

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Cherokee County

H. Steven DeBerry, IV, Circuit Court Judge

RECEIVED

Jan 11 2023

SC Court of Appeals

NICHOLAS BONNER,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT.

APPELLATE CASE NO. 2022-000085

APPENDIX
VOLUME I

SUSANNAH ROSS, ESQ.

Ross & Enderlin, PA
330 E. Coffee St.
Greenville, SC 29601
(864) 242-0029
susannah@rossenderlin.com

ATTORNEY FOR PETITIONER

CHELSEY MARTO
Assistant Attorney General
Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211
(803)734-6305
chelseyMarto@sc.ag.gov

ATTORNEY FOR RESPONDENT

INDEX

INDEX.....	i
HEARING TRASCRIPT DATED APRIL 24, 2017.....	1
APPLICATION FOR POST-CONVICTION RELIEF.....	822
AMENDED APPLCATION.....	838
RETURN.....	850
POST-CONVICTION RELIEF HEARING TRANSCRIPT DATED AUGUST 3, 2021	884
ORDER GRANTING WHITE AND DISMISSING ALL OTHER ISSUES.....	991
MOTION TO ALTER OR AMEND.....	1032
ORDER DENYING	1035
INDICTMENTS AND SENTENCE SHEETS	1036

1 STATE OF SOUTH CAROLINA)
2 COUNTY OF CHEROKEE) IN THE COURT OF GENERAL SESSIONS

3
4 THE STATE OF SOUTH)
CAROLINA)
5) TRANSCRIPT OF RECORD
-vs-) 2012-GS-11-00820
6) 2012-GS-11-00821
NICHOLAS A. BONNER,) APRIL 24, 2017
7) GAFFNEY, SOUTH CAROLINA
DEFENDANT.)

8
9 (VOLUME I)

10
11 B E F O R E:

12 THE HONORABLE R. KEITH KELLY, JUDGE. ; And a Jury.
13
14
15
16

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

18 CHRISTOPHER M. BAIN, ASSISTANT SOLICITOR
ATTORNEY FOR THE STATE

19 CANDICE K. LAPHAM, ATTORNEY AT LAW
20 ATTORNEY FOR THE DEFENDANT
21
22

23 MICHAEL R. WATTS
24 CIRCUIT COURT REPORTER
25

1	INDEX	
2	(APRIL 24, 2017)	
3	WITNESSES	PAGE
4	JURY VOIR DIRE -- PAGE 23	
5	(SUPPRESSION HEARING)	
6	OFFICER BRANDON GARDNER (SW)	
7	DIRECT EXAMINATION BY MR. BAIN	55
8	CROSS EXAMINATION BY MS. LAPHAM	65
9	NICHOLAS BONNER (DW)	
10	DIRECT EXAMINATION BY MS. LAPHAM	69
11	CROSS EXAMINATION BY MR. BAIN	71
12	ERIC LATTIMORE (SW)	
13	DIRECT EXAMINATION BY MR. BAIN	83
14	CROSS EXAMINATION BY MS. LAPHAM	87
15		
16	(JURY TRIAL)	
17	JURY SWORN -- PAGE 96	
18	OPENING STATEMENT BY MR. BAIN -- PAGE 104	
19	OPENING STATEMENT BY MS. LAPHAM -- PAGE 110	
20	PRENTISS JEFFERIES (SW)	
21	DIRECT EXAMINATION BY MR. BAIN	114
22	CROSS EXAMINATION BY MS. LAPHAM	126
23	REDIRECT EXAMINATION BY MR. BAIN	130
24	RECROSS EXAMINATION BY MS. LAPHAM	133
25		

1	INDEX	
2	(APRIL 24, 2017)	
3	WITNESSES	PAGE
4	MICHAEL TODD PARKER (SW)	
5	DIRECT EXAMINATION BY MR. BAIN	135
6	CROSS EXAMINATION BY MS. LAPHAM	144
7	REDIRECT EXAMINATION BY MR. BAIN	146
8	ERIC LATTIMORE (SW)	
9	DIRECT EXAMINATION BY MR. BAIN	151
10	CROSS EXAMINATION BY MS. LAPHAM	171
11	REDIRECT EXAMINATION BY MR. BAIN	180
12	RECROSS EXAMINATION BY MS. LAPHAM	181
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

INDEX

(APRIL 25, 2017)

WITNESSES	PAGE
OFFICER NICK FEDERICO (SW)	
DIRECT EXAMINATION BY MR. BAIN	201
CROSS EXAMINATION BY MS. LAPHAM	215
REDIRECT EXAMINATION BY MR. BAIN	224
RECROSS EXAMINATION BY MS. LAPHAM	231
RONNIE ANDERSON (SW)	
DIRECT EXAMINATION BY MR. BAIN	232
CROSS EXAMINATION BY MS. LAPHAM	248
REDIRECT EXAMINATION BY MR. BAIN	251
RECROSS EXAMINATION BY MS. LAPHAM	252
STEPHON ADAMS (SW)	
DIRECT EXAMINATION BY MR. BAIN	254
CROSS EXAMINATION BY MS. LAPHAM	265
REDIRECT EXAMINATION BY MR. BAIN	270
RECROSS EXAMINATION BY MS. LAPHAM	273
OFFICER BRANDON GARDNER (SW)	
DIRECT EXAMINATION BY MR. BAIN	276
CROSS EXAMINATION BY MS. LAPHAM	323
REDIRECT EXAMINATION BY MR. BAIN	338
RECROSS EXAMINATION BY MS. LAPHAM	339

1	INDEX	
2	(APRIL 25, 2017)	
3	WITNESSES	PAGE
4	OFFICER RODNEY BRIGHT (SW)	
5	DIRECT EXAMINATION BY MR. BAIN	342
6	CROSS EXAMINATION BY MS. LAPHAM	346
7	OFFICER MIKE SCRUGGS (SW)	
8	DIRECT EXAMINATION BY MR. BAIN	347
9	CROSS EXAMINATION BY MS. LAPHAM	352
10	OFFICER JIMMY HENSON (SW)	
11	DIRECT EXAMINATION BY MR. BAIN	356
12	CROSS EXAMINATION BY MS. LAPHAM	361
13	REDIRECT EXAMINATION BY MR. BAIN	363
14	RECROSS EXAMINATION BY MS. LAPHAM	364
15	OFFICER BILLY ANTHONY 9SW)	
16	DIRECT EXAMINATION BY MR. BAIN	365
17	CROSS EXAMINATION BY MS. LAPHAM	372
18	JARVIS MCCLUNEY (SW)	
19	DIRECT EXAMINATION BY MR. BAIN	378
20	CROSS EXAMINATION BY MS. LAPHAM	392
21	REDIRECT EXAMINATION BY MR. BAIN	396
22	RECROSS EXAMINATION BY MS. LAPHAM	399
23		
24		
25		

1	INDEX	
2	(APRIL 26, 2017)	
3	WITNESSES	PAGE
4	SLED AGENT DONNA MONEY (SW)	
5	DIRECT EXAMINATION BY MR. BAIN	417
6	CROSS EXAMINATION BY MS. LAPHAM	426
7	REDIRECT EXAMINATION BY MR. BAIN	427
8	RECROSS EXAMINATION BY MS. LAPHAM	427
9	SLED AGENT KIMBERLY MEARS (SW)	
10	DIRECT EXAMINATION BY MR. BAIN	428
11	CROSS EXAMINATION BY MS. LAPHAM	434
12	SLED AGENT MARIBETH MCCORMACK (SW)	
13	DIRECT EXAMINATION BY MR. BAIN	435
14	CROSS EXAMINATION BY MS. LAPHAM	443
15	SLED AGENT LYNN BLACK (SW)	
16	DIRECT EXAMINATION BY MR. BAIN	444
17	CROSS EXAMINATION BY MS. LAPHAM	453
18	STATE RESTS -- PAGE 460	
19		
20	RODNEY LOVE (DW)	
21	DIRECT EXAMINATION BY MS. LAPHAM	461
22	CROSS EXAMINATION BY MR. BAIN	472
23	REDIRECT EXAMINATION BY MS. LAPHAM	488
24	RECROSS EXAMINATION BY MR. BAIN	489
25		

1	INDEX	
2	(APRIL 26, 2017)	
3	WITNESSES	PAGE
4	RONDA NORRIS (DW)	
5	DIRECT EXAMINATION BY MS. LAPHAM	490
6	CROSS EXAMINATION BY MR. BAIN	496
7	REDIRECT EXAMINATION BY MS. LAPHAM	515
8	RODNEY DAVIDSON (DW)	
9	DIRECT EXAMINATION BY MS. LAPHAM	517
10	CROSS EXAMINATION BY MR. BAIN	521
11	SHAKEIA DAVIDSON (DW)	
12	DIRECT EXAMINATION BY MS. LAPHAM	526
13	CROSS EXAMINATION BY MR. BAIN	528
14	DAPHINE BONNER (DW)	
15	DIRECT EXAMINATION BY MS. LAPHAM	530
16	CROSS EXAMINATION BY MR. BAIN	532
17	REDIRECT EXAMINATION BY MS. LAPHAM	539
18	RECROSS EXAMINATION BY MR. BAIN	539
19	DARIUS LOGAN (DW)	
20	DIRECT EXAMINATION BY MS. LAPHAM	543
21	CROSS EXAMINATION BY MR. BAIN	544
22	REDIRECT EXAMINATION BY MS. LAPHAM	546
23		
24		
25		

1	INDEX	
2	(APRIL 26, 2017)	
3	WITNESSES	PAGE
4	TODD FERNANDERS (DW)	
5	DIRECT EXAMINATION BY MS. LAPHAM	546
6	CROSS EXAMINATION BY MR. BAIN	553
7	REDIRECT EXAMINATION BY MS. LAPHAM	571
8	LATONYA SMITH (DW)	
9	DIRECT EXAMINATION BY MS. LAPHAM	573
10	(NO CROSS EXAMINATION)	
11	CHRIS BONNER (DW)	
12	DIRECT EXAMINATION BY MS. LAPHAM	578
13	CROSS EXAMINATION BY MR. BAIN	588
14	REDIRECT EXAMINATION BY MS. LAPHAM	604
15	RECROSS EXAMINATION BY MR. BAIN	606
16	NICHOLAS BONNER (DW)	
17	DIRECT EXAMINATION BY MS. LAPHAM	610
18	CROSS EXAMINATION BY MR. BAIN	621
19	REDIRECT EXAMINATION BY MS. LAPHAM	678
20		
21		
22		
23		
24		
25		

1	INDEX	
2	(APRIL 27, 2017)	
3	WITNESSES	PAGE
4	NICKCOS SMITH (DW)	
5	DIRECT EXAMINATION BY MS. LAPHAM	697
6	CROSS EXAMINATION BY MR. BAIN	701
7	REDIRECT EXAMINATION BY MS. LAPHAM	704
8	DEEGEE BONNER (DW)	
9	DIRECT EXAMINATION BY MS. LAPHAM	705
10	CROSS EXAMINATION BY MR. BAIN	711
11	STACY COVINGTON (DW)	
12	DIRECT EXAMINATION BY MS. LAPHAM	714
13	CROSS EXAMINATION BY MR. BAIN	719
14	REDIRECT EXAMINATION BY MS. LAPHAM	727
15	DEFENSE RESTS -- PAGE 730	
16		
17	OFFICER MIKE SCRUGGS (SW) (REBUTTAL)	
18	DIRECT EXAMINATION B MR. BAIN	731
19	CROSS EXAMINATION BY MS. LAPHAM	732
20	OFFICER RONNIE PAINTER (SW) (REBUTTAL)	
21	DIRECT EXAMINATION BY MR. BAIN	733
22	CROSS EXAMINATION BY MS. LAPHAM	737
23	REDIRECT EXAMINATION BY MR. BAIN	738
24		
25		

INDEX

(APRIL 27, 2017)

WITNESSES PAGE

OFFICER TIM TATE (SW) (REBUTTAL)

DIRECT EXAMINATION BY MR. BAIN 739

CROSS EXAMINATION BY MS. LAPHAM 742

REDIRECT EXAMINATION BY MR. BAIN 743

CLOSING ARGUMENT BY MR. BAIN -- PAGE 748

CLOSING ARGUMENT BY MS. LAPHAM -- PAGE 765

FINAL ARGUMENT BY MR. BAIN -- PAGE 774

COURT'S JURY INSTRUCTIONS -- PAGE 778

JURY VERDICT -- PAGE 806

SENTENCING -- PAGE 820

COURT REPORTER'S CERTIFICATE -- PAGE 821

1	EXHIBITS			
2	NO.	DESCRIPTION	ID.	EV.
3	S-1	CONFIDENTIAL INFORMANT AGREEMENT		117
4	S-2	VOLUNTARY STMT OF PRENTISS JEFFERIES		122
5	S-3	PHOTOGRAPH		170
6	S-4	PRE-INTERROGATION WAIVER FORM &		
7		STATEMENT OF ERIC LATTIMORE		167
8	S-5	PHOTOGRAPH		238
9	S-5-A	PHOTOGRAPH		238
10	S-5-B	PHOTOGRAPH		238
11	S-5-C	PHOTOGRAPH		238
12	S-5-D	PHOTOGRAPH		238
13	S-5-E	PHOTOGRAPH		238
14	S-5-F	PHOTOGRAPH		238
15	S-5-G	PHOTOGRAPH		239
16	S-5-H	PHOTOGRAPH		239
17	S-5-I	PHOTOGRAPH		239
18	S-5-J	PHOTOGRAPH		239
19	S-5-K	PHOTOGRAPH		239
20	S-5-L	PHOTOGRAPH		239
21	S-5-M	PHOTOGRAPH		239
22	S-5-N	PHOTOGRAPH		239
23	S-6	PHOTOGRAPH		236
24	S-6-A	PHOTOGRAPH		236
25	S-6-B	PHOTOGRAPH		236

EXHIBITS				
	NO.	DESCRIPTION	ID.	EV.
1				
2				
3	S-6-C	PHOTOGRAPH		236
4	S-6-D	PHOTOGRAPH		237
5	S-6-E	PHOTOGRAPH		237
6	S-6-F	PHOTOGRAPH		237
7	S-6-G	PHOTOGRAPH		237
8	S-6-H	PHOTOGRAPH		237
9	S-7	PHOTOGRAPH		240
10	S-7-A	PHOTOGRAPH		240
11	S-8	PHOTOGRAPH		240
12	S-9	PHOTOGRAPH		206
13	S-10	PHOTOGRAPH		206
14	S-10-A	PHOTOGRAPH		206
15	S-10-B	PHOTOGRAPH		206
16	S-11	PHOTOGRAPH		207
17	S-11-A	PHOTOGRAPH		207
18	S-11-B	PHOTOGRAPH		207
19	S-11-C	PHOTOGRAPH		207
20	S-12	PHOTOGRAPH		207
21	S-12-A	PHOTOGRAPH		207
22	S-13	PHOTOGRAPH		207
23	S-14	PHOTOGRAPH		207
24	S-14-A	PHOTOGRAPH		207
25	S-14-B	PHOTOGRAPH		207

1	EXHIBITS			
2	NO.	DESCRIPTION	ID.	EV.
3	S-15	PHOTOGRAPH		207
4	S-15-A	PHOTOGRAPH		208
5	S-15-A	PHOTOGRAPH		208
6	S-16	PHOTOGRAPH		208
7	S-17	PHOTOGRAPH		208
8	S-17-A	PHOTOGRAPH		208
9	S-18	PRE-INTERROGATION WAIVER FORM &		
10		STATEMENT OF NICHOLAS BONNER		313
11	S-19	SCALES		244
12	S-20	CLOTH BAG		243
13	S-21	PLASTIC BAG		244
14	S-22	PLASTIC BAG		244
15	S-23	DRUGS		451
16	S-24	DRUGS		451
17	S-24-A	DRUGS		451
18	S-25	DRUGS		451
19	S-26	DRUGS		452
20	S-26-A	DRUGS		452
21	S-26-B	DRUGS		452
22	S-26-C	DRUGS		452
23	S-26-D	DRUGS		452
24	S-26-E	DRUGS		452
25	S-26-F	DRUGS		452

1	EXHIBITS			
2	NO.	DESCRIPTION	ID.	EV.
3	S-26-G	DRUGS		452
4	S-26-H	DRUGS		452
5	S-26-I	DRUGS		452
6	S-26-J	DRUGS		452
7	S-26-K	DRUGS		452
8	S-26-L	DRUGS		452
9	S-26-M	DRUGS		453
10	S-26-N	DRUGS		452
11	S-26-O	BOX	22	
12	S-27	AERIAL MAP		297
13	S-28	PRE-INTERROGATION WAIVER FORM &		
14		STATEMENT OF STEPHON ADAMS	22	
15	S-29	PRE-INTERROGATION WAIVER FORM &		
16		STATEMENT OF JARVIS MCCLUNEY	22	
17	S-30	DRUGS		443
18	S-31	DRUGS		441
19	S-32	SCALES		306
20	S-33	ACKNOWLEDGEMENT OF DEFENDANT BOND SHEET		292
21	S-34	PHOTOGRAPH		228
22	S-34-A	PHOTOGRAPH		228
23	S-34-B	PHOTOGRAPH		228
24	S-35	PHOTOGRAPH	702	
25	S-36	CHEROKEE COUNTY PROPERTY REPORT		736

1	EXHIBITS			
2	NO.	DESCRIPTION	ID.	EV.
3	D-1	PHOTOGRAPH		466
4	D-3	PHOTOGRAPH		583
5	D-4	PHOTOGRAPH		583
6	D-5	PHOTOGRAPH		583
7	D-6	PHOTOGRAPH		583
8	D-7	PHOTOGRAPH		583
9	D-9	BANKING RECORDS		708
10	D-10	ESTATE RECORDS		717
11	D-11	PRE-INTERROGATION WAIVER FORM &		
12		STATEMENT OF STEPHON ADAMS		268
13	D-12	PRE-INTERROGATION WAIVER FORM &		
14		STATEMENT OF JARVIS MCCLUNEY		393
15	D-13	PHOTOGRAPH		583
16	D-14	PHOTOGRAPH		583
17	D-15	PHOTOGRAPH		583
18	D-16	PHOTOGRAPH		605
19				
20		(NOTE: DEFENDANT'S EXHIBIT NO. 2 AND		
21		DEFENDANT'S EXHIBIT NO. 8 WERE NEVER		
22		MARKED FOR THIS TRIAL)		
23				
24	CT-1	JURY NOTE	800	
25	CT-2	JURY NOTE	800	

1 (PROCEEDINGS, APRIL 24, 2017).

2 (Confidential Informant Agreement marked as
3 State's Exhibit No. 1 for identification).

4 (Voluntary Statement of Prentiss Jefferies marked
5 as State's Exhibit No. 2 for identification).

6 (Photograph marked as State's Exhibit No. 3 for
7 identification).

8 (Pre-Interrogation Waiver Form and Written
9 Statement of Eric Lattimore marked as State's Exhibit No. 4
10 for identification).

11 (Photograph marked as State's Exhibit No. 5 for
12 identification).

13 (Photograph marked as State's Exhibit No. 5-A for
14 identification).

15 (Photograph marked as State's Exhibit No. 5-B for
16 identification).

17 (Photograph marked as State's Exhibit No. 5-C for
18 identification).

19 (Photograph marked as State's Exhibit No. 5-D for
20 identification).

21 (Photograph marked as State's Exhibit No. 5-E for
22 identification).

23 (Photograph marked as State's Exhibit No. 5-F for
24 identification).

25 (Photograph marked as State's Exhibit No. 5-G for

1 identification)

2 (Photograph marked as State's Exhibit No. 5-H for
3 identification).

4 (Photograph marked as State's Exhibit No. 5-I for
5 identification).

6 (Photograph marked as State's Exhibit No. 5-J for
7 identification).

8 (Photograph marked as State's Exhibit No. 5-K for
9 identification).

10 (Photograph marked as State's Exhibit No. 5-L for
11 identification).

12 (Photograph marked as State's Exhibit No. 5-M for
13 identification).

14 (Photograph marked as State's Exhibit No. 5-N for
15 identification).

16 (Photograph marked as State's Exhibit No. 6 for
17 identification).

18 (Photograph marked as State's Exhibit No. 6-A for
19 identification).

20 (Photograph marked as State's Exhibit No. 6-B for
21 identification).

22 (Photograph marked as State's Exhibit No. 6-C for
23 identification).

24 (Photograph marked as State's Exhibit No. 6-D for
25 identification).

1 (Photograph marked as State's Exhibit No. 6-E for
2 identification).

3 (Photograph marked as State's Exhibit No. 6-F for
4 identification).

5 (Photograph marked as State's Exhibit No. 6-G for
6 identification).

7 (Photograph marked as State's Exhibit No. 6-H for
8 identification).

9 (Photograph marked as State's Exhibit No. 7 for
10 identification).

11 (Photograph marked as State's Exhibit No. 7-A for
12 identification).

13 (Photograph marked as State's Exhibit No. 8 for
14 identification).

15 (Photograph marked as State's Exhibit No. 9 for
16 identification).

17 (Photograph marked as State's Exhibit No. 10 for
18 identification).

19 (Photograph marked as State's Exhibit No. 10-A for
20 identification).

21 (Photograph marked as State's Exhibit No. 10-B for
22 identification).

23 (Photograph marked as State's Exhibit No. 11 for
24 identification).

25 (Photograph marked as State's Exhibit No. 11-A for

1 identification)

2 (Photograph marked as State's Exhibit No. 11-B for
3 identification)

4 (Photograph marked as State's Exhibit No. 11-C for
5 identification).

6 (Photograph marked as State's Exhibit No. 12 for
7 identification).

8 (Photograph marked as State's Exhibit No. 12-A for
9 identification).

10 (Photograph marked as State's Exhibit No. 13 for
11 identification).

12 (Photograph marked as State's Exhibit No. 13-A for
13 identification).

14 (Photograph marked as State's Exhibit No. 14 for
15 identification).

16 (Photograph marked as State's Exhibit No. 14-A for
17 identification).

18 (Photograph marked as State's Exhibit No. 14-B for
19 identification).

20 (Photograph marked as State's Exhibit No. 15 for
21 identification).

22 (Photograph marked as State's Exhibit No. 15-A for
23 identification).

24 (Photograph marked as State's Exhibit No. 16 for
25 identification).

1 (Photograph marked as State's Exhibit No. 17 for
2 identification).

3 (Photograph marked as State's Exhibit No. 17-A for
4 identification).

5 (Pre-Interrogation Waiver Form and Written
6 Statement of Nicholas Bonner was marked as State's Exhibit
7 No. 18 for identification).

8 (Scales marked as State's Exhibit No. 19 for
9 identification).

10 (Cloth Bag marked as State's Exhibit No. 20 for
11 identification).

12 (Plastic Bag marked as State's Exhibit No. 21 for
13 identification).

14 (Plastic Bag marked as State's Exhibit No. 22 for
15 identification).

16 (Drugs marked as State's Exhibit No. 23 for
17 identification).

18 (Drugs marked as State's Exhibit No. 24 for
19 identification).

20 (Drugs marked as State's Exhibit No. 24-A for
21 identification).

22 (Drugs marked as State's Exhibit No. 25 for
23 identification).

24 (Drugs marked as State's Exhibit No. 26 for
25 identification).

1 (Drugs marked as State's Exhibit No. 26-A for
2 identification).

3 (Drugs marked as State's Exhibit No. 26-B for
4 identification).

5 (Drugs marked as State's Exhibit No. 26-C for
6 identification).

7 (Drugs marked as State's Exhibit No. 26-D for
8 identification).

9 (Drugs marked as State's Exhibit No. 26-E for
10 identification).

11 (Drugs marked as State's Exhibit No. 26-F for
12 identification).

13 (Drugs marked as State's Exhibit No. 26-G for
14 identification).

15 (Drugs marked as State's Exhibit No. 26-H for
16 identification).

17 (Drugs marked as State's Exhibit No. 26-I for
18 identification).

19 (Drugs marked as State's Exhibit No. 26-J for
20 identification).

21 (Drugs marked as State's Exhibit No. 26-K for
22 identification).

23 (Drugs marked as State's Exhibit No. 26-L for
24 identification).

25 (Drugs marked as State's Exhibit No. 26-M for

1 identification)

2 (Drugs marked as State's Exhibit No. 26-N for
3 identification).

4 (Box marked as State's Exhibit No. 26-O for
5 identification).

6 (Aerial Map marked as State's Exhibit No. 27 for
7 identification).

8 (Pre-Interrogation Waiver Form and Written
9 Statement of Stephon Adams marked as State's Exhibit No. 28
10 for identification).

11 (Pre-Interrogation Waiver Form and Written
12 Statement of Jarvis McCluney marked as State's Exhibit No.
13 29 for identification).

14 (Drugs marked as State's Exhibit No. 30 for
15 identification).

16 (Drugs marked as State's Exhibit No. 31 for
17 identification).

18 (Scales marked as State's Exhibit No. 32 for
19 identification).

20 (Acknowledgement by Defendant Nicholas Bonner on
21 Bond Paper marked as State's Exhibit No. 33 for
22 identification).

23 (Photograph marked as Defendant's Exhibit No. 1
24 for identification).

25 (Photograph marked as Defendant's Exhibit No. 3

1 for identification).

2 (Photograph marked as Defendant's Exhibit No. 4
3 for identification).

4 (Photograph marked as Defendant's Exhibit No. 5
5 for identification).

6 (Photograph marked as Defendant's Exhibit No. 6
7 for identification).

8 (Photograph marked as Defendant's Exhibit No. 7
9 for identification).

10 (Banking Records marked as Defendant's Exhibit No.
11 9 for identification).

12 (Estate Records marked as Defendant's Exhibit No.
13 10 for identification)

14 THE COURT: Anything from the State?

15 MR. BAIN: Nothing from the State, Your Honor.

16 MS. LAPHAM: Nothing from the defense, Your Honor.

17 THE COURT: Ladies and gentlemen, we are about to
18 try the case of the matter of the State of South Carolina
19 versus Nicholas A. Bonner.

20 Mr. Bonner is charged -- well, let me do this.

21 Mr. Bonner, would you kindly stand, please?

22 Thank you, sir. You may be seated.

23 We are about to try the case of the matter of the
24 State of South Carolina versus Nicholas A. Bonner, who is
25 charged with two separate indictments.

1 Indictment 2012-0820 alleges that Mr. Bonner did,
2 in Cherokee County, South Carolina, on or about August 6th
3 of 2012 traffic in crack cocaine.

4 That matter was presented to the Grand Jury and a
5 True Bill was returned.

6 Mr. Bonner has entered a plea of not guilty to
7 this indictment and he is presumed under our law to be
8 innocent of the charges alleged in this indictment.

9 I will say this more than once this week. This
10 indictment is not evidence against Mr. Bonner. It is merely
11 an instrument, a charging instrument, which brings him
12 before the court.

13 In Indictment 2012-0821 Mr. Bonner is alleged to
14 have in Cherokee County, South Carolina, on or about August
15 6th, 2012, commit the offense of trafficking in cocaine.

16 Again, I tell you he is presumed innocent of the
17 offense alleged in this indictment under our law. He has
18 entered a plea of not guilty and is presumed not guilty,
19 presumed innocent of those charges in the two indictments.

20 I will tell you again more than once that the
21 burden remains on the State of South Carolina at all times
22 to prove him guilty beyond a reasonable doubt.

23 Ladies and gentlemen, there are some questions I
24 am now required to ask pertaining to this particular trial.

25 You were previously sworn and you remain under

1 oath.

2 Is there any member of the jury panel who is now
3 or ever has been related by blood or marriage to Nicholas A.
4 Bonner? If so, please stand.

5 All right. Ma'am, your number?

6 JUROR NUMBER 37: 37.

7 THE COURT: 37.

8 You were related by blood or marriage to him now
9 or in the past?

10 JUROR NUMBER 37: Yes.

11 THE COURT: All right. Would that interfere with
12 your ability to be fair and impartial to both the State and
13 the defense?

14 JUROR NUMBER 37: No, sir.

15 THE COURT: Ma'am, you may stay.

16 Yes, ma'am?

17 JUROR NUMBER 85: Juror number 85.

18 THE COURT: You were related either in the past or
19 currently?

20 JUROR NUMBER 85: Yes.

21 THE COURT: Would that interfere with your ability
22 to be fair and impartial?

23 JUROR NUMBER 85: No, sir.

24 THE COURT: Ma'am, you may stay with us.

25 Is there any member of the jury panel who has a

1 close personal or social relationship with Mr. Bonner? If
2 so, please stand, other than those two individuals. You are
3 not related, but you have a close personal, social
4 relationship with him. You know him from school; you know
5 him from living here; somehow or the other.

6 Yes, ma'am, your number?

7 JUROR NUMBER 30: I know him from the past.

8 THE COURT: All right. Your number, please?

9 JUROR NUMBER 30: 30.

10 THE COURT: Would that interfere with your ability
11 to be fair and impartial to both the State and defense?

12 JUROR NUMBER 30: Yeah.

13 THE COURT: It would?

14 JUROR NUMBER 30: Yeah.

15 THE COURT: Ma'am, you are excluded from -- you
16 will not serve on this jury.

17 JUROR NUMBER 30: Okay.

18 THE COURT: All right. Thank you, ma'am.

19 You can just have a seat and you won't be
20 dismissed from the jury panel, but you won't be selected on
21 this case, but we have other -- we have other cases.

22 All right. The following is a list of potential
23 witnesses in this case:

24 Nicholas Bonner.

25 Travis Davidson.

1	Ronald Littlejohn.
2	Nickcos Smith.
3	Chris Bonner.
4	Stephon Adams.
5	Quintin Horton.
6	Jarvis McCluney.
7	Rodney Love.
8	Gus Logan.
9	Todd Fernanders.
10	Ronda Norris.
11	Tonya Smith.
12	John Sarratt.
13	Anthony Littlejohn.
14	Teresa Pearson.
15	Rodney Davidson.
16	Daphine Bonner.
17	Deltra Bonner.
18	Jack Bonner.
19	Carolyn Dover.
20	Bernice Dawkins.
21	Shakeia Davidson.
22	Beverly Oglesby.
23	Latreva Oglesby.
24	Douglas Bonner.
25	Stacy Durden Covington.

1	DeeGee Bonner.
2	Cornelius Bonner.
3	Brandon Gardner.
4	Ronnie Painter.
5	Nick Federico.
6	Richard Burgess.
7	Billy Anthony.
8	Jimmy Henson.
9	Brandon Dorsett.
10	Rodney Bright.
11	Mike Scruggs.
12	Donnie Sands.
13	Harvey Owens.
14	Tim Tate.
15	Richard Turner.
16	Adam Cooper.
17	Todd Parker.
18	Ronnie Anderson.
19	Lynn Black.
20	Mary Beth McCormick.
21	Kimberly Mears.
22	Donna Money.
23	Prentiss Jefferies.
24	Jarvis McCluney.
25	Stephon Adams I think I already said.

1 Eric Lattimore.

2 Quintin Horton.

3 Is there any member of the jury panel who is now
4 or ever has been related by blood or marriage to any of
5 those potential witnesses, please stand?

6 (No response).

7 THE COURT: Is there any member of the jury panel
8 who has a close personal or social relationship with any
9 of them?

10 JUROR NUMBER 85: Billy Camp who is one of the
11 witnesses, his brother and sister.

12 THE COURT: Yes, ma'am. You need to stand and
13 tell me that. Yes.

14 JUROR NUMBER 85: Yes.

15 THE COURT: All right. Related by blood or
16 marriage?

17 JUROR NUMBER 85: Blood.

18 THE COURT: And would that interfere with your
19 ability to be fair and impartial?

20 JUROR NUMBER 85: No, sir.

21 THE COURT: You may stay, ma'am.

22 UNKNOWN PERSON: I don't know whether I'm supposed
23 to be in here or not.

24 THE COURT: Talk to the bailiff.

25 UNKNOWN PERSON: I've been trying to.

1 THE COURT: All right. Well, just hang on.

2 Ma'am, your number, please?

3 JUROR NUMBER 85: 85.

4 THE COURT: Would that interfere with your ability
5 to be fair and impartial?

6 JUROR NUMBER 85: No, sir.

7 THE COURT: You may stay.

8 Yes, ma'am.

9 JUROR NUMBER 65: I used to work with Jesse Bonner
10 and Jack Bonner four years ago.

11 THE COURT: Your number, please?

12 JUROR NUMBER 65: 65.

13 MR. BAIN: Your Honor, may we inquire of who they
14 are related to?

15 THE COURT: Okay. Sure.

16 MR. BAIN: Specifically.

17 THE COURT: She just said she used to work with
18 Jack and --

19 JUROR NUMBER 65: Jesse Bonner four years ago.

20 THE COURT: Jesse Bonner, worked with them.

21 Number 85.

22 Would that interfere with your ability to be fair
23 and impartial?

24 JUROR NUMBER 65: No, sir.

25 THE COURT: Ma'am, you may stay.

1 Yes, ma'am.

2 JUROR NUMBER 98: I'm number 98 and I worked with
3 (unintelligible talking) at Hamrick's.

4 THE COURT: Okay. Would that interfere with your
5 ability to be fair and impartial?

6 JUROR NUMBER 98: No, I don't want to be on any
7 jury.

8 THE COURT: Well, can you be fair and impartial?

9 JUROR NUMBER 98: Sir?

10 THE COURT: Can you be fair and impartial?

11 JUROR NUMBER 98: Yeah, I can be fair.

12 THE COURT: Okay. Can you be impartial?

13 JUROR NUMBER 98: What?

14 No, sir.

15 THE COURT: You cannot be impartial?

16 JUROR NUMBER 98: No, sir.

17 THE COURT: All right, ma'am, you will not serve
18 on this jury. Your number again?

19 JUROR NUMBER 98: 98.

20 THE COURT: 98. She says she cannot be impartial.

21 Is there any member of the jury panel -- I
22 think -- let me --

23 I think I have already asked these, but is there
24 any member of the jury panel who is a relative or friend of
25 Jordan Smith, Nickcos Smith, Travis Davidson, Ronald

1 Littlejohn, or Gwen Bonner? If so, please stand.

2 (No response)

3 THE COURT: Is there any member of the jury panel
4 who has a family member or a close personal friend who is
5 employed by the Seventh Circuit Solicitor's Office? If so,
6 please stand.

7 (No response)

8 THE COURT: Is there any member of the jury panel
9 who has ever testified in a case on behalf of the
10 solicitor's office here, please stand?

11 (No response)

12 THE COURT: If you were a witness in a case.

13 (No response)

14 THE COURT: Is there any member of the jury panel
15 who has, either yourself or a close personal friend or
16 family member, who was prosecuted by the Seventh Circuit
17 Solicitor's Office? If so, please stand.

18 (No response)

19 THE COURT: Is there any member of the jury panel
20 who has a family member or a friend who is employed in the
21 law firm of Ms. Lapham, Candice Lapham?

22 Ms. Lapham, would you stand?

23 MS. LAPHAM: Yes, Your Honor.

24 THE COURT: Thank you.

25 (No response)

1 THE COURT: Any member of the jury panel ever been
2 represented, either yourself or family member or friend, by
3 Ms. Lapham in any matter, whether they did a loan closing,
4 you bought some real estate, you did a will, sought legal
5 advice, whatever it might be, by Ms. Lapham or her law firm,
6 please stand?

7 (No response)

8 THE COURT: I'm going to ask the lawyers to
9 introduce themselves.

10 MR. BAIN: Thank you, Your Honor.

11 Hello, ladies and gentlemen, my name is Chris Bain
12 and I work for the Cherokee County Solicitor's Office.

13 To my left is my investigator Rick Burgess; the
14 lead investigator on the case Brandon Gardner; and sitting
15 next to him is Nick Federico.

16 THE COURT: Ms. Lapham?

17 MS. LAPHAM: Good morning. My name is Candice
18 Lapham and I'm representing my client Nick Bonner.

19 I don't recognize anybody here in the pool. I
20 started off in Anderson County working with Ronnie Cole and
21 then I came to Spartanburg working with John White of
22 Harris, White, Smith & Coggins. Now I have my own law firm.
23 Thank you.

24 THE COURT: Thank you.

25 Any member of the jury panel ever sought legal

1 advice from either of these lawyers in any kind of matter
2 whatsoever? If so, please stand.

3 (No response)

4 THE COURT: Is there any member of the jury panel,
5 either now or previously, either yourself, a family member,
6 or a very close personal friend been or is currently a
7 member of any law enforcement organization? That would
8 include municipality, military police, highway patrol, SLED,
9 any such agencies whatsoever, please stand.

10 Okay. Let's start over here.

11 Yes, sir, your number?

12 JUROR NUMBER 117: Juror 117.

13 My cousin is a detective for the county.

14 THE COURT: Cherokee County?

15 JUROR NUMBER 117: Yes, sir.

16 THE COURT: Would that interfere with your ability
17 to be fair and impartial?

18 JUROR NUMBER 117: No, sir.

19 THE COURT: Sir, you may stay.

20 Yes, ma'am.

21 JUROR NUMBER 86: 86.

22 My cousin is Dan Hamrick who is a state trooper.

23 THE COURT: Would that interfere with your ability
24 to be fair and impartial?

25 JUROR NUMBER 86: No.

1 THE COURT: You may stay.

2 Yes, sir.

3 JUROR NUMBER 28: 28.

4 I was a code enforcement in animal control for
5 Cherokee County and Spartanburg County.

6 THE COURT: Would that interfere with your ability
7 to be fair and impartial to the State and the defense?

8 JUROR NUMBER 28: No, sir.

9 THE COURT: Sir, you may stay.

10 Yes, sir, in the white.

11 JUROR NUMBER 72: 72.

12 My brother-in-law is a city officer.

13 THE COURT: Would that interfere with your ability
14 to be fair and impartial?

15 JUROR NUMBER 72: No, sir.

16 THE COURT: Sir, you may stay.

17 Yes, sir.

18 JUROR NUMBER 112: My cousin -- 112. Scott -- my
19 cousin Scotty over here in Gaffney is my cousin, Scott
20 Steven Scoggins and --

21 THE COURT: Okay. Your number, sir?

22 JUROR NUMBER 112: 112.

23 THE COURT: 112.

24 Would that interfere with your ability to be fair
25 and impartial?

1 JUROR NUMBER 112: No, sir.

2 THE COURT: Sir, you may stay.

3 Does any member of the jury panel know of any
4 reason why he or she should not serve on this jury? If so,
5 please stand.

6 (No response).

7 THE COURT: All right. Anything from the State?

8 MR. BAIN: May we approach, Your Honor?

9 THE COURT: Yes.

10 MR. BAIN: Just briefly.

11 (Whereupon, the lawyers approached the bench for
12 an off-the-record discussion).

13 THE COURT: Is there any member of the jury panel
14 that knows anything whatsoever about this case, other than
15 these two pieces of paper, please stand.

16 JUROR NUMBER 98: I read about it in the paper.

17 THE COURT: Okay. I think --

18 MR. BAIN: She's already been excused, Your Honor.

19 THE COURT: Ma'am, you have already been
20 disqualified.

21 Anybody else that knows anything about this case,
22 please stand. Heard anything about it, read anything about
23 it?

24 (No response).

25 THE COURT: All right. Ladies and gentlemen, we

1 have been running here for a little bit, so here is what we
2 are going to do. We are going to take a quick break and we
3 will let you go with the bailiff down to use the facilities.
4 And while you do that we are going to get ready to pick the
5 jury, so when you come back we will pick our jury.

6 All right, Madam Bailiff, Mr. Bailiff, do y'all
7 want to take them?

8 (Whereupon, the jury venire panel left the
9 courtroom)

10 THE COURT: Yes, sir.

11 MR. BAIN: May it please the court, Your Honor.

12 THE COURT: Yes, sir.

13 MR. BAIN: I would like to make a motion to excuse
14 two jurors for cause, specifically juror number 37 and
15 number 85. When asked if they were related to Nick Bonner
16 either through blood or marriage, both stood up and said
17 they were related to Nick Bonner.

18 Your Honor, this is a case where it's my
19 understanding this is a close-knit family. I also have at
20 least one witness who could testify that he has been told by
21 Nick Bonner's relatives to lie on the stand in this upcoming
22 trial. Given that and the nature of Nick Bonner's family,
23 and just in general, Your Honor, it would be hard to
24 separate a relative of the actual defendant on trial from
25 let's say a relative of a witness or a cousin of a law

1 enforcement officer.

2 Your Honor, if my brother is on trial and I'm
3 standing out there and you asked me if I could be fair and
4 impartial, I'm a lawyer, I have to tell the truth, I would
5 say no, but it's human nature some people might stand out
6 there and say they can be fair and impartial when in
7 actuality if they are related to the actual defendant, they
8 couldn't. I understand this is a small county. I'm not
9 asking to excuse for cause all the people who stood up and
10 said they were related to witnesses or knew the Bonners. I
11 understand if I would have to use a strike on that, but I do
12 think in the idea of fairness with only five strikes, I have
13 to use two on blood-related relatives, that that burdens the
14 State in this case, especially the nature of this case and
15 the amount of people that hung out around Nick Bonner's
16 house. And as Your Honor knows, there is testimony -- there
17 is prior sworn testimony saying that this was a close-knit
18 family and they all hung out together on weekends and
19 holidays. And for that, Your Honor, I would ask for you to
20 excuse them for cause. Thank you.

21 MS. LAPHAM: Thank you, Your Honor.

22 I would ask that they obviously would not be
23 excused, Your Honor.

24 You know, the State's position of how large this
25 family is, that's just the issue, and discussing this with

1 my client, one is supposedly a fourth or fifth cousin in the
2 family and the other one is a niece from his father's side,
3 which he does not have very much contact with whatsoever.
4 His family are with his mother, not his father, Your Honor.
5 And so I think we start, you know, going to once removed
6 second, third, fourth, yes, they may -- you know, we all
7 have some degrees of separation, Your Honor, but we even
8 have friends of family who said that they could not be
9 impartial and at that point they were released, but we have
10 some distant family members that may be on the same level
11 that said that they could be impartial, Your Honor. And so
12 I don't see why they should be excused just because there
13 may be some blood line, Your Honor. It's not as though his
14 sister, his direct aunt, uncle, something along those lines.
15 This is a fourth or fifth cousin removed is one of them,
16 Your Honor, and the other one is a niece on the side of the
17 family that he has little to no contact with.

18 MR. BAIN: Your Honor, I have Eric Lattimore in
19 the courtroom and he could testify that family members and
20 specifically cousins told Mr. Lattimore to lie in this case.
21 That indicates that this family has gotten behind Mr. Bonner
22 and I'm not sure if actual relative by blood or by marriage
23 could actually be fair and impartial in a case such as this,
24 Your Honor.

25 THE COURT: Okay. Well, we are going to take

1 about ten minutes.

2 MR. BAIN: Thank you, Your Honor.

3 MS. LAPHAM: Thank you, Your Honor.

4 THE COURT: Okay.

5 (Whereupon, proceedings were recessed)

6 (Whereupon, proceedings were reconvened)

7 THE COURT: Okay. We have a motion for cause by
8 the State as to juror 37 and 85.

9 Let's see, number 37 is Ms. Ellis, Candy Ellis.
10 That is related to the defendant by blood. Do I have that
11 right? She is a --

12 MS. LAPHAM: Yes, sir, Your Honor.

13 THE COURT: She is the niece of his father, which
14 would be -- she's a cousin.

15 MS. LAPHAM: Yes, sir, Your Honor, and have little
16 or no contact.

17 THE COURT: All right. I understand.

18 And then number 85, Kristen Turney, is that right?
19 No, I'm sorry, Kendra Petty. 85, Kendra Petty?

20 MR. BAIN: I read 85 related to Nick Bonner, Your
21 Honor, on my sheet, but there was some confusion in the
22 numbers at that point.

23 THE COURT: Is it 85?

24 THE CLERK: It's 85, yes.

25 MS. LAPHAM: I have 85, Your Honor, and --

1 THE COURT: And what is her relationship.>

2 MS. LAPHAM: I asked Mr. Bonner. Kendra Petty,
3 Your Honor. Kendra Petty.

4 THE COURT: Kendra Petty.

5 MS. LAPHAM: Number 85.

6 THE COURT: And what is her relationship?

7 MS. LAPHAM: Her relationship is approximately
8 somewhere five to six cousins removed, Your Honor. There
9 was some debate if it goes out farther than that, Your
10 Honor, but I don't think that they can prove she is further
11 than six, Your Honor.

12 THE COURT: All right. The motion is going to be
13 granted to the State. The court has reviewed Code Section
14 14-7-1020. Of course, it is the court's responsibility to
15 ensure a fair trial and impartial trial to both the State
16 and the defense.

17 Also -- let's see if I have this right. Yes.
18 It's subsection 8, family relationship, and specifically the
19 court reviewed in State -- I'm sorry, Smith v. Quattlebaum,
20 which is at 223 S.C. 384, a parallel cite of 76 S.E. 2d 154.
21 Also State v. Byrd, 72 S.C. 104, and Clinton v. Leakle,
22 L-E-A-K-L-E, at 71 S.C. 22. Jurors related within six
23 degrees are generally excused.

24 Again, there is no statute that disqualifies a
25 juror by reason of relationship or kinship with any of the

1 parties to an action, but generally again State v. Logue,
2 L-O-G-U-E, at 204 S.C. 171, by implication where jurors are
3 not related within six degrees, the family relationship
4 would not have disqualified them by implication. If they
5 are related within six degrees, they would be disqualified.
6 So for that a reason the court will grant the motion to the
7 State.

8 MR. BAIN: Thank you, Your Honor.

9 MS. LAPHAM: Thank you, Your Honor.

10 THE COURT: Anything further?

11 MR. BAIN: Nothing further.

12 The State is ready to go forward.

13 MS. LAPHAM: Your Honor, just briefly.

14 My client wanted me to mention the juror that
15 stood and said that she read about the issue in the
16 newspapers, Your Honor, wanted me to make a motion for a
17 tainted jury pool, because she started speaking before
18 approaching the bench, Your Honor.

19 THE COURT: Solicitor?

20 MR. BAIN: Your Honor, I believe Your Honor will
21 instruct them after every day of testimony to not go look up
22 anything on line or in the newspaper. Therefore, any juror
23 who doesn't know about that newspaper article, which no one
24 stood up except for that one individual, I think that can be
25 cured by you instructing them not to go read into that. She

1 didn't say it was a hung jury. She didn't say anything
2 about the jury. She merely said she read about it in the
3 newspaper. She didn't even clarify whether it was 2017 or
4 2012 she read about it.

5 THE COURT: Yes. She didn't give any facts to
6 what she read. She said she read about it, so that would be
7 denied.

8 MS. LAPHAM: Thank you, Your Honor.

9 THE COURT: Back to the motion. I did want to put
10 this on the record.

11 Quoting from State v. Quattlebaum, "it is not by
12 reason of consanguinity or affinity that a juror becomes
13 disqualified, but in the exercise of the discretion of the
14 trial judge he is subject to disqualification," in this case
15 two ladies, "because of possible interest in the case.
16 Those related within six degrees are generally excused
17 without being questioned in compliance with the statutory
18 rule." I wanted to put that as cited from Quattlebaum.

19 MR. BAIN: Thank you, Your Honor.

20 MS. LAPHAM: Thank you, Your Honor.

21 THE COURT: Anything further before we pick the
22 jury?

23 MR. BAIN: Nothing further, Your Honor.

24 MS. LAPHAM: Nothing further, Your Honor.

25 THE COURT: Let's have our jury panel.

1 We are going to pick 14.

2 MR. BAIN: Yes, sir, Your Honor.

3 THE COURT: Two alternates.

4 Anything else from the State or defense?

5 MR. BAIN: No, sir, Your Honor.

6 MS. LAPHAM: Nothing at this point, Your Honor.

7 (The following takes place in the presence of the
8 jury panel)

9 THE COURT: Anything further from the State?

10 MR. BAIN: Nothing further from the State, Your
11 Honor.

12 THE COURT: From the defendant?

13 MS. LAPHAM: Nothing further, Your Honor.

14 THE COURT: Madam Clerk.

15 THE CLERK: When I call your name, if you will
16 come forward. Please bring all your personal belongings
17 with you. You will stand right in front of me, face back
18 out looking at that clock.

19 If I tell you you are to be seated, you will take
20 a seat in the jury box.

21 If I tell you that you have been excused, you will
22 take a seat back out in the jury pool.

23 Juror 68, Thomas Matthew?

24 What says the State?

25 MR. BAIN: Please excuse this juror.

1 THE CLERK: You have been excused.
2 Juror 58, Sarah Kirby.
3 What says the State?
4 MR. BAIN: Please present this juror.
5 THE CLERK: What says the defense?
6 MS. LAPHAM: Please seat this juror.
7 THE CLERK: Please take a seat in the jury box.
8 Juror 117, Kenneth Whitaker.
9 What says the State?
10 MR. BAIN: Please present this juror.
11 THE CLERK: What says the defense?
12 MS. LAPHAM: Please excuse this juror.
13 THE CLERK: You have been excused.
14 Juror 123, Angela Wilson.
15 What says the State?
16 MR. BAIN: Please present this juror.
17 THE CLERK: What says the defense?
18 MS. LAPHAM: Please seat this juror.
19 THE CLERK: Please take a seat in the jury box.
20 Juror 66, Darion Mack.
21 What says the State?
22 MR. BAIN: Please excuse this juror.
23 THE CLERK: You have been excused.
24 Juror 72, James Mills.
25 What says the State?

