 the underlying videos and incident report that I will seek to

1 make Courts Exhibits at this point if that would be okay.

2 THE COURT: That would be great. I appreciate your
3 doing that.

4 MR. WHETSEL: Yes, ma'am. I don't think I need
5 Agent Godley to testify. Based on the recordings and the
6 video, I think we can agree on what the actual alleged traffic
7 violation is.

8 THE COURT: She said exactly what it was when she
9 told them when they first came around at the window.

10 MR. WHETSEL: I think it would just be a legal
11 argument at this point. If I could formally make my motion a
12 Court's exhibit as well as the incident report and Detective
13 Godley's body camera and her dash video as well as Court's
14 exhibits just for the purpose of the motion. If I could do
15 that.

16 MS. MUSSER: Your Honor, I also have all of the
17 videos on one disk. If they wanted to put that in as a Court's
18 exhibit. They are the same.

19 THE COURT: If that is okay.

20 MR. WHETSEL: Yes, ma'am. As long as the videos
21 are part of the essential part of the record, that would be
22 fine.

23 THE COURT: Just in looking at the argument, as far
24 as the suppression for the stop, I think you touched on Section
25 56-5-2120 where it talks about right turns. I believe that is

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1 what the violation was.

2 MR. WHETSEL: Yes, ma'am.

3 THE COURT: I believe that is what the violation
4 was. She said that he turned on to the highway. Am I correct
5 on that, Ms. Musser?

6 MS. MUSSER: That's correct. The State was going
7 to ask the Court to mark a copy of the warning issued to Mr.
8 Garrett as a Court's exhibit.

9 THE COURT: Certainly, you can make it a Court's
10 exhibit, but that's not going to the jury.

11 MS. MUSSER: No. Just for this suppression
12 hearing.

13 MR. WHETSEL: Can I make Detective Godley's dash
14 video as well as her body camera video provided by the State as
15 Court's exhibits. Just in support of my motion.

16 THE COURT: For the appellate record?

17 MR. WHETSEL: Yes, ma'am. If I could make a brief
18 argument.

19 THE COURT: Yes.

20 MR. WHETSEL: Your Honor, I know you have had an
21 opportunity to review the motion as well as the underlying
22 evidence as well. What it comes down to after review of Title
23 56 Chapter 5, which is our traffic statute here in South
24 Carolina.

25 There were only three that I could find that I

1 think could apply in this particular case. I know Your Honor
2 watched the video. I know you had an opportunity to read
3 Detective Godley's report as well as reviewing her body camera.

4 Essentially what happens is, there is a gray BMW.
5 Mr. Stevenson was a passenger in that BMW. The driver was a
6 gentleman named Demario Garrett. That BMW has shown on
7 Detective Godley's dash video as traveling directly in front of
8 her. The vehicle comes up to a stop sign, which is Highway 17,
9 right outside here in Ridgeland in Jasper County. You can see
10 clearly from the video the BMW comes up to the stop sign. It
11 gives the right-hand turning blinker. It does come to a
12 complete stop. The car at that point -- it pauses for a couple
13 of moments. It does make a right-hand turn onto 17.

14 You can see from the dash video as well as
15 Detective Godley's report and her subsequent conversation
16 during the traffic stop -- what happened is the vehicle as it
17 turns right makes that right-hand turn. Highway 17 is a
18 four-lane highway with a median in the middle. Two of those
19 lanes are going in the same direction. As the car makes that
20 right-hand turn, it goes from the exterior-most lane and
21 crosses into the interior-most lane. I think she refers to it
22 as Lane Number 1. I think that is just a designation they use.
23 The lane being closest to the median.

24 She then conducts a traffic stop and cites that as
25 the reason for the traffic stop. As far as what the alleged

1 violation is, I think it's apparent.

2 Here is the argument, Your Honor. Based on review
3 Title 56, Chapter 5, I do not find a statute that is directly
4 on point. There are three that I think could apply, but I
5 think that there are significant distinctions that -- I don't
6 think there was any particular violation that would then make
7 this a reasonable suspicion for a traffic stop. I know Your
8 Honor had a chance to review my motion, so I will keep this
9 brief.

10 The first being 565-1990A, which is driving on the
11 roadway in the lanes for traffic. In that particular
12 subsection, it requires a vehicle should be driven as nearly as
13 practical entirely within a single lane making, shall not be
14 moved from the lane until the driver has first ascertained that
15 such movement can be made with safety.

16 So that requires that the vehicle stay in the lane
17 and then can move, as long as they can ascertain the safety of
18 that lane change.

19 Based on the dash video as well as the verbal
20 reason that Detective Godley gave him to stop, I don't think
21 this applies. You can see as the vehicle approaches that
22 intersection, it comes to a complete stop and uses a turning
23 signal. You can see from the dash video there is no traffic
24 approaching where the BMW was at that time.

25 As it turns, the car then moves into the

1 interior-most lane and shortly thereafter, Detective Godley
2 makes the traffic stop. As far as just the plain reading of
3 the statute, I don't think that is a violation. That is the
4 argument from 1998.

5 The second is 565-2120 for position and method of
6 turning. This is talking specifically about right-hand turns,
7 which is the alleged violation if this were to apply. That is
8 right-hand turns. Both the approach for a right-hand turn and
9 a right turn shall be made as close as practical to the
10 right-hand curve or edge of the roadway.

11 So, again, that dash video -- not to reiterate the
12 point too much -- shows the vehicle approach the stop sign.
13 Complete stop. Turning signal. It is pointed in the
14 right-hand direction. It was close to the curve. In order to
15 make that turn, it is near that curve before it enters into the
16 interior-most lane.

17 Based on just the plain reading of the statute, the
18 language, I don't think that would be a violation either,
19 because it was near the edge of the roadway before entering
20 that interior-most lane.

21 Last, 565-2150, turning movements and required
22 signals. No person shall turn a vehicle, either right or left
23 upon a roadway, unless and until such movement could be made
24 with reasonable safety. More about giving an appropriate
25 signal provided for in this section. It talks about not using

1 turning signals. I will go back to that first argument that as
2 the BMW is making the right-hand turn, it does come to a
3 complete stop. It does use a turning signal. Objectively,
4 it's making a safe turn. As far as the plain reading of the
5 statute -- I know we are kind of nit-picking a little bit -- on
6 the plain reading of the statute, I don't think that would be a
7 violation either.

8 Now you are left with, what exactly is the violation?
9 I understand what the conduct was, but the argument is that it
10 doesn't fit within one of these statutes precisely. The reason
11 that is important is because -- I didn't cite this in my motion
12 and I should have -- talking about statutory destruction and
13 interpretation. The cardinal rule of statutory destruction is
14 to ascertain and effectuate the legislative intent.

15 What did the legislature mean? The Court should not
16 result to force destruction to motorists and the statute's
17 operation. I am citing State v. Jacobs, 393 SC 584.

18 Based on the plain reading of the three statutes
19 and the three that I think could apply because I don't see
20 another one that may apply. I don't think any of those were
21 directly violated. Because they were not directly violated, I
22 don't think there was reasonable suspicion for the traffic
23 violation. It would be an unreasonable stop. Because it was
24 unreasonable, at that point -- because the vehicle was stopped.
25 There is a seizure in the Fourth Amendment as well as Section

1 10 -- Section 10 of the South Carolina Constitution. Because
2 of that, at that point Mr. Stevenson is also seized. So that
3 underlying seizure is unlawful in the Fourth Amendment or
4 unlawful under the South Carolina Constitution. So any fruits
5 of that search should be excluded.

6 That would be the basis of the argument, Your
7 Honor. Thank you.

8 THE COURT: Ms. Musser.

9 MS. MUSSER: Thank you, Your Honor. With respect
10 to the Statute, the State contends that he violated the roadway
11 lane for traffic. If you recall in the video, you see that as
12 soon as he makes that right, he goes diagonally across Lane 1.
13 He doesn't enter the right-hand lane, travel for a bit, and
14 then move into the interior lane. He simply goes just right
15 diagonal.

16 So that would be violating roadway lanes far
17 traffic. Failing to maintain a lane. Additionally, he did not
18 put his turn signal on from the time he was in Lane 1 and going
19 into the left-hand lane or the interior lane. He didn't signal
20 when changing those lanes.

21 Additionally, the standard would be probable cause
22 if there was a traffic violation and certainly not beyond a
23 reasonable doubt. The State would also contend -- if you look
24 at Section 56-5-2150. Look at Subsection B. It says a single
25 unintentional to turn or move right or left with signal shall

1 be given continuously during not less than the last 100 feet
2 traveled by the vehicle before turning. He didn't use a turn
3 signal at all going immediately from the exterior lane to the
4 interior lane.

5 Even if the Court were to find that there was not
6 probable cause for the stop, which we think clearly that it
7 would. Even if you didn't, we would assert the defendant's
8 non-compliance with Officer Godley's instruction; meaning, she
9 is telling him to stay in the car. At first he undoes his seat
10 belt. He is like, I am going to get out. No, stay in the car.
11 You see on the video the defendant opens the door into her leg.
12 And then towards the end, it's almost like she is physically
13 holding. He is trying to get out the passenger-side window.
14 There is a struggle there.

15 We would assert under, in the interest of Jeremiah,
16 basically shows that even if the the stop is deemed unlawful,
17 if there is an intervening act of additional criminal conduct,
18 additional violations, that it would not be the fruit of the
19 poisonous tree from that stop because it was an intervening
20 criminal act. The Court cites State v. Nelson. It talks about
21 the policy interest in making sure that if there is a new crime
22 committed that there is no fruit of the poisonous tree.

23 So we would assert that his non-compliance with the
24 instructions would be failure to obey a lawful command of an
25 officer or potentially resisting arrest when he is opening the

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1 car door or potentially an assault when he is opening the car
2 door on her.

3 THE COURT: Mr. Whetsel, anything further?

4 MR. WHETSEL: Briefly, Your`Honor. I understand
5 counsel's argument. I think it could be distinguished for this
6 reason. In that moment though Mr. Stevenson seized from the
7 meaning of the Fourth Amendment, I don't think there was any
8 intervening act that would be criminal at that point that would
9 justify under this Jeremiah section.

10 I am going back to the underlying traffic stop. It
11 does not distinctly meet one of those three statutes. The
12 statute has to be strictly construed in favor of the defendant.
13 Because it does not strictly meet one of those three, that is
14 not a valid or a lawful traffic violation, a lawful stop based
15 on a valid traffic violation. There is not a reasonable
16 suspicion. There is not an objective manifestation as what is
17 required for a reasonable suspicion standard.

18 Because of that, there was not a lawful traffic
19 stop in this case. So anything that was recovered as a result
20 of this particular traffic stop should be suppressed.

21 THE COURT: I appreciate that. Well, I actually
22 think Section 56-5.170 Subsection A in regard to right-hand
23 turn, an appropriate right-turn shall be made as close as
24 possible to the right-hand curb or edge of the roadway infers
25 that you are turning into the nearest lane. Then once you are

1 going, you can go into Lane 1 if necessary or preferred.

2 I do think there was reasonable suspicion by the
3 officer of a traffic violation. Therefore, I do find that the
4 stop was Constitutional. So respectfully, I will deny your
5 motion to suppress.

6 MR. WHETSEL: Thank you, Your Honor.

7 THE COURT: Tell me again, Mr. Whetsel what was
8 found on him and what was found in the car?

9 MR. WHETSEL: There are four separate drug charges.
10 The only items that were reportedly found on Mr. Stevenson was
11 the heroin charge. Everything else was found in the vehicle
12 under the passenger's seat, except for the pills, which were in
13 a little brown container that was under the console area.

14 THE COURT: Just so I am clear, the heroin was
15 found on Mr. Stevenson's person?

16 MS. MUSSER: Yes, Your Honor.

17 MR. WHETSEL: What the evidence would show. Yes,
18 ma'am.

19 THE COURT: Let's go to the next motion. Motion to
20 determine admissibility of statements.

21 MR. WHETSEL: Yes, ma'am.

22 I sort of made this a combined motion, for lack of
23 a better term. It's sort of a Denno hearing, slash, motion in
24 limine, if you will. The reason being is that later in the
25 traffic stop Mr. Stevenson is provided with Miranda warnings.

1 He does make some statements -- depending on if the State
2 wishes to admit them -- could be prejudicial to him. I think
3 that would require a Denno hearing for that; however, there are
4 also statements contained within the video themselves that I
5 have made very specific objections to. I will ask Your Honor
6 again if I could make my motion a Court's exhibit as well as --
7 in the event that Ms. Musser wishes to introduce either
8 Detective Davis' body camera, Kellermeyer's body camera, the
9 dash video -- I can enter the dash cam as a Court's exhibit.
10 Detective Davis' and Detective Kellermeyers' -- I have those
11 burned, and I can make those Court's Exhibits. In the event
12 that those were to be put in, I will object assert the
13 statement, "As outlined in the motion."

14 THE COURT: Let me ask -- first off, which cams are
15 you putting in?

16 MS. MUSSER: Your Honor, we will be putting in all
17 three as well as the dash cam. It would be the body cam for
18 Detectives Godley, Davis, and Kellermeyer and then the dash
19 cam.

20 THE COURT: So it's -- because if you do end up
21 putting all three in there, you need to go through each one of
22 the redactions.

23 MS. MUSSER: Also, Your Honor, for the purposes of
24 Jackson v. Denno, the defendant also had a conversation with
25 Detective Godley subsequent to case. They were talking about

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1 his potential cooperation. The defendant admitted that he and
2 Garret just "re-upped" and they were on their way to Hilton
3 Head to sell the drugs.

4 MR. WHETSEL: The statement was not recorded in any
5 way. Ms. Musser in an email told me that.

6 THE COURT: So we definitely, need to put the
7 officer up.

8 MR. WHETSEL: Just for the record, Your Honor, may
9 I make my motion as well as Detective's Davis body camera and
10 Detective Kellermeyer's body camera Court's exhibits?

11 THE COURT: Yes.

12 MR. WHETSEL: Again, the video are what was turned
13 in by the State already. Detective Godley -- her body camera
14 and her dash video were already made Court's exhibits.

15 MS. MUSSER: It if makes things easier, with
16 respect to Mr. Whetsel's motion where -- in Detective Godley's
17 video where there was a conversation about the car being pulled
18 over. I already have that redacted. That one we agreed would
19 come in. There is already a redacted version of that video.
20 It just has to be burned to a disk.

21 I didn't go through the other one, because I didn't
22 know what Your Honor's ruling would be at this particular
23 point. So we do agree that that one section would come out.

24 THE COURT: My question is, is it better for us to
25 go ahead and do the Jackson v. Denno at this point and then

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1 then talk about the statements and then go back to this?

2 MS. MUSSER: However Your Honor please. That makes
3 sense to me.

4 MR. WHETSEL: That would be fine. Just to
5 establish the fact that if Miranda was given, if it was valid,
6 we need to clarify that for the record. Then we can move into
7 the other objections that are largely based on the rules of
8 evidence. If we can figure it out ahead of time, it prevents
9 me from having to object essentially over and over again in
10 front of the jury.

11 THE COURT: I understand. Okay. Let's do this.
12 Go ahead and call your first witness. Just give me one minute.
13 I just need to run back a quick minute, and I will be right
14 back or you guys can take one minute as well. Just be quick.
15 Don't smoke. Okay. Yes, we need a break.

16 (Recess).

17 * * *

18 PROCEEDINGS CONTINUED

19 * * *

20 THE COURT: Ms. Musser, go ahead and call your
21 officers, please.

22 MS. MUSSER: Your Honor, the State calls Detective
23 Godley. For the purpose of questioning, may I remove my mask?

24 THE COURT: What we are going to do is this. We are going to
25 bring her up here. She keeps her mask on. Margaret swears her

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1 in with her mask on. Then when she takes her seat, she takes
2 her mask off.

3 Is that okay with you?

4 MS. MUSSER: Yes. That's fine. Thank you, Your
5 Honor.

6 * * *

7 HALLIE GODLEY,

8 being first duly sworn testified as follows:

9 * * *

10 VOIR DIRE EXAMINATION

11 BY MS. MUSSER:

12 Q. Detective Godley. Just briefly -- I will put some
13 of the facts on the record. This is the Jackson v. Denno
14 hearing. We are mostly going to be concerned with some of the
15 statements.

16 For the record, what is your occupation?

17 A. I currently work for SLED narcotics. I am a
18 special agent investigator over in narcotics.

19 Q. How long have you worked there?

20 A. I have been with SLED for two-and-a-half years.

21 Q. Before you were with SLED, where did you work?

22 A. Jasper County Sheriff's Office.

23 Q. How long were you with the Sheriff's Office?

24 A. Roughly a year and three months.

25 Q. During that time, do you recall if you were working

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1 on June 11, 2018, at approximately 3:15 p.m.

2 A. I was.

3 Q. What were you doing at that time?

4 A. Patrolling Ridgeland area.

5 Q. At some point did you make any observation -- did
6 you have an occasion to be on Smith Crossing?

7 A. I did.

8 Q. Originally, before this incident, which way were
9 you headed?

10 A. Toward the bridge.

11 Q. At some point did you turn around?

12 A. I did.

13 Q. After seeing something or just Because of your
14 regular patrol?

15 A. Just regular patrol.

16 Q. Once you turned around, did any vehicles come into
17 your view that you took notice of?

18 A. It did.

19 Q. What type of vehicle was it?

20 A. A BMW.

21 Q. Where was the vehicle in relation to where you
22 were?

23 A. Directly in front of me.

24 Q. What did you see the vehicle do?

25 A. The vehicle approached the stop sign at US 17, at

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1 Smith Crossing, and made a right turn onto 17 South. It
2 immediately entered the furthest lane from it as it turned.

3 Q. As a result of seeing that, what did you do?

4 A. Initiated a traffic stop.

5 Q. What was the basis for that stop?

6 A. Improper turn.

7 Q. Once the car pulled over, did you get out of your
8 patrol vehicle?

9 A. I did.

10 Q. Where was your patrol vehicle located in relation
11 to the car?

12 A. Directly behind it.

13 Q. Which side of the vehicle did you approach?

14 A. The passenger's side.

15 Q. How many occupants were in the vehicle?

16 A. Two.

17 Q. Did you have any interaction with the two
18 individuals?

19 A. I did. I conducted a normal traffic stop.

20 Q. Did you determine the identity of the driver?

21 A. I did.

22 Q. What was the driver's name?

23 A. Demario Garret.

24 Q. Did you determine the identity of the passenger?

25 A. I did.

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1 Q. What was his name?

2 A. Kareem Stevenson.

3 Q. Do you see him in court today?

4 A. I do.

5 Q. Would you please point out what he is wearing.

6 A. Blue shirt. Sitting beside Dustin.

7 MS. MUSSER: Your Honor, may the record reflect
8 in-court identification of the defendant.

9 THE COURT: Yes.

10 BY MS. MUSSER:

11 Q. Did you have a conversation with the defendant?

12 Let me ask this another way.

13 What happened when you asked for the license and insurance
14 information on the vehicle?

15 A. Mr. Stevenson immediately reached over, turned the
16 car off, grabbed the keys out of the ignition -- he turned the
17 car off and put the key into the glovebox to unlock it. He
18 immediately retrieved the vehicle's paperwork from within.

19 Q. At what point -- did you make further observations
20 as far as things that you were smelling at that point?

21 A. I did.

22 Q. What did you observe?

23 A. I detected an odor of marijuana emitting from the
24 vehicle.

25 Q. After noticing that odor of marijuana, what, if

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1 anything, did you say?

2 A. I asked the occupants if they had any marijuana
3 with them. Mr. Stevenson advised they had smoked earlier.

4 Q. Do you recall what his exact words were?

5 A. Not exactly.

6 Q. You were clear at that point that he was indicating
7 that they had smoked marijuana earlier?

8 A. Correct.

9 Q. At that point since this was just the initial part
10 of the traffic stop, had Miranda warnings been given?

11 A. No, ma'am.

12 Q. At that point was the defendant -- had he been
13 arrested?

14 A. He had not.

15 Q. As a result of that indication from the defendant,
16 did you request assistance from other officers?

17 A. I requested assistance due to the odor itself
18 paired with the statement.

19 Q. While you were waiting for the other officers to
20 arrive, what did the defendant say, if anything, to Mr. Garret?

21 A. He advised Mr. Garrett to leave the traffic stop,
22 to crank up and leave.

23 Q. Did he say anything else that you are aware of?

24 A. Just kept telling him to go. Mr. Stevenson took
25 off his seat belt and attempted to exit the vehicle.

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1 Q. At some point did the defendant attempt to out of
2 the driver's side?

3 A. He did.

4 Q. Did he say anything in relation to Mr. Garrett to
5 help him accomplish that?

6 A. He did. He told him to leave.

7 Q. At that point what instructions were you giving to
8 the driver?

9 A. I told him not to listen and to stay put.

10 Q. Did you also give that instruction to the
11 defendant?

12 A. I did.

13 Q. Did he comply?

14 A. He did not.

15 Q. At some point did the defendant attempt to come out
16 of the passenger's side window?

17 A. He did.

18 Q. Were you -- what conversations were you having with
19 him at all at than point?

20 A. I was just telling him to stop. I knew that there
21 was assistance -- additional units coming. As I pulled up, he
22 tried to come out the window onto me to flee from the vehicle.

23 Q. Was he saying anything at that point?

24 A. I don't believe so.

25 Q. At some point during this interaction, did you

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1 locate narcotics?

2 A. I do.

3 Q. Did Detective Davis locate narcotics?

4 A. He does.

5 Q. Was the defendant arrested?

6 A. Yes.

7 Q. To your knowledge, was he Mirandized on scene?

8 A. Yes, ma'am.

9 At some point after this -- he was taken to the
10 Jasper County Detention Center.

11 A. Correct.

12 Q. What happened with respect to communication that
13 you potentially received from the defendant that happened after
14 this arrest?

15 A. He put in a request to speak to myself and
16 Detective Davis.

17 Q. Was that something that happened somewhat
18 frequently or -- during your experience when somebody that was
19 at the detention center would want to speak to law enforcement,
20 how would they accomplish that?

21 A. They fill out a communication form and turn it over
22 to the jail staff, which would then be turned over to the
23 sheriff's office and turned over to the appropriate personnel.

24 Q. At some point, was this communication handed off to
25 you?

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1 A. It was.

2 Q. As a result of that, what did you do?

3 A. Myself and Detective Davis went to the detention
4 center. We picked up Mr. Stevenson and brought him back to the
5 field office to interview him.

6 Q. On scene, you were not the person who gave the
7 defendant his Miranda warnings; correct?

8 A. Correct.

9 Q. You did have some level of interaction with him.
10 Was there anything that made you think that he wasn't
11 intelligently cognizant of what was going on?

12 A. No.

13 Q. Did he have appropriate level responses to your
14 initial questions?

15 A. He did.

16 Q. Was there anything that made you think that he had
17 any kind of mental deficiency?

18 A. No, ma'am.

19 Q. Did he appear under the influence of alcohol or a
20 controlled substance on the scene that day?

21 A. He did not.

22 Q. Approximately how old is the defendant?

23 A. Roughly in his 30s.

24 Q. Did you and Detective Davis go to the detention
25 center to pick up Mr. Stevenson?

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1 A. We did.

2 Q. As a result of that, did you have a conversation
3 with him?

4 A. We did.

5 Q. At that point, did he appear to be under the
6 influence of alcohol or a controlled substance?

7 A. No.

8 Q. Was there anything to indicate to you that he was
9 not understanding what was going on?

10 A. No, ma'am.

11 Q. Was there any conversation you had that wasn't
12 appropriate, as far as questions or answers on his behalf?

13 A. No, ma'am.

14 Q. Once you brought him back, did you have a
15 conversation with the defendant regarding his potential
16 cooperation?

17 A. We did.

18 Q. What was the nature of that conversation?

19 A. Mr. Stevenson advised that he needed help with his
20 criminal charges. He gave us information that he and
21 Mr. Garret had just re-upped, which that means gathered up.
22 Supply narcotics to someone. He said they had just re-upped
23 and they were going to Hilton Head to start distributing it.

24 Q. Do you recall if he specified where on Hilton Head?

25 A. I believe it was Muddy Creek.

1 Q. About how long was this interview with the
2 defendant?

3 A. Approximately 30 minutes.

4 Q. During that time -- you` said that he had indicated
5 that he wanted help with those charges. In your experience
6 with the sheriff's office, how would somebody work off their
7 charges?

8 A. They would make controlled purchases with money
9 supplied by the sheriff's office according to sheriff's office
10 procedures.

11 Q. Did the defendant ever do anything? Did he do any
12 buys for you?

13 A. He did not.

14 Q. Did you hear from him at all after he was released
15 from custody on bond?

16 A. We did not.

17 Q. Were there any promises made to the Defendant as a
18 result of this conversation with respect to those charges?

19 A. The only thing we did mention was the bond he was
20 given if he couldn't make that we could potentially assist him
21 with getting a lower bond, but we could not get the charges
22 thrown out.

23 Q. Did you indicate if he did, in fact, do any of
24 these buys that at best you would be able to talk to the
25 Solicitor's office?

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1 A. We did.

2 Q. At the time that he admitted that they had just
3 gotten another supply and were on their way to Hilton Head, was
4 there any showing of force in that room?

5 A. There was not.

6 Q. Where did the interview take place?

7 A. In the first interview room in the investigation
8 building.

9 Q. Was he physically assaulted in any way?

10 A. No, ma'am.

11 Q. What was his demeanor? Did he appear to be under
12 any emotional distress to the point that he would not have
13 either recognized what he was doing or that it wouldn't be
14 voluntary?

15 A. No, ma'am.

16 MS. MUSSER: Your Honor, I don't have anything
17 further at this time. Thank you.

18 THE COURT: Okay.

19 MR. WHETSEL: Court's indulgence, Your Honor.

20 THE COURT: Yes, sir.

21 MR. WHETSEL: For the purpose of the Denno hearing,
22 I do not have any questions for Detective Godley.

23 THE COURT: Okay. You may step down. Thank you.

24 Do you have any other witnesses, Solicitor?

25 MS. MUSSER: Yes, Your Honor. The State would call

1 (Court's Exhibits 1 - 10 were admitted into
2 evidence.)

3 (Luncheon recess.)

4 * * *

5 PROCEEDINGS CONTINUED

6 * * *

7 (Jury enters courtroom.)

8 THE COURT: Thank you.

9 Ladies and gentlemen, to begin, welcome back. I
10 hope you all grabbed a bite to eat. For scheduling purposes
11 there are a few things I want to tell you. What we are going
12 to do is opening statements today. I will send you home and
13 start back up tomorrow morning. With that said, Margaret will
14 swear you all in.

15 (Jury duly sworn and empanelled.)

16 THE COURT: Ladies and gentlemen, right now what I
17 am going to tell you is intended to serve as an introduction to
18 the trial of this case. These remarks are not a charge on the
19 law that is applicable to the case. I will charge you on the
20 law to be applied to the facts in this case after you have
21 heard all the evidence and right before you go back to your
22 jury room to deliberate. Because there are so many things up
23 in front of us these days, I will stand and talk to you. I
24 hope you can see me and everyone can understand what is going
25 on.

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1 Ladies and gentlemen, at this time, the defendant
2 is charged by what are called bills of indictment with the
3 offenses of trafficking in heroin, four grams or more, less
4 than 14 grams. Trafficking in cocaine base, 10 grams or more
5 but less than 28 grams. Possession of cocaine and possession
6 of methamphetamine.

7 Ladies and gentlemen, these indictments are simply
8 the charges by which a case is brought into the courtroom.
9 They are not in any sense evidence of any of the allegations
10 that they contain. The defendant in this case, Mr. Stevenson,
11 has pled not guilty to these indictments. Therefore, the State
12 has the burden of proving each of the elements of the crimes
13 charged beyond a reasonable doubt.

14 It's your duty, ladies and gentlemen of the jury,
15 to determine whether or not the State has met their burden.
16 Your purpose as jurors is to find and determine facts. You the
17 jury are the sole judges of any facts in this case, and I am as
18 the presiding judge, the judge of the law which is to be
19 applied in this case.

20 If at any time I make any comment regarding the
21 facts in this case, please disregard those comments. The facts
22 are determined from the testimony you will hear right from the
23 witness stand, as well as any other evidence that is introduced
24 during the trial of this case.

25 It is especially important that you perform your

1 duty diligently and conscientiously. Ordinarily, there is no
2 way to correct the erroneous verdict of a jury. With equal
3 emphasis, the same law that you makes the judge of the facts
4 makes me the judge of the law.

5 Ladies and gentlemen, you must accept and follow
6 the law exactly as I give it to you. I cannot tell you what
7 the facts of this case are, and you cannot disagree with me
8 about what the law is or what you think the law should be.

9 Your job is at the end of the trial is to apply the
10 evidence you have heard and apply it to the facts as you the
11 jury find them to be and from there render a true and just
12 verdict.

13 Now, until I tell you to begin your deliberations at the
14 very end of the trial, you are not to discuss this case with
15 anyone: family members, friends, colleagues, or each other
16 until I send you back to the jury room to begin your
17 deliberations. You may only discuss it back in your jury room.
18 I don't think there will be any the newspaper or news or on the
19 radio about this case. I am required to tell you for any
20 reason, there is any type of news about the case you should
21 inadvertently see, please disregard it and move on and do not
22 read it. It's not factual, and it is almost always not the
23 complete truth. You will have everything you need to determine
24 the facts of this case right here in the courtroom. Again, it
25 will be highly improper for anyone to try to influence you by

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1 discussing the case.

2 Now, ladies and gentlemen, I want you to understand that
3 in just a moment the solicitor will make what is called an
4 opening statement and the defense attorney is also going to
5 make an opening statement, although he is not required to do
6 so. What I want to make you understand is that what the
7 lawyers are telling you in the opening statements is not
8 evidence in this case. It's just what they believe the
9 evidence is going to show.

10 The evidence comes from the witness stand, from the
11 testimony as well as other physical evidence. I want you to
12 know from time to time during the trial you may hear the the
13 solicitor or the defendant's attorney say, Your Honor, may we
14 approach. I will have them come and talk to me at the side
15 bar. I might even say, ladies and gentlemen of the jury, I
16 will send you back to the jury room. We are not hiding
17 anything from you. We are merely discussing whether or not
18 certain testimony is admitted. If I make a comment on the
19 facts of this case, please disregard it. I would never want
20 anything I do or say to influence you. That is why we do these
21 discussions outside of your presence.

22 Now, in determining what the true facts are in the
23 case, you must decide whether or not the testimony of the
24 witness is believable. It's my responsibility to rule as a
25 matter of law whether or not certain testimony is admitted.

1 Once it's admitted, it is up to you to determine what weight
2 you will give that piece of evidence.

3 In deciding whether to believe a witness, you have
4 the right to consider the interest of any witness, the bias of
5 that witness, or the prejudice of that witness and the
6 opportunity that witness had to have heard or seen or somehow
7 sensed anything about which that witness testified. You may
8 look at the way the witness acts on the witness stand. You
9 have the right to use anything in the record to help you
10 evaluate the testimony of a witness.

11 Because this is going to be a fairly short trial, I
12 will ask that you not take notes. Just sit back when the
13 witnesses are presented, listen to the testimony, and at the
14 end of the trial accurately remember what they testified to.

15 In order to preserve everyone's rights, I will ask
16 the attorneys if they have any objections to my opening
17 comments.

18 MS. MUSSER: Not from the State.

19 THE COURT: From the defense?

20 MR. WHETSEL: No, Your Honor.

21 THE COURT: All right. We will go ahead and hear
22 the opening statements from the attorneys.

23 * * *

24 OPENING STATEMENT BY MS. MUSSER

25 MS. MUSSER: Thank you, Your Honor. May it please

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1 the Court, Mr. Whetsel. Good afternoon, ladies and gentlemen.
2 As Detective Godley got ready for work for her shift with the
3 Jasper County Sheriff's Office on June 11, 2018, she put on her
4 uniform, put on her vest, made sure she had a radio and she
5 headed out to begin her shift. At that time she had no way of
6 knowing that later that day she would would arrest Kareem
7 Stevenson, the defendant in this case, for trafficking in
8 heroin found in his pocket as well as trafficking in cocaine
9 base, and possession with intent to distribute cocaine, and
10 simple possession of meth.

11 Members of the jury, South Carolina has very
12 straight-forward laws when it comes to trafficking controlled
13 substance. Judge Mullen, at the end of the trial, is going to
14 give you all of the law that you need to decide this case.
15 What she says governs what you need to arrive at a verdict.

16 when you hear the instructions, there are two things
17 that the State of South Carolina has to prove in order for
18 someone to be convicted of trafficking, and that is and weight;
19 possession and weight. In other words, the evidence entered in
20 this case will show that the heroin possessed by the defendant
21 it was found in his left-front pants pocket.

22 Other drugs were found in the area in which he had
23 access and control and he exercised control over those drugs.

24 Once the State proves that a defendant possessed the
25 drugs and that they are a certain weight, that true weight of

1 the drugs will prove the defendant is guilty of trafficking.
2 If you find the facts set forth by the State to be truthful and
3 accurate, you will have what you need for a conviction.

4 This case started when Detective Godly was on
5 patrol, and she saw a gray BMW at Smith Crossing and Highway
6 17. She was behind the car when she saw it make an illegal
7 turn. With that, she stopped the car and found a man by the
8 name of Demario Garret to be the driver and the defendant,
9 Kareem Stevenson was in the passenger's seat.

10 The evidence will show that when she asked as part
11 of routine stop for the registration and insurance, it was the
12 defendant sitting in the passenger's seat that reached over to
13 where the keys where, turned and took the keys out of the
14 ignition and then opened the glove box and handed Detective
15 Godly the information.

16 The evidence will show at that point Detective
17 Godly smelled marijuana in the car. At that point things
18 started becoming very bad turn for the defendant. She told the
19 defendant and Mr. Garret that her backup was going to come and
20 they were going to search the car. It was at that point when
21 this defendant tried to run. The evidence will show he undid
22 his seat belt and told Detective Godley, I am going to get out.
23 She said, no you are not.

24 He tried to get out of the driver's side to run.
25 Let's go. Crank it up. He then tried to go out the driver's

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1 side window. Detective Godley grabbed him. When the backup
2 officers arrived, the evidence will show, that the defendant
3 was halfway out the passenger's window trying to get away from
4 Detective Godly.

5 Once the defendant was secured and in custody, the
6 evidence will show that Detective Davis searched the Defendant,
7 patted him down, and pulled out the heroin out of his
8 left-front pants pocket, which is a trafficking weight. The
9 evidence will show underneath where the defendant was sitting
10 was a cigarette pack found by Detective Godly, which had the
11 trafficking weight of cocaine base and cocaine in it.

12 That the meth was in pill form, and it was found in
13 the center console. We would ask you to listen very carefully
14 to the evidence in the context of the common sense, logic, and
15 life experience that you brought with you today -- those
16 characteristics and those abilities don't fly out the window
17 just because you put on a jury pin.

18 I suggest to you that after you have heard ALL the
19 evidence, you will find the defendant guilty of all the
20 charges. There will be two things that were abundantly clear
21 from the evidence; that the defendant possessed the heroin in
22 his pocket and the weight was trafficking weight. Same with
23 the cocaine and meth. Possession, plus weight equals
24 trafficking. Thank you.

25 THE COURT: Mr. Whetsel.

* * *

OPENING STATEMENT OF MR. WHETSEL

MR. WHETSEL: May it please the Court, Your Honor.

THE COURT: Yes, sir.

MR. WHETSEL: Good afternoon, ladies and gentlemen.

Hopefully you can see me okay. I can see everybody else okay.

My name is Dustin Whetsel. I represent Mr. Kareem Stevenson.

As Your Honor has already told you and will tell you again at

the end of the trial that as he sits here today, Kareem

Stevenson is presumed innocent.

No one walks into a courtroom after pleading not guilty in a trial and is presumed to be guilty. You are always presumed innocent. It's only until the State proves beyond a reasonable doubt that somebody is guilty of whatever the charge the State has brought against him. That is an important concept here in our legal system, one we all enjoy as well as Mr. Stevenson enjoys as he sits there right now. Thank you for being here. Because of COVID, we haven't had a jury trial in over a year. We're not able to do our work without you being here. You may not fully grasp how important it is that you are sitting here as jurors to hear this case. It's vitally important. And, again, thank you.

It's not only important to the State, it's important to Mr. Stevenson. As he sits there right now, he is presumed an innocent man. It's important that you hear the

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1 evidence and only then, only if you find beyond a reasonable
2 doubt that he is guilty can you convict him.

3 Up until now, he has essentially sat there with
4 these charges hanging over his head. Now he has an opportunity
5 to have his day in Court, as I have said.

6 Some of you folks said during the voir dire as we
7 were asking you questions, you may have been jurors before or
8 you watch it on TV, then you have a sense of how this goes.
9 What happens in Court today and tomorrow may be a little bit
10 different than what you are used to. Eye few things that will
11 sound familiar. The State must be able to prove their case,
12 ladies and gentlemen. It's important, vitally important, that
13 you wait and you hear all of the evidence. You wait and you
14 hear all of the questions and all of the answers.

15 As Your Honor will tell you, you are not allowed to
16 deliberate or discuss the case, until, only until she gives you
17 the case and tells you that you can deliberate. That is the
18 vitally important reason. At first glance, you may think to
19 yourself, they didn't prove their case. You haven't heard all
20 the questions or answers.

21 Something else, sometimes what you don't hear,
22 sometimes the evidence that you don't receive can be as
23 important or maybe even more important in the evidence
24 presented. You may think to yourself, why didn't anybody talk
25 about that? Or where was this? These are all important

1 considerations to take in during deliberations. And only until
2 you have heard everything and heard all the questions and heard
3 all the evidence, and you give it weight and consideration and
4 see exactly what the State produces.

5 The State must prove their case beyond a reasonable
6 doubt. That is a vitally important part of our judicial
7 system. Ladies and gentlemen, you may think to yourselves,
8 what is a reasonable doubt? You may have heard that term
9 before. Your Honor will charge you on the definition of beyond
10 a reasonable doubt.

11 To prove beyond a reasonable doubt is not simple.
12 A reasonable doubt is the kind that would cause a reasonable
13 person to hesitate to act. In other words, it's proof that
14 leaves you firmly convinced of someone's guilt. That is
15 important to remember when you weigh the evidence, when you
16 look at the evidence presented or the lack thereof. Look at
17 the evidence that wasn't presented, look at if the State has
18 proven their case beyond a reasonable doubt.

19 As Mr. Stevenson sits there, he is presumed an
20 innocent man. And only if the State is able to prove these
21 charges beyond a reasonable doubt can the jury determine his
22 guilt. So it's vitally important when you hear the evidence
23 that you weigh the evidence, that you listen to all the
24 evidence or lack thereof.

25 Ladies and gentlemen, as you have already heard,

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1 this will likely not be a long case, as far as duration of
2 time, but it's important to the State. It's vitally important
3 to Mr. Stevenson. As he sits right there, it's important that
4 he receives a fair trial from a jury of his peers in the
5 community.

6 That is exactly what you must consider when you
7 render a verdict. At the end of the case, Ms. Musser will get
8 an opportunity to address you again, as will I. We will
9 discuss the evidence or lack thereof, and we will make certain
10 you have everything you need to reach a verdict. I suspect
11 after you have heard all the evidence or what you didn't
12 hear -- you may come away with more questions than answers that
13 may lend itself to what you think in your mind is a reasonable
14 doubt. At the end, I will come back back to you, and I will
15 ask that you find Mr. Stevenson not guilty of these charges.
16 Thank you.

17 THE COURT: Thank you.

18 All right, ladies and gentlemen. Because we do
19 have to go ahead and break for the day. The attorneys and I
20 have a little bit more work to do before we begin with the
21 evidence tomorrow morning. I will ask that you all be back in
22 the morning at 9:30 tomorrow morning.

23 I can tell you this. In talking to the attorneys,
24 they are streamlining the case, and I do believe that we will
25 be able to get the case finished tomorrow. That is what our

1 STATE OF SOUTH CAROLINA IN THE COURT OF GENERAL SESSIONS
COUNTY OF BEAUFORT FOURTEENTH JUDICIAL CIRCUIT

3 STATE OF SOUTH CAROLINA,

5 vs. CASES NO.: 2018-GS-27-00444
-447

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Defendant.

11 HEARING BEFORE: THE HONORABLE CARMEN T. MULLEN

12 DATE: APRIL 13, 2021

LOCATION: JASPER COUNTY COURTHOUSE

15 TRANSCRIBED BY: KYMBERLEE M. WILLIAMS, CSR/RPR

17 APPEARANCES:

18 FOR THE STATE OF SOUTH CAROLINA

19 LYNORR MUSSER, ESQ.
SAMANTHA MOLINA, ESQ.
20 JASPER COUNTY SOLICITOR'S OFFICE
305 RUSSELL STREET
21 RIDGELAND, SOUTH CAROLINA 29936

FOR THE DEFENDANT

23 DUSTIN WHETSEL, ESQ.
24 CAROLYN CARMODY, ESQ.
265 RUSSELL STREET
25 RIDGELAND, SOUTH CAROLINA 29936

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1 PROCEEDINGS

2 * * *

3 MONDAY, APRIL 12, 2021

4 BEAUFORT, SOUTH CAROLINA

5 * * *

6 THE COURT: Good morning, ladies and gentlemen. I
7 trust you all had a good evening.

8 We will now go ahead and begin with the witnesses
9 in this case. If the State will call its first witness.

10 THE COURT: Whenever you are ready

11 MS. MUSSER: Thank you, Your Honor. May it please
12 the Court

13 THE COURT: Yes, ma'am

14 MS. MUSSER: The State calls Raymond Davis.

15 * * *

16 RAYMOND DAVIS,

17 being first duly sworn, testified as follows

18 * * *

19 DIRECT EXAMINATION

20 BY MS. MUSSER:

21 Q. Good morning.

22 A. Good morning.

23 Q. Officer Davis, can you please tell us where you're
24 employed.

25 A. Employed with the Colleton County Sheriff's Office.

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1 Q. What do you do for the Colleton County Sheriff's
2 Office?

3 A. I am a patrol officer with the K-9.

4 MR. WHETSEL: Your Honor, I apologize. Is there any
5 way we can maybe move that monitor a little bit?

6 THE COURT: I didn't realize. Thank you. Is that
7 okay?

8 MR. WHETSEL: Yes, ma'am. Thank you.

9 BY MS. MUSSER:

10 Q. I'm sorry. What do you do for the Sheriff's Office
11 of Colleton County?

12 A. Road patrol with my personal K-9, who I contract
13 through the county to be able to use.

14 Q. I'm going to ask you to speak up. I think the
15 plexiglass -- thank you.

16 How long have you been with the Colleton County
17 Sheriff's Office?

18 A. I just started back the 29th of December in '20.

19 Q. When you say you started back, where were you
20 before that?

21 A. I was with Richland County Police Department for
22 about two or three months.

23 Q. Before that, where were you employed?

24 A. Jasper County Sheriff's Office.

25 Q. When did you start at the Jasper County Sheriff's

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1 Office?

2 A. 2017.

3 Q. You were there from 2017 to 2020. Do I have right?

4 A. Correct.

5 Q. Were you employed in law enforcement before you
6 started with Jasper County Sheriff's Office?

7 A. Yes, ma'am. I started my career in Colleton.

8 Q. When did you start?

9 A. 2015.

10 Q. So you've been an officer from 2015 to the present?

11 A. To the present. Correct.

12 Q. What unit were you assigned to with the Jasper
13 County Sheriff's Office?

14 A. It was labeled the Crime Suppression Unit. It was
15 abbreviated CSU.

16 Q. CSU?

17 A. Uh-huh.

18 Q. So what were some of your responsibilities while
19 you were in that unit?

20 A. It was focused on narcotics, violent crime, and I
21 would like to say basically the Sheriff's go-to team with any
22 kind of -- we had a slew of car break-ins there for awhile, so
23 we were assigned to that. We got that figured out. Any and
24 everything that became a problem in the community or county.

25 Q. During the course of your training and experience,

1 have you become familiar with controlled substances?

2 A. Absolutely.

3 Q. Are you able to recognize the different types of
4 controlled substances, specifically heroin, cocaine base,
5 commonly called crack, as well as cocaine and MDMA or meth
6 pills?

7 A. Yes, ma'am.

8 Q. Have you had occasion to make arrests for
9 possession of those substances?

10 A. Yes, ma'am.

11 Q. What about possession with intent to distribute?

12 A. Yes, ma'am.

13 Q. Finally, trafficking?

14 A. Yes, ma'am.

15 Q. Can you approximate for us about how many arrests
16 that you've had during the course of your career involving
17 narcotics. If that's too cumbersome, is there a way to
18 identify how many arrests you've made through the Sheriff's
19 Office based on, like, a week or a month, if it varied?

20 A. It's hard to throw out a figure. I would say in a
21 three-year tenure in Jasper, probably well over 100.

22 Q. I'm going to direct your attention to the date of
23 June 11, 2018 at approximately 3:15 p.m. Were you working on
24 that day?

25 A. Yes, ma'am.

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1 Q. What were your assigned duties that day? Were you
2 still working for the Crime Suppression Unit?

3 A. Yes, ma'am.

4 Q. Do you recall being back at the CID office?

5 A. Yes, ma'am.

6 Q. Where is that located?

7 A. It's located off of Carter Mill. Right beside the
8 SPCA.

9 Q. Is that a separate building from the main office of
10 the Jasper County Sheriff's Office?

11 A. Yes.

12 Q. Around that time frame, did you have occasion to be
13 with any other officers?

14 A. Yeah. Myself and Detective Kellermeyer were
15 together.

16 Q. At some point did you hear something that caused
17 you to leave?

18 A. Yes. Detective Godley asked us to respond to her
19 location.

20 Q. When you say that she asked you, how did she do
21 that? How would that request be made?

22 A. Over the radio, Delta 8, Delta 9, 25. 25 means me.

23 Q. Okay. So as part of your job capacity, are you
24 assigned call numbers? You referred to Delta 8, Delta 9.

25 A. Yes, ma'am.

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1 Q. Okay. So that's your call sign. They didn't call
2 out Detective Davis?

3 A. No, ma'am.

4 Q. Is there something called 10 codes?

5 A. Yes, ma'am.

6 Q. What are 10 codes?

7 A. 10 codes is just ways to communicate over the radio
8 without using plain talk. 10-25 is me. 10-21 is a phone call.
9 The 10 in front of it, and then whatever number behind it
10 represents what you want someone to do.

11 Q. Is that something that you would have to memorize
12 when you first start with it, like what all the numbers mean?

13 A. Yes, ma'am.

14 Q. Okay. So on that particular day, tell us what you
15 heard over the radio.

16 A. I think her exact words were Delta 8, Delta 9, 25.

17 Q. Okay. And what does that mean?

18 A. That means come to my location and meet me.

19 Q. Where did she say to meet you?

20 A. She was at, just beyond Smith Crossing on 17.
21 Between Smith Crossing and the Old Blue Mill Club.

22 Q. As a result of hearing that request, was that
23 communicated to you over the radio?

24 A. Yes, ma'am.

25 Q. As a result of hearing that call, what did you do?

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1 A. We both got into Detective Kellermeyer's patrol
2 vehicle and headed that way.

3 Q. When you say we, who do you mean?

4 A. Detective Kellermeyer.

5 Q. Who drove?

6 A. Detective Kellermeyer.

7 Q. It was his patrol car?

8 A. Correct.

9 Q. About how long did it take for you to go from the
10 office, up Carter's Mill to that area on Highway 17?

11 A. Actually, initially, we weren't really going, like
12 rushing until she came back over the radio and asked us to step
13 it up, get here quick. Probably maybe 3, 4 minutes tops.

14 Q. Okay. So as you were driving, you heard further
15 information on the radio?

16 A. Yes.

17 Q. What did you hear?

18 A. You could hear the stress in Detective Godley's
19 voice asking us to step it up.

20 MR. WHETSEL: Objection; asked and answered

21 THE COURT: Sustained. Keep going.

22 BY MS. MUSSER:

23 Q. As a result of hearing her saying step it up, what
24 did you do?

25 A. We got there quicker.

1 Q. As you were pulling up to that location, did you
2 hear anything else from Detective Godley over the radio?

3 A. She said: Hurry up, hurry up.

4 Q. At that time when you heard her again say hurry up,
5 where were you?

6 A. We were about pulling up.

7 Q. When you were pulling up, did you see her patrol
8 car?

9 A. Yes, I did.

10 Q. Were there any cars in front of her patrol car?

11 A. Yes.

12 Q. What did you observe as you were pulling up?

13 A. I asked Detective Kellermeyer to call us out on a
14 stop, which basically let dispatch know we were getting out
15 with her. I had the door open before and I said: She's
16 fighting someone.

17 You could see her physically in distress. So I ran
18 to her

19 Q. When you say that -- where was the person that she
20 was engaged with?

21 A. On the passenger's side of the vehicle.

22 Q. Was he out of the car, in the car, or somewhere in
23 between?

24 A. At that time when we pulled up, I couldn't see.
25 You could tell she was in a physical altercation of some type.

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1 Q. And as you got out, you said you got out of the car
2 before it stopped?

3 A. Correct.

4 Q. What did you see? Did you run up to the car?

5 A. Yes, ma'am. I ran up to the car. I ran to the
6 driver's side. As I'm going to the driver's side, I could see
7 a gentleman trying to come out of the window on the passenger
8 side, so I ran down on that side.

9 Q. Do you see that individual here in the courtroom
10 today?

11 A. Yes, ma'am.

12 Q. Would you please describe where he is seated and
13 what he is wearing.

14 A. Seated right next to the Defendant -- right next to
15 the defense attorney, wearing a white shirt with the black
16 mask.

17 MS. MUSSER: Your Honor, may the record reflect the
18 in-court identification of the Defendant

19 THE COURT: So noted for the record

20 BY MS. MUSSER:

21 Q. As you're running up to the car, are you saying
22 anything, or are you just running?

23 A. Not initially. Then once I seen the Defendant
24 trying to come out of the window, I started yelling. Detective
25 Kellermeyer was coming up, so I run over to that side of the

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1 vehicle.

2 Q. Once you get to the other side of the vehicle, what
3 happened?

4 A. The suspect or the Defendant was trying to come out
5 of the car. I grabbed the suspect and took him immediately to
6 the ground.

7 Q. At that time were you able to secure him?

8 A. Yes, ma'am.

9 Q. How was he secured?

10 A. He put his hands behind his back like I asked him
11 to, and he was placed in handcuffs.

12 Q. What, if anything, did you say to the Defendant?

13 A. My first words were: Why are you trying to fight a
14 female?

15 Q. What did he respond?

16 A. He said he wasn't trying to fight, just trying to
17 get out.

18 Q. Did he say why was he trying to get out?

19 A. When I asked him, he said he had a warrant.

20 Q. He told you he had a warrant?

21 A. Correct.

22 Q. Did he say anything else to you at that particular
23 time?

24 A. He apologized.

25 Q. Did he admit that he was trying to get out of the

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1 car?

2 A. Yeah. He said he was trying to get out of the car,
3 but he wasn't fighting with her. He didn't hit her or
4 anything. He was just trying to get out of the car.

5 Q. Once you get him out of the car -- let me back up
6 real quick.

7 As you were getting him to the ground, was anybody
8 helping you, or was that just you?

9 A. Detective Godley -- I think I did pretty much all
10 of it myself.

11 Q. Was Detective Godley still present?

12 A. Yes. We still had another person in the vehicle.
13 So once I got him secured, I told Detective Kellermeyer -- once
14 I got the Defendant on the ground, I made him go towards the
15 car. We didn't know what he was going to do as well. They
16 secured the driver of the vehicle at that time.

17 Q. Once the driver is secured, and the Defendant is in
18 handcuffs, what do you do?

19 A. I get him up and walk him to the front of Detective
20 Godley's vehicle.

21 Q. Is that where it would be captured on the dash cam?

22 A. Yes, ma'am.

23 Q. At the time this is happening, what, if any,
24 recording devices are you wearing?

25 A. A body cam.

1 Q. And how do body cams work? Where are they on your
2 body? What do you have to do --

3 A. Everybody does it differently, but I kept mine
4 right here (indicating). All you do is hit a button. On
5 Detective Kellermeyer's, if you're in his vehicle, when you
6 activate your lights, it activates it.

7 Q. On yours, you were wearing it on your chest?

8 A. Uh-huh.

9 MS. MUSSER: Let the record reflect that Detective
10 Davis pointed to his chest area.

11 THE COURT: So noted.

12 THE WITNESS: Yeah, it's attached to my body armor,
13 my vest.

14 BY MS. MUSSER:

15 Q. Detective Kellermeyer's functioned differently.
16 Let's just talk about yours. On yours, you actively engaged
17 the button to record?

18 A. That is correct.

19 Q. To your knowledge, was this event recorded?

20 A. What's that?

21 Q. Was this event recorded?

22 A. Yes, ma'am, it was.

23 Q. Once you have the Defendant in front of the patrol
24 car, what do you do?

25 A. I searched him.

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1 Q. How did you do that?

2 A. Go in his pockets and checked everything for any
3 type of illegal narcotics or anything like that, anything on
4 his person.

5 Q. What, if anything, did you find?

6 A. I found a bag of heroin in his left front pocket.

7 Q. In his left front pocket?

8 A. Correct.

9 MR. WHETSEL: Your Honor, objection to the
10 characterization of heroin from Detective Davis

11 THE COURT: Overruled

12 BY MS. MUSSER:

13 Q. So let me ask that again. Based on your training
14 and experience, the item that you pulled out of his pocket,
15 what did you recognize it to be?

16 A. Heroin.

17 Q. At that point do you communicate that you found
18 heroin to Detective Kellermeyer and Detective Godley?

19 A. Yes, ma'am. I said I got heroin. And then I put
20 it on the hood of her patrol car.

21 Q. Now, in your presence, did Detective Godley also
22 find anything?

23 A. Yeah. Detective Godley had found some crack.

24 MR. WHETSEL: Objection, speculation and personal
25 knowledge

1 THE COURT: Okay. Overruled.

2 THE WITNESS: She had notified us that she had
3 found crack in a cigarette pack. At that time I was getting
4 the Defendant off the ground, and I walked him to the front of
5 the vehicle

6 BY MS. MUSSER:

7 Q. Okay. So you're getting him off the ground and
8 walking him to the front of the car. She alerted you that she
9 had found a cigarette pack?

10 A. Yes, ma'am.

11 Q. Did you guys have a conversation or did she say
12 anything in reference to him having a warrant?

13 A. Yes. She said -- I was asking why he was trying to
14 get out of the car. She said, no, that is not why. Here's
15 why.

16 MR. WHETSEL: Objection; speculation

17 THE COURT: Okay. Overruled. You can answer.
18 That's what he thinks

19 BY MS. MUSSER:

20 Q. Again, she's -- what does she --

21 A. She's over here having a conversation with the
22 Defendant, asking why he's trying to get out of the car.

23 THE COURT: That's a speculative question. You're
24 asking him what she was thinking

25 MS. MUSSER: Not what she was thinking. She makes

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1 a comment to him. What did she say when she finds the drugs.

2 THE COURT: She's going to testify. Go ahead

3 THE WITNESS: She said: That's not why. This is

4 BY MS. MUSSER:

5 Q. What did she hold up?

6 A. A cigarette pack.

7 Q. What was in the cigarette pack?

8 A. Crack.

9 Q. Okay. Based on your training and experience, do
10 certain drugs have slang or street names?

11 A. Yes, ma'am.

12 Q. What is the street name for heroin?

13 A. Dog food.

14 MR. WHETSEL: Objection, Your Honor

15 THE COURT: Basis.

16 MR. WHETSEL: Based on 702, as far as not having an
17 adequate foundation

18 MS. MUSSER: Your Honor --

19 THE COURT: No. Go ahead. You can ask that
20 question

21 BY MS. MUSSER:

22 Q. Based on your training and experience since 2015 to
23 the present, working in a narcotics unit --

24 A. Yes, ma'am.

25 Q. -- are you familiar with different street names for

1 heroin?

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

3 Q. What is the street name for heroin?

4 A. Dog food.

5 Q. Dog food as in you feed your dog?

6 A. Yes, ma'am. Dog food.

7 Q. Did you have a conversation with the Defendant

8 after -- let me back up a little bit. So once the cocaine is

9 found in a cigarette pack, and once the heroin is found, once

10 you've taken it out of his pocket, what do you do with it?

11 A. I put it on the hood of Detective Godley's car.

12 Q. You alerted Detective Godley that you found the

13 heroin?

14 A. Yes, ma'am.

15 Q. At that time, the heroin is on the hood of the car?

16 A. Yes, ma'am.

17 Q. As a result of hearing that, what did Detective

18 Kellermeyer do? Did he talk to the Defendant?

19 A. He started reading both the driver and the

20 Defendant a Miranda card.

21 Q. The Miranda warnings?

22 A. Yes. Advising them of their Miranda Rights.

23 Q. Now, at this point the driver is in handcuffs;

24 correct?

25 A. Uh-uh.

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1 Q. The driver is not handcuffed?

2 A. No, ma'am. He is not.

3 Q. After Detective Kellermeyer reads the Defendant his
4 Miranda warnings, does the Defendant agree to talk?

5 A. No.

6 Q. What happens after he initially says no?

7 A. Partly my fault because while Detective Kellermeyer
8 was reading them their Miranda Rights, I was still in the
9 process of searching him. I asked him if he had anything else
10 on him. His focus was on me, not Detective Kellermeyer.

11 Q. As a result of that, did Detective Kellermeyer
12 re-read the Miranda warning?

13 A. Yes, he did, directly to the defendant.

14 Q. Did the Defendant agree to talk at that point?

15 A. Yes, he did.

16 Q. Let me back up a little bit. I apologize. So
17 after you found the heroin, did you find any sums of money on
18 the Defendant?

19 A. Yes, ma'am.

20 Q. How much did you find?

21 A. At that time I didn't count it at all. It was
22 later counted. I put it -- I let her know he had a little bit
23 of money. I put it under the windshield wiper of her patrol
24 vehicle.

25 Q. Okay. That was also given to Detective Godley?

1 A. That is correct.

2 Q. All right. I apologize. We're back to the point
3 where the Defendant has been Mirandized. He agrees to talk.
4 Do you have a conversation about the dog food?

5 A. Yes, ma'am.

6 Q. What was the extent of your conversation?

7 A. I asked the Defendant was he running because he
8 thought he had a warrant or cash. He didn't hear me so I
9 repeated myself. He said: I ran because I had that little bit
10 of dog food in my pocket, and I'll own up to that.

11 Q. And I'll own up to that?

12 A. Correct.

13 Q. So he agreed that he didn't have a warrant?

14 A. Correct.

15 Q. That he initially lied?

16 A. Correct.

17 MR. WHETSEL: Objection; characterization of the
18 evidence

19 THE COURT: Sustained.

20 MS. MUSSER: Your Honor, may I have a moment?

21 THE COURT: You may.

22 MS. MUSSER: Your Honor, may Counsel and I
23 approach?

24 THE COURT: Yes.

25 (Bench conference off-the-record)

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1 BY MS. MUSSER:

2 Q. Detective Davis, do you have some photographs and a
3 disk in front of you that the Judge has handed you?

4 A. Yes, ma'am.

5 Q. Okay. And I will start with what has been marked
6 as State's Exhibit 16.

7 A. Yes, ma'am.

8 THE COURT: First ask him if he can identify if
9 those are pictures from the scene. Go through them all. I
10 will hand them back to you. I'm assuming you're going to
11 publish them; is that correct?