1 MR. BAIN: Please present this juror.
2 THE CLERK: What says the defense?
3 MS. LAPHAM: Please seat this juror.
4 THE CLERK: Please take a seat in the jury box.
5 Juror 105, Deborah Turley.
6 What says the State?
7 MR. BAIN: Please present this juror.
8 THE CLERK: What says the defense?
9 MS. LAPHAM: Please excuse this juror.
10 THE CLERK: You have been excused.
11 Juror 27, Hollie Crosby.
12 What says the State?
13 MR. BAIN: Please present this juror.
14 THE CLERK: What says the defense?
15 MS. LAPHAM: Please seat this juror.
16 THE CLERK: Please take a seat in the jury box.
17 Juror 108, Taylor Turner.
18 What says the State?
19 MR. BAIN: Please present this juror.
20 THE CLERK: What says the defense?
21 MS. LAPHAM: Please seat this juror.
22 THE CLERK: Please take a seat in the jury box.
23 Juror 19, Jason Carpenter.
24 What says the State?
25 MR. BAIN: Please present this juror.

1 THE CLERK: What says the defense?
2 MS. LAPHAM: Please seat this juror.
3 THE CLERK: Please take a seat in the jury box.
4 Juror 107, Steven Turner.
5 What says the State?
6 MR. BAIN: Please present this juror.
7 THE CLERK: What says the defense?
8 MS. LAPHAM: Please seat this juror.
9 THE CLERK: Please take a seat in the jury box.
10 Juror 65, Robin Littlejohn.
11 What says the State?
12 MR. BAIN: Please excuse this juror.
13 THE CLERK: You have been excused.
14 Juror 50, Donald Hinton.
15 What says the State?
16 MR. BAIN: Please present this juror.
17 THE CLERK: What says the defense?
18 MS. LAPHAM: Please excuse this juror.
19 THE CLERK: You have been excused.
20 Juror 67, Cynthia Mann.
21 What says the State?
22 MR. BAIN: Please present this juror.
23 THE CLERK: What says the defense?
24 MS. LAPHAM: Please excuse this juror.
25 THE CLERK: You have been excused.

1 Juror 80, Janet Painter.

2 What says the State?

3 MR. BAIN: Please present this juror.

4 THE CLERK: What says the defense?

5 MS. LAPHAM: Please excuse the juror.

6 THE CLERK: You have been excused.

7 Juror 2, Lisa Arrowood.

8 What says the State?

9 MR. BAIN: Please present this juror.

10 THE CLERK: What says the defense?

11 MS. LAPHAM: Please seat this juror.

12 THE CLERK: Please take a seat in the jury box.

13 Juror 99, Ronald Skillman.

14 What says the State?

15 MR. BAIN: Please present this juror.

16 THE COURT: What says the defense?

17 MS. LAPHAM: Please seat this juror.

18 THE CLERK: Please take a seat in the jury box.

19 Juror 38, Janet Flynn.

20 What says the State?

21 MR. BAIN: Please present this juror.

22 THE CLERK: What says the defense?

23 MS. LAPHAM: Please seat this juror.

24 THE CLERK: Please take a seat in the jury box.

25 Juror 112, Brian Walker.

1 What says the State?

2 MR. BAIN: Please present this juror.

3 THE CLERK: What says the defense?

4 MS. LAPHAM: Please seat this juror.

5 THE CLERK: Please take a seat in the jury box.

6 Juror 22, Jonathan Cody.

7 What says the State?

8 MR. BAIN: Please present this juror.

9 THE CLERK: What says the defense?

10 MS. LAPHAM: Please seat this juror.

11 THE CLERK: Please take a seat in the jury box.

12 The next juror will be for alternate 1.

13 Juror 8, Janice Blanton.

14 What says the State?

15 MR. BAIN: Please present this juror.

16 THE CLERK: What says the defense?

17 MS. LAPHAM: Please seat the juror.

18 THE CLERK: Please take a seat in the jury box.

19 The next juror will be for alternate 2.

20 Juror 42, Zachery Goodliff.

21 What says the State?

22 MR. BAIN: Please excuse this juror.

23 THE CLERK: You have been excused.

24 Juror 28, Charles Crowe.

25 What says the State?

1 MR. BAIN: Please present this juror.

2 THE CLERK: What says the defense?

3 MS. LAPHAM: Please excuse this juror.

4 THE CLERK: You have been excused.

5 Juror 95, Seth Scruggs.

6 What says the State?

7 MR. BAIN: Please present this juror.

8 THE CLERK: What says the defense?

9 MS. LAPHAM: Please seat this juror.

10 THE CLERK: Please take a seat in the jury box.

11 THE COURT: Any matters from the State?

12 MR. BAIN: Nothing from the State, Your Honor.

13 THE COURT: From the defense?

14 MS. LAPHAM: Nothing from the defense, Your Honor.

15 THE COURT: Okay.

16 Ladies and gentlemen of the jury that were not
17 selected, I'm going to let you be released from the
18 courthouse for the rest of the day. You have a magic number
19 on your pamphlet that you were given. I would ask that you
20 call that number.

21 (Off the record)

22 (Back on the record)

23 THE COURT: Okay. Change of plans. We are going
24 to let you go down to the jury assembly room and be excused
25 from there. And there is -- that's it for this week, right?

1 THE CLERK: Yes, sir.

2 THE COURT: Okay. I don't know if you hit the
3 lottery or didn't hit the lottery, either way that you look
4 at it, but it looks like this trial is going to take this
5 week and so it's not going to be anything else and you are
6 going to be released this afternoon. If you will go
7 downstairs.

8 I will tell you that you are more than welcome to
9 stay with us. You are not going to be required to be here.
10 It is your courtroom. I merely have the privilege of
11 working here. This courtroom belongs to you, the taxpayers
12 and the citizens of Cherokee County.

13 So with that you can go downstairs and be
14 released, and you are certainly welcome to come back up and
15 stay with us and see what happens in your courthouse while
16 we are here at work, but thank you for your service. All
17 right.

18 (Whereupon, the jury venire panel was discharged)

19 THE COURT: Juror number 27, Ms. Hollie Crosby,
20 Ms. Crosby, where are you?

21 Ms. Crosby, when we return this afternoon at about
22 2:15 I'm going to ask that you sit in the seat to your right
23 where this lady is sitting. That is the foreperson's seat.
24 I will appoint you the forelady of this jury when we return
25 and the jury is sworn.

1 My alternates, sir and ma'am, in all likelihood
2 Mr. Bailiff is going to put a second chair here so that he
3 won't feel so alone down there and I will ask that my
4 alternates always sit in the alternates seats during the
5 trial.

6 Everyone else here is free to move around within
7 the jury box. So you can sit where you are sitting now.
8 You can sit on the front. You can sit on the back. You can
9 move around and do any combination thereof that you like.
10 Try out all those seats, if that's what you want to do is
11 fine with us.

12 I will, once again, say that if you decide to
13 stand for some period of time, if you would be kind enough
14 to sit on the back row so that when you do stand it would
15 not block the view of a fellow juror, but you are free to do
16 so. I just can't sit in that chair all day. I stand a lot.
17 So if you want to do that, that's fine with me as well, but
18 I would always -- I am going to ask the two alternates and
19 my forelady if you would always sit in the assigned seats.
20 And the reason for that is, Madam Forelady, as you will see
21 momentarily when I ask the jury to come in and go out, I'm
22 always looking right at that chair for my foreperson who is
23 seated there.

24 Do not discuss this case. Do not try to learn
25 anything about this case outside of this courtroom. I'm

1 going to release you in just a few moments with Mr. Bailiff
2 here. He's going to show you --

3 Where do you want them to come back? Do you want
4 to come back up here?

5 THE BAILIFF: Yes.

6 THE COURT: I'm going to release you to my
7 bailiff. You are going to see a room that you have not seen
8 before. It's back here. It's going to be your jury room
9 that you will be in this week while we are here and he will
10 explain how to get to and from there in just a moment or
11 two.

12 With that I'm going to release the jury until
13 2:15. 2:15. I'm not going to tell you to be back
14 15 minutes early, or 30 minutes early. We are all adults
15 here, but please understand that we cannot start unless I
16 have everyone. So if one person is late I have to wait.
17 Okay. So does everybody else. So please be mindful of your
18 brothers and sisters on the jury with you this week and be
19 timely and courteous in your service.

20 With that, ma'am, if you will take the jury back
21 with Mr. Bailiff to be released for lunch there. Be back at
22 2:15.

23 (The following takes place outside the presence of
24 the jury panel)

25 THE COURT: Okay. Matters from the State?

1 MR. BAIN: Yes, sir, Your Honor.

2 The first I believe the defense is going to tell
3 you this is a third-party guilt motion.

4 The State has no problem with the defense asking
5 questions concerning individuals who are actually testifying
6 and even going into a little bit individuals who are
7 co-defendants who were found with drugs on them that day,
8 specifically Ronald Littlejohn.

9 What the State's argument of third-party guilt is
10 that the defense not bring up any I'll call them random
11 person or persons we have never heard about concerning how
12 some of the drugs wound up across the street and in the
13 yard, just throwing out a name, such as John Doe, or
14 something to that effect, and I believe the defense has
15 consented that the limited type of third-party guilt they
16 would use would be ask people who actually testifies, such
17 as Eric Lattimore, or co-defendants that were there that
18 day, such as Ronald Littlejohn. The State doesn't have a
19 problem with that. We are aware of those people.

20 THE COURT: Okay.

21 Yes, ma'am.

22 MS. LAPHAM: Yes, sir, Your Honor.

23 I consent to this motion and they obviously just
24 this random person that we just don't know who did it, but
25 I'm not specifically coming up with any, you know, John Doe

1 scenario, Your Honor, or third-party guilt.

2 THE COURT: So that's consented to.

3 Yes, sir, solicitor.

4 MR. BAIN: Thank you, Your Honor.

5 There are two other motions the State has. I
6 don't know which one Your Honor would like to do first. One
7 is a Jackson v. Denno hearing concerning the defendant's
8 written statement to the police officers, and another is to
9 proffer testimony concerning prior bad acts from Eric
10 Lattimore.

11 THE COURT: Well, let's do the Jackson v. Denno.

12 MR. BAIN: Yes, sir, Your Honor.

13 The State calls Brandon Gardner.

14 OFFICER BRANDON GARDNER, having been first duly
15 sworn, testified as follows:

16 THE WITNESS: Yes, ma'am.

17 THE COURT: Sir, tell us your full name and spell
18 your last name for my court reporter.

19 THE WITNESS: Brandon Gardner, G-A-R-D-N-E-R.

20 THE COURT: Solicitor.

21 MR. BAIN: Thank you, Your Honor.

22 DIRECT EXAMINATION BY MR. BAIN:

23 Q. Mr. Gardner, where are you currently employed?

24 A. At the Cherokee County Sheriff's Office.

25 Q. And were you employed there back in August of 2012?

1 A. I was.

2 Q. And what unit are you in?

3 A. In the Special Investigations Division.

4 Q. And on August 6th, 2012 were you involved or were you
5 acting in your duties as a Cherokee County sheriff's
6 officer?

7 A. Yes, sir, I was.

8 Q. And can you briefly describe to the court what
9 happened?

10 A. You said on August 6th?

11 Q. August 6th.

12 A. Just executed a search warrant on Iris lane in
13 reference to crack cocaine and marijuana.

14 Q. And was Nick Bonner there?

15 A. He was one of the subjects arrested, yes, sir.

16 Q. And did you take a statement from Nick Bonner?

17 A. I did.

18 Q. When and where did you take that statement?

19 A. Let me just refer to my notes.

20 Q. Would it help if I refresh your memory?

21 A. I have it here.

22 Yes, it was on August the 7th, 2012, and it was at the
23 Cherokee County detention center.

24 Q. And who was present during the statement?

25 A. Myself and Detective Mike Scruggs, who works for

1 Gaffney City Police Department.

2 Q. Was this a recorded or handwritten statement?

3 A. It was handwritten.

4 Q. And who wrote the statement?

5 A. I did.

6 Q. Who did you write it for?

7 A. Mr. Bonner.

8 Q. And in your experience and training as a law
9 enforcement officer are you able to recognize when someone
10 appears to be impaired by drugs or alcohol?

11 A. Yes, sir.

12 Q. And during the interview with the defendant did he
13 appear to be under the influence of drugs or alcohol to the
14 extent it would impair his ability to answer questions?

15 A. No, sir.

16 Q. Did the defendant appear to have any physical or mental
17 disability to the extent that it would impair his ability to
18 understand?

19 A. He did not.

20 Q. And what were the surroundings of the room where the
21 questioning took place?

22 A. This was a smaller room, I think now, and even then.
23 It has two windows to it. There is a small table similar to
24 that one sitting in it with two chairs on one side and one
25 on the other side.

1 Q. And could you easily fit -- how many people do you
2 believe that you could fit in that room?

3 A. Probably eight comfortably. Six to eight comfortable.

4 Q. And do you remember how long you questioned Mr. Bonner?

5 A. It was not a very long time. Approximately ten
6 minutes.

7 Q. Okay. And is there anywhere to indicate on the
8 statement how long it took?

9 A. Yes, sir, we fill out what time the interview begin
10 down at the bottom. And then once it's completed, fill out
11 the time in which it was completed.

12 Q. Okay. And what time did it begin?

13 A. 12:15.

14 Q. And what time was it completed?

15 A. At 12:25.

16 Q. Now, were there any breaks during this interview?

17 A. No, sir.

18 Q. Would the defendant be allowed to take a break if he
19 wanted one?

20 A. Yes. Yeah, he would have been, if he would have
21 requested.

22 Q. And did you deny access to the bathroom?

23 A. No, sir.

24 Q. Deny access to food or drink?

25 A. No, sir.

1 Q. Did the defendant ever ask for a bathroom break or food
2 or drink?

3 A. No, sir, he did not.

4 Q. Okay. And was the defendant advised of the nature of
5 the investigation?

6 A. He was.

7 Q. Was the defendant advised of his rights pursuant to
8 Miranda prior to any questioning regarding the crime?

9 A. Yes, sir, I read his Miranda Rights on the
10 pre-interrogation form.

11 Q. So you did a pre-interrogation form?

12 A. Yes, sir.

13 MR. BAIN: Your Honor, may I approach the witness?

14 THE COURT: Yes.

15 BY MR. BAIN:

16 Q. I'm handing you what's been marked State's Exhibit 18
17 for identification purposes only. Will you please take a
18 look at that?

19 A. All right.

20 Q. Do you recognize it?

21 A. Yes, sir.

22 Q. And what is it?

23 A. It's a pre-interrogation waiver form. It was completed
24 on August 7th.

25 Q. Okay. And is Nick Bonner's signature on it?

1 A. Yes, sir.

2 Q. Where did he sign it?

3 A. He signed it after I read it, or he checked that I had
4 read him his Miranda Warning --

5 Q. Okay.

6 A. -- and then he checked it under the waiver of rights.
7 And then from that point on he just initialed -- instead of
8 signing it, he initialed the -- at the end of the interview,
9 as well as the voluntary statement he provided.

10 Q. Okay. And can you please read that pre-interrogation
11 waiver form?

12 A. Yes, sir.

13 At the beginning it's just got name, address, telephone
14 number, Social Security, date of birth, today's date and
15 time, and then it's got statement of rights.

16 "Before any questions are asked of you, you must
17 understand your rights.

18 "You have the right to remain silent.

19 "Anything you say can and will be used against you in a
20 court of law.

21 "You have the right to talk to a lawyer and have a
22 lawyer present with you while you are being questioned.

23 "If you cannot afford to hire a lawyer, a lawyer will
24 be appointed, free of any costs, to represent you before any
25 questioning begins.

1 "You have the right to stop answering questions at any
2 time."

3 We have them initial or sign or check there.

4 It says "above rights have been read to me by," my
5 name, "B. Gardner.

6 "I have read the above rights and understand them
7 fully.

8 "Signed Nick Bonner."

9 Witness is Michael Scruggs signature.

10 Waiver of Rights says "fully understanding my rights as
11 they have been explained to me, I wish to waive (give up) my
12 rights and talk to Deputy Gardner in reference to crack
13 cocaine.

14 "I waive my rights freely and voluntarily without being
15 threatened or coerced, without being promised any leniency
16 or reward."

17 Mr. Bonner signed there, as well as the witness,
18 Detective Scruggs with Gaffney City Police Department.

19 Then it has the time the interview began, 12:15 p.m.

20 The time the statement interview was completed at 12:25
21 p.m..

22 "I have made this statement freely and voluntarily
23 without being threatened or coerced, without being promised
24 any leniency or reward.

25 "I have read the statement consisting of one page and I

1 swear or affirm that the facts contained therein are true
2 and correct.

3 "I further state that I have received a copy of this
4 statement."

5 And then he was -- Mr. Bonner signed and Detective
6 Scruggs witnessed.

7 Q. Okay. And do you have them fill out this
8 pre-interrogation waiver form prior to taking the statement?

9 A. Yes, sir, we fill out the -- all the way until it says
10 the time the interview begin, and then we will complete the
11 statement. After the statement is provided and the
12 interview is over we will put the time it was completed and
13 then read the bottom portion of the form to them.

14 Q. And did Mr. Bonner in any way indicate that the
15 statement of rights had been read to him?

16 A. Yes, he did, by signing after he was advised of his
17 rights that he understood them.

18 Q. How long was the statement?

19 A. As far as length or amount of time it took?

20 Q. Just approximately how long was it?

21 A. Maybe ten minutes during the whole interview process.
22 The written statement may be a half a page.

23 Q. Will you please read the written statement?

24 A. Yes, sir.

25 It says voluntary statement at the top. It has Mr.

1 Bonner on it. I wrote his name there and put the case
2 number associated with the case.

3 It says "Eric Lattimore came to my house on Monday and
4 pulled out a bag with a big block of crack cocaine and asked
5 if we had a scale to weigh his crack. He asked Jarvis for a
6 scale and he wanted to sell what he had for \$350. Then I
7 said here they come. I saw Eric run towards the back of the
8 house. Then the police came inside and Eric walked back to
9 the front of the house. Eric told us he wanted to sell
10 seven grams of crack \$350."

11 We draw a circle at the beginning and end of the
12 statement and have the individual initial it so that nothing
13 else can be added. Drew line that says "end of statement,"
14 and had -- Mr. Bonner, he initialed at the end of that and I
15 signed it, as well as Detective Scruggs with the city.

16 It appears that Mr. Bonner initialed at the wrong place
17 the first time we asked him to sign in the appropriate
18 place.

19 Q. And do you read that statement back to the individual?

20 A. Yes, sir, we do.

21 Q. And did the defendant appear to have any trouble
22 understanding his rights?

23 A. No, sir, he did not.

24 Q. Do you know the defendant's educational level?

25 A. I was aware that he attended high school.

1 Q. Was the defendant able to read the form?

2 A. I -- I -- I don't hand the form to a subject. I read
3 it and ask them to read along with me.

4 Q. Okay. Well, let me ask it this way. Did the defendant
5 have any trouble understanding English?

6 A. No, sir.

7 Q. He could communicate with you?

8 A. That's correct.

9 Q. In any way did he indicate he didn't understand what
10 you were reading?

11 A. No, sir, he did not.

12 Q. And he did not -- did he appear to be impaired in any
13 way?

14 A. He did not.

15 Q. Did the defendant's answers to questions appear
16 rational and responsive?

17 A. Yes, sir.

18 Q. And did you have any concerns regarding his ability to
19 understand?

20 A. No, sir.

21 Q. Did anyone in your presence threaten or coerce the
22 defendant in any fashion or offer him any promises or
23 rewards?

24 A. Not at all.

25 Q. Did the defendant ask for an attorney prior to

1 answering your questions?

2 A. He did not.

3 Q. Did he ever ask for an attorney during the statement?

4 A. No, sir.

5 Q. If he had asked for an attorney, what would have
6 happened?

7 A. We would have stopped and ended the interview.

8 Q. Okay. And you witnessed his initials on this
9 pre-interrogation waiver form?

10 A. Yes.

11 Q. And, to the best of your knowledge, was the defendant's
12 statement freely and voluntarily given?

13 A. It appeared to be, yes, sir.

14 Q. Okay.

15 MR. BAIN: Nothing further, Your Honor.

16 THE COURT: All right.

17 Yes, ma'am.

18 MS. LAPHAM: Thank you, Your Honor.

19 Just briefly, Your Honor.

20 CROSS EXAMINATION BY MS. LAPHAM:

21 Q. Now, on the pre-interrogation waiver form there is a
22 section to be notarized to make this an official statement.
23 Why wasn't that done?

24 A. That -- that particular purpose, or whatnot, is -- I'm
25 not aware of. Our BEST bag statement as well. I have never

1 had a statement notarized or our BEST bag notarized.

2 Q. Because it's not there, why don't you just take it off
3 your form rather than have it on there or not?

4 A. That's a good question. This is the form that I --
5 that we have used since I began in narcotics and it hasn't
6 been changed and I'm not sure why it was put on there to
7 begin with.

8 Q. Now, did you ask Nick what his education level was
9 before you started interrogating him?

10 A. I don't recall. I believe that I would have, but I
11 don't recall.

12 Q. Now, on the pre-interrogation waiver form where it says
13 education, that was left blank, wasn't it?

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

15 Q. So in most cases do you fill in what the education
16 level is?

17 A. I do, yes, ma'am, and I actually observed that looking
18 back and I saw a couple were left blank in education from
19 the -- during that time.

20 Q. So why didn't you fill it in for this one?

21 A. I -- I'm not sure.

22 Q. Now, once you were speaking with Nick, did he ask you
23 to record what he was saying?

24 A. No, ma'am, he did not.

25 Q. Did he explain to you that he could barely read or

1 write?

2 A. No, ma'am, he did not.

3 Q. Well, if that's the case then why did you write the
4 statement -- or excuse me, did you write the statement?

5 A. I did write the statement. It is my practice that I
6 typically do write or take notes as people are talking and
7 read it back to them as I write.

8 When we were -- particularly pertaining to this case,
9 when we were interviewing Stephon Adams, he actually
10 requested he write his own and I allowed him to write his
11 own instead of me writing it for him.

12 Q. So he never asked that you record what he was stating?

13 A. No, ma'am, he did not.

14 Q. And on these two pieces of paper, in most locations
15 there is an end --

16 A. What?

17 Q. -- for his initials.

18 A. I'm sorry, I didn't hear you. I apologize.

19 Q. No problem.

20 On both of these pieces of paper there is some
21 locations where it has N.B.?

22 A. That's correct.

23 Q. And my assumption is those are his initials?

24 A. Yes, ma'am.

25 Q. And don't most people just put an initial if they have

1 trouble reading or writing?

2 A. I guess so. I'm not sure why he would have signed his
3 name and then just started initialing it, but I guess.

4 MS. LAPHAM: Nothing further, Your Honor.

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

6 THE COURT: Sir, you may step down. Please be
7 careful.

8 MR. BAIN: No further witnesses, Your Honor.

9 THE COURT: Anything?

10 MS. LAPHAM: Your Honor, if I may call Nick
11 Bonner.

12 THE COURT: Yes, ma'am.

13 NICHOLAS BONNER, having been first duly sworn,
14 testified as follows:

15 THE WITNESS: Yes, ma'am.

16 THE COURT: Sir, tell us your full name and spell
17 your last name for my court reporter.

18 THE WITNESS: Nicholas Andropolis Bonner,
19 B-O-N-N-E-R. That's my last name.

20 THE COURT: All right, Mr. Bonner. Now, as in the
21 past, you know, just speak in a normal pace.

22 THE WITNESS: Yes, sir.

23 THE COURT: Yes, ma'am.

24 MS. LAPHAM: Thank you, Your Honor.

25

1 DIRECT EXAMINATION BY MS. LAPHAM:

2 Q. Can you tell me how you did in school growing up
3 academic-wise?

4 A. I couldn't read nor write that good.

5 Q. Were you in any special classes?

6 A. Yeah, all the way up through school.

7 Q. And as far as understanding conversations and things of
8 that nature, do you have other people help you with that,
9 or --

10 A. Yes, ma'am.

11 Q. Now, on this day in question of August 7th, 2012, do
12 you remember speaking with Investigator Gardner?

13 A. Yes, ma'am.

14 Q. During that time period did you explain to him what
15 your problems were with reading and writing?

16 A. Yes, ma'am.

17 Q. And what was the response?

18 A. I told him record it. He had a black box out. At
19 least there was one around and I told him I wanted to record
20 my message, you know what I'm saying. He didn't.

21 Q. Now, approximately how many times did you ask him to
22 record --

23 A. Two or three times.

24 Q. -- the conversation?

25 A. Two or three times.

1 Q. And what about Officer Scruggs?

2 A. He wasn't never in the room.

3 Q. You don't remember seeing Officer Scruggs?

4 A. It was -- I seen Federico and Brandon Gardner on my --
5 when I got my -- when they took -- when they asked me --
6 called me in the room, it was Federico and Brandon Gardner.

7 Q. So you never saw Scruggs?

8 A. I don't know Scruggs.

9 Q. Now, did you ask Detective Gardner to write the
10 statement?

11 A. He asked me he would write it and I explained to him
12 and I told him I wanted it re-recorded.

13 Q. Now, I think earlier you were listening when they were
14 reading into the record what your statement was?

15 A. Yes, ma'am.

16 Q. Was that your statement?

17 A. No, ma'am.

18 Q. Why did you give a statement?

19 A. I -- I gave one if he recorded it, but he didn't record
20 it. He wrote -- he felt like he was going to write what he
21 wanted to write.

22 Q. Then why did you initial it?

23 A. Because I couldn't read or write, you know what I'm
24 saying? What I said I thought is what he had wrote down,
25 but I couldn't read or write. He just read it to me.

1 Q. So are you claiming that none of this statement is
2 actually correct, or just portions of it?

3 A. Portions of it.

4 Q. Which portions do you not agree with?

5 A. That I -- when I seen that dope in the stove and he
6 didn't put that down.

7 Q. All right. So basically that was part of the issue?

8 A. Yes, ma'am.

9 Q. Did you feel pressured in any way to give a statement?

10 A. Yeah, because they kept asking me, asking me questions
11 what happened and I was telling the truth. They didn't
12 never would record it and I feel like he wrote what he
13 wanted to write.

14 Q. How long do you think that you were in that room when
15 they were talking with you?

16 A. Maybe five, ten minutes. Maybe about five minutes. It
17 wasn't long.

18 Q. So are you saying here today that you didn't know
19 exactly what was in this statement that you signed?

20 A. Yes, ma'am.

21 MS. LAPHAM: Nothing further, Your Honor.

22 THE COURT: Yes, sir.

23 MR. BAIN: Thank you, Your Honor.

24 CROSS EXAMINATION BY MR. BAIN:

25 Q. Mr. Bonner, is it your testimony today that you can't

1 read and write?

2 A. Yes, ma'am -- yes, sir.

3 Q. Why would you sign a statement that you didn't
4 understand what it meant?

5 A. I can't read or write. I just read what he read to me.
6 I signed it, but it wasn't what I said, because I told
7 him -- I told him to put me on recording.

8 Q. What did you say?

9 A. On August 6th?

10 Q. Well --

11 A. What happened -- what happened that day when they came
12 to my house? Everybody had gave their statement and they
13 just told them to go down there and write a statement and
14 they were going to let us go. Then they started bringing --
15 they started -- we went to jail for two ounces, what the man
16 put in the stove. I was locked up and the next thing you
17 know they started bringing -- I was on lockup for two hours,
18 which I seen -- took me to jail for two ounces and they
19 started bringing other stuff up and saying they found this
20 and they found that. I was at my house, so why didn't they
21 find all of this in front of me, or why -- why did they take
22 me off and they had more stuff to get? That's my biggest
23 question, why did I have to leave the premises and they had
24 more stuff to find, if they say they found it there.

25 Q. You say that you were at your house?

1 A. My momma's house.

2 Q. And how long did this interview last?

3 A. About five or ten minutes.

4 Q. Okay. And what -- how far did you go in school?

5 A. To the 12th grade. I had special classes all the way
6 to the 12th grade. I got a piece of paper for graduating.

7 Q. And are you employed?

8 A. I just work with my uncle.

9 Q. Were you employed back on August 6th, 2012?

10 A. Yeah, we used to do concrete.

11 Q. What were you doing?

12 A. Finishing concrete.

13 Q. Okay. And during the interview did you ever ask for a
14 break?

15 A. No, it was just five or ten minutes. Why would I need
16 a break, you know, when it would take me five or ten
17 minutes.

18 Q. So it was five or ten minutes?

19 A. Yeah. He just asked me a simple question and I told
20 him the truth and I -- and that was it.

21 Q. Were you ever denied access to food or water?

22 A. What did you say? Could you break that down to me?

23 Q. Were you ever denied access to food or water?

24 A. Food or water?

25 Q. Like --

1 A. They never --

2 Q. Did you ever ask for food or a snack during this
3 interrogation?

4 A. They ain't never gave no stack away or no water.

5 Q. Did you ever ask for it?

6 A. Why would I ask for it when we are talking about
7 something that was happening at my momma's house?

8 Q. So you didn't ask for food or drink during this
9 interrogation?

10 A. It was only five or ten minutes. Why would I need some
11 water?

12 Q. Thank you.

13 And did Brandon Gardner read you the statement of
14 rights?

15 A. I don't know what he read to me. I can't read or
16 write.

17 Q. Okay.

18 MR. BAIN: May I approach the witness, Your Honor?

19 THE COURT: Yes.

20 A. You are going to have to read it to me, because I ain't
21 going to be able to read it.

22 BY MR. BAIN:

23 Q. If I read this to you, could you understand it?

24 A. You have got to break it all the way down. I got to
25 get somebody else to speak for, like my lawyer.

1 Q. If I asked you you have the right to remain silent, do
2 you understand that?

3 A. Why would I have the right to remain silent? What do
4 you mean by that?

5 Q. If I asked you today you have the right to remain
6 silent, do you know what that means?

7 A. No, sir.

8 Q. Okay. If I say anything you say can and will be used
9 against you in a court of law, do you understand that
10 sentence?

11 A. That wasn't never said to me.

12 Q. Okay. You have the right to talk to a lawyer and to
13 have a lawyer present with you while you were being
14 questioned. Do you understand -- I'm not asking you if it
15 was read to you. Do you understand that?

16 A. No, sir.

17 Q. All right. Is the answer going to be you don't
18 understand any of these?

19 A. I have to let my lawyer break it down to me. I can't
20 read or write that good.

21 Q. Okay. Now, you have pled guilty to a crime before, is
22 that correct?

23 A. Not as I know of.

24 Q. Okay. So isn't it true that you were convicted of a
25 drug charge?

1 A. When?

2 Q. In 2007?

3 A. 2007? I can't -- I can't recall. What kind?

4 Q. Okay. Do you remember being on probation for a year?

5 A. When I had went down the road, that was way back in
6 2002.

7 Q. Okay. So you have -- you have been convicted or pled
8 guilty before, is that correct?

9 A. But you are telling me on the charge. I don't know
10 2007. I couldn't tell you when I had a charge in 2007. The
11 only time I remember having a charge is 2002.

12 Q. Let me rephrase the question.

13 Have you ever been in trouble with the law before?

14 A. Back in 2002.

15 Q. Okay. And did you have a trial or did you plead
16 guilty?

17 A. Oh, no, I forgot. I guess I pleaded guilty. My lawyer
18 was Trent Pruett. I don't know.

19 Q. And would you agree that when you plead guilty, you
20 must give up certain rights to plead guilty?

21 A. I didn't -- I didn't know what was going on. I let my
22 lawyer done it.

23 Q. So it's your testimony today that you pled guilty and
24 had no idea what rights that you were giving up?

25 A. Not right then.

1 Q. Do you remember a judge reading you your rights?

2 A. It's been so long I can't even tell you what judge I
3 went in front of.

4 Q. Well, you are able to answer my questions today, that's
5 correct?

6 A. Not all of them. You have to break them down to me to
7 make it understandable to me.

8 Q. Would you agree for the most part you are able to
9 answer my questions today?

10 A. If you break it down to me I could.

11 Q. But you don't understand you have the right to an
12 attorney? You don't understand what that means?

13 A. The only time I know that when the city officer came
14 and asked me two hours later. They said you got a right to
15 an attorney. I didn't say nothing. But what Federico --
16 what Brandon Gardner told me was we was going doing down --
17 I can't read, so you are going to bring it to me.

18 Q. Well, can you read your initials and your signature?

19 A. Not really.

20 Q. Okay. Well, I'm handing you this -- I'm handing you
21 what's been pre-marked State's Exhibit 18. Can you take a
22 look at it?

23 Do you recognize that signature?

24 A. No, sir.

25 Q. Do you recognize those initials?

1 A. The N and B, that's how I initial. I can't -- I
2 can't -- I can't write my whole name out that good.

3 Q. Is that your initials?

4 A. The N and B?

5 Q. Yes, sir.

6 A. I don't know.

7 Q. Okay.

8 A. I didn't write that.

9 Q. So your testimony today is you don't remember any of
10 this statement?

11 A. No. No, sir.

12 Q. Do you remember being threatened or coerced in any way?

13 A. I was threatened a lot.

14 Q. And can you tell us specifically how you were
15 threatened?

16 A. I was kind of -- I was racially profiled in all kind of
17 ways.

18 Q. Well, specifically what threats were made?

19 A. They was telling the co-defendants that I was getting
20 them --

21 Q. I'm not asking what they told the co-defendants --

22 A. Well, I was just --

23 Q. -- what they told you?

24 A. The threats -- I'm telling you how I was threatened,
25 how I felt threatened. You asked me questions, right?

1 Q. Right.

2 How were you personally threatened by law enforcement?

3 A. Threatened? I was -- I was -- I was in jail --

4 Q. Okay.

5 A. -- locked up on two -- on something that Mr. Lattimore
6 throwed in my house and then they brought more drugs and I
7 never seen. That's threatening right there. That's like
8 racketeering, something I never seen.

9 Q. Were you threatened or coerced in any way?

10 A. I believe I was threatened, because I never seen them.
11 They put it on me anyway, so how do you feel about it?

12 Q. Okay. Did they threaten to physically harm you in any
13 way?

14 A. (No response).

15 Q. Did you feel physically threatened at any point during
16 the interview?

17 A. Yeah, when Anderson put the gun in the back of my head
18 and throwed me in the car I was threatened.

19 Q. So your testimony today is an officer put a gun at the
20 back of your head?

21 A. Put the gun in the back of my head and walked me to the
22 car and put me in the car.

23 MR. BAIN: No further questions, Your Honor.

24 MS. LAPHAM: Nothing further, Your Honor.

25 THE COURT: All right, sir, you may step down.

1 Please be careful.

2 Anything further?

3 MS. LAPHAM: Nothing further, Your Honor.

4 THE COURT: Yes, sir.

5 MR. BAIN: May it please the court, Your Honor,
6 you heard Investigator Gardner testify that this interview
7 only lasted ten minutes, as indicated on the form. Mr.
8 Gardner said that they did not threaten or coerce. He would
9 not have been denied access to food or water. They read --
10 they did write the statement, but they read it back to him,
11 and that's common practice. I think Mr. Gardner even said
12 when Stephon did his, they had to rewrite it, because you
13 can't read the handwriting. A lot of times officers will
14 write it so you can actually read it.

15 You also heard Mr. Gardner says that he personally
16 witnessed Nick Bonner sign it in several different places,
17 including the statement of rights.

18 Your Honor, the only reason I asked about his
19 prior conviction was to show the court that he's had
20 dealings with the legal system and at some point he at least
21 told a judge in a courtroom that he understood the statement
22 of rights. I understand he said today he doesn't, but, Your
23 Honor, concerning voluntariness, this being a voluntary
24 statement, I believe it was, because it was such a short
25 time that they conducted it.

1 Also he was in custody, but officers did read him
2 Miranda Rights, so I don't believe there is any issues with
3 Miranda in this case, given Nick Bonner's signature on the
4 form, and I respectfully ask that this statement come in,
5 Your Honor.

6 THE COURT: Yes, ma'am.

7 MS. LAPHAM: Thank you, Your Honor.

8 At this time I would ask the statement not to come
9 in, Your Honor, based on the education level, based on the
10 fact that this form is not notarized. Education was not
11 filled out. He asked for it to be recorded. I know now
12 it's contingent in the courts as to whether or not
13 statements should be actually audio or video recorded, but
14 back in 2012 that was not a heavy burden to bear to be able
15 to turn on the cell phone to record, or some other recording
16 device, Your Honor.

17 And he states that he did speak to Gardner, but as
18 far as the content of the statement, that was not in his
19 statement, Your Honor. We have initials. We don't have a
20 full signature on the statement, Your Honor. And the
21 testimony of not knowing what was actually filled out in the
22 statement, Your Honor, and I guess in his words he felt
23 threatened as well, so I would ask the statement be
24 excluded.

25 THE COURT: The court finds by the greater weight

1 or preponderance of the evidence that the statement is
2 voluntary. The jury has to be able to find beyond a
3 reasonable doubt that it is a voluntary statement of the
4 contents therein.

5 He was there for a short period of time, by his
6 own admission. He also, by his own admission, he was not
7 denied food or drink or restroom facilities. He never asked
8 for a lawyer. And, again, what he said at least twice that
9 he was only there for five or ten minutes and why would he
10 need a break for water or why would he need a restroom
11 break.

12 He says nothing about being physically threatened,
13 other than the very last statement was that he had a gun put
14 to his head while he was marched to the car, but he was
15 not -- no gun was produced in the room. At least there is
16 no testimony before the court that a gun was produced in the
17 room or put to his head anyway. So -- he initialed it. And
18 if he wants to challenge the statement not being his
19 statement, he can do so in front of the jury through
20 cross-examination when he confronts the witnesses about
21 being his in this case.

22 Anything else?

23 MR. BAIN: Your Honor, I have Eric Lattimore to
24 proffer just his testimony on prior bad acts. I think I can
25 keep that brief, Your Honor.

1 THE COURT: Okay.

2 ERIC LATTIMORE, having been first duly sworn,
3 testified as follows:

4 THE WITNESS: Yes, ma'am.

5 THE COURT: Tell us your full name and spell your
6 last name for my court reporter.

7 THE WITNESS: Eric Jermaine Lattimore,
8 L-A-T-T-I-M-O-R-E.

9 THE COURT: Solicitor.

10 MR. BAIN: Thank you, Your Honor.

11 DIRECT EXAMINATION BY MR. BAIN:

12 Q. Mr. Lattimore, on August 6th, 2012, were you at Nick
13 Bonner's house?

14 A. Yes, sir.

15 Q. And were you arrested that day?

16 A. Yes, sir.

17 Q. And have you ever hung out at Nick Bonner's house prior
18 to that date?

19 A. Yes, sir.

20 Q. How many times?

21 A. In the past before that a lot of times, but now
22 probably like two or three times.

23 Q. Okay. You went to jail for a period of time, is that
24 correct?

25 A. Yes, sir.

1 Q. And what year did you go to jail?

2 A. 2003.

3 Q. And what year did you get out?

4 A. October the 1st, 2009.

5 Q. All right. From 2009 to 2012, did you hang out at Nick
6 Bonner's house?

7 A. Not -- like -- not really.

8 Q. All right. You had been there --

9 A. Yes.

10 Q. -- prior to August 6th, 2012, correct?

11 A. Yeah.

12 Q. And how many times had you been there between 2009 and
13 2012?

14 A. Probably like -- probably three or four times. No more
15 than five times.

16 Q. Okay. And can you please describe the typical day at
17 Nick Bonner's house when you are there?

18 A. It was a lot of guys smoking reefer, selling drugs.

19 Q. Why do you go over there?

20 A. My daddy -- my daddy does -- works for people and he
21 would go down there to work and sometimes he cooks and I go
22 down there and buy cigarettes and beer.

23 Q. Okay. Are there usually a lot of people at the house
24 when you are over there?

25 A. Yes, sir.

1 Q. Are there usually a lot of people coming and going?

2 A. Yes, sir.

3 Q. Do you see a lot of cars coming in and out?

4 A. Yes, sir.

5 Q. And how often do the cars -- how long do those cars
6 stay?

7 A. Long enough to change and to do what they got to do and
8 they leave.

9 Q. Okay. And have you ever seen drugs in Nick Bonner's
10 house when you hang out there?

11 A. Yes, sir.

12 Q. How often?

13 A. Probably every time I go down there.

14 Q. Has there ever been a time when you have gone to Nick
15 Bonner's house and not seen drugs?

16 A. No.

17 Q. And have you ever seen drug deals go down in Nick
18 Bonner's house prior to August 6th, 2012?

19 A. Yes, sir.

20 Q. How many?

21 A. That day, or --

22 Q. How many prior to August 6th, 2012?

23 A. Probably about -- I see it every time I go down there,
24 but that day I don't know.

25 Q. And so you see it every time you go down there?

1 A. Yeah.

2 Q. And is Nick Bonner normally there when you are there?

3 A. All the time.

4 Q. Have you ever seen crack cocaine in the house prior to
5 August 6th, 2012?

6 A. Yes, sir.

7 Q. How often?

8 A. Every time you go down there.

9 Q. Have you ever seen crack cocaine sold in the house
10 prior to August 6th, 2012?

11 A. Oh, yes, sir.

12 Q. And your testimony was you seen it almost every time
13 that you were there?

14 A. (Shaking head yes).

15 Q. Have you seen a drug deal almost every time that you
16 were there?

17 A. Yes, sir.

18 Q. Have you ever seen cocaine in the house prior to
19 August 6th, 2012?

20 A. Yes, sir.

21 Q. And have you ever seen anybody sell cocaine in the
22 house?

23 A. Yes, sir.

24 Q. Did it surprise you to see crack cocaine and cocaine in
25 the house -- or crack cocaine in the house on August 6th,

1 2012?

2 A. No, sir.

3 Q. And I should have asked this sooner, but you are
4 familiar with crack cocaine and cocaine, correct?

5 A. Yes, sir.

6 Q. You are able to identify it when you see it?

7 A. Yes, sir.

8 Q. Can you briefly describe the difference?

9 A. Cocaine is like a beige like powder. Crack cocaine is
10 like a -- say like a -- it's like a cookie, but it's -- it's
11 cookie and it's white or yellowish.

12 Q. And when you go to Nick Bonner's house to hang out, is
13 it fair to say that you expect drugs to be there?

14 A. Yes, sir.

15 Q. And this would be crack cocaine and cocaine?

16 A. Yes, sir.

17 MR. BAIN: No further questions, Your Honor.

18 THE COURT: Yes, ma'am.

19 CROSS EXAMINATION BY MS. LAPHAM:

20 Q. So you say that you have only been there around three
21 to five times since from the time that you were released
22 from prison until 2012, when this occurred?

23 A. Yes, ma'am. I didn't go to state prison.

24 Q. But supposedly your testimony is that drug deals happen
25 all the time --

1 A. Yes, sir.

2 Q. -- up there?

3 A. Yes, ma'am.

4 Q. How do you know if you've only been there three to five
5 times in approximately three and a half years?

6 A. As many times I been there I seen a drug deal.

7 Q. You did nothing about it?

8 A. It's not my place to. I go down there to buy
9 cigarettes and beer or see my daddy.

10 Q. Do you have any recordings of these drug deals?

11 A. No.

12 Q. Do you have any texts of these drug deals?

13 A. No.

14 Q. Have you ever talked to people that were in the house
15 and confirmed what was supposedly being bought and sold?

16 A. I just spoke -- I spoke to Nick about it and he said
17 the same day we got busted, I asked him when the dude -- the
18 dude came up and got some drugs from him, I asked him what
19 was he doing, did he know the dude? He was like he's from
20 North Carolina and he is straight. So, yes, I spoke to him
21 about it too, and I just spoke to him he had too many people
22 around his house.

23 Q. Then why did you associate over there?

24 A. I buy cigarettes and beer and my daddy cooked down
25 there for them sometime and my daddy worked for them

1 sometime.

2 Q. You weren't welcome there, were you?

3 A. Yeah, I was -- I was welcome until they thought I was
4 the police that day.

5 Q. You just happened to be there on that day?

6 A. Yes, ma'am, I just got had got off work.

7 Q. Three to five times in three plus years?

8 A. Yes. I wouldn't have been over there that day. The
9 only reason I was over there that day was because I didn't
10 have no money to get home, and my mother gave me a ride to
11 my grandma's house and my mother gave me five dollars to get
12 me some cigarettes and beer, which I made it to my grandma's
13 house. My daddy was down there, so I went down there and
14 bought cigarettes and beer.

15 Q. You have no proof of these drug deals that supposedly
16 occurred at Gwen Bonner's house?

17 A. I'm not the police. I don't carry a camera with me or
18 a microphone.

19 MS. LAPHAM: Nothing further, Your Honor.

20 THE COURT: Anything?

21 MR. BAIN: Nothing, Your Honor.

22 THE COURT: Sir, you may step down. Please be
23 careful.

24 Anything?

25 MS. LAPHAM: Nothing further, Your Honor, with

1 regard to witnesses.

2 MR. BAIN: Nothing. No further witnesses.

3 THE COURT: Okay. And do you have a motion?

4 MS. LAPHAM: Your Honor, I would move before the
5 court to exclude testimony of the prior bad acts, Your
6 Honor. Their basis of prior bad acts are off one witness,
7 who is a co-defendant who has a substantial risk if my
8 client is not convicted. He has no proof of any of these
9 drug deals, no substantiation. I think the prejudicial
10 value of this testimony far outweighs the probative value,
11 Your Honor. It's extremely prejudicial going off someone's
12 opinion or hearsay with no proof. Not even a text message
13 of "I'm coming over," or "I saw drugs deals," Your Honor.
14 Nothing. Your Honor, I think that's extremely prejudicial.

15 THE COURT: Solicitor?

16 MR. BAIN: Your Honor, it sounds like the main
17 argument for Ms. Lapham's motion is the clear and
18 convincing.

19 I'll go a little bit further and say that looking
20 at State v. King, 349 S.C. 142, Your Honor, says "the
21 defendant's prior bad acts may be admitted to show: 1,
22 motive; 2, identity; 3, the existence of a common scheme or
23 plan; 4, the absence of mistake or accident; or, 5, intent."

24 Your Honor, in this case aiding and abetting is a
25 major element for trafficking crack cocaine and cocaine. I

1 think that this goes to intent.

2 Your Honor, we could ultimately argue common
3 scheme or plan, given the testimony that Mr. Lattimore said
4 on Ms. Lapham's cross where he is stating that he had talked
5 to Nick about the guy coming down from North Carolina, Your
6 Honor.

7 Also, the absence of mistake or accident that Nick
8 Bonner was just merely there that day.

9 I think all three of those would be looked at, but
10 mainly the intent part, Your Honor, was this a house that
11 was used to aid and abet the trafficking of drugs. Mr.
12 Lattimore testified that every time he was over there he saw
13 crack cocaine, he saw cocaine, and he said "I have seen
14 prior drug deals almost every time I was over there."

15 Your Honor, concerning the clear and convincing,
16 in State v. King it states "that the credibility of a
17 witness, the court stated is an issue solely reserved for
18 the jury."

19 It said that the "Wilson Court defined the proper
20 scope of review of a trial court's ruling on the
21 admissibility of other bad acts, if there was any evidence
22 to support the admission of the bad act evidence, the trial
23 judge's ruling will not be disturbed on appeal."

24 Your Honor, Ms. Lapham made an excellent point
25 when it comes to the credibility of Mr. Lattimore and what

1 the jury may or may not believe what he's going to testify
2 to, but I do think there is sufficient evidence from what
3 he's testifying to to allow a jury to hear that testimony
4 and make their decision on his credibility concerning the
5 prior bad acts.

6 MS. LAPHAM: If I may briefly, Your Honor?

7 THE COURT: Yes, ma'am.

8 MS. LAPHAM: The only specifics he gave in his
9 testimony was regarding some man from North Carolina, and
10 that's to this incident, Your Honor. It's not a prior
11 situation. Granted, it was some random discussion of drug
12 transactions are the only specifics he gave regarding this
13 incident, Your Honor, and so I would argue that prior bad
14 acts should be excluded. There is no names, no
15 substantiation of so and so bought and sold to Nick, or that
16 this person bought from this person. It was just random.

17 MR. BAIN: Your Honor, I actually would agree with
18 Ms. Lapham. When I argue common scheme or plan, I think we
19 need more testimony than just Eric Lattimore's, so I kind of
20 jumped the gun, but I think clearly Mr. Lattimore's
21 statement comes in under intent, since we have aiding and
22 abetting in this case, and State v. King dealt directly with
23 drugs and directly with a girl who testified to prior drug
24 deals she had seen and prior drug deals she had done with
25 that defendant that was on trial, Your Honor.

1 THE COURT: Yeah, the court is going to allow it.
2 Generally prior bad acts are not allowed, but aiding and
3 abetting is in this case and the probative value outweighs
4 the risk of prejudice. Lattimore's testimony will go to its
5 weight, not to its admissibility, and it's my understanding
6 the courts have generally allowed this where it goes to an
7 essential element, so we are going to allow it in this case.

8 MR. BAIN: Thank you, Your Honor.

9 THE COURT: Anything further?

10 MS. LAPHAM: Nothing further, Your Honor.

11 MR. BAIN: The State has no further motions.

12 THE COURT: Any further motions from the defense?

13 MS. LAPHAM: Just briefly, Your Honor.

14 (Off the record).

15 (Back on the record).

16 MR. BAIN: Nothing further, Your Honor.

17 MS. LAPHAM: Nothing further, Your Honor.

18 THE COURT: Okay. We are going to be in recess
19 until 2:15, but at 2:15 we need to get started, okay?

20 MR. BAIN: Yes, sir, Your Honor.

21 MS. LAPHAM: Thank you, Your Honor.

22 THE COURT: Sir, you are in custody at this time.
23 You will be in custody during the duration of this trial.
24 Do you understand?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Okay.