12 MS. MUSSER: I'm going to do that through the
13 monitors once they're published

14 THE COURT: You don't even need that?

15 MS. MUSSER: I don't need that once they go into
16 evidence. I can do this better.

17 BY MS. MUSSER:

18 Q. Detective Davis, do you have five pictures in front
19 of you labeled 16, 17, 18, 19, and 20?

20 A. Yes, ma'am.

21 Q. All right. The first two, are they from your body
22 camera?

23 A. Yes, ma'am. They are.

24 Q. Have you had an opportunity to review your body cam
25 footage?

1 A. Yes, ma'am, I have.

2 Q. Specifically, the disk that's in front of you,
3 State's 9, what is that?

4 A. That's my body cam footage.

5 Q. Did you have an opportunity to review that disk?

6 A. Yes, ma'am.

7 Q. And the video recording is on there?

8 A. Yes, ma'am.

9 Q. Is it a fair and accurate depiction of the events
10 that unfolded that day?

11 A. Absolutely.

12 Q. How did you indicate that that's the same disk?

13 A. I signed it.

14 Q. Did you date it?

15 A. Yes, ma'am.

16 Q. So with respect to 16 and 17, those pictures came
17 from your body cam?

18 A. Yes, ma'am. They did.

19 Q. Okay. And what did they depict?

20 A. The very first one, when I'm coming around from the
21 driver's side to the passenger's side where the Defendant --
22 Detective Godley got to him, trying to keep him in, and he's
23 trying to come out past her.

24 Q. We can go through the pictures once they're
25 published. 18, 19, and 20, are they from Detective

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1 Kellermeier's body cam?

2 A. Yes, ma'am.

3 Q. What is depicted in those photographs?

4 A. The first one is me doing a search of the
5 Defendant. Then the second one is me pulling out the heroin
6 out of his left pocket. The very last one is me holding up the
7 heroin, signifying to the others I had heroin.

8 MS. MUSSER: Your Honor, at this time I would ask
9 that 16, 17, 18, 19, and 20 be moved into evidence along with
10 State's Exhibit 9.

11 THE COURT: Any objection?

12 MR. WHETSEL: I have to state it very carefully,
13 Your Honor. As far as 16 through 20, those are the still
14 photos; am I correct?

15 MS. MUSSER: Yes, sir

16 MR. WHETSEL: As far as the authenticity of those,
17 I do not object because I believe those are from the body
18 camera photos.

19 As to 9, the actual recording itself, I do object
20 based on the statements that I objected to in pretrial.

21 THE COURT: Thank you

22 MR. WHETSEL: I will raise that objection now as
23 opposed to objecting to each individual statement.

24 THE COURT: Absolutely

25 MR. WHETSEL: I object based on my written motion,

1 my previous objections. I would ask that Your Honor go ahead
2 and rule on my objection at this time

3 THE COURT: I will go ahead and deny your motion.

4 MR. WHETSEL: Thank you, Your Honor. As to 9,
5 that's my objection

6 THE COURT: Yes. Absolutely, based on my earlier
7 ruling, yes.

8 (PLF. EXH. 16, Photograph, was entered into
9 evidence.)

10 (PLF. EXH. 17, Photograph, was entered into
11 evidence.)

12 (PLF. EXH. 18, Photograph, was entered into
13 evidence.)

14 (PLF. EXH. 19, Photograph, was entered into
15 evidence.)

16 (PLF. EXH. 20, Photograph, was entered into
17 evidence.)

18 (PLF. EXH. 9, DVD, was entered into evidence.)

19 MS. MUSSER: Your Honor, let the record reflect I am
20 showing the witness State's Exhibit 2.

21 BY MS. MUSSER:

22 Q. Detective Davis, I've just handed you what has been
23 marked as State's Exhibit 2. Are you familiar with -- don't
24 hold it up. Are you familiar with what that is?

25 A. Yes, ma'am.

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1 Q. What is it?

2 A. This is an evidence bag returned from SLED;
3 analysis from SLED.

4 Q. And when a detective or an officer finds drugs and
5 they want it to be tested at SLED, is that the type of
6 packaging that they put it in?

7 A. What's inside, yes, ma'am, the test kit.

8 Q. Actually, can you put that down in front of you.

9 A. Huh?

10 A. Can you put that down in front of you. Take your
11 mask off.

12 A. I will put it back on when I open it.

13 Q. The items inside are the test kit that Detective
14 Godley would have filled out; correct?

15 A. That's correct.

16 Q. Looking at the exterior of the packaging, which is
17 clear, can you see the heroin that you retrieved from the
18 Defendant's pocket?

19 A. Yes, ma'am.

20 MS. MUSSER: Your Honor, may the record reflect
21 that right now it's in the sealed packaging. With the Court's
22 permission, I'm going to ask --

23 THE COURT: Enter it into evidence. Is there any
24 objection?

25 MR. WHETSEL: Your Honor, I will object until the

1 chemist actually admits it. I know he's identifying it right
2 now. I will have an objection at that time when she moves to
3 admit it into evidence.

4 MS. MUSSER: I don't think we have a stipulation to
5 chain. I was just taking care of chain.

6 BY MS. MUSSER:

7 Q. So Detective Davis, I'm going to ask you to cut
8 along the one corner.

9 A. (Witness complies.)

10 MS. MUSSER: Your Honor, may I approach?

11 THE COURT: You may

12 BY MS. MUSSER:

13 Q. Detective Davis, I will ask you once you cut it
14 open to label the heroin with State's Exhibit sticker 3. Then
15 you can put it back in the bag, please.

16 Once you took the heroin from the Defendant's
17 pocket, you said you put it on Detective Godley's patrol car;
18 right?

19 A. Yes, ma'am.

20 Q. What happened to all the drugs once the case was
21 concluded?

22 A. It's put in a bag, taken to the office, sent off in
23 this bag that's inside here, along with a test kit.

24 Q. Did you do that, or did Detective Godley do that?

25 A. Detective Godley did it.

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1 Q. The heroin that you just labeled as State's Exhibit
2 3, other than the testing that was done and the markings from
3 the chemist, is it in substantially the same condition as when
4 you retrieved it from the Defendant's pocket?

5 A. Yes, ma'am.

6 MS. MUSSER: Your Honor, at this time the State
7 would request to publish exhibit 9, which is the disk.

8 THE COURT: Subject to his objection.

9 MR. WHETSEL: Yes, ma'am.

10 MS. MUSSER: Is there anything we have to do with
11 respect to the TV?

12 THE CLERK: Is it plugged in?

13 THE COURT: Is that one on back there?

14 THE CLERK: It worked just a few minutes ago. Is
15 something disconnected there?

16 THE COURT: Ladies and gentlemen, there's one back
17 here for you as well. Choose what is the easiest place to
18 watch.

19 Just have him explain what this is first

20 (Video playing.)

21 BY MS. MUSSER:

22 Q. Detective Davis, at this point, what are we looking
23 at?

24 A. My body cam inside the patrol car.

25 Q. The body cam on your chest?

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1 A. That's correct.

2 Q. Where are you seated? What's depicted on this
3 screen?

4 A. Front passenger's seat of Detective Kellermeyer's
5 patrol vehicle.

6 MS. MUSSER: Ms. Bostic, I don't know what happened
7 to our volume.

8 (Video ended).

9 BY MS. MUSSER:

10 Q. Detective Davis, with that, that was the end of the
11 traffic stop and the case?

12 A. Yes, ma'am.

13 Q. Just to be clear, all this took place in Jasper
14 County?

15 A. Yes, ma'am.

16 Q. On the video you said that he said he's 71. What
17 is 71?

18 A. 10-71. Ten code meaning wanted. Dispatch says
19 you're 10-71, it's a wanted suspect.

20 Q. Were you Delta 10?

21 A. Yes, ma'am.

22 MS. MUSSER: With the Court's permission, I'll
23 publish the photos.

24 THE COURT: Without objection

25 MR. WHETSEL: For the photos? Correct, Your Honor.

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1 THE COURT: Thank you.

2 (PLF. EXH. 16, Photograph, was entered into
3 evidence.)

4 BY MS. MUSSER:

5 Q. This is State's Exhibit 16. Would you please
6 describe for us what is happening and what this is.

7 A. This is Detective Godley trying to keep him inside
8 the vehicle. She has, I believe, his left arm and his shirt.
9 He's still trying to come out of the top of it.

10 Q. When was this captured on the video?

11 A. As I came around from the back passenger side of
12 the vehicle.

13 Q. What is depicted in State's 17?

14 A. This is where she's overhearing my conversation
15 with the Defendant about he said he was 71. I said out loud.
16 She said that is not why. She was holding up the cigarette
17 pack where the crack was found.

18 Q.. What is depicted in State's 18?

19 A. This is me searching his front left pocket.

20 Q. And what is State's 19?

21 A. That's me actually holding the heroin in my hand
22 that I just pulled out of his pocket.

23 Q. What is depicted in State's 20?

24 A. That's me holding up, signifying to Detective
25 Kellermeyer and Detective Godley that I got heroin.

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1 Q. Once again, that's what's been marked as State's
2 Exhibit 3?

3 A. Yes, ma'am.

4 MS. MUSSER: Your Honor, I have no further
5 questions at this time

6 THE COURT: Thank you. Mr. Whetsel

7 MR. WHETSEL: Yes, Your Honor. Beg the Court's
8 indulgence a moment

9 THE COURT: Yes, sir.

10 (A pause transpired)

11 MR. WHETSEL: May it please the Court, Your Honor

12 THE COURT: Yes

13 MR. WHETSEL: Thank you

14 * * *

15 CROSS-EXAMINATION

16 BY MR. WHETSEL:

17 Q. Deputy Davis, good morning, sir.

18 A. Good morning.

19 Q. I'm going to scoot back here. I don't want to get
20 too close to the jury because of the COVID protocols. I want
21 to make sure everybody can see. Do you see me okay?

22 A. Yes, sir.

23 MR. WHETSEL: Your Honor, I will remove my mask, if
24 that's okay.

25 THE COURT: Yes

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1 MR. WHETSEL: Thank you.

2 BY MR. WHETSEL:

3 Q. Deputy Davis, sir, you testified earlier you have
4 been in law enforcement a little over five years; correct?

5 A. Correct.

6 Q. Just to kind of make sure I recall correctly, you
7 started with Colleton County Sheriff's Office; correct?

8 A. Yes, sir.

9 Q. Then moved to Jasper County Sheriff's Office?

10 A. Yes, sir.

11 Q. Then you recently moved over to Ridgeland Police
12 Department?

13 A. Yes.

14 Q. And then kind of went back to Colleton County?

15 A. Correct.

16 Q. During those five years, a lot of your police work
17 focus has been on drug-stop cases; is that correct to say?

18 A. Correct.

19 Q. Sir, after your involvement in this particular
20 case, did you write a report memorializing your actions in any
21 way in the report?

22 A. It should have gone with Detective Godley's
23 original report.

24 Q. You would've written a report in this case?

25 A. Yes, sir. There should have been a supplement to

1 that report.

2 Q. Not to put you on the spot, but are you 100 percent
3 sure you wrote a supplement?

4 A. No. I am not going to lie to you.

5 Q. That's okay. I haven't seen that supplement. I
6 wanted to make sure we weren't missing something.

7 A. Correct.

8 Q. Is it fair to say you may not have written a
9 supplement?

10 A. Yes, sir.

11 Q. In preparation for your testimony today, you had an
12 opportunity to review your camera footage we just watched;
13 correct?

14 A. Yes.

15 Q. Did you have an opportunity to review Detective
16 Godley's supplement as she would've written it?

17 A. No. We don't read each other's reports unless
18 someone says: Hey, you want to read it to make sure it's
19 accurate? No. I did not read her report.

20 Q. In Detective Godley's report, she writes that you
21 and her, quote, assisted Stevenson to the ground. Watching the
22 video, just in fairness, is it maybe more accurate to say you
23 pulled him out of the window to the ground?

24 A. His momentum was already coming out, once she let
25 go and I pulled him to the ground.

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1 Q. Would it also be fair to say, once he is on the
2 ground, he is compliant at that point?

3 A. Yes.

4 Q. Is that fair to say?

5 A. Absolutely.

6 Q. Would it even be fair to say that Mr. Stevenson was
7 even polite?

8 A. Yes.

9 Q. Once you had control of him, he offered no
10 resistance to you?

11 A. That is correct.

12 Q. It was mentioned on the video, it's kind of hard to
13 see. When you pulled him from the vehicle, there was some type
14 of abrasion or bruise to his face?

15 A. Yes. I believe I had a wrist watch on. I believe
16 that kind of scraped his eye as we were going to the ground.

17 Q. Is it also fair to say from watching the video as
18 well the still photo and your memory as well -- taking that all
19 of together, Mr. Stevenson wasn't fighting Detective Godley; is
20 that fair to say?

21 A. He was just trying to get out. When I initially
22 got out of the car, all I see is a struggle, so I don't know
23 what's going on.

24 Q. In the moment you may not comprehend exactly what's
25 going on?

1 A. That's correct.

2 Q. In hindsight now --

3 A. he never assaulted her. He was just trying to push
4 her out of the way to get out of the car.

5 Q. Just to make sure, he was not fighting or
6 assaulting Detective Godley?

7 A. No.

8 Q. The other gentleman we see on scene in the white
9 shirt, that would have been the driver in this case; correct?

10 A. Correct.

11 Q. Is it fair to say he was never placed in handcuffs?

12 A. That's correct.

13 Q. To your knowledge, at the conclusion of the traffic
14 stop, he was free to leave?

15 A. Yes.

16 Q. While you were searching Mr. Stevenson, as you
17 recall, you were wearing gloves at that time?

18 A. No, sir. Not at that time.

19 Q. When you pulled whatever that bag was out of his
20 pocket, you also were not wearing gloves; correct?

21 A. That's correct.

22 Q. Deputy Davis, just based on your memory, I know
23 this is sometime ago. When you responded to the scene, is it
24 possible that you and Deputy Kellermeyer may have been on
25 patrol at that point and not at CID?

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1 A. I think we were at CID or maybe even just leaving
2 out, because I think that's one of the days we worked late in
3 the evening. Our shifts rotated. We might work 2:00 to 2:00
4 or 3:00 to 3:00 or 8:00 to 5:00. Our shift changed over time.
5 I know we were close to CID, if not just leaving the office.
6 We had to do paperwork from the day before.

7 Q. It's possible you may have already been out on the
8 road when you received the radio call?

9 A. I'm pretty sure we loaded up from CID and headed
10 over there.

11 Q. Is it fair to say you couldn't be 100 percent sure?

12 A. No, not 100 percent.

13 Q. It's been some time. I get that.

14 Just to be clear, when you searched Mr. Stevenson,
15 the only two things that you found on him would have been this
16 bag that you identified?

17 A. Yes.

18 Q. And as you said, a little bit of money; correct?

19 A. Yes.

20 Q. You didn't find anything else physically on his
21 person?

22 A. No, sir.

23 Q. Is it also fair to say that, when Detective Godley
24 found the cigarette pack and she brought it to the hood of her
25 car, Mr. Stevenson immediately said that that's not mine?

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1 MS. MUSSER: Objection, Your Honor.

2 THE COURT: You can ask it. Go ahead. You can
3 answer it

4 MR. WHETSEL: I'll repeat it, if that's okay

5 THE COURT: Yes

6 BY MR. WHETSEL:

7 Q. Is it fair to say that as soon as Detective Godley
8 placed the cigarette pack on the hood of her car, Mr. Stevenson
9 immediately said, hey, that's not mine, or words to that
10 effect?

11 A. Yes. I believe he said that's not mine altogether.
12 He denied that immediately.

13 Q. Thank you. That's what I was getting at. Thank
14 you.

15 Besides, I guess, searching Mr. Stevenson, after that, did you
16 have any other involvement in the case, or was that pretty much
17 the end of your involvement?

18 A. The only thing I did from that point on, when the
19 two officers, Detective Godley and Detective Kellermeyer
20 searched the car, I stayed with the driver and the Defendant.

21 Q. Is it fair to say you had no personal involvement
22 in requesting that any testing be done on these items?

23 A. No, sir. That's always the responsibility of the
24 case officer, which would have been Detective Godley.

25 MR. WHETSEL: Beg the Court's indulgence, Your

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1 Honor.

2 (A pause transpired.)

3 MR. WHETSEL: Your Honor, I have no more questions

4 THE COURT: Any redirect?

5 MS. MUSSER: Yes, Your Honor. Thank you

6 * * *

7 REDIRECT EXAMINATION

8 BY MS. MUSSER:

9 Q. Detective Davis, where was the heroin found?

10 A. In his front-left pocket.

11 Q. Did the Defendant admit to possessing it?

12 A. Yes.

13 MR. WHETSEL: Objection; outside the scope of cross

14 THE COURT: Overruled. You can answer. Anything

15 else?

16 MS. MUSSER: No, Your Honor

17 THE COURT: Any other cross?

18 MR. WHETSEL: No, Your Honor. Thank you.

19 THE COURT: Any objection to this witness being

20 excused?

21 MS. MUSSER: No, Your Honor.

22 MR. WHETSEL: Your Honor, I don't object

23 THE COURT: Just give the evidence back, if you

24 don't mind.

25 (The witness exited the stand)

1 THE COURT: Your next witness.

2 MS. MUSSER: State calls Detective Godley.

3 (The witness entered the courtroom)

4 * * *

5 AGENT HALLIE GODLEY

6 being first duly sworn, testified as follows:

7 THE COURT: Whenever you're ready, Solicitor

8 MS. MUSSER: Thank you, Your Honor

9 * * *

10 DIRECT EXAMINATION

11 BY MS. MUSSER:

12 Q. Good morning.

13 A. Good morning.

14 Q. Agent Godley, where do you work?

15 A. Currently, I work at South Carolina Law Enforcement
16 Division.

17 Q. What is that commonly referred to as?

18 A. SLED.

19 Q. What are your job responsibilities? What is your
20 role there?

21 A. I am a narcotics investigator.

22 Q. How long have you been with SLED?

23 A. Approximately two-and-a-half years.

24 Q. And have you always been in narcotics while with
25 SLED?

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1 A. I have.

2 Q. Prior to becoming employed with SLED, where did you
3 work?

4 A. Jasper County Sheriff's Office.

5 Q. What did you do for Jasper County Sheriff's Office?

6 A. I was part of the Crime Suppression Unit.

7 Q. What were some of your responsibilities while with
8 the Crime Suppression Unit?

9 A. We patrolled Jasper County for any violent crimes,
10 gang activity, narcotics, any high-crime areas.

11 Q. Did you also conduct traffic stops and do routine
12 patrol?

13 A. Yes.

14 Q. While with the Jasper County Sheriff's Office, did
15 you have an opportunity to make arrests related to narcotics?

16 A. I did.

17 Q. Did you have an opportunity to become familiar with
18 heroin?

19 A. Yes.

20 Q. Cocaine base, commonly called crack?

21 A. Yes.

22 Q. What about cocaine?

23 A. Yes.

24 Q. Marijuana?

25 A. Yes.

1 Q. And methamphetamine pills?

2 A. Yes.

3 Q. So currently with SLED, what are some of your
4 responsibilities with SLED?

5 A. Currently, we do controlled purchases of narcotics,
6 undercover buys. We do long-term narcotics investigations.

7 Q. Part of the undercover buys, does that provide you
8 with an opportunity to pose as a buyer?

9 A. It does.

10 Q. Do you have interaction with sellers?

11 A. I do.

12 Q. Are you familiar with various weights of controlled
13 substances?

14 A. I am.

15 Q. For example, trafficking weight?

16 A. Yes.

17 Q. Possession with intent to distribute weight?

18 A. Yes.

19 Q. What is considered simple possession for users?

20 A. Correct.

21 Q. Have you had an opportunity, while being undercover
22 and also working long-term investigations, to become familiar
23 with the values of different substances?

24 A. Yes.

25 Q. Have you been able to become familiar, during the

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1 course of your training and experience, what is indicative of
2 putting aside the trafficking weight if there's a charge of
3 possession with intent to distribute, what factors law
4 enforcement looks at to make that distinction?

5 A. Yes.

6 Q. What are some of the things that you would look at
7 to help you determine if something is for personal use versus
8 possession with intent to distribute?

9 A. The mere weight of it --

10 MR. WHETSEL: Objection, Your Honor, the relevance
11 to this particular case

12 MS. MUSSER: Your Honor, there is a possession with
13 intent to distribute charge

14 THE COURT: Okay. Sustained

15 THE WITNESS: The mere weight of itself, the scales
16 --

17 MR. WHETSEL: Sorry, Your Honor. You sustained the
18 objection.

19 THE COURT: Pardon? I apologize. Overruled.
20 Sorry. I apologize. You can answer the question.

21 BY MS. MUSSER:

22 Q. I believe I asked: Have you become familiar and
23 what factors would you look at to make a distinction for a
24 charge of possession with intent to distribute substances.

25 A. Typically, possession with intent to distribute

1 would come by the mere weight of the narcotics as well as any
2 scales and baggies present to indicate there was the intention
3 of distributing the narcotics from the bag it is located in.

4 Q. I think you said scales. What about money? Does
5 currency come into play?

6 A. Yes.

7 Q. I'm going to direct your attention to June 11,
8 2018, approximately 3:15 p.m. Do you recall if you were
9 working that day?

10 A. I was.

11 Q. Was this in Jasper County with the Sheriff's
12 Office?

13 A. Yes, ma'am.

14 Q. Do you recall what you were doing at approximately
15 3:15? Where you were?

16 A. I was on Smith's Crossing.

17 Q. Which way were you heading on Smith's Crossing?

18 A. In the direction of Adams (phonetic) Bridge.

19 Q. At some point as part of your patrol, did you have
20 occasion to turn around and head the opposite way?

21 A. I did. Back towards Highway 17.

22 Q. Did any cars come into your view that drew your
23 attention?

24 A. Once I was back towards Highway 17, a BMW did.

25 Q. What color was the BMW?

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1 A. Light blue, grayish blue.

2 Q. Where were you in relation to where the BMW was?

3 A. Directly behind it.

4 Q. What observations -- let me ask you this: Where
5 was the BMW? Where were you on the road?

6 A. We were at the intersection of Smith's Crossing and
7 Highway 17.

8 Q. What did the BMW do? Where did it go?

9 A. Made a right-hand turn on Highway 17 South.
10 Instead of entering into the closest lane, it entered into the
11 furthest lane from the right-hand turn and did not signal
12 properly.

13 Q. At that location, which way does Highway 17 run?
14 If you're going toward Ridgeland, is that northbound?

15 A. That would've been northbound.

16 Q. The vehicle was making a right. It was heading
17 southbound?

18 A. Correct.

19 Q. At that particular intersection, how many
20 southbound lanes are there?

21 A. Two.

22 Q. Is there a center median, if you know? Not a
23 median, a center lane, or is it two lanes coming from
24 northbound?

25 A. Two lanes going southbound. Two lanes going

1 northbound.

2 Q. So when the car turns right, I guess we can refer
3 to it as the right-hand lane and the left-hand lane, however
4 you want to describe it, which lane should the car have gone
5 into?

6 A. The closest lane, which would be the outside lane.

7 Q. The right-hand lane?

8 A. Correct.

9 Q. Where did -- instead of going into the right-hand
10 lane, where did it travel?

11 A. Furthest lane, the inside lane.

12 Q. Did it signal?

13 A. It did not.

14 Q. As a result of seeing that, what did you do?

15 A. Initiated a traffic stop by activating blue lights.

16 Q. Why did you stop the car?

17 A. Improper lane change.

18 MR. WHETSEL: Your Honor, as an abundance of
19 caution for preservation, I would object to the stop. Your
20 Honor, will you rule on my objection

21 THE COURT: For the record, denied based on my
22 previous ruling at pretrial

23 MR. WHETSEL: Thank you, Your Honor

24 BY MS. MUSSER:

25 Q. After seeing the unlawful lane change, you said you

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1 activated your blue lights. Did the car -- where were you in
2 relation to the car when you activated your blue lights?

3 A. Behind the vehicle.

4 Q. Did the vehicle pull over as a result of seeing
5 your blue lights?

6 A. It did.

7 Q. Where did it pull over to? At that point it was in
8 the left lane; correct?

9 A. Correct.

10 Q. Where did the car pull over once you activated your
11 blue lights?

12 A. The grassy, shoulder route on the right-hand side.

13 Q. To the right-hand lane and pulled over to the side
14 of the road?

15 A. Correct.

16 Q. Where did you pull your patrol car in once the BMW
17 stopped?

18 A. Directly behind it.

19 Q. Did you get out of your car?

20 A. I did.

21 Q. Where did you go?

22 A. To the passenger side of the BMW.

23 Q. When you arrived at the passenger's side, what did
24 you see? How many people were in the car?

25 A. There was two occupants.

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1 Q. Who was in the passenger's seat? Do you see him in
2 the courtroom today?

3 A. I do. Kareem Stevenson.

4 Q. Would you please describe what color shirt he is
5 wearing and where he is seated.

6 A. He has on a white shirt, in between Counsel.

7 Q. Once you approach the car and you saw that there
8 was a driver and the Defendant in the passenger seat, what did
9 you do?

10 A. I identified myself and the reason for the traffic
11 stop and requested identification and vehicle paperwork.

12 Q. At this point, was the passenger window down?

13 A. It was.

14 Q. When you asked for the vehicle paperwork, what
15 happened?

16 A. Unprompted, Mr. Stevenson reached over to the car
17 keys as the passenger turned the car off and took the key and
18 unlocked the glovebox to get the vehicle registration and
19 insurance from within it.

20 Q. Now, did the driver say anything to get him to do
21 that, or did he do that on his own?

22 A. He did it on his own.

23 Q. What did you say after seeing him take the keys and
24 then go into the glovebox?

25 A. I said: It must be your vehicle.

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1 Q. After you received the insurance and registration,
2 at some point did the Defendant provide his identification?

3 A. He did.

4 Q. What was his name?

5 A. Kareem Stevenson.

6 Q. No, the driver.

7 A. Damario Garrett.

8 THE COURT REPORTER: Damario?

9 THE WITNESS: Yes, ma'am

10 BY MS. MUSSER:

11 Q. How does an officer verify -- once you received the
12 car registration, what do you do with that information? Do you
13 verify it in some way?

14 A. I do. I run it through dispatch to check for valid
15 license, vehicle registration and any outstanding warrants.

16 Q. At the time you were having this initial
17 interaction with the driver and the Defendant, what, if
18 anything, did you smell?

19 A. Marijuana.

20 Q. Based on your training and experience, are you
21 familiar with the smell of marijuana?

22 A. Yes, ma'am.

23 Q. As a result of smelling the marijuana, what, if
24 anything, did you ask the occupants?

25 A. I asked if they had any marijuana in the vehicle

1 and if they smoked earlier.

2 Q. What was the Defendant's response to that question?

3 MR. WHETSEL: Objection, Your Honor, based on my
4 prior objection during pretrial

5 THE COURT: Noted for the record. Overruled
6 BY MS. MUSSER:

7 Q. My question was: After you asked if -- based on
8 smelling marijuana -- if they had smoked marijuana or if they
9 had any marijuana, what did the Defendant say?

10 A. They had smoked earlier.

11 Q. As a result of that, and as a result of smelling
12 it, what did you tell them was going to happen?

13 A. I told them that once additional units got there,
14 the vehicle and their persons would be searched.

15 Q. Why was that? Based on what?

16 A. Probable cause due to the odor of marijuana.

17 Q. At that point did you notice any changes in the
18 Defendant's demeanor?

19 A. I did.

20 Q. What did he do that was different? Describe for us
21 what you mean by that.

22 How was he when you were originally talking to him,
23 and how did it change

24 A. Initially he was very cordial, smiling, speaking
25 fluently. Once I told them the vehicle would be searched upon

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1 additional units getting there, he shut down emotionally,
2 became very serious, no further smile on his face. You could
3 tell he was concerned.

4 Q. Did you request -- how did you request additional
5 officers there?

6 A. My partners were Nick Kellermeyer and Raymond
7 Davis. They were currently at the office where I just left
8 from. I asked them over the radio to come meet me at the
9 traffic stop location.

10 Q. Did you use call signs? Would that be reflected on
11 anything that you were wearing?

12 A. I did. Kellermeyer's number was Delta 8.

13 Q. With respect to 10 codes, is there a specific ten
14 code that says: Come meet me?

15 A. Yes, ma'am. It's 10-25.

16 Q. Is that what you did?

17 A. It is.

18 Q. As a result of hearing that, did they communicate
19 on the radio that they were on their way?

20 A. They did.

21 Q. As you're waiting for them, did you continue to
22 have an interaction with the Defendant?

23 A. I did.

24 Q. Tell us what's happening from the point that you're
25 calling out and you requested them to come. What's happening

1 at this point?

2 A. At that point, Mr. Stevenson took his seatbelt off
3 and tried to open up the passenger's door. I asked him where
4 he was going. He said he was going to get out. I told him he
5 needed to stay in the vehicle.

6 At that point he looked at the driver, Damario
7 Garrett, and told him to crank up, let's go. Let's leave. I
8 don't remember exact words; along those lines; attempting to
9 get him to crank the car back up to exit the traffic stop

10 Q. At some point did he ask Mr. Garrett to lean back?

11 A. He did. When he initially tried to come out the
12 passenger's side, when I held the door closed, he told Damario
13 to lean back so he can come out that side. Damario was not
14 compliant and just sat still as he was.

15 Q. Were you also giving instructions at that point?
16 As the Defendant is telling the driver to crank up, are you
17 also giving the driver instructions?

18 A. I was. I told him to stay put, not to listen to
19 Mr. Stevenson. Remain how he was.

20 Q. When you were talking to the Defendant initially,
21 when you're having a conversation about the registration and
22 insurance, was the passenger door closed?

23 A. It was.

24 Q. At some point does he open it?

25 A. Yes.

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1 Q. Where does he open it into?

2 A. My knee.

3 Q. Where were you standing?

4 A. I was standing at the B post of the vehicle, which
5 is the post right behind the window of the front passenger
6 seat. I typically keep my knee on that door scene for that
7 very thing. If somebody tries to open it, there's immediate
8 resistance to be able to close it back.

9 Q. Did that happen? Did he try to open it into your
10 leg?

11 A. He did.

12 Q. After he tells the driver to crank up, as he tries
13 to go out -- he takes off his seatbelt and tells the driver,
14 let's go and tries to get out the driver's side, at some point
15 did he try to come out of the passenger side?

16 A. He does. As Kellermeyer and Davis are pulling up,
17 Mr. Stevenson tried one last time to come out the passenger
18 window onto me to flee from the vehicle.

19 Q. Before that happened, had you been in communication
20 over the radio with both Kellermeyer and Davis?

21 A. I did. I advised them to step it up.

22 Q. Did you make a second request and say he's trying
23 to come out the passenger window?

24 A. I believe so.

25 Q. When Detective Kellermeyer and Deputy Davis -- when

1 they arrived, where are you? Are you still by the passenger
2 side?

3 A. I am on the passenger side of the vehicle, and
4 Kareem Stevenson is actively trying to come out and I'm
5 fighting with him at the window.

6 Q. Are you giving him instructions? Are you telling
7 him anything at that point?

8 A. Just to stop.

9 Q. What happened when Kellermeyer and Davis got there?

10 A. Kellermeyer goes to the driver, Damario Garrett.
11 Davis comes to me and Kareem is coming out the window at that
12 point. He goes to the ground and is handcuffed.

13 Q. Did you handcuff him?

14 A. I believe Davis did. I assisted.

15 Q. Once the Defendant is secured and handcuffed, where
16 is the driver at this point?

17 A. He was in the driver's seat still.

18 Q. At some point did he get out? He was with
19 Kellermeyer?

20 A. Yes, ma'am. Once we secured Mr. Stevenson, I
21 walked back to the driver's door with Kellermeyer, and asked
22 Damario to step out.

23 Q. At some point did you start searching the passenger
24 area?

25 A. I did.

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1 Q. What, if anything, did you find?

2 A. I found a large quantity of crack cocaine, cocaine
3 itself, and a small amount of weed, and two meth pills.

4 Q. Okay. Did you also find a scale?

5 A. I did.

6 Q. Let's back up. When you're originally searching
7 the car, what was the crack/cocaine base and the cocaine --
8 what was it in?

9 A. A cigarette pouch.

10 Q. Where did you find it?

11 A. Under the passenger seat.

12 Q. Under the seat where the Defendant was sitting?

13 A. Correct.

14 Q. Once you found that cigarette pack and looked
15 inside, based on your training and experience, did you
16 recognize it to be a controlled substance?

17 A. I did.

18 Q. What do you say to Davis and Kellermeyer at that
19 point once you found it?

20 A. Verbatim I said: This is acid crack.

21 Q. Do you recall Detective Davis saying he says he is
22 71?

23 A. Yes.

24 Q. What does that mean to you?

25 A. Active warrant.

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1 Q. After you found the drugs, did you say something in
2 response to that?

3 A. Yes.

4 Q. What did you say?

5 A. I said: He's not running because of that. He's
6 running because of these drugs.

7 Q. At some point you searched the driver?

8 A. I did.

9 Q. Are there any drugs on him?

10 A. No.

11 Q. Did you find any items on him?

12 A. A scale.

13 Q. A second scale was found?

14 A. Correct.

15 Q. Once you found the crack and coke in the cigarette
16 pack, what did you do with that and the scale and any other
17 items? Where did you put them?

18 A. On the hood of my patrol car, in front of the dash
19 cam video.

20 Q. Who was standing there at that point? Do you
21 recall?

22 A. Davis and Kareem Stevenson.

23 Q. Did the drugs stay there until the investigation
24 was concluded?

25 A. They did.

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1 Q. Was there a sum of money found?

2 A. There was.

3 Q. Who was responsible for counting the money?

4 A. We counted it. I did.

5 Q. Back at the station?

6 A. Correct.

7 Q. In addition to the cigarette pack, did you have
8 occasion to find a brown bottle?

9 A. I did.

10 Q. What was in the brown bottle?

11 A. Two pressed pills.

12 Q. Did you photograph the items?

13 A. I did.

14 Q. In addition to the photographs that you took, were
15 you wearing a body cam?

16 A. I was.

17 Q. Where was your body cam on your body?

18 A. The center of my vest.

19 Q. How does your body cam start? Do you have to push
20 a button?

21 A. Yes, ma'am. It's a slide button.

22 Q. Was this event recorded?

23 A. It was.

24 Q. Have you had an opportunity to review the
25 recording?

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1 A. I have.

2 Q. At some point does Detective Kellermeyer draw your
3 attention to something that he found?

4 A. He does.

5 Q. What did he find?

6 A. I believe it was the marijuana.

7 Q. Did he point out where he found it?

8 A. He did.

9 Q. Where was it found?

10 A. The center console.

11 Q. Was it in the center console, or was it in between
12 the passenger seat and the center console?

13 A. In that center console area.

14 Q. Not like the cup holder. I'm trying to
15 distinguish.

16 A. Correct.

17 Q. The area between the center console, not the cup
18 holder?

19 A. Correct.

20 Q. Where was the brown bottle found?

21 A. In the passenger cup holder.

22 Q. Once you have the money and the scale, the
23 cigarette pack, the brown bottle, and you've photographed it,
24 the marijuana, what do you do collectively with all of that?

25 A. Put it in a SLED Best kit for evidence.

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1 Q. Were you also part of the search of the vehicle?

2 A. Yes.

3 Q. Was there any paraphernalia in there to ingest it?

4 A. No.

5 Q. Needles, pipes, anything like that?

6 A. No.

7 Q. Once the stop is concluded, is the Defendant
8 transported?

9 A. He is.

10 Q. Where is he transported to?

11 A. Charleston County Detention Center.

12 Q. How did he get there?

13 A. I transported him.

14 Q. Where was he sitting?

15 A. In the front passenger seat.

16 Q. Who went with you?

17 A. Detective Davis.

18 Q. Once you got back to the station, and I think you
19 said that you completed a Best kit. What is a Best kit?
20 Describe it for us.

21 A. It's a plastic envelope that has a few different
22 forms in it. You write exactly what was seized in description
23 and packaging. You put the Defendant's information, your
24 information. You sign all the forms, seal everything inside of
25 it, and you submit it to evidence for submission to SLED.

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1 Q. SLED, is that where it would be tested?

2 A. Correct.

3 Q. Now, the Best bag itself in this case, did you sign
4 it?

5 A. Yes.

6 Q. Did you date it?

7 A. Yes.

8 Q. Was it sealed?

9 A. Yes.

10 Q. How does Jasper County Sheriff's Office -- is there
11 a dropbox or a vault that you would put it in to wait for the
12 evidence custodian to retrieve it, log it, and take it to SLED?

13 A. Yes.

14 Q. What kind of system do they have?

15 A. There's a secure room inside the investigations
16 room for us to utilize. We place the evidence in that secured
17 room until the evidence custodian places it in a back locker
18 further back into the secured area to be submitted to SLED.

19 Q. Is there also a typed report that you would have to
20 do showing that you placed the items in the evidence locker?

21 A. Yes.

22 Q. So there's more than just physical; there's also a
23 computer?

24 A. Correct.

25 Q. In this particular case, did you place it in the

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1 dropbox?

2 A. Yes.

3 Q. Was everything sealed at that point?

4 A. Yes.

5 Q. Had the evidence ever not been secured after it was
6 recovered from the Defendant and the car?

7 A. No.

8 MS. MUSSER: Your Honor, beg the Court's indulgence.

9 BY MS. MUSSER:

10 Q. Do you recall how much money was found?

11 A. Not exactly.

12 Q. Would reviewing your report refresh your
13 recollection?

14 A. Yes, ma'am.

15 MS. MUSSER: Your Honor, may I approach?

16 THE COURT: You may.

17 BY MS. MUSSER:

18 Q. Detective Godley, would you please review your
19 report and see if that refreshes your recollection.

20 A. Yes, ma'am. \$600.

21 MS. MUSSER: Your Honor, may I approach?

22 THE COURT: You may.

23 BY MS. MUSSER:

24 Q. Detective Godley, you have some photographs in
25 front of you. Do you have photograph 11?

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- 1 A. I do.
- 2 Q. Is that a still shot from your body cam?
- 3 A. It is.
- 4 Q. What is depicted in it?
- 5 A. The vehicle insurance and registration.
- 6 Q. Who was the car registered to?
- 7 A. Carol Stevenson.
- 8 Q. Is her address indicated on there?
- 9 A. Yes, ma'am.
- 10 Q. What was her address?
- 11 A. It was [REDACTED] or [REDACTED] Wagon Branch Loop.
- 12 Q. Is it hard to read?
- 13 A. There's a little bit of blur.
- 14 Q. What about State's Exhibit 12?
- 15 A. Yes, ma'am.
- 16 Q. What's depicted in that photograph?
- 17 A. Those are the narcotics collected from the vehicle.
- 18 Q. Picture 13?
- 19 A. The same thing, as well as the Defendant's ID card.
- 20 Q. Are you able to read his address on there?
- 21 A. Yes, ma'am.
- 22 Q. What is his address on there? The same address
- 23 that was on the insurance card, if you can see it?
- 24 A. Yes, ma'am, [REDACTED] Wagon Branch Loop.
- 25 Q. Looking now at that other exhibit, could that be

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1 [REDACTED] as well?

2 A. Yes, ma'am.

3 Q. Do you have Exhibit 14, which is not -- it's a
4 document with respect to -- after you got back to the station,
5 does dispatch provide confirmation on the information that you
6 had received over the radio?

7 MR. WHETSEL: Your Honor, I'm not sure if she is
8 looking at relevance on the still photograph

9 THE COURT: Do you need to take a look at it?

10 THE WITNESS: Yes, ma'am

11 THE COURT: Go ahead.

12 MR. WHETSEL: May I approach, Your Honor?

13 THE COURT: You may.

14 MR. WHETSEL: Your Honor, I would object to 14 and
15 15 as hearsay.

16 MS. MUSSER: I can lay a foundation.

17 THE COURT: Is the objection based on foundation?

18 MR. WHETSEL: Based on foundation and hearsay as
19 well, not a public record

20 MS. MUSSER: Your Honor, I believe that would
21 qualify as business records. I would leave that for the Court.
22 I can lay the foundation for that

23 THE COURT: Okay, if you can lay the foundation.

24 BY MS. MUSSER:

25 Q. Detective Godley, with respect to Item 14, what is

1 it?

2 A. It's a vehicle registration information sent over
3 from dispatch after I ran the vehicle tag on the traffic stop
4 and requested they send the information over to investigation
5 to build the case.

6 Q. While you were on scene, you are receiving
7 information from dispatch. Is this a verification of
8 information that they have that is transmitted to you once
9 you're back there?

10 A. Yes.

11 Q. Is this a record that they keep and you are
12 familiar with in the ordinary course of duties at the Jasper
13 County Sheriff's Office?

14 A. Yes.

15 Q. Is this the first time you've seen one of those?

16 A. No.

17 Q. With respect to 15, what is that?

18 A. This is Mr. Kareem Stevenson's driver's license
19 information.

20 Q. Is that also a document that you received from
21 dispatch?

22 A. It is.

23 Q. Once again, is that something that verifies the
24 information that dispatch sent over to you based on the
25 information that they relayed over the radio?

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1 A. It is.

2 Q. Is that something that's kept in the ordinary
3 course of business that you would receive from them?

4 A. It is.

5 MS. MUSSER: Your Honor, at this time we would
6 assert that it's a business record kept in the ordinary course
7 of business.

8 MR. WHETSEL: Your Honor, specifically to 14 and
9 15, I would object. State versus Rice gives a very specific
10 requirement for business records custodian. They have to know
11 how the underlying data is compiled. Obviously, Agent Godley
12 is a law enforcement officer. She doesn't have the information
13 as to how the DMV would compile information. I think the
14 record itself would be hearsay and without an applicable
15 exception, so I would object

16 THE COURT: I think it can go in. I think it's a
17 business record exception.

18 MS. MUSSER: Thank you, Your Honor

19 MR. WHETSEL: Are you overruling my objection, Your
20 Honor?

21 THE COURT: Yes

22 BY MS. MUSSER:

23 Q. Detective Godley, would you please tell us to whom
24 the car was registered?

25 A. Carol Stevenson.

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1 Q. What was the address on the registration?

2 A. [REDACTED] Wagon Branch Loop.

3 Q. With respect to 15, the Defendant's license, does
4 it say where he was living?

5 A. [REDACTED] Wagon Branch Loop.

6 Q. Do you know the relationship between Carol
7 Stevenson and the Defendant?

8 A. Mother and son.

9 Q. You should have a Disk 8 in front of you.

10 A. I do.

11 Q. Have you seen that disk before?

12 A. I have.

13 Q. How do you know that you have seen it before?

14 A. I initialed and dated it.

15 Q. Is that your body cam video?

16 A. It is.

17 Q. Do you also have Disk 21 in front of you?

18 A. I do.

19 Q. What is that?

20 A. That's my dash cam video from the traffic stop.

21 Q. Have you had an opportunity to review your dash
22 cam?

23 A. I have.

24 Q. Is the body cam and the dash cam fair and accurate
25 depiction of the events from that day?

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1 A. They are.

2 MS. MUSSER: Your Honor, at this time I would ask
3 for the admission of, 8, 16, 17.

4 I apologize. 8, 11, 12, 13, 14, 15, and 21

5 MR. WHETSEL: Sorry, Your Honor. Again, for 8, the
6 body camera video, based on the prior motion

7 THE COURT: All right. Overruled again. Based on
8 my previous ruling.

9 MR. WHETSEL: Thank you, Your Honor. As to 11, 12,
10 13 those are still photographs, is that correct, from the body
11 cam video?

12 MS. MUSSER: Yes

13 MR. WHETSEL: As a still photo, I do not object.
14 14 and 15 have been overruled

15 THE COURT: Yes

16 MR. WHETSEL: 21 is the dash video; correct?

17 MS. MUSSER: Yes.

18 MR. WHETSEL: I believe the basis of my motion
19 previously has already been removed for the dash video; is that
20 correct?

21 THE COURT: Is the dash video from his car?

22 MS. MUSSER: Yes.

23 MR. WHETSEL: It has already been removed so I do
24 not object to 21.

25 THE COURT: Okay. Thank you.

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1 (PLF. EXH. 8, DVD, was entered into evidence.)
2 (PLF. EXH. 11, Photograph, was entered into
3 evidence.)
4 (PLF. EXH. 12, Photograph, was entered into
5 evidence.)
6 (PLF. EXH. 13, Photograph, was entered into
7 evidence.)
8 (PLF. EXH. 14, Photograph, was entered into
9 evidence.)
10 (PLF. EXH. 15, Photograph, was entered into
11 evidence.)
12 (PLF. EXH. 21, DVD, was entered into evidence.)
13 MS. MUSSER: May I approach?
14 THE COURT: You may.
15 BY MS. MUSSER:
16 Q. Detective Godley, I just handed you State's Exhibit
17 1. Tell us what that is.
18 A. It is the cigarette pouch that the crack cocaine
19 was located in and the brown bottle that the two meth pills
20 were located in.
21 Q. What kind of container are they located in?
22 A. A plastic evidence bag.
23 Q. Does the evidence bag have writing on it?
24 A. It does.
25 Q. Who completed that form?

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1 A. I did.

2 Q. What type of information is on there?

3 A. Describes the case, gives the date of offense, the
4 suspect's name, the victim's name, what's contained within it.
5 I signed it over from myself to evidence to be submitted and
6 secured.

7 Q. You, in fact, did that. Who was your evidence
8 custodian at this time?

9 A. Tavera Edwards.

10 Q. Those items were placed in the dropbox for Tavera
11 Edwards?

12 A. Correct.

13 Q. Was it sealed like it is now?

14 A. Correct.

15 Q. Has there been any change to the items in the bag?

16 A. No, ma'am.

17 MS. MUSSER: At this time, Your Honor, we would ask
18 to admit State's Exhibit 1.

19 MR. WHETSEL: I'm sorry, is that the cigarette
20 pack?

21 MS. MUSSER: It's the cigarette pack and pill
22 bottle.

23 MR. WHETSEL: I do not object to it.

24 THE COURT: Without objection

25 (PLF. EXH. 1, Pill bottle and cigarette pack, was

1 entered into evidence.)

2 BY MS. MUSSER:

3 Q. With respect to State's number 7, what is that?

4 A. Marijuana located in the vehicle.

5 Q. Who gave that to you? Who found it?

6 A. Kellermeyer.

7 Q. When did you take custody of it?

8 A. When he handed it over to me at the traffic stop.

9 Q. Was it put on the hood of your car?

10 A. It was.

11 Q. Once the traffic stop was concluded, did all that
12 evidence that was on the hood of your car come back to the
13 station with you?

14 A. It did.

15 Q. Suspected marijuana went in that bag?

16 A. Correct.

17 Q. There's no charge for that here today; correct?

18 A. Correct.

19 Q. That is in magistrate court?

20 A. Correct. A different court.

21 MR. WHETSEL: Your Honor, I would object as to
22 relevance, who may adjudicate a charge. Marijuana is not
23 something we're concerned with today, as far as the charges

24 THE COURT: I didn't hear

25 MR. WHETSEL: I apologize. As far as what Court

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1 may adjudicate a marijuana charge is irrelevant because that is
2 not something that's before the Court today

3 THE COURT: Overruled. I think she can answer that
4 just to explain why it's not here.

5 BY MS. MUSSER:

6 Q. Detective Godley, you should have State's Exhibit 2
7 in front of you.

8 A. Yes, ma'am.

9 Q. What is State's Exhibit 2?

10 A. This contains the SLED BEST kit and the products
11 collected that day.

12 Q. Is that the SLED BEST kit that you filled out as it
13 relates to this case?

14 A. It is.

15 Q. What is the?

16 A. All the collected narcotics, crack cocaine,
17 cocaine, marijuana, methamphetamine pills.

18 Q. Do you see the crack cocaine in the bag?

19 A. I do.

20 Q. Would you please put evidence sticker 4 on that to
21 identify later what you're saying.

22 A. (Witness complies.)

23 Q. Cocaine base is crack. Where was that located?

24 A. In the cigarette pouch underneath the seat.

25 Q. Then would you please mark the cocaine. Mark it in

1 front where you're seated. You don't have to hold it up.

2 A. (Witness complies).

3 Q. That would be State's 5. Is that the cocaine?

4 A. Correct.

5 Q. I'm going to put the sticker on that way.

6 A. (Witness complies.)

7 Q. Thank you.

8 With respect to 4 and 5, where were those items
9 originally found?

10 A. In the cigarette pouch.

11 Q. Cigarette pouch is Number 1?

12 A. Correct.

13 Q. Other than the testing, are they in substantially
14 the same condition as they were when you first saw them and
15 retrieved them from the cigarette pack?

16 A. Yes, ma'am.

17 Q. All right. Do you see the orange -- there are two
18 sets of pills in there; correct?

19 A. Correct. I do.

20 Q. How many orange pills are there?

21 A. It's kind of broken into pieces. There are two
22 pieces in there.

23 Q. Have you seen them before?

24 A. I have.

25 Q. Where were they located within the car?

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1 A. In the cup holder area of the center console.

2 Q. What were they in?

3 A. The little brown bottle packaged with the cigarette
4 pouch.

5 Q. Would you please put evidence sticker number 6 on
6 there.

7 A. (Witness complies).

8 Q. So with respect to item one, that's the cigarette
9 pack. Please tell us the date and the time that's indicated on
10 the evidence bag that you sealed it.

11 A. June 11, 2018 at 3:30.

12 Q. That's sealed in the same condition that you put
13 it?

14 A. Correct.

15 MS. MUSSER: Your Honor, at this time I would ask
16 to publish State's Exhibit 1. Rather than handing it, I could
17 just walk in front of --

18 THE WITNESS: Could I see it? I do have a
19 correction. It was gathered at 3:30. I sealed it at 3:45.

20 THE COURT: You just want to walk it past them? Is
21 that what you're saying?

22 MS. MUSSER: Yes, please.

23 THE COURT: That's fine.

24 BY MS. MUSSER:

25 Q. Is there a chain of custody form on the bag?

1 A. It is from myself to evidence.

2 Q. Evidence would be --

3 A. Secured area.

4 Q. That would go to Tavera Edwards?

5 A. Yes, ma'am.

6 Q. With respect to 7 --

7 MS. MUSSER: Your Honor, may I publish number 7 by
8 walking back and forth?

9 MR. WHETSEL: I would object. Number 7 hasn't been
10 admitted into evidence, and I would object to number 7.

11 MS. MUSSER: That is the suspected marijuana.

12 THE COURT: Has that been entered into evidence
13 yet?

14 MS. MUSSER: We have not entered 7. That is the
15 marijuana

16 THE COURT: You need to enter it.

17 MS. MUSSER: Your Honor, at this time we would ask
18 to admit item 7 as the suspected marijuana. It is suspected
19 because it was never tested and never charged.

20 MR. WHETSEL: I understand the reference to it,
21 Your Honor. As far as an actual piece of evidence, it's never
22 been tested and not charged in this case. I would object to
23 admitting this suspected item

24 THE COURT: Overruled. I think you can show that
25 to them. I think it can come into evidence.

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1 (PLF. EXH. 7, Plastic baggy with contents, was
2 entered into evidence.)

3 MS. MUSSER: Thank you, Your Honor.

4 Your Honor, at this time we would ask to publish
5 State's Exhibit 11, 12, 13, 14, 15, as well as 8 and 21.

6 THE COURT: Which was?

7 MS. MUSSER: 8 was the body cam, 21 was the video,
8 and the rest are the still photographs and two documents.

9 THE COURT: Subject to your prior objection for the
10 documents, I'll let it in under business record exception

11 MR. WHETSEL: Yes, ma'am, that's 14 and 15.

12 THE COURT: That was 14 and 15, right. The stills
13 were 11, 12, 13.

14 MS. MUSSER: Yes, ma'am

15 MR. WHETSEL: Which I don't object to. They are
16 stills from the video. Still same prior objection which was
17 the body cam

18 The COURT: Again, based on my prior ruling, I will
19 allow those to go in.

20 MR. WHETSEL: Thank you, Your Honor

21 What are you publishing to the jury so they know?

22 MS. MUSSER: Thank you, Your Honor.

23 Ms. Bostic, do we have to do something with the TV?

24 It would be the body cam, Your Honor, which would
25 be State's 8.

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1 (Video played for jury)

2 MS. MUSSER: We move to admit State's 11, 12, 13, 14.
3 They are the still photos from Agent Godley's body cam.

4 THE COURT: They are already i

5 BY MS. MUSSER:

6 Q. Agent Godley, what is depicted in State's Exhibit
7 11?

8 A. Insurance information for the vehicle.

9 Q. Agent Godley, what is Exhibit 12?

10 A. The defendant's wallet.

11 Q. What is in State's 13?

12 A. The same thing.

13 Q. On the license, does that confirm the address of
14 [REDACTED] Wagon Branch?

15 A. Yes.

16 MS. MUSSER: With that, Your Honor, we have no
17 further questions.

18 THE COURT: Okay.

19 MR. WHETSEL: May I approach?

20 THE COURT: Yes, sir

21 MR. WHETSEL: May I remove my mask?

22 THE COURT: Yes, sir

23 * * *

24 CROSS-EXAMINATION

25 BY MR. WHETSEL:

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1 Q. Good afternoon. I will try to step back so I am
2 not blocking the jury. Can you see me okay?

3 A. Yes, sir.

4 Q. I know with COVID it's a little bit different.

5 Agent Godley, there are a few questions I want to run
6 through with you.

7 First, you testified earlier that initially in the traffic stop
8 when you approached the passenger side of the vehicle,
9 Mr. Stevenson turned the ignition off?

10 A. Yes, sir.

11 Q. He removed the keys from the ignition as well,
12 correct?

13 A. Correct.

14 Q. Would you agree that once Deputy Davis removed
15 Mr. Stevenson from the car, at that point, he was compliant.
16 Is that fair to say?

17 A. Correct.

18 Q. In other words, as soon as Deputy Davis basically
19 put his hands on him, there was no further struggle, so to
20 speak?

21 A. Correct.

22 Q. From that point forward he was relatively polite to
23 the rest of law enforcement?

24 A. Correct.

25 Q. We can see this on the video. Is it fair to say

1 Mr. Stevenson wasn't physically fighting you?

2 A. That's correct.

3 Q. He was trying to move, and you were trying to stop
4 him from moving?

5 A. Correct.

6 Q. He didn't physically harm you in any way?

7 A. No, sir.

8 Q. As a law enforcement officer, your written reports
9 are accurate?

10 A. Correct.

11 Q. They are helpful during your testimony to refer
12 back to them?

13 A. Correct.

14 Q. You had testified that you had worked for the past
15 two-and-a-half years as part of a SLED narcotics unit, correct?

16 A. Correct.

17 Q. As part of that job, you are involved in what are
18 called long-term investigations?

19 A. Correct.

20 Q. During those long-term investigations, you are
21 going to cumulate quite a bit of documentation?

22 A. Correct.

23 Q. It's important to document that correctly?

24 A. Correct.

25 Q. Agent Godley, I will show you what has been

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1 admitted as 12. Agent Godley, I will show the jury so they can
2 see the photograph too.

3 What I am pointing at, this item at the top here, do you
4 recognize that item?

5 A. I do.

6 Q. Would that be the scale from this case?

7 A. Correct.

8 Q. Just to make sure the jury knows where we are
9 pointing at my finger, the rectangular object near the very top
10 of State's 12.

11 Agent Godley, would it be fair to say that that scale came from
12 did Damario Garrett's pocket?

13 A. The clear lid.

14 Q. The black lid on top. That is the scale that came
15 from Mr. Garret's pocket?

16 A. No, sir. That one came from under the passenger
17 seat.

18 Q. Is it possible that -- I am not saying anything
19 untoward. It's possible that that is the scale from
20 Mr. Garret's pocket?

21 A. No, sir. Mr. Damario's was a black lid and a black
22 rubber band around it.

23 Q. That would be the scale from Mr. Garrett pocket?

24 A. This, no, sir. This one came from underneath the
25 passenger seat. Mr. Garret's scale came from further back,

1 right here on the hood. Just beyond that one.

2 Q. You are saying there is a second scale there on top
3 of 12?

4 A. When I took it -- from the body can you can see, it
5 was out of Mr. Garret's pocket. I set it on the hood of my
6 car. You could see there was a smaller black one with a thick
7 rubber band around it.

8 Q. Correct. That is my my point. That is what I am
9 getting at.
10 During the search of Mr. Garrett, in his right cargo pocket,
11 did Mr. Garret did have a scale there his right cargo pocket
12 correct?

13 A. Correct.

14 Q. You remarked to Deputy Kellermeyer that the scale
15 contained a white powder substance and a green substance,
16 correct?

17 A. Correct.

18 Q. During the additional search of Mr. Garrett, you
19 can actually see a wad of bills in that pocket as well, is that
20 correct?

21 A. I believe it was only one 20 dollar bill.

22 Q. That money ended up going back in his pocket?

23 A. Yes, sir.

24 Q. You did take that scale, if you will, into
25 evidence?

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1 A. Correct.

2 Q. At no point during the traffic stop was Mr. Garrett
3 placed in handcuffs, right?

4 A. Correct.

5 Q. He was essentially free to leave?

6 A. Correct.

7 Q. Your report states, Detective Davis arrived and we
8 assisted Stevenson to the ground before placing him into
9 handcuffs. Does that sound accurate?

10 A. Correct.

11 Q. I understand the dangers of your job. I am not
12 downplaying it. In Watching the video, would it be more
13 accurate to say Deputy Davis pulled Mr. Stevenson from the car
14 and took him to the ground?

15 A. He was already out the window. He was assisted to
16 the ground. He was coming out of the vehicle.

17 Q You used the word assisted, but it would be safe to
18 say he was pulled from the vehicle, right?

19 MS. MUSSER: Objection. Asked and answered

20 THE COURT: Go ahead and answer.

21 THE WITNESS: We assisted

22 BY MR. WHETSEL:

23 Q. Do you recall Mr. Stevenson suffering from some
24 cuts or scrapes to his face?

25 A. There was a small abrasion on his face.

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1 Q. Let me ask you about the cigarette pack that was
2 found in the car. That was found underneath the passenger
3 seat, correct?

4 A. Correct.

5 Q. During your investigation, you never requested for
6 example, like a DNA swab from that particular cigarette pack?

7 A. Correct.

8 Q. The packaging inside of the cigarette was found.
9 You never asked for a DNA swab?

10 A. Correct.

11 Q. Or for the cocaine base too?

12 A. Correct.

13 Q. Lastly, for the little brown bottle?

14 A. Correct.

15 Q. I will ask the same questions with regard to
16 fingerprints.

17 You never had those items examined, if you will, for any type
18 of fingerprint evidence?

19 A. Correct.

20 Q. Would it be fair to say that even if fingerprints
21 were requested, it's possible that your DNA or fingerprints may
22 have been on those items as well?

23 MS. MUSSER: Objection; calls for speculation

24 THE COURT: Overruled. I think she can answer that

25 BY MR. WHETSEL:

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1 Q. I am not down playing your job. The point is, you
2 weren't wearing gloves when you were handling it?