2 (Whereupon, proceedings were recessed)

3 (Whereupon, proceedings were reconvened)

4 THE COURT: Anything before we bring the jury?

5 MR. BAIN: Your Honor, one thing for the record.

6 Since we probably are going to get to the testimony, I have
7 talked to the potential witnesses today, Todd Parker,
8 Prentiss Jefferies, Brandon Gardner, and I have informed
9 them that there is to be no mention of the prior trial. I
10 hope impeachment doesn't become an issue in this case, Your
11 Honor, but if it does, I know Ms. Lapham --

12 If I may approach, it may be proper on how to
13 handle it, but if anything is brought up regarding the prior
14 trial with a prior sworn testimony -- not prior testimony,
15 not prior trial, I have instructed them to mention nothing
16 about the prior trial during the testimony.

17 THE COURT: Yes, ma'am.

18 MS. LAPHAM: I agree, Your Honor.

19 THE COURT: Yes.

20 MS. LAPHAM: And, you know, my witnesses have been
21 instructed for the same, and prior sworn statements.

22 THE COURT: Yes.

23 MS. LAPHAM: Mentioning it, Your Honor.

24 THE COURT: Let's be clear about that. Any
25 testimony -- if it's a prior sworn statement there would be

1 no prejudice to this defendant. Prior sworn statement, not
2 a prior trial. No mention of a trial?

3 MS. LAPHAM: Right.

4 THE COURT: By anybody.

5 MR. BAIN: Yes, sir, Your Honor, and I have
6 instructed my witnesses.

7 THE COURT: Okay. All right.

8 MS. LAPHAM: Your Honor, I have one thing brief.

9 THE COURT: Okay.

10 MS. LAPHAM: Briefly before I -- I just want to
11 put on the record that we have ordered portions of the
12 transcript involved and I spoke with Mr. Bonner to make sure
13 which portions we wanted to actually order the high cost of
14 the transcript, Your Honor, to which he agrees what we
15 ordered. I just want to put on the record that obviously we
16 would have loved to have the whole thing, but we had to just
17 get certain portions of the transcript, Your Honor. We
18 received a copy of all our witness testimony, one Prentiss
19 Jefferies, Brandon Gardner, Eric Lattimore, Ronnie Anderson
20 and Nick Federico and my client authorized me to do so, Your
21 Honor.

22 THE COURT: Okay. Any question as to that?

23 THE DEFENDANT: No, sir.

24 THE COURT: Okay. All right.

25 Ready for the jury?

1 MR. BAIN: Yes, Your Honor.

2 THE COURT: We have all 14.

3 (The following takes place in the presence of the
4 jury panel)

5 THE COURT: Any matters for the jury? Everything
6 good?

7 JURY FOREPERSON: Uh-huh.

8 THE COURT: Madam Clerk, will you swear this jury
9 to try this case?

10 THE CLERK: Yes, sir.

11 Will you please stand and raise your right hand,
12 please?

13 Do you solemnly swear that you will truly try this
14 case and a true verdict render according to the law and
15 evidence, so help you God?

16 THE JURY: (All jurors collectively said I do).

17 THE CLERK: Be seated.

18 THE COURT: Good afternoon, ladies and gentlemen.

19 We are about to try the case of the State of South
20 Carolina versus Nicholas A. Bonner, wherein it is alleged
21 that he did, in Cherokee County, South Carolina, on or about
22 August 6th of 2012, commit the offense of trafficking in
23 cocaine and trafficking in crack cocaine.

24 As I told you previously, and I say to you again,
25 the fact that he was arrested and charged is no evidence

1 whatsoever of guilt against him. The fact that I'm holding
2 two indictments is no evidence of guilt against him. He has
3 entered a plea of not guilty to both of these indictments
4 and the burden remains on the State of South Carolina at all
5 times to prove him guilty beyond a reasonable doubt. More
6 about that will be explained to you as we go along.

7 Now, ladies and gentlemen, once again I tell you
8 that he is presumed innocent of the charges made against him
9 and he has entered that plea of not guilty.

10 Now, ladies and gentlemen, at this point in time
11 I'm going to try to give you a few comments about how the
12 trial will proceed.

13 This courtroom is dedicated to the preservation of
14 citizen's rights through what many have called the greatest
15 justice system ever created.

16 I tell you that the lawyers appearing before you
17 are advocates of the parties they represent, but first and
18 foremost they are officers of this court, sworn to uphold
19 the integrity and fairness of our judicial system.

20 Now, many people do not have a chance to attend an
21 actual court session as you are doing now and believe from
22 the entertainment industry, movies, books, television, or
23 otherwise that all trials are full of drama, intense action
24 and riveting circumstances. Ladies and gentlemen, while
25 some of these things may be true at times, this trial is

1 certainly not for entertainment purposes. This trial is a
2 fundamental part of our judicial system and is often slow,
3 deliberate and repetitive, just the opposite of what we have
4 come to expect from the entertainment industry.

5 Once again, we thank you for your service as
6 jurors.

7 My comments now and remarks are not a charge on
8 the law. I will instruct you on the law that's applicable
9 at the end of this trial before you retire to consider your
10 verdict. My remarks at this time are an explanation of the
11 procedure we will follow so that you may have a better
12 understanding of what is happening.

13 As I previously told you, the defendant is charged
14 by two indictments filed with this court. The elements of
15 those crimes will be explained to you later. But, once
16 again, the indictment is simply a charging instrument which
17 brings the case before the court and is not evidence of any
18 guilt whatsoever against this defendant. The State has the
19 burden of proving each of the elements of the indictments
20 beyond a reasonable doubt, and it will then be your duty to
21 decide whether the State has met that burden of proof.

22 Ladies and gentlemen, your purpose as jurors is to
23 find and determine facts. You 12 will be the sole judges of
24 the facts. If at any time I make a comment regarding a
25 fact, you must disregard it. You are to determine the facts

1 from the testimony you hear and the evidence introduced in
2 this courtroom. It is up to you to determine the inferences
3 which you think may be properly drawn from the evidence
4 presented in this trial. It is especially important that
5 you perform your duty of determining facts diligently and
6 conscientiously, because ordinarily there is no way to
7 correct an erroneous determination of facts by a jury.

8 Now, ladies and gentlemen, on the other hand and
9 with equal emphasis, the same law which of the State of
10 South Carolina that makes you the sole judges of the facts
11 makes me the sole judge of the law.

12 The law as I give it to you is the only law that
13 you may consider. You must accept it and follow it, even if
14 you disagree with it. I cannot tell you what a fact is and
15 you cannot tell me what the law is in this case. Your job
16 will be to take the law as I give it to you, apply it to the
17 facts as you find them to be and after doing so render a
18 verdict, a verdict that you just took and that you swore to
19 earlier to deliver. But until I tell you that you may begin
20 to deliberate you must not discuss this case with anyone,
21 including fellow jurors, friends, family members, or anyone
22 involved in this case.

23 As I previously stated, the lawyers and the
24 parties and the litigants have been advised that they are
25 not to speak to you, so if anyone passes by you in the

1 hallway or in the parking lot and does not speak, they are
2 not being rude. They are simply following my instructions.

3 Ladies and gentlemen, you must decide this case
4 based solely on the evidence in this courtroom. During this
5 trial you must not conduct any independent research about
6 this case or the facts or any evidence presented or any of
7 the people or organizations involved. Please do not try to
8 learn information from any source outside of this courtroom.
9 You must not use dictionaries or reference materials, search
10 the Internet, web sites, blogs, or chat rooms, or any
11 electronic tool to discover or receive information about
12 this case or to help you decide it. You may not use
13 computers, telephones, cellphones, smart phones, tablets,
14 the Internet, or any tool of technology with communication
15 capability while in the courtroom or during deliberations.

16 Ladies and gentlemen, during your breaks for meals
17 and overnight, if necessary you may use those devices, but
18 you may not use those devices to communicate with anyone
19 about the case until the case has ended. This means you
20 must not use phone calls, e-mails, text messages, instant
21 messages, Twitter, or any other blog, chat room or website,
22 which includes Facebook, You Tube, or any social media
23 website to receive or send information about this case.
24 Information includes the information about a party, a
25 witness, lawyer, court officer, or any news account or

1 research on any topic.

2 Now, during the trial do not read, listen to, or
3 watch any news accounts or reports about this case, if any.
4 I don't see any media here, but if they happen to be here,
5 please divert your attention from that.

6 You must not consider anything that you have read
7 or heard about this case outside of this courtroom, whether
8 before or during the trial.

9 I tell you that information on television, radio,
10 or the Internet, or any other source may be wrong or
11 incomplete and in our judicial system it is important that
12 you are not influenced by anything or anyone outside the
13 courtroom. If you become aware of a fellow juror's
14 violation of my instructions, please inform me immediately.

15 It is important that you keep an open mind and not
16 discuss any issue until all evidence has been presented and
17 the parties have made closing statements and I have
18 instructed you on the law.

19 Now, ladies and gentlemen, I'm often asked and
20 I'll tell you ahead of time you are not to take any notes
21 during the trial of this case.

22 It is your solemn responsibility to determine the
23 guilt or innocence of the defendant and your verdict must be
24 based solely on the evidence as presented to you in this
25 trial and the law that I instruct at the closing of the

1 trial.

2 Now, in just a few moments the solicitor will make
3 what's called an opening statement in which he will explain
4 to you the issues represented in this case, or at least what
5 he perceives them to be. The lawyer for the defendant may
6 also make an opening statement, although she is not required
7 to do so, but I tell you that what the lawyers say during
8 their statements is not evidence in the case. It is only
9 their contention as to what the issues are in this case.
10 The evidence will be presented to you by sworn testimony
11 from witnesses and any exhibits which may be properly
12 introduced.

13 Now, from time to time, ladies and gentlemen, you
14 may hear one of the lawyers say "may we approach the bench,
15 Your Honor? I have a matter of law," or you may hear me say
16 "may the lawyers come forward?" I would turn my microphone
17 off and press it down. It may well be that I have something
18 to discuss with the lawyers on a motion or something that
19 may be before me and I may need to refer to one of these
20 rules in one of these rule books and it also may be that I
21 need to discuss this and make a comment on a fact. As I
22 just told you, the State of South Carolina does not allow me
23 to make a comment on a fact in a case and for that purpose,
24 madam forelady and ladies and gentlemen, I would then remove
25 you from the courtroom and ask you to step into your jury

1 room so we may discuss freely as to whether or not what my
2 ruling may need to be on that particular matter of law.

3 Now, in determining what the facts are in a case
4 you decide whether or not the testimony of a witness is
5 believable. It is my responsibility to rule as to whether
6 certain testimony is admissible, but once the testimony is
7 admitted, whether or not you believe it is solely for you 12
8 to determine.

9 In deciding whether to believe a witness, you have
10 the right to consider any interest or bias or prejudice of a
11 witness and the opportunity for that witness to have seen or
12 heard that matter that is right which they have seen and
13 heard. You have a right to consider anything in the record
14 that will help you evaluate the testimony and that means it
15 is your duty to pay close attention to the witnesses,
16 observe them and listen to them. Do not let your thoughts
17 wander, so at the end of all the testimony and the argument
18 of the lawyers and the charge on the law you will be in a
19 position to determine what the facts are and apply those
20 facts and thus render a verdict.

21 Now, juror number 27, Hollie Crosby, you are
22 hereby appointed the forelady of the jury. Ma'am, it will
23 be your duty to preside in the jury room and be spokesperson
24 here in the courtroom for the jury. It will also be your
25 duty to write the verdict, but I will give you further

1 instructions at the conclusion of this trial.

2 Again, I ask that you and the alternates always
3 sit in the assigned seating and everyone else is certainly
4 free to move around. Again, if you choose to stand for some
5 period of time during the testimony, I simply ask that you
6 sit on the back row so that you would not obstruct the view
7 of your fellow jurors.

8 Anything from the State?

9 MR. BAIN: Nothing from the State, Your Honor.

10 THE COURT: From the defense?

11 MS. LAPHAM: Nothing from the defense, Your Honor.

12 THE COURT: Are we ready to begin?

13 MR. BAIN: Yes, Your Honor.

14 THE COURT: Solicitor, call your first witness.

15 MR. BAIN: If it please the court, ladies and
16 gentlemen, good afternoon, ladies and gentlemen of the jury.
17 As I said earlier, my name is Chris Bain and I'm a solicitor
18 here in Cherokee County.

19 You are here today because Nick Bonner in Cherokee
20 County was charged with trafficking over 400 grams of crack
21 cocaine and cocaine.

22 And where this story begins was back in late July
23 and early August of 2012 Todd Parker and Brandon Gardner,
24 who were working with the sheriff's office, was contacted by
25 a confidential informant named Prentiss Jefferies.

1 Now, you will hear a little bit what a
2 confidential informant does, but mainly what they do, they
3 provide information to the sheriff's office about different
4 crimes that are being committed; specifically in this case
5 about drug activity in the community.

6 When they received that information it was
7 Prentiss Jefferies approached Todd Parker and he told them
8 that Nick Bonner, the defendant, was going to be getting a
9 large shipment of drugs at his house at 126 Iris Lane. When
10 that first call was made Investigator Parker didn't know
11 exactly when that shipment was going to be made, but they
12 asked Prentiss to contact them.

13 So on August 6th, 2012, Prentiss Jefferies called
14 Todd Parker and says a large shipment has arrived. At that
15 point in time Todd went and got Brandon Gardner and they
16 went into a room at the sheriff's office and they put
17 Prentiss Jefferies on speaker phone and he said a large
18 shipment of crack cocaine and cocaine arrived at Nick
19 Bonner's house and there is also marijuana there.

20 Brandon Gardner went and obtained a search warrant
21 for 126 Iris Lane and they executed that search warrant. It
22 was a combination of county and city officers that went to
23 126 Iris Lane and when they went in the house they found
24 several individuals. They found Nick Bonner, Eric
25 Lattimore, Jordan Smith, Nickcos Smith, Stephon Adams,

1 Christopher Bonner, Quintin Horton, Travis Davidson, Jarvis
2 McCluney and Ronald Littlejohn, who initially fled from the
3 scene at the time.

4 Now, ladies and gentlemen, you are going to hear
5 from some of the individuals that were in the house that
6 day. They were all arrested for trafficking. You are going
7 to hear from what we call them co-defendants. I ask you to
8 listen closely to what they say. Pay attention to their
9 statements because if you listen closely it all comes
10 together.

11 Unlike a TV case, it's not CSI, it's not a TV show
12 where there is that eureka moment where everything comes
13 back and you tie it to Nick Bonner. This is a case where we
14 have several witnesses with a lot of circumstantial
15 evidence, and when you piece all the evidence together, you
16 put those puzzle pieces together, you will be fully
17 convinced that Nick Bonner is guilty of trafficking.

18 So when they executed the search warrant in the
19 house, they searched and they found a \$1,250 in Nick
20 Bonner's pocket. They found \$13,000 -- approximately
21 \$13,000 in cash in a bed stand in one of the bedrooms. This
22 cash was small bills and it was rubber banned. They also
23 found approximately 50 grams of crack cocaine in the oven.

24 They further found Jarvis McCluney, who I believe
25 will testify this week, had a scale and on that scale was

1 residue of cocaine. And I anticipate that you will see a
2 picture of that this week throughout this trial.

3 Now, no one in the house claimed the drugs in the
4 oven, but law enforcement got suspicious because this wasn't
5 the big shipment they thought. They thought they would find
6 more than 50 grams of crack cocaine, so they searched the
7 outside perimeter where they also found crack cocaine in a
8 red bag laying in the yard on Mr. Bonner's property under
9 some pine needles. Once again, though, that was not the
10 large shipment described to them. So Ronnie Anderson with
11 the city police department called Prentiss Jefferies back
12 and Prentiss says "I saw Pee-Wee take Nick Bonner's drugs
13 across the street to a vacant house at 125 Iris Lane."

14 Now, Ronnie Anderson at that time went and got a
15 search warrant for 125 Iris Lane, and when they went across
16 the street they opened the trash can that Prentiss Jefferies
17 told them about and they found a black bag with gray
18 lettering that contained approximately 825 grams of cocaine
19 and they also found 630 grams of crack cocaine and they
20 found in a trash can a white scale.

21 Now, a big issue in this case was the drugs that
22 were found across the street, not in Nick Bonner's home.
23 They found 50 grams in Nick Bonner's home, but across the
24 street. I ask you to pay attention to the statements. I
25 ask you to pay attention to the statement Eric Lattimore

1 gave. Listen closely and see what they say and see if it
2 adds up to what the information law enforcement was given
3 that day.

4 Now, after they conducted a search of both houses.
5 Or maybe right before they conducted the search across the
6 street, everyone was transported to jail. Well, a fight had
7 broken out between Eric Lattimore and Nick Bonner in the
8 house so the officers had to separate them. There was also
9 a younger kid there who had been transported. Jordan Smith
10 was transported and Eric Lattimore, because of the fight,
11 was separated. Everyone else was transported in the same
12 van to the Cherokee County Sheriff's Office and at the
13 Cherokee County officers. Those officers were still
14 concerned of a potential fight between Mr. Lattimore and Mr.
15 Bonner, so they kept them in separate holding cells. So you
16 have eight people in one holding cell and Eric Lattimore by
17 himself in another holding cell and I submit to you that
18 that might play a role in some of the statements that you
19 hear this week, the fact that they were separated and the
20 fact they were transported separately.

21 Now, you might want to know what we have to prove.
22 What the State has to prove in this case is that Nicholas
23 Bonner on or about August 6th, 2012, did knowingly sell,
24 manufacture, deliver, or bring into this state, or did
25 provide financial assistance, or did otherwise aid, abet, or

1 conspire to sell, manufacture, or deliver, purchase, or
2 bring into this state, or did knowingly actually or
3 constructively possess, or did knowingly attempt to become
4 in actual or constructive possession of 400 grams or more of
5 crack cocaine and cocaine.

6 Now, I know that's a lot. That's what the law
7 says in the law books, but I ask you to focus on two key
8 points out of that statute, and at the end when the judge
9 gives you the charge, he will read you the different
10 elements as well and listen closely to him. The two things
11 to focus are constructive possession and aiding and
12 abetting.

13 Ladies and gentlemen, there are so many drugs in
14 this case it's hard to actually possess it to actually put
15 it in your pocket, so what does constructive possession
16 mean? Constructive possession means that you maintain power
17 and control over that drug, that you know where those
18 narcotics are that you have, that you know about it, you
19 know where it is and you maintain control and power over it.

20 I also ask you to pay attention to aiding and
21 abetting, because at that time that means the man has to
22 assist or help someone in the commission of a crime. So
23 providing financial assistance or providing your house to be
24 the place this amount of drugs are sold through, that's
25 aiding, abetting in the trafficking of drugs.

1 I ask you to pay attention to those two key points
2 out of that statute I read throughout the trial while you
3 are listening to the witnesses, constructive possession and
4 aiding and abetting.

5 And lastly you will probably hear this term a lot
6 throughout this trial, reasonable doubt. Ladies and
7 gentlemen, it is very rare in life you can prove anything to
8 an absolute certainly and that's not the burden. The burden
9 is not absolute certainty. It's reasonable doubt, which I
10 like to look at firmly convinced, to have firmly convinced
11 someone that Mr. Bonner is guilty of this crime. And ladies
12 and gentlemen, after you hear all the State's witnesses and
13 the State's case, I submit to you that you will be firmly
14 convinced that he is guilty of trafficking crack cocaine and
15 cocaine in the amount over 400 grams and I ask that you find
16 him guilty. Thank you for your time.

17 THE COURT: Yes, ma'am.

18 MS. LAPHAM: Thank you, Your Honor.

19 Good afternoon. I would like to thank you for
20 being here today on behalf of me and my client Nick Bonner.
21 I think we come in here and thank everyone, but it's our
22 duty to be here today, and I appreciate you all being
23 attentive and watching, because that's what this week is
24 going to be all about. We are not sure how many days we are
25 going to be here. However, I know that you have got things

1 going on in your lives, you have children, you have family,
2 you have work, you have things that you are probably sitting
3 here right now thinking I need to be doing this, and I
4 understand that, but today this is our duty of what we are
5 here for. This is what makes us the United States. This is
6 something that we are called for. I have children that
7 stuff is going on this week in school and they understand
8 why I can't be there and I want to be there, but they know
9 this is where I need to be.

10 You know, right now we are in a very trying time,
11 which we have military overseas fighting for these rights to
12 be in these walls that so many of us take for granted. So
13 many of us do. The Constitution is being eroded, but we are
14 here for a purpose. We choose you because you are
15 reasonable. We don't ask you to walk in that door and leave
16 your sensibilities behind it. We are here because we think
17 you are reasonable individuals that can listen, that can see
18 people sitting in this box shortly and to view them and
19 really watch their demeanor and their credibility as to
20 whose story you are going to believe, and I use the word
21 story, because I submit to you that the State's argument is
22 a story. It's pieced together. I tell people we talk about
23 reasonable doubt and at the end of this trial Judge Kelly is
24 going to instruct you specifically what reasonable doubt is.
25 It's a sort of hesitation.

1 When I was young, my mother would say if it's not
2 right, you are going to feel it in your stomach, kind of a
3 gut instinct. Not just your mind, but some of us don't feel
4 right or sound like that's what I ask you to listen for.

5 Now, throughout this trial I want you to focus on
6 the motive. We have spoke earlier, the State did, regarding
7 the co-defendants. I submit to you that only one
8 co-defendant is going to be pointing his finger at my
9 client. One. Now, what would the motive be for that
10 co-defendant?

11 I submit to you that you are going to hear
12 testimony that my client was not transported in the van with
13 everybody else.

14 I submit that you are going to hear testimony from
15 an informant that may take the stand and submit that he was
16 paid to give the statement days after this occurred.

17 I submit to you that you are going to hear
18 testimony from an officer who was fired for misconduct under
19 investigation during this time period.

20 I would submit testimony regarding this home,
21 whose house is it and I submit that during this trial you
22 are going to have issues of whether it's Mr. Bonner's home
23 or his mother's home. I grew up in Charleston. My parents
24 still live there. They have lived there from the day I was
25 born and they still live there. When I go home for

1 Christmas, home for functions, I see people that are there.
2 I say come over to my house, you know. Come see me, but
3 they know that's my parents home. I live in Spartanburg. I
4 no longer live in Charleston, but where I grew up, that's my
5 home, my family home. And I want you to kind of keep that
6 notion in check as well and I submit that some testimony is
7 going to be shown that his mother was even helping pay rent
8 for him to live somewhere else, so I wouldn't consider that
9 his home.

10 Now, I would ask for you at the close of this case
11 to reconsider what you see here, what you hear here, and I
12 submit that at the end of this trial you will render a
13 verdict of not guilty for my client Nick Bonner. Thank you.

14 THE COURT: Solicitor.

15 MR. BAIN: Your Honor, the State calls Prentiss
16 Jefferies.

17 PRENTISS JEFFERIES, having been first duly sworn,
18 testified as follows:

19 THE WITNESS: Yes.

20 THE COURT: Sir, tell us your full name and spell
21 your last name for my court reporter, please.

22 THE WITNESS: My name is Prentiss Jefferies. Last
23 name is J-E-F-F-E-R-I-E-S.

24 THE COURT: Thank you.

25 MR. BAIN: Thank you, Your Honor.

1 DIRECT EXAMINATION BY MR. BAIN:

2 Q. Mr. Jefferies, where are you currently employed?

3 A. I'm employed at Harris America.

4 Q. And were you working back on August 6th, 2012?

5 A. No, sir.

6 Q. And do you know Nick Bonner?

7 A. Yes, sir.

8 Q. How long have you known him?

9 A. I have been knowing him all my life.

10 Q. So it's fair to say you are familiar enough with Nick
11 Bonner to know what he looks like?

12 A. Yes.

13 Q. Is Nick Bonner in the courtroom today?

14 A. Yes.

15 Q. Can you please point him out?

16 A. Right over there.

17 Q. Can you please tell us what he's wearing?

18 A. A white shirt, a black -- looks like a gray and white
19 tie.

20 MR. BAIN: Your Honor, let the record reflect the
21 witness has identified the defendant.

22 THE COURT: So ordered.

23 MR. BAIN: Thank you, Your Honor.

24 BY MR. BAIN:

25 Q. And do you know where Nick Bonner lived?

1 A. I know -- not now I don't know where he lives at.

2 Q. Okay. Did you know where he was living back in August
3 of 2012?

4 A. Yes, sir.

5 Q. Where was he living?

6 A. I think he was staying over on it's called the east
7 side of town.

8 Q. Has Nick Bonner ever lived at 126 Iris Lane?

9 A. Yes, when we were younger coming up as kids.

10 Q. Now, have you ever worked as a confidential informant
11 for the Cherokee County Sheriff's Office?

12 A. Yes, sir.

13 Q. And what officer did you work for?

14 A. Todd Parker.

15 Q. And how did your relationship to Todd Parker as a CI
16 begin?

17 A. Back when I got incarcerated for drugs at my father's
18 house. I got busted with drugs at my father's house.

19 Q. Do you remember when you first started working as a CI?

20 A. I think it was the year 2008.

21 Q. And did you fill out an informant agreement?

22 A. Yes, sir.

23 MR. BAIN: Your Honor, may I approach the witness?

24 THE COURT: Yes.

25 BY MR. BAIN:

1 Q. Jarvis, I'm handing what's been marked as State's
2 Exhibit 1. Will you take a look at that? Do you recognize
3 that form?

4 A. Yes.

5 Q. How do you recognize it?

6 A. It's the form that I signed.

7 Q. Can you please tell the jury what it is?

8 A. CI papers.

9 Q. And does it fairly and accurately depict your
10 confidential informant agreement that you filled out with
11 the sheriff's office?

12 A. Yes, I signed it. I don't -- I mean, I didn't go over
13 it or nothing like that, but I signed it.

14 Q. Does your signature appear on it?

15 A. Yes, sir.

16 Q. Are there any other identifying marks on it?

17 A. Yes, sir, on the back page there is a print of my thumb
18 print.

19 Q. Is that your fingerprint?

20 A. Yes, sir.

21 MR. BAIN: Your Honor, the people offer State's
22 Exhibit 1 for admission into evidence at this time.

23 THE COURT: Any objection?

24 MS. LAPHAM: No objection, Your Honor.

25 THE COURT: State's 1 is admitted without

1 objection.

2 (Whereupon, State's Exhibit No. 1 was entered into
3 the record as evidence)

4 BY MR. BAIN:

5 Q. Mr. Jefferies, what year did you fill out that
6 agreement?

7 A. It looks -- I see year 2008, I think.

8 Q. What does it say on the form that you have in front of
9 you?

10 A. It states -- I think it's August 12th, 2008.

11 Q. Okay. And what type of information did you provide as
12 a confidential informant?

13 A. I don't understand what you mean what kind of
14 information did I provide.

15 Q. What kind of information would you provide to the
16 sheriff's office while you were a confidential informant?

17 A. Oh, most of the time we were mostly identifying people
18 from their phone data from distribution of crack cocaine and
19 of marijuana. I come down there, they asked me do I know
20 who this person is or do I know that person and I would tell
21 them their name and who they was.

22 Q. Okay. And through your own experience and knowledge
23 have you had a chance to view different illegal narcotics?

24 A. Yes, I have been. I know all the drugs.

25 Q. Do you know what marijuana looks like?

1 A. Yes, sir.

2 Q. Do you know what crack cocaine looks like?

3 A. Yes, sir.

4 Q. Do you know what cocaine looks like?

5 A. Yes, sir.

6 Q. And what type of narcotics would you give information
7 on to the sheriff's office?

8 A. Most of the time it was a lot of marijuana. Some
9 mostly marijuana and crack was mostly of a distribution
10 like. I could identify distribution.

11 Q. Okay. And what did the sheriff's office or did the
12 sheriff's office ever provide you anything for cooperating?

13 A. Yes, back in 2008, when I got busted, because they
14 couldn't stay in contact with me, so they would usually buy
15 me phone costs to try to keep my phone on to keep in contact
16 with me.

17 Q. And then late July and early August 2012 were you
18 working as a confidential informant?

19 A. No, sir. I mean, I wasn't -- everything that I had
20 worked for like for help them provide information for giving
21 them names for the distribution and stuff, the charges that
22 I was working off of, Todd Parker had called the solicitors
23 office and had everything against me dropped.

24 Q. And in August of -- in August of 2012 do you remember
25 talking to Todd Parker?

1 A. Yes, sir, down -- the day or -- I remember talking to
2 him before then like when he come to me about some receiving
3 stolen goods and things like that.

4 Q. And did you provide any information to Todd Parker?

5 A. He asked me what was going on around those days, do
6 anybody have any drugs or anything, what was going on and
7 all that.

8 Q. When you say up there, what are you --

9 A. Westerly Park.

10 Q. And where is Westerly Park?

11 A. Westerly Park is located on the west side up by I-85.
12 It is a neighborhood that I grew up in.

13 Q. Is 126 Iris Lane in Westerly Park?

14 A. Yes.

15 Q. Where do you live?

16 A. At the time my residence was 111 Camelia Circle. Right
17 now my residence is 222 Camelia Circle.

18 Q. How far is that from 126 Iris Lane?

19 A. It's another road over. Up three roads to park --
20 second or third road. I stay on the third road. Iris Lane
21 is the second road. First and third road is the same. It's
22 Camelia Circle.

23 Q. Very safe to walk there?

24 A. Everybody was -- yeah, it's past things like that.

25 Q. And did you provide any information to Brandon Gardner?

1 A. No.

2 Q. Was Brandon Gardner ever there when you met with Todd
3 Parker?

4 A. No.

5 Q. Can you please go into a little bit more detail about
6 your meeting with Todd Parker back in August of 2012?

7 A. What do you mean?

8 Q. The one that you were just talking about when he
9 approached you.

10 A. When he approached me, you see, it was this guy who run
11 around and who I guess was committing robberies and getting
12 like TV's and breaking into people's houses and I was
13 receiving them I was buying the merchandise from him.

14 Q. So did you ever get information to Todd Parker and/or
15 Brandon Gardner concerning a large shipment of drugs?

16 A. No, sir.

17 Q. Would it surprise you if Todd Parker said that you did?

18 A. I mean, he -- he did -- he did --

19 Q. Would it surprise you?

20 A. If you do, he do. I can't stop them from saying
21 nothing. I know that I didn't provide them with that
22 information.

23 Q. So it's your testimony you never told Todd Parker or
24 Brandon Gardner about a large shipment of drugs?

25 A. No, she had asked me what they do around there. I

1 don't -- I stopped going around there in 2008, so I really
2 don't know what they do around there on Iris Lane, so I
3 can't really provide them any information about any drugs
4 that are going on around there or a big shipment that's
5 coming in around there.

6 Q. Was there ever a phone conversation between you and
7 Todd Parker concerning 126 Iris Lane?

8 A. Yes, sir, that day when they had done that bust.

9 Q. So if Todd and Brandon said that a call was made, you
10 say that never happened?

11 A. No, I didn't call. No, not me. He called me, yeah.

12 Q. Do you remember giving a statement to Todd Parker
13 concerning this incident?

14 A. Oh, yes, sir.

15 Q. Who all was present at that statement?

16 A. Wasn't nobody present at that statement but Todd Parker
17 and Ronnie Anderson.

18 Q. So Todd Parker and Ronnie Anderson?

19 A. Yes, sir.

20 MR. BAIN: May I approach the witness, Your Honor?

21 THE COURT: Yes.

22 BY MR. BAIN:

23 Q. I'm handing you what's been pre-marked State's
24 Exhibit 2 for identification purposes. Will you take a look
25 at that statement?

1 A. Yes, sir.

2 Q. Do you recognize it?

3 A. Oh, yes, sir.

4 Q. How do you recognize it?

5 A. This is the statement that I signed in the car when --

6 Q. Did you write that statement?

7 A. Yes, sir, but I was coached through it.

8 Q. Okay. Does your fingerprint appear on that statement?

9 A. Yes, sir.

10 Q. Can you please -- is it a true and accurate reflection
11 of the statement?

12 A. What do you mean?

13 Q. Is it a true and accurate reflection of the statement
14 that you wrote on that day?

15 A. Oh, yes, sir.

16 Q. Okay.

17 MR. BAIN: Your Honor, at this time the State
18 moves State's Exhibit 2 into evidence.

19 THE COURT: Any objection?

20 MS. LAPHAM: No objection.

21 THE COURT: State's 2 admitted without objection.

22 (State's Exhibit No. 2 was entered into the record
23 as evidence)

24 BY MR. BAIN:

25 Q. Mr. Jefferies, will you please read that statement?

1 A. Statement says "I was at Nick Bonner's house at 126
2 Iris Lane. I saw Nick Bonner with a large amount of cocaine
3 and crack cocaine in a plastic bag, then put it in a black
4 bag and gave it to Pee-Wee to take it across the road to put
5 it in the trash can. Then I saw Pee-Wee go to the brown and
6 black house under the carport and put it in that trash can.
7 Then Pee-Wee come back to the house and Nick ask Pee-Wee did
8 you put it up and Pee Wee said yeah, I put it up."

9 Q. Thank you.

10 Now in this statement you say that you are at Nick
11 Bonner's house, is that correct?

12 A. Yes, sir.

13 Q. Okay. And in this statement you said that Pee-Wee had
14 a plastic bag -- or Nick had a black bag and gave it to
15 Pee-Wee to take it across the street?

16 A. That's what it says in this statement, but that
17 statement is not true.

18 Q. And that they went under the carport and put it in the
19 trash can across the street, correct?

20 A. That was what I was told to put down.

21 Q. Okay. Are you aware of what was found in the trash can
22 across the street?

23 A. No, sir. I know -- all I know is a large amount of
24 drugs, but I'm not aware of what was actually in that bag.

25 Q. Okay. Who is Pee-Wee?

1 A. I just know Pee-Wee. I mean, I don't know his real
2 name.

3 Q. Okay. Does it make sense for law enforcement to coach
4 a statement and not use the real name of the individual?

5 A. I mean, everybody go by nicknames. Ask them they say
6 Toot-Toot and that's not my name.

7 Q. But if law enforcement coached you, wouldn't they use
8 the real name?

9 A. They got to make it look true.

10 Q. So your testimony today is you were coached into
11 writing this statement, is that correct?

12 A. Yes, sir.

13 Q. And for your cooperation on this case what did -- what
14 was your compensation?

15 A. Gave me money.

16 Q. Okay. Did you get money from the county?

17 A. I just know Ronnie Anderson is the one that gave me the
18 money.

19 Q. Okay. You are pretty familiar with the surroundings at
20 126 Iris Lane, is that true?

21 A. Yes, I grew up around there. Yes, I know about the
22 surroundings around there, yes, sir.

23 Q. Are you aware are there several -- are there houses
24 around that address?

25 A. There is plenty of houses. It's a big neighborhood.

1 Q. Back in August, on August 6th of 2012, at the time were
2 you aware of a vacant house on that street?

3 A. A couple of vacant houses on that street.

4 Q. Were you aware of the one that was across the street
5 from Nick Bonner's house?

6 A. Yeah, because I -- the day that they did the bust, all
7 of us was standing -- it was like a hundred people standing
8 out in their yards over there, so --

9 Q. I'm handing you what's been marked State's Exhibit 3
10 for identification purposes. Do you recognize that house?

11 A. Yeah, it looks familiar. It looks like different
12 work -- it looks like the house there across the street from
13 where them -- where Nick stay.

14 Q. Does it look like 125 Iris Lane?

15 A. I don't know the address. I mean, I can go up there
16 and probably show you the house, but I don't know the
17 addresses up there.

18 Q. But you were aware of on August 6th, 2012, it was a
19 vacant house, is that correct?

20 A. Oh, yes, because, like I said, it was a lot of people
21 standing out in the yard that day.

22 Q. And that statement was in your handwriting, correct?

23 A. Yes, it had to have been my handwriting.

24 Q. And it is your fingerprint, correct?

25 A. Uh-huh.

1 MR. BAIN: No further questions at this time, Your
2 Honor.

3 Please answer any questions the defense may have.

4 THE COURT: Yes, ma'am.

5 MS. LAPHAM: Thank you, Your Honor.

6 CROSS EXAMINATION BY MS. LAPHAM:

7 Q. Good afternoon.

8 A. Good afternoon. How are you doing?

9 Q. I'm doing well. Thank you.

10 All right. I just want to make sure that I have the
11 picture.

12 A. Okay.

13 Q. How long has it been since you have been hanging out
14 over at 126 Iris?

15 A. Back in -- back when I got in trouble back in 2008, a
16 lot of guys, they didn't find fun with me coming around any
17 more, so I didn't -- it hasn't been since 2008 since I have
18 been there.

19 Q. So within the three days before this incident on August
20 6th, 2012, you were not at that home, correct?

21 A. No, ma'am.

22 Q. You were not at his mother's home?

23 A. No, ma'am. I wasn't allowed in his yard. If I go over
24 there and go in the yard, I like get into an argument, into
25 a -- might get into a fight or something with someone, so I

1 decided to separate myself from that.

2 Q. So now the charges that you were trying to work off you
3 talk about in 2008?

4 A. Uh-huh.

5 Q. Those had already been dismissed before this incident?

6 A. Oh, yes, I have no charges above my head or anything.
7 They got threw out in court, actually up here in court.

8 Q. Were you working off any more charges at that point?

9 A. No, ma'am, I have no charges above my head. I did gain
10 charges after that I think -- if I think. I gained charges
11 for distribution of crack cocaine and they tried to get me
12 to work with them again and I wouldn't work with them, so
13 that's the reason why I'm on probation now.

14 Q. Okay. Now, when you talk about this statement, all
15 right, the one that we just read?

16 A. Yes, ma'am.

17 Q. There is no date on it, correct?

18 A. No, ma'am. I mean, I didn't see no date on it.

19 Q. About how long after this incident --

20 A. It was about --

21 Q. -- did you write the statement?

22 A. It was a couple days after the incident.

23 Q. Where did you go to write the statement?

24 A. We met at I call it the chain gang camp, but I think
25 it's called Love Field where the kids, where they play

1 peewee football and stuff. I met up there.

2 Q. So where did you write the statement? On a bench or in
3 a vehicle?

4 A. In a vehicle.

5 Q. In a vehicle?

6 A. Yes, ma'am.

7 Q. Can you kind of explain?

8 A. I think, if I ain't mistaken, my -- I think it was in
9 the back of -- back of a black Charger II, or gray. It was
10 a dark colored Charger.

11 Q. And who told you what to write in this statement?

12 A. Mostly it was Ronnie Anderson was telling me what to
13 put. It was "you got to put it that way in order for the
14 solicitor to believe you," so that's what I had done it,
15 signed it, looked good I guess to push it to the court.

16 Q. Now, how soon after you wrote this statement did you
17 get paid?

18 A. Right then.

19 Q. How much?

20 A. I got paid \$2,000.

21 Q. Was it in cash?

22 A. Cash money.

23 Q. Did you get any money after that?

24 A. Yes, when I went down to -- they had called and told me
25 they said we have some TV's that y'all -- that some people

1 didn't come and claim and then I come back there and picked
2 them up. So I went down to pick them up they called me at
3 the time back and they gave me another \$1,500 and I'm
4 like --

5 Q. You are all right with that?

6 A. Yeah.

7 Q. Weren't you paid a total of \$3,500?

8 A. Yes, ma'am.

9 Q. To write a statement days after this happened?

10 A. Yes, ma'am.

11 Q. Without a date?

12 A. Yes, ma'am.

13 Q. And without you even being on the property to see any
14 drugs to supposedly be an informant?

15 A. Yes, ma'am, because I don't never be around. I don't
16 go around anything and then I don't know nothing that they
17 do. It was just that at the point I was disliking them at
18 the time, so I really didn't care to deal or anything. They
19 would get me some money. I had four kids I had to take care
20 of, so I took the money. Christmas time and took the money.

21 Q. So you were desperate?

22 A. Yes, ma'am.

23 Q. And you needed money?

24 A. Yes, ma'am.

25 Q. You needed a way to get some money?

1 A. He give me \$2,000.

2 Q. Will pay at that point someone you didn't even like
3 anyway?

4 A. Right, so I was like forget them.

5 Q. So why are you here today telling the courtroom what
6 really happened?

7 A. Because I just feel like that if they -- I shouldn't
8 have done it. I mean, I shouldn't -- I -- I feel like I was
9 wrong in doing it.

10 Q. You feel bad for --

11 A. Right.

12 Q. -- writing a statement?

13 A. Yes.

14 Q. Against my client?

15 A. Yes.

16 Q. You are telling the truth today, correct?

17 A. Yes, ma'am.

18 MS. LAPHAM: Thank you, Your Honor. Nothing
19 further.

20 MR. BAIN: Briefly, Your Honor.

21 THE COURT: Yes, sir.

22 REDIRECT EXAMINATION BY MR. BAIN:

23 Q. You told Ms. Lapham you had to go around there, yes,
24 ma'am?

25 A. Yes.

1 Q. But you were around there when the search warrant was
2 executed that day, were you not?

3 A. Yeah. I mean, everybody -- everybody was coming
4 around. I mean, it was so many police was around there,
5 things like that, so I wanted to be noticed too what was
6 going on.

7 Q. And it was normal as a confidential informant, even
8 prior to August 2012, for you to get compensation for
9 providing information, is that correct?

10 A. What do you mean? Oh, I guess -- I mean, I say -- I
11 didn't have charges to work off, so they come to me like if
12 you sign this statement, then we are going to drop your
13 charges, or anything like that. So they know I hang around
14 there and I be around there and I guess they thought my
15 statement would be very reliable in the court today.

16 Q. When you were a suspect in receiving stolen goods back
17 in August of 2012 --

18 A. I ain't never been charged. They never charged me with
19 that. I mean, they -- they -- I was a suspect, but I wasn't
20 charged with that.

21 Q. When Todd Parker approached -- or when you approached
22 Todd Parker in 2012, were you under an investigation for a
23 receiving stolen goods?

24 A. I ain't never approached Todd Parker. I didn't
25 approach Todd Parker. He approached me.

1 Q. And according to your testimony, when Todd Parker
2 approached you, were you under investigation for receiving
3 stolen goods?

4 A. No, I wasn't under investigation. He came to me and he
5 asked me, he said a lot of people asked about houses getting
6 broke in and a lot people -- that you were the one receiving
7 all this stuff.

8 Q. And a last few questions. Do you remember meeting in
9 my office on this case?

10 A. Yes, sir.

11 Q. Do you remember who was in the room?

12 A. Yes, sir.

13 Q. Who was in the room with us?

14 A. You and Brandon Gardner.

15 Q. Okay. Do you remember telling me that you were not
16 going to deny the statement?

17 A. No, I did not tell you I would deny the statement. You
18 asked me if the fingerprint that was on the bottom of that
19 statement at first I was telling you no, that was not my
20 fingerprint on the bottom of that statement and then he kept
21 saying that is your statement.

22 "We will get the FBI and we will prove it is your
23 fingerprint on the bottom of this statement."

24 So I said yeah, that was -- I wrote that statement.

25 And then you said "well, why are you telling a lie on

1 it?"

2 I said "I'm not lying. I'm telling you," you know.

3 And you kept saying "well, we will subpoena you to
4 court."

5 I said "well, if you are going to subpoena me to court
6 and I think I'm -- I ain't going to be on a subpoena today."
7 I got to work. I was supposed to be at work right now and I
8 told you that before you called me up here that I was
9 supposed to give that statement and you wouldn't believe me,
10 so it's on you.

11 Q. So you don't remember telling a different story in my
12 office of Brandon Gardner and Nick Federico?

13 A. No, I didn't tell you no different story. I told you
14 the same things I'm telling you right here today.

15 MR. BAIN: No further questions.

16 THE COURT: Anything at all as to that?

17 MS. LAPHAM: Very brief, Your Honor.

18 THE COURT: Yes.

19 RECROSS EXAMINATION BY MS. LAPHAM:

20 Q. When you spoke about being on the property on that day,
21 there were lots of people wandering through the
22 neighborhood?

23 A. Yes, ma'am.

24 Q. A lot of people?

25 A. Yes, ma'am, a whole lot of people. It was like -- it

1 was like a lot of people, man.

2 Q. And so at that point, because you didn't have any
3 information against Todd Parker, you didn't know anything
4 was getting ready to happen?

5 A. No, ma'am, I was standing in the yard when they came
6 across the street and in the trash train it was a lot of
7 people in that yard. I didn't know what was in that trash
8 can when they pulled it.

9 Q. You were not the informant then?

10 A. No, I was -- I don't know how they got that information
11 on that what was in that trash can. I don't know where they
12 got -- that information did not come from me, because I did
13 not know anything that man was doing. I did not come around
14 this man. I didn't speak to this man. I still don't talk
15 to this man, but at the end of the day I don't want to see
16 nobody go to jail for a long time over the statement that I
17 signed.

18 Q. For a lie?

19 A. Right.

20 Q. Thank you.

21 MS. LAPHAM: Nothing further.

22 THE COURT: Sir, you may step down. Please be
23 careful.

24 MR. BAIN: Your Honor, may this witness be
25 excused?

1 MS. LAPHAM: No objection, Your Honor.

2 THE COURT: Sir, you may stay or go, whichever you
3 choose.

4 THE WITNESS: Thank you.

5 MR. BAIN: Your Honor, the State calls Todd
6 Parker.

7 THE COURT: Okay. While Mr. Parker is on his way
8 up here, let's stand up and stretch inside the jury box.
9 Let's all stand and stretch.

10 MICHAEL TODD PARKER, having been first duly sworn,
11 testified as follows:

12 THE WITNESS: Yes, ma'am.

13 THE COURT: Sir, tell us your full name and spell
14 your last name for my court reporter.

15 THE WITNESS: Michael Todd Parker, P-A-R-K-E-R.

16 THE COURT: Thank you.

17 Solicitor.

18 MR. BAIN: Thank you, Your Honor.

19 DIRECT EXAMINATION BY MR. BAIN:

20 Q. Mr. Parker, where are you currently employed?

21 A. Outcast Radio.

22 Q. And where were you working back on August 6th, 2012?

23 A. At the Cherokee County Sheriff's Department.

24 Q. And what division or unit did you work in?

25 A. Criminal investigation.

1 Q. Okay. And what were some of your duties as a sheriff's
2 officer?

3 A. At that time we basically worked whatever case was
4 assigned, whether it was burglaries or armed robberies or
5 murder or any kind of property crime.

6 Q. Can you briefly tell us why you left the sheriff's
7 department?

8 A. I was actually fired.

9 Q. And what for?

10 A. Poker machines.

11 Q. Okay. Do you remember specifically what charges?

12 A. I -- I don't know what it actually the specific charge
13 was, but it was relating to selling poker machines.

14 Q. Okay. And did those charges have anything to do with
15 any drug case you ever made?

16 A. No, they did not.

17 Q. And did those charges ever involve any drug money?

18 A. No, they did not.

19 Q. Did those charges specifically revolve around poker
20 machines?

21 A. They did.

22 Q. What is your relationship with Prentiss Jefferies?

23 A. He was an informant at the time when I left the
24 sheriff's department.

25 Q. And what was your relationship with him back on August

1 6th, 2012?

2 A. He was still an informant of mine.

3 Q. Okay. And can you please tell the jury what a CI is?

4 A. It is basically where they get paid for it, or they are
5 working off charges, or whatnot. They provide information
6 to me or to the sheriff's department, receiving property, or
7 drugs, or any kind of information that would be criminal
8 activity.

9 Q. All right. And how did the relationship work? Did you
10 teach the confidential informant how?

11 A. We normally do the -- normally we run into them like
12 the day he received stolen property, or drugs, or search
13 warrants, and that particular, you know, might be a traffic
14 stop where they found it was small amount of marijuana or
15 something and they returned and start giving information.

16 MR. BAIN: May I approach, Your Honor?

17 THE COURT: Yes, sir.

18 BY MR. BAIN:

19 Q. Do you make them fill out a confidential informant
20 agreement?

21 A. We did.

22 Q. Okay. I'm handing you what's been entered into
23 evidence as State's Exhibit 1. Will you please take a look
24 at that?

25 A. (Witness examining document)

1 Q. Do you recognize it?

2 A. Yes, sir, that's what we call a CI packet.

3 Q. Okay. And what year was that filled out?

4 A. 2008.

5 Q. And why do y'all make them fill out the CI packet?

6 A. It just provided them what they are willing to do and
7 what they are required to do under what I guess we did at
8 the sheriff's department.

9 Q. Okay. And why did you make them put their fingerprint
10 on it?

11 A. Just I guess to try to -- say if they try to say they
12 didn't sign it, or they never received it, or something like
13 that, it goes to show how that was their fingerprint on the
14 property.

15 Q. Is there a fingerprint on that confidential informant
16 statement?

17 A. There are.

18 Q. And whose fingerprint is that?

19 A. Prentiss Jefferies.

20 Q. And is there also a signature on there?

21 A. There are.

22 Q. And whose signature does that appear to be?

23 A. Prentiss Jefferies.

24 Q. And prior to August 6th, 2012, had you used Prentiss
25 Jefferies as a confidential informant?

1 A. Yeah, I had.

2 Q. And had he helped you make drug cases in the past?

3 A. He had.

4 Q. What kind of drug cases?

5 A. Mostly marijuana cases. Some crack cocaine cases.

6 Q. Okay. And was he a reliable informant?

7 A. He was.

8 Q. And did you use Prentiss Jefferies as an informant
9 around July or early August of 2012?

10 A. Yes, I did.

11 Q. All right. How did that come about?

12 A. It actually worked in I think it was 13, 14 different
13 burglaries of houses being broken into actually in
14 Spartanburg County where we was working along with
15 Spartanburg where we received information that a lot of the
16 stolen merchandise actually coming back to our county where
17 people would tell me that Prentiss Jefferies was the one
18 receiving the stolen property, the TV's and some guns and
19 that sort of stuff. And being that I knew Prentiss from
20 past experience when I worked narcotics, that I approached
21 him and asked him about the receiving stolen goods.