3 A. That's correct.

4 Q. When deputy Davis removed the bag from
5 Mr. Stevenson's pocket, you were not observing that in
6 realtime, correct?

7 A. That's correct.

8 Q. At that time you had your back turned and you were
9 focusing on the vehicle.

10 A. Correct.

11 Q. That goes for the money that Deputy Davis said he
12 found as well?

13 A. Correct.

14 Q. In your report, plastic bag in the front passenger
15 seat containing 1.8 grams of GPM believed to be marijuana.
16 Does that sound accurate?

17 A. Yes, sir.

18 Q. Saying that the marijuana bag was found in the
19 passenger seat, correct?

20 A. In between the edge of the seat and the center
21 console.

22 Q. That is what I was getting at. It's more accurate
23 to say the bag was found between the center console and the
24 passenger seat?

25 A. Correct.

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1 Q. That was found by Deputy Kellermeyer?

2 A. Correct.

3 Q. Do you recall having a conversation with Deputy
4 Kellermeyer during the search of the car that you expressed
5 some doubt as to whether you should charge Mr. Garret as well?

6 MS. MUSSER: Objection, Your Honor

7 THE COURT: Overruled.

8 THE WITNESS: Yes.

9 BY MR. WHETSEL:

10 Q. In other words where the brown vial was found, it
11 was in the console area, is that correct?

12 A. Correct.

13 Q. Mr. Garrett could have possessed that?

14 A. Correct.

15 Q. Do you recall from the video and from your personal
16 memory, once you found the brown vial in the car, you
17 immediately went to the hood of your vehicle placed that item
18 on the hood of your vehicle?

19 A. Correct.

20 Q. Mr. Stevenson said that is not mine, or words to
21 that effect?

22 A. Correct.

23 Q. The scale that we were talking about earlier, that
24 is not here in evidence, is that correct?

25 A. The clear lid or the black lid?

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1 Q. Either.

2 A. The clear one, maybe. I am not certain.

3 Q. As to your knowledge, it's not an item of evidence
4 that is anywhere here in the courtroom, correct?

5 A. Not to my knowledge.

6 Q. Agent Godley, we can see on the video after
7 recovering all the items that you go to the trunk of your car?

8 A. Correct.

9 Q. Open the trunk of your car and retrieve like a big,
10 clear plastic bag, correct?

11 A. Correct.

12 Q. Then you go back to the hood of your car?

13 A. Correct.

14 Q. Place all the items in that one big bag?

15 A. Correct.

16 Q. At that point you go and return it to the front of
17 your vehicle?

18 A. Yes.

19 Q. The money that was recovered in this case, does
20 that typically end up in the civil forfeiture area?

21 A. It does.

22 Q. That is essentially if there is a suspicion where
23 money that could be tied to suspected narcotics, law
24 enforcement will seize that money?

25 A. Yes, sir.

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1 Q. That can result in law enforcement receiving part
2 of that money?

3 A I'm sorry?

4 Q. I mean, the department itself sometimes will
5 receive part of that money?

6 A. Correct.

7 Q One more question about the scale. It's fair to say
8 that that scale was not found on Mr. Stevenson's person; is
9 that correct

10 A. That's correct.

11 MR. WHETSEL: Your Honor, I have no further
12 questions

13 THE COURT: Redirect

14 * * *

15 REDIRECT EXAMINATION

16 BY MS. MUSSER:

17 Q. Agent Godley, Mr. Whetsel asked you about your
18 conversations with Detective Kellermeyer, about the doubt in
19 charging. Did you have any doubt about the charge that came
20 out of his pocket?

21 MR. WHETSEL: That is a question for the jury

22 THE COURT: Overruled. You can go ahead

23 BY MS. MUSSER:

24 Q. Mr. Whetsel asked you about the conversation with
25 Detective Kellermeyer, as far as charging and whether

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1 Mr. Garret should be charged or the defendant.

2 Did you have any doubt in your mind about charging
3 the defendant with the heroin that came out of his pocket?

4 A. No, ma'am.

5 Q. Did you have any doubt about the crack or cocaine
6 that was found in the cigarette pack under the seat where he
7 was sitting?

8 A. No.

9 MR. WHETSEL: Objection, Your Honor

10 THE COURT: Overruled. Go ahead

11 BY MS. MUSSER:

12 Q. During the course of your experience, is it unusual
13 for defendants who have been caught with drugs to distance
14 themselves from the drugs so they can make self-serving
15 statements?

16 MR. WHETSEL: Objection; relevance.

17 THE COURT: That calls for speculation, too

18 MS. MUSSER: I am following up on Mr. Whetsel's
19 questioning.

20 THE COURT: I know what you are doing. I
21 understand. I mean, she can say in her experience. Is that
22 what you are asking?

23 MS. MUSSER: Yes, Your Honor.

24 THE COURT: You can ask her that

25 BY MS. MUSSER:

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1 Q. In your experience, is it unusual for defendants to
2 try to distance themselves from drugs when they are located?

3 A. No.

4 Q. With respect to the forfeiture, that is based on
5 the fact that drugs and money often go together. Money is the
6 proceeds of the sale from the drugs, correct?

7 A. Yes.

8 MS. MUSSER: I have no further questions

9 MR. WHETSEL: Re-cross, Your Honor?

10 THE COURT: Sure

11 * * *

12 RE-CROSS-EXAMINATION

13 BY MR. WHETSEL:

14 Q. In respect to the items found under the seat, you
15 have no personal knowledge as to who may have possessed those
16 items outside of where the location of the items were found?

17 A. That's correct.

18 MR. WHETSEL: Nothing further.

19 THE COURT: May this witness be excused?

20 MS. MUSSER: She may

21 MR. WHETSEL: I have no objection.

22 THE COURT: Next witness

23 MS. MUSSER: The State calls Nick Kellermeyer.

24 NICK KELLERMEYER, previously sworn testified as
25 follows:

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* * *

DIRECT EXAMINATION

BY MS. MUSSER:

Q. Detective Kellermeyer, where do you presently work?

A. Hardeville Fire Department.

Q. Where did you work prior to going to the fire department?

A. Before the fire department, Jasper County Sheriff's Office.

Q. How long were you Jasper County?

A. Over two years.

Q. What was your title?

A. I was a detective with the crime suppression unit.

Q. Did you have occasion to be working on June 11, 2018?

A. I did.

Q. At approximately 3:15 where were you?

A. At the detective's office.

Q. Where is that located?

A. On Carter Mill.

Q. Who were you with?

A. Detective Davis.

Q. At some point did you have an opportunity to hear a call on the radio?

A. Yes.

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1 Q. As a result of hearing that call, where did you go?

2 A. 17 southbound, just south of Smith's Crossing.

3 Q. What was the nature of the call that prompted you
4 to go there?

5 A. Detective Godley was on a traffic stop and calling
6 for assistance.

7 Q. You said that you were with Detect Davis?

8 A. Yes, ma'am. We went to Detective Godley who was
9 out on a traffic stop calling for assistance.

10 Q. You left the detective's office. How long did it
11 take you to go to where she was on 17?

12 A. About five minutes.

13 Q. When you pulled up, what did you observe?

14 A. I observed the passenger of the vehicle trying to
15 flee out of the passenger side of the window.

16 Q. Do you see the passenger of that car in the
17 courtroom today?

18 A. Yes.

19 Q. Is that Kareem Stevenson?

20 A. Yes.

21 Q. Where he is seated and what he is wearing?

22 A. A white button-up shirt seated on the other table.

23 MS. MUSSER: Ask that Your Honor note the in-court
24 identification of the defendant.

25 THE COURT: Yes

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1 BY MS. MUSSER:

2 Q. You indicated that the defendant was halfway out of
3 the passenger window. What did you do as a result of seeing
4 that?

5 A. I left my vehicle and ran over to assist with
6 trying to detain Mr. Stevenson.

7 Q. What was detective Davis doing?

8 A. He was doing the same. He actually beat me to that
9 side of the vehicle. I turned my attention to the driver of
10 the vehicle to make sure he didn't try to take off or do
11 anything.

12 Q. Once the defendant was secured, what happened?
13 Were any items located from his person?

14 A. Yes.

15 Q. What was located and where did it come fro?

16 A. If I remember correctly, the left front pocket of
17 the defendant, Detective Davis pulled a baggy of suspected
18 heroin out of his pocket.

19 Q. Did Detective Godley find anything?

20 A. Yes. Almost at the same time, Detective Godley
21 came from the passenger side of the vehicle and said that she
22 had located crack.

23 Q. As a result of both Detective Davis and Agent
24 Godley finding the controlled substances, what did you do?

25 A. I pulled out my Miranda card and read the Miranda

1 Rights to both of the subjects.

2 Q. What did the defendant say after you read the
3 Miranda the first time?

4 A. The first time he said he did not want to speak or
5 answer any questions without his attorney present.

6 Q. After that, did something prompt you to read the
7 Miranda warnings to him again?

8 A. Yes. He stated that he did not understand what I
9 was reading to him at that time, so I went back over to him and
10 clarified and advised him that I was reading him his Miranda
11 Rights, and then I re-read the Miranda rights from the card.

12 Q. Was there any point that he indicated that he
13 didn't understand the warning?

14 A. No.

15 Q. At that point were any guns drawn or any force
16 being shown on him?

17 A. No.

18 Q. After the defendant agreed to speak with law
19 enforcement, did you stay in that area or go somewhere else?

20 A. Once he agreed, I advised Detective Davis that I
21 was going to go over and help Detective Godley finish searching
22 the vehicle.

23 Q. What, if anything, did you find when you were
24 searching the vehicle?

25 A. I located a small plastic bag of suspected

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1 marijuana.

2 Q. What did you do with that marijuana?

3 A. I brought it over to the hood of the vehicle where
4 the rest of the evidence was being collected and placed it
5 there and advised Detective Godley what I found and where I
6 found it.

7 Q. After that was found, did you find any additional
8 controlled substances?

9 A. I did not.

10 MS. MUSSER: Your Honor, those are all the
11 questions I have.

12 I apologize. One more question.

13 BY MS. MUSSER:

14 Q With respect to the heroin that came from the
15 defendant pocket and the additional drugs that Agent Godley
16 found under the passenger seat, they were never in your
17 possession, correct?

18 A. Correct.

19 MS. MUSSER: Thank you, Your Honor. I have nothing
20 further.

21 THE COURT: Cross-examination?

22 MR. WHETSEL: Thank you, Your Honor.

23 * * *

24 CROSS-EXAMINATION

25 BY MR. WHETSEL:

1 Q. Mr. Kellermeyer, good afternoon, sir.

2 A. Good afternoon.

3 Q. I will stand over here. Just a couple of things.
4 You had a body camera in that case as well, is that correct?

5 A. Yes, sir.

6 Q. After your involvement in the stop, did you write a
7 report or what you call a supplement documenting you
8 participation in this case?

9 A. I don't believe I wrote a supplement.

10 Q. To your knowledge, you did not write a supplement
11 in this case?

12 A. Correct.

13 Q. Did you have an opportunity to review your video
14 prior to testifying today?

15 A. Yes.

16 Q. To refresh your memory?

17 A. Yes.

18 Q. As far as the suspected marijuana, that was
19 actually found, correct me if I am wrong, sort of like tucked
20 down between the console and the passenger seat?

21 A. That's correct. Just in front of the where the
22 seat belt connection is. If I remember right, there was like
23 a -- one of those catch-all things you can slide against the seat
24 and the center console to put a cell phone in or something like
25 that, in between those two items, between the console and the

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1 seat.

2 Q. I understand. To clarify, it wasn't found like on
3 the seat?

4 A. `Correct.

5 Q. Do you recall having a conversation with Detective
6 Godley as you were assisting her in searching the vehicle where
7 she expressed some doubt as to whether she should charge
8 Damario Garrett as well?

9 A. Yes.

10 Q. She also told you about the brown bottle being
11 found in the console area, correct?

12 A. I believe so. Yes.

13 Q. Mr. Garrett was never charged in that case, right,
14 to your knowledge?

15 A. Correct.

16 Q. At the the conclusion of the traffic stop, he was
17 allowed to go on his way?

18 A. Correct.

19 MR. WHETSEL: Your Honor, I have no more questions
20 for Mr. Kellermeyer.

21 THE COURT: All right

22 MS. MUSSER: I have no further questions

23 THE COURT: Any objection to him being excused?

24 MR. WHETSEL: No, Your Honor.

25 MS. MUSSER: Not from the State, Your Honor.

1 THE COURT: Next witness

2 MS. MUSSER: State calls Tavera Edwards.

3 TAVARA EDWARDS, being duly sworn testified as
4 follows:

5 * * *

6 DIRECT EXAMINATION

7 BY MS. MUSSER:

8 Q. Good afternoon, officer Edwards. Ma'am, where do
9 you work?

10 A. Walterboro Police Department.

11 Q. How long have you worked there?

12 A. About a month now.

13 Q. Prior to that, where did you work?

14 A. Jasper County Sheriff's Office.

15 Q. What were your jobs? What were your
16 responsibilities?

17 A. I was in the investigations unit as a detective and
18 evidence custodian.

19 Q. In your role as an evidence custodian, what were
20 some of your responsibilities?

21 A. I was in charge of taking evidence from our office
22 to wherever it needs to be, as far as the lab.

23 Q. Can you repeat that?

24 A. I was in charge of pre-logging evidence and taking
25 it to whichever lab it needed to be sent for analyzing.

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1 Q. Is SLED one of the labs?

2 A. Yes.

3 Q. How long did you hold that position as evidence
4 custodian?

5 A. For about two years.

6 Q. How long total employment did you have with Jasper
7 County Sheriff's Department?

8 A. Three years.

9 Q. Where you asking as an evidence custodian on June
10 11, 2018?

11 A. Yes, ma'am.

12 Q. Did you have occasion to receive the evidence in
13 this case?

14 A. Yes, ma'am.

15 Q. As part of your job responsibilities, you said its
16 to maintain the evidence. You also referred to pre-logging.
17 Where do you receive the evidence from?

18 A. The detective drop box.

19 Q. How does that work? After they make an arrest,
20 what do they do with the evidence, and then how does it relate
21 to the dropbox?

22 A. Once an arrest is made, the evidence in the
23 case the officers drop it in a secured locker room in the
24 detective drop box, which is under surveillance by video. I
25 then go retrieve the items, pre-log it on the computer so it

1 can be taken to SLED.

2 Q. Is that why you put information in the computer, so
3 it documents when you received it and when it was placed there?

4 A. Yes, ma'a.

5 Q. For the evidence in this case, what was the date
6 that Detective Godley put the evidence into the dropbox?

7 A. I don't know.

8 Q. Would reviewing the report refresh your
9 recollection?

10 A. Yes, ma'am.

11 A. Take a look at. Does that refresh your
12 recollection as to when Detective Godley put the items of
13 evidence into the dropbox?

14 A. Yes, ma'am.

15 Q. When did she put them into the dropbox?

16 A. June 11, 2018.

17 Q. Do you recall when you received -- at some point,
18 did you go to the dropbox and get the evidence out?

19 A. Yes, ma'am.

20 Q. What date did you do that?

21 A. August 7, if I am not mistaken.

22 Q. At some point -- is the dropbox separate than the
23 evidence vault?

24 A. It is.

25 Q. Would reviewing that report refresh your

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1 recollection?

2 A. For the chain of custody, yes, ma'am.

3 Q. There are different types of evidence in this case.
4 In other words, with respect to State's Exhibit 1, are you
5 familiar with that item?

6 A. Yes, ma'am.

7 Q. Would that cigarette pack and the brown bottle be
8 treated separately than the drugs that had to go to SLED?
9 Would that remain in the sheriff's office.
10 In other words, did that cigarette pack and brown bottle ever
11 go to SLED for testing?

12 A. I don't believe so, ma'am.

13 Q. Would only the drugs go for testing?

14 A. Yes, ma'am.

15 Q. Looking at the document, what date did you take the
16 drugs to SLED?

17 A. August 7.

18 Q. They were taken to SLED the same day?

19 A. Yes, ma'am.

20 When you went to take it out to SLED -- and this is
21 the drug evidence -- was it sealed?

22 A. All narcotics that are going to SLED is in a BEST
23 kit.

24 Q. Did you check the BEST kit to make sure it was
25 sealed?

1 A. Yes, ma'am.

2 Q. Was it still sealed?

3 A. Yes, ma'am.

4 Q. Up until the time that you took the drugs to SLED,
5 were they maintained in a secure environment?

6 A. Yes, ma'am.

7 Q. When you go to transport the drugs, or in this
8 case, the drugs that we are talking about, what is your process
9 for securing them in the vault?

10 A. I would put the evidence in the vault, and then
11 place it into the SLED lockers.

12 Q. Once you took it to SLED, what is their process?
13 You just mentioned they put it in a locker.

14 A. Yes, ma'am.

15 A. Each piece of evidence is assigned pre-log receipt.
16 I take it to SLED dated and stamped. On the date I put it into
17 the locker, I stamp that and put in a secure locker that is
18 locked.

19 Q. That is locked to maintain at SLED?

20 A. Yes, ma'am.

21 Q. Once the evidence is completed testing, do you pick
22 it up and then transport it back to the sheriff's office?

23 A. Yes, ma'am.

24 Q. Did you do that on January 7 of 201?

25 A. Yes, ma'am.

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1 Q. Officer Edwards, with respect to State's Exhibit 1,
2 cigarette pack and the brown bottle, is that in the same
3 condition as it was when it was placed into the evidence
4 locker?

5 A. Yes, ma'am.

6 Q. What kind of packaging is it in.? Is that the form
7 that is completed by Detective Godley?

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

9 Q. What about with respect to State's Exhibit 7? Is
10 that in the same condition as it was when it was in your
11 custody?

12 A. Yes, ma'am.

13 Q. Those are the items that did not go do SLED?

14 A. Yes, ma'am.

15 Q. With respect to State's Exhibit 2. Are you
16 familiar with the items in that container other than being
17 opened here in court?

18 A. Yes, ma'am.

19 Q. How are you familiar with them?

20 A. Just from checking the BEST to make sure it was
21 sealed.

22 Q. The heroin and the crack and the cocaine and the
23 pills that were in your custody?

24 A. Yes, ma'am .

25 Q. Other than the testing, has there been any

1 substantial alteration to them?

2 A. Not that I can tell.

3 MS. MUSSER: I have nothing further, Your Honor.

4 Thank you

5 THE COURT: Mr. Whetsel

6 MR. WHETSEL: Thank you, Your Honor. Just briefly

7 * * *

8 CROSS-EXAMINATION

9 BY MR. WHETSEL:

10 Q. Officer Edwards, good afternoon.

11 A. How are you doing?

12 A. I am well.

13 Q. I just have a few questions for you.

14 Back in this time frame, the 2018 time frame, you were
15 an officer of the Jasper County Sheriff's Office?

16 A. Yes, sir.

17 Q. One of your duties included being an evidence
18 custodian?

19 A. Yes, sir.

20 Q. As an evidence custodian, you would have access to
21 the vault itself?

22 A. Yes, sir.

23 Q. As well as the lockers?

24 A. Yes, sir.

25 Q. During your time there there were other individuals

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1 who also had access too, correct?

2 A. Yes, sir.

3 Q. Do you recall roughly how many individuals during
4 that time?

5 A. Just the detectives.

6 Q. The detectives who are part of the CID, Criminal
7 Investigations Division?

8 A. Yes, sir.

9 Q. They also had access to the evidence vault as well?

10 A. Not the vault. Just the dropbox.

11 Q. Thank you. These items were taken to SLED, you
12 said, August 7, 2018?

13 A. Yes, sir.

14 Q. Roughly two months after this incident?

15 A. Yes, sir.

16 Q. It's fair to say as the evidence custodian, you
17 have no personal knowledge as to how these items came into
18 evidence, correct?

19 A. That's correct.

20 Q. Your job is to take items from the evidence locker
21 to wherever they need to go next?

22 A. Yes, sir.

23 MR. WHETSEL: Your Honor, I have no more questions

24 THE COURT: Anything further?

25 MS. MUSSER: No, Your Honor.

1 BY MS. MUSSER:

2 Q. Just to clarify, while the evidence is sitting in
3 the evidence locker, other than the detectives who has access,
4 that is monitored by cameras?

5 A. Yes, ma'am.

6 Q. Is it more than one camera?

7 A. It is.

8 Q. How many cameras are there?

9 A. Two.

10 Q. Where are they located?

11 A. A camera in the hallway approaching the evidence
12 dropbox, and there is one in the actual dropbox that oversees
13 the entire room.

14 Q. When you took those items out, they were still
15 completely sealed?

16 A. Yes.

17 MS. MUSSER: I have nothing further

18 THE COURT: Mr. Whetsel

19 MR. WHETSEL: No, ma'am

20 THE COURT: You are excused. Thank you.

21 MS. MUSSER: State calls Willie Smith.

22 WILLIE SMITH, being duly sworn testified as
23 follows:

24 * * *

25 DIRECT EXAMINATION

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1 BY MS. MUSSER:

2 Q. Good afternoon, Mr. Smith

3 A. Good afternoon.

4 Q. Where do you work?

5 A. For South Carolina Law Enforcement Division, also
6 known as SLED.

7 Q. What do you do for SLED?

8 A. A forensic chemist in the drug analysis department.

9 Q. What kind of training and education does it require
10 to be a forensic chemist?

11 A. I have a Bachelor's of Science in biology and
12 chemistry from the University of South Carolina. Additional
13 graduate coursework for the purpose of drug analysis. A year
14 of training to become a certified. Analyst, I also attended
15 the criminal justice academy to become a sworn law enforcement
16 officer in the State of South Carolina.

17 Q. How long have you worked for SLED in this capacity?

18 A. Drug analysis for 20 years and 9 months.

19 Q. Have you had occasion to testify in court with
20 respect to forensic chemistry?

21 A. I have. I have testified over 92 times in the
22 state of South Carolina and in the State of New York.

23 Q. 92?

24 A Yes.

25 Q And additional testimony in the state of New York?

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1 A. Yes.

2 Q. Were you qualified as an expert each of those
3 times?

4 A. Yes, I was.

5 Q. Qualified as an expert in drug analysis?

6 A Yes.

7 MS. MUSSER: At this time I would offer Mr. Smith
8 as an expert in the field of forensic drug analysis

9 THE COURT: Any objection?

10 MR. WHETSEL: I don't have any objection, Your
11 Honor.

12 THE COURT: Mr. Smith will be qualified as an
13 expert witness in the area of forensic chemistry and forensic
14 analysis.

15 Ladies and gentlemen, that allows him to give his
16 opinions and the reasons for that opinion. That is for you to
17 use it as you see fit or necessary and is helpful to you.

18 BY MS. MUSSER:

19 Q. Mr. Smith, will you explain please the process of
20 testing when items come to SLED, specifically drugs, to be
21 tests?

22 A. With our, ABC, with our Best Evidence stamp, our
23 testing kit. It is sent from agencies across the State to
24 submit evidence in a secure nature to the evidence department.
25 It is sealed we receive the evidence through the evidence log

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1 in the department.

2 Q. With respect to the evidence log in the department,
3 once an officer dropped off evidence, is it secured from the
4 public or anybody tampering with it?

5 A. Yes. As you can see, once you examine my BEST
6 evidence, my SLED bag that I received the BEST evidence sample
7 testing bag that I have. I document what was in there and that
8 nothing had been tampered with.

9 Q. Next step, generally speaking, in the process for
10 drug analysis?

11 A. Basically what we do is, the agency drops it off to
12 the log-in department. From the log-in department, I pick up
13 the secure evidence from that area. I take the evidence and
14 put it into my secure vault.

15 In my vault I examine the evidence before I do my
16 analysis to make sure the evidence is sealed and secured. Then
17 I do my testing of the evidence.

18 Q. In the rare event that something comes to you and
19 it's not properly sealed, how do you deal with that? On my
20 report and worksheet, it would be stating in a line that the
21 evidence was not properly sealed on my report.

22 Q. While you are testing evidence, do you ever have
23 more than one case opened at a time?

24 A. No. When I do my testing, I only test one item at
25 a time out of that case. If a case had seven different items

1 in it, I make sure that I am only dealing with the one of the
2 items inside the case to do my testing and take my sample from
3 that item.

4 Q. In this case, did you have occasion at some point
5 in time to examine evidence that was brought to SLED by Officer
6 Tavera Edwards on August 7, 2018?

7 A. Yes, I did have an opportunity to receive the BEST
8 evidence sample testing kit. BEST kit.

9 Q. When you received it, was it sealed?

10 A. Yes. The evidence was sealed. I also indicated it
11 on my BEST bag and my worksheet that the evidence was sealed at
12 the time before I did any analysis and examined the items when
13 it was sealed.

14 Q. Was the evidence given a lab number?

15 A. Yes.

16 When we receive the evidence, even though every BEST
17 kit has a unique tracking number, we attach a unique laboratory
18 number that tracks with the BEST kit.

19 Q. Even though you are testing one item at a time, is
20 that evidence still secured?

21 A. Yes. Inside my area where I do my testing, I am
22 the only one to have access to the evidence when I am doing my
23 testing.

24 Q. How many items did you receive for testing in this
25 case?

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1 A. In this case, there were four different Ziploc bags
2 that had items in there that needed to be tested.

3 Q. Did you perform an analysis of all of those items?

4 A. Yes, I did.

5 Q. As a result of your analysis, did you form an
6 opinion as to the type of each substance and the weight of each
7 substance?

8 A. Yes. Not only did I examine it, I tested them all
9 on an electron level so I know 100 percent sure what the
10 evidence is.

11 Q. With respect to State's Exhibit 2. I will hand you
12 State's Exhibit 2. Are you familiar with State's Exhibit 2?

13 A. Yes, I am.

14 Q. How are you familiar with it, and what is it?

15 A. The control number on this case from my notes,
16 8280820. I wrote the word seal and tagged, dated, and
17 initialed it to indicate that this evidence. At the time, as
18 you can see, it was sealed and intact. The only way to open it
19 was at the bottom to get the evidence that was in here.

20 Q. Is that the BEST kit that you have referred to?

21 A. Yes. This is the BEST kit right here.

22 Q. When you receive that, would all of the evidence
23 have been there in that one bag?

24 A. Yes. All the evidence is contained in the sealed
25 bag, dated, my initials, to make sure the evidence has not been

1 tampered with or anybody has tampered with this bag right here
2 before I do any analysis inside the bag.

3 I did have the four items that I did the testing on
4 that are listed in here from my report and worksheet.

5 Q. With respect to State's Exhibit 4, which I believe
6 would be your Item 1.1. What is that?

7 A State's Exhibit 4, which was the worksheet and in a
8 Ziploc bag and a rock substance.

9 Q. With respect to the plastic bag, the drugs do not
10 come to you in the same bag that they were in right now?

11 A. No.

12 Q. What do you do with the outer packaging?

13 A. The outer packaging right here, I labeled it and
14 initialed it and put the laboratory number on it.

15 Q. With respect to State's Exhibit 4, again, your item
16 1.1, what did your through forensic analysis determine that
17 substance to be?

18 A. I tested this item. It was found to be cocaine
19 base, also known as cocaine crack. It has a weight of 18.93
20 gram.

21 Q. Is that a Schedule 2 substance?

22 A. Yes. It is a Schedule 2 substance.

23 Q. Moving on to State's Exhibit 5. Do you have that
24 item?

25 A. Yes, I do.

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1 Q. Did you perform an analysis on State's Exhibit 5?

2 A. Yes, I did. State's Exhibit 5 is a Ziploc.
3 Containing powder substance, Ziploc bag in the plastic bag that
4 it originally came in. Actual substance a powder, cocaine with
5 a weight of 1.88 grams.

6 Q. With respect to the weight and the 1.8 grams of
7 crack cocaine as well as the 1.88. Is that weighed in it's
8 original packaging or the weight of the drugs?

9 A. The way we way do things at SLED, we only weigh the
10 actual substance and not the packaging.

11 Q. With respect to State's Exhibit 3, did you perform
12 an analysis on that substance, sir?

13 A. State's Exhibit 3 is a Ziploc bag that contained a
14 plastic bag with the two items, powder substance. The powder
15 substance listed Exhibit 3, heroin and it had a weight of 5.92
16 grams.

17 Q. With respect to State's Exhibit 6, are you familiar
18 with your Item 1.4.1?

19 A. Yes. I am.

20 Q. What was the result of that test, sir?

21 A. In this case, it was also placed in a Ziploc bag
22 that was contained in a plastic bag. Inside this plastic bag
23 was some tablets. And State's Exhibit Number 6 was one whole
24 orange tablet and a partial orange tablet.

25 If you look at it closely, it has the shape and

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1 color of Bart Simpson (sic) I guess. I tested this item, and
2 it was found to be methamphetamine with a weight of 0.45 grams

3 Q. With respect to the one pill that was a green
4 tablet, that wasn't tested, correct?

5 A. No. It was not tested.

6 Q. Once you completed the testing of the cocaine base,
7 and the cocaine and the heroin and the meth, how do you
8 repackage it?

9 A. After all my evidence is tested, no one has access
10 to the evidence which I am testing or doing anything besides
11 myself. I re-seal it in a heat-sealed pack and I date,
12 initial, the heat-sealed pack with the date that I did my
13 activity and it stays that way until court.

14 Q. The items that you testified to, are they in
15 approximately the same condition as they were when you worked
16 on them and you repackaged them?

17 A. The items that I testified to today were in the
18 same condition as when I did my testing on November 18, 2018.
19 That is the date that I sealed it.

20 MS. MUSSER: At this time the state would move for
21 the admission of Plaintiff's Exhibits 2, 3, 4, 5, 6.

22 MR. WHETSEL: Your Honor, based on my objection, I
23 will rest on those remarks. I make that motion now
24 contemporaneously, and I will ask Your Honor to rule on it

25 THE COURT: Thank you. Noted for the record, sir.

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1 I am allowing that into evidence.

2 (State's Exhibits 2 - 6 entered into evidence.)

3 MR. WHETSEL: Thank you, Your Honor

4 THE COURT: Thank you

5 BY MS. MUSSER:

6 Q. Sir, are all of your findings to a reasonable
7 degree of scientific certainty?

8 A. Yes. Per national standards, we are an accredited
9 lab. We have a rigorous process for accreditation, for the
10 accuracy in our type of testing and the type of instruments
11 that we use in the field.

12 MS. MUSSER: Thank you. I have no further
13 questions

14 THE COURT: Anything?

15 MR. WHETSEL: Briefly, Your Honor

16 * * *

17 CROSS-EXAMINATION

18 BY MR. WHETSEL:

19 Q. Mr. Smith, how are you doing, sir?

20 A. I am doing well.

21 Q. Just a couple of points of clarification, and that
22 is it. Just looking at your report, when it comes to actual
23 weight, I think you write confidence level 99.7 percent. That
24 is fair to say, 99.7 percent?

25 A. That is the confidence level we are using. For

1 example, if you have a ruler, a 12-inch ruler, every single
2 ruler is not going to be exactly 12 inches. It will be 11.99,
3 or 12.01 or something like that. That is where we with take
4 the determination, as far as balance and calibrating the
5 weight -- similar to that.

6 Q. Not 100 percent, but as close as you think you can
7 get?

8 A. That it can be off that 0.01 grams.

9 Q. As far as when you test actual substances, you are
10 not testing for a purity level, correct?

11 A. No. We test it according to South Carolina law.
12 We just need to tell what the substance is.

13 Q. In other words, the heroin, could be heroin with
14 other substances, and you don't test for purity?

15 A. I do not test for purity. If it contained another
16 controlled substance, I would report out that other substance.

17 MR. WHETSEL: Your Honor, I don't have any more
18 questions for this witness

19 THE COURT: Any objection to him being excused?

20 MS. MUSSER: No, Your Honor.

21 MR. WHETSEL: No, Your Honor.

22 THE COURT: You are excused, sir. Thank you.

23 THE COURT: Does the State have any further
24 witnesses?

25 MS. MUSSER: No, Your Honor. With the admission of

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1 State's 1 through 20 with the exception of -- State's Exhibits
2 1 through 21, excluding Number 10, we would ask everything to
3 be admitted, and we would rest.

4 * * *

5 STATE RESTS

6 THE COURT: Members of the jury, the State is
7 resting their case. I will have you go back to the jury room.
8 We will bring you out and let you know what we are doing from
9 here.

10 Do not discuss this case. It wouldn't be proper to
11 do so. Refresh yourselves, and I will bring you right back in.

12 (Jury exits courtroom.)

13 THE COURT: Any admissions, Mr. Whetsel?

14 MR. WHETSEL: Yes, Your Honor. As you expect, I
15 will make a directed verdict motion. I would like to argue
16 first for the cocaine base, the cocaine, and the meth. In all
17 honesty, I think there is an actual argument here.

18 Your Honor knows the standard. State v. Jackson,
19 395, SC 350, failure of competent evidence tending to prove the
20 charge that Your Honor should grant the motion. That means
21 that there is a lack of any direct or circumstantial evidence.
22 The important part of this case is that the Court should grant
23 a directed verdict motion when the evidence presented rise to a
24 level of suspicion, and/or based on facts and circumstances not
25 amounting to proof.

1 I understand that the evidence presented is not the
2 weight given to it at this stage. That being said, the items
3 that I am talking about, the cocaine base, the cocaine, and the
4 meth, those are items that reasonably could have been in
5 Mr. Garrett's possession.

6 There is no direct evidence that ties Mr. Stevenson
7 to those items as agent. As was testified to, no DNA or
8 fingerprints. It was found in a cigarette pack that happened
9 to be found underneath the seat. A scale with a white powder
10 and green substance on it. All of that being said, I think
11 that is a mere suspicion as to those charges.

12 That is a legitimate argument for these charges,
13 also as to the heroin charge. I do make a directed verdict
14 motion as well.

15 THE COURT: Okay

16 MS. MUSSER: Thank you, Your Honor. Putting in the
17 standard, I know the Court is aware, that the standard is if
18 the jury -- if there is any substantial evidence which
19 reasonably tends to prove the guilt of the accused or fairly
20 and logically can be deduced. In this case, with respect to
21 keeping the arguments just as to how Mr. Whetsel made them.
22 With respect to the crack and the cocaine and the meth, we
23 would assert that there is consciousness of guilt on the
24 defendant's part.

25 He is the user of the car. He is the one that

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1 reaches over to the ignition and takes the keys out there by
2 asserting control over the car, unlocking the glovebox. The
3 car is registered from the same address where he is living with
4 his mother. The drugs are found under his seat, where he is
5 in -- has actual ability to control them since they were under
6 his seat.

7 It would have been impossible for Mr. Garrett to
8 have reached them under his seat. There is no consciousness of
9 guilt. We would respectfully request that the Court deny the
10 motion

11 THE COURT: Respectfully, obviously, it's a
12 constructive possession case as to the cocaine base, cocaine,
13 and meth. Two people can be in constructive possession of
14 drugs.

15 I am respectfully going to deny that motion.
16 Evidence is evidence in which this jury can determine cocaine
17 base, cocaine, and the meth did belong to Mr. Stevenson.
18 Obviously, as to the pocket, that would be an actual possession
19 case. Certainly, we are going to send that to the jury as
20 well.

21 Mr. Whetsel, are you going to put up anything?

22 MR. WHETSEL: Your Honor, I would ask -- I know we
23 have had several breaks. I have talked to Mr. Stevenson. I
24 would like another chance for a few moments -- we have already
25 discussed it. At this point now, he has heard everything. I

1 mere presence charge, drugs in the care, custody, and control.
2 I understand some of the focus, for one thing, is as to what is
3 in the car. I would ask the Court would entertain a mere
4 presence charge on that

5 THE COURT: In the constructive possession charge,
6 it talks about mere presence as not being enough, which I think
7 covered it. More than mere presence. The state must prove
8 that is actual or constructive control and the intent to
9 control it. It's in there. That is already in there.

10 MR. WHETSEL: Two more. Circumstantial evidence
11 charge. I think that is the Logan charge. We would formally
12 ask for the Logan charge

13 THE COURT: That is what I will charge now.

14 MR. WHETSEL: If Your Honor would consider charging
15 possession as lesser-included.

16 THE COURT: I don't think there is anything other
17 than -- what this jury can determine is whether or not it was
18 met or not, for the trafficking. I can see there being an
19 argument with the possession with intent to distribute cocaine
20 charge. That I can see

21 MR. WHETSEL: We would request that as well.

22 THE COURT: If there is a potential, I could see a
23 lesser-included on that.

24 MR. WHETSEL: Number 4 is the heroin

25 Number 5 is the cocaine.

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1 The heroin. I think we do need to charge the
2 lesser-included on cocaine, one package. It could be
3 determined that it would be for personal use. There was an
4 intent to distribute it. Obviously, they can base it on
5 somewhat of a weight. Also, the way it's packaged. The jury
6 could, I think -- the proper lesser-included would be on the
7 cocaine, the powder cocaine, for a possession.

8 THE COURT: Yes. Again, just as Ms. Musser pointed
9 out earlier, PWID is not a lesser-included of trafficking
10 unless there is a question as to the weight. I have no
11 question or no challenge as to the weight.

12 MR. Whetsel: I understand, Your Honor. Thank you.

13 THE COURT: For the record, is there any objection
14 to the verdict form from the State? MS.

15 MUSSEY: No, Your Honor.

16 THE COURT: While we are waiting, for the record,
17 go ahead and renew your motion, and then you can formally rest
18 in front of the jury. You can renew your motion for directed
19 verdict.

20 Mr. Whetsel, go ahead and renew your motion, and I
21 will bring them out and have you just formally rest for them.
22 I will note that you renewed your motions, and then we will
23 close, do these closing arguments. The jury is out at the
24 moment.

25 MR. WHETSEL: At this point, I will renew our

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1 directed verdict motion. I will rely on our previous argument

2 THE COURT: For the record, I noted that you
3 properly raised them at this point. I will deny your motion
4 for directed verdict on all four charges, based on my previous
5 ruling

6 (The jury entered the courtroom.)

7 THE COURT: Welcome back, ladies and gentlemen. I
8 understand you all would like to go forward and finish the case
9 today; is that correct?

10 THE FOREPERSON: Yes

11 THE COURT: What we have left to do is Mr. Whetsel
12 needs to go ahead and rest for the jury

13 MR. WHETSEL: Thank you. At this time, the defense
14 will rest.

15 * * *

16 DEFENSE RESTS

17 THE COURT: Ladies and gentlemen, both sides have
18 now rested your case. Mr. Whetsel, I note for the record that
19 your previous motion was renewed promptly and timely. Based on
20 my prior rulings, again, it's denied.

21 Now, ladies and gentlemen, we now have the lawyers
22 to make what are called the closing arguments. I will charge
23 you on the law applicable to this case, and then I will send it
24 to you

25 Ms. Musser

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1 MS. MUSSER: Yes, ma'am.

2 * * *

3 CLOSING ARGUMENT BY MS. MUSSER

4 MS. MUSSER: Good afternoon, ladies and gentlemen.
5 When I stood before you yesterday in opening statement, I said
6 that by the end of this case there would be two things that
7 would be abundantly and crystal clear, which is that you would
8 find the Defendant, Kareem Stevenson, guilty possession of
9 heroin and its weight.

10 You have heard the testimony all day today about
11 the drugs, the heroin coming out of the Defendant's left front
12 pocket. You have also heard from the chemist today, the weight
13 being 5.92 grams of heroin. Between 4 and 14 grams. I
14 respectfully suggest to you when you get back to the
15 deliberations room -- I don't know that it will be the heroin
16 that you are focusing your energy on. The testimony all day --
17 even at one point, Mr. Whetsel said the heroin came out of the
18 Defendant's pocket. So that is clear.

19 I would like to take this opportunity to talk to
20 you about the additional charges. The trafficking in the crack
21 cocaine, the cocaine base, and the cocaine that was found in
22 the cigarette pack goes to the heart of this issue.

23 The judge will shortly charge you on the law.
24 Again, what she says about the law is what governs. Generally
25 speaking, when we talk about possession, there are two kinds.

1 There is actual possession; something you have in your pocket.
2 It's yours. You know it's in there. In that case, that would
3 be the heroin, the trafficking weight heroin that was found in
4 his pocket.

5 There is another type of possession that is called
6 constructive possession. It's an item, for example, at my
7 house. I am not home right now. In my house, I have my
8 things. I have the power and the intent and ability to claim
9 them. My husband also lives there. There can be more than one
10 person that can constructively possess an item.

11 As it applies to this case, this is where the crack
12 and the cocaine come in. Who had access to them? It was him.
13 One of the first things that you heard happen in this incident
14 is, when the Detective Godley asked for the insurance
15 information and the registration, what does the Defendant do?

16 He is the one that reaches over to the ignition,
17 turned the car off -- his car. The car that is registered to
18 his mother. It's his car, for all intents and purposes. He
19 exercises dominion and control over the keys. He is the one
20 that knows where the insurance information is and the
21 registration.

22 The drugs are found under his seat within his
23 reach, irrespective of any suggestions to you that Damario
24 Garret -- he couldn't, even if he had a super-long arm, he is
25 not going to be able to reach under there and exercise dominion

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1 and control over the crack cocaine and the cocaine.

2 We also have to look at how else do we know the
3 Defendant was in constructive possession of those items? My
4 mom used to say: Actions speak louder than words. Actions
5 speak volumes. What do we know about Damario Garret's
6 response? He hears that the car is going to get searched. He
7 is not trying to bail out of the driver's side door or the
8 window. It's the Defendant saying: Crank it up. Let's go.
9 He is the one that you can hear Agent Godley saying: Don't do
10 it. Quit it. Quit it. He tries to get out the driver's side
11 window when that doesn't work.

12 Why would he try to run? Flight is consciousness
13 of guilt. He knew that he was about to be found with all of
14 these drugs.

15 This is the pictures that was pictured on Detective
16 Davis' body cam. Look at the Defendant's face. This is the
17 case of that he knew he had trafficking weight heroin in his
18 pocket and under the seat.

19 From the time Detective Godley comes up to the
20 passenger door, it's not like at that point he could real quick
21 try and not draw attention to the drugs under the seat. He is
22 sitting there. I can only imagine what was going through his
23 mind. Look at the face. It's the face plus the fact that he
24 tried to run is indicative of his guilty knowledge that he was
25 in constructive possession of those drugs. The cocaine and the

1 drugs under the seat.

2 One of the questions that you will have to decide
3 is if there was possession to distribute the cocaine. That was
4 the smaller. That was the personal possession weight that you
5 may imagine.

6 The State says when something is over one gram, the
7 next question you would have to determine is, did he intend to
8 distribute it? That was the purpose, rather than him wanting
9 to use it himself, would be the other option.

10 He had hundred dollars on him. You heard Agent
11 Godley tell you that drug sales generate money. He also had
12 the scale. I also asked if there were any items of
13 paraphernalia found in the car, meaning stuff to go with it.

14 If you tell the story of this case, it gives you
15 the evidence that you need to render a guilty verdict. The
16 Judge is going to instruct you on what beyond a reasonable
17 doubt means. You will hear her say, it does not have to be 100
18 percent. It does not have to be a mathematical certainty.

19 It is guided by what would a reasonably prudent
20 person making a decision of a matter of importance would do in
21 their own life. I suggest an example of that would be, say you
22 are working and you want to know if you should buy another home
23 or car or something. You look at the factors. How much can I
24 afford? How secure is my job?

25 Once you consider those, you then move forward and

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1 be like, I can buy the house. I can buy the car. You don't
2 have 100 percent guarantee or mathematical certainty or any
3 other possibility that exists that something wouldn't happen to
4 change your circumstances, based on after thinking about it and
5 giving it careful thought. I feel comfortable with it.

6 Ladies and gentlemen, as you get back to the jury
7 room and you are looking at all of this evidence and recounting
8 testimony, I respectfully suggest that when your gut says he is
9 guilty, after you looked at all the evidence, the drugs, the
10 videos, the still pictures, the answers to all the questions,
11 time and time about how you heard about the heroin in his
12 pocket under his seat, that I respectfully suggest that that
13 warrants a conviction of guilty on all the charges. Thank you.

14 MR. WHETSEL: May it please the Court, Your Honor

15 THE COURT: Yes, sir

16 MR. WHETSEL: Ladies and gentlemen, I told you
17 yesterday that you had to listen to all the questions and all
18 the answers. If this is a first time being a juror, you may be
19 a little bit nervous. It's not something that happens quickly.
20 There are questions from the lawyers going back and forth,
21 hiccups here and there.

22 This is real life. This is what happens. Your
23 patience and attention is not only appreciated, I am sure by
24 the State, certainly by Mr. Stevenson.

25 As I told you yesterday, he sits there presumed

1 innocent. Only, and only if the State proves their case beyond
2 a reasonable doubt can that innocence be stripped from him.

3 I want to walk through a little bit of the evidence
4 with you. Ask the same questions as to what about this
5 evidence or that evidence, why didn't they present this, why
6 didn't they present that, why didn't they ask about this? That
7 is all information you can take into account when making a
8 determination if somebody is guilty or not guilty of the
9 events? Are you really firmly convinced?

10 Those are all fair questions to have, and these are
11 all questions that you have to resolve not only in your own
12 mind, but collectively as a group. Only if all 12 of you are
13 firmly convinced can that innocence be stripped from
14 Mr. Stevenson.

15 I will respectfully ask you as the jury -- suggest
16 a few things to maybe consider as you go back and deliberate.
17 I touched yesterday a little bit on reasonable doubt. Your
18 Honor will charge you in a moment exactly what that means.
19 Reasonable doubt means firmly convinced. Your Honor will
20 charge you that as a definition.

21 Additionally, cause a reasonable person to hesitate
22 to act. If you have that hesitation, that is a reasonable
23 doubt. It sounds like a high burden, because it is. It's the
24 highest standard we have in criminal law. Only after the State
25 proves that case to that degree can somebody be found guilty.

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1 Let start with, you have a little bit of cocaine, a
2 rock piece and a cigarette pack underneath the passenger's
3 seat. You also have a little brown bottle. Let's talk about
4 that first.

5 The first gentleman, Damario Garret, why is he not
6 charged? That is the first question that jumped up. The issue
7 of ownership, it's Mr. Garrett. Mr. Garrett is driving the
8 car. Mr. Garret has the scale. I don't know if you can see it
9 in Detective Godley's video, but you can rewatch the video if
10 you need to see it again.

11 I will be honest with you, I have watched the
12 videos and I didn't see that other scale. All I am saying is,
13 I see one scale. I respect any other suggestion.

14 You may also see only one scale. The only scale
15 found on this video is the one admitted as evidence. It's on
16 the video. There is one scale found in Mr. Garret's pocket
17 that Detective Godley she received.

18 This is where we get to reasonable doubt. You also
19 saw on the video, Detective Godley, obviously caught up in the
20 moment. Certainly not placing any blame there on her for that.
21 In that moment, she doesn't know exactly what is going to
22 happen. In hindsight, as you see on the video, you can see
23 they are conversing with Mr. Stevenson. He is certainly moving
24 around. I am not trying to say he wasn't moving around, but
25 there is no physical altercation. She puts her hand on him.

1 Then, as you see, Detective Davis come up. You see
2 Mr. Stevenson, his torso is slightly out of the window. Then
3 Detective Davis pulls him out of the car the rest of the way.
4 The point of me saying that is this: He wasn't trying to hurt
5 Detective Godley. He didn't physically assault her, I
6 respectfully would suggest to you that.

7 In that moment, I am not sure what is going to
8 happen. Detective Godley -- I am just saying, if he's not sure
9 what is going on, he might be scared to death in that moment.

10 You can see as Detective Davis pulls him from the
11 car and he hits the ground, he is automatically and immediately
12 compliant. Respectful. Respectful. Once the situation is
13 under control, everyone seems to be okay. Tension is coming
14 down a little bit. Mr. Stevenson is not trying to go anywhere,
15 very respectful. Very cooperative.

16 Go back to Detective Godley for a moment.
17 Obviously, getting amp'd up a little bit, sort of in that
18 haste, I would suggest, you see her actually search him and
19 touching him not wearing gloves. That is important for this
20 reason.

21 The items in the car, items that the State is
22 trying to contribute to Mr. Stevenson, is without any actual
23 direct evidence. It wasn't tested for DNA, which would require
24 a simple what they call a swab to submit to the lab.

25 It wasn't examined for fingerprints. These are

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1 direct pieces of evidence. If they existed, I can assure you,
2 you would hear about. It doesn't exist. They didn't do it.

3 One of the things, it's close enough. You know,
4 underneath the seat. Let the jury figure it out. Ladies and
5 gentlemen, I would respectively suggest to you, you should
6 demand a little bit more.

7 Those items in the car, if you want to charge a
8 citizen with those offenses, demand a little bit more. If you
9 have those hesitations, if you have that doubt, if you are
10 wondering why didn't they charge Damario Garret -- why is there
11 testimony about this scale being on Mr. Stevenson when
12 Detective Davis testified he didn't find anything.

13 He didn't find a scale. He found A little bit of
14 meth in the bag, but no scale.

15 The only scale you could see on the video comes out
16 of Garret's pocket. Why wasn't Garret charged if he had that
17 hesitation, if he had that doubt? It was all in favor of
18 Mr. Stevenson. Demand a little bit more.

19 You didn't see it on the video. You did hear
20 testimony. As Detective Godley and Detective Kellermeyer are
21 looking through the vehicle, there is a conversation between
22 the two where Godley has some doubt: Should I charge Garret,
23 specifically with the pills because of where they are found.

24 The meth pills are in a little brown container that
25 are in the console. It's kind of talking out loud a little

1 bit. You heard the testimony. She had some doubt. Maybe she
2 should charge Garret. Ultimately, they decided not to, to only
3 charge Stevenson.

4 We found this, that, and the other. Let's put
5 everything on there. Respectfully, that is not fair. If you
6 got a doubt as to any charge, you can find Mr. Stevenson not
7 guilty of that charge. It's not an all or nothing. You can
8 essentially find him not guilty of everything.

9 Even if it's one, two, or three, if you have a
10 doubt, you can find him not guilty. You can have doubts for
11 all four, you can find him not guilty.

12 Again, the burden rests with the State, the
13 prosecution. They must bring the evidence. Sometimes that
14 lack of evidence might be all that is required for you to
15 think: Am I really firmly convinced?

16 You also heard the testimony from Detective Godley.
17 She said she thought it was like a \$20 bill. You can see on
18 the video, when she pulls the bills out, there is some cash in
19 there. There is certainly money in his pocket, the scale with
20 the white powder, and green substance. Think, ladies and
21 gentlemen.

22 Now, ladies and gentlemen, I respectively suggest
23 to you this question: Why charge Mr. Stevenson with
24 everything? Couple possible answers. Not place the blame on
25 anybody or say there are nefarious reasons. Maybe it was just

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1 easier that way.

2 You have Mr. Stevenson, who's a passenger in the
3 car. Detective Godley comes up and everything seems okay at
4 first and then obviously he gets a little nervous. I suggest
5 to you, I would be scared of what is going to happen. I am not
6 exactly sure what is going to happen. Why charge him with
7 everything?

8 Maybe it's a little bit easier that way. Don't
9 have to take warrants out on Garret. Put it all on
10 Mr. Stevenson. That is a good reason. Might be a reason.
11 Could be just hyped up. Little bit felt like Mr. Stevenson is
12 trying to exit the car, hey, I think it's all his. Easier that
13 way.

14 Ladies and gentlemen, you have to be firmly
15 convinced. Just because the police may charge somebody doesn't
16 mean they are guilty beyond a reasonable doubt. That is where
17 you come in. As we talked about yesterday, as Ms. Bostic told
18 you, as the Judge has told you, we can't do our business here
19 without you. You are vitally important.

20 People can make arrests all day, law enforcement.
21 You, as far as determining if somebody is actually guilty, it
22 only happens right here. Just because there is a charge
23 doesn't mean anybody is guilty. You have to be firmly
24 convinced. I know I keep harping on that, but it's important.

25 Ladies and gentlemen, I am almost done. I will

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1 wrap it up here pretty soon. I do want to talk about the bag
2 found in Mr. Stevenson's pocket. As he is searching him, he
3 pulls his bag out. You may have heard the term trafficking.
4 And the State is using that because that is what the
5 legislature, what our statutes here in South Carolina
6 determined. Certain amount of drugs, if it's over a certain
7 weight, it's considered trafficking.

8 You may have thought narcos material or something.
9 You might be disappointed. Because the actual heroin, little
10 more than a teaspoon. spoon. This is your evidence. You will
11 see it. We are not talking about kilos. I say that for this
12 reason. You hear the word trafficking. It sounds bad. That
13 is a legal term. It is what it is. It's a legal term.
14 Irrespectively, I suggest to you as well that as the burden is
15 on the State, the State being our government here, to prove
16 this case.

17 If you have concerns, if you have doubts about
18 exactly, how and why evidence was collected, rule those in
19 favor of Mr. Stevenson. If you have doubts, decide them in
20 favor of Mr. Stevenson. That includes the bag in his pocket.
21 It's okay to demand more, demand more.

22 Ladies and gentlemen, I respectfully ask you to
23 weigh this evidence and come back to find Mr. Stevenson not
24 guilty of all four charges. Thank you.

25 * * *

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1 JURY CHARGE

2 THE COURT: Does anyone need a break? Madam
3 foreperson, members of the jury, you have followed very
4 patiently and listened very attentively to the presentation of
5 evidence in this case. I want to thank you for that.

6 It now becomes the duty of the trial judge under
7 the Constitution of this state to charge and instruct you on
8 the law that is applicable to this case. It's your duty as
9 jurors to accept and apply the law as the Court will now give
10 it to you.

11 As jurors, it is your exclusive duty to decide all
12 issues of fact in this case. The effect, the value, the
13 weight, and the truth of the evidence. Both the State and the
14 Defendant, Mr. Stevenson, have the right to expect that you
15 will carefully consider and evaluate the evidence and apply the
16 law of the case to the evidence. By doing so, both the State
17 and Mr. Stevenson will receive a fair and impartial trial in
18 this matter.

19 Now, the State of South Carolina by the bill of
20 indictments in this case charges the Defendant, Kareem
21 Stevenson, with the offenses of trafficking in heroin, more
22 than four, less than 14 grams; trafficking in cocaine base,
23 more than 10, less than 28 grams; possession with intent to
24 distribute cocaine, and possession of methamphetamine.

25 I remind you that the fact that the Defendant was

1 arrested, charged and indicted in this case is not evidence in
2 this case and cannot be considered by you as evidence of guilt
3 in this case, nor does it indicate any presumption or inference
4 of guilt. An indictment is simply the formal written
5 instrument which charges the Defendant with the crimes charged.
6 It's a formal document by which a case is brought into the
7 courthouse.

8 Now, the Defendant, Mr. Stevenson, has pled not
9 guilty to these indictments. That plea puts the burden on the
10 State to prove the Defendant guilty beyond a reasonable doubt.

11 Ladies and gentlemen, a person charged with
12 committing a criminal offense in South Carolina is never
13 required to prove himself innocent. I charge you that it's an
14 important rule of law that a Defendant in a criminal trial, no
15 matter what the seriousness of the charges may be, will also be
16 presumed innocent of the crimes for which the indictments are
17 issued unless guilt has been proven by evidence satisfying you,
18 the jury, of that guilt beyond a reasonable doubt.

19 Now, this presumption of innocence does not end
20 when you begin your deliberations. It accompanies the
21 Defendant throughout the trial until you reach a verdict of
22 guilt based on evidence satisfying you of that guilt beyond a
23 reasonable doubt.

24 Now the assumption of innocence is a robe of
25 righteousness. It remains with the Defendant until it has been

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1 stripped away by evidence satisfying you of the Defendant's
2 guilt beyond a reasonable doubt.

3 The presumption of innocence is not just a mere
4 legal theory, not just a legal phrase we use. It is a
5 substantial right to which every Defendant is entitled, unless
6 you, the jury, are satisfied from the evidence of the
7 Defendant's guilt beyond a reasonable doubt.

8 So what is a reasonable doubt in the law? A
9 reasonable doubt is the kind of doubt that would have -- would
10 cause a reasonable person to hesitate to act in their most
11 important decisions.

12 The State has the burden of proving the Defendant's
13 guilt beyond a reasonable doubt. Again, the term reasonable
14 doubt must be given it's plain and ordinary meaning. However,
15 again, to the extent that I may define it for you, a reasonable
16 doubt is the kind of doubt that would cause a reasonable person
17 to hesitate to act in the most important of their personal
18 decisions.

19 The Defendant is entitled to every reasonable doubt
20 arising out in this case. If upon any issue of fact essential
21 to a conviction you have a reasonable doubt as to that issue,
22 you must weigh that reasonable doubt in favor of the Defendant.

23 Some of you may have served as jurors in civil
24 cases. You were told that it's only necessary to prove a case
25 with what we call the greater weight of the evidence or by the

1 preponderance of the evidence. In criminal cases, the State
2 must prove guilt more than by the preponderance of the
3 evidence. It must be more powerful than that. It must be
4 beyond a reasonable doubt. Suspicion, no matter how strong, is
5 insufficient to convict a person charged with a crime.

6 The facts and the circumstances presented may seem
7 suspicious and the Defendant's guilt may seem probable, but it
8 is not sufficient in the law to convict. Proof beyond a
9 reasonable doubt is proof that leaves you firmly convinced of
10 the Defendant's guilt.

11 There are very few things in this world that we
12 know with absolute certainty. In criminal law, the law does
13 not require proof beyond every possible doubt. If based on
14 your consideration of the evidence you are firmly convinced
15 that the Defendant is guilty of the crime charged, you must
16 find the Defendant guilty.

17 If, on the other hand, you think there is a real
18 possibility that the Defendant is not guilty, you must give the
19 Defendant the benefit of the doubt and find him not guilty.

20 I will remind you that during this trial you and I
21 have certain duties to perform over the trial of this case. I
22 also have the opportunity to rule on the admissibility of
23 evidence offered during the trial. You are required to
24 consider only the competent evidence that has been presented
25 from the witness stand and any other exhibits that were made a

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1 part of the record in this case.

2 I have the additional duty to charge you on the law
3 presented in this case. I am the sole judge of the law. It's
4 your duty, as jurors, to accept and apply the law as I will now
5 state it to you. If you have any question as to what the law
6 is or ought to be and it does not agree with what I now tell
7 you the law is, you must abandon this idea. You are sworn to
8 accept the law and apply the law exactly as I state it to you.

9 In every case tried in this state, the jury is sole
10 and exclusive judge of the facts in the trial of every case.
11 The trial judge cannot communicate, cannot intimate, or comment
12 on or make any statement to a trial jury about the facts in the
13 case.

14 You are the sole judges of the facts in this case,
15 and you are not to infer that what I said in the progress of
16 this trial in ruling upon the admissibility of evidence or
17 otherwise or anything that I say now during the course of this
18 instruction to you that I have an opinion about the facts in
19 this case. The law does not allow me to have an opinion about
20 the facts in this case. Again, this is a matter solely for you
21 the jury to determine.

22 There are two types of evidence generally presented
23 during a trial. Direct evidence and circumstantial evidence.
24 Direct evidence is the testimony of a person who claims to have
25 actual knowledge of a fact, such as an eyewitness. It is

1 evidence which immediately establishes a main fact to be
2 proved.

3 Circumstantial evidence is proof of a chain of
4 facts and circumstances indicating the existence of a fact. It
5 is evidence which immediately establishes collateral facts from
6 which the main fact may be inferred. Circumstantial evidence
7 is based on inference and not on personal knowledge or
8 observation.