22 Q. Okay. And at that time did he provide you any
23 information concern illegal narcotics?

24 A. Around about that time I'm not sure exactly what it
25 was, but he did provide information.

1 Q. Do you remember him providing information in August of
2 2012 concerning 126 Iris Lane?

3 A. Yeah, I do.

4 Q. And who lived at 126 Iris Lane?

5 A. Nick Bonner.

6 Q. And what information did Mr. Jefferies provide?

7 A. From what -- like I said, it was a long time ago. What
8 I mean was the first time we talked to him about the stolen
9 property and I explained to him, you know, if he wanted to
10 get himself out of trouble that he was in already with
11 receiving stolen property, if he provided information on who
12 was breaking into the houses or who was actually bringing
13 him the property or the drugs in Westerly Park, that, you
14 know, be willing to try to help him, you know, reduce his
15 charges or drop his charges, based on the information that
16 he gave us for the property. And he actually did provide --
17 well, he did catch the guys. I think the -- I think it was
18 the same day or day after on the burglaries where the
19 property was coming from. He called and he came through
20 Westerly Park.

21 Q. On the information provided on 126 Iris Lane what
22 specifically did he tell you?

23 A. He was -- he said the shipment of drugs had come in.

24 Q. Okay. And where was that shipment supposed to have
25 arrived?

1 A. At what we assumed Nick Bonner's house.

2 Q. What was the address?

3 A. 126 Iris Lane, I believe.

4 Q. Okay. And did you provide that information to anyone
5 else at the sheriff's office?

6 A. Yeah, at that particular time I didn't actually work
7 narcotics, so I contacted Brandon Gardner.

8 Q. Okay. Do you remember receiving a phone call from
9 Prentiss Jefferies?

10 A. I do.

11 Q. And that phone call was on August 6th, 2012, the day
12 the search warrant was executed?

13 A. It was.

14 Q. And what was the nature of that phone call?

15 A. He had called and stated the shipment of drugs had
16 arrived.

17 Q. Okay. And when he said the shipment of drugs had -- he
18 told you previously about a shipment of drugs?

19 A. Yeah, previously, I think probably a week or so before
20 that, we had talked to him about the stolen property and
21 stuff. He said they didn't have any drugs at the time, that
22 he called what they call a dry up there and that, but s
23 shipment was supposed to be coming in.

24 Q. And do you remember Brandon Gardner being in a room on
25 that phone call?

1 A. He was.

2 Q. And was the phone on speaker phone?

3 A. It was.

4 Q. Now, did you get a search warrant?

5 A. No, I did not.

6 Q. Do you remember who got the search warrant?

7 A. Brandon Gardner.

8 Q. Did you assist in the execution of the search warrant
9 at 126 Iris Lane?

10 A. Yes, I did.

11 Q. What were your duties during this search warrant?

12 A. We might have just went because there was always a
13 large crowd up there, so we took a -- took extra manpower.

14 Q. What did you specifically do?

15 A. Just crowd control, basically.

16 Q. Did you handle any of the drugs?

17 A. No, I did not.

18 Q. Did you handle any of the money?

19 A. I did not.

20 Q. And did you talk -- did you talk to Prentiss again on
21 that day, August 6th, 2012?

22 A. I did. I don't remember if he called me or I called
23 him, but at some point that day, once they had searched the
24 property and searched the residence, they didn't find what
25 we considered a large amount of drugs. We found drugs, but

1 not a large amount, but the statement he gave was a large
2 shipment was coming in and that wasn't what we found, so
3 either I called him or he called me. He explained the drugs
4 had been carried across the street to the abandoned house.

5 Q. Was there anyone else with you when that call was made?

6 A. Not that I can recall.

7 Q. Who did you give that information to?

8 A. Ronnie Anderson.

9 Q. Okay. Do you remember if Ronnie Anderson was there?

10 A. When he made the phone --

11 Q. Yes.

12 A. I don't remember.

13 Q. Now, while on the phone was there any speaking with
14 Prentiss Jefferies?

15 A. No, there was not.

16 Q. You were aware your confidential information had seen
17 drugs there in the last 72 hours?

18 A. I was.

19 Q. Do you remember a statement by Prentiss Jefferies?

20 A. Not that I recall. I mean, he gave a statement but I
21 don't know when or what time it was.

22 Q. And all the information that Prentiss Jefferies told
23 you, did you find what he was describing?

24 A. We did.

25 Q. So Prentiss Jefferies had told you the drugs were

1 across the street in the trash can?

2 A. It was.

3 Q. And it was Prentiss Jefferies who told you a large
4 shipment of drugs was coming to 126 Iris Lane?

5 A. It was.

6 Q. And described that as Nick Bonner's house at the time?

7 A. He did.

8 MR. BAIN: Nothing further, Your Honor.

9 THE COURT: All right. Yes, ma'am.

10 MS. LAPHAM: Thank you, Your Honor.

11 CROSS EXAMINATION BY MS. LAPHAM:

12 Q. Isn't it true that you did plead guilty to two felony
13 indictments in Federal Court?

14 A. I pled guilty to one felony indictment.

15 Q. In Federal Court?

16 A. Correct.

17 Q. And this incident happened on August 6th, 2012,
18 correct?

19 A. Yes, it did.

20 Q. And two days prior you went under investigation before
21 this incident happened?

22 A. I don't know when I went under investigation. I was
23 charged two and a half years later.

24 Q. But you were fired two days after this incident?

25 A. Correct.

1 Q. When you were on the property of 126 Iris Lane, did you
2 see my client with any drugs?

3 A. I don't -- we were going in the house. I don't think
4 that I can remember.

5 Q. But at no point during that incident did you see my
6 client with any drugs?

7 A. Not that I can remember, no.

8 Q. Do you remember when you paid Prentiss Jefferies?

9 A. I didn't never pay Mr. Jefferies.

10 Q. So you weren't there when he gave the statement?

11 A. Not that I can remember.

12 Q. And you were talking about always a large crowd over
13 there in that neighborhood, correct?

14 A. Correct.

15 Q. On this day do you remember lots of people up and down
16 the street and things of that nature?

17 A. Oh, yeah.

18 Q. And why was Ronnie Anderson called when Brandon Gardner
19 had supposedly already started this investigation or taken
20 it from you at that point?

21 A. If I remember correctly, I think Ronnie and probably
22 ten or twelve from the city went when we first went. Like I
23 say, like normally people around everywhere. They go off in
24 the woods and we --

25 Q. More to normalize crowd control being --

1 A. Correct.

2 Q. And approximately how many phone cards and things would
3 you have given Prentiss off this time period, Prentiss
4 Jefferies?

5 A. I have no idea.

6 Q. More than one?

7 A. Yeah, it was more than one.

8 Q. More than one. And so he began working with you in
9 2008?

10 A. Correct.

11 Q. His charges were dismissed in 2009?

12 A. I have no idea what dates his charges were dismissed.

13 Q. They were dismissed before this incident?

14 A. Correct, yes.

15 Q. And after this point obviously you were terminated, so
16 I'm assuming you didn't have any further contacts with him?

17 A. No, I didn't.

18 MS. LAPHAM: Nothing further, Your Honor.

19 THE COURT: Anything at all?

20 MR. BAIN: Yes, Your Honor.

21 REDIRECT EXAMINATION BY MR. BAIN:

22 Q. Did you know where Ronnie Anderson was working on
23 August 6th, 2012?

24 A. With the Gaffney Police Department.

25 Q. And what was -- what unit did he work in at the Gaffney

1 Police Department?

2 A. Narcotics unit.

3 Q. Were you in the narcotics unit with the city or county?

4 A. Not at that time.

5 Q. And the investigation that Ms. Lapham asked you about
6 where you pled guilty to a federal indictment?

7 A. I did.

8 Q. Did that case have anything to do with drugs?

9 A. No, it did not.

10 Q. Okay.

11 MR. BAIN: No further questions, Your Honor.

12 THE COURT: Anything at all brief?

13 MS. LAPHAM: Nothing further, Your Honor.

14 THE COURT: Sir, you may step down. Please be
15 careful.

16 MR. BAIN: Your Honor, I ask this witness be
17 released from his subpoena.

18 MS. LAPHAM: No objection, Your Honor.

19 THE COURT: Sir, you are released from your
20 subpoena. You may stay or go, whatever you choose.

21 MR. BAIN: The State calls Eric Lattimore, Your
22 Honor.

23 THE COURT: Let me ask you, before Mr. Lattimore
24 comes, is he more than about 15, 20 minutes?

25 MR. BAIN: Yes, sir, Your Honor.

1 MS. LAPHAM: Yes, Your Honor.

2 THE COURT: Okay. Let's do this. It's 3:30.

3 Let's take our afternoon break.

4 Madam Forelady, ladies and gentlemen of the jury,
5 as I previously told you I don't want to keep you more than
6 60 to 90 minutes. I'm afraid the next witness would run a
7 little longer and I don't want to do that to you, so we are
8 going to break this afternoon. This would be a good 15, 18
9 minute break so you can use the facilities, get some water,
10 some coffee. They make good coffee. I encourage you, if
11 you want a cup of this, or some water, or soda, or anything,
12 just let the bailiffs know and we will be happy to
13 accommodate you.

14 Please don't talk about the case, not with each
15 other, and don't think about it, because you are at work and
16 the last thing that you want to do when you are at work when
17 you are on break is to think about work. Me included. So
18 I'm going to take a break. You take a break. Don't talk
19 about the case. Don't think about it.

20 Madam Forelady, take your jury.

21 (The following takes place outside the presence of
22 the jury panel)

23 THE COURT: Anything from the State?

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

25 THE COURT: From the defense?

1 MS. LAPHAM: Just briefly, Honor.

2 One of the jurors, a woman in the front with the
3 green, I was just -- she's falling asleep a lot, eyes
4 rolling around, and I just wanted to bring that to the -- I
5 think the court probably already noticed that, Your Honor.
6 That's a concern of mine.

7 THE COURT: I have. It is a concern. I wouldn't
8 say she's asleep. She's definitely drowsy and I did a 7th
9 inning stretch to try to head that off a little bit. I tell
10 you what. If Mr. Bailiff -- Madam Clerk, if we could get
11 some coffee back there.

12 THE CLERK: Sure.

13 THE COURT: That might help. I don't know -- I
14 don't know what her number is. Does anybody know it? I
15 don't know it.

16 MS. LAPHAM: I don't know offhand. I can look
17 through the numbers, but that's just one.

18 THE COURT: Mr. Bailiff will get her number, but I
19 hope we don't have to do what we did before.

20 We'll be in recess.

21 MS. LAPHAM: Thank you, Your Honor.

22 (Whereupon, proceedings were recessed)

23 (Whereupon, proceedings were reconvened)

24 THE COURT: Anything before we bring in the jury?
25 Anything from the State before we bring in the jury?

1 MR. BAIN: Nothing from the State.

2 THE COURT: Defense?

3 MS. LAPHAM: Nothing from the defense.

4 THE COURT: We will have our jury.

5 (The following takes place in the presence of the
6 jury panel)

7 THE COURT: Madam Forelady, any matters for the
8 jury?

9 JURY FOREPERSON: No.

10 THE COURT: Everybody has refreshed themselves,
11 ready to go?

12 JURY FOREPERSON: Yeah.

13 THE COURT: Okay. Solicitor.

14 MR. BAIN: Thank you, Your Honor.

15 May it please the court, the State calls Eric
16 Lattimore.

17 ERIC LATTIMORE, having been first duly sworn,
18 testified as follows:

19 THE WITNESS: Yes.

20 THE COURT: Sir, tell us your full name spell your
21 last name for my court reporter.

22 THE WITNESS: Eric Jermaine Lattimore,
23 L-A-T-T-I-M-O-R-E.

24 THE COURT: Solicitor.

25 MR. BAIN: Thank you, Your Honor.

1 DIRECT EXAMINATION BY MR. BAIN:

2 Q. Mr. Lattimore, where are you currently employed.

3 A. At Dollar General Distribution.

4 Q. Back in 2012 what were you doing?

5 A. I was working at Carolina Cotton.

6 Q. And how long have you lived in Cherokee County?

7 A. All my life.

8 Q. And do you know Nick Bonner?

9 A. Yes, sir.

10 Q. How long have you known him?

11 A. All my life.

12 Q. So is it fair to say you know what he looks like?

13 A. Yes.

14 Q. Is Nick Bonner in the courtroom today?

15 A. Yes, sir.

16 Q. And do you know where Nick Bonner lived?

17 A. Not now, but I know where he used to stay.

18 Q. Did you know where Nick Bonner lived in 2012?

19 A. Yes, sir.

20 Q. Where did he live?

21 A. 126 Iris Lane.

22 Q. Do you know what --

23 A. South Carolina.

24 Q. And what county?

25 A. Cherokee County.

1 Q. And is it in the City of Gaffney?

2 A. I think it's in the city.

3 Q. Now, do you remember an incident that occurred at Nick
4 Bonner's house on August 5th, 6th, 2012?

5 A. Yes, sir.

6 Q. Can you please tell the jury about that incident?

7 A. I got off work that day. I didn't have no ride home,
8 because I didn't have no money and no gas. I called my
9 mother. My mother come and picked me up from work. She
10 gave me a ride to Camelia Circle --

11 THE COURT: Go ahead and try it.

12 A. My mother gave me five dollars to get me cigarettes.
13 So when I got to my grandmother's house -- my uncle stays
14 with us too.

15 My daddy was down the street down at Nick Bonner's
16 house, so I walked down there. I walked down the street.

17 It was a pathway I go down to buy me two cigarettes and
18 a Bud Lite from down there. And when I was down there a lot
19 of people there smoking marijuana. So we was in the house.
20 Some dude from out of town came in to get some drugs. So
21 Nick sent somebody to get some bags across the street. When
22 he come back across the street from getting the bag he set
23 it in the chair. He pulled out scales, pulled out another
24 bag out of the black bag, pulled out some white stuff like
25 cocaine, crack cocaine. He put it on the scale, weighed it,

1 put in the bag, tied it up, give it to the man and the man
2 leave out the door.

3 That gave him -- Nick gave him the bag to the dude to
4 take back to where he got it from across the street.

5 So I asked Nick, all right, "what are you doing?"

6 He said "you know who that is. I know him from North
7 Carolina."

8 BY MR. BAIN:

9 Q. Let's go about back a little bit.

10 On that day when you were arrested --

11 A. Yes, sir.

12 Q. -- on August 6th, 2012, were you arrested?

13 A. Yes, sir.

14 Q. And what for?

15 A. Trafficking cocaine.

16 Q. And what were you doing at 126 Iris Lane?

17 A. Buying cigarettes and beer.

18 Q. And who all lived there?

19 A. Nick Bonner, Chris Bonner, Nick mother's at the time.

20 Ronald. I forgot his last name.

21 Q. Okay. And are you familiar with the layout of Nick
22 Bonner's house?

23 A. Yes, sir.

24 Q. Do you know if Nick Bonner has a bedroom there?

25 A. Yes, sir.

1 Q. And on August 6th, 2012, when they executed the search
2 warrant, was his mom there?

3 A. No, sir.

4 Q. What time did you arrive at 126 Iris Lane?

5 A. I don't remember.

6 Q. Okay. Do you know if it was after work?

7 A. Oh, yes, sir, after I got off work.

8 Q. Approximately how long after you got off work did you
9 arrive at Nick Bonner's house?

10 A. I don't know, because I had to wait on a ride. I
11 didn't have no ride to get when I got off work. I had to
12 stand outside and wait for my mother to come get me.

13 Q. Who all was there when you arrived?

14 A. My daddy, a couple more people, Jarvis McCluney, Travis
15 Davidson, Chris Bonner. A young dude named Toot-Toot. I
16 forgot all the names.

17 Q. Okay. Who did you go there to hang out with?

18 A. No.

19 Q. Okay. Are you familiar with or have you ever seen any
20 illegal narcotics?

21 A. Yes, sir.

22 Q. Have you ever been convicted of a drug charge?

23 A. Yes.

24 Q. When?

25 A. 2002. I was convicted in 2003.

1 Q. Okay. And what were those charges?

2 A. Distribution of crack cocaine and possession with
3 intent to distribute crack.

4 Q. Was that two separate charges?

5 A. It was one charge but they make it two.

6 Q. And what type of drugs were involved in those charges?

7 A. Crack.

8 Q. Okay. And while we are talking about your record, you
9 have also been convicted of other charges, is that correct?

10 A. (Shaking head yes).

11 Q. Eight counts of burglaries?

12 A. Yes.

13 Q. Any other charges associated with that?

14 A. Violation of probation, I think.

15 Q. When did those --

16 A. Assault and battery.

17 Q. When did those occur?

18 A. All my charges occurred when I was 16. I was held
19 until I was 17 and went to court.

20 Q. And how long did you serve in jail?

21 A. Seven years.

22 Q. When did you get out of jail, what year?

23 A. October the 1st, 2009.

24 Q. Okay. And did you plead guilty to the burglaries and
25 drug charges?

1 A. Yes, sir.

2 Q. How long were you at Nick Bonner's house before the
3 police arrived?

4 A. Something around 20, 30 minutes.

5 Q. Prior to the police arriving did you see a lot of
6 individuals inside the house that day?

7 A. Yes.

8 Q. Do you remember who all was there coming in and out?

9 A. Not everybody, but I know the people that was there
10 when we got arrested.

11 Q. Okay. Were there people coming and going that day?

12 A. Oh, yes, sir.

13 Q. Did you see any cars pull up that day?

14 A. Yes, sir.

15 Q. How many?

16 A. Three, four, five, somewhere in there.

17 Q. Okay. How long did those cars stay?

18 A. Not long.

19 Q. Can you estimate a time?

20 A. Couple minutes. Minutes.

21 Q. Did you see any drugs in the house that day?

22 A. Yes, sir.

23 Q. What did you see?

24 A. I seen people coming. I seen when a bag came in the
25 house. Nick Bonner had sent across the street. I seen

1 weren't he pulled it out. He put it on the scale and give
2 it to the individual.

3 Q. Do you remember who brought the bag over to Nick
4 Bonner's?

5 A. Not -- I think it was Pee-Wee. I don't know which one
6 it was, but it's the same person.

7 Q. Okay. Did you see any drugs outside the house that
8 day?

9 A. Yeah, when people come and get them. People come and
10 get them that was selling drugs like people come, people
11 come, people sell drugs and then they leave.

12 Q. Okay. And did you see any drugs exchange hands between
13 that day?

14 A. Yes.

15 Q. Who did you see that between?

16 A. A lot of individuals.

17 Q. Okay. Did you see any drugs in Nick Bonner's hand that
18 day?

19 A. Oh, yes, sir.

20 Q. Did you see he exchange drugs with anybody?

21 A. Yes, sir.

22 Q. Are you able to identify the people that was exchanging
23 them with?

24 A. Dude from North Carolina and the one that gave him the
25 bag.

1 Q. Can you identify him by name?

2 A. No, I don't -- I don't know them.

3 Q. So you didn't know them on that day?

4 A. I don't know him.

5 Q. How did you know he was from North Carolina?

6 A. Nick was telling me, because I asked him like "did you
7 know who that dude is?

8 "Yeah, he's like from North Carolina. I been selling
9 him. He's straight."

10 Q. Did you see any exchange of money?

11 A. Yeah, they -- he got Nick the money and Nick gave him
12 the drugs. Nick took -- when he took his drugs out of the
13 bag, put it into a sandwich bag and wrapped it up and handed
14 it to him.

15 Q. Where in the house did this occur?

16 A. Living room.

17 Q. And did you see specifically where Nick got those drugs
18 from?

19 A. In the bag.

20 Q. And you are able to identify crack cocaine, is that
21 correct?

22 A. Yes, sir.

23 Q. And you are able to identify cocaine?

24 A. Yes, sir.

25 Q. Are you able to identify marijuana?

1 A. Yes, sir.

2 Q. And do you know who carried the drugs across the street
3 that day?

4 A. I don't know.

5 Q. All right. Do you remember what the bag looked like?

6 A. Oh, yes, sir.

7 Q. What did the bag look like?

8 A. Black and gray.

9 Q. And did you see anybody else, anything else with the
10 drugs, any other items?

11 A. A scales and it was another bag inside that bag.

12 Q. And can you describe that scale?

13 A. It was like a white digital. It was like a calculator,
14 a big old calculator.

15 Q. Okay. And did you see Nick Bonner handle that bag?

16 A. Yes, sir.

17 Q. What happened after he sold -- after the drugs were
18 sold?

19 A. The dude that Nick sent the bag out and he came back in
20 and told Nick it was put up. So after that, like it wasn't
21 even like ten minutes getting ready to go out the door and
22 police come busting in. When the police bust in I was at
23 the door. I was like I ain't got nothing. I had a book bag
24 my lunch in. I told the officer that was my book bag. You
25 can go search and it wasn't could I go home, couldn't like

1 nobody go home, because there was a drug bust and you -- I
2 had to search the house and stuff. They took us all outside
3 and they went in and searched the house, found something --
4 some drugs in the house, marijuana and something in the
5 house. They came back they read us all our rights and then
6 I was like "well, can I go?" Couldn't nobody go because
7 nobody claimed the drugs and went back and searched the
8 house and locked us all up.

9 Q. Now, how many times had you hung out at Nick Bonner's
10 house before August 6th, 2012?

11 A. Probably three, four times.

12 Q. And is Nick Bonner typically there when you are over
13 there?

14 A. Yes, sir.

15 Q. Can you describe the typical day in Nick Bonner's house
16 when you are there?

17 A. A lot of guys smoking reefer and selling drugs.

18 Q. Okay. And when you say a lot of people, what do you
19 mean by that?

20 A. His home boys. Well, people hanging out or people
21 coming and going. So people hanging out and people coming
22 and going.

23 Q. And did you see a lot of cars pull up?

24 A. Yes, sir.

25 Q. And how long did they stay?

1 A. As long as enough to get what they were going to get
2 and leave. It don't take long.

3 Q. When you say get what they get, what do you mean?

4 A. To get the drugs they come and get.

5 Q. Have you ever seen drugs in Nick Bonner's house when
6 you hung out there on other dates prior to August 6th, 2012?

7 A. Oh, yes, sir.

8 Q. Have you ever seen drug dealings in Nick Bonner's house
9 prior to the date in question?

10 A. Yes, sir.

11 Q. And approximately how many?

12 A. A lot.

13 Q. Does it happen a lot when you are over there?

14 A. Yes, sir.

15 Q. And Nick Bonner, is he there when that occurred?

16 A. Yes, sir.

17 Q. Have you ever seen crack cocaine in the house prior to
18 August 6th, 2012?

19 A. Yes, sir.

20 Q. How often?

21 A. Every time.

22 Q. And have you ever seen crack cocaine sold in the house
23 prior to August 6th, 2012?

24 A. Yes, sir.

25 Q. How many times?

1 A. Every time I went down there.

2 Q. And have you ever seen cocaine in the house prior to
3 August 6th, 2012?

4 A. Yes, sir.

5 Q. How many times have you seen cocaine?

6 A. Every time I went down there.

7 Q. And have you ever seen cocaine sold in the house prior
8 to August 6th, 2012?

9 A. Yes, sir.

10 Q. And are you aware of what was found in the house on
11 August 6th, 2012?

12 A. Well, when we got busted, yes, sir.

13 Q. And what was in the house?

14 A. Crack, marijuana, ball tickets. I think pills.

15 Q. Specifically what was in the oven?

16 A. Crack.

17 Q. All right. Can you tell us what happened when the
18 police arrived?

19 A. We -- well, before they came everybody was in the house
20 and then everybody left out. When they came Nick was
21 sitting in the living room looking out the window.

22 Q. Let me ask it this way. Where were you at?

23 A. Like in the dining room.

24 Q. Okay. And were you able to see immediately prior to
25 the police arriving?

1 A. The dope.

2 Q. Did you have a clear view of the kitchen?

3 A. Yes, sir.

4 Q. Okay. Were you -- did you have a clear view of the
5 oven?

6 A. Yes, sir.

7 Q. Do you remember if it was open or closed?

8 A. No, sir.

9 Q. Okay. Did you see anybody near the oven?

10 A. No, sir.

11 Q. All right. And before at any point did you see anyone
12 near the oven that day while you were there?

13 A. No, because it was like the people in the house -- like
14 it was all of us in the house, really, and before they
15 came -- when the dude was getting drugs, he left out, like
16 everybody left out.

17 Q. And were you involved in an argument that day?

18 A. Yes, sir.

19 Q. Can you explain that argument to the jury?

20 A. Me and Nick -- me and Nick Bonner got into it because
21 first he thought I had set him up, so somebody get out --
22 he's the one that did it, not the -- he don't never come
23 around, all the police are up here, put it on him, put it on
24 him. So Nick was like fuck it, excuse my language, but you
25 set me up while I was in the handcuffs. He pushed me.

1 Q. Okay. Why would Nick Bonner tell you to claim the
2 drugs?

3 A. Because I have been in prison before.

4 Q. Okay. And what happened after you were arrested? Did
5 they transport you to the detention center?

6 A. They put me in the separate vehicle than them.

7 Q. Okay. Who all were you transported with?

8 A. By myself.

9 Q. And are you aware of how the others were transported?

10 A. In a van.

11 Q. And when you arrived at the detention center where did
12 they put you?

13 A. It's a cell right here and a cell right here. They put
14 me in the cell right here across from everybody else.

15 Q. Okay. So you were by yourself?

16 A. Yes, sir.

17 Q. Was anyone removed from the holding cell while you were
18 in the holding cell?

19 A. What?

20 Q. Did officers come and remove people individually out of
21 the holding cell?

22 A. Yeah, one won't one when we first got -- the only
23 person I remember to was Nick that night.

24 Q. Okay. And did Nick say anything to you when you
25 returned to the holding cell?

1 A. Yeah.

2 Q. What did he tell you?

3 A. You stupid motherfucker. He told everything you took
4 the drugs across the street. We are going to put statements
5 on you. You are going to -- everybody is going to put
6 you -- we are going to let you go to jail, and he got
7 talking about my kids and he asked me like going to take
8 kids, I told him no, he said little bastard, you are going
9 to jail.

10 Q. And what was your relationship with the other guys in
11 the house?

12 A. I didn't know them. I mean, like I have been knowing
13 most of them since we have been little.

14 Q. Would you consider yourself good friends with all of
15 them?

16 A. Oh, no.

17 Q. Okay. Did you live in that neighborhood?

18 A. I stayed at 101 Camelia Circle?

19 Q. Okay. Were you kind of the outsider of that group?

20 A. Yes, sir.

21 Q. And did you ever -- did the police ever remove you from
22 your cell, holding cell?

23 A. Except when I wrote a statement.

24 Q. Okay. And where did you give that statement at?

25 A. In the room in the county jail.

1 Q. And do you remember what day that you gave that
2 statement?

3 A. I think it was the next day.

4 MR. BAIN: And may I approach the witness, Your
5 Honor.

6 THE COURT: Yes, sir.

7 BY MR. BAIN:

8 Q. I'm handing you what's been pre-marked State's
9 Exhibit 4 for identification purposes. Would you take a
10 look at that? Do you recognize that, Mr. Lattimore?

11 A. Oh, yes, sir.

12 Q. What is that?

13 A. My statement.

14 Q. And was this the statement that you gave to the police
15 on August 7th, 2012?

16 A. Yes, sir.

17 Q. And does it truly and accurately reflect the statement
18 that you gave on that date?

19 A. Yes, sir.

20 Q. And does your signature appear on it?

21 A. Yes, sir.

22 MR. BAIN: Your Honor, at this time the State
23 moves State's Exhibit 4 into evidence.

24 THE COURT: Any objection?

25 MS. LAPHAM: No objection, Your Honor.

1 THE COURT: Without objection it's admitted.

2 (Whereupon, State's Exhibit No. 4 was entered into
3 the record as evidence)

4 BY MR. BAIN:

5 Q. Now Mr. Lattimore, are you able to read the statement?

6 A. Oh, yes, sir.

7 Q. Who wrote the statement?

8 A. The officer.

9 Q. And prior to giving your statement did the officers
10 tell you anything about the incident?

11 A. Oh, no.

12 Q. Prior to giving the statement did they tell you
13 anything about the drugs across the street?

14 A. No, sir.

15 Q. And did they tell you anything about where other drugs
16 were found in the house?

17 A. No, sir.

18 Q. Were you in any way coached when you were giving that
19 statement?

20 A. Oh, no, sir.

21 Q. This statement was your own words?

22 A. Oh, yes, sir.

23 Q. Can you please read that statement to the jury?

24 A. "I got off work around 4 p.m. on Monday August 6, 2012.
25 My mother came and got me and gave me five dollars to get

1 cigarettes. She took me to my grandmother's to get dropped
2 off. I walked down the street to Nick Bonner's to buy
3 cigarettes and two Busch Lite beers from Nick. I bought two
4 single Newport cigarettes and two Busch Lite beers from Nick
5 by putting money into the jar on the table. I smoked a
6 cigarette and was drinking a beer outside and went back
7 inside. A black tall guy came inside and was talking to
8 Nick. A short fat black guy with a red shirt on went
9 outside towards across the street and come back with a dark
10 color drawstring bag with some type of gray on the bag. He
11 gave the bag to Nick and Nick pulled out a big scale that
12 was white/beige color kind of like a calculator and pulled
13 out clear bag with crack and weighed the crack and gave the
14 black guy I think around three ounces, just guessing by the
15 size. The black guy from North Carolina left, and the fat
16 black guy with a red shirt got the bag back from Nick and
17 walked outside. I walked back outside and used the
18 telephone trying to get a ride. I went back to Nick's house
19 and shortly after the cops came busting in."

20 Q. And was that statement read to you by the solicitor?

21 A. Yes, sir.

22 Q. And that's when you signed it?

23 A. Yes, sir.

24 Q. Were you threatened or coerced in any way to give that
25 statement?

1 A. Oh, no, sir.

2 Q. Now, were you familiar with the house across the street
3 back on August 6th, 2012?

4 A. Yes, sir.

5 Q. And are you familiar with that vacant house across the
6 street?

7 A. Yes, sir.

8 Q. And when did you find out what was found across the
9 street?

10 A. When he told me.

11 Q. And when was that?

12 A. After he came to talk to the detective.

13 Q. To your knowledge, did anyone live in that house?

14 A. No, sir.

15 Q. And was there a clear view of that house from the front
16 of Nick Bonner's house?

17 A. Yes, sir.

18 MR. BAIN: May I approach, Your Honor?

19 THE COURT: Yes.

20 BY MR. BAIN:

21 Q. I show you what's been marked State's Exhibit 3 for
22 identification purposes. Are you familiar with what's
23 depicted in that picture?

24 A. Yes, sir.

25 Q. And is that a true and accurate reflection of how that

1 looked, that house looked back on August 6th, 2012?

2 A. Yes, sir.

3 Q. Is there anything different in this picture?

4 A. The cars, somebody staying there, like nobody stayed
5 there at the time.

6 Q. And can you tell from that picture where that picture
7 was taken from?

8 A. Across the street.

9 Q. Are you -- can you tell whose house would have been
10 across the street from that direction?

11 A. Nick's.

12 MR. BAIN: Your Honor, at this time the State
13 offers State's Exhibit 3 into evidence.

14 THE COURT: Any objection?

15 MS. LAPHAM: No objection Your Honor.

16 THE COURT: Without objection it's admitted.

17 (Whereupon, State's Exhibit No. 3 was entered into
18 the record as evidence)

19 MR. BAIN: Your Honor, permission to publish to
20 the jury?

21 THE COURT: Yes, sir.

22 BY MR. BAIN:

23 Q. So Mr. Lattimore, from where this picture was taken, it
24 would have been in front of where?

25 A. Nick Bonner's house.

1 Q. And can you please point to the house that you are
2 referring to?

3 A. Pointing right there.

4 Q. And what wouldn't have been there in August 6th, 2012?

5 A. The cars or the blind.

6 Q. Okay.

7 A. The cars or the blind.

8 Q. Did anyone force you to testify today?

9 A. No, sir.

10 Q. And did anyone promise you anything for your testimony?

11 A. No, sir.

12 MR. BAIN: No further questions at this time.

13 THE COURT: Yes, ma'am.

14 MS. LAPHAM: Thank you, Your Honor.

15 CROSS EXAMINATION BY MS. LAPHAM:

16 Q. You are a convicted drug dealer, correct?

17 A. Yes.

18 Q. And you are a convicted thief?

19 A. Yes, ma'am.

20 Q. Approximately eight times?

21 A. Yes, ma'am.

22 Q. Now, you talk about every time that you are at the
23 Bonner home you see only drug transactions, correct?

24 A. Yes, ma'am.

25 Q. And you say every time that you are over there?

1 A. Yes, ma'am.

2 Q. So approximately three times you have been there in
3 three years?

4 A. Three or four times, probably five, but every time I
5 went I noticed a drug deal.

6 Q. You just happened to be there on this specific day?

7 A. I was at work. I didn't have no money. I had to go
8 buy cigarettes and beer down there. My momma gave me five
9 dollars.

10 Q. So all the opportunities that you ever had to go over
11 there you just happened to be there on this day, August 6th,
12 2012?

13 A. Yes, ma'am.

14 Q. Now, isn't it true that that home belongs to Nick's
15 mother Gwen?

16 A. No, Nick stayed there. I know his brother, his
17 grandfather, grandmother's house and they passed away. No,
18 I don't really know whose name it is in.

19 Q. Didn't Nick's mother live there?

20 A. Yeah, she stayed there. That was her home at the time.

21 Q. After the relatives passed?

22 A. I don't know whose name it was in.

23 Q. How do you know he had a bedroom?

24 A. Because I was in there before. I was -- I grew up
25 there. That's been the same neighborhood. We all grew up

1 there.

2 Q. Did you go in the bedroom?

3 A. I had been there before.

4 Q. Did you go in the bedroom on August 6th, 2012?

5 A. No, I didn't go, not that day.

6 Q. So how do you know he had a room?

7 A. Because my daddy works -- my daddy goes to the house
8 down there.

9 Q. And would it surprise you there were no photographs of
10 any clothing or any items?

11 A. It ain't -- I mean like my grandma's house, I don't
12 have all my clothes in my grandma's house. I probably have
13 two pair of boxers.

14 Q. Now, when you were there that day isn't it true that
15 you are the one that brought the drugs in the house?

16 A. I don't know when I was at work.

17 Q. You didn't bring drugs in that house?

18 A. No, ma'am.

19 Q. So why are others alleging that you brought drugs there
20 to the house?

21 A. Because others -- just like all them put statement on
22 me and it was my drugs. You see what you fail to realize is
23 your client is the head.

24 Q. And --

25 A. Everybody falls behind.

1 MR. BAIN: Your Honor, I would ask that he be
2 allowed to answer.

3 THE COURT: Let him finish his answer.

4 A. But your client is the head. Everybody else in that
5 statement gave against your client, passing me your -- your
6 client provide them drugs still for their -- to feed their
7 family.

8 BY MS. LAPHAM:

9 Q. So if the -- supposedly you were just released from
10 prison?

11 A. In 2009.

12 Q. And you continue to go to a home that you alleged has
13 drug activity?

14 A. I only be there like three, four times, like I said.

15 Q. That was only earlier it was every time you were over
16 there?

17 A. Three, four times. Every time I went over there. I
18 mean, it ain't like I have been over there every day every
19 time. It would be every time three, four times I went
20 there.

21 Q. So you never called the police?

22 A. Called the police what?

23 Q. For the drug activity.

24 A. I don't even talk to the police. It ain't my job to
25 call the police. It's not my job to call the police.

1 Q. You continue to go over there knowing that supposedly
2 these drugs --

3 A. I don't hang out there, except me going there to see my
4 daddy, when my daddy down there, or to buy cigarettes and
5 beer. I don't go down there hanging or whatever.

6 Q. How many other family members would you see at this
7 house when you would come on those three to four instances
8 in three years?

9 A. What do you mean my family members?

10 Q. The Bonner family.

11 A. His cousins, but they -- they just the same way he is.
12 I mean, like he -- it's just like they all do the same
13 thing.

14 Q. And so your testimony here today is that you had no
15 drugs?

16 A. I had no drugs.

17 Q. When the police showed up at that home where did you
18 go?

19 A. Out the door.

20 Q. What door?

21 A. The door where the police came in at. I had a bag. I
22 was laying on the floor when the police came in. I got
23 first -- my bag was right beside me.

24 Q. So your bag is right beside you?

25 A. Yes, ma'am.

1 Q. What was in that bag?

2 A. A KFC box and a phone charger.

3 Q. You didn't run to any?

4 A. No.

5 Q. It wasn't your testimony earlier today that you were in
6 a dining room and kitchen area?

7 A. That's where the dope was at. It's in the -- if you go
8 to a house I ever been going to, how -- I don't know if you
9 had been there in the dining room where the dope is at. The
10 kitchen and it's the living room and right here when is just
11 like a little door for the living room. When you see there,
12 it ain't no wall except where the kitchen and dining room.
13 That's why it's called the dining room.

14 Q. Now, who is this supposed man from North Carolina?

15 A. I don't know his name.

16 Q. Do you?

17 A. Yes, he -- everybody was in the house. Everybody was
18 in the yard.

19 Q. It's interesting to hear you were the only one that
20 speaks of a North Carolina man.

21 A. That means -- I don't know what that means.

22 Q. Well, if you are the only one that mentioned the black
23 and gray bag.

24 A. That ain't don't mention that.

25 Q. Now, this statement that you gave to law enforcement,

1 approximately how long were you in there talking with them?

2 A. I don't know.

3 Q. Roughly?

4 A. Two minutes.

5 Q. How many --

6 MS. LAPHAM: May I approach the witness, Your
7 Honor?

8 THE COURT: Yes, ma'am.

9 BY MS. LAPHAM:

10 Q. Can you read that for me, please?

11 A. 45 minutes. The interview began at 12:28. Statement
12 interview was completed at 1:15. 45 minutes.

13 Q. Thank you.

14 Now, why didn't you write your own statement?

15 A. Because I can't really -- I didn't finish school. I
16 was in prison so I couldn't spell.

17 Q. But you are able to read this today?

18 A. I tried to sit trying to go back and get my GED.
19 That's how I got my job.

20 Q. Sir, in a prior sworn statement you said that you can't
21 read.

22 A. I can't. I can't read good.

23 Q. You just read earlier.

24 A. Okay. But I can't read a little bit, but just because
25 you say doesn't mean I can't read everything. Certain words

1 I can't read. Therefore, I can't read some.

2 Q. You didn't have any trouble reading this statement a
3 couple minutes ago word for word that you didn't write.

4 A. To be honest with you, ma'am, I don't even read my
5 statement, because I know what happened and what my
6 statement is true.

7 Q. Now, you don't want to go back to prison, do you?

8 A. If I --

9 Q. You don't want to go back to prison now, do you?

10 A. No, I don't think nobody wants to go to prison.

11 Q. You are still a co-defendant in this case, correct?

12 A. Yes.

13 Q. You are charged -- your charges were still pending?

14 A. Yes.

15 Q. Now, one final question. Isn't it true that you
16 brought drugs into this house?

17 A. No, I did not bring no drugs into the house. I
18 don't -- you asked me awhile ago and I told you I didn't
19 bring drugs into this house.

20 Q. You are telling the truth today?

21 A. I'm telling you the truth.

22 Q. You know what perjury is?

23 A. No, what is it?

24 Q. Telling an untruthful statement.

25 A. But you said -- like I have been telling you, like I

1 told you awhile ago, a few minutes ago, I was out of work
2 and I didn't have no way home. I just had a baby. I didn't
3 have no money to buy nothing, a newborn baby. I got a job.
4 I got a job. I worked. I tried to make a living. Even
5 though you look at my past, yeah, I did wrong in my past,
6 but guess what. All them things I went to prison, just like
7 if I do something wrong now, I'm going to go ahead and plead
8 guilty because I know I'm wrong, but when I'm not wrong, I'm
9 not going.

10 Q. You were desperate for money, correct?

11 A. Desperate for money? How desperate for money? My mom
12 gave me five dollars.

13 Q. You said you didn't have any money earlier.

14 A. No, I didn't, but desperate for money, I didn't get go
15 for -- I didn't get paid for saying nothing. Yeah,
16 desperate, I guess what I got and I didn't need but five
17 dollars. I didn't have but five. I did -- I was working.
18 I was going to get a check and that's why I got a job.

19 Q. Since you brought that up, isn't it true that the
20 argument and debate that you had in the front yard with Nick
21 involved you wanting to pin these charges on a juvenile?

22 A. No, talking me and him got into it, I was supposed to
23 be setting him up. I didn't know. I wouldn't never do
24 that.

25 Q. You didn't make any statement in the yard about trying

1 to pin this incident on a juvenile?

2 A. No, ma'am.

3 Q. Jordan Smith?

4 A. No, ma'am.

5 Q. Never?

6 A. Never.

7 MS. LAPHAM: No further questions at this time,
8 Your Honor.

9 THE COURT: Anything?

10 MR. BAIN: Briefly, Your Honor.

11 REDIRECT EXAMINATION BY MR. BAIN:

12 Q. Mr. Lattimore, did they find anything in your book bag?

13 A. A phone charger. A phone charger and KFC box.

14 Q. Did they find any money on you?

15 A. I think 25 cents.

16 Q. Okay. And Ms. Lapham asked you about every time you
17 went over there. I just want to clarify. You said you only
18 been over there three or four times, is that correct?

19 A. Yes.

20 Q. Your testimony was every time that you were over there
21 you seen a drug deal?

22 A. Yes.

23 Q. So on August 6th, 2012, did it surprise you to see
24 crack cocaine in that house?

25 A. No, sir.

1 Q. And did it surprise you they found a substantial amount
2 of crack and cocaine across the street?

3 A. No, sir, he cut what across the street, the big house.
4 If you are going in Nick's house you, sit in the living room
5 where he sits, you can look right out the window and see
6 right there.

7 Q. Okay. And you testified earlier you have been
8 convicted on drug charges, is that correct?

9 A. Yes.

10 Q. So are you familiar with different drug dealers in the
11 community?

12 A. Yes, sir.

13 Q. Okay. Does people go over there to get drugs at Nick
14 Bonner's house at 126 Iris Lane?

15 A. Yes, sir.

16 MR. BAIN: No further questions, Your Honor.

17 THE COURT: Anything?

18 RECROSS EXAMINATION BY MS. LAPHAM:

19 Q. If Supposedly this is a drug house, why did you go
20 there?

21 A. To get cigarettes and a beer and to see my daddy.

22 Q. Could you not get cigarettes from somebody else?

23 A. He -- he is the only one that sold cigarettes in a box.

24 Q. So you are going to risk going back to prison and get a
25 cigarette and beer?

1 A. My daddy was down there. If I'm -- I don't -- it's
2 not -- it's not me.

3 Q. Is it true your father was there?

4 A. Yes, me father was there, but my father left before the
5 police came. My father was there. He had left before.

6 Q. He wasn't there when law enforcement came?

7 A. No, right before they came he left.

8 Q. Cigarettes and beer?

9 A. Cigarettes and beer.

10 MS. LAPHAM: Nothing further, Your Honor.

11 THE COURT: Sir, you may step down. Please be
12 careful.

13 MR. BAIN: May we approach?

14 THE COURT: Sure.

15 (Whereupon, the lawyers approached the bench for
16 an off-the-record discussion)

17 THE COURT: Madam Forelady and ladies and
18 gentlemen of the jury, I'm told the next witness would last
19 more than 30 minutes. It's my personal preference I don't
20 like to break up testimony. In other words, I don't like
21 for you to hear part of it and not be able to finish that
22 testimony and come back tomorrow. You may have forgotten a
23 little something there or -- I just don't like to do it, and
24 I promised you we are not going to go past five today
25 because you did not know that I generally work a little

1 longer than that. So with that we are going to break for
2 the day and let you go home this evening and enjoy your
3 evening. Have some good food to eat and watch your favorite
4 show, or read a book, or whatever it is that you like to do.
5 We are not working.

6 Once again, and I will always do this, once again
7 you are charged not to try to do any research. Don't try to
8 learn anything about this case outside this courtroom. All
9 the evidence must come -- you and I have to learn together
10 and we have to do it right here in this courtroom. So
11 having said that don't do any research. Don't try to find
12 out anything about it.

13 Again I don't see any news reporters, but in the
14 event there is a story, please lay it aside. You can read
15 it later, but don't pay any attention to any kind of news
16 account whatsoever. Don't think about it. Don't talk about
17 it with your family or friends. Again, just don't even
18 think about it.

19 All right. With that I will be back here in the
20 morning about eight o'clock. I'm generally pretty good
21 about eight o'clock, 8:05, something like that. So about
22 eight o'clock I will be here the lawyers will be here. The
23 staff will be here. We will be getting ready to go.

24 I'm going to ask you to be back here ready to go
25 at nine. Once, again I'm not going to say that you have to

1 be here ten minutes early or 15 minutes early, but we will
2 have some coffee here in the morning. First thing I get
3 when I get here in the morning. And so if you want to come
4 and enjoy a cup of coffee, use the facilities and you are
5 welcome to do so. Get that last chance in before we come to
6 go to work.

7 Also please be reminded not to bring cellphones,
8 smart tablets or any of that kind of -- those articles with
9 us.

10 Having said that, Madam Forelady, if you would
11 take the jury out and then be excused from there and see you
12 tomorrow morning.