9 Crimes may be proven by circumstantial evidence.
10 The law makes no distinction between the weight or value to be
11 given to direct evidence or circumstantial evidence. However,
12 to the extent that the State relies on circumstantial evidence,
13 all of the circumstances must be consistent with each other,
14 and when taken together point conclusively to the guilt of the
15 accused beyond a reasonable doubt.

16 If these circumstances merely portray the
17 Defendant's behavior is suspicious, the State has failed. The
18 State has the burden of proving the Defendant guilty beyond a
19 reasonable doubt. This burden rests with the State, regardless
20 of whether the State relies on direct evidence, circumstantial
21 evidence, or some combination of the two.

22 It is your duty as jurors to determine the
23 credibility of witnesses who have testified in this case.
24 Credibility simply means believability. It's your duty as
25 jurors to analyze and evaluate the evidence and determine which

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1 evidence convinces you of its truth.

2 In determining the believability of the who
3 testified in this case, you may believe one witness over
4 several witnesses or several witnesses over one witness. You
5 may believe a part of the testimony of a witness and reject the
6 remaining part of the testimony of that same witness. You may
7 believe the testimony of a witness in its entirety or reject
8 the testimony of a witness in its entirety.

9 You may consider whether any witness exhibited to
10 you any interest, bias, prejudice, or other motive in this
11 case. You may also consider the appearance and manner of a
12 witness while on the witness stand.

13 Now, normally a person cannot give opinion testimony in a
14 trial. Normally when a person testifies, they must testify as
15 to what they saw, heard, did, or sensed by smell or something
16 of that nature. However, there is an exception when someone is
17 qualified because of education and/or experience. They are
18 permitted to give their opinion in any certain areas if the
19 Court qualifies them that way. That evidence is for you to use
20 in any way you see fit and give it the weight and credibility
21 you believe is proper.

22 Now, statements alleged to have been made by the
23 Defendant have been admitted into evidence in this case. While
24 the Court has determined the statement or statements are
25 admissible, I instruct you that you, the jury, make the

1 ultimate decision of whether or not the Defendant made the
2 statements.

3 If the Defendant did make the statements, you must
4 determine whether the statement was made by the defendant
5 voluntarily and of his own free will. This means that the
6 statement was not caused by pressure, force, intimidation,
7 hope, or promise of leniency, or reward of any kind.
8 I instruct you and emphasize that the fact that the Defendant
9 did not testify in this trial is not a factor to be considered
10 by you in any way in your deliberations and in your
11 consideration on the question of the guilt or innocence of the
12 Defendant. It must not be considered by you in any manner
13 whatsoever. A defendant has the right to remain silent and the
14 assertion of this right must not be considered by you in your
15 deliberations.

16 I repeat, under your oath, you are to draw no
17 conclusion whatsoever from the fact that the Defendant in this
18 case did not testify. The fact that this Defendant did not
19 testify should not even be discussed in the jury room. The
20 burden of proof, as I have stated to you, is on the State. The
21 Defendant is not required to prove his innocence. The burden
22 of proof remains on the State to prove guilt beyond a
23 reasonable doubt.
24 Now, ladies and gentlemen, there are four separate indictments
25 in this case. Each indictment charges a separate and

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1 distinctive offense. You must decide each indictment
2 separately on the evidence and the law that is applicable to
3 you. The defendant may be convicted or acquitted on any or all
4 of the offenses charged. I will be asked Madam Foreperson to
5 write a separate verdict of guilty or not guilty for each
6 indictment.

7 Now, first, the Defendant is charged with
8 trafficking in heroin, 4 grams or more but less than 14 grams.
9 There are three elements to the offense of trafficking in
10 heroin that the State must prove beyond a reasonable doubt.
11 First, they must prove that the substance involved was, in
12 fact, heroin.
13 Second, that the Defendant had possession of that heroin,
14 either actual possession or constructive possession. And
15 third, the State must also prove beyond a reasonable doubt that
16 the amount of the heroin or any mixture containing heroin was 4
17 grams or more but less than 14 grams.

18 Now, to prove possession, the State must prove beyond a
19 reasonable doubt that the Defendant had both the power and the
20 intent to control the disposition or use of the heroin.
21 Possession may be either actual or constructive. Two or more
22 persons may have joint possession of the drug. Actual
23 possession occurs when the heroin is found to be in actual
24 physical custody of the person charged with the possession.

25 Constructive possession is when a person has

1 dominion or control or the right to exercise dominion or
2 control over either the object or the premises in which the
3 object is located. Mere presence is insufficient to prove
4 constructive possession.

5 To prove constructive possession, the State must
6 show the Defendant had dominion or control or the right, again,
7 to exercise dominion and control over the object. The State
8 must establish constructive possession by either circumstantial
9 or direct evidence.

10 Possession may be inferred from the circumstances and may be
11 imputed to anyone who has the power and intent to control its
12 disposition or use of the object. In other words possession of
13 the object or premises gives rise to an inference that the
14 person charged has both the power and intent to control the use
15 and disposition of the object.

16 However, this inference is simply an evidentiary fact to be
17 taken into consideration by you along with other evidence in
18 the case, and it is to be given the weight you decide it should
19 be. Proof of possession requires more than proof of mere
20 presence in a place where the controlled substance is found.
21 The State must prove that the Defendant had both the power,
22 which is actual or constructive control, and the intent to
23 control its disposition or use.

24 Second, the Defendant is also charged with trafficking in
25 cocaine base, also commonly known as crack cocaine, more than

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1 10 grams but less than 28 grams. Cocaine base means any
2 alkaloidal cocaine or free-base form of cocaine, which is the
3 end product of chemical alterations in the
4 cocaine in soft form is suitable for smoking. It's commonly
5 referred to as crack cocaine or sometimes rock.

6 Now, there are three elements to the offense of
7 trafficking in crack cocaine that the State must prove beyond a
8 reasonable doubt.

9 First, that the substance involved was, in fact, crack cocaine.

10 Second, that the Defendant had possession of that crack
11 cocaine, either actual possession or constructive possession.

12 And third, that the State must also prove beyond a
13 reasonable doubt that the amount of the crack cocaine or any
14 mixture containing crack cocaine was 10 grams or more but less
15 than 28 grams.

16 Now, to prove possession, again, the State must
17 prove beyond a reasonable doubt that the Defendant had both the
18 power and the intent to control the disposition or use of the
19 crack cocaine. Again, possession may be either actual or
20 constructive, and two or more persons may have joint possession
21 of a drug.

22 Actual possession means that the crack cocaine was
23 in the actual physical custody of the Defendant. Constructive
24 possession means that the Defendant had dominion and control or
25 the right to exercise dominion or control over the crack

1 cocaine itself or the property in which the crack cocaine was
2 found. Again, mere presence is insufficient to prove
3 constructive possession.

4 To prove constructive possession, the State must
5 show the Defendant had dominion or control or the right to
6 exercise dominion or control over the object. The State must
7 establish constructive possession by either circumstantial or
8 direct evidence.

9 Now, possession may be inferred by the circumstances imputed to
10 anybody who has the power and intent to control the disposition
11 and use of the object. In other words, possession of an object
12 or premises that the person has both the power and intent to
13 control the use and disposition.

14 However, this inference is simply an evidentiary fact to be
15 taken into consideration by you along with other evidence in
16 the case and to be given the weight you decide it should.

17 Proof of possession requires more than proof of mere presence
18 at the place where the controlled substance is found. The
19 State must prove the Defendant has both the power and actual or
20 constructive control and the intent to control its disposition
21 or use.

22 Third, the Defendant is charged with intent to distribute
23 powder cocaine. The State must prove beyond a reasonable doubt
24 that the Defendant possessed cocaine with the intent to
25 distribute it.

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1 Now, to prove possession, the State must prove
2 beyond a reasonable doubt that the Defendant had both, again,
3 the power and the intent to control the disposition or use of
4 the cocaine. As I told you before, possession may be either
5 actual or constructive and two or more persons may have joint
6 possession of a drug.

7 Actual possession means that the cocaine was in the
8 actual physical custody of a Defendant.

9 Now, constructive possession means the Defendant
10 had dominion and control or the right to exercise dominion or
11 control over either the cocaine itself or the property on which
12 the cocaine was found. The State must establish constructive
13 possession by either circumstantial evidence or direct
14 evidence.

15 Possession may be inferred from the circumstances and may be
16 imputed to anyone who has the power and intent to control the
17 disposition and use of the object. In other words, possession
18 of an object or premises gives rise to the intent that the
19 person charged has both the power and control and use and
20 disposition of the object. However, this inference is simply
21 an evidentiary fact to be taken into consideration by you along
22 with all the other evidence in the case and to be given the
23 weight you decide it should.

24 Proof of possession requires, again, more than
25 proof of mere presence at the place where a controlled

1 substance is found. The State must prove the Defendant had
2 both the power, actual or constructive control, and the intent
3 to control its disposition or use.

4 The State must also prove beyond a reasonable doubt that the
5 Defendant intended to distribute the cocaine. To distribute
6 means to deliver, other than by administering or dispensing a
7 drug. Intent may be shown by act and conduct of the Defendant
8 and other circumstances from which you may naturally and
9 reasonably infer intent.

10 In determining whether the Defendant had the intent
11 to distribute the cocaine, you may consider the circumstances
12 surrounding the defendant's alleged possession. You may
13 consider the amount of the substance alleged to have been
14 possessed, the manner in which it was allegedly possessed, the
15 place where it was allegedly possessed, and the other factors
16 which you consider to be important.

17 In order to find somebody guilty of possession with
18 the intent to distribute, you must find that the Defendant did
19 not intend to have the cocaine solely for his own use.

20 Now, possession of more than 10 grams of cocaine
21 creates an inference that the Defendant possessed the cocaine
22 with the intent to distribute it. This inference does not
23 relieve the State from proving beyond a reasonable doubt that
24 the Defendant had the intent to distribute. It is simply an
25 evidentiary fact to be taken into consideration by you along

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1 with the other evidence in the case and to be given the weight
2 you think it should.

3 Now, if you find that the State has failed to prove beyond a
4 reasonable doubt that the Defendant is guilty of the charge of
5 possession with intent to distribute cocaine, you may then
6 consider whether or not the State has proved beyond a
7 reasonable doubt that the Defendant is guilty of simple
8 possession of cocaine. Simple possession of cocaine does not
9 require an intent to distribute.

10 To prove the charge of simple possession of
11 cocaine, the State must prove beyond a reasonable doubt that
12 the Defendant knowingly and intentionally possessed cocaine.
13 Knowingly means with knowledge, consciously, not accidentally,
14 willfully, and intending the result which actually occurs not
15 accidentally or involuntarily. Intent may be shown by act or
16 conduct of the Defendant and other circumstances from which you
17 may naturally and reasonably infer intent.

18 As I discussed before, to prove possession the State must prove
19 beyond a reasonable doubt that the Defendant had both the power
20 and the intent to control the disposition or use of the
21 cocaine. Possession, again, may be either actual or
22 constructive, and two or more persons may have joint possession
23 of a drug.

24 Possession may be inferred from the circumstances
25 and may be imputed to anyone who has the power and intent to

1 control the disposition and use of the object. In other words,
2 possession of an object or premises give rise to an inference
3 of the person charged has both the power and intent to control
4 the use and disposition of the object.

5 However, again, an inference is simply an
6 evidentiary fact to be taken into consideration by you along
7 with other evidence in the case and to be given the weight you
8 decide it should have.

9 Again, proof of possession requires more than proof
10 of mere presence and place where the controlled substance is
11 found. The State must prove the Defendant had both the power
12 and control, that is, actual or constructive control, and the
13 intent to control its disposition or use.

14 Lastly, ladies and gentlemen, the Defendant is
15 charged with possession of methamphetamine. The State must
16 prove beyond a reasonable doubt that the Defendant knowingly or
17 intentionally possessed methamphetamine. Members of the jury,
18 knowingly means with knowledge, consciously, not accidentally.
19 Intentionally means willfully intending the result which
20 actually occurs, not accidentally or involuntarily. Intent may
21 be shown by acts and conduct of the Defendant and other
22 circumstances from which you may naturally and reasonably infer
23 intent.

24 To prove possession, the State must prove beyond a
25 reasonable doubt that the Defendant had both the power and the

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1 intent to control the disposition or use of the
2 methamphetamine.

3 Possession, again, may be either actual or
4 constructive. And two or more persons may have joint
5 possession of a drug. Again, actual possession means that the
6 methamphetamine was in the actual physical custody of the
7 Defendant.

8 Constructive possession means that the Defendant
9 had dominion and control over the right to exercise dominion or
10 control over the methamphetamine itself or the property on
11 which the methamphetamine was found. Possession may be
12 inferred from the circumstances and may be imputed to anybody
13 who has the power and intent to control the disposition and use
14 of the object.

15 In other words, possession of an object or premises
16 gives rise to an inference that the person charged has the
17 power and intent to control the use and disposition of the
18 object.

19 However, again, this inference is simply an
20 evidentiary fact to be taken into consideration by you, the
21 jury, along with other evidence in the case and to be given the
22 weight you think it should have.

23 Proof of possession requires more than mere -- more
24 than proof of mere presence at the place where the controlled
25 substance was found. The State must prove the Defendant had

1 both the power, which is actual or constructive control and,
2 two, the intent to control its disposition or use.

3 Madam Foreperson, ladies and gentlemen of the jury,
4 as you retire to begin your deliberations, I wish to express
5 the hope that each of you will be mindful of the importance of
6 your responsibility to serve here today. To serve as jurors
7 and the proper performance of the duty requires each of you to
8 reach the height of freeing your mind of all improper
9 influences.

10 Please don't get the idea that I am trying to
11 intimate to you how you are to decide this case. As I already
12 told you, in the laws of this State, you, the jury, are the
13 sole judges of facts in this case. It would be highly improper
14 for me to influence you in any way as to the verdict in the
15 case.

16 I am not trying to tell you what your verdict
17 should be. As the presiding officer of this Court, I am
18 vitally concerned that whatever verdict you reach will be the
19 result of you going back into the jury room and confining your
20 consideration to the evidence and the law that you have heard
21 here in the courtroom and weighing it fairly and impartially,
22 as I have every confidence that you will.

23 Ladies and gentlemen, you have no support or
24 sympathy to anyone. Remember, your verdict must be unanimous.
25 Madam Foreperson, it must be the verdict of all jurors. To

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1 that end, my law clerk has prepared a verdict form. I just
2 want to go over the verdict form for you just very quickly.

3 I am going to read it to you quickly. The verdict
4 form simply says -- it has the case caption, State of South
5 Carolina versus Kareem Stevenson. It has four questions on it.

6 The first question, as to the charge of trafficking
7 in heroin between four and 14 grams, do you find the Defendant
8 guilty or not guilty?

9 Then you go on to Number 2. As to the charge of
10 trafficking in cocaine base, which is the crack cocaine,
11 allegedly 10 grams or more, less than 28 grams, we find the
12 Defendant, Kareem Stevenson, either guilty or not guilty.

13 Question Number 3, it says as to the charge of
14 possession with intent to distribute cocaine, we find the
15 Defendant guilty or not guilty. If you find him guilty on
16 that, you are to go straight to question Number 4 on the back
17 page.

18 If you find Mr. Stevenson not guilty of that
19 charge, you will only consider whether or not you believe he is
20 guilty of possession of cocaine.

21 Then, of course, lastly, ladies and gentlemen, the
22 last indictment is on the back. It says: As to the charge of
23 possession of methamphetamine. Again, guilty or not guilty.

24 Ladies and gentlemen, please don't infer the order
25 that I put guilty or not guilty. Every trial I just reverse

1 them. Madam Foreperson, under that there is a place for you to
2 sign your name and date the form. Again, it says that: I
3 certify that this is the unanimous decision of the jury. It is
4 the decision of all of you.

5 Ladies and gentlemen, for the very last time, I am
6 going to send you back to the jury room. I will tell you not
7 to begin your deliberations. There may be something further on
8 the law the lawyers will want me to charge you. If they do, I
9 will bring you back here and again charge you on the law. If
10 not, ladies and gentlemen, I will send back the verdict form.

11 You are going to get the charge that I just read to
12 you, which is the verbatim charge on the law, as well as the
13 evidence that is introduced into this case already.

14 So, ladies and gentlemen, again, I am going to
15 excuse you back to your jury room. Do not begin discussing
16 this case. Again, wait until you have received and the verdict
17 form.

18 (The jury exited the courtroom.)

19 THE COURT: Are there exceptions or additions to
20 the charge?

21 MS. MUSSER: On Page 10, with respect to the
22 inference weight, weight for possession with intent to
23 distribute, the charge says, ten grams, which would actually be
24 the trafficking weight that the statute is one gram. That is
25 4453-370, 4453, 370 section.

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1 THE COURT: I agree with you. I will go ahead and
2 charge that.

3 I will charge you further. Any exceptions or
4 additions from you?

5 MR. WHETSEL: Just one question. Did you intend to
6 send the indictment back?

7 THE COURT: No, I don't.

8 MR. WHETSEL: Yes, ma'am. Thank you.

9 THE COURT: All right. So bring the jury back out
10 here. I just need to recharge them on that one portion.

11 (The jury entered the courtroom)

12 THE COURT: All right. Ladies and gentlemen,
13 welcome back. There is one thing that I need to correct, an
14 error that I made in charging on the law. I just want to be
15 very clear about it so you understand.

16 On possession with the intent to distribute
17 cocaine, I was talking about there is an inference based on an
18 amount of cocaine; inference that a Defendant possessed the
19 cocaine with the intent to distribute. I told you it is 10
20 grams. It is not; it's one gram.

21 It's actually for trafficking in the drug. If it's
22 over ten grams, there is an inference it was to be trafficked.
23 That is written by statute. It's something that has been
24 determined by statute. It's just an inference for you to use
25 as what you see proper. I just want to be very clear with that

1 so you understand.

2 Anything further from the State?

3 MS. MUSSER: Not from the State.

4 THE COURT: Anything from the defense?

5 MR. WHETSEL: No, Your Honor. Thank you.

6 THE COURT: We will have a clean copy of the
7 instructions along with the verdict form back there. Again,
8 don't begin discussing this case.

9 Also, they should send back some gloves for
10 everyone if you need them to look at any evidence. So I
11 appreciate it. Sending disks back; correct?

12 MS. MUSSER: Yes, Your Honor. Drugs will not go
13 back

14 THE COURT: You may want to come talk to me about
15 all of this. So, ladies and gentlemen, in this case I am going
16 to send the drugs back so you can see them. Again, I am just
17 asking you, ladies and gentlemen, to use gloves if you handle
18 them, and try not to handle it too much.

19 I appreciate it. Of course, it is in sealed bags,
20 of course. Do not unseal any of those bags. I am sure you
21 understand that.

22 Anything else? Anything else from the State?

23 MS. MUSSER: No, Your Honor

24 THE COURT: From the defense?

25 MR. WHETSEL: No, Your Honor.

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1 Thank you. Go back to the jury room. Don't begin
2 your deliberations until I send you back the charge and the
3 verdict form and the evidence.

4 (The jury exited the courtroom.)

5 (The court stood at ease while the jury deliberated
6 upon its verdict.)

7 MS. MUSSER: They had a question. We don't have
8 objection to this going back with the jury. We will mark the
9 note as a Court's exhibit

10 THE COURT: The requestor says, we need better
11 clarification of constructive possession as Judge Mullen
12 defined. Explained Pages 7, 9, 10, 12, 13 of my jury
13 instruction. She signed and dated it.

14 MR. WHETSEL: For the record, I don't object for
15 the defense.

16 MS. MUSSER: No objection on behalf of the State.

17 MS. MUSSER: Next, do we all have to agree on a
18 verdict? Judge Mullen said, yes, all of you

19 Do you need to know how many choose guilty and not
20 guilty? She said, no. Time date stamped, 5:39 p.m.

21 No objection on behalf of the State

22 MR. WHETSEL: No objection from the defense as to
23 that last note.

24 * * *

25 READING OF THE VERDICT

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1 THE COURT: I understand we have a verdict. Please
2 bring in the jury.

3 (Jury enters courtroom.)

4 THE COURT: Please stand, Mr. Stevenson.

5 In the case of the State of South Carolina versus
6 Kareem Stevenson, as to the charge of trafficking in heroin, 4
7 grams or more but less than 14 grams, we the jury unanimously
8 find the Defendant guilty.

9 As to the charge of trafficking in cocaine base, 10
10 grams or more but less than 28 grams, we the jury unanimously
11 find the Defendant, Kareem Stevenson, guilty.

12 As to the charge of possession with the intent to
13 distribute cocaine, we the jury unanimously find the Defendant,
14 Mr. Stevenson, not guilty.

15 As to the charge of possession of cocaine, we the
16 jury unanimously find the Defendant guilty.

17 As to the charge of possession of methamphetamine,
18 we the jury unanimously find the Defendant, Mr. Stevenson, not
19 guilty.

20 THE COURT: You may be seated.

21 Ladies and gentlemen, first off, would you like me
22 to individually poll the jury, Mr. Whetsel?

23 MR. WHETSEL: Yes, ma'am, we would request that.

24 THE COURT: Ladies and gentlemen, what the clerk is
25 going to do is individually poll each one of you. She will say

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1 You are certainly free discuss the case if you
2 want. You can go home and tell your friends and family what we
3 do up here at the courthouse.

4 At this time, ladies and gentlemen, you are
5 excused.

6 Madam foreperson, I need you to sign the
7 indictments for me.

8 (Jury exits courtroom.)

9 MR. WHETSEL: First, I want to renew all motions,
10 and we would ask Your Honor to reconsider your previous rulings
11 and we would request that you grant our motion for a new trial.

12 THE COURT: Respectfully, I will deny your motion.
13 Obviously, I will stand by all prior rulings.

14 MR. WHETSEL: I will raise the same objections made
15 during the trial. We would ask that you reconsider those
16 rulings at this time

17 THE COURT: Again, I will respectfully deny. I
18 continue to stand by my rulings on the previous objections.

19 MR. WHETSEL: We would also make a motion for a new
20 trial, Your Honor. As to the indictments 4446, 4447, as to the
21 drugs found in the car. We would make a motion for a new trial
22 based on insufficient evidence. The motion being based on the
23 evidence presented. It did not rise to the standard of beyond
24 a reasonable doubt. We make a motion for that.

25 As to the heroin indictment, Your Honor, we would

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1 ask Your Honor to consider granting a new trial based on
2 reconsidering your ruling as to the suppression issue as well
3 as as to the statements that were admitted pretrial motion. We
4 would make motions for a new trial based upon those arguments,
5 Your Honor

6 THE COURT: Respectfully, I will deny your motion
7 for a new trial. I think there was more than adequate evidence
8 for determining that your client was guilty of trafficking in
9 heroin.

10 Indictments 2018-GS-27-444, pulled out of his last
11 pants pocket.

12 On Indictment GS-445, trafficking in cocaine base,
13 10 grams or more but less than 28 grams, that obviously came
14 out of a cigarette box that was underneath the passenger seat
15 where your client was sitting, as was the cocaine. The jury
16 found him guilty of the lesser charge.

17 On possession of cocaine, as you know, the
18 indictment of 2018-GS-27-47, the jury found him not guilty of
19 possession of methamphetamine.

20 The evidence was that it was located in the
21 console. I think the jury could have assumed it belonged to
22 the driver, to Damario Garret. I think based on the evidence
23 produced, I think the jury's determination was clearly logical.
24 They understood what they are doing. I will respectfully deny
25 your motion for a new trial

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1 MR. WHETSEL: At the proper time we would like to
2 submit mitigation evidence

3 THE COURT: Let's go. Are you ready?

4 MR. WHETSEL: Yes, ma'am.

5 * * *

6 SENTENCING HEARING

7 MS. MUSSER: I am preparing the sentencing sheet.

8 THE COURT: I can listen to him while I am doing
9 that

10 MR. WHETSEL: I do have a couple of letters in
11 support of Mr. Stevenson. Father-in-law, one from his current
12 employee. His wife, and Ms. Sure Stevenson. They may want to
13 address Your Honor.

14 Based on my advice, I told him not to discuss the
15 facts within the trial. He may want to tell you a little bit
16 about him personally. I may myself make an argument as well,
17 Your Honor

18 THE COURT: Thank you. I appreciate it. I think
19 we previously settled the record as far as what his previous
20 convictions were. I had 2004, possession of meth, which he had
21 only been 18 years old. Very, very young.

22 2007 CDV. I am taking that, third degree back
23 then.

24 2013 assault and battery, third degree, and
25 malicious injury to personal property.

1 2014, DUS, 2014, CDV.

2 And then another driving under suspension, 2016. I
3 was interested -- I think I said before, I wanted to make sure
4 whatever else we had outstanding with him. You have no
5 discovery in those cases.

6 MR. WHETSEL: A failure to stop for a blue light
7 charge. I am not sure Ms. Musser has the discovery. One of
8 those cases where the driver flees and then they get a warrant
9 later. To be honest, I don't know how strong that case is.

10 MS. MUSSER: Your Honor, we do have -- if I recall
11 correctly, there is a case where the video was -- the system
12 was hacked. We still have an incident report. I believe that
13 we had set discovery. I can make that available, because if we
14 did send the discovery, we had sent it to Mr. Whetsel in
15 February. I don't know if there was some oversight where the
16 incident report was not included. I know it is a failure to
17 stop for a blue light. We don't have video, but we do have the
18 officer's incident report.

19 THE COURT: I see there was also a pending CDV.

20 MS. MUSSER: I don't know that that is a viable
21 case. If I remember correctly, there was an issue with the
22 victim in that case. In candor to the Court, I don't know
23 that. I would have to take a look at it. As I recall, there
24 were issues with the victim

25 THE COURT: All I am saying is I will go ahead and

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1 sentence him on this. I want to know what you are doing with
2 the remaining charges.

3 MS. MUSSER: Yes, ma'am.

4 THE COURT: I am willing to hear from his wife and
5 mother. You gave me the letter, and I appreciate that.

6 Anything Mr. Stevenson would like to say?

7 MR. WHETSEL: Start with Ms. Say that Stevenson for
8 the record come up. Spell your name for the court reporter.

9 THE COURT: Yes, ma'am

10 Ma'am, what would you like to tell me?

11 MS. SCHANEATH: it has been years that Kareem has
12 been in trouble. Recently he has been doing good. He has a
13 job. Supervisor. He is taking care of his family. He really
14 has come a long way. I am proud of him. Everyone is proud of
15 him. You all should try to give him a second chance being that
16 this is his first conviction of this kind of case. I think
17 that maybe we should try some kind of counselor, something
18 else.

19 The maximum amount of years -- I need my husband.
20 His kids need their dad

21 THE COURT: How many children do you have?

22 MS. SCHANEATH: Three

23 THE COURT: How old are they?

24 MS. SCHANEATH: 19, 13, 8.

25 THE COURT: Thank you, ma'am. I appreciate it.

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1 MR. WHETSEL: This is Ms. Carol Stevenson

2 THE COURT: Thank you. Ms. Stevenson, good
3 afternoon

4 MS. STEVENSON: Yes, ma'am.

5 I always tried to teach them, walk a straight line
6 the way I am headed. Anyway, I know he has to be punished for
7 this. But he has been doing good for the last two years. I
8 can say I am proud of him for once. I just don't want him to
9 go away for a lifetime

10 THE COURT: Thank you, ma'am.

11 Mr. Whetsel

12 MR. WHETSEL: Your Honor, I think Mr. Stevenson
13 wants to address the Court. And then.

14 THE DEFENDANT: I really don't want -- I don't
15 know what to say. This is not me. You see what I am saying.
16 I am not one of them guys out there. I always work hard to
17 take care of my kids. I got a daughter. I applied -- you can
18 see my record. I am not a violent person.

19 I don't really know what to say, Your Honor. I
20 apologize. If you could get me some help instead of sending me
21 to prison. I am not a prison guy. I never went to prison in
22 my life. I am not the type of guy that is like that. If you
23 would just know who I am.

24 I got supervised. I work hard and very
25 respectable. I am not hoodlum or whatever they call it. I am

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1 not that. I don't want you all to think of me like that. I
2 just need a chance to show you, everybody, that I am really a
3 straight-up guy. You see what I am saying.

4 I just went to the hospital. They diagnosed me
5 with arthritis in my spine. I am going through doctors right
6 now to try to put -- get the arthritis into my spine, back pain
7 and stuff like that. There is a lot of things that I am trying
8 to do.

9 At this moment in my life to get things straight
10 with myself. What I am facing, I never thought that in one
11 million years. I am not that guy. I am not that person. I am
12 not violent. I am none of that. That is all I got to say

13 THE COURT: I understand.

14 MS. MUSSER: Your Honor, I have the sentencing
15 sheets to pass up

16 MR. WHETSEL: May I make a brief argument?

17 THE COURT: Sure

18 MR. WHETSEL: Mr. Stevenson would be entitled to 23
19 days credit; five days after the initial arrest he had his bond
20 revoked. He is serving an additional -- a total of 253 days
21 credit on these charges.

22 He is 35 year olds; three children. The minimum
23 you can give is seven years. I would ask that you consider
24 that. Even at that level, his youngest will be a teenager.
25 That is hard to wrap your head around. It's hard for

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1 Mr. Stevenson.

2 Your Honor saw the evidence in this case. It's
3 obviously a bad day for him in his life. No doubt about it.
4 No excuse for it. For what it's worth, I think it's worth
5 saying this, once he was confronted by law enforcement, he was
6 very cooperative. He didn't try to hurt anybody.

7 I am not trying to make an excuse for what he was
8 found in possession of in that day, in that moment. Nobody was
9 hurt. Everyone went home that day except Mr. Stevenson. He
10 wasn't trying to harm the officer or anything like that. Seven
11 years is a substantial amount of time. I would ask that you
12 consider giving him a minimum sentence in this case, Your
13 Honor. That is time that he is going to lose, especially with
14 his youngest.

15 His prior record, as Your Honor can see, he has no
16 felony convictions.

17 There is a letter from his employer. Obviously, he
18 is a very hard worker. He is the main financial provider for
19 his family. We would ask you to consider the seven years

20 THE COURT: Yes, ma'am.

21 MS. MUSSER: I know this Court has seen plenty of
22 defendants. I have always told my step-daughter, we all made
23 good choices and bad choices. When we make bad choices, there
24 is accountability. For almost every drug sentencing, there is
25 a probation violation hearing. Your Honor has always said, if

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1 there is one thing I could change in this world, it would be
2 the drug problem.

3 The State is contending that Mr. Stevenson is
4 violent. He physically hurt someone. The drug trade has
5 affected countless lives. Think of the parents who come before
6 this Court. They don't have a child due to a drug problem.
7 The trafficking laws are set how they are for that reason.

8 The State's recommendation based on fact that he
9 had multiple different quantities of drugs and the amounts,
10 particularly of the cocaine base, which obviously is
11 substantial. The State's recommendation is 10 to 12 years,
12 because, like you said, the drug trade is causing such a
13 problem.

14 While we understand this not only affects the
15 Defendant's life, the family's life, other lives by his choices
16 because he engages in the activity that he can. He has
17 affected other people's lives, so we would ask the Court to
18 impose a sentence of 10 to 12 years and run the additional
19 sentences concurrent.

20 THE COURT: Thank you. Anything else?

21 MR. WHETSEL: Not from us. No, Your Honor. Thank
22 you

23 THE COURT: All right. You need -- I think we need
24 to go ahead and cuff him. Have you been able to say goodbye to
25 your mom and wife?

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1 Go ahead and take -- I will just give him a very
2 quick minute if you are fine with that. Let him give his wife
3 and mother a hug

4 So if you need -- Mr. Whetsel, you might want to
5 tell him if he has a watch or anything else he wants to give
6 her, he should go ahead and do that.

7 * * *

8 RULING BY THE COURT

9 THE COURT: On Indictment 2018-GS-27-00444,
10 trafficking in heroin. The sentence of the Court is you be
11 committed to the Department of Corrections for a period of ten
12 years.

13 Indictment 2018-GS-27-00445, trafficking in cocaine
14 base. Again, the sentence of this Court is that you be
15 committed to the Department of Corrections for a period of ten
16 years.

17 On Indictment 2018-GS-27-00446, possession of
18 cocaine, the sentence of the Court is that you be committed to
19 the Department of Corrections for a period of three years.

20 Those will all run concurrent to each other, and I
21 am giving you credit for the 256 days you have served. Ms.
22 Musser, I need you to seriously consider in the next day or two
23 dismissing the other charges that are left against him.

24 MS. MUSSER: Yes, Your Honor.

25 THE COURT: Thank you.

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1 MR. WHETSEL: Thank you, Your Honor.

2 (At 6:37 p.m. the proceedings were concluded.)

3 * * *

4 END OF VOLUME II

5 END OF TRANSCRIPT

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STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	
COUNTY OF JASPER	)	INDICTMENTS: 2018GS2700444 - 447
	)	
	)	WARRANTS: 2018A2710200305 - 308
STATE OF SOUTH CAROLINA	)	
	)	
vs.	)	MOTION TO SUPPRESS DRUG EVIDENCE
	)	
Kareem Stevenson	)	
	)	
Defendant.	)	
_____	)	

The Defendant respectfully requests this Court to suppress all drug evidence found on the Defendant and in the vehicle as the law enforcement officer did not have a reasonable suspicion to conduct a traffic stop and the subsequent seizure and search was a violation of the Defendant's rights under the Fourth Amendment of the United States Constitution and of Article I Section 10 of the South Carolina Constitution.

STATEMENT OF FACTS

On June 11th, 2018, at about 3:25 p.m., Detective Hallie Godley, of the Jasper County Sheriff's Office, conducts a traffic stop on gray BMW. The driver is identified as Dimario Garrett and the passenger is identified as Kareem Stevenson (the Defendant). According to Detective Godley's incident report, the reason for the traffic stop was because she observed the vehicle, "make a right hand turn onto Hwy 17 south bound and immediately enter into the number one lane." On the body camera¹, Detective Godley tells Mr. Garrett and Mr. Stevenson she stopped them because, "you switched lanes illegally. You're supposed to turn into the inside lane first. Stop, and then get into the exterior lane. Don't cut over immediately into the interior lane." A review of Detective Godley's dash video clearly shows the alleged traffic violation. As

¹ Godley body camera at 15 seconds

the BMW approaches the stop sign, the right-side blinker is activated. The BMW comes to a complete stop at the stop sign. The BMW turns right onto Highway 17 (which is a four-lane highway). As the BMW turns it crosses the exterior lane and immediately enters the interior lane. Detective Godley then conducts the traffic stop.

Detective Godley obtains Mr. Garrett's driver's license and the car's registration and insurance. Detective Godley then informs Mr. Garrett and Mr. Stevenson she can smell marijuana and asks if they have any in the car. They admit to smoking earlier but deny having anything in the car. Detective Godley then tells them that, once her partner arrives, she will have them step out and then "they'll go from there."² While waiting for her partner to arrive, Mr. Stevenson tries to open the passenger door. Detective Godley tells him to stop and soon after Detective Raymond Davis arrives on scene and removes Mr. Stevenson from the car. Law enforcement finds suspected heroin in Mr. Stevenson's pocket. Law enforcement also finds 1.8 grams of suspected marijuana, 3 pills, suspected cocaine base and suspected cocaine in the vehicle. The SLED laboratory later confirmed the drugs as 18.93 grams of cocaine base, 1.88 grams of cocaine, 5.92 grams of heroin, and two tablets of methamphetamine. Detective Godley issues a written warning to Mr. Garrett and selected "changing lanes unlawfully" as the reason for the warning.

LAW/ANALYSIS

The Fourth Amendment to the United States Constitution prohibits unreasonable searches and seizures. State v. Spears, 429 S.C. 422 (2020). Evidence seized in violation of the Fourth Amendment must be excluded from trial. *Id.* Article 1, section 10, of the South Carolina Constitution establishes "the right of the people to be secure in their persons...against

² Godley body camera at 1 min. and 58 sec.

unreasonable searches and seizures and unreasonable invasions of privacy shall not be violated...” The South Carolina Supreme Court has established the South Carolina Constitution’s privacy protection against unreasonable searches and seizures “favors an interpretation offering a higher level of privacy protection than the Fourth Amendment.” State v. Boston, Op. No. 5808 (Ct. App. Filed Mar. 10, 2021), citing State v. Counts, 413 S.C. at 168 (2015).

A police officer may conduct a constitutionally valid traffic stop when the officer has a reasonable suspicion that either the vehicle or an occupant is subject to seizure for a violation of the law; which includes violation of a traffic regulation. State v. Padgett, 354 S.C. 268, 272 (Ct. App. 2003). Reasonable suspicion is a lesser standard than probable cause and allows an officer to effectuate a stop when there is some objective manifestation of criminal activity involving the person stopped. *Id* at 273. Reasonable suspicion exists when an officer can identify specific facts that, when taken together with rational inferences from those facts, would warrant a person of reasonable caution in the belief that the detainee has committed a crime. *Id*. The propriety of a stop must be viewed in light of the totality of the circumstances. *Id*. To satisfy the reasonable suspicion standard, the State is not required to prove the suspected motor vehicle violation occurred. *Id*.

Detective Godley’s report and videos make it clear the reason for the traffic stop. The question now is if immediately entering the interior lane, after turning onto a four-lane highway, is a traffic violation under South Carolina law. There is no statute in Chapter 5 of Title 56 that directly prohibits this so the traffic stop was unreasonable.

The only three statutes that might address this alleged violation are S.C. Code Ann. § 56-5-1900 (1977); S.C. Code Ann. § 56-5-2120 (1993); or S.C. Code Ann. § 56-5-2150 (2017).

Code Section 56-5-1900³ is titled “Driving on roadways laned for traffic” and is what law enforcement cites to if someone “fails to maintain their lane.”⁴ Subsection A requires the driver to drive as near as practicable entirely within a single lane and shall not move from the lane until the driver has first ascertained the movement can be made safely. There is no evidence that Mr. Garrett failed to make sure he could enter the lane safely. In fact, the dash video shows no vehicular traffic driving in the lanes as Mr. Garrett makes the turn. Since the turn was objectively safe (as shown on the dash video) and there is no evidence that Mr. Garrett did not first ascertain the movement could be made safely then there was no traffic violation and this statute would not be a proper basis for the stop.

Code Section 56-5-2120⁵ is titled “Required position and method of turning.” This statute provides for how vehicles must make left and right turns. For a right turn, a driver is

³ SECTION 56-5-1900. Driving on roadways laned for traffic.

Whenever any roadway has been divided into two or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply:

- (a) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from the lane until the driver has first ascertained that such movement can be made with safety.
- (b) Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when the center lane is clear of traffic within a safe distance or in preparation for making a left turn or where the center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by official traffic-control devices.
- (c) Official traffic-control devices may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such device.
- (d) Official traffic-control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of such devices.

HISTORY: 1962 Code Section 46-390; 1952 Code Section 46-390; 1949 (46) 466; 1977 Act No. 143 Section 6.

⁴ State v. Vinson, 400 S.C. 347 (Ct. App. 2012).

⁵ SECTION 56-5-2120. Required position and method of turning.

The driver of a vehicle intending to turn shall do so as follows:

- (a) Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.
- (b) Left turns. The driver of a vehicle intending to turn left shall approach the turn in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle. Whenever practicable the left turn shall be made to the left of the center of the intersection so as to leave the intersection or other location in the extreme left-hand lane lawfully available to traffic moving in the same direction as the vehicle on the roadway being entered.
- (c) The Department of Transportation and local authorities in their respective jurisdictions may cause official traffic-control devices to be placed and thereby require and direct that a different course from that specified in this section

required to approach and turn as close as practicable to the right-hand curb or edge of the roadway. The dash video shows the BMW approach the stop sign and stop very close to the edge of the roadway. As the vehicle turns it is still near the edge of the roadway and then enters the interior lane. Mr. Garrett did not violate the requirements of this statute so this would not serve as a proper basis for the traffic stop.

Code Section 56-5-2150⁶ is titled "Turning movements and required signals." This statute prevents a driver from moving a vehicle left or right upon a roadway without first making sure the movement can be made with reasonable safety and giving an appropriate signal. Mr. Garrett stopped completely at the stop sign, used a turning signal, and only turned right after making sure no other vehicular traffic was approaching (as can be seen in the dash video). He complied with the requirements of this section as well so this would not be a valid reason for the stop.

be traveled by turning vehicles and when such devices are so placed no driver shall turn a vehicle other than as directed and required by such devices.

(d) Two-way left turn lanes. Where a special lane for making left turns by drivers proceeding in the opposite directions has been indicated by official traffic-control devices:

1. A left turn shall not be made from any other lane.

2. A vehicle shall not be driven in the lane except when preparing for or making a left turn from or into the roadway or when preparing for or making a U turn when otherwise permitted by law.

HISTORY: 1962 Code Section 46-402; 1952 Code Section 46-402; 1949 (46) 466; 1977 Act No. 144 Section 1; 1993 Act No. 181, Section 1412.

⁶ SECTION 56-5-2150. Turning movements and required signals.

(A) No person shall turn a vehicle or move right or left upon a roadway unless and until such movement can be made with reasonable safety nor without giving an appropriate signal as provided for in this section.

(B) A signal of intention to turn or move right or left when required shall be given continuously during not less than the last one hundred feet traveled by the vehicle before turning.

(C) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

(D) The signals required on vehicles by subsection (B) of Section 56-5-2180, shall not be flashed on one side only on a disabled vehicle, flashed as a courtesy or 'do pass' signal to operators of other vehicles approaching from the rear, nor be flashed on one side only of a parked vehicle except as may be necessary for compliance with this section.

(E) A person who violates the provisions of this section must be fined twenty-five dollars, all or part of which may not be suspended. In addition no court costs, assessments, surcharges, or points may be assessed against the person or his driving record."

HISTORY: 1962 Code Section 46-405; 1952 Code Section 46-405; 1949 (46) 466; 1977 Act No. 144 Section 3; 2017 Act No. 81 (H.4033), Section 5.B, eff May 19, 2017.

Conclusion

Law enforcement must have a reasonable suspicion of a traffic violation before a constitutionally valid stop can be conducted. In this case, no South Carolina traffic law was violated. Since there was no “objective manifestation” of a violation then the stop was unreasonable. Because the stop was unreasonable then the subsequent seizure and search of Mr. Stevenson violated his right against an “unreasonable search and seizure” under the 4th Amendment and his right against “unreasonable searches and seizures and unreasonable invasions of privacy” under the South Carolina Constitution. The Defendant respectfully requests this Court to suppress any evidence that resulted from this traffic stop.

Respectfully Submitted,

/s Dustin Whetsel
Dustin Whetsel
Assistant Public Defender
Fourteenth Judicial Circuit

April 7, 2021
Jasper, South Carolina

212 WITNESSES

H. Godley, JCSO

ARREST WARRANT NUMBER

2018A2710200305

ACTION OF GRAND JURY

TRUE BILL

NO BILL

FOREMAN

DATE

Foreperson of Grand Jury

Date:

VERDICT

Guilty

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2018GS2700444

The State of South Carolina

County of Jasper

COURT OF GENERAL SESSIONS

March Term 2019

THE STATE

vs.

Kareem Kenya Stevenson

Indictment For

Trafficking in Heroin, 4 grams or more, but less than 14 grams

SC Code: 44-53-370(e)(3)(a)(1)

CDR Code: 2361

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. and G.S.

Brittany Washington 4/13/21

Date:

INDICT

Brittany Washington

STATE OF SOUTH CAROLINA)
)
COUNTY OF JASPER)

INDICTMENT
2018GS2700444

213

At a Court of General Sessions, convened on March 4, 2019, the Grand Jurors of Jasper County present upon their oath:

Trafficking in Heroin, 4 grams or more, but less than 14 grams

That in Jasper County, South Carolina, on or about June 11, 2018, the Defendant, Kareem Kenya Stevenson, did knowingly actually or constructively possess four grams or more, but less than fourteen grams of a morphine, opium, salt, isomer, or salt of an isomer thereof, including heroin, as described in Section 44-53-190 or Section 44-53-210 or a mixture containing any of these substances, to wit: Defendant was the passenger in a vehicle that was the subject of a traffic stop. Officer detected the odor of marijuana emanating from the vehicle and awaited backup for a search as she was by herself. Defendant urged the driver to flee the scene of the stop and also tried to get out of the passenger side door. Backup Officer arrived as Defendant was trying to climb through the passenger side window in an effort to flee. A search of Defendant's person resulted in a lab test quantity of 5.92 grams of Heroin, all in violation of Section 44-53-370(e)(3)(a)(1), et al. of the Codes of Law of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Solicitor

COUNTY OF Jasper

STATE

VS.

Kareem Kenya Stevenson

AKA:

Race: Black Sex: Male Age: 1985

DOB: 12:00:00 AM SS#: [REDACTED]

Address: Wagon Branch Loop, Ridgeland, SC 29936, Jasper County

DL# * SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

TO: Trafficking in Heroin

In violation of § 44-53-370(E)(3)(a)(1) of the S.C. Code of Laws, bearing CDR Code # 2361

☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ MANDATORY GPS ☐ §17-25-45 (CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def's initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: [Signature] 77699 (Solicitor) (SC Bar #) [Signature] 78998 (Attorney for Defendant) (SC Bar #)

WHEREFORE, the Defendant is committed to the State Department of Corrections ☐ County Detention Center, for a determinate term of 10 days/months/years or ☐ under the Youthful Offender Act not to exceed years and/or to pay a fine of \$ provided that upon the service of days/months/years and or payment of \$ plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:
☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.
☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135. 256 day

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ plus 20% fee: \$ days/hours Public Service Employment

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine: \$
 §14-1-206 (Assessments 107.5%) \$
 §14-1-211 (A)(1)(Conv. Surcharge) \$100 \$100.00
 §14-1-211 (A)(2)(DUI Surcharge) \$100 \$
 §56-5-2995 (DUI Assessment) \$12 \$
 §56-1-286 (DUI Breath Test) \$25 \$
 Proviso 61.6 (Public Def/Prob) \$500 \$
 §14-1-212 (Law Enforce. Funding) \$25 \$25.00
 §14-1-213 (Drug Court Surcharge) \$150 \$150.00
 §50-21-114 (BUI Breath Test Fee) \$50 \$
 §56-5-2942(J) (Vehicle Assessment) \$40/each \$
 3% to County (if paid in installments) \$8.25

TOTAL

Clerk of Court/Deputy Clerk: [Signature]
 Court Reporter: [Signature]

1415 - 23415; 025,000 MANDATORY FINE

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS2700444

A/W#: 2018A2710200305

Date of Offense: 06/11/2018

S.C. Code §: 44-53-370(e)(3)(a)(1)

CDR Code #: 2361

SENTENCE SHEET

☐ Obtain GED
☐ Attend Voc. Rehab. Or Job Corp.
☐ May serve W/E beginning
☐ Substance Abuse Counseling
☐ Random Drug/Alcohol Testing
 Fine may be pd. in equal consecutive weekly/monthly
 pmts. of \$ Beginning
 \$ Paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel.
 Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge:
 Judge Code: 2142
 Sentence Date: 4-13-21

WITNESSES

H. Godley, JCSO

DOCKET NO. 2018GS2700445

The State of South Carolina

County of Jasper

COURT OF GENERAL SESSIONS

March Term 2019

THE STATE

vs.

Kareem Kenya Stevenson

Indictment For

**Trafficking Cocaine Base, 10 grams
or more, but less than 28 grams**

SC Code: 44-53-375(C)(1)(a)

CDR Code: 0450

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury. **215**

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

ARREST WARRANT NUMBER

2018A2710200306

ACTION OF GRAND JURY

TRUE BILL
NO BILL

FOREMAN

3/4/19

Foreperson of Grand Jury

Date:

VERDICT

Guilty

Foreperson of Petit Jury

Date:

INDICT

Brihany Washington

Defendant

Witness:

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA

COUNTY OF JASPER

INDICTMENT

2018GS2700445

At a Court of General Sessions, convened on March 4, 2019, the Grand Jurors of Jasper County present upon their oath:

Trafficking Cocaine Base, 10 grams or more, but less than 28 grams

That in Jasper County, South Carolina, on or about June 11, 2018, the Defendant, Kareem Kenya Stevenson, did knowingly sell, manufacture, deliver, purchase, or otherwise bring into this State, or provide financial assistance or otherwise aid, abet, attempt, or conspire to sell, manufacture, deliver, purchase, or bring into this State, or was knowingly in actual or constructive possession of more than ten but less than twenty-eight grams of methamphetamine or cocaine base as defined and otherwise limited in Section 44-53-110, 44-53-210(d)(1) or 44-53-210(d)(2), to wit: Defendant was the passenger in a vehicle that was the subject of a traffic stop. Officer detected the odor of marijuana emanating from the vehicle and awaited backup for a search as she was by herself. Defendant urged the driver to flee the scene of the stop and also tried to get out of the passenger side door. Backup Officer arrived as Defendant was trying to climb through the passenger side window in an effort to flee. A search of the vehicle resulted in finding a cigarette pack, located under the Defendant's seat, which contained a lab tested weight of 18.93 grams of Cocaine Base, all in violation of Section 44-53-375(C)(1)(a), et al. of the Codes of Law of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Solicitor

STATE OF SOUTH CAROLINA

COUNTY OF Jasper

STATE

VS.

Kareem Kenya Stevenson

AKA:

Race: Black Sex: Male Age:

DOB: 1985 12:00:00 AM SS#:

Address: Wagon Branch Loop, Ridgeland, SC 29936, Jasper County

DL# * SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Trafficking in Cocaine Base

In violation of § 44-53-375 (C)(1)(a)

☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUSThe charge is: ☒ As indicted,The plea is: ☐ Without Negotiations or Recommendation,

ATTEST:

(Solicitor) *Smussen 77699*

(SC Bar #)

(Defendant)

WHEREFORE, the Defendant is committed to the State Department of Corrections

for a determinate term of 18 days/months/years or ☐ under the Youthful Offender Act not to exceed years

and/or to pay a fine of \$ -; provided that upon the service of days/months/years and or payment of \$ - plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS: ☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ plus 20% fee: \$ days/hours Public Service Employment

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§14-1-206 (Assessments 107.5%)		\$ 0
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ 0
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$ 100.00
§56-5-2995 (DUI Assessment)	\$12	\$ 0
§56-1-286 (DUI Breath Test)	\$25	\$ 0
Proviso 61.6 (Public Def/Prob)	\$500	\$ 0
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$ 150.00
§50-21-114 (BUI Breath Test Fee)	\$50	\$ 0
§56-5-2942(J) (Vehicle Assessment)	\$40/each	\$ 0
3% to County (if paid in installments)		\$ 1.25

TOTAL

Clerk of Court/Deputy Clerk

Court Reporter:

MP-SCCA/217 (04/2018)

5-10 yrs; mandatory \$25,000 fine

217

) IN THE COURT OF GENERAL SESSIONS

) INDICTMENT/CASE#: 2018GS2700445

) A/W#: 2018A2710200306

) Date of Offense: 06/11/2018

) S.C. Code §: 44-53-375(C)(1)(a)

) CDR Code #: 0450

) SENTENCE SHEET

☒ CONVICTED OF or☐ PLEADS

of the S.C. Code of Laws, bearing CDR Code # 0450

☐ MOST SERIOUS☐ MANDATORY GPS ☐ §17-25-45

(CSC w/minor 1" or CSC w/minor 3")

☐ Defendant Waives Presentment to Grand Jury.

(def's initials)

☐ Negotiated Sentence,☐ Recommendation by the State.

(Attorney for Defendant)

(SC Bar #)

☐ County Detention Center,☐ under the Youthful Offender Act not to exceed years

plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS: ☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ plus 20% fee: \$ days/hours Public Service Employment

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§14-1-206 (Assessments 107.5%)		\$ 0
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ 0
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$ 100.00
§56-5-2995 (DUI Assessment)	\$12	\$ 0
§56-1-286 (DUI Breath Test)	\$25	\$ 0
Proviso 61.6 (Public Def/Prob)	\$500	\$ 0
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$ 150.00
§50-21-114 (BUI Breath Test Fee)	\$50	\$ 0
§56-5-2942(J) (Vehicle Assessment)	\$40/each	\$ 0
3% to County (if paid in installments)		\$ 1.25

TOTAL

Clerk of Court/Deputy Clerk

Court Reporter:

MP-SCCA/217 (04/2018)

☐ Obtain GED☐ Attend Voc. Rehab. Or Job Corp.☐ May serve W/E beginning☐ Substance Abuse Counseling☐ Random Drug/Alcohol Testing

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ Beginning

\$ Paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge:

Judge Code:

Sentence Date:

2142
4-13-21

218 WITNESSES

H. Godley, JCSO

ARREST WARRANT NUMBER

2018A2710200307

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date:

VERDICT

Not Guilty
Guilty to the lesser
included
Brashers 4/13/21

Foreperson of Petit Jury

Date:

INDICT

Brittany Washington

DOCKET NO. 2018GS2700446

The State of South Carolina

County of Jasper

COURT OF GENERAL SESSIONS

March Term 2019

THE STATE

vs.

Kareem Kenya Stevenson

Indictment For

Possession with Intent to Distribute
Cocaine

SC Code: 44-53-370(b)(1), 44-53-
370(a)(1)

CDR Code: 0183

After being fully advised as to my
legal rights, I hereby waive
presentment to the Grand Jury.

Defendant

I
hereby appear in my own proper
person and plead guilty to the within
indictment or to

Defendant

Witness:

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA)
)
COUNTY OF JASPER)

INDICTMENT

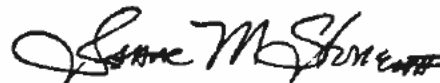
2018GS2700446

At a Court of General Sessions, convened on March 4, 2019, the Grand Jurors of Jasper County present upon their oath:

Possession with Intent to Distribute Cocaine

That in Jasper County, South Carolina, on or about June 11, 2018, the Defendant, Kareem Kenya Stevenson, did possess with the intent to manufacture, distribute, dispense, deliver, or purchase Cocaine, which was a controlled substance classified in Schedule I (b) or (c) which was a narcotic drug, or lysergic acid diethylamide (LSD), or in Schedule II which was a narcotic drug, to wit: Defendant was the passenger in a vehicle that was the subject of a traffic stop. Officer detected the odor of marijuana emanating from the vehicle and awaited backup for a search as she was by herself. Defendant urged the driver to flee the scene of the stop and also tried to get out of the passenger side door. Backup Officer arrived as Defendant was trying to climb though the passenger side window in an effort to flee. A search of the vehicle resulted in finding a cigarette pack, located under the Defendant's seat, which contained a lab tested weight of 1.88 grams of Cocaine, all in violation of Section 44-53-370(b)(1), 44-53-370(a)(1), et al. of the Codes of Law of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Solicitor

STATE OF SOUTH CAROLINA

COUNTY OF Jasper

STATE

VS.

Kareem Kenya Stevenson

AKA:

Race: Black Sex: Male Age:

DOB: 1985 SS#: 12:00:00 AM

Address: Wagon Branch Loop, Ridgeland, SC 29936, Jasper County

DL# * SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Possession of Cocaine

In violation of § 44-53-370

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS

The charge is: ☐ As indicted, ☒ Lesser Included Offense,

The plea is: ☐ Without Negotiations or Recommendation,

ATTEST:

M. J. [Signature] 77699

(Solicitor) (SC Bar #) (Defendant)

WHEREFORE, the Defendant is committed to the State Department of Corrections

for a determinate term of 3 days/months/years or

and/or to pay a fine of \$ provided that upon the service of

plus costs and assessments as applicable*; the balance is suspended with probation for

Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ plus 20% fee: \$ days/hours Public Service Employment

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:		\$	0
§14-1-206 (Assessments 107.5%)		\$	0
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$	100.00
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$	0
§56-5-2995 (DUI Assessment)	\$12	\$	0
§56-1-286 (DUI Breath Test)	\$25	\$	0
Proviso 61.6 (Public Def/Prob)	\$500	\$	0
§14-1-212 (Law Enforce. Funding)	\$25	\$	25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$	150.00
§50-21-114 (BUI Breath Test Fee)	\$50	\$	0
§56-5-2942(J) (Vehicle Assessment)	\$40/each	\$	0
3% to County (if paid in installments)		\$	8.25

TOTAL \$ 283.25

Clerk of Court/Deputy Clerk
Court Reporter: *K. Williams*

MP-SCCA/217 (04/2018)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS2700446

A/W#: 2018A2710200307

Date of Offense: 06/11/2018

S.C. Code §: 44-53-370(b)(1)

CDR Code #: 0183

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

of the S.C. Code of Laws, bearing CDR Code # 3011

☐ MOST SERIOUS ☐ MANDATORY GPS ☐ §17-25-45

☐ Defendant Waives Presentment to Grand Jury (def's initials)

☐ Negotiated Sentence, ☐ Recommendation by the State.

[Signature] 78998
(Attorney for Defendant) (SC Bar #)

☐ County Detention Center,

under the Youthful Offender Act not to exceed years

days/months/years and or payment of \$

months/years and subject to South Carolina Department of

256 days credit

SPECIAL CONDITIONS:

Obtain GED

Attend Voc. Rehab. Or Job Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol Testing

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ Beginning

\$ Paid to Public Defender Fund

Other:

Appointed PD or appointed other counsel,

Proviso requires \$500 be paid to Clerk

during probation and shall be collected before any other fees.

Presiding Judge:

Judge Code: 2142

Sentence Date: 4-13-21

WITNESSES

H. Godley, JCSO

ARREST WARRANT NUMBER

2018A2710200308

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date:

VERDICT

not guilty

Foreperson of Petit Jury

Date:

INDICT

Brittany Washington 4/13/21

DOCKET NO. 2018GS2700447

The State of South Carolina

County of Jasper

COURT OF GENERAL SESSIONS

March Term 2019

THE STATE

vs.

Kareem Kenya Stevenson

Indictment For

**Possession of Methamphetamine,
1st Offense**

SC Code: 44-53-375(A)

CDR Code: 3009

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. and G.S.

At a Court of General Sessions, convened on March 4, 2019, the Grand Jurors of Jasper County present upon their oath:

Possession of Methamphetamine, 1st Offense

That in Jasper County, South Carolina, on or about June 11, 2018, the Defendant, Kareem Kenya Stevenson, did possess methamphetamine or cocaine base in an amount less than one gram, to wit: Defendant was the passenger in a vehicle that was the subject of a traffic stop. Officer detected the odor of marijuana emanating from the vehicle and awaited backup for a search as she was by herself. Defendant urged the driver to flee the scene of the stop and also tried to get out of the passenger side door. Backup Officer arrived as Defendant was trying to climb through the passenger side window in an effort to flee. A search of the vehicle resulted in finding a a brown glass bottle in the passenger side cup holder, which contained a lab tested weight of .45 grams of Methamphetamine, all in violation of Section 44-53-375(A), et al. of the Codes of Law of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



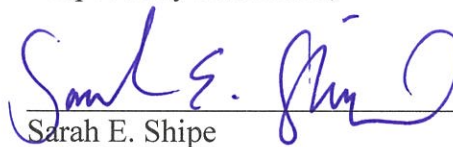
Solicitor

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

RECEIVED**Aug 19 2022****SC Court of Appeals**

Respectfully Submitted,



Sarah E. Shipe
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 19th day of August, 2022.