13 (The following takes place outside the presence of
14 the jury panel)

15 THE COURT: Anything for the court?

16 MR. BAIN: Nothing from the State.

17 THE COURT: From the defense?

18 MS. LAPHAM: Nothing at this time, Your Honor.

19 THE COURT: We will be in recess until nine
20 o'clock tomorrow morning.

21 (Whereupon, proceedings were recessed to April 25,
22 2017)

23
24
25

1 STATE OF SOUTH CAROLINA)
2 COUNTY OF CHEROKEE) IN THE COURT OF GENERAL SESSIONS

3
4 THE STATE OF SOUTH)
5 CAROLINA)
6 -vs-) TRANSCRIPT OF RECORD
7 NICHOLAS A. BONNER,) 2012-GS-11-00820
8) 2012-GS-11-00821
9 DEFENDANT.) APRIL 25, 2017
10) GAFFNEY, SOUTH CAROLINA

11
12 (VOLUME II)

13
14 B E F O R E:

15 THE HONORABLE R. KEITH KELLY, JUDGE. ; And a Jury.

16
17 A P P E A R A N C E S:

18 CHRISTOPHER M. BAIN, ASSISTANT SOLICITOR
19 ATTORNEY FOR THE STATE

20 CANDICE K. LAPHAM, ATTORNEY AT LAW
21 ATTORNEY FOR THE DEFENDANT

22
23
24 MICHAEL R. WATTS
25 CIRCUIT COURT REPORTER

1	INDEX	
2	(APRIL 24, 2017)	
3	WITNESSES	PAGE
4	JURY VOIR DIRE -- PAGE 23	
5	(SUPPRESSION HEARING)	
6	OFFICER BRANDON GARDNER (SW)	
7	DIRECT EXAMINATION BY MR. BAIN	55
8	CROSS EXAMINATION BY MS. LAPHAM	65
9	NICHOLAS BONNER (DW)	
10	DIRECT EXAMINATION BY MS. LAPHAM	69
11	CROSS EXAMINATION BY MR. BAIN	71
12	ERIC LATTIMORE (SW)	
13	DIRECT EXAMINATION BY MR. BAIN	83
14	CROSS EXAMINATION BY MS. LAPHAM	87
15		
16	(JURY TRIAL)	
17	JURY SWORN -- PAGE 96	
18	OPENING STATEMENT BY MR. BAIN -- PAGE 104	
19	OPENING STATEMENT BY MS. LAPHAM -- PAGE 110	
20	PRENTISS JEFFERIES (SW)	
21	DIRECT EXAMINATION BY MR. BAIN	114
22	CROSS EXAMINATION BY MS. LAPHAM	126
23	REDIRECT EXAMINATION BY MR. BAIN	130
24	RECROSS EXAMINATION BY MS. LAPHAM	133
25		

1	INDEX	
2	(APRIL 24, 2017)	
3	WITNESSES	PAGE
4	MICHAEL TODD PARKER (SW)	
5	DIRECT EXAMINATION BY MR. BAIN	135
6	CROSS EXAMINATION BY MS. LAPHAM	144
7	REDIRECT EXAMINATION BY MR. BAIN	146
8	ERIC LATTIMORE (SW)	
9	DIRECT EXAMINATION BY MR. BAIN	151
10	CROSS EXAMINATION BY MS. LAPHAM	171
11	REDIRECT EXAMINATION BY MR. BAIN	180
12	RECROSS EXAMINATION BY MS. LAPHAM	181
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

INDEX

(APRIL 25, 2017)

WITNESSES	PAGE
OFFICER NICK FEDERICO (SW)	
DIRECT EXAMINATION BY MR. BAIN	201
CROSS EXAMINATION BY MS. LAPHAM	215
REDIRECT EXAMINATION BY MR. BAIN	224
RE CROSS EXAMINATION BY MS. LAPHAM	231
RONNIE ANDERSON (SW)	
DIRECT EXAMINATION BY MR. BAIN	232
CROSS EXAMINATION BY MS. LAPHAM	248
REDIRECT EXAMINATION BY MR. BAIN	251
RE CROSS EXAMINATION BY MS. LAPHAM	252
STEPHON ADAMS (SW)	
DIRECT EXAMINATION BY MR. BAIN	254
CROSS EXAMINATION BY MS. LAPHAM	265
REDIRECT EXAMINATION BY MR. BAIN	270
RE CROSS EXAMINATION BY MS. LAPHAM	273
OFFICER BRANDON GARDNER (SW)	
DIRECT EXAMINATION BY MR. BAIN	276
CROSS EXAMINATION BY MS. LAPHAM	323
REDIRECT EXAMINATION BY MR. BAIN	338
RE CROSS EXAMINATION BY MS. LAPHAM	339

1	INDEX	
2	(APRIL 25, 2017)	
3	WITNESSES	PAGE
4	OFFICER RODNEY BRIGHT (SW)	
5	DIRECT EXAMINATION BY MR. BAIN	342
6	CROSS EXAMINATION BY MS. LAPHAM	346
7	OFFICER MIKE SCRUGGS (SW)	
8	DIRECT EXAMINATION BY MR. BAIN	347
9	CROSS EXAMINATION BY MS. LAPHAM	352
10	OFFICER JIMMY HENSON (SW)	
11	DIRECT EXAMINATION BY MR. BAIN	356
12	CROSS EXAMINATION BY MS. LAPHAM	361
13	REDIRECT EXAMINATION BY MR. BAIN	363
14	RECROSS EXAMINATION BY MS. LAPHAM	364
15	OFFICER BILLY ANTHONY 9SW)	
16	DIRECT EXAMINATION BY MR. BAIN	365
17	CROSS EXAMINATION BY MS. LAPHAM	372
18	JARVIS MCCLUNEY (SW)	
19	DIRECT EXAMINATION BY MR. BAIN	378
20	CROSS EXAMINATION BY MS. LAPHAM	392
21	REDIRECT EXAMINATION BY MR. BAIN	396
22	RECROSS EXAMINATION BY MS. LAPHAM	399
23		
24		
25		

INDEX

(APRIL 26, 2017)

WITNESSES	PAGE
SLED AGENT DONNA MONEY (SW)	
DIRECT EXAMINATION BY MR. BAIN	417
CROSS EXAMINATION BY MS. LAPHAM	426
REDIRECT EXAMINATION BY MR. BAIN	427
RECROSS EXAMINATION BY MS. LAPHAM	427
SLED AGENT KIMBERLY MEARS (SW)	
DIRECT EXAMINATION BY MR. BAIN	428
CROSS EXAMINATION BY MS. LAPHAM	434
SLED AGENT MARIBETH MCCORMACK (SW)	
DIRECT EXAMINATION BY MR. BAIN	435
CROSS EXAMINATION BY MS. LAPHAM	443
SLED AGENT LYNN BLACK (SW)	
DIRECT EXAMINATION BY MR. BAIN	444
CROSS EXAMINATION BY MS. LAPHAM	453
STATE RESTS -- PAGE 460	
RODNEY LOVE (DW)	
DIRECT EXAMINATION BY MS. LAPHAM	461
CROSS EXAMINATION BY MR. BAIN	472
REDIRECT EXAMINATION BY MS. LAPHAM	488
RECROSS EXAMINATION BY MR. BAIN	489

1	INDEX	
2	(APRIL 26, 2017)	
3	WITNESSES	PAGE
4	RONDA NORRIS (DW)	
5	DIRECT EXAMINATION BY MS. LAPHAM	490
6	CROSS EXAMINATION BY MR. BAIN	496
7	REDIRECT EXAMINATION BY MS. LAPHAM	515
8	RODNEY DAVIDSON (DW)	
9	DIRECT EXAMINATION BY MS. LAPHAM	517
10	CROSS EXAMINATION BY MR. BAIN	521
11	SHAKEIA DAVIDSON (DW)	
12	DIRECT EXAMINATION BY MS. LAPHAM	526
13	CROSS EXAMINATION BY MR. BAIN	528
14	DAPHINE BONNER (DW)	
15	DIRECT EXAMINATION BY MS. LAPHAM	530
16	CROSS EXAMINATION BY MR. BAIN	532
17	REDIRECT EXAMINATION BY MS. LAPHAM	539
18	RECROSS EXAMINATION BY MR. BAIN	539
19	DARIUS LOGAN (DW)	
20	DIRECT EXAMINATION BY MS. LAPHAM	543
21	CROSS EXAMINATION BY MR. BAIN	544
22	REDIRECT EXAMINATION BY MS. LAPHAM	546
23		
24		
25		

1	INDEX	
2	(APRIL 26, 2017)	
3	WITNESSES	PAGE
4	TODD FERNANDERS (DW)	
5	DIRECT EXAMINATION BY MS. LAPHAM	546
6	CROSS EXAMINATION BY MR. BAIN	553
7	REDIRECT EXAMINATION BY MS. LAPHAM	571
8	LATONYA SMITH (DW)	
9	DIRECT EXAMINATION BY MS. LAPHAM	573
10	(NO CROSS EXAMINATION)	
11	CHRIS BONNER (DW)	
12	DIRECT EXAMINATION BY MS. LAPHAM	578
13	CROSS EXAMINATION BY MR. BAIN	588
14	REDIRECT EXAMINATION BY MS. LAPHAM	604
15	RECROSS EXAMINATION BY MR. BAIN	606
16	NICHOLAS BONNER (DW)	
17	DIRECT EXAMINATION BY MS. LAPHAM	610
18	CROSS EXAMINATION BY MR. BAIN	621
19	REDIRECT EXAMINATION BY MS. LAPHAM	678
20		
21		
22		
23		
24		
25		

INDEX

(APRIL 27, 2017)

WITNESSES	PAGE
NICKCOS SMITH (DW)	
DIRECT EXAMINATION BY MS. LAPHAM	697
CROSS EXAMINATION BY MR. BAIN	701
REDIRECT EXAMINATION BY MS. LAPHAM	704
DEEGEE BONNER (DW)	
DIRECT EXAMINATION BY MS. LAPHAM	705
CROSS EXAMINATION BY MR. BAIN	711
STACY COVINGTON (DW)	
DIRECT EXAMINATION BY MS. LAPHAM	714
CROSS EXAMINATION BY MR. BAIN	719
REDIRECT EXAMINATION BY MS. LAPHAM	727
DEFENSE RESTS -- PAGE 730	
OFFICER MIKE SCRUGGS (SW0 (REBUTTAL)	
DIRECT EXAMINATION B MR. BAIN	731
CROSS EXAMINATION BY MS. LAPHAM	732
OFFICER RONNIE PAINTER (SW) (REBUTTAL)	
DIRECT EXAMINATION BY MR. BAIN	733
CROSS EXAMINATION BY MS. LAPHAM	737
REDIRECT EXAMINATION BY MR. BAIN	738

INDEX

(APRIL 27, 2017)

WITNESSES PAGE

OFFICER TIM TATE (SW) (REBUTTAL)

DIRECT EXAMINATION BY MR. BAIN 739

CROSS EXAMINATION BY MS. LAPHAM 742

REDIRECT EXAMINATION BY MR. BAIN 743

CLOSING ARGUMENT BY MR. BAIN -- PAGE 748

CLOSING ARGUMENT BY MS. LAPHAM -- PAGE 765

FINAL ARGUMENT BY MR. BAIN -- PAGE 774

COURT'S JURY INSTRUCTIONS -- PAGE 778

JURY VERDICT -- PAGE 806

SENTENCING -- PAGE 820

COURT REPORTER'S CERTIFICATE -- PAGE 821

1	EXHIBITS			
2	NO.	DESCRIPTION	ID.	EV.
3	S-1	CONFIDENTIAL INFORMANT AGREEMENT		117
4	S-2	VOLUNTARY STMT OF PRENTISS JEFFERIES		122
5	S-3	PHOTOGRAPH		170
6	S-4	PRE-INTERROGATION WAIVER FORM &		
7		STATEMENT OF ERIC LATTIMORE		167
8	S-5	PHOTOGRAPH		238
9	S-5-A	PHOTOGRAPH		238
10	S-5-B	PHOTOGRAPH		238
11	S-5-C	PHOTOGRAPH		238
12	S-5-D	PHOTOGRAPH		238
13	S-5-E	PHOTOGRAPH		238
14	S-5-F	PHOTOGRAPH		238
15	S-5-G	PHOTOGRAPH		239
16	S-5-H	PHOTOGRAPH		239
17	S-5-I	PHOTOGRAPH		239
18	S-5-J	PHOTOGRAPH		239
19	S-5-K	PHOTOGRAPH		239
20	S-5-L	PHOTOGRAPH		239
21	S-5-M	PHOTOGRAPH		239
22	S-5-N	PHOTOGRAPH		239
23	S-6	PHOTOGRAPH		236
24	S-6-A	PHOTOGRAPH		236
25	S-6-B	PHOTOGRAPH		236

EXHIBITS				
	NO.	DESCRIPTION	ID.	EV.
1				
2				
3	S-6-C	PHOTOGRAPH		236
4	S-6-D	PHOTOGRAPH		237
5	S-6-E	PHOTOGRAPH		237
6	S-6-F	PHOTOGRAPH		237
7	S-6-G	PHOTOGRAPH		237
8	S-6-H	PHOTOGRAPH		237
9	S-7	PHOTOGRAPH		240
10	S-7-A	PHOTOGRAPH		240
11	S-8	PHOTOGRAPH		240
12	S-9	PHOTOGRAPH		206
13	S-10	PHOTOGRAPH		206
14	S-10-A	PHOTOGRAPH		206
15	S-10-B	PHOTOGRAPH		206
16	S-11	PHOTOGRAPH		207
17	S-11-A	PHOTOGRAPH		207
18	S-11-B	PHOTOGRAPH		207
19	S-11-C	PHOTOGRAPH		207
20	S-12	PHOTOGRAPH		207
21	S-12-A	PHOTOGRAPH		207
22	S-13	PHOTOGRAPH		207
23	S-14	PHOTOGRAPH		207
24	S-14-A	PHOTOGRAPH		207
25	S-14-B	PHOTOGRAPH		207

	EXHIBITS			
	NO.	DESCRIPTION	ID.	EV.
1				
2				
3	S-15	PHOTOGRAPH		207
4	S-15-A	PHOTOGRAPH		208
5	S-15-A	PHOTOGRAPH		208
6	S-16	PHOTOGRAPH		208
7	S-17	PHOTOGRAPH		208
8	S-17-A	PHOTOGRAPH		208
9	S-18	PRE-INTERROGATION WAIVER FORM &		
10		STATEMENT OF NICHOLAS BONNER		313
11	S-19	SCALES		244
12	S-20	CLOTH BAG		243
13	S-21	PLASTIC BAG		244
14	S-22	PLASTIC BAG		244
15	S-23	DRUGS		451
16	S-24	DRUGS		451
17	S-24-A	DRUGS		451
18	S-25	DRUGS		451
19	S-26	DRUGS		452
20	S-26-A	DRUGS		452
21	S-26-B	DRUGS		452
22	S-26-C	DRUGS		452
23	S-26-D	DRUGS		452
24	S-26-E	DRUGS		452
25	S-26-F	DRUGS		452

EXHIBITS				
	NO.	DESCRIPTION	ID.	EV.
1				
2				
3	S-26-G	DRUGS		452
4	S-26-H	DRUGS		452
5	S-26-I	DRUGS		452
6	S-26-J	DRUGS		452
7	S-26-K	DRUGS		452
8	S-26-L	DRUGS		452
9	S-26-M	DRUGS		453
10	S-26-N	DRUGS		452
11	S-26-O	BOX	22	
12	S-27	AERIAL MAP		297
13	S-28	PRE-INTERROGATION WAIVER FORM &		
14		STATEMENT OF STEPHON ADAMS	22	
15	S-29	PRE-INTERROGATION WAIVER FORM &		
16		STATEMENT OF JARVIS MCCLUNEY	22	
17	S-30	DRUGS		443
18	S-31	DRUGS		441
19	S-32	SCALES		306
20	S-33	ACKNOWLEDGEMENT OF DEFENDANT BOND SHEET		292
21	S-34	PHOTOGRAPH		228
22	S-34-A	PHOTOGRAPH		228
23	S-34-B	PHOTOGRAPH		228
24	S-35	PHOTOGRAPH	702	
25	S-36	CHEROKEE COUNTY PROPERTY REPORT		736

1	EXHIBITS			
2	NO.	DESCRIPTION	ID.	EV.
3	D-1	PHOTOGRAPH		466
4	D-3	PHOTOGRAPH		583
5	D-4	PHOTOGRAPH		583
6	D-5	PHOTOGRAPH		583
7	D-6	PHOTOGRAPH		583
8	D-7	PHOTOGRAPH		583
9	D-9	BANKING RECORDS		708
10	D-10	ESTATE RECORDS		717
11	D-11	PRE-INTERROGATION WAIVER FORM &		
12		STATEMENT OF STEPHON ADAMS		268
13	D-12	PRE-INTERROGATION WAIVER FORM &		
14		STATEMENT OF JARVIS MCCLUNEY		393
15	D-13	PHOTOGRAPH		583
16	D-14	PHOTOGRAPH		583
17	D-15	PHOTOGRAPH		583
18	D-16	PHOTOGRAPH		605
19				
20		(NOTE: DEFENDANT'S EXHIBIT NO. 2 AND		
21		DEFENDANT'S EXHIBIT NO. 8 WERE NEVER		
22		MARKED FOR THIS TRIAL)		
23				
24	CT-1	JURY NOTE	800	
25	CT-2	JURY NOTE	800	

1 (PROCEEDINGS, APRIL 25, 2017)

2 THE COURT: Anything before we bring the jury?

3 MR. BAIN: Your Honor, I'm checking on one thing
4 and then I'll be ready.

5 THE COURT: Okay.

6 (Off the record).

7 (Back on the record).

8 MR. BAIN: Nothing from the State, Your Honor.

9 THE COURT: Anything from the defense?

10 MS. LAPHAM: Nothing from the defense, Your Honor.

11 THE COURT: We will have our jury.

12 (The following takes place in the presence of the
13 jury panel)

14 THE COURT: Good morning, ladies and gentlemen.

15 Madam Forelady, any matters for the jury?

16 JURY FORELADY: No.

17 THE COURT: Ready to go to work?

18 JURY FORELADY: Yes.

19 THE COURT: All right.

20 Solicitor.

21 MR. BAIN: May it please the court, Your Honor,
22 the State calls Nick Federico.

23 OFFICER NICHOLAS FEDERICO, having been first duly
24 sworn, testified as follows:

25 THE WITNESS: I do.

1 THE COURT: Sir, tell us your full name and spell
2 your last name for my court reporter, please.

3 THE WITNESS: It's Nicholas Federico,
4 F-E-D-E-R-I-C-O.

5 THE COURT: Thank you.
6 Solicitor.

7 MR. BAIN: Thank you, Your Honor.

8 DIRECT EXAMINATION BY MR. BAIN:

9 Q. Officer Federico, where are you employed?

10 A. Cherokee County Sheriff's Office.

11 Q. And how long have you worked at the sheriff's office?

12 A. It will be ten years in July.

13 Q. And what are your different responsibilities at the
14 sheriff's office?

15 A. I work in Special Investigations, which is commonly
16 known as narcotics. It's to investigate basically drugs,
17 poker machines, alcohol, under-age alcohol, that kind of
18 thing. EBT fraud. That kind of stuff.

19 Q. And on August 6th, 2012, were you working in your
20 capacity as a narcotics officer?

21 A. Yes, sir.

22 Q. And were you involved in any investigations that day?

23 A. Yes, sir.

24 Q. What investigations were you involved in?

25 A. A search warrant at Nick Bonner's house.

1 Q. And where did you execute that search warrant on August
2 6th, 2012?

3 A. 126 Iris Lane.

4 Q. And what state is that in?

5 A. South Carolina.

6 Q. And what county?

7 A. Cherokee.

8 Q. And what city?

9 A. Gaffney.

10 Q. And do you remember when you executed the search
11 warrant?

12 A. Yes, sir, between -- sometime between four and five
13 p.m..

14 Q. Okay. And what was your role during the execution of
15 the search warrant?

16 A. I actually am the one that we call executing the search
17 warrant. Basically I'm in control of the paperwork, if you
18 will. Basically I -- I keep up with the search warrant. I
19 put everything that gets seized I write down. I photograph
20 everything that -- the house, the -- what -- the findings
21 and that kind of thing.

22 Q. And you said that you do the paperwork, is that
23 correct?

24 A. Yes.

25 Q. Did you do the paperwork on August 6th, 2012?

1 A. Yes, sir.

2 Q. And did you do a search warrant return?

3 A. Yes, sir.

4 Q. Do you remember what was on that search warrant return?

5 A. Not offhand.

6 Q. Would it help to refresh your memory if I showed it to
7 you?

8 A. Yes.

9 MR. BAIN: May I approach the witness, Your Honor?

10 THE COURT: Yes.

11 BY MR. BAIN:

12 Q. Do you recognize that?

13 A. Yes, sir.

14 Q. And what is this?

15 A. This is the search warrant for 126 Iris Lane.

16 Q. And is there a search warrant return?

17 A. Yes, sir.

18 Q. Can you please tell the jury what was found in the
19 house?

20 A. Yeah, I'm just going to read from it, if that's okay.

21 Q. Go ahead.

22 A. White powder substance in clear glassine bag in Ronnie
23 Littlejohn's front right pocket.

24 A white rocklike substance in clear glassine bag found
25 in the kitchen stove beside a balled up one dollar bill.

1 Left bedroom from nightstand top drawer was \$13,084 in
2 U.S. currency.

3 Right bedroom from closet in a jacket pocket, ball tabs
4 and \$615.

5 \$1,250 was found in Nicholas Bonner's front right
6 pocket.

7 Two small glassine bags containing green plantlike
8 material found on the kitchen table.

9 One red Chevrolet bag containing a small glassine bag
10 containing a white rocklike substance found in the edge of
11 backyard under pine needles.

12 And \$370 and silver color digital scales containing a
13 white powder substance found in left front pocket of Jarvis
14 McCluney.

15 Q. Okay. And do you have to clock a search warrant before
16 you execute it?

17 A. Yes, sir.

18 Q. And was it clocked in this case?

19 A. Yes, sir.

20 Q. Is there a date and time on that?

21 A. Yes, sir. August 6, 2012, at I think 3:38 p.m..

22 Q. And approximately how long after the search was clocked
23 did you execute the search warrant?

24 A. Probably within the hour.

25 Q. And you were taking pictures, is that correct?

1 A. Yes, sir.

2 Q. And did you take pictures on that day?

3 A. Yes, sir.

4 MR. BAIN: May I approach the witness, Your Honor?

5 THE COURT: Yes.

6 BY MR. BAIN:

7 Q. I'm handing you what has been marked State's Exhibit 9,
8 State's Exhibit 10, State's Exhibit 10-A, State's
9 Exhibit 10-B, State's Exhibit 11, State's Exhibit 11-A,
10 State's Exhibit 11-B, State's Exhibit 11-C, State's
11 Exhibit 12, State's Exhibit 12-A, State's Exhibit 13,
12 State's Exhibit 13-A, State's Exhibit 14, State's
13 Exhibit 14-A, State's Exhibit 14-B, State's Exhibit 15,
14 State's Exhibit 15-A, State's Exhibit 16, State's
15 Exhibit 17, and State's Exhibit 17-A.

16 Will you please take a look at these pictures?

17 A. Yes, sir.

18 Q. Do you recognize those exhibits?

19 A. Yes, sir.

20 Q. And how are you able to recognize them?

21 A. I took these pictures.

22 Q. And what day did you take those pictures on?

23 A. August 6th, 2012.

24 Q. And do those pictures fairly and accurately depict the
25 scene as it appeared on the day they were taken?

1 A. Yes, sir.

2 Q. Are there any material alterations or deletions from
3 the photographs?

4 A. No, sir.

5 Q. And are you familiar with the way the scene depicted in
6 the photograph appeared on August 6th, 2012, the day of
7 alleged crime?

8 A. Yes, sir.

9 MR. BAIN: Your Honor, at this time the People
10 offer State's Exhibit 9, 10, 10-A, 10-B, Exhibit 11, 11-A,
11 11-B, 11-C, 12, State's Exhibit 12-A, State's Exhibit 13,
12 State's Exhibit 13-A, State's Exhibit 14, State's 14-A,
13 14-B, State's Exhibit 15, State's Exhibit 15-A, State's
14 Exhibit 16, State's Exhibit 17, and State's Exhibit 17-A
15 into evidence.

16 THE COURT: Any objection?

17 MS. LAPHAM: No objection, Your Honor.

18 THE COURT: They are admitted without objection.

19 (Whereupon, State's Exhibit No. 9 was entered into
20 the record as evidence).

21 (Whereupon, State's Exhibit No. 10 was entered
22 into the record as evidence).

23 (Whereupon, State's Exhibit No. 10-A was entered
24 into the record as evidence).

25 (Whereupon, State's Exhibit no. 10-B was entered

1 into the record as evidence).

2 (Whereupon, State's Exhibit No. 11 was entered
3 into the record as evidence).

4 (Whereupon, State's Exhibit No. 11-A was entered
5 into the record as evidence).

6 (Whereupon, State's Exhibit No. 11-B was entered
7 into the record as evidence).

8 (Whereupon, State's Exhibit No. 11-C was entered
9 into the record as evidence).

10 (Whereupon, State's Exhibit No. 12 was entered
11 into the record as evidence).

12 (Whereupon, State's Exhibit No. 12-A was entered
13 into the record as evidence).

14 (Whereupon, State's Exhibit No. 13 was entered
15 into the record as evidence).

16 (Whereupon, State's Exhibit No. 13-A was entered
17 into the record as evidence).

18 (Whereupon, State's Exhibit No. 14 was entered
19 into the record as evidence).

20 (Whereupon, State's Exhibit No. 14-A was entered
21 into the record as evidence).

22 (Whereupon, State's Exhibit No. 14-B was entered
23 into the record as evidence).

24 (Whereupon, State's Exhibit No. 15 was entered
25 into the record as evidence).

1 (Whereupon, State's Exhibit No. 15-A was entered
2 into the record as evidence).

3 (Whereupon, State's Exhibit No. 16 was entered
4 into the record as evidence).

5 (Whereupon, State's Exhibit No. 17 was entered
6 into the record as evidence).

7 (Whereupon, State's Exhibit No. 17-A was entered
8 into the record as evidence).

9 MR. BAIN: Thank you, Your Honor.

10 BY MR. BAIN:

11 Q. Did you participate in any other way with the execution
12 of the search warrant?

13 A. No, just photographing and the evidence that's brought
14 for me to write down.

15 Q. Did you go -- were you inside or outside of the house?

16 A. Inside.

17 Q. And did you have any responsibilities inside the house?

18 A. To fill out the evidence return.

19 Q. Okay. Did you -- do you have any other
20 responsibilities involving any other specific defendant or
21 suspects?

22 A. Well, usually the property owner who is in control of
23 the property sits with me while I'm taking the -- writing
24 everything down on the return.

25 Q. Okay. And who was the property owner?

1 A. Nick Bonner.

2 Q. And did you see any arguments between any individuals
3 on that day?

4 A. Not see. I got up and looked out after it happened,
5 but I just heard. I was in the -- actually in the living
6 room where I had been doing the return.

7 Q. Okay. Did you see or hear any arguments between Nick
8 Bonner and Eric Lattimore?

9 A. Yes, that's what I was referring to as hearing.
10 Basically seeing the aftermath once I got up.

11 Q. And do you know the nature of that argument?

12 A. No, I don't.

13 Q. Did you help execute any other search warrants on that
14 day?

15 A. No, sir.

16 Q. Okay. Were you involved at all at the house across the
17 street?

18 A. Just merely walked over after we cleared up from 126 as
19 they was collecting evidence.

20 Q. Okay. And where was that evidence found across the
21 street?

22 A. In a trash can under a carport.

23 Q. All right. And did you seize or take possession of
24 those drugs?

25 A. Excuse me?

1 Q. Did you seize or take possession of those drugs?

2 A. No, sir.

3 Q. Now, the drugs that were found inside 126 Iris Lane,
4 did you seize or take control of any of those drugs?

5 A. No.

6 Q. And the drugs found in the red bag outside, did you
7 seize or take control of those drugs?

8 A. No, sir.

9 Q. Did you sit in on any statements after this incident
10 occurred?

11 A. Yes, sir.

12 Q. Do you remember whose statements that you sit in on?

13 A. Stephon Adams and Jarvis McCluney.

14 Q. Okay. And do you remember when those statements were
15 given?

16 A. No, sir, not without looking.

17 Q. Okay. Would it help to refresh your memory?

18 A. Please.

19 Q. I'm handing what's been pre-marked State's Exhibits 28
20 and 29 for identification purposes only. Will you take a
21 look at those?

22 Can you please tell us what time Stephon Adams was
23 interviewed?

24 A. It appears August 7th, 2012, at 7:10 p.m..

25 Q. And when did his interview end?

1 A. Eight p.m..

2 Q. Okay. And were you asking the questions in that
3 interview?

4 A. I would say no.

5 Q. What was your role in that interview?

6 A. Pretty much primarily a witness.

7 Q. And can you please explain to the jury what a witness
8 to a statement, what their responsibilities are?

9 A. Yes, it's just -- basically we just -- you have a
10 primary interrogator or interviewer and the other person
11 basically witnesses basically just of the facts of what they
12 are saying, witness the signatures as they are signing and
13 that sort of thing.

14 Q. Okay. And did you tell anything to Stephon Adams prior
15 to him writing that statement?

16 A. No, sir.

17 Q. And you also said you sat in on Jarvis McCluney?

18 A. Yes, sir.

19 Q. And what time did that start?

20 A. It's on August the 7th, 2012, 6:13 p.m..

21 Q. Okay. And what time did it end?

22 A. 6:30 p.m..

23 Q. And what was your role in that interview?

24 A. The same as Stephon's, just merely a witness.

25 Q. Okay. And did you tell Jarvis anything concerning the

1 case prior to him giving that statement?

2 A. No, sir.

3 Q. Okay. And when you are sitting in as a witness, do you
4 listen to what's being said?

5 A. Yes, sir.

6 Q. And who was the questioning officer in this?

7 A. Sergeant Brandon Gardner.

8 Q. Okay. So did you hear Sergeant Brandon Gardner read
9 the rights to the suspect?

10 A. Yes, sir.

11 Q. And what would have happened if you didn't hear him
12 read those rights?

13 A. Then we would have -- we wouldn't have proceeded.

14 Q. Okay. How many interviews have you conducted at the
15 sheriff's office?

16 A. I would say hundreds.

17 Q. And do y'all follow the same procedure?

18 A. Yes, sir.

19 Q. And what's that procedure?

20 A. Pre-interrogation is the first thing that we do --

21 Q. Okay.

22 A. -- when we walk in. And we do the pre-interrogation
23 and then when it comes time for the interview, basically
24 when you're the interrogator or interviewer, you basically
25 ask what happened.

1 Q. Okay. And is it common practice for an officer to
2 write the statement?

3 A. Yes, sir.

4 Q. And is the statement read back to that individual?

5 A. Yes, sir.

6 Q. Before they sign it?

7 A. Yes, sir.

8 Q. Okay. Officer, I'm handing you what's been entered
9 into evidence as State's Exhibit 3. Can you take a look at
10 that picture?

11 A. Yes, sir.

12 Q. Do you recognize it?

13 A. Yes, sir.

14 Q. And what is that a picture of?

15 A. The -- it used to be a vacant house. As of 2012, it
16 was the vacant house kind of a little bit diagonally from
17 Nick Bonner's house.

18 Q. Okay. And do you know who took this picture?

19 A. Yes, sir. I did.

20 Q. And where did you take this picture from?

21 A. In front of Nick Bonner's residence.

22 Q. And what was that address?

23 A. 126 was the address I took it from.

24 Q. Okay.

25 MR. BAIN: Your Honor, permission to publish to

1 the jury?

2 THE COURT: Yes, sir.

3 BY MR. BAIN:

4 Q. Can you please describe this picture to the jury?

5 A. Yeah, basically I -- I was actually parked in the
6 vehicle right in front of Nick Bonner's front yard and took
7 the picture at the angle that would be from the center of
8 his front yard to that house, which was at August the 6th,
9 2012, would have been a vacant house. I believe they redid
10 some of the outside, and, of course, the cars wouldn't have
11 been there.

12 Q. So were there any cars in that driveway on August 6th,
13 2012?

14 A. No, sir.

15 Q. Were there any cars under the carport on August 6th,
16 2012?

17 A. No, sir.

18 Q. And were you able to see anything on August 6th, 2012
19 in that carport?

20 A. A city trash can, a green trash can.

21 Q. And you are familiar with this area by working at the
22 sheriff's office, is that correct?

23 A. Yes, sir.

24 Q. Okay. Is there a clear view from 126 Iris Lane to 125
25 Iris Lane?

1 A. Yes, sir.

2 MR. BAIN: No further questions, Your Honor.

3 THE COURT: Ma'am.

4 MS. LAPHAM: Thank you, Your Honor.

5 If I may briefly, Your Honor, get some of these
6 exhibits, Your Honor?

7 (Off the record)

8 (Back on the record)

9 CROSS EXAMINATION BY MS. LAPHAM:

10 MS. LAPHAM: Your Honor, with regard to State's
11 Exhibit 13 and 13-A, if I may I approach the witness --

12 THE COURT: Sure.

13 MS. LAPHAM: -- briefly.

14 BY MS. LAPHAM:

15 Q. These two you have already seen earlier today, correct?

16 A. Yes, ma'am.

17 Q. Okay.

18 MS. LAPHAM: If I may publish to the jury, Your
19 Honor?

20 THE COURT: Yes, ma'am.

21 BY MS. LAPHAM:

22 Q. Now, the money that was taken out of the home in the
23 bedroom, was this the dresser that the money was taken from?

24 A. Yes, ma'am, nightstand.

25 Q. And so on that nightstand it looks like I'm seeing a

1 pair of dentures, some other things that were on the dresser
2 I guess that you would have, would but my question is those
3 are dentures there, correct?

4 A. Appear to be, yes, ma'am.

5 Q. And does this drawer look familiar?

6 A. Yes, ma'am.

7 Q. Does that appear to be over there some Sea Bond denture
8 adhesive and then some undergarments for an older woman in
9 that drawer?

10 A. Yes, ma'am, appears to be.

11 Q. So this money that was found in the home was actually
12 taken from his mother's bedroom, correct?

13 A. Yes, ma'am.

14 Q. Don't many people keep money in their home?

15 A. I'm not sure of your question.

16 Q. Don't many individuals keep money in their home in
17 different amounts?

18 A. I mean, I have no way of doing a consensus on that. I
19 don't know.

20 Q. And you never heard of older individuals who might be
21 scared to use banks that keep their savings in jars, keep
22 them in drawers, they keep them in pocketbooks?

23 A. I have heard, yes.

24 Q. That's not uncommon?

25 A. I don't -- I don't know what you want me to say. I --

1 I -- I don't have a consensus to say that people, where they
2 keep their money, where they don't.

3 Q. Right, but you found it in her bedroom?

4 A. Yes.

5 Q. Of her home?

6 A. She stays there, yes.

7 Q. Now, you were supposedly taking photographs that day of
8 inside the home, correct?

9 A. Yes, ma'am.

10 Q. And this supposed bedroom that Nick had, there are no
11 photographs of that room?

12 A. No, ma'am.

13 Q. Why not?

14 A. I only took photographs of the pertinent rooms to the
15 effect of where we found things.

16 Q. And you took photographs of the cousin's room and his
17 clothes, correct?

18 A. Yes, ma'am.

19 Q. Correct?

20 A. Do you want me to elaborate?

21 We found ball tabs and money in there, so it was part
22 of the case.

23 Q. In Chris's room?

24 A. Yeah.

25 Q. But you didn't find any clothing in this other bedroom

1 that you are considering to be --

2 A. I can't even say I went in that room. I only went
3 where they called me to take photographs of stuff that was
4 pertinent to the case.

5 Q. Now, did you count all this money that was in this
6 drawer --

7 A. No, ma'am.

8 Q. -- that belonged to his mother?

9 A. No, ma'am.

10 Q. What about the money that was in his pocket, the
11 \$1,250?

12 A. I can't remember if I counted it. I definitely counted
13 the money that came out of Chris Bonner's.

14 Q. But you can't remember who counted Nick's?

15 A. No.

16 Q. And is that uncommon to have \$1,250 in your pocket,
17 especially during the back-to-school weekend?

18 A. I mean, it's uncommon for me, if that's what you are
19 asking me, but, like I said, I can't take a consensus of
20 what people carry in their pocket. I don't know.

21 Q. But that doesn't mean the intent for that money in his
22 pocket were to purchase drugs?

23 A. You are correct.

24 Q. Not at all?

25 A. You are correct.

1 Q. You talk about statements that you had witnessed.

2 Didn't you also witness a statement from Ronald Littlejohn?

3 A. I can't recall.

4 Q. And Travis Davidson?

5 A. I don't recall. I mean, if you let me look at it, I
6 could tell if you if my signature is on it, then I witnessed
7 it.

8 Q. But your actual -- but you were the witness to multiple
9 statements there, correct?

10 A. I'm sure, yes, ma'am.

11 Q. But at no part during these statements did you question
12 them?

13 A. No, ma'am, not normally. The lead investigator usually
14 does the interrogation.

15 MS. LAPHAM: If I may approach, Your Honor?

16 THE COURT: Yes.

17 BY MS. LAPHAM:

18 Q. Travis Davidson, if you could read the time and --

19 A. It was on August the 7th, 2012, at 6:50 p.m..

20 Q. Thank you.

21 With regards to Mr. Littlejohn, do you remember
22 anything about these statements that were given that you
23 witnessed?

24 A. Not specifics. Do you want to know the time? It was
25 8:10 p.m. the same day.

1 Q. The same day?

2 A. Yes, ma'am.

3 Q. Thank you.

4 Did you take photographs inside the stove?

5 A. Yes, ma'am.

6 Q. Did you take a photograph of the dollar bill?

7 A. Yes, ma'am.

8 Q. What happened to that dollar bill?

9 A. I would say it's in evidence.

10 Q. Was it ever sent off for any sort of processing or any
11 analysis?

12 A. Ma'am, I'm not the case agent. I couldn't be familiar
13 with that.

14 MR. BAIN: Your Honor, may we approach?

15 THE COURT: Sure.

16 (Whereupon, the lawyers approached the bench for
17 an off-the-record discussion)

18 BY MS. LAPHAM:

19 Q. So there was no DNA analysis done from the dollar bill
20 that was found in the stove that you know?

21 A. I'm not sure.

22 Q. Okay. So whose job is that?

23 A. The case agent would take care of all the evidence and
24 what he -- what he perceives and what he wants to do with
25 the stuff.

1 Q. Now, while you were inside the house at 126 Iris, where
2 was Nick Bonner?

3 A. I'm pretty sure Nick sat across from me, like on a
4 couch in the living room.

5 Q. So he was there at the time?

6 A. During the search warrant, yes, ma'am.

7 MS. LAPHAM: If I may have a moment, Your Honor?
8 Court's indulgence for one second.

9 (Off the record).

10 (Back on the record).

11 MS. LAPHAM: Your Honor, may we approach briefly?

12 THE COURT: Yes.

13 (Whereupon, the lawyers approached the bench for
14 an off-the-record discussion)

15 BY MS. LAPHAM:

16 Q. So during the time when you were in 126 Iris, did you
17 and Mr. Bonner have a conversation?

18 A. I'm not a hundred percent sure. We had some small
19 talk.

20 Q. Did he have any drugs on him when you were in the home?

21 A. No, ma'am.

22 Q. Any drugs near him in the home?

23 A. I don't know where he was at when I actually came in.
24 I got stopped out in the yard detaining people in the yard.

25 Q. About how many people were out there in the yard when

1 you arrived?

2 A. I can't remember. That was five years ago.

3 Probably -- I know -- I know two definitely --

4 Q. Right.

5 A. -- because I secured one and one ran.

6 Q. So there could have been more than these two out there
7 wandering?

8 A. Could be, yeah.

9 Q. Now, did you have any involvement with the warrant for
10 across the street? Any photographs or any involvement at
11 125 Iris Lane?

12 A. No, ma'am.

13 Q. None at all?

14 A. No, just basically perimeter security when we went over
15 there.

16 Q. All right. Now, with the regard to my client, is there
17 any statements given to you while you were inside the home?

18 A. Not that I remember.

19 Q. Nothing at all?

20 A. Not that I remember.

21 Q. And when did you give him a copy of the search warrant?

22 A. To be honest with you, if -- generally -- I have to go
23 by what we generally do and that's generally it's taken and
24 put in his property at the jail, if the suspect is
25 incarcerated.

1 Q. Now, at this time was his mother home?

2 A. No, ma'am.

3 Q. And so when you approached the home and the search
4 warrant, was the search warrant for Gwen Bonner's home or
5 was it for Nick Bonner's home?

6 A. It was for 126 Iris Lane.

7 Q. But the intent, was it --

8 A. Our target was Nick Bonner, if that's what you are
9 asking me.

10 Q. Nick Bonner?

11 A. Yes, ma'am.

12 Q. Just him, no other?

13 A. Right.

14 Q. But you had knowledge that that was his mother's home
15 at the time?

16 A. We knew his mother stayed there, yes, ma'am.

17 Q. Now, isn't it also possible that he did not live there,
18 that he had another address for many years before that?

19 A. It could be a possibility he had another address, yes,
20 ma'am. It's not uncommon.

21 Q. And would come and visit his mother?

22 A. Ma'am?

23 Q. And would come and visit his mother?

24 A. I mean, it could be.

25 Q. Check on her?

1 A. Could be.

2 Q. She was ill?

3 A. I don't know. I didn't know she was ill until after
4 all this.

5 Q. But just because I'm at my mother's home doesn't mean
6 that it's my house, does it?

7 A. No, ma'am.

8 MS. LAPHAM: Nothing further, Your Honor.

9 THE COURT: Yes, sir.

10 MR. BAIN: Thank you, Your Honor.

11 REDIRECT EXAMINATION BY MR. BAIN:

12 Q. You testified Gwen Bonner wasn't there, is that
13 correct?

14 A. Yes, sir.

15 Q. How many individuals were there?

16 A. Guessing, like ten.

17 Q. Okay. And did you find marijuana in the house?

18 A. Yes, sir.

19 Q. Did you take a picture of the kitchen?

20 A. Yes, sir.

21 MR. BAIN: Your Honor, permission to publish
22 State's Exhibit 9?

23 THE COURT: Yes.

24 BY MR. BAIN:

25 Q. I'm showing you what's been marked as State's

1 Exhibit 9.

2 Can you please describe that picture?

3 A. That's the -- can I step down?

4 THE COURT: Sure. Stand right over here by my
5 court reporter.

6 THE WITNESS: Yes, sir.

7 (Witness off the witness stand)

8 A. You can't see, but there is a door basically right in
9 here that looks into this. That's probably more than likely
10 where I was standing when I took the picture, but this is
11 the kitchen area.

12 The living room would be over here. It was open.

13 And this is obviously the refrigerator.

14 And you can't see in this picture, but this table and
15 then the stove. You can see the top of the stove. This is
16 the stove area.

17 BY MR. BAIN:

18 Q. Okay. And was there anything located on that kitchen
19 table?

20 A. Yes, the marijuana is somewhere in here.

21 Q. And was that marijuana in plain view?

22 A. Yes, sir.

23 Q. Were there people in the kitchen when you executed the
24 search warrant?

25 A. Like I said, I can't -- I can't say that there were. I

1 was told there were, but the -- I got stuck outside during
2 the initial approach.

3 Q. I'm now showing you what's been entered into evidence
4 as State's Exhibit 15.

5 Can you please tell the ladies and gentlemen of the
6 jury what that is?

7 A. That is two glassine bags of marijuana.

8 Q. And that was on the kitchen table?

9 A. Yes, sir.

10 Q. And was -- Gwen Bonner was not there that day, is that
11 correct?

12 A. That's correct.

13 Q. Now I'm also showing you what's State's Exhibit 13-A.

14 How long have you been in narcotics?

15 A. A little over five and a half years.

16 Q. Okay. And is there anything curious about that money
17 in that photo?

18 A. Yes, sir.

19 Q. Can you please tell the ladies and gentlemen of the
20 jury?

21 A. It's just -- it's \$13,000 in small denominations.

22 Q. Okay. And are there rubber bands around the money?

23 A. Yes.

24 Q. To your recollection, was anything moved in that
25 drawer?

1 A. Not that I know of.

2 Q. So the money was just sitting in the open?

3 A. Yes, sir.

4 Q. You can have a seat.

5 A. Okay.

6 (Witness back on the witness stand).

7 (Photograph marked as State's Exhibit No. 34 for
8 identification)

9 (Photograph marked as State's Exhibit No. 34-A for
10 identification).

11 (Photograph marked as State's Exhibit No. 34-B for
12 identification)

13 BY MR. BAIN:

14 Q. Sergeant Federico, Ms. Lapham asked you about different
15 photos that you took in the bedroom, is that correct?

16 A. Yes, sir.

17 Q. Did you take photos of the entire bedroom?

18 A. No.

19 Q. What specifically did you take photos of in Gwen
20 Bonner's room?

21 A. Just the nightstand.

22 Q. And why was that?

23 A. Because it was pertinent to the case.

24 MR. BAIN: May I approach, Your Honor?

25 THE COURT: Yes.

1 BY MR. BAIN:

2 Q. I'm handing you what's been pre-marked State's
3 Exhibit 34, 34-A, and 34-B. Will you take a look at those
4 photographs?

5 A. (Witness examining photographs).

6 Q. Do you recognize them?

7 A. Yes.

8 Q. And what are those photographs of?

9 A. This is a photograph of Chris Bonner's closet where
10 the -- he had money and ball tabs in a shirt or coat pocket.

11 Q. And are they a fair and accurate representation of how
12 that room appeared on August 6th, 2012?

13 A. Yes, sir.

14 Q. Any alterations or deletions?

15 A. No, sir.

16 MR. BAIN: Your Honor, at this time the State
17 offers State's Exhibit 34 thru 34-B into evidence.

18 MS. LAPHAM: No objection.

19 THE COURT: Without objection they are admitted.

20 (Whereupon, State's Exhibit No. 34 was entered
21 into the record as evidence).

22 (Whereupon, State's Exhibit No. 34-A was entered
23 into the record as evidence).

24 (Whereupon, State's Exhibit No. 34-B was entered
25 into the record as evidence)

1 BY MR. BAIN:

2 Q. Now, Sergeant Federico, did you take pictures of Chris
3 Bonner's entire bedroom?

4 A. No, sir.

5 Q. I'm showing you what's been marked State's Exhibit
6 No. 34.

7 Can you see it?

8 A. Yes, sir.

9 Q. Why did you take a picture of that specifically?

10 A. Because the shirt or coat that has the money and ball
11 tabs in the pocket right there.

12 Q. Okay. And I'm showing you what's been entered in as
13 State's Exhibit 34-A. Can you please tell the ladies and
14 gentlemen of the jury what that is?

15 A. Yeah, that's the money and the ball tabs.

16 Q. And State's Exhibit 34-B?

17 A. The same thing, just kind of take an outward picture
18 and then move in a little bit and then get the actual
19 everything outside of it.

20 Q. And why did you take pictures of just the closet?

21 A. Because it was pertinent to the case.

22 Q. And in Nick Bonner's room was there anything pertinent
23 to the case?

24 A. No, sir.

25 Q. Now, Ms. Lapham asked you about the different money

1 that you found and Mr. Bonner having \$1,250 on him. Are you
2 familiar -- how -- once again, how long have you worked in
3 narcotics?

4 A. A little over five and a half years.

5 Q. And in your experience as a narcotics officer are you
6 familiar with the going rate for drugs in Cherokee County?

7 A. Yes, sir.

8 Q. Were you familiar with those rates back on August 6th,
9 2012?

10 A. Yes, sir.

11 Q. And how much approximately would 50 grams of cocaine
12 sell for?

13 A. Probably -- anywhere from probably 12 to \$1,800.

14 Q. Is it fair to say it would depend on who is selling it?

15 A. Yeah, and how close you are to the dealer and how much
16 you buy from them. I mean, there is a lot of variance.

17 Q. And how much would crack cocaine approximately go for?

18 A. Approximately the same.

19 Q. And how long again did this case occur?

20 A. Almost five years.

21 Q. Okay. Is it fair to say that you write statements and
22 you sign it and have all this stuff written out to help
23 refresh your memory?

24 A. Yes, sir.

25 Q. How many cases have you worked since August 6th, 2012

1 to today?

2 A. I'm sure over a hundred.

3 Q. And do you keep proper documentation in those cases?

4 A. Yes, sir.

5 Q. And what's the reason for that?

6 A. I ain't going to remember it. I won't remember every
7 detail if I don't write it down.

8 Q. But you do remember how you handle a statement, is that
9 correct?

10 A. Yes, because I consistently do the same thing all the
11 time. That's what helps you remember how you do things.

12 Q. And you follow that procedure?

13 A. Yes, sir.

14 MR. BAIN: No further questions, Your Honor.

15 THE COURT: Anything?

16 MS. LAPHAM: Just briefly, Your Honor.

17 RECROSS EXAMINATION BY MS. LAPHAM:

18 Q. The photographs that the State put up of the table in
19 the kitchen?

20 A. Yes, ma'am.

21 Q. And the marijuana bags?

22 A. Right.

23 Q. That wasn't my client's, was it?

24 A. No, I think somebody claimed it.

25 Q. Someone else claimed it --

1 A. Yes, ma'am.

2 Q. -- correct?

3 A. Yes.

4 Q. And with regard to money in the pocket as to what you
5 could or couldn't buy, I have money in my pocket for selling
6 a car, or a four-wheeler, or anything else, correct?

7 A. That's true.

8 Q. Does that mean I'm buying drugs?

9 A. No, ma'am, it don't.

10 MS. LAPHAM: Nothing further, Your Honor.

11 THE COURT: Sir, you may step down. Please be
12 careful.

13 MR. BAIN: Your Honor, the State calls Ronnie
14 Anderson.

15 RONNIE ANDERSON, having been first duly sworn,
16 testified as follows:

17 THE WITNESS: I do.

18 THE COURT: Sir, state your name and spell your
19 last name for the court reporter, please.

20 THE WITNESS: My name is Ronnie Anderson. My last
21 name is A-N-D-E-R-S-O-N.

22 THE COURT: Thank you.

23 Solicitor.

24 DIRECT EXAMINATION BY MR. BAIN:

25 Q. Mr. Anderson, where are you currently employed?

1 A. Spartanburg Regional Medical Center.

2 Q. Okay. And where were you working on August 6th, 2012?

3 A. The City of Gaffney Police Department.

4 Q. And what division or unit did you work in?

5 A. Narcotics.

6 Q. And what was some of your responsibilities as a
7 narcotics officer?

8 A. To do narcotic investigations and do search warrants on
9 those investigations.

10 Q. And how long did you work at the city police
11 department?

12 A. A little over 13 years.

13 Q. Okay. And did you resign from the city police
14 department?

15 A. I did.

16 Q. And when did you resign from there?

17 A. October of 2016.

18 Q. Now, on August 6th, 2012, were you working in your
19 capacity as a city narcotics officer?

20 A. Yes, sir, I was.

21 Q. And did you help the county execute a search warrant on
22 that day?

23 A. Yes, sir, I did.

24 Q. What was your role in the execution of that search
25 warrant at 126 Iris Lane?

1 A. To secure the residence. There was a -- I don't
2 remember how many people were in the yard, but there were --
3 the house was known to have a large number of people there
4 and we needed a large police presence to secure the premises
5 for a search warrant.

6 Q. Okay. And specifically at 126 Iris Lane did you stay
7 outside or did you enter the house?

8 A. I was outside. When they made entry, we were --

9 Q. Now, did you help execute another search warrant on
10 that day?

11 A. Yes, sir, I did.

12 Q. And can you please explain to the jury?

13 A. Yes, sir, while we were on the scene speaking with
14 Detective Todd Parker, he advised that there was an
15 informant that give information that there were a large
16 quantity of narcotics across the street that belonged to
17 Nick Bonner, and at that point I spoke with the informant.
18 We obtained the search warrant for the house across the
19 street, kind of diagonal from it, and we executed the search
20 warrant.

21 Q. And do you remember who the CI was?

22 A. Prentiss Jefferies.

23 Q. And you actually spoke to Prentiss Jefferies, is that
24 correct?

25 A. Yes, sir, I did.

1 Q. And what did he tell you?

2 A. He told me that there was a large amount of cocaine at
3 the house across the street from Nick Bonner's and that it
4 belonged to Nick Bonner.

5 Q. Okay. And based off that information, you obtained a
6 search warrant for the house across the street?

7 A. Yes, sir, I did.

8 Q. Do you recall the address?

9 A. I heard today it was mentioned it was 125. I didn't
10 remember that. It's been quite awhile back.

11 Q. Okay. And do you remember what you found across the
12 street?

13 A. Yes, sir, we found a large amount of white powder and
14 rock substance in a red duffel bag, I believe it was, inside
15 the trash can under the carport.

16 Q. I'm showing you what's been pre-marked as State's
17 Exhibit 6 through State's Exhibit 6-H. Will you please take
18 a look at these pictures?

19 A. Sure.

20 (Witness examining photographs).

21 Q. Do you recognize those photos?

22 A. Yes.

23 Q. Did you take those photos?

24 A. No, sir, I did not.

25 Q. How are you able to recognize them?

1 A. When you work narcotics and you find a large quantity
2 of drugs, you remember the case.

3 Q. Okay. And do those photographs fairly and accurately
4 depict the scene as it appeared on August 6th, 2012?

5 A. The photographs I'm seeing are of the narcotics and not
6 necessarily of the scene.

7 Q. Does it fairly and accurately represent the narcotics
8 that were found?

9 A. Yes, sir, it does.

10 Q. Does there appear to be any alterations or deletions in
11 those photos?

12 A. No, sir, it does not.

13 Q. Is there any material differences in those photos?

14 A. No, sir.

15 MR. BAIN: Your Honor, at this time the People
16 offer State's Exhibit 6 through 6-H into evidence.

17 MS. LAPHAM: No objection, Your Honor.

18 THE COURT: Without objection, they are admitted.

19 (Whereupon, State's Exhibit No. 6 was entered into
20 the record as evidence).

21 (Whereupon, State's Exhibit No. 6-A was entered
22 into the record as evidence).

23 (Whereupon, State's Exhibit No. 6-B was entered
24 into the record as evidence).

25 (Whereupon, State's Exhibit No. 6-C was entered

1 into the record as evidence).

2 (Whereupon, State's Exhibit No. 6-D was entered
3 into the record as evidence).

4 (Whereupon, State's Exhibit No. 6-E was entered
5 into the record as evidence).

6 (Whereupon, State's Exhibit No. 6-F was entered
7 into the record as evidence).

8 (Whereupon, State's Exhibit No. 6-G was entered
9 into the record as evidence).

10 (Whereupon, State's Exhibit No. 6-H was entered
11 into the record as evidence)

12 BY MR. BAIN:

13 Q. Now I'm showing you what's been pre-marked State's
14 Exhibit 5 through State's Exhibit 5-N.

15 A. Yes, sir.

16 Q. Will you please take a look at these photographs?

17 A. Yes, sir, I will.

18 (Witness examining photographs).

19 Q. Do you recognize those photos?

20 A. Yes, sir.

21 Q. And do they fairly and accurately depict the narcotics
22 that were found on August 6th, 2012?

23 A. Yes, sir, it does.

24 Q. What's in those photographs?

25 A. There is a white plastic Authentiks bag.

1 There is several photographs of what appears to be
2 crack cocaine also in the photographs.

3 There is individual pictures of cookies of crack
4 cocaine, if you will, in clear glassine baggies.

5 Q. Okay. And are there any difference in those photos in
6 the way that those drugs appeared on August 6th, 2012?

7 A. No, sir, there is no difference.

8 MR. BAIN: Your Honor, at this time the People
9 offer State's Exhibits 5 through 5-N into evidence.

10 MS. LAPHAM: No objection.

11 THE COURT: Without objection they are admitted.

12 MR. BAIN: Thank you, Your Honor.

13 (Whereupon, State's Exhibit No. 5 was entered into
14 the record as evidence).

15 (Whereupon, State's Exhibit No. 5-A was entered
16 into the record as evidence).

17 (Whereupon, State's Exhibit No. 5-B was entered
18 into the record as evidence).

19 (Whereupon, State's Exhibit No. 5-C was entered
20 into the record as evidence).

21 (Whereupon, State's Exhibit No. 5-D was entered
22 into the record as evidence).

23 (Whereupon, State's Exhibit No. 5-E was entered
24 into the record as evidence).

25 (Whereupon, State's Exhibit No. 5-F was entered

1 into the record as evidence).

2 (Whereupon, State's Exhibit No. 5-G was entered
3 into the record as evidence).

4 (Whereupon, State's Exhibit No. 5-H was entered
5 into the record as evidence).

6 (Whereupon, State's Exhibit No. 5-I was entered
7 into the record as evidence).

8 (Whereupon, State's Exhibit No. 5-J was entered
9 into the record as evidence).

10 (Whereupon, State's Exhibit No. 5-K was entered
11 into the record as evidence).

12 (Whereupon, State's Exhibit No. 5-L was entered
13 into the record as evidence).

14 (Whereupon, State's Exhibit No. 5-M was entered
15 into the record as evidence).

16 (Whereupon, State's Exhibit No. 5-N was entered
17 into the record as evidence)

18 BY MR. BAIN:

19 Q. I'm now handing you what's been pre-marked State's
20 Exhibit 7, 7-A, and State's Exhibit 8. Would you please
21 take a look at these photographs?

22 A. Yes, sir.

23 (Witness examining photographs).

24 Q. Do you recognize those items?

25 A. Yes, sir, I do.

1 Q. And what appears to be in those photos?

2 A. It's a large set of digital scales and also a Dollar
3 General plastic bag.

4 Q. And did it fairly and accurately depict those items as
5 they were found on August 6th, 2012?

6 A. Yes, sir, it does.

7 Q. Are there any material differences in those
8 photographs?

9 A. No, sir, there is not.

10 MR. BAIN: Your Honor, at this time the State
11 offers People's Exhibit 7, 7-A, and Exhibit 8 into evidence.

12 MS. LAPHAM: No objection, Your Honor.

13 THE COURT: Without objection, they are admitted.

14 MR. BAIN: Thank you, Your Honor.

15 (Whereupon, State's Exhibit No. 7 was entered into
16 the record as evidence).

17 (Whereupon, State's Exhibit No. 7-A was entered
18 into the record as evidence).

19 (Whereupon, State's Exhibit No. 8 was entered into
20 the record as evidence).

21 BY MR. BAIN:

22 Q. Now, after looking at those pictures, where were those
23 items found?

24 A. Inside a bag inside of a green city trash can, I
25 believe it was, underneath the carport across the street

1 from Nick's house.

2 Q. Okay. And did y'all also take into possession the
3 actual items that were found?

4 A. I did not take them into possession, no, sir.

5 Q. Okay. What happened when you found the drugs in the
6 trash can?

7 A. When I opened the trash can and located the narcotics,
8 I immediately closed the trash can and contacted -- the
9 county's crime scene technicians came over and actually took
10 custody of the evidence.

11 Q. Okay. At any time did you take possession of the
12 narcotics?

13 A. No, sir, I did not.

14 Q. But you did have an opportunity to see the narcotics,
15 is that correct?

16 A. Yes, sir, I did.

17 Q. I'm handing you a box that has State's Exhibit 24,
18 24-A, State Exhibit 25, and State's Exhibit 26 through
19 26-O --

20 A. Okay.

21 Q. -- for identification purposes. Will you please take a
22 look at that box?

23 A. Yes, sir.

24 (Witness examining documents).

25 Okay.

1 Q. Do you recognize those items?

2 A. Yes, sir.

3 Q. And where were those found?

4 A. Inside of a bag inside a trash can across the street
5 from Nick Bonner's house.

6 Q. And what are contained in those plastic baggies?

7 A. Cocaine and crack cocaine.

8 Q. At any point did you take possession of any of those
9 drugs?

10 A. No, sir, I did not.

11 Q. And will you please take a look at State's Exhibit 20,
12 State's Exhibit 22, and State's Exhibit 21?

13 A. Yes, sir.

14 Q. Do you recognize these items?

15 A. I do. It's the bags that the narcotics were located
16 in.

17 Q. And were those recovered at the scene that day?

18 A. Yes, sir, they were.

19 Q. Okay.

20 MR. BAIN: Your Honor, at this time the State
21 offers State's Exhibits 21, State's Exhibit 20, and State's
22 Exhibit State's Exhibit 22 into evidence.

23 MS. LAPHAM: No objection, Your Honor.

24 THE COURT: Without objection they are admitted.

25 (Whereupon, State's Exhibit No. 20 was entered

1 into the record as evidence).

2 (Whereupon, State's Exhibit No. 21 was entered
3 into the record as evidence).

4 (Whereupon, State's Exhibit No. 22 was entered
5 into the record as evidence)

6 BY MR. BAIN:

7 Q. Can you please the ladies and gentlemen of the jury
8 what was found in this bag, State's Exhibit 21?

9 A. Cocaine.

10 Q. Okay. And what was found in this particular bag,
11 State's Exhibit 20?

12 A. Cocaine, I believe that's in that one also.

13 Q. Okay. Were you -- did you find anything in the Dollar
14 General bag, State's Exhibit 22?

15 A. If I remember correctly, I think the scales were in
16 there. It's been a long time.

17 Q. All right. I'm now handing you what's been pre-marked
18 State's Exhibit 19. Take a look at that item.

19 A. Yes, sir.

20 Q. Do you recognize it?

21 A. Yes, sir.

22 Q. And how do you recognize it?

23 A. It is digital scales that was inside the bag.

24 Q. Okay. And that was recovered that day?

25 A. Yes, sir, it was.

1 MR. BAIN: Your Honor, at this time the State
2 offers State's Exhibit 19 into evidence.

3 MS. LAPHAM: No objection.

4 THE COURT: Without objection State's 19 is
5 admitted.

6 (Whereupon, State's Exhibit No. 19 was entered
7 into the record as evidence)

8 BY MR. BAIN:

9 Q. So all those items I showed you were found inside the
10 trash can across the street?

11 A. Yes, sir, they were.

12 Q. And how did you get that information about the trash
13 can?

14 A. Prentiss Jefferies gave us the information.

15 Q. And after the incident did Prentiss Jefferies give a
16 written statement?

17 A. Yes, sir, he did.

18 Q. And is that statement substantially the same to what he
19 told you over the phone?

20 A. Yes, sir, it is.

21 Q. I'm handing what's been entered into evidence as
22 State's Exhibit 2. Will you please take a look at it?

23 A. Yes, sir.

24 Q. Do you recognize it?

25 A. Yes, sir.

1 Q. Could you please tell the ladies and gentlemen of the
2 jury what that statement is?

3 A. This is a statement from Prentiss Jefferies that he
4 wrote for us. If I remember correctly, it was the day that
5 we paid him. He wrote the statement in the back of the car,
6 if I remember correctly.

7 Q. Okay. Do you remember what day he wrote the statement?

8 A. It was a couple days after the search warrant when we
9 paid him for his information.

10 Q. Okay.

11 A. I don't know if it was the next day, a couple days
12 later. Again, it's -- I don't want to tell you it was the
13 next day. I'm not sure.

14 Q. Okay. Is it common practice to pay a confidential
15 informant for information they provide?

16 A. Yes, sir, it is.

17 Q. And did you pay them -- when do you pay them for that
18 information?

19 A. After the search warrant is done and we have recovered
20 whatever it is there to recover.

21 Q. And why do you wait until after?

22 A. They get paid based on the results that come from the
23 case.

24 Q. And did Prentiss Jefferies sign that statement?

25 A. No, sir, he didn't. He gave me a thumb print.

1 Q. And why was that?

2 A. I did this to help protect the identity of my informant
3 until the very last minute of the case.

4 Q. Okay. And do you remember who was there when the
5 statement was given?

6 A. Yes, sir. Todd Parker was there in the vehicle with
7 me.

8 Q. Okay. And did y'all threaten or coerce the CI in any
9 way?

10 A. No, sir, I did not.

11 Q. Did he freely and voluntarily write that statement?

12 A. Yes, sir, he did.

13 Q. And did you -- nobody wrote that statement for him?

14 A. No, sir, he wrote it.

15 Q. Did you coach him in any way?

16 A. No, sir, I didn't.

17 Q. And that's what he had told you over the phone that
18 day?

19 A. Yes, sir.

20 Q. And you based that information to get the search
21 warrant, is that correct?

22 A. Yes, sir, I did.

23 Q. Were you the one who got the search warrant signed for
24 125 Iris Lane?

25 A. I don't -- I remember speaking to a judge. I don't

1 remember if I was the one that got it signed or if someone
2 else signed it. I -- I don't recall. If you have a copy of
3 it, I could tell you. If I signed it, then I was in front
4 of the judge when I signed it.

5 Q. Would it help refresh your memory?

6 A. Yes, sir, it would.

7 Q. Would you please take a look at that?

8 A. Yes, sir.

9 Yes, sir, I did sign the warrant --

10 Q. Okay.

11 A. -- in front of Judge Kay Allison.

12 Q. And did you have to go get that signature? Did you
13 have to go to the judge?

14 A. Yes, sir, I did.

15 Q. And when did you go to the judge?

16 A. The same day of August the 6th, 2012.

17 Q. And you were there when that search warrant was
18 executed at 125 Iris Lane?

19 A. Yes, sir, I was.

20 Q. Okay. Were you involved in transporting anyone to
21 jail?

22 A. Not that I recall. I -- I don't have a caged vehicle
23 and it's not common practice for us to transport prisoners
24 in narcotics undercover vehicles.

25 Q. Okay. So you were in an undercover vehicle?

1 A. Yes, sir.

2 Q. And to the best of your memory were you on the scene at
3 125 Iris Lane until all the items were seized by the crime
4 scene unit?

5 A. Yes, sir, I was.

6 Q. And do you remember taking any statements at the jail?

7 A. No, sir.

8 Q. Do you remember taking any statements from Eric
9 Lattimore?

10 A. No, sir.

11 Q. Do you remember talking to Eric Lattimore?

12 A. I don't.

13 MR. BAIN: No further questions, Your Honor.

14 CROSS EXAMINATION BY MS. LAPHAM:

15 Q. Good morning.

16 A. Good morning.

17 Q. So why did Prentiss Jefferies call you if he was
18 totally working under Todd?

19 A. He called Todd.

20 Q. And then Todd supposedly called you?

21 A. No, ma'am. He called Todd and Todd called me over to
22 him. He was on the scene as well and he handed me the
23 phone. He said that Prentiss had information and I actually
24 spoke with Prentiss on the phone.

25 Q. Now, Todd at the time worked for the sheriff's office,

1 correct?

2 A. Yes, ma'am, that's correct.

3 Q. And you worked for the city?

4 A. Yes, ma'am.

5 Q. Why was Todd calling the city, another agency, into
6 this case?

7 A. It's in our jurisdiction and it's courtesy, I would
8 say, because it's in -- we would say it's in our back yard,
9 so he gave me the information. I went and spoke with our
10 judge and obtained the warrant.

11 Q. And so you are testifying today that you didn't
12 transport anyone from that property?

13 A. Not that I recall. Like I said, it's common practice
14 that we wouldn't, and I don't recall transporting anybody.

15 Q. But you are not a hundred percent sure that you didn't?

16 A. No, ma'am, I can't say that I didn't. I just know it's
17 common practice that we would not if we did not have a cage
18 in our vehicle as an officer.

19 Q. Now, with regard to the search warrant affidavit, just
20 so that we are clear, isn't it correct that you went to go
21 get the search warrant for 125 Iris?

22 A. Yes, ma'am.

23 Q. But you didn't execute the actual warrant?

24 A. No, ma'am, if you -- if I sign a warrant, I can't
25 execute it. Another officer has to execute it.

1 Q. So who executed the search warrant?

2 A. I would have to look to see who signed off. Probably
3 Mike Scruggs, Detective Scruggs. He was my partner at the
4 time. I would say that he did, but without seeing it I
5 can't tell you for sure.

6 Q. So the bags earlier that were shown to you from the
7 State, those were actually recovered not from you, but from
8 another officer from the property initially?

9 A. I saw them in the trash can and we -- at that point we
10 contacted the sheriff's office crime scene unit to actually
11 takes possession of it.

12 Q. Now, at any point during this investigation was that
13 trash can fingerprinted?

14 A. Not that I recall.

15 Q. Any DNA swabs?

16 A. Not that I recall.

17 Q. Wouldn't that have been important?

18 A. It's a trash can. I'm not sure.

19 Q. But it wasn't done?

20 A. Not that I recall.

21 Q. And weren't there other people at that point in the
22 neighborhood kind of cutting between the properties or in
23 the area of the neighborhood? Other individuals would have
24 to --

25 A. That is a large neighborhood. There are many people in

1 that neighborhood.

2 Q. So those drugs could have been anyone's drugs across
3 the street?

4 A. Could have been.

5 MS. LAPHAM: Nothing further, Your Honor.

6 THE COURT: Anything at all?

7 MR. BAIN: Yes, sir, Your Honor.

8 REDIRECT EXAMINATION BY MR. BAIN:

9 Q. Prentiss Jefferies told you whose drugs those were, is
10 that correct?

11 A. Yes, sir.

12 Q. Whose drugs did he say they were?

13 A. He said they were Nick Bonner's.

14 Q. I'm handing you the search warrant. Will you please
15 take a look at this?

16 A. Yes, sir, I will.

17 Q. Who executed the search warrant?

18 A. Detective Mike Scruggs.

19 Q. Okay. Thank you.

20 And you called CSI out, is that correct?

21 A. Yes, sir.

22 Q. Now, what would have been their -- some of their duties
23 and responsibilities?

24 A. Their duties would have been to collect and preserve
25 whatever evidence is there.

1 Q. Would you have searched for fingerprints or would CSI?

2 A. CSI would have.

3 Q. Okay. What about DNA?

4 A. They would have done the same.

5 Q. Okay. So you called the crime scene investigation out
6 to do all that, correct?

7 A. Yes, sir, that's their area of expertise.

8 Q. And was it common practice for the city and county to
9 cooperate on a case?

10 A. Yes, sir. We all try to work closely together.

11 Q. And 125 Iris Lane, is that in the City of Gaffney?

12 A. Yes, sir, it is.

13 Q. And what about 126 Iris Lane?

14 A. It is also in the City of Gaffney.

15 MR. BAIN: No further questions, Your Honor?

16 THE COURT: Anything?

17 MS. LAPHAM: Briefly.

18 RECROSS EXAMINATION BY MS. LAPHAM:

19 Q. This was your case, correct?

20 A. Yes, ma'am.

21 Q. So it's up to you to ask what should we have done, what
22 should have been done to that case, correct?

23 A. I suppose.

24 Q. Just passing off a crime scene -- if this was a vital
25 piece of evidence, the trash can, you could have said

1 fingerprint it, do a DNA swab, correct?

2 A. I could have. I trusted those guys to do their job
3 professionally.

4 Q. But it was your case.

5 A. Okay.

6 MS. LAPHAM: Nothing further, Your Honor.

7 THE COURT: All right, sir, you may step down.
8 Please be careful.

9 THE WITNESS: Thank you.

10 MR. BAIN: Your Honor, I ask this witness be
11 excused.

12 THE COURT: Any objection?

13 MS. LAPHAM: No objection, Your Honor.

14 THE COURT: Sir, you may stay or go, whichever you
15 choose.

16 MR. BAIN: May we approach briefly?

17 THE COURT: Yes.

18 (Whereupon, the lawyers approached the bench for
19 an off-the-record discussion).

20 MR. BAIN: Your Honor, the State calls Stephon
21 Adams.

22 STEPHON ADAMS, having been first duly sworn,
23 testified as follows:

24 THE WITNESS: Yes, ma'am.

25 THE COURT: Sir, tell us your name and spell your

1 last name, please.

2 THE WITNESS: Stephon Adams, A-D-A-M-S.

3 THE COURT: Solicitor.

4 MR. BAIN: Thank you, Your Honor.

5 DIRECT EXAMINATION BY MR. BAIN:

6 Q. Mr. Adams, where are you employed?

7 A. Koehler.

8 Q. And in August of 2012 what were you doing?

9 A. Can -- can -- can you --

10 Q. In August of 2012 were you employed?

11 A. Yes, sir.

12 Q. And where were you employed?

13 A. Dollar General.

14 Q. And in August of 2012 were you going to school?

15 A. Yes, sir.

16 Q. And where were you going to school?

17 A. Limestone College.

18 Q. And did you graduate from Limestone College?

19 A. Yes, sir.

20 Q. What was your major?

21 A. Criminal Justice.

22 Q. What year did you graduate?

23 A. 2015.

24 Q. And do you know Nick Bonner?

25 A. Yes, sir.

1 Q. How long have you known him?

2 A. All my life.

3 Q. And is Nick Bonner in the courtroom today?

4 A. Oh, yes, sir.

5 Q. And do you know where Nick Bonner lived?

6 A. On -- in Westerly Park.

7 Q. Do you know the address?

8 A. 126 Iris -- Iris Lane.

9 Q. And where was he living back in 2012?

10 A. At 126 Iris Lane.

11 Q. And do you remember an incident that occurred on August
12 6th, 2012?

13 A. (No response).

14 Q. Do you remember an incident that occurred on August
15 6th, 2012?

16 A. (No response).

17 Q. Do you remember being at 126 Iris Lane?

18 A. Yes, sir.

19 Q. Okay. And who lived there?

20 A. Nick Bonner and Chris Bonner and Gwen Bonner.

21 Q. Okay. And do you remember police arriving at the house
22 on that day?

23 A. Yes, sir.

24 Q. Okay. And can you please tell the ladies and gentlemen
25 of the jury what occurred when the police arrived?

1 A. Nick said "there go the cops."

2 Ronnie Littlejohn ran out the door. Jarvis McCluney
3 ran out the door. Nickcos Smith ran out the door, and
4 Jordan Smith ran out the door.

5 Q. Okay.

6 A. And after -- and after watching them ran out that door,
7 I ran right behind like right behind them, like right after
8 them.

9 As I was making my way through the living room I saw
10 Eric Lattimore then at the back door trying to get out.

11 Q. And were you arrested that day?

12 A. Yes, sir.

13 Q. And what were you arrested for?

14 A. For trafficking crack cocaine.

15 Q. Okay. And are you familiar with the layout of the
16 house?

17 A. Yes, sir.

18 Q. Okay. Do you know if Nick Bonner had a bedroom there?

19 A. Yes, sir.

20 Q. Okay. And was his mom there on August 6th, 2012,
21 during the incident?

22 A. No, sir.

23 Q. Do you recall seeing her there that day?

24 A. No, sir.

25 Q. When did you arrive there?

1 A. I left my house at like 3:30, and depending on the
2 traffic, 10 to 15 minutes to get there. I think I arrived
3 there like 3:45.

4 Q. Okay. And do you remember who all was there when you
5 arrived?

6 A. Nick Bonner, Jarvis McCluney, Nickcos Smith, Jordan
7 Smith, Chris Bonner, Quintin Horton, and -- I think that's
8 it.

9 Q. Okay. And what were you doing over there that day?

10 A. Just hanging out before work.

11 Q. Okay. Were you doing anything else?

12 A. Yes, sir.

13 Q. What were you doing?

14 A. Smoking marijuana.

15 Q. All right. And are you familiar or have you seen
16 illegal narcotics before?

17 A. Oh, yes, sir.

18 Q. All right. Have you seen it through classes at school?

19 A. Yes, sir.

20 Q. What was your major again?

21 A. Criminal Justice.

22 Q. Are you familiar what crack cocaine looks like?

23 A. Yes, sir.

24 Q. Are you familiar with what cocaine looks like?

25 A. Yes, sir.

1 Q. Did you see anybody with a scale that day?

2 A. No, sir.

3 Q. You didn't see anyone with a scale?

4 A. Jarvis McCluney went and got the scale.

5 Q. Okay. So you did see a scale that day?

6 A. Yes, sir.

7 Q. And was anything weighed on that scale?

8 A. Yes, sir.

9 Q. What was weighed on that scale?

10 A. Crack cocaine.

11 Q. And where was it weighed at in the house?

12 A. In the house? In the entrance between the living
13 room -- the living room and the dining room, like in the --
14 I mean, if you -- if you can show me a picture, I could -- I
15 could be more specific of where it was weighed at.

16 Q. I'm showing you what's been than entered into evidence
17 as State's Exhibit 9.

18 Do you recognize that photo?

19 A. Yes, sir.

20 Q. Can you see it from where you are sitting?

21 A. Yes, sir. Can I stand up and --

22 THE COURT: Yes, sir, you can stand next to my
23 court reporter, please.

24 THE WITNESS: Yes, sir.

25 (Witness off the witness stand)

1 BY MR. BAIN:

2 Q. What room was this picture of?

3 A. The kitchen.

4 Q. Okay. Can you to the best of your ability say where
5 the drugs were weighed from this picture?

6 A. Back off -- back off here.

7 Q. So it would have been off the picture?

8 A. Yes, sir. The intersection of the kitchen and the
9 living room.

10 Q. Okay. Do you remember who -- you can have a seat.

11 (Witness back on the witness stand).

12 BY MR. BAIN:

13 Q. Do you remember who all was -- do you remember who all
14 was in that area when the drugs were weighed?

15 A. Eric Lattimore.

16 Q. Okay. Was there anybody else?

17 A. No, sir.

18 Q. Was Nick Bonner in the house?

19 A. Yes, sir.

20 Q. And did you see any exchange between Nick Bonner and
21 Eric Lattimore?

22 A. Yes, sir.

23 Q. And what did you see?

24 A. I saw Nick Bonner hand Eric Lattimore something.

25 Q. Do you know what that was?

1 A. No, sir.

2 Q. Did you see any exchange of money?

3 A. No, sir.

4 Q. Okay. But you did see an exchange between Nick Bonner
5 and Eric Lattimore?

6 A. Yes, sir.

7 Q. And was that before or after they asked -- Jarvis
8 McCluney pulled out the scales or got the scales?

9 A. That was all before.

10 Q. Before --

11 A. Yes.

12 Q. -- Jarvis McCluney got the scales?

13 A. Yes, sir.

14 Q. Now, once the police arrived did you witness any
15 argument?

16 A. No, sir.

17 Q. Okay. What happened after you were arrested? Were you
18 transported to the detention center?

19 A. Can -- can you -- can you repeat your question, sir?

20 Q. Yes.

21 After you were arrested, were you transported to the
22 detention center?

23 A. Oh, yes, sir.

24 Q. Okay. And how were you transported?

25 A. Paddy wagon. The long big white van.

1 Q. Okay. And who all was in that van?

2 A. Myself, Nick Bonner, Jarvis McCluney, Nickcos Smith,
3 Travis Davidson, and Chris Bonner.

4 Q. Who wasn't --

5 A. And Quintin Horton.

6 Q. Who wasn't in that van?

7 A. Eric Lattimore.

8 Q. Was Eric Lattimore transported separately?

9 A. Yes, sir.

10 Q. And did you hear any discussions in the paddy wagon as
11 they were driving you back to the detention center?

12 A. Yes, sir.

13 Q. And what did you hear?

14 A. Nick Bonner said that that was Eric Lattimore's drugs.

15 Q. Okay. And once you arrived at the detention center
16 where did they put you?

17 A. We was in the -- first we got booked and then we was
18 placed in a holding cell.

19 Q. Okay. And who was in the holding cell with you?

20 A. Everybody that I named. Nick Bonner, Chris Bonner,
21 Quintin Horton, Nickcos Smith, Jordan Smith, Travis
22 Davidson.

23 Q. Was Eric Lattimore in the cell with y'all?

24 A. No, sir.

25 Q. Was he in a separate holding cell?

1 A. Yes, sir.

2 Q. And were there any discussions in the holding cell
3 about what had just occurred?

4 A. No, sir.

5 Q. And did you give a statement to the police concerning
6 this incident?

7 A. Yes, sir.

8 Q. And what did you tell the police on that day?

9 A. Everything that happened.

10 Q. Okay. And is there anything that you haven't testified
11 to out of that statement that you would like to tell the
12 jury?

13 A. I don't -- can you repeat your question?

14 Q. Out of -- out of this statement that you gave that day,
15 is there anything in that statement that you haven't already
16 testified to you would like to tell the jury?

17 A. (No response).

18 Q. Let me ask it a different way.

19 When you gave a statement to the police on that day --

20 A. Yes, sir.

21 Q. -- did any officer tell you what to write in your
22 statement?

23 A. Oh, no, sir.

24 Q. Okay. Did they read you your rights?

25 A. Yes, sir.

1 Q. Did they ask you to sign it?

2 A. Yes, sir.

3 Q. Did they ask you to waive your rights?

4 A. No, sir, I did it myself.

5 Q. Okay. So you waived your rights to the police, is that
6 correct?

7 A. Yes, sir.

8 Q. Did they threaten or coerce you in any way to write a
9 statement?

10 A. No, sir.

11 Q. Did they deny you access to food or drink or water?

12 A. No, sir.

13 Q. Do you remember what officer conducted the interview?

14 A. Brandon Gardner.

15 Q. Now, how many times -- how often did you hang out at
16 Nick Bonner's house?

17 A. Every now and then, occasionally.

18 Q. Okay. And were you familiar with the surrounding area
19 around Nick Bonner's house?

20 A. Yes, sir.

21 Q. Were you familiar with different houses around the
22 area?

23 A. Yes, sir.

24 Q. On August 6th, 2012, were there any vacant houses
25 around Nick Bonner's house?

1 A. Yes, sir. I mean, if you could show me a picture?

2 Q. Yeah.

3 MR. BAIN: Your Honor, may I approach?

4 THE COURT: Yes, sir.

5 BY MR. BAIN:

6 Q. I'm showing you what's been entered in evidence as
7 State's Exhibit 3.

8 A. Yes, sir.

9 Q. Do you recognize that house?

10 A. Yes, sir.

11 Q. And can you please tell the jury how you recognize this
12 house?

13 A. Because it's like pretty much diagonal across the
14 street from Nick Bonner's house.

15 Q. Okay. And is there any difference in this picture
16 today that's up right now than back on August 6th, 2012?

17 A. It wasn't painted and cars wasn't in the yard.

18 Q. Okay. And standing in Nick -- standing in Nick
19 Bonner's front yard, would you have a clear view of that
20 house?

21 A. Yes, sir.

22 Q. Would you have a clear view into the carport?

23 A. Yes, sir.

24 Q. And on August 6th, 2012, are you aware of what was
25 across the street?

1 A. No, sir.

2 Q. When did you become aware of what was across the
3 street?

4 A. After sitting down and talking to my lawyer after the
5 motion of discovery.

6 Q. And what was found across the street?

7 A. Drugs in -- in a -- drugs. Drugs was found across the
8 street.

9 Q. And did any officer prior to you writing your statement
10 tell you what was found across the street?

11 A. Oh, no, sir.

12 Q. So the first time that you knew about what was across
13 the street was when your attorney told you, is that correct?

14 A. Yes, sir, after the motion of discovery.

15 Q. Did officers coach you in any way?

16 A. No, sir.

17 Q. Were there other people smoking marijuana that day?

18 A. Yes, sir. I mean, it was a good bit of people inside
19 the house.

20 MR. BAIN: No further questions, Your Honor.

21 THE COURT: Yes, ma'am.

22 MS. LAPHAM: Thank you, Your Honor.

23 CROSS EXAMINATION BY MS. LAPHAM:

24 Q. So how often would you go over to the Bonner home?

25 A. Occasionally, every now and then.

1 Q. Roughly how many times a month or every --

2 A. I can't recall.

3 Q. At the time that you were going to school for criminal
4 justice?

5 A. Yes, ma'am.

6 Q. But you were outside smoking marijuana?

7 A. Yes, ma'am.

8 Q. Now, the statement that you gave to law enforcement,
9 you didn't put anything in there about smoking any
10 marijuana, did you?

11 A. No, ma'am.

12 Q. Now, how many times have you met with the solicitor's
13 office to kind of talk about this case to prepare for your
14 testimony?

15 A. Twice.

16 Q. Twice?

17 A. Yes, ma'am.

18 Q. And so the statement that you gave had nothing to do
19 with you really having any involvement with drugs, is that
20 correct?

21 A. Can -- can you -- can you repeat?

22 Q. The statement that you gave, you didn't have any drugs?

23 A. No, ma'am, I didn't.

24 Q. But that developed after the fact, correct, after that
25 statement?

1 A. Yes, ma'am.

2 Q. Now --

3 MS. LAPHAM: If I may approach, Your Honor?

4 THE COURT: Yes.

5 BY MS. LAPHAM:

6 Q. Do you recognize this?

7 A. Yes, ma'am.

8 Q. And page two?

9 A. Yes, ma'am.

10 Q. If I could lay a foundation for it, is that the
11 statement that you gave to law enforcement?

12 A. Yes, ma'am.

13 Q. And that's your signature on that statement?

14 A. Yes, ma'am.

15 Q. If you could please read that statement?

16 A. "I pulled up at the house. I saw Chris and Quintin
17 sitting outside. As I walked in I saw Nick Bonner, Jarvis,
18 Pee-Wee, Toot-Toot and Jordan Smith," which was Toot-Toot,
19 "and Mr. Littlejohn. Eric Lattimore walked in and asked us
20 do we have a scale and he asked could he weigh it on the
21 weed scale and we told him he couldn't. He received the
22 scale from Jarvis McCluney. Eric Lattimore pulled out his
23 dope in a clear plastic baggy and put the dope on the scale
24 and weighed it. I saw it with my own two eyes. As Eric
25 Lattimore picked up his dope, Nick said there goes the cops.

1 I jumped up and Mr. Littlejohn ran out the door first. Then
2 Jarvis McCluney ran out and then Nickcos Smith ran out and
3 then Jordan Smith ran out. As I was making my way through
4 the kitchen watching them run out I turned to the right and
5 saw Eric Lattimore over near the back door of the kitchen
6 trying to get out the door. Then I ran out the house. I
7 had a beer in one hand and a black and mild in the other and
8 I saw the police and he told me to freeze and I did. Nick
9 Bonner and Eric Lattimore came out the house and the cops
10 walked in and brought Eric Lattimore outside in handcuffs."

11 Q. Thank you.

12 MS. LAPHAM: Your Honor, may I offer this
13 statement into evidence?

14 THE COURT: Solicitor?

15 MR. BAIN: No objection, Your Honor.

16 THE COURT: Without objection.

17 (Pre-Interrogation Waiver Form and Written
18 Statement of Stephon Adams was marked as Defendant's Exhibit
19 No. 11 and entered into the record as evidence).

20 BY MS. LAPHAM:

21 Q. So when you were inside the house, it was Eric
22 Lattimore that comes running in this house with these drugs,
23 correct?

24 A. Yes, ma'am.

25 Q. It wasn't Nick Bonner?

1 A. No, ma'am.

2 Q. It wasn't you?

3 A. No, ma'am.

4 Q. And when he comes in asking for scales, it wasn't you
5 that gave him the scales?

6 A. No, ma'am.

7 Q. It was Jarvis McCluney?

8 A. Yes, ma'am.

9 Q. And the marijuana on the table, wasn't that thrown
10 there by Ronald Littlejohn when the cops came?

11 A. I -- I really -- I really can't recall. I really don't
12 know.

13 Q. That part you didn't see?

14 A. No, ma'am.

15 Q. But the drugs weren't yours, they weren't Nick's, they
16 were Eric Lattimore's?

17 A. No, ma'am.

18 Q. Now, when Eric Lattimore was in there, weren't you and
19 Nick and some others telling him you need to get out of here
20 with those drugs?

21 A. Say that --

22 Q. Weren't you and Mr. Bonner and some others telling Mr.
23 Lattimore that he needed to get out of there with those
24 drugs and take them out?

25 A. I -- I -- I really and truly don't remember. I mean --

1 Q. Y'all didn't tell him he needed to leave with those
2 drugs?

3 A. I -- I don't remember saying that.

4 Q. He brought the drugs in the home?

5 A. Yes, ma'am.

6 Q. And you state he was trying to run out that back door,
7 correct?

8 A. Yes, ma'am.

9 Q. And that back door doesn't open, does it?

10 A. No, ma'am.

11 Q. And to get to that back door, don't you have to run
12 right past that stove?

13 A. Yes, ma'am.

14 MS. LAPHAM: Nothing further Your Honor.

15 THE COURT: Anything?

16 REDIRECT EXAMINATION BY MR. BAIN:

17 Q. I want to clarify a few things.

18 Did you actually see Eric Lattimore come into the house
19 with drugs?

20 A. Yes, sir.

21 Q. When was the first time that you saw those drugs?

22 A. When was the first time I saw them? When he -- when
23 he -- when he took them -- took it out of his book bag and
24 placed on it scale to weigh it.

25 Q. On the scales.

1 You testified previously that an exchange occurred
2 between Nick Bonner and Eric Lattimore prior to asking for
3 the scales, is that correct?

4 A. Before, yes, sir.

5 Q. Okay. So let's clarify.

6 A. Yes, sir.

7 Q. The first time that you saw the drugs was when Eric
8 Lattimore asked for the scales?

9 A. No, the first time --

10 Q. When he pulled it out of the book bag --

11 A. Yes.

12 Q. -- and asked Jarvis for the scales?

13 A. No, when he pulled it out of the book bag and placed it
14 on the scales.

15 Q. But the exchange between Eric Lattimore and Nick Bonner
16 occurred prior to that?

17 A. Yeah, before, sir.

18 Q. So you didn't actually see him walk into the house with
19 drugs? He wasn't waving them around?

20 A. No, he -- he -- he had a book bag. He walked in with
21 his book bag, sir.

22 Q. All right. When you gave the statement to police were
23 you nervous?

24 A. Yes, sir.

25 Q. Okay. And is it fair to say that you didn't want to

1 write anything in there that would incriminate you?

2 A. Yes, sir.

3 Q. So you wouldn't want to write "I was smoking
4 marijuana," is that correct?

5 A. Yes, sir.

6 Q. Because it wasn't your crack cocaine?

7 A. No, sir.

8 Q. Or -- and it wasn't your cocaine, correct?

9 A. No, sir.

10 Q. Now, you said today you met with my office. Every time
11 you met with my office has your attorney been present?

12 A. Yes, sir.

13 Q. Have I ever met with you without your attorney there?

14 A. Oh, no, sir.

15 Q. And is this statement in your handwriting?

16 A. No, sir.

17 Q. Do you remember who wrote this statement?

18 A. Brandon Gardner.

19 Q. Okay. And is that statement a true and accurate
20 reflection of what you told Brandon Gardner?

21 A. Yes, sir.

22 Q. And did Brandon Gardner read it back to you before you
23 signed it?

24 A. Yes, sir.

25 Q. So you had to approve this before you signed it, is

1 that correct?

2 A. Yes, sir.

3 MR. BAIN: No further questions, Your Honor.

4 THE COURT: Anything?

5 MS. LAPHAM: Briefly, Your Honor.

6 THE COURT: Briefly.

7 RE CROSS EXAMINATION BY MS. LAPHAM:

8 Q. The exchange -- did Mr. Lattimore come in wanting a
9 cigarette? Could that exchange been a cigarette?

10 A. It could have -- it could have been anything, ma'am. I
11 really didn't see what was handed.

12 Q. Okay. Could have been cigarette?

13 A. It could have been a cigarette.

14 Q. And the drugs were not involved?

15 A. No.

16 MS. LAPHAM: Nothing further, Your Honor.

17 THE COURT: Sir, you may step down. Please be
18 careful.

19 THE COURT: Madam Forelady and ladies and
20 gentlemen of the jury, as I promised we won't run more than
21 about 90 minutes, and we are exactly right on time. It's
22 10:30. We started about 9:00, or at least we were already
23 in the courtroom a few minutes before you got here, so with
24 that we are going to take our morning break.

25 I know some of you smoke. If you choose to smoke

1 we will have to escort you out and stay with you while you
2 do smoke.

3 Can y'all arrange that?

4 THE CLERK: Yes, sir.

5 THE COURT: They can arrange that for you. I
6 personally wish you would quit. It killed my sister, but if
7 you do smoke, we will let you go outside to do that.

8 There is coffee here. There will be some water,
9 some soda, if you might want some caffeine. Whatever it
10 might be, we can assist you with that.

11 Don't talk about the case. It's certainly not at
12 an end and it would be improper to do that.

13 And number two, you are on break and you are at
14 work and you don't want to be taking about work.

15 So with that, Madam Forelady, if you would take
16 the jury out.

17 (The following takes place outside the presence of
18 the jury panel).

19 THE COURT: Anything from the State?

20 MR. BAIN: Nothing from the State, Your Honor.

21 THE COURT: From the defense?

22 MS. LAPHAM: Nothing from the defense, Your Honor.

23 THE COURT: Okay. Let's take about 15, 18
24 minutes.

25 MS. LAPHAM: Thank you.

1 (Whereupon, proceedings were recessed)

2 (Whereupon, proceedings were reconvened).

3 MR. BAIN: Your Honor, could we ask the previous
4 witness to be excused, Stephon Adams?

5 MS. LAPHAM: No objection.

6 THE COURT: Mr. Adams, you may be excused. You
7 may stay or you may be excused.

8 Let's have the jury.

9 (The following takes place in the presence of the
10 jury panel)

11 THE COURT: Madam Forelady, everybody good for the
12 jury?

13 JURY FORELADY: Uh-huh.

14 THE COURT: Ready to go back to work?

15 JURY FORELADY: Yes.

16 THE COURT: Solicitor.

17 MR. BAIN: Thank you, Your Honor.

18 The State calls Brandon Gardner.

19 OFFICER BRANDON GARDNER, having been first duly
20 sworn, testified as follows:

21 THE WITNESS: Yes, ma'am.

22 THE COURT: Sir, tell us your full name and spell
23 your last name for the court reporter, please.

24 THE WITNESS: Brandon Gardner, G-A-R-D-N-E-R.

25 THE COURT: Solicitor.

1 DIRECT EXAMINATION BY MR. BAIN:

2 Q. Officer Gardner, where are you currently employed?

3 A. At the Cherokee County Sheriff's Office.

4 Q. And how long have you worked with the sheriff's office?

5 A. Since January of 2009.

6 Q. And what are some of your responsibilities at the
7 sheriff's office?

8 A. I work in the Special Investigations Division, along
9 with Sergeant Federico. It's commonly known as narcotics.
10 We investigate anything requiring a special investigation,
11 whether it be prostitution, illegal narcotics, illegal
12 gambling, EBT fraud, array of investigations.

13 Q. And were you working in the capacity as a narcotics
14 officer on August 6th, 2012?

15 A. I was.

16 Q. And was there an investigation that you were working on
17 that day?

18 A. That's correct.

19 Q. Can you please tell us the nature of that
20 investigation?

21 A. A search warrant had been obtained for 126 Iris Lane
22 and that warrant was obtained that afternoon and we executed
23 that warrant on that day.

24 Q. And what was your role?

25 A. I was the lead investigator. I had received

1 information through an informant working with Detective Todd
2 Parker and so I was the lead investigator on that case, or
3 this particular case.

4 Q. Okay. And 126 Iris Lane, is that in Cherokee County?

5 A. It is. It is within the city limits of Gaffney and
6 inside Cherokee County.

7 Q. Do you remember what time that you executed the search
8 warrant?

9 A. Between four and five that afternoon.

10 Q. Okay. And did you use a confidential informant to
11 obtain that search warrant?

12 A. We did.

13 Q. Can you please explain the role of a confidential
14 informant to the jury?

15 A. We come across confidential informants in many
16 different ways, whether it be someone that comes forward
17 just for monetary values of wanting to get paid to give us
18 information.

19 I actually have some informants that we don't pay at
20 all.

21 And then we also run into some who may have been
22 charged for mostly narcotic charges and they wish to
23 cooperate with law enforcement in hopes of getting their
24 charge lessened or some type of plea agreement.

25 Q. And specifically what types of roles do they play? Do

1 they help get a search warrant?

2 A. Yes, sir, they do. They provide us with information.
3 Sometimes we will wire up a camera on the informant to go
4 purchase illegal narcotics from someone.

5 They also -- once that we can say that they are
6 reliable, we can send them to certain places or have them
7 give us information about illegal narcotics being at a
8 residence.

9 If we have a confidential reliable informant that tells
10 us that there has been illegal narcotics at a certain
11 location within 72 hours, we can acquire a search warrant
12 for that residence, which is good for up to ten days after
13 it's signed.

14 Q. Okay. And are you familiar with the term controlling
15 agent?

16 A. I am, yes, sir.

17 Q. Can you please explain that to the jury?

18 A. Sure.

19 Controlling agent -- if we have an informant that I was
20 put in contact with, whether it be through one of my
21 investigations or another way, and I was the one who signed
22 that informant up through an agreement packet, I would be
23 the controlling agent. I would be the primary source for
24 them to call for information back and forth, for me to
25 contact them, them to contact me, but it's also common

1 practice for Sergeant Federico, another agent that works
2 with us in narcotics, to use that informant. The
3 controlling agent is just -- excuse me, the controlling
4 agent is just who particularly signed that informant up and
5 who they were cooperating with at that stage.

6 Q. And for the search warrant at 126 Iris Lane, who was
7 the informant?

8 A. The informant was Prentiss Jefferies.

9 Q. And who was the controlling agent?

10 A. The controlling agent of Prentiss was Detective Todd
11 Parker.

12 Q. Now, prior to August 6th, 2012, had you had any contact
13 or dealings with Prentiss Jefferies?

14 A. On one occasion.

15 Q. Okay. And was that -- was he a CI in that case?

16 A. Yes, sir, I had rode with Detective Parker to meet with
17 him. It's been a while. It's five years. I want to say it
18 was around two to three weeks prior to the day that we
19 executed the search warrant.

20 Q. Okay. And can you explain the nature of that meeting?

21 A. Detective Parker had contacted me and explained to me
22 that -- he described one of his better informants was
23 involved in receiving some stolen goods. We went, I
24 believe -- he's more familiar with Prentiss than I was, to a
25 house, maybe a family residence in Westerly Park. Maybe

1 knocked on the door, spoke to someone. I stayed in the car.
2 And then later on that day I believe, or a day after -- I
3 believe it was that afternoon we met with Prentiss behind
4 the new high school. It's the summer months and no one was
5 in school there and we just -- Todd discussed with him the
6 case with the receiving stolen goods and trying to get
7 information who was actually committing the burglaries or
8 the larcenies and then he provided information about Nick
9 Bonner at 126 Iris Lane.

10 Q. Okay. So is it fair to say that the exact time and
11 possibly date you met with Prentiss you don't exactly
12 remember?

13 A. That's correct. It's been a while.

14 If I remember correctly it was later that afternoon,
15 but it could have been the day after, or a couple days. It
16 was in a close time frame.

17 Q. But you remember the general conversation y'all had
18 with Prentiss Jefferies?

19 A. That's correct, the general conversation I do remember.

20 Q. And what information did Prentiss Jefferies provide you
21 at that meeting?

22 A. That a term I believe Detective Parker used earlier in
23 testimony was he described Westerly Park as being dry. That
24 means, you know, that there wasn't any dope, cocaine, or
25 crack in the area then. That he had -- I don't remember

1 exactly how he explained to us he had received information
2 or gained information that Nick Bonner was going to receive
3 a large amount of cocaine. He had identified Nick Bonner's
4 house with Detective Parker.

5 And a search warrant was obtained on the first time I
6 met with Prentiss for marijuana. He had seen marijuana at
7 the residence and we didn't execute the search warrant right
8 then, or within those ten days, for the marijuana because we
9 were expecting a large amount of cocaine to come and we were
10 trusting in what Detective Parker had told me was one of his
11 better informants to give us information that the cocaine
12 had arrived.

13 Q. Okay. So you said you had prepared a search warrant
14 that you didn't execute, is that correct?

15 A. That's correct.

16 Q. And is that common practice at the sheriff's office?

17 A. It is. It happens more often than one would think.

18 Q. And why wouldn't you execute the search warrant, that
19 particular search warrant?

20 A. The reason we didn't execute the first one is because
21 we hadn't received information from our informant that the
22 large shipment of narcotics had arrived.

23 A lot of times, just because we have a search warrant
24 obtained for a residence, we don't execute it. It could be
25 due to children being there if we think during hours. It

1 could be due to our target of our investigation, him not
2 being there. An array of things, you know, for us to figure
3 out when and where and how we are going to execute the
4 search warrant.

5 Q. Is it fair to say y'all were waiting for a call for a
6 large shipment?

7 A. This particular investigation, the reason we didn't
8 execute the first search warrant is because we were
9 expecting a call from the informant of a large amount of
10 drugs being there.

11 Q. And why would you want to wait for that call?

12 A. To seize and get the largest amount of narcotics that
13 we could from our target of investigation.

14 Q. Now, how long have you worked in narcotics?

15 A. I began early in 2012, I believe around February. May
16 have been March before officially I started in narcotics.

17 Q. And what could possibly happen if you don't pick the
18 right time to search the house?

19 A. Essentially we miss the narcotics. You know, with what
20 we consider a target, you know, if we miss the drugs, then
21 maybe they change up how they operate and carry out their
22 business and we have to kind of start all over -- start all
23 over with our investigation.

24 Q. So the sheriff's office was waiting on a call from
25 Prentiss Jefferies?

1 A. That's correct.

2 Q. And does Prentiss Jefferies ever make that call?

3 A. He did.

4 Q. And who did the make that call to?

5 A. He contacted Detective Parker. For whatever reason, I
6 can't recall. I was the only narcotics officer working that
7 morning or mid day. Todd come to my office and said that he
8 had received a call from Prentiss Jefferies that the large
9 shipment had arrived at 126 Iris Lane.

10 We expected a large amount of people to be there. It
11 is within the city's jurisdiction. We had provided
12 information back and forth to the city narcotic officers, so
13 logistically I was responsible for preparing a raid plan,
14 for getting officers together and figuring out what officers
15 or all of who could help us.

16 During that time I discovered that a search warrant we
17 had expired. Explaining that to Detective Parker, who
18 actually contacted -- he said "we can call Prentiss. He's
19 told me that he saw marijuana there." He had me come to his
20 office. He was working as a detective then. His office was
21 up the hallway and he called Prentiss and placed his phone
22 on the desk on the speaker phone.

23 Q. And so the information that you received from Prentiss
24 on August 6th, 2012, was on speaker phone?

25 A. That's correct.

1 Q. And what was the nature of that phone call?

2 A. The nature was that the shipment of cocaine had
3 arrived. It's hard for me to remember exact details of what
4 he said. I remember there being a sense of urgency and that
5 he had also seen marijuana at the residence.

6 Q. Okay. And you had just said he said "the large
7 shipment is there?"

8 A. That's correct.

9 Q. And by there, what did he mean?

10 A. 126 Iris Lane.

11 Q. Did he tell you whose drugs or who was going to be
12 receiving those drugs?

13 A. I don't recall if he told -- if he said on that phone
14 call Nick Bonner has the drugs, but through the information
15 that had been discussed prior and over the phone and with
16 Detective Parker, I knew that he was referring to Nick
17 Bonner.

18 Q. Okay. And were you confident that Prentiss Jefferies
19 knew what marijuana looked like?

20 A. Yes.

21 Q. And from that phone call were you confident he had seen
22 it within the last 72 hours?

23 A. Yes.

24 Q. And if he hadn't seen it, would you have gotten the
25 search warrant?

1 A. No, we would not have.

2 Q. And was the search warrant just for marijuana?

3 A. When we require search warrants for drugs, whether it
4 be marijuana, crack, meth, legally we are authorized to
5 search anywhere where that particular drug would be. So
6 when we are searching for marijuana, then we also -- if we
7 run across crack cocaine, lawfully we can seize that
8 cocaine, or pills, meth, heroin, any other type of illegal
9 narcotic.

10 Q. And at the time you were aware that Prentiss Jefferies
11 had been used as a confidential informant for marijuana in
12 the past, is that correct?

13 A. That's correct.

14 Q. And if you have a search warrant for marijuana, please
15 tell the jury again where you are allowed to search the
16 house?

17 A. Anywhere where we believe marijuana could be located.

18 Q. And what type of places could that be?

19 A. Pretty much anywhere. Anywhere that marijuana could be
20 hid from law enforcement or other individuals. I mean,
21 marijuana can be in small bags. It could be hid anywhere.

22 Q. Okay. And you are sure on the speaker phone call that
23 was Prentiss Jefferies talking to you?

24 A. Yes, I was.

25 Q. And were you made aware of the statement he gave to

1 Ronnie Anderson later?

2 A. I was. It wasn't really right away. I remember seeing
3 the statement or speaking with Detective Anderson about it.
4 I believe he just kind of told me what was said. I never
5 saw the statement because his case file was separate from
6 mine when we turned them in.

7 Q. But you have seen the statement now, is that correct?

8 A. Yeah, I have. I have seen it.

9 Q. You know what it contains?

10 A. Correct.

11 Q. Is that the -- and the information Prentiss provided
12 Ronnie Anderson, did that assist in the search across the
13 street?

14 A. It did.

15 Q. And how about the information Prentiss provided to
16 y'all?

17 A. Absolutely.

18 Q. And did he assist with that big shipment?

19 A. Yeah, he did.

20 Q. And would you consider what was found in total at 126
21 and 125 a large shipment?

22 A. Since my time in narcotics, that's the largest cocaine
23 seizure that I have been involved in.

24 Q. Okay. And in your experience as a narcotics officer,
25 how long would that amount of drugs stay around that area?

1 A. Not as long as you would expect. Most -- in my
2 experience, most of individuals that are responsible with
3 that much weight or amount of cocaine are going to try to
4 get rid of it as quick as possible, so if law enforcement
5 does find it, they don't have it on them.

6 Q. Okay. Can you please tell the jury as your experience
7 in narcotics as a narcotics officer how those drugs might be
8 sold?

9 A. Sure. It can be a lengthy conversation when we discuss
10 prices and how they are sold.

11 Typically, in my experience, individuals that have that
12 much weight or that much amount of cocaine, they are going
13 to sell it in larger amounts. They are not going to sell it
14 gram for gram or in smaller amounts. They are going to sell
15 typically, you know, half ounce or an ounce at a time of
16 illegal narcotics.

17 Q. Okay. How much is an ounce in grams?

18 A. 28 grams.

19 Q. Okay. In your -- and you are familiar with the price
20 of the drugs in Cherokee County?

21 A. Yes, sir.

22 Q. Approximately how much would 50 grams of cocaine sell
23 for in Cherokee County?

24 A. It depends. I would -- an ounce of cocaine, 800 to
25 \$1,200. I mean, it's just depending on how many ounces you

1 are buying, the source you are buying it from, and if it's
2 been cut, or the things of that nature.

3 Q. So typically 50 grams of cocaine, how much would that
4 sell to? A range?

5 A. 50 grams?

6 Q. 50 grams of cocaine.

7 A. 12 to 1,500, somewhere around in there.

8 Q. Okay. And 50 grams of crack cocaine?

9 A. Around the same price, give or take.

10 Q. Can you please tell the jury about what you found when
11 you searched the house?

12 A. Just -- particularly just the searching of the house?

13 Q. Let me ask this. When you arrived, was there anyone
14 outside when you pulled up?

15 A. There was.

16 Q. Okay. And do you recall who was outside?

17 A. Yeah, my responsibilities, as far as executing the
18 search warrant, was I had the ram. It's called the
19 breacher, who's supposed to make entry into the residence.

20 I exited the vehicle, the first one out of the vehicle.
21 We ran towards the front door, the left side of the carport.
22 I saw a couple of individuals standing out there. One that
23 I'm just familiar with or I have known is Chris Bonner. I
24 saw him standing there under the carport.

25 As I was approaching the front of the house, a younger

1 black male run out and ran to my right, his left. He was
2 later identified as Ronald Littlejohn.

3 When I entered the house, I can't recall if Nick Bonner
4 was sitting or standing, but he was right in the area of the
5 living room and going into the kitchen or doorway that
6 separates. He was there.

7 And then there were other individuals inside the
8 kitchen trying to get out the door towards the carport.

9 Q. Okay. And can you explain the layout of the house?

10 A. Yeah. When you walk into the front door there is a
11 living room. To the right is a hallway. Going down the
12 hallway there is a bedroom to the right, bedroom at the end
13 of the hallway, bedroom to the left, and a bathroom to the
14 left, if I remember correctly.

15 Instead of going right, if you go left, that's where
16 you go into the kitchen area, and then there was like a
17 little closet back there behind the kitchen.

18 Q. Okay. And do you remember where everyone was at in the
19 house when you entered?

20 A. I don't. I have reviewed the case file and notes, but
21 when I went in I remember seeing -- I remember Chris was
22 standing outside with I think two other individuals.

23 Ronald Littlejohn ran out.

24 Nick Bonner, like I say, he was located in there
25 between the kitchen and the living room.

1 And I know Eric was the last one brought out of that,
2 but there was three or four other individuals trying to get
3 out the door.

4 Q. And you mentioned the different bedrooms in the house,
5 correct?

6 A. That's correct.

7 Q. How many bedrooms?

8 A. There were three.

9 Q. Okay. And were you able to determine who lived in each
10 room?

11 A. We were.

12 Q. How?

13 A. Once we got on the scene everybody is detained and then
14 they are read their Miranda Warnings, their Miranda Rights,
15 by whoever -- by whatever officer is executing the search
16 warrant, and then we -- we try to establish what we call a
17 clean room to place people in. That may be in the living
18 room. That may be on the porch.

19 This particular incident there was so many individuals
20 there that we took everyone outside that were being detained
21 and we left Nick Bonner, because he was in control of the
22 residence, inside with the officer executing the warrant so
23 he could see what items were being taken and get a copy
24 of -- or see what was being written on the return.

25 After that took place I went to the first -- when you

1 walk down the hallway, I went to the first bedroom on the
2 right. Inside that bedroom I observed pictures and awards
3 on the wall that had Nick Bonner's name on it for football
4 awards, and then some clothing in the closet, if I remember
5 correctly, and around the room.

6 I had information that Chris and Nick, his cousin
7 Chris, lived at the residence. They are both difference in
8 statute. Chris was a smaller guy than Nick is. It appeared
9 to me that that was Nick's room. It had his clothing, what
10 appeared to be his clothing, pictures and awards hanging on
11 the wall. Nothing illegal was found in that room.

12 I left that room and -- I can't remember which officer
13 went into Chris's room with me. We began to search there
14 and we did locate some currency and some ball tabs that
15 Chris stated were his later on in the investigation.

16 Then I was contacted by Deputy Adam Cooper, and I can't
17 recall who was in there with him. I remember Adam notifying
18 me that they had found a large amount of currency in a
19 bedroom. Then once I went into it, it appeared to be an
20 elderly woman's bedroom, Ms. Gwen, I now know to be her
21 bedroom.

22 Q. And when officer helping you on the search warrant
23 locates an item, do they typically move the item?

24 A. They don't. Depending on what the item is and the
25 situation around it, but if -- even when -- it's my warrant.

1 When I located the ball tabs, I don't -- or the currency, I
2 don't take them out. You know, I locate what it is and I go
3 get our officer who is executing the warrant, let him
4 photograph it and he takes it, because he's responsible for
5 the evidence taken from the residence.

6 Q. And who lived at 126 Iris Lane?

7 A. Nick Bonner, Chris Bonner, and apparently Ms. Gwen
8 Bonner did, or had at some point in time.

9 MR. BAIN: Your Honor, at this time the State
10 offers State's Exhibit 33, which is Nick Bonner's bond
11 sheet, under 519 as a self-authenticating document.

12 MS. LAPHAM: No objection.

13 THE COURT: Without objection.

14 (Whereupon, State's Exhibit No. 33 was entered
15 into the record as evidence)

16 BY MR. BAIN:

17 Q. Were you at this sheriff's office, are you familiar
18 with bond sheets?

19 A. A little bit.

20 Q. Are you able to read a bond sheet?

21 A. Yes.

22 Q. I'm handing you what's been entered in as State's
23 Exhibit 33. Whose bond sheet is that?

24 A. It appears to be Nick Bonner's.

25 Q. And what address does he list on that bond sheet?

1 A. 126 Iris Lane.

2 Q. And do you know what the purpose of the bond sheet is?

3 Do you know why you put your address on a bond sheet?

4 A. Yes, sir. Can I read it?

5 Q. Yes.

6 A. It says "acknowledgement by defendant.

7 "I understand that if I violate any condition of this
8 order a warrant for my arrest will be issued.

9 "Understanding I have been informed and have the right
10 and obligation to present at trial and should I fail to
11 attend the court, the trial will proceed in my absence.

12 "It has been explained to me if I fail to appear in
13 court as required, a warrant for my arrest will be issued,"
14 and that's where it was filled out, at 126 Iris Lane,
15 Gaffney, South Carolina, and his signature.

16 Q. Thank you.

17 Now, in your experience and training as a law
18 enforcement officer, have you had an opportunity to see and
19 identify illegal narcotics?

20 A. Yes.

21 Q. Have you had an opportunity to see and identify crack
22 cocaine?

23 A. Yes.

24 Q. And what about cocaine?

25 A. Yes.

1 Q. Can you please briefly describe the difference between
2 the two to the jury?

3 A. Cocaine is a powder-like substance. It's going to be
4 white. It is used to make crack cocaine.

5 Crack cocaine is made from baking soda and water. They
6 whip it to make it into -- it looks like a cookie. And
7 sometimes it will be like a yellowish color, where cocaine
8 powder will be typically white.

9 Q. Now, when you entered the house what did you locate?

10 A. We went in, you know, we detained all the individuals
11 in there. It was obvious that we had located marijuana.
12 You could see two bags of marijuana laying on the table.

13 We started a search of the residence. At some point in
14 time I was notified that one of the individuals -- or one of
15 our investigators had located crack cocaine in the oven.

16 Q. Okay. And do you recognize these pictures?

17 A. Yes, it's one of the oven. It's the oven at Nick
18 Bonner's residence with the oven door open and then crack
19 cocaine in the oven.

20 Q. Okay. I'm showing you what's been entered into
21 evidence as State's Exhibit 10-B. Could you please tell the
22 ladies and gentlemen of the jury what that is?

23 A. It's the oven with the oven door open with the bag of
24 crack cocaine. It was approximately two ounces of crack
25 cocaine.

1 Q. And how much is two ounces in grams?

2 A. 56.

3 Q. And is there anything else on that bag?

4 A. It was a -- what we call a corner bag or glassine bag.
5 Sometimes they will use sandwich bags or other bags to place
6 crack cocaine in and tie it up, and there was a dollar bill
7 located either on top or beside the crack cocaine.

8 Q. Okay. And did you locate any other narcotics on any
9 people that today?

10 A. Yes, sir. I didn't. The individual that ran when we
11 were approaching the house was Mr. Ronald Littlejohn. My
12 lieutenant, Lieutenant Painter, apprehended or detained Mr.
13 Littlejohn and he had crack cocaine, cocaine in his
14 possession. I think that was all the illegal narcotics he
15 had.

16 Q. Okay. I'm showing you what has been entered into
17 evidence as State's Exhibit 12-A. Do you recognize that
18 photo?

19 A. That's Mr. Littlejohn seated with an investigator
20 holding the crack cocaine and cocaine that was located in
21 one of his pockets.

22 Q. And that was located on Mr. Littlejohn?

23 A. Yes, sir, after a brief pursuit on foot, maybe
24 20 yards.

25 Q. And did you locate any other drugs inside or outside

1 the house?

2 A. Outside the residence we located a red drawstring bag
3 that also had close -- or right at two ounces of crack
4 cocaine in it.

5 Q. I'm showing you what has been entered into evidence as
6 State's Exhibit 11. Do you recognize that picture?

7 A. It is. It was a picture that was taken after the red
8 bag -- it was kind of buried under that pine straw.
9 Officers found it suspicious and pulled it out and saw it
10 had crack cocaine in it and placed it back and then a
11 picture was taken by Sergeant Federico where they located it
12 at.

13 Q. And do you recall where in the yard it was found?

14 A. In the back yard at 126 Iris Lane there is some dog
15 houses. I can't remember how many dogs were there. It's
16 been five years, but right at the -- before you get to the
17 dog houses in the corner of the yard there is -- that's
18 where it was located, on the left side.

19 Q. If you saw an aerial photo of the property, could you
20 point out where it was found on the property?

21 A. In the basic area, yes, sir.

22 MR. BAIN: May I approach the witness?

23 THE COURT: Yes, Your Honor.

24 BY MR. BAIN:

25 Q. I'm showing you what's been pre-marked State's Exhibit

1 22 (sic) for identification purposes only.

2 A. Okay.

3 Q. Do you recognize what's in this photo?

4 A. It appears to be Iris Lane.

5 Q. Okay. And is it a true and accurate reflection of Iris
6 Lane?

7 A. Yeah. Yes, sir.

8 Q. Does there appear to be any alterations or deletions?

9 A. Not that I'm aware of.

10 Q. This is a true and accurate reflection of Iris Lane?

11 A. Right.

12 MR. BAIN: Your Honor, at this time the State
13 offers State's Exhibit 27 for admission into evidence.

14 MS. LAPHAM: No objection.

15 THE COURT: It's admitted without objection.

16 (Whereupon, State's Exhibit No. 27 was entered
17 into the record as evidence)

18 (Witness off the witness stand)

19 BY MR. BAIN:

20 Q. Now, Officer Gardner, are there any identifying
21 features in that photograph that would tell you where each
22 house is?

23 A. There was some writing posted on the address of the
24 residence.

25 Q. And is there writing that says 126 Iris Lane?

1 A. This residence here.

2 Q. All right. Now, was that red bag found on the property
3 at 126 Iris Lane?

4 A. Yes, sir.

5 Q. And can you point to the general area it was found?

6 A. This area here.

7 Q. Did you see anybody with that red bag that day?

8 A. No, sir, other than law enforcement. Once they showed
9 me where it was at, I didn't see nobody in the area.

10 Q. Which was buried in the pine straw?

11 A. Right. Yes.

12 Q. And what was found in that red bag?

13 A. Two ounces of crack cocaine, or approximately two
14 ounces of crack cocaine.

15 Q. Okay. I am now showing us what's been entered into
16 evidence as State's Exhibit 11-B.

17 Could you please tell the ladies and gentlemen of the
18 jury what that is?

19 A. Two ounces of crack cocaine was located in the red
20 drawstring bag in the yard.

21 Q. Okay. You can have a seat.

22 (Witness back on the witness stand).

23 BY MR. BAIN:

24 Q. Now Officer Gardner, did you take possession of those
25 narcotics?

1 A. I did.

2 Q. All three sets?

3 A. From Ronald Littlejohn, the crack cocaine located in
4 the oven, and the crack cocaine located in the yard.

5 Q. Did you have anything to do with seizing the drugs
6 across the street?

7 A. I did not.

8 Q. Were you there?

9 A. I was.

10 Q. Okay. But you didn't take control or possession of any
11 of them?

12 A. I didn't.

13 Q. Okay. And what do you do when you take narcotics into
14 evidence?

15 A. When we go on a search warrant we have what we call a
16 raid bag. Each investigator has their own. It has
17 documents and manila folders and camera and stuff of that
18 nature.

19 Sergeant Federico executed the warrant.

20 When we are getting ready to leave, all the evidence
21 that we collect, we seized, is placed into the manila
22 folders, you know, with some notes on them about where it
23 come from, you know, this and that; who or may not have
24 claimed them. It's kept in my custody.

25 Once we get back to the sheriff's office and we

1 complete what we call evidence forms.

2 Marijuana is tested on site by a couple of our CSI
3 guys. Any other narcotic is placed into a BEST bag that is
4 sent to SLED for testing.

5 Q. Can you please describe to the jury what a BEST bag is?

6 A. It's a -- it comes in a manila folder. You open it up.
7 One sheet of paper is the chain of custody, which is just
8 a -- it kind of gives you a log of where the drugs have been
9 since they were in law enforcement's custody. It also gives
10 the date, time of arrest, or when the drugs are found, or
11 whoever had found them, or where they were impounded from.

12 We put an evidence form for the sheriff's office in the
13 bag as well. It's just like an in-house chain of custody.

14 And then there is another form that's completed that
15 has my name, because I'm the lead investigator. It has the
16 suspects or subjects names, as well as description of the
17 drug, and it is placed into a sealed bag with the illegal
18 narcotics. It's got an adhesive that you have to place on
19 it when it's sealed and it's impossible to break that seal
20 without damaging the bag.

21 So it's sealed, placed into a manila envelope, placed
22 together and then put in our evidence vault to be sent to
23 SLED for testing by one of our crime scene guys or evidence
24 custodians.

25 MR. BAIN: May I approach witness, Your Honor?

1 THE COURT: Yes.

2 BY MR. BAIN:

3 Q. I'm handing you what's been pre-marked State's Exhibit
4 31. Would you please take a look at that?

5 A. I will.

6 Q. Do you recognize that?

7 A. It's the BEST bag that was completed for the crack
8 cocaine and cocaine that was located in the possession of
9 Ronald Littlejohn.

10 Q. Okay. And can you briefly describe the purpose of a
11 BEST bag? Can it be reviewed?

12 A. One time use. As soon as we seal the bags, the only
13 way to get into it is damage it.

14 Q. Okay.

15 A. So it's a one-time use.

16 Q. Can it be resealed?

17 A. No, sir, it can't be.

18 Q. And are those the narcotics that you seized?

19 A. From Ronald Littlejohn, yes.

20 Q. And how did you -- what did you do with the narcotics
21 after you got them down to the sheriff's office?

22 A. For this particular investigation the narcotics that
23 were seized, when I got back to the sheriff's office,
24 they were -- I filled out my evidence forms. I placed them
25 into a manila folder and dropped them into our evidence drop

1 box.

2 What the drop box is it looks like a mail slot on the
3 wall. It goes into a box that our evidence custodians get
4 and collect and put into the evidence vault.

5 To be quite honest, I hadn't completed the BEST bag
6 with more than three suspects before, because it only comes
7 with three places for your suspects on the kit that's inside
8 the BEST bag. So after speaking with our evidence custodian
9 and determining what's the best way to fill out the bag, I
10 then got him to sign the drugs back out to me so I could
11 complete the BEST bags the proper way to be sent to SLED for
12 testing.

13 Q. So on August 6th, 2012, did you place the BEST bag into
14 the evidence vault?

15 A. Can I refer to my notes and I'll let you know the
16 times?

17 Yes, sir, August 6th, 2012, at around ten o'clock.

18 Q. Okay. And on August 8th, 2012, did you take them back
19 out of the evidence drop box?

20 A. I did, to complete my BEST bag and to put them -- I put
21 them back into the evidence vault at around four o'clock on
22 the 8th to be sent to SLED for testing.

23 Q. And concerning State's Exhibit 31, did you place the
24 drugs into the BEST bag, is that correct?

25 A. That's correct.

1 Q. And then into the evidence vault?

2 A. That's correct.

3 Q. And did you have access to those drugs prior to them
4 being sent off to SLED?

5 A. The only three employees of the sheriff's office have a
6 key to that vault.

7 Q. Okay. And the vault is secured?

8 A. Yes, it is.

9 Q. Okay. Is there a difference between the drop box and
10 the evidence vault?

11 A. Yeah. You can consider the drop box inside the
12 evidence vault. The -- there is only one door into the
13 evidence vault. It's locked. Only -- I think the sheriff
14 and -- there may be four. I know Lieutenant Anthony and
15 Lieutenant Bright are both evidence custodians. They have a
16 key and there is just a tiny mail slot with a little door.
17 I mean, it's like a -- it may be four inches tall, maybe,
18 that we slide our evidence in that goes into a box that they
19 go back and fill out to log the stuff into evidence.

20 Q. I'm now showing you what's been pre-marked State's
21 Exhibit 30. Are you able to identify that?

22 A. Yes, sir.

23 Q. And what does that contain?

24 A. This is the BEST bag that was completed for the crack
25 cocaine that was located in the oven and the crack cocaine

1 that was located in the yard.

2 Q. And is the crack cocaine that was located in the oven
3 separated from the crack cocaine that was located in the
4 yard?

5 A. It's separated, yes, sir. It's in two separate
6 glassine baggies.

7 Q. And to your knowledge was it tested separately by SLED?

8 A. Yes.

9 Q. Do you know the combined weight or the approximately
10 combined weight?

11 A. I think it was over a 100 grams.

12 Q. Now, did you follow the same procedure with that set of
13 narcotics?

14 A. We did, yeah.

15 Q. Did you place them in the evidence drop box on August
16 6th, 2012?

17 A. I did.

18 Q. And did you retrieve them from the evidence drop box on
19 August 8th, 2012?

20 A. I did, yes, sir.

21 Q. You keep documentation of that, is that correct?

22 A. Yes, we do.

23 Q. And did you have access to those drugs once you placed
24 them in the drop box on August 8th, 2012?

25 A. No.

1 Q. Only -- who all would have access to them?

2 A. I apologize. It's either three or four individuals at
3 the sheriff's office have the key. Just our evidence
4 custodians have a key to the evidence vault.

5 Q. But you don't have a key, is that correct?

6 A. I do not.

7 Q. What else did you locate in the house that day?

8 A. I believe Jarvis McCluney had some scales located on
9 him.

10 We also located several boxes of glassine bags. They
11 were kind of in like a pantry or something outside in the
12 carport.

13 Q. I am showing you what's been entered into evidence as
14 State's Exhibit 17. Would you please take a look at that
15 picture?

16 A. Yes, sir, that's the digital scales that Jarvis
17 McCluney had stated were his.

18 Q. And do you see anything on that scale?

19 A. It appears to have cocaine residue on the scale, and it
20 looks like it may have some marijuana residue as well, but I
21 can identify what appears to be cocaine residue on it.

22 Q. Okay. And I'm showing you what's been pre-marked
23 State's Exhibit 32 for identification purposes only. Will
24 you take a look at that?

25 A. Yes, sir. It appears to be the scale there.

1 Q. Do you recognize that item?

2 A. It's the scale picture there Jarvis McCluney stated was
3 his.

4 Q. And did you recover it that day at 126 Iris Lane?

5 A. We did.

6 Q. And has there been any alterations or changes to that
7 scale?

8 A. It would have been placed into evidence when we got
9 back and then we wouldn't have took it back out until today.

10 MR. BAIN: Your Honor, at this time the State
11 offers State's Exhibit 32 for admission into evidence.

12 MS. LAPHAM: No objection.

13 THE COURT: Without objection it's admitted.

14 (Whereupon, State's Exhibit No. 32 was entered
15 into the record as evidence)

16 BY MR. BAIN,

17 Q. Once again, who did you find that scale on?

18 A. Jarvis McCluney.

19 Q. Okay. Did you find any money on Jarvis McCluney?

20 A. I don't believe so. I would have to look back in my
21 notes.

22 Q. Okay.

23 A. Yes, sir. I do apologize. He was found to be in
24 possession of \$370 and that digital scale there.

25 Q. Did you locate any money -- any other money inside the

1 house?

2 A. Mr. Bonner, Nick Bonner, had \$1,250 in one of his
3 pockets.

4 Q. Okay. And did you locate any money inside any of the
5 bedrooms?

6 A. Yes, sir, the bedroom that Chris Bonner was his, he had
7 some currency, too, with the ball tabs. It was \$615.

8 Q. Okay. And was there money anywhere else in the house?

9 A. No, sir.

10 Q. There is no money in the bedroom?

11 A. Oh, yes, sir, I apologize. There was \$13,084 in the
12 left bedroom, left back bedroom.

13 Q. Okay. I'll show you what's been entered into evidence
14 as State's Exhibit 13-A.

15 What do you know about this money?

16 A. It's smaller denominations. It's also wrapped with
17 rubber bands, as you can see there.

18 Once the officers, you know, contacted me and let me
19 know they located a large amount of currency, they had just
20 seen it, didn't place it. That was how it was stuffed into
21 the drawer.

22 Q. And did you find anything else at the scene that stood
23 out to you?

24 A. The glassine bags that were located in the little
25 pantry, the sandwich bags.

1 Q. And why was that of interests to you?

2 A. The area in where they were located, as well as it's my
3 knowledge and experience in working in or investigating
4 illegal narcotics, those bags are typically used to
5 transport, sale, distribute illegal narcotics, particularly
6 illegal narcotics, particularly marijuana and crack cocaine
7 and cocaine.

8 Q. I'm showing you what's been entered into evidence as
9 State's Exhibit 14.

10 Could you please describe this picture?

11 (Witness off the witness stand).

12 A. That's inside the carport and up there you can see the
13 boxes of little sandwich bags.

14 BY MR. BAIN:

15 Q. Okay. I'm showing you what's been entered into
16 evidence as State's Exhibit 14-A.

17 Could you please tell us what's in that picture?

18 A. Four of the boxes of sandwich bags. I believe it says
19 150 count.

20 Q. And do you recall if those were open?

21 A. I don't recall. It appears this one here is open,
22 maybe that one, but I don't recall if they had been opened
23 or not.

24 Q. And that was found on the property at 126 Iris Lane?

25 A. It was, in like a pantry-closet type area right outside

1 the carport -- or inside the carport.

2 Q. And did you find the drugs in glassine baggies?

3 A. We did.

4 (Witness back on the witness stand).

5 BY MR. BAIN:

6 Q. Now, after the search who did you arrest?

7 A. All subjects that were there on the scene were arrested
8 for trafficking crack cocaine.

9 Q. Okay.

10 A. Would you like for me to list them?

11 Q. Yes, please.

12 A. Nick Bonner, Ronald Littlejohn, Jarvis McCluney, Travis
13 Davidson, Stephon Adams, Chris Bonner, Nickcos Smith,
14 Quintin Horton, Eric Lattimore, and Jordan Smith, who was a
15 juvenile at the time.

16 Q. Okay. And after the search did you observe any
17 argument between the defendants?

18 A. Yes, sir, I did.

19 Q. Who was the argument between?

20 A. Between Nick Bonner and Eric Lattimore.

21 Q. And do you know the nature of that argument?

22 A. I was actually in pretty close proximity to them in the
23 front yard. We had brought Nick out. I don't know who
24 brought Nick out, but Nick had seemed to be pretty agitated
25 because Eric wouldn't claim the drugs and kind of pushed or

1 shoved him and then, you know, I told them to quit and
2 whatnot, you know. Both of them complied and were separated
3 from one another.

4 Q. And how were the individuals transported to the jail?

5 A. All the individuals, except for -- well, Jordan Smith
6 was a juvenile. He can't be transported to our detention
7 center because of his age, so I contacted the detention
8 center to have one of their transport officers come and get
9 Mr. Smith and take him to -- I don't know exactly where they
10 transported the juvenile to. I believe it may be Columbia.

11 Then Nick Bonner and the rest of the individuals were
12 transported together, and Eric Lattimore was transported
13 separate, just for his safety, because they had just gotten
14 into an altercation.

15 Q. And when you arrived at the jail did you separate them?

16 A. They were. I can't remember exactly how many people
17 was at the jail. I didn't book them, but due to, you know,
18 who may not or who may be in booking at the time. All the
19 individuals, except for Eric Lattimore, were placed in the
20 same holding cell, just to keep them separate so, you know,
21 an altercation wouldn't occur for the safety of Mr.
22 Lattimore.

23 Q. Now, did you transport anybody?

24 A. I did not.

25 Q. What happened after the search at 126 Iris Lane?

1 A. I can't recall exactly who let me know, if it was
2 Detective Parker or Detective Ronnie Anderson. I mean, it
3 was -- we had discussed throughout the search, you know,
4 here and there "this isn't the large shipment. This ain't
5 what we expected."

6 It was brought to my attention that they had spoke to
7 the informant, that a search warrant was being acquired by
8 Ronnie Anderson for a house across the street where the
9 narcotics -- where the large shipment had been placed.
10 After everyone was placed in the vehicles, the transport van
11 and transported away, maybe eight or ten of us walked to the
12 residence across the road.

13 Q. And you were not involved in seizing any of those
14 drugs?

15 A. I was not. I mean, just honestly, the reason I went
16 across the road to the house, I was excited, you know, from
17 information we had gained and I wanted to see if we were
18 able to seize that amount of drugs that we thought would be
19 there.

20 Q. Now, did you take a statement from Nick Bonner?

21 A. I did.

22 Q. And when and where did you take the statement?

23 A. It was at the Cherokee County detention center.

24 Q. And who was present during the statement?

25 A. Myself and Detective Mike Scruggs from Gaffney City

1 Police Department.

2 Q. Was the statement recorded or handwritten?

3 A. It was handwritten.

4 Q. And who wrote the statement?

5 A. I did.

6 Q. I'm showing you what's been pre-marked State's
7 Exhibit 18 for identification purposes only. Would you take
8 a look at that?

9 A. Yes, sir.

10 Q. Do you recognize that?

11 A. Yes, sir, it was the -- it's the pre-interrogation
12 waiver form that was completed before a voluntary statement
13 was provided by Mr. Bonner.

14 Q. Okay. And does that appear to be a copy of the
15 statement that you took from Nick Bonner on August 6th,
16 2012?

17 A. Yes, sir.

18 Q. And does it appear to be a copy of the
19 pre-interrogation waiver form?

20 A. It is.

21 Q. From August 6th, 2012?

22 A. It is.

23 Q. And is it a fair and accurate representation of that
24 statement?

25 A. Yes, sir.

1 Q. Does there appear to be alterations or deletions from
2 that statement?

3 A. No, sir.

4 MR. BAIN: Your Honor, at this time the State
5 would offer State's Exhibit 18 into evidence.

6 MS. LAPHAM: No objection, Your Honor.

7 THE COURT: Without objection, State's 18 is
8 admitted.

9 (Whereupon, State's Exhibit No. 18 was entered
10 into the record as evidence)

11 BY MR. BAIN:

12 Q. Now, in your experience and training as a law
13 enforcement officer, are you able to recognize when someone
14 appears to be under the influence of drugs or alcohol?

15 A. Yes, sir.

16 Q. And during the interview did Mr. Bonner appear to be
17 under the influence of drug or alcohol to the extent it
18 would impair his ability to understand or answer questions?

19 A. Not at all.

20 Q. And did he appear to have any physical or mental
21 disability to the extent it would impair his ability to
22 understand?

23 A. No, sir.

24 Q. Was there any question in your mind he understood what
25 you were asking him?

1 A. No question at all.

2 Q. And what were the surroundings of the room where the
3 questioning took place?

4 A. It's a small room. There's a doorway going into it.
5 It's right outside the booking area of the jail. You walk
6 into the door and there is a fold-out table about the size
7 of that one sitting parallel or perpendicular to the wall,
8 and there is two -- typically two seats on one side of it
9 and a seat on the other, and you can approximately fit eight
10 people in there comfortably, six to eight people.

11 Q. Okay. And do you remember the length of time the
12 questioning took?

13 A. Yeah, we fill out a time at the bottom of what time the
14 interview began and what time it was completed. It began at
15 12:15 and was completed at 12:25 p.m., so ten minutes.

16 Q. And did the defendant ask for any breaks?

17 A. He did not.

18 Q. Okay. And was the defendant denied access to the
19 bathroom or food or drink?

20 A. No, sir.

21 Q. Was the defendant advised of the nature of the
22 investigation?

23 A. He was, yes, sir.

24 Q. And was the defendant advised of his rights pursuant to
25 Miranda prior to any questioning regarding the crime?

1 A. Yes, sir. We fill out the pre-interrogation waiver and
2 we write the name and all the identifiable remarks at the
3 top, with the case number that's associated with this
4 interview or statement.

5 And then that statement of rights, I would read all the
6 rights to him and ask him to initial or check to see if they
7 fully understand their rights. Put my name as the
8 individual they are talking to and my name, identify myself
9 and have them sign that they understand their rights and
10 then the witness will sign that they observed the individual
11 understood his rights.

12 Q. Okay. Could you please read the rights from that
13 pre-interrogation waiver form?

14 A. It says "before any questions that are asked of you,
15 you must understand your rights.

16 "You have the right to remain silent.

17 "Anything you say can and will be used against you in a
18 court of law.

19 "You have the right to talk to a lawyer and have a
20 lawyer present with you while you are being questioned.

21 "If you cannot afford to hire a lawyer, a lawyer will
22 be appointed, free of any costs, to represent you before any
23 questioning begins.

24 "You have the right to stop answering questions at any
25 time.

1 "The above rights have been read to me by," it was -- I
2 wrote my name "B. Gardner."

3 "I have read the above rights and understand them
4 fully.

5 "Signed", and I put an X there to identify where Mr.
6 Bonner needed to sign, and then a witness where Detective
7 Michael Scruggs signed for the witness.

8 Q. Okay. And did he indicate in any way you had read him
9 his statement of rights?

10 A. He signs that he understands them.

11 Q. What about with each individual right as you read them
12 there?

13 A. He put a check mark beside them to say, you know, I had
14 read him all his rights.

15 Q. And did the defendant appear to have any trouble
16 understanding his rights?

17 A. He did not.

18 Q. Okay. Are you familiar with the defendant's
19 educational level?

20 A. I was aware that he had went to high school. I wasn't
21 aware if he had graduated or not.

22 Q. Okay. Was the defendant able to read from the form?

23 A. We don't just hand an individual the form. We
24 typically read it and then provide it to them and then they
25 sign it. They can read over it or read it with us together,

1 however they choose.

2 Q. Okay. Did the defendant have any trouble or did you
3 believe he had any trouble understanding the English
4 language?

5 A. He did not.

6 Q. And he did not appear to be impaired in any way?

7 A. No, sir.

8 Q. Was there any doubt he understood the rights that you
9 had read?

10 A. No, sir.

11 Q. Did the defendant answers to questions appear rational
12 and responsive?

13 A. Yup. Yes, sir.

14 Q. Did anyone in your presence threaten or coerce the
15 defendant in any fashion or offer him any promises or
16 reward?

17 A. No.

18 Q. Did the defendant ask for an attorney prior to
19 answering any questions?

20 A. He did not.

21 Q. Okay. Did he ever ask for an attorney during the
22 statement?

23 A. He did not.

24 Q. What would have happened if he had asked for an
25 attorney?

1 A. We stop right there. I mean, if -- if we are in the
2 middle of an interview or a voluntary statement and during
3 the statement they just tell us that they would rather they
4 feel more comfortable with a lawyer being there, we document
5 on the statement "subject requests a lawyer at this time"
6 and we are done. You know, we can't discuss it without
7 their attorney being there.

8 Q. And you witnessed his signature on that
9 pre-interrogation form?

10 A. Yes, sir.

11 Q. And, to the best of your knowledge, was the defendant's
12 statement freely and voluntarily given?

13 A. Yes.

14 Q. Now, going to the actual statement, who wrote that
15 statement?

16 A. I did.

17 Q. And who did you write it for?

18 A. For Mr. Bonner.

19 Q. Could you briefly tell the jury how that works when you
20 write a statement for someone?

21 A. Sure. We sit down and after they have completed the --
22 we complete the pre-interrogation waiver form, I begin
23 discussing -- you know, asking them what was going on this
24 date, whose drugs were they, things of that nature, and then
25 I begin to write their statement.

1 Once they are completed with their statement, I show
2 them their statement, read it back to them, allow them to
3 look over it and we draw a circle at the beginning of the
4 statement and a circle at the end of the statement and ask
5 them to initial if everything is true and correct. And if
6 they -- you know, if they want to add something, take
7 something out, we do that then, and then draw a line that
8 says end of statement so no one can go back and add anything
9 to their statement and we get them to sign at the bottom of
10 that voluntary statement.

11 Q. So you read the statement back to them before you have
12 them sign?

13 A. Yes, sir.

14 Q. Okay. And have you had an opportunity to read that
15 statement?

16 A. I have.

17 Q. And is that the statement Nick Bonner gave on August
18 7th, 2012?

19 A. It is.

20 Q. Will you please read that to the jury?

21 A. It says "voluntary statement.

22 "Name: Nick Bonner.

23 "Eric Lattimore came to my house on Monday and pulled
24 out a bag with a big block of crack cocaine and," I (sic),
25 "asked if we had a scale to weigh his crack. He asked

1 Jarvis for a scale and he wanted to sell what he had for
2 \$350. Then I said here they come and saw Eric running
3 toward the back of the house. Then the police came inside
4 and Eric walked back to the front of the house. Eric told
5 us he wanted to sell seven grams of crack for \$350."
6 Initial inside the circle and I wrote "end of statement".

7 The witness signed, which is Detective Michael Scruggs.
8 I signed.

9 It appears that Mr. Bonner initialed at the wrong line,
10 so we had him initial on the correct line, which it says
11 "signature of person giving voluntary statement."

12 Q. And were you involved in any other statements that were
13 taken from other defendants?

14 A. I was.

15 Q. Okay. Were you involved in Eric Lattimore's statement?

16 A. I was.

17 Q. And did you give any of the defendants any information
18 about the case prior to taking the statement?

19 A. I did not. They were advised of their Miranda
20 Warnings. And there is a spot on the pre-interrogation
21 waiver that says "fully understanding my rights as they have
22 been explained to me, I wish to waive (give up) my rights
23 and talk to Deputy Gardner in reference to crack cocaine."
24 That's the only information they were provided toward me. I
25 just let them know we wanted to talk about crack cocaine. I

1 asked them what all went on that day, in particular around
2 the time that we arrived and they provided statements.

3 Q. Specifically did you tell Eric Lattimore about what was
4 found across the street?

5 A. No, I did not.

6 Q. Were you involved in the interview with Stephon Adams?

7 A. I was.

8 Q. Did you tell him anything about what was found across
9 the street?

10 A. I did not.

11 Q. Okay. So is it fair to say when these individuals
12 wrote these statements, they weren't -- at least you hadn't
13 told them about what was found across the street?

14 A. I had not.

15 Q. Is it common for officers at the sheriff's office to
16 use another person's confidential informant?

17 A. Yes, sir, it is.

18 Q. And why is that?

19 A. It may be that I'm out of town for a week, that I'm
20 working on another case, and I have an informant to provide
21 some information that I may pass along or have that
22 informant to contact one of my partners in narcotics, as
23 well as if I have an informant that has information about
24 crimes that the special -- or Criminal Investigation
25 Division Unit work, I will put them in contact with them; or

1 vice versa, if they have an informant that has information
2 about drugs or something that we investigate, they will
3 provide or make us in contact with that informant.

4 Q. And was Todd Parker working in narcotics at the time?

5 A. He was working in the Criminal Investigation Division,
6 which is particularly larcenies, burglaries, violent crimes,
7 things of that nature.

8 Q. Do you remember a meeting between myself, you, Nick
9 Federico, and Prentiss Jefferies?

10 A. I do.

11 Q. And do you remember what he told me during that
12 meeting?

13 A. Yes, sir.

14 Q. What did he tell me?

15 A. He -- he stated that he would tell you "whatever you
16 want to know now, but I will lie on the stand and I will say
17 I was coached in my statement."

18 Q. Okay.

19 MR. BAIN: No further questions, Your Honor.

20 THE COURT: Yes, ma'am.

21 MS. LAPHAM: Thank you, Your Honor.

22 If I may briefly, Your Honor?

23 (Off the record).

24 (Back on the record)

25 MR. BAIN: Your Honor, we have a matter of law.

1 MS. LAPHAM: May we approach briefly?

2 (Whereupon, the lawyers approached the bench for
3 an off-the-record discussion)

4 CROSS EXAMINATION BY MS. LAPHAM:

5 Q. Now, why didn't Todd Parker get his own search warrant?

6 A. Todd was working in the Criminal Investigation
7 Division. Since I have been at the sheriff's office, I
8 can't tell you a time a criminal investigator has obtained a
9 search warrant for narcotics.

10 Q. So it had nothing to do with him being under
11 investigation at that point?

12 A. I think that y'all heard Todd testify he had no idea he
13 was under investigation. I certainly didn't have any idea
14 that he was under investigation.

15 Q. And he was just going to take this big case with his
16 informant and turn it over to somebody else?

17 A. Right.

18 Our criminal detectives, there is only five of them,
19 they are -- mostly they deal with cases with victims.
20 During their case load, you know, like I say, there has
21 never been one criminal detective work a narcotic case since
22 I have been at the sheriff's office. If they have
23 information about narcotics, they provide it to the
24 narcotics unit, just as our narcotics unit would provide
25 information to them about larcenies, vehicle thefts,

1 anything of that nature they typically investigate.

2 Q. Now, the money that was taken from Gwen Bonner's room,
3 which is Nick's mother, who counted that money?

4 A. I believe it was counted in the bedroom and then -- I
5 can't -- I know that I counted it one time. I don't
6 remember who all counted it. I do know that we would have
7 counted it again once we got back to the sheriff's office.

8 Q. Where is the money now?

9 A. When we seize money we place it -- we take it to a
10 bank. It's put into a holding account, so I assume it's
11 still in the bank.

12 Q. Now, didn't Ms. Bonner try to get her money back?

13 A. She did not -- she did not contact me. It was maybe a
14 year -- six months to a year later she showed up stating
15 that the money was hers, but I had not heard that until a
16 year down the road.

17 Q. Wasn't that because the hearing was set then on the
18 money?

19 A. That's correct, it was set that day that she showed up.
20 She had not contacted me prior to that hearing date.

21 Q. That was the forum for her to get it back, correct?

22 A. Or to contact me to let me know it was hers, either
23 way.

24 Q. But she did appear and try to get the money back?

25 A. Close to a year later she did.

1 Q. But it still hasn't been resolved yet?

2 A. It has not.

3 Typically the money we seize, it's not resolved until
4 after a criminal hearing, because it's held separately.
5 It's in civil court.

6 Q. Why was the money taken out of her room from her drawer
7 during this incident?

8 A. Kind of the totality of the circumstance. A search
9 warrant was obtained there for illegal narcotics. We
10 arrived there, there was an individual who was detained
11 running from the residence, had a large -- had cocaine and
12 crack cocaine on him. Crack cocaine located in the oven.
13 Crack cocaine located outside. Marijuana located inside the
14 house.

15 The currency was in small denominations; fives, tens,
16 twenties, wrapped in rubber bands stuffed into a drawer, not
17 particularly hid.

18 We kind of put all that together. Where it could have
19 been someone's life savings, I feel that they would have had
20 it maybe one envelope, neatly placed away, hid somewhere,
21 not wrapped in rubber bands separately laid all over a
22 drawer.

23 Q. Well, that could have been her money that she was
24 saving, correct?

25 A. It could have been her money. There is other ways that

1 we go about in our investigation to see if money is
2 associated with illegal narcotics and all that was
3 conducted.

4 Q. But it was in her drawer, so it could have been her
5 money, her retirement money?

6 A. It could have been.

7 Q. Her savings?

8 A. It could have been her money. Like, again, the small
9 amount of currency, the rubber bands that were located. I
10 believe we saw a picture I can identify with some Newport
11 cigarette packs laid on top of it.

12 Just the totality of circumstances was the reason we
13 decided to seize the money.

14 Q. Let's say I'm home visiting my parents. Narcotics
15 officers are trailing me. I go home and they come and pick
16 me up with a search warrant. Are you going to take money
17 from my parents room that's theirs?

18 A. Again, we possibly would, based on the investigation
19 what we are investigating, whatever information we had
20 received, what narcotics we did find, who all was at the
21 residence, where the money was located, how it was located,
22 its denominations of the money, possibly yes, ma'am.

23 Q. Now, there were other co-defendants that we talked
24 about, correct?

25 A. Yes, ma'am.

1 Q. One of them being Ronald Littlejohn, correct?

2 A. Yes, ma'am.

3 Q. And he did claim the marijuana that was on the table,
4 correct?

5 A. He did. He didn't claim it on the scene. I asked
6 several times to all individuals whose crack is in the oven,
7 whose crack is outside, whose marijuana is inside. No one
8 ever claimed it. When I interviewed Mr. Littlejohn, he did
9 claim that the marijuana was his.

10 Q. And the digital scales were claimed by Jarvis McCluney,
11 right?

12 A. That's correct.

13 Q. Not my client.

14 Now, we talked about these sandwich bags that were over
15 there, the sandwich bags. Couldn't you go to Sam's or
16 Costco and buy a whole plastic roll of them, correct?

17 A. You can. And, again, it's kind of the totality of the
18 circumstances. You know, if we go into a residence and
19 there is one to two boxes of sandwich bags in a cabinet with
20 food, in a pantry for food, that doesn't -- I mean, we all
21 have sandwich bags in our house. It is weird that there is
22 five boxes of them outside in a pantry with nothing else
23 around.

24 Q. Sandwiches and chips and screws and nuts and bolts,
25 buttons, correct?

1 A. I don't put screws in --

2 Q. Or anything?

3 A. Yeah, I don't put -- I mean, typically sandwich bags
4 are used for sandwiches, not screws or bolts. And in my
5 experience, you know, if narcotics are not found at a house,
6 sandwich bags anywhere is not really suspicious.

7 With the amount of narcotics that were found, crack
8 cocaine being found, sandwich bags located outside in an
9 area that they are not typically stored by normal people and
10 five boxes of them is suspicious.

11 Q. There is no evidence that those bags were involved in
12 narcotics?

13 A. Not those particular bags. The crack cocaine was
14 located was wrapped in similar bags.

15 Q. Now, there were lots of people in this area, correct?
16 There was some testimony about roping off areas and things
17 like that?

18 A. I hadn't heard any testimony about roping off areas.

19 Q. Was there more than just the co-defendant on that
20 street?

21 A. Yeah, during the -- there was a small crowd. I -- I
22 heard testimony there was hundreds of people. I wouldn't
23 say there was hundreds. I would -- there was some people
24 walking around being nosey, just as I would be if I was a
25 neighbor and the police were next door trying to figure out

1 what was going on.

2 Q. It was a large scene in this area?

3 A. I mean, I don't know your definition of a large scene.

4 Q. You know, let's say hundreds. Are we talking 20, we
5 talking 50, or are we talking about --

6 A. I would say 20 to 50. Not hundreds of people. I mean,
7 it's --

8 Q. 20 to 50 people --

9 A. Yeah, I mean, it's --

10 Q. -- on the scene?

11 A. -- four o'clock in the afternoon, four to five. I
12 can't imagine it being hundreds of people who should be at
13 work.

14 Q. So on the scene 20 to 50, somewhere in there?

15 A. Yeah, that's fair.

16 Q. Now, through your investigation, other than Eric
17 Lattimore and Prentiss Jefferies that Prentiss Jefferies
18 says he didn't give a statement, other than Eric Lattimore,
19 he's the only one that tries to identify my client, correct?

20 A. That's correct. You know, Prentiss give the statement
21 and Eric give a statement at two different times and both of
22 them were pretty spot on with one another.

23 Q. And this red bag that was, you know, supposedly found
24 on the edge, back edge of the property line, is debatable on
25 the property or off property, correct?

1 A. I don't know -- debatable maybe to you, but not to me.

2 Q. Back edge of the property line?

3 A. It was on the property owned by Nick Bonner, or the
4 property at 126 Iris Lane.

5 Q. Owned by her?

6 A. I'm not sure who owns the property. I think -- I have
7 made knowledge that it's seven or eight people own it, or
8 something.

9 Q. But not Nick directly?

10 A. I'm not sure if Nick is involved in the property or not
11 or who owns it.

12 Q. Wasn't there another co-defendant that fled and was in
13 the back yard?

14 A. No, ma'am, we didn't detain anybody in the back yard.

15 Q. You didn't take a statement from Travis Davidson?

16 MR. BAIN: Objection, Your Honor, hearsay.

17 THE COURT: Counsel?

18 MS. LAPHAM: I'll -- I'll withdraw, Your Honor.

19 MR. BAIN: Thank you, Your Honor.

20 BY MS. LAPHAM:

21 Q. Is there any investigation to any other co-defendant
22 being in the back yard?

23 A. Possibly. I mean, if I could look back, I can tell
24 you.

25 I do know there were individuals who were standing in

1 the carport area and to the side yard, but as far as
2 detaining someone in the back yard, I don't recall us
3 detaining anyone in the back yard.

4 MS. LAPHAM: If I may approach the witness, Your
5 Honor?

6 THE COURT: Yes, ma'am.

7 MS. LAPHAM: Just for refreshing purposes.

8 MR. BAIN: Whose statement is that?

9 THE WITNESS: Travis Davidson.

10 MR. BAIN: I object, Your Honor. They didn't make
11 any mention of Travis Davidson's statement.

12 THE COURT: Who is that?

13 THE WITNESS: Travis Davidson, sir.

14 MS. LAPHAM: I wasn't going to admit it into
15 evidence. I was just trying to refresh his memory as to
16 someone being in the yard, Your Honor.

17 THE COURT: All right.

18 MR. BAIN: Your Honor, I have my same objection to
19 any testimony he gives to Mr. Davidson's statement. If Mr.
20 Davidson doesn't testify, I won't have an opportunity to
21 cross.

22 THE COURT: Well, let's see what the question is.

23 MS. LAPHAM: All I'm asking, Your Honor, is during
24 the investigation were there any statements taken with
25 regard to someone being in the back yard.

1 THE COURT: Okay.

2 A. Sure, he did state that he was in the back yard at some
3 point in time when he made contact with somebody.

4 BY MS. LAPHAM:

5 Q. Now, we talked about the money that was in Nick's
6 pockets. There was \$1250?

7 A. Yes, ma'am.

8 Q. And allegations of that money was used to purchase
9 drugs, correct?

10 A. (Shaking head yes).

11 Q. Now, that money could be used for anything?

12 A. That's correct, but still, you know, you go back to the
13 totality of the circumstances.

14 You know, I think we heard testimony from Sergeant
15 Federico that --

16 We don't know how many people carry around or what they
17 carry around. I think we can take a toll today in the
18 courtroom how many people have a \$1,000 in their pocket.

19 You know, with -- you know, with the amount of drugs
20 that were found, you know, the people running that had drugs
21 on them, the drugs in the back yard, drugs in the oven, and
22 someone who has \$1,250 in their pocket, it did lead us to
23 believe those were proceeds or benefits from illegal
24 narcotic sales.

25 Q. So if someone who just sold a piece of property,

1 correct, a four-wheeler vehicle, things of that nature?

2 A. That could be their story.

3 Q. Right.

4 But we don't know what the purpose of the money was for
5 at this point, correct?

6 A. I don't know what their story would be.

7 Q. Okay.

8 Now, we talked about the bond sheet?

9 A. Yes, ma'am.

10 Q. And the address that was put on the bond sheet?

11 A. Yes.

12 Q. Haven't you seen in the past certain defendants that
13 put the mailing address of their parents because it's a more
14 reliable address in some sense?

15 A. No, that's the first bond sheet I have ever looked at,
16 so that's not a fair question for me to answer.

17 Q. Okay. Would it be something that a reasonable person
18 would consider if they moved, things of that nature, to use
19 the parents mailing address, if they know that's an
20 established address that they are going to be able to
21 receive mail at?

22 A. I think that's fair to say that someone would put their
23 mother's address. It doesn't make sense to me, but I see
24 where you are going with it.

25 Q. Right.

1 A. I guess.

2 Q. So that would establish where you are going to get some
3 official paperwork and it doesn't get lost somewhere else,
4 so -- that's what I'm asking.

5 A. I mean, if -- I would want my court documents to be
6 sent to where I was at to make sure I got them, but
7 especially if my mother was sick, I would want them to come
8 to where I would get them, not where she may be out with
9 health conditions. I would want to get them.

10 Q. Right.

11 But someone may have a different opinion if in a family
12 home for generations, so that's an established mailing
13 address where they know they would get their paperwork?

14 A. Instead of getting them where they lived at? Sure.

15 Q. Where they knew they would get that paperwork?

16 A. Sure.

17 Q. For their parents.

18 A. Who were sick.

19 Q. Now, we talk about these certificates and trophies and
20 things like that?

21 A. Yes, ma'am.

22 Q. All right. Just because there may be certificates and
23 trophies in that home that may have his name on it from
24 childhood doesn't mean that he lived in that room on that
25 day?

1 A. Yes, ma'am. I mean, I -- on August 6th, 2012, if I
2 would have thought that there would have been an argument
3 about Nick Bonner living there or not, we would have took
4 pictures of what was in that room. I mean, it was common
5 knowledge to us that Nick Bonner lived there. There was
6 awards hanging up, pictures from him being at the club
7 there, clothes were being there, it showed it was his
8 bedroom.

9 Q. Wasn't there also awards and photographs of
10 certificates from multiple other family members?

11 A. Absolutely there was. Those were in the hallway of the
12 residence going towards the bedroom. There were awards and
13 plaques hanging from other individuals of the family.

14 Q. This was a family home, correct?

15 A. I suppose so, yes, ma'am.

16 Q. Now, during this statement that you took from my
17 client, approximately ten minutes, you were only in there
18 for ten minutes?

19 A. Yes, ma'am.

20 Q. Supposedly, you know, you are trying to make him the
21 ringleader of this whole scenario. Why did you only talk to
22 him for ten minutes?

23 A. You know, voluntary statements, interviews, they all
24 last different times.

25 Being involved in narcotics investigation, narcotics,

1 some people want to talk, some people don't. I'm not going
2 to sit there and try to pry and get stuff out of information
3 or out of someone if they don't want to provide to me. Some
4 interviews may last two hours, some may last two minutes,
5 just whatever -- whatever kind of rapport that we may have
6 established, whatever information we are getting, I'm not
7 going to sit there and try to drag something out of somebody
8 or force them to write something that they don't want to
9 write.

10 Q. Now, this altercation between Eric Lattimore and Nick
11 in the front yard, were you there and did you hear every
12 single word about it?

13 A. I can't say I heard every single word, no, ma'am.

14 Q. So it could have been about my client Nick being upset
15 because Eric wanted to blame the drugs that he had on the
16 juvenile?

17 A. Yes, ma'am, I have heard, as well as y'all today, but I
18 feel like if that would be true, then Eric would have give
19 us the statement stating that there were kids, the drugs, or
20 the juveniles. He didn't. I mean, he --

21 Q. The statement came after that my client punched him,
22 right?

23 A. Yeah, that's -- that's right.

24 Q. At any point did you meet family members of the
25 juvenile Jordan Smith later on that day?

1 A. Not that -- I don't -- I may have contacted them, if I
2 met with them, just to let them know where their son was at
3 or where he's been transported to, but I don't recall how --
4 I'm sure one of us, if not me, contacted them.

5 Q. So any discussion about talking with Jordan about "were
6 these drugs yours" after --

7 MR. BAIN: Objection, Your Honor.

8 A. I would not.

9 MR. BAIN: Hearsay.

10 MS. LAPHAM: I will withdraw, Your Honor.

11 THE COURT: Okay.

12 BY MS. LAPHAM:

13 Q. So you may have met with family members of the juvenile
14 at some point during this day, or spoke with them?

15 A. I would have spoke to them. It would have been just to
16 let them know where their child was at, just like I would
17 have done for any parent.

18 Q. Sure.

19 Now, can you tell us who transported Eric Lattimore to
20 the jail?

21 A. I -- I don't recall. I know he was transported
22 separately.

23 Since the trial I have spoke with Tim Tate, Officer Tim
24 Tate with the city who believes he transported.

25 MS. LAPHAM: Your Honor, may we approach?

1 THE COURT: Yes.

2 (Whereupon, the lawyers approached the bench for
3 an off-the-record discussion)

4 BY MS. LAPHAM:

5 Q. There were no other statements against my client,
6 correct, other than Lattimore's?

7 A. That's correct.

8 Q. No drugs found on my client that day?

9 A. No, ma'am, there was none.

10 Q. No drugs in his proximity of reach when you entered the
11 home?

12 A. He was near the kitchen, but not in the proximity's
13 reach, that's fair.

14 MS. LAPHAM: No further questions, Your Honor.

15 THE COURT: Yes, sir.

16 MR. BAIN: Briefly, Your Honor.

17 THE COURT: All right.

18 REDIRECT EXAMINATION BY MR. BAIN:

19 Q. Were there sandwich bags found in the kitchen?

20 A. No, there were not.

21 Q. And Ms. Lapham asked you about Ms. Gwen's house, is
22 that correct?

23 A. That's correct.

24 Q. Could someone own a house and other people live there?

25 A. Yes.

1 Q. So was there any doubt in your mind that Nick Bonner
2 lived at 126 Iris Lane?

3 A. There was no doubt in my mind.

4 MR. BAIN: No further questions, Your Honor.

5 THE COURT: Anything on that little bit?

6 MS. LAPHAM: Just briefly.

7 RE CROSS EXAMINATION BY MS. LAPHAM:

8 Q. When people walk in your house, do you pat them down?

9 MR. BAIN: Objection, Your Honor. It's outside
10 the scope of redirect.

11 THE COURT: It has to be within redirect.

12 MS. LAPHAM: No.

13 THE COURT: Thank you.

14 Officer, you may step down. Please be careful.

15 Madam Forelady and ladies and gentlemen of the
16 jury, it's about 12:13, or so. I told you we would break
17 for lunch somewhere between 12:00 and 12:30 every day for a
18 good hour and 15 minutes to an hour and 20 minutes,
19 something like that. So let's be back and ready to go at
20 1:30. That gives you a good hour and 17 minutes, or so. I
21 could say 2:00, but I'm afraid we would just end up wasting
22 30 minutes that we could better use at the end of the day.
23 So let's be back and ready to go at 1:30.

24 Again, the trial has not ended. Please don't talk
25 with anyone about the case. Don't discuss it among

1 yourselves. Don't think about it. Don't try to learn any
2 information outside the courtroom.

3 Madam Forelady, take the jury out. Be excused for
4 lunch. I brought my lunch. I'll be here and ready to go at
5 1:30.

6 (The following takes place outside the presence of
7 the jury panel)

8 THE COURT: We will be in recess until 1:30.

9 Let me see the lawyers real quick.

10 (Whereupon, proceedings were recessed)

11 (Whereupon, proceedings were reconvened)

12 THE COURT: Anything from the State?

13 MR. BAIN: Nothing from the State, Your Honor.

14 THE COURT: Anything from the defense?

15 MS. LAPHAM: Nothing from the defense, Your Honor.

16 THE COURT: We will have our jury.

17 (The following takes place in the presence of the
18 jury panel)

19 THE COURT: Madam Forelady, any matter for the
20 jury?

21 JURY FOREPERSON: No.

22 THE COURT: Everybody is ready to work?

23 JURY FOREPERSON: Yes, sir.

24 THE COURT: All right, solicitor.

25 MR. BAIN: Thank you, Your Honor.

1 The State calls Rodney Bright.

2 THE COURT: Madam Forelady, do we have an issue?

3 UNKNOWN JUROR: I'd like to hear the Davidson
4 testimony. I think it's pertinent to know everything that
5 went on. I don't know if that's admissible or not. I don't
6 know the law.

7 THE COURT: You'd like to hear what, sir?

8 UNKNOWN JUROR: The Davidson testimony.

9 THE COURT: Davidson?

10 UNKNOWN JUROR: The young man sitting in here.

11 MR. BAIN: May we approach?

12 THE COURT: Yes, sir.

13 (Whereupon, the lawyers approached the bench for
14 an off-the-record discussion)

15 THE COURT: Okay. I have conferred with the
16 lawyers, but at this point in time I don't tell them who to
17 call or who to put up, and so we just have to listen to
18 whatever they offer to us. Whether or not that testimony
19 will be offered, I don't have any idea at this point. I'm
20 not sure they do. Okay?

21 All right. Ready to go?

22 MR. BAIN: Your Honor, the State calls Rodney
23 Bright.

24 THE COURT: All right.

25

1 OFFICER RODNEY BRIGHT, having been first duly
2 sworn, testified as follows:

3 THE WITNESS: I do.

4 THE COURT: Sir, tell us your name and spell your
5 last name, please.

6 THE WITNESS: Rodney Bright, B-R-I-G-H-T.

7 THE COURT: Solicitor.

8 DIRECT EXAMINATION BY MR. BAIN:

9 Q. Mr. Bright, where are you currently employed?

10 A. I'm currently employed at the Cherokee County Sheriff's
11 Office.

12 Q. And what are some of your duties there?

13 A. My primary duty is I'm over a training division and
14 also work with the evidence as a custodian.

15 Q. And on August 6th, 2012, were you employed by the
16 sheriff's office?

17 A. Yes, sir, I was.

18 Q. And what were some of your duties back then?

19 A. Some of my duties back then the same as now. I'm an
20 evidence custodian. I take evidence in, log it in and
21 sometimes take it to SLED, as well as training.

22 Q. Are you familiar with this case we are here on today?

23 A. Yes, sir.

24 Q. Okay. And what was your role in this case?

25 A. My role in this case was simply when the evidence was

1 dropped into the evidence vault, I -- into the evidence drop
2 box, I will take it out of the evidence drop box, I will
3 check it, make sure the paperwork is complete. I will
4 inspect the package, make sure the package is sealed
5 completely, and I will log it into our evidence vault and I
6 will store it into the correct location.

7 MR. BAIN: Your Honor, may I approach the witness?

8 THE COURT: Yes, sir.

9 BY MR. BAIN:

10 Q. I'm handing you what's been marked State's Exhibit 30.
11 Will you take a look?

12 A. Yes, sir.

13 Q. Do you recognize that?

14 A. Yes, sir.

15 Q. Are there any identifying features on it?

16 A. Yes, sir, there are. There is a control number for the
17 evidence.

18 Q. And do you remember handling those drugs back on
19 September 21st of 2012?

20 A. I would need to see my paperwork.

21 Q. Would it help refresh your memory?

22 A. Yes, sir, please.

23 Q. What's the number on the bag?

24 A. The control number is B224241, control number.

25 Q. Can you please tell the jury when you came into

1 possession of that?

2 A. I came into possession of this on 9-21 of 2012.

3 Q. And what was it relinquished by?

4 A. It was relinquished by Mr. Brandon Gardner. He dropped
5 it into the evidence drop box and that's where I pulled it
6 out of the evidence drop box and, like I say, inspected the
7 package.

8 Q. Okay. And did it appear to be tampered with in any
9 way?

10 A. No, sir, it did not.

11 Q. And where did you place the drugs after you got
12 possession of them?

13 A. After I received possession of them, I get this out, I
14 check all the paperwork and make sure everything is correct.
15 Then I'll take it -- which is in the same room we have an
16 evidence drop box and the evidence vault, and I will take it
17 and put the drugs in a more secure area of the evidence
18 vault.

19 Q. And would you have placed it in the evidence vault if
20 it had been tampered with in any way?

21 A. No, sir.

22 Q. Now, I'm handing you what's been marked State's
23 Exhibit 31. Will you take a look at that?

24 A. Yes, sir, I will.

25 Q. Do you recognize it?

1 A. Yes, sir, I do.

2 Q. And is there a control number on that as well?

3 A. Yes, sir, there are. Bravo, or B, 224242.

4 Q. Okay. And do you remember handling those drugs?

5 A. I would have to see, once again, the paperwork to make
6 sure.

7 Q. Would it help refresh to your memory?

8 A. Yes, sir, make sure the control number is the same.

9 Q. And do y'all keep paperwork in the custody of drugs,
10 correct?

11 A. Yes, sir, we do.

12 Q. And as part of that paperwork when did you receive
13 those drugs?

14 A. I received these drugs 9-21 of 2012.

15 Q. Okay. And who were they relinquished by?

16 A. Brandon Gardner into the evidence drop box and then I
17 relinquished them from the evidence drop box to the evidence
18 vault.

19 Q. Okay. And, once again, did that appear to be tampered
20 with in any way?

21 A. No, sir.

22 Q. And if it had been, would you have transported it to
23 the evidence vault?

24 A. No, sir, I would not.

25 Q. Okay. Mr. Bright, did you play any other role in this

1 case?

2 A. No, sir, I did not.

3 MR. BAIN: No further questions, Your Honor.

4 THE COURT: All right.

5 Yes, ma'am.

6 MS. LAPHAM: Thank you, Your Honor.

7 CROSS EXAMINATION BY MS. LAPHAM:

8 Q. Now, you were never on the scene there at Iris Lane,
9 correct?

10 A. No, ma'am.

11 Q. You never had any contact with my client?

12 A. No, ma'am.

13 MS. LAPHAM: Nothing further, Your Honor.

14 THE COURT: Sir, you may step down. Please be
15 careful.

16 THE WITNESS: Thank you.

17 MR. BAIN: Your Honor, we ask this witness be
18 excused.

19 THE COURT: Any objection?

20 MS. LAPHAM: No objection, Your Honor.

21 THE COURT: Sir, you may stay or go, whichever you
22 choose.

23 THE WITNESS: All right. Thank you.

24 MR. BAIN: Your Honor, the State calls Mike
25 Scruggs.

1 OFFICER MIKE SCRUGGS, having been first duly
2 sworn, testified as follows:

3 THE WITNESS: Yes, ma'am.

4 THE COURT: Sir, tell us your name and spell your
5 last name, please.

6 THE WITNESS: Mike Scruggs, S-C-R-U-G-G-S.

7 THE COURT: Thank you.

8 Solicitor.

9 MR. BAIN: Thank you, Your Honor.

10 DIRECT EXAMINATION BY MR. BAIN:

11 Q. Lieutenant Scruggs, where are you currently employed?

12 A. City of Gaffney Police Department.

13 Q. And what division are you in?

14 A. Assigned to the narcotics unit.

15 Q. And back on August 6th, 2012, were you working at the
16 city police department?

17 A. Yes, sir.

18 Q. And what were some of your responsibilities?

19 A. At that time I was assigned to the narcotics division,
20 where we handle narcotics complaints, gambling complaints,
21 things of that nature.

22 Q. And do you remember an incident on August 6th, 2012?

23 A. Yes, sir.

24 Q. And what do you recall from that?

25 A. Sergeant Gardner had a search warrant and we

1 anticipated a lot of people, so he reached out to the city
2 units for us to go and assist. And we had a debriefing and
3 then went to execute a search warrant on Iris Lane.

4 Q. And do you remember the address?

5 A. 126 Iris Lane.

6 Q. Now, the search at 126 Iris Lane, what was your role in
7 that?

8 A. Perimeter. And then -- that was pretty much it. Just
9 basically on the perimeter in case people were running and
10 things of that nature.

11 Q. Okay. And did you enter the house at 126 Iris Lane?

12 A. Yes, sir, I did go in. I don't believe I was the first
13 one in, but I did go inside the residence, yes, sir.

14 Q. And were you involved in seizing any of the drugs in
15 the house at 126 Iris Lane?

16 A. No, sir, I did not seize anything.

17 Q. And who lived at 126 Iris Lane?

18 A. Mr. Nick Bonner.

19 Q. Now, were you involved in any other searches that day?

20 A. Yes, sir, we executed a search warrant across the
21 street.

22 Q. And what was that address?

23 A. That I'm not sure. It was a vacant house at the time
24 at an angle across from the front of the residence.

25 Q. Were both the houses in the City of Gaffney?

1 A. Yes, sir, they are both inside the city.

2 Q. And do you remember where the information came from for
3 that search warrant across the street?

4 A. Yes, sir, from Prentiss Jefferies, which was an
5 informant for special -- or Investigator Todd Parker at the
6 time.

7 Q. Okay. And do you remember what was found across the
8 street?

9 A. In a trash can sitting in the carport of the vacant
10 house was a duffel bag inside the trash can.

11 Q. And what was in that duffel bag?

12 A. Inside the duffel bag appeared to be powdered cocaine
13 and crack cocaine.

14 Q. Okay. I'm showing you what's been entered into
15 evidence as State's Exhibit 20. Do you recognize this item?

16 A. It looks familiar to the bag that was in the trash can.

17 Q. And do you remember what was in that bag?

18 A. If I remember right, there was a white bag that had
19 like -- looked like cookies as they are called for crack and
20 some powdered cocaine.

21 Q. Okay. And I'm showing you what's than entered into
22 evidence as State's Exhibit 21. Do you recognize that bag?

23 A. That seems to be the bag that was inside the black bag
24 that had the round cookies in it.

25 Q. Now, I'll hand you what's been pre-marked State's

1 Exhibits 26 through 26-N, Exhibit 23, Exhibit 24 through
2 24-A, Exhibit 25. Will you please take a look at the items
3 in this box?

4 A. Yes, sir.

5 Q. And what are those items?

6 A. They appear to be cocaine and crack cocaine.

7 Q. And were those items the items that you found in the
8 trash tan on August 6th, 2012?

9 A. Yes, sir.

10 Q. Now, once you discovered the drugs in the trash can,
11 what did you do?

12 A. At that time Lieutenant Jimmy Henson with the sheriff's
13 department crime scene was called to come and take
14 possession of the substance.

15 Q. Okay. Did you seize or take control of the substances?

16 A. I was in control of it until Lieutenant Henson arrived
17 and he took it back. That way it could be packaged and sent
18 to SLED for testing.

19 Q. Okay. And did you remain on the scene until Jimmy
20 Henson arrived?

21 A. Yes, sir.

22 Q. Did the drugs ever leave your sight until Jimmy Henson
23 arrived?

24 A. No, sir.

25 Q. And do you remember sitting in on any statements

1 concerning this case?

2 A. Yes, sir.

3 Q. Do you remember sitting in on Nick Bonner's statement?

4 A. Yes, sir, I sit in with Sergeant Gardner when he
5 interviewed him for a few minutes.

6 Q. Okay. I'm handing you what's been entered into
7 evidence as State's Exhibit 18. Will you take a look at it?

8 A. Yes, sir.

9 Q. Could you please tell the jury what that is?

10 A. This is a pre-interrogation waiver form which is
11 commonly used before we do any kind of interviews or take
12 statements where we read the suspect their rights, make sure
13 they understand it. Make them sign, if they do understand
14 after we have read it to them. And then it lists a start
15 time of the interview and then the end time.

16 Q. And did you sign that?

17 A. Yes, sir, I did.

18 Q. And when -- how many statements have you taken in your
19 time as a police officer?

20 A. I would be scared to guess, to be honest with you. A
21 bunch.

22 Q. Okay. And do y'all have a common procedure when you do
23 those interrogations?

24 A. Yes, sir.

25 Q. Okay. And in this case were the defendant's rights

1 read?

2 A. Yes, sir, they were.

3 Q. And how do you know?

4 A. Because it states right here that they were read by
5 Sergeant Gardner, B. Gardner, that were checked off, signed
6 by Mr. Bonner, and witnessed by me.

7 Q. Okay. And would you have witnessed them if the rights
8 weren't read?

9 A. No, sir, I would not.

10 Q. And would you have allowed an interview to continue if
11 the defendant had asked for an attorney?

12 A. No, sir, if anybody asks for an attorney, we have to
13 stop at that point.

14 Q. And would you have allowed it to continue if anyone was
15 threatening or coercing him?

16 A. No, sir, I would not.

17 Q. And were you just a witness to this statement?

18 A. Yes, sir.

19 MR. BAIN: No further questions, Your Honor.

20 THE COURT: Ma'am?

21 MS. LAPHAM: Thank you, Your Honor.

22 CROSS EXAMINATION BY MS. LAPHAM:

23 Q. So when you arrived at 126 Iris Lane, initially it was
24 for some sort of outside perimeter control I think is what
25 you called it?

1 A. Yes, ma'am, because we were anticipating people
2 running, yes, ma'am.

3 Q. Did you see people in the streets and walking all
4 around the other home?

5 A. Not when we arrived.

6 Q. In the area?

7 A. Not when we arrived.

8 Q. You didn't see anybody else on that street other than
9 these co-defendants?

10 A. I don't remember passing anybody walking as we pulled
11 up to the residence.

12 Q. Now, did you go inside the home at 126 Iris Lane?

13 A. At one point, yes, ma'am.

14 Q. Now, how do you know or think that Nick Bonner was
15 still living there at that point?

16 A. How do I know or think?

17 Q. Uh-huh.

18 A. Well, from the time that I have been employed from the
19 City of Gaffney, that is the only place I have ever known
20 Mr. Bonner to reside.

21 Q. So would it surprise you if he was living somewhere
22 else during that time period?

23 A. Yes, considering when we see him there every day, yes,
24 ma'am.

25 Q. Now, you know, as far as the execution of the search

1 warrant across the street --

2 A. Yes.

3 Q. -- in the abandoned home at 125, you were the one that
4 executed that, correct?

5 A. Yes, ma'am.

6 Q. Now, during that time period where was my client?

7 A. Your client at that time was already transported.

8 Q. So he was nowhere near the area when these drugs were
9 found across the street?

10 A. When the search warrant was executed, no, ma'am.

11 Q. Now, when did you specifically talk with Jefferies?

12 A. Me? I never spoke with him.

13 Q. You never spoke with Jefferies?

14 A. No, ma'am, I never claimed to speak to him.

15 Q. Now, when you went to the trash can to get the drugs
16 out of the trash can --

17 A. Yes, ma'am.

18 Q. -- did you have any gloves on?

19 A. Yes, ma'am.

20 Q. Why did you have the gloves on?

21 A. We always wear gloves when handling evidence.

22 Q. For potential fingerprint analysis, maybe DNA analysis
23 in the future?

24 A. For anything, that, or we don't want to be contaminated
25 by what we are touching.

1 Q. And there was none of those analysis done on this trash
2 can in this case, was there?

3 A. No, ma'am.

4 MS. LAPHAM: Nothing further, Your Honor.

5 THE COURT: Anything?

6 MR. BAIN: Nothing, Your Honor.

7 THE COURT: All right, sir, you may step down.
8 Please be careful.

9 THE WITNESS: Thank you, sir.

10 MR. BAIN: I ask that this witness be excused,
11 Your Honor.

12 MS. LAPHAM: No objection, Your Honor.

13 THE COURT: Sir, you may stay or go, whichever you
14 choose.

15 THE WITNESS: Thank you, sir.

16 MR. BAIN: Your Honor, the State calls Jimmy
17 Henson.

18 OFFICER JIMMY HENSON, having been first duly
19 sworn, testified as follows:

20 THE WITNESS: I do.

21 THE COURT: Officer, tell us your full name and
22 spell your last name, please.

23 THE WITNESS: Jimmy Henson, H-E-N-S-O-N.

24 THE COURT: Solicitor?

25 MR. BAIN: Thank you, Your Honor.

1 DIRECT EXAMINATION BY MR. BAIN:

2 Q. Mr. Henson, where are you currently employed?

3 A. Cherokee County Sheriff's Office.

4 Q. And what are your duties and responsibilities there?

5 A. I'm a crime scene investigator/evidence custodian.

6 Q. All right. And how long have you worked with the
7 sheriff's office?

8 A. 38 years.

9 Q. And back on August 6th, 2012, were you acting in your
10 responsibilities as a crime scene investigator?

11 A. Yes, sir, I was.

12 Q. And were you called out to any scenes on that day?

13 A. Yes, sir, out on Iris Lane, 125 Iris Lane.

14 Q. Okay. And what did you observe when you arrived on the
15 scene?

16 A. When I got on the scene there were several officers
17 standing under the carport and I talked with Mike Scruggs,
18 Detective Scruggs, and he showed me some containers that he
19 wanted me to take control of.

20 Q. Okay. Mike Scruggs was on the scene when you arrived?

21 A. Yes, sir, he was.

22 Q. And what was in the container that he wanted you to
23 take possession of?

24 A. I took possession of one black tote bag containing one
25 black cloth bag with letters E & J and X & O written on the

1 outside.

2 Inside the black cloth bag was 16 plastic bags
3 containing white substance; five empty plastic bags; one
4 receipt from Polo Ralph Lauren dated 7-28-2012.

5 Also one white plastic bag with Authentiks written on
6 the outside of it.

7 Inside the white plastic bag was two approximately five
8 and one-half inches by six inches round white cookies inside
9 plastic bags and six chunks of white cookies with crumbs
10 lying loose in the bottom of the white plastic bag.

11 There was also a yellow plastic bag from the Dollar
12 General written on the outside of it, and nothing was inside
13 this plastic bag. And a set of Taylor scales.

14 I took possession of all of that.

15 Q. All right. I'm handing you what's been pre-marked
16 State's Exhibit 23, 24 through 24-A, 25, and 26 through
17 26-N. Will you take a look at these items?

18 A. Okay.

19 Q. Do you recognize the items in that box?

20 A. Yes, sir, this is the items, or looks like the same
21 items that I had in the bags.

22 Q. And specifically what are in those plastic bags?

23 A. It is a white substance; some of it crumbled, some of
24 it in cookie shapes.

25 Q. And are those baggies that you took possession of on

1 August 6th, 2012?

2 A. I couldn't -- I didn't understand you.

3 Q. Are those the bags that you took possession of August
4 6th, 2012?

5 A. Yes, sir, they are.

6 Q. Is there anything changed about those?

7 A. No, sir. They are in the State's -- I mean the bags
8 that SLED put them in. It's got SLED's initials on the bag,
9 SLED agent, whoever tested them.

10 Q. And who did you take possession of those bags from?

11 A. Mike Scruggs.

12 Q. And after -- after you were on the scene, did you
13 package them in any way?

14 A. Yes, sir, I did.

15 Q. And why did you package them?

16 A. To take them to SLED, or have them sent is SLED.

17 Q. Okay. Did you actually take them to SLED?

18 A. No, sir, I did not.

19 Q. All right. Can you please tell the jury how you would
20 package them?

21 A. When I take them to our crime lab, I will package
22 everything that it came in inside a box and on that box will
23 be sealed and it will have seal tape on it with my initials
24 and the date that I put it in there. Everything is sealed
25 up like that.

1 Q. Okay. And did you place those into the evidence room?

2 A. Yes, sir.

3 Q. And who has access to the evidence room?

4 A. Myself, Detective Anthony, William Anthony, the
5 sheriff, and Lieutenant Rodney Bright.

6 Q. Did you take pictures of the items before you put them
7 in the evidence vault?

8 A. Yes, sir, I did.

9 Q. So you removed them from the scene and took them to the
10 sheriff's office, is that correct?

11 A. Yes, sir, took them to the crime lab.

12 Q. You took them to the crime lab. And then you took
13 pictures of the items?

14 A. Yes, sir.

15 Q. And then you put them directly into the evidence vault,
16 is that correct?

17 A. I put them in evidence boxes, sealed them, and then
18 take them to the evidence vault.

19 Q. Okay. Now, you had mentioned some --

20 Could I have that box?

21 You are mentioned some other items you had found. I'm
22 showing you what's been entered into evidence as State's
23 Exhibit 21. Do you recognize those?

24 A. Yes, sir.

25 Q. And was this a bag found inside the trash can?

1 A. Yes, sir.

2 Q. And State's Exhibit 20, do you recognize this?

3 A. Yes, sir.

4 Q. And was that found inside the trash can?

5 A. Yes, sir, it was.

6 Q. And State's Exhibit 22, was that also found inside the
7 trash can?

8 A. Yes, it was.

9 Q. And State's Exhibit 19, do you recognize this?

10 A. Yes, sir, I do.

11 Q. And where was that found?

12 A. That was in the trash can also in the tote bags.

13 Q. Now, did you process any of these items for DNA or
14 fingerprints?

15 A. The set of scales I processed for fingerprints.

16 Q. And were you able to obtain any fingerprints?

17 A. No, sir, there wasn't any readable prints on it.

18 Q. Okay. And did you process any of the bags for possible
19 DNA?

20 A. No, sir, I did not.

21 Q. Did you send it down to SLED to be processed?

22 A. I packaged everything so it could be sent to SLED, for
23 them to process for DNA, fingerprints, and drug analysis.

24 Q. Okay. But you did attempt to get fingerprints off the
25 scales?

1 A. Yes, I did.

2 Q. And how many items, approximately, have you
3 fingerprinted in your time at the sheriff's office?

4 A. Probably a couple thousand.

5 Q. And do you always get fingerprints off every item that
6 you analyze?

7 A. No, sir, you do not. Most of the time you don't.

8 MR. BAIN: No further questions, Your Honor.

9 THE COURT: Okay.

10 Yes, ma'am.

11 MS. LAPHAM: Thank you, Your Honor.

12 CROSS EXAMINATION BY MS. LAPHAM:

13 Q. Good afternoon.

14 A. Good afternoon.

15 Q. So when you arrived on the scene at 125 Iris Lane,
16 where was my client?

17 A. I don't know.

18 Q. So you didn't have any contact with my client?

19 A. No, ma'am, I did not.

20 Q. Now, who called you initially to the scene?

21 A. Initially I was called to the scene by Detective Todd
22 Parker.

23 Q. So Todd Parker was the one that called you out there?

24 A. Yes, ma'am.

25 Q. So at that point he was still involved with the

1 investigation?

2 A. Yes, ma'am.

3 Q. Now, at this abandoned home there was a large trash
4 can, evidently?

5 A. Yes, ma'am.

6 Q. That contained these items?

7 A. Yes, ma'am.

8 Q. Now, wouldn't it have been pertinent to try to have
9 gotten fingerprints from this can?

10 A. The trash can -- it wasn't a can. It was a plastic
11 roll-out carts --

12 Q. Right.

13 A. -- that they come in.

14 Q. Right.

15 A. And I could have tested for fingerprints, but I'm 99.9
16 percent sure that there wouldn't have been anything on it.
17 Plastic does not hold fingerprints real good, especially
18 something that's been sitting outside and it's faded. It
19 gets a coating on it that does not hold fingerprints very
20 well at all.

21 Q. But there was no attempt to get fingerprints --

22 A. No, I didn't.

23 Q. -- is that correct?

24 A. I did not.

25 Q. And as far as a handles on the cans, you know, because

1 it was August 6th, hot, sweaty, was there no attempt to swab
2 for DNA on the handle?

3 A. No, ma'am.

4 Q. Wouldn't that have been helpful?

5 A. Possibly.

6 MS. LAPHAM: Nothing further, Your Honor.

7 THE COURT: Anything on that?

8 MR. BAIN: Briefly, Your Honor.

9 REDIRECT EXAMINATION BY MR. BAIN:

10 Q. Officer Henson, when you arrive on the scene, do you
11 swab everything for DNA?

12 A. No, I don't.

13 Q. What do you typically swab for DNA?

14 A. Typically what I swab is things that I think is going
15 to be pertinent to the case, evidence items. Like you go to
16 a burglary at a house, you can't swab and fingerprint
17 everything in the house. You have to -- you have to decide
18 what may be pertinent to the case.

19 Q. Okay. And in this case did you make a decision on what
20 you wanted tested at SLED?

21 A. Yes, sir, I did.

22 Q. And do you have to limit what you can have tested at
23 SLED?

24 A. Yes, sir, you do have to have a limit on it. You can
25 only send so many items now.

1 Q. Without special permission from SLED for more items,
2 correct?

3 A. Right.

4 MR. BAIN: No further questions.

5 THE COURT: Anything?

6 RECROSS EXAMINATION BY MS. LAPHAM:

7 Q. You didn't reach your limit on this case, did you, of
8 you could send down there? It could have been swabbed and
9 sent, correct?

10 A. The limit wasn't reached, no, ma'am.

11 Q. Thank you.

12 MS. LAPHAM: Nothing further.

13 THE COURT: Sir, you may step down. Please be
14 careful.

15 THE WITNESS: Thank you, sir.

16 MR. BAIN: Your Honor, we ask this witness be
17 excused.

18 MS. LAPHAM: No objection, Your Honor.

19 THE COURT: Sir, you may stay or go, whichever you
20 choose.

21 THE WITNESS: Thank you.

22 THE COURT: Thank you.

23 MR. BAIN: Your Honor, the State calls Billy
24 Anthony.

25

1 OFFICER BILLY ANTHONY, having been first duly
2 sworn, testified as follows:

3 THE WITNESS: Yes, ma'am.

4 THE COURT: Sir, tell us your name and spell your
5 last name, please.

6 THE WITNESS: Billy Anthony, A-N-T-H-O-N-Y.

7 DIRECT EXAMINATION BY MR. BAIN:

8 Q. Mr. Anthony, where are you employed?

9 A. With the Cherokee County Sheriff's Office.

10 Q. And how long have you worked there?

11 A. I have been employed there 15 years.

12 Q. And what are some of your duties and responsibilities?

13 A. I'm a crime scene investigator and evidence custodian.

14 Q. And have you had an opportunity to handle the drugs
15 associated with the Nick Bonner case?

16 A. Yes, sir, I have.

17 Q. Okay. And I'm showing you what's been marked State's
18 Exhibit 31 for identification purposes only. Would you take
19 a look at that item?

20 A. Okay.

21 Q. Are you able to identify that package?

22 A. Yes, sir, I am.

23 Q. And how are you able to do that?

24 A. On the package itself we have a bar code. Once items
25 are submitted into our evidence, we place a bar code with

1 our case number. That's how we track the evidence.

2 Q. Okay. And is that package in the same or substantially
3 the same condition as when you originally took custody of
4 it?

5 A. Yes, sir, it's in another heat-sealed bag, but it is.

6 Q. So are there any differences?

7 A. Just the packaging that SLED has placed over it after
8 it left the sheriff's office.

9 Q. Okay. And when did you receive that package?

10 A. Let me check my notes.

11 I received this item from the evidence drop box August
12 the 8th, 2012, at 3:30 p.m..

13 Q. And do you remember why you removed it from the drop
14 box on that particular day?

15 A. That would have been -- anytime the evidence by an
16 officer is dropped, we have a drop box. It's like a mail
17 slot in the wall that officers can drop evidence in. Then
18 every day, two, three days we go in and collect the evidence
19 out, log it into our computer.

20 Q. And this -- on August 8th, 2012, it was received by
21 Brandon Gardner?

22 A. Yes, it was.

23 Q. And do you remember why you gave it to Brandon Gardner?

24 A. It was dropped and it was returned to him to complete
25 the BEST Kit paperwork and to have it all submitted.

1 Q. And then when was the next time that you handled that
2 package?

3 A. The next time was October 15th, 2012.

4 Q. And who did you deliver that to?

5 A. I delivered it to the SLED lab.

6 Q. Okay. Can you briefly tell us who has access to the
7 drop box?

8 A. Yes, at the sheriff's office there is only four people
9 that has access to the evidence vault; myself, Detective
10 Jimmy Henson, Lieutenant Rodney Bright, and the sheriff.

11 Q. Okay. And on August 8th, 2012, when you removed it
12 from the drop box, did it appear to be tampered with in any
13 way?

14 A. No, sir.

15 Q. And how could you tell if it had been tampered with?

16 A. Any evidence tape or the seals on packaging, it is in a
17 tamper-evident tape or the seal on it is tamper evident. If
18 anyone had tried to open it, they would have had to cut it
19 open or altered it in some way that would be evident.

20 Q. And on October 5th -- I mean on October 10th --
21 October 15th of 2012 you took it down to SLED?

22 A. Yes, sir, that's correct.

23 Q. And where did you remove it from to take it down to
24 SLED?

25 A. The evidence vault.

1 Q. And did it appear to be tampered with in any way?

2 A. No, sir, it did not.

3 Q. Would you deliver an item to SLED that appeared to be
4 tampered with?

5 A. No, sir, we cannot.

6 Q. And can you briefly tell this jury what the process is
7 once you relinquish it to SLED, or what you do?

8 A. What we do is whenever we get ready to transport it to
9 SLED, we do a -- we scan the bar code on the item. We -- I
10 transport it to SLED. They receive it from the officer that
11 takes it down and they log it into their evidence.

12 Q. Okay. And do you remember when they would have took it
13 to SLED?

14 A. October 15th, 2012.

15 Q. So it would have been the same day?

16 A. Yes, sir.

17 Q. Okay. And what do you typically do with the evidence
18 once SLED releases it back into your custody?

19 A. We -- whenever I'm -- the next time or once evidence is
20 to be returned, when I make a trip down I bring it back. We
21 scan the item back into our evidence vault and I place it in
22 a container to be held until court or disposition of the
23 evidence.

24 Q. I'm now handing you what's been pre-marked State's
25 Exhibit 30 for identification purposes only. Will you

1 please take a look at that bag?

2 A. Okay.

3 Q. Do you recognize it?

4 A. Yes, sir, I do.

5 Q. And how do you recognize it?

6 A. It also has our bar code with the evidence item number
7 on it.

8 Q. Okay. And is that -- were those drugs involved in the
9 Nick Bonner case?

10 A. Yes, sir.

11 Q. And is that package in the same or substantially the
12 same condition as when you originally took custody of it?

13 A. Yes, sir, it is. It's just like the other packaging.
14 The only difference is once SLED returned it to us, it's in
15 another heat-sealed package.

16 Q. Okay. And when did you first come in contact with that
17 package?

18 A. It was the same date, August the 8th, 2012.

19 Q. And was it for the same reason?

20 A. Yes, sir, it was.

21 Q. Who did you relinquish it to?

22 A. Brandon Gardner.

23 Q. And did you have any other -- did you have contact with
24 that package again?

25 A. Yes, sir, I did. On --

1 Q. And what date was that?

2 A. October 15th, 2012. It was to be transported to the
3 SLED lab.

4 Q. And, once again, if that had been tampered with in any
5 way, you would have known, correct?

6 A. Yes, sir, that's correct.

7 Q. And if it had been, would you have taken it to SLED for
8 testing?

9 A. No, sir, we would not.

10 Q. And did you do -- what did you do with it once it was
11 returned by SLED?

12 A. I brought it back, logged it into our evidence system
13 and put it in a container until court time.

14 Q. Okay. I'm now handing you what's been pre-marked
15 State's Exhibit 23, State's Exhibit 24 through 24-A, State's
16 Exhibit 25, and State's Exhibit 26 through 26-N. Will you
17 please take a look at those items?

18 A. Yes, sir.

19 Q. Do you recognize those?

20 A. Yes, sir.

21 Q. And how do you recognize them?

22 A. Those are the items I received from Detective Henson.
23 They were in a sealed box when I received them.

24 Q. Okay. And where were they located when you received
25 them?

1 A. They were in the evidence vault.

2 Q. And when you received them in the evidence vault, did
3 you see any tampering?

4 A. No, sir, I did not.

5 Q. And how would you have been able to tell?

6 A. The container, the box they were in, was sealed with
7 evidence tape that would have been torn or the box would
8 have been cut in some way to gain access to the contents.

9 Q. And are the packaging here in the courtroom today in
10 the same or substantially the same condition as when you
11 originally took custody of them?

12 A. Yes, sir.

13 Q. When did you receive those packages?

14 A. I was in the vault the same day when Detective Henson
15 brought the items into the evidence vault and that was
16 August 9th, 2012, at 9:27 a.m.. And then on August 15th,
17 2012, I transported them to SLED lab.

18 Q. And the same question, if they were tampered with in
19 any way, would you have taken them to SLED?

20 A. No, sir.

21 Q. Okay. And once you relinquished them to SLED what
22 happened with the drugs?

23 A. They were analyzed and returned to us at a later date.

24 Q. Now, Mr. Anthony, you work in crime scene, is that
25 correct?

1 A. Yes, sir, I do.

2 Q. Have you had an opportunity to test items for
3 fingerprints?

4 A. Yes, sir, I have.

5 Q. How many items would you guess?

6 A. Probably a thousand.

7 Q. Okay. And are you able -- are you always able to get
8 fingerprints off of items?

9 A. No, sir.

10 Q. And are there different factors that play a role in
11 when you can get fingerprints?

12 A. Yes, sir, there are.

13 MR. BAIN: No further questions, Your Honor.

14 THE COURT: Yes, ma'am.

15 MS. LAPHAM: Thank you, Your Honor.

16 Just briefly.

17 CROSS EXAMINATION BY MS. LAPHAM:

18 Q. Were you on the scene at 125 Iris Lane?

19 A. No, ma'am.

20 Q. You had no contact with my client at all?

21 A. No, ma'am.

22 Q. We don't know who these drugs belonged to, right?

23 A. I have no knowledge.

24 MS. LAPHAM: Nothing further, Your Honor.

25 THE COURT: Anything?

1 MR. BAIN: Nothing, Your Honor.

2 THE COURT: All right. Sir, you may step down.
3 Please be careful.

4 MR. BAIN: Your Honor, may we approach?

5 THE COURT: Sure.

6 While the lawyers are approaching, let's everybody
7 do a 7th inning stretch. Come on.

8 (Whereupon, The lawyers approached the bench for
9 an off-the-record discussion).

10 THE COURT: Madam Forelady, ladies and gentlemen,
11 I understand we have got a witness that's not here just yet
12 and they want to make a phone call and see where that person
13 is. They were supposed to have been here at 2:00, 2:30?

14 MR. BAIN: Yes, sir, Your Honor.

15 THE COURT: Okay. It's way early for a break, but
16 we will take a few minutes. No reason for you to sit there
17 or me to stand up here while we are trying to locate that
18 witness, so with that we are going to let you take a break.
19 I don't know if it would be ten minutes or five minutes. We
20 are going to see what we can find about the witness.

21 Don't talk about the case. It's not at an end at
22 this point in time, so don't be deliberating. And anybody
23 wants any soda or coffee or water, just let the bailiff know
24 and we will be happy to accommodate you.

25 Madam Forelady.

1 (The following takes place outside the presence of
2 the jury panel).

3 MR. BAIN: I need to put on the record just
4 briefly.

5 THE COURT: Okay.

6 MR. BAIN: Your Honor, when the jury came in one
7 juror asked about Travis Davidson's statement. That was
8 part of the reason for the original objection when we were
9 presenting statements that they know now exists of people
10 that I cannot call to testify because they have a right to
11 plead the Fifth, so I don't think there is any way Travis
12 Davidson's entire statement is going to get in, but I'm
13 concerned the jury is wondering what that statement
14 contains.

15 I would ask for some kind of curative instruction
16 or something in the charges that says they are not allowed
17 to consider, I guess in this scenario, Travis Davidson's
18 statement, or lack thereof, specifically. And that's the
19 reason I was objecting to the statement being presented
20 through Brandon was because it does create that impression
21 now that the State might not be hiding -- may be hiding
22 something, but it is out of my control to even call him. He
23 has the right to plead the Fifth. Otherwise, I would just
24 probably call him and let the statement come in, but now
25 they know his statement was taken and they are never going

1 to hear it. And I'm concerned that they might put weight on
2 that, that the State is potentially hiding evidence,
3 especially since it came out through our lead investigator,
4 but there is absolutely no way for me to call Jarvis
5 McCluney (sic) to testify and I would ask for some form of
6 curative instruction.

7 MS. LAPHAM: Your Honor, I was trying to refresh
8 his memory of that statement. He can use anything. My
9 question was concerning was there anybody else, another
10 co-defendant running in the back yard. That's when the
11 State asked, if I remember correctly, whose statement is
12 that, and that's when the name came out in open court, Your
13 Honor. I was just trying to refresh his memory that there
14 was a statement taken that there was somebody in the back
15 yard.

16 MR. BAIN: Your Honor, Brandon Gardner testified
17 there was no one in the back yard. Brandon Gardner wasn't
18 impeached with his statement that he's maintained there was
19 someone the back yard. He was impeached with a statement of
20 a witness that I can't get to testify and now this jury
21 knows about that statement and there is no way that we can
22 put the full statement in there. And you have even heard
23 one juror ask "I would like to hear Mr. Davidson's
24 statement."

25 Now, it could go either way. It could be -- it

1 could be hurting the defense, it could be hurting the State,
2 but I think it's important that at least that one particular
3 juror, who is not supposed to be discussing the case, knows
4 to not put weight on that, and that was the whole reason why
5 I objected to his statement even being brought up, because
6 now they know statements exists that -- of people that we
7 can't even have testify.

8 THE COURT: Well, it was a pretty generic
9 question, but I will say, you know, and I think just in the
10 heat of battle, I don't think he did it intentionally, but
11 the answer went a little farther than I certainly
12 anticipated it was going, and I think defense counsel too.
13 We can talk about a curative instruction, if you want.

14 MR. BAIN: Yes, sir, and I don't think anybody
15 intentionally did it, Your Honor.

16 THE COURT: No, sir, I agree.

17 MR. BAIN: I just think it came out. Now it's out
18 there.

19 THE COURT: I understand.

20 We can talk about, you know, putting a curative
21 instruction in the jury charge, if that's what you are
22 asking.

23 MR. BAIN: That might be the best way to handle
24 it, Your Honor, rather than bring more attention to it at
25 this moment.

1 THE COURT: We will bring a lot of attention to it
2 if we do it now.

3 MS. LAPHAM: And also at some point, too, Your
4 Honor, we talk about other statements, other co-defendants.
5 The only one that was, you know, alleging my client was Eric
6 Lattimore, so they know the list of ten co-defendants, that
7 there is others pointing fingers at my client.

8 THE COURT: I know. I know. I understand both
9 sides of the equation here, but I would encourage both
10 lawyers to talk to your witnesses and tell them that to
11 answer what's asked.

12 MS. LAPHAM: Thank you, Your Honor.

13 THE COURT: Okay.

14 MR. BAIN: Thank you, Your Honor.

15 THE COURT: Well, y'all want to take a minute?

16 (Off the record).

17 (Back on the record).

18 THE COURT: We'll have our jury.

19 (The following takes place in the presence of the
20 jury panel).

21 THE COURT: All right. We ready to proceed?

22 JURY FOREPERSON: Yes, sir.

23 THE COURT: Solicitor.

24 MR. BAIN: Thank you, Your Honor.

25 The State calls Jarvis McCluney.

1 JARVIS MCCLUNEY, having been first duly sworn,
2 testified as follows:

3 THE WITNESS: Yes, I do.

4 THE COURT: Sir, tell us your name and spell your
5 last name, please.

6 THE WITNESS: Jarvis McCluney, M-C-C-L-U-N-E-Y.

7 THE COURT: Thank you, sir.

8 Solicitor?

9 MR. BAIN: Thank you, Your Honor.

10 DIRECT EXAMINATION BY MR. BAIN:

11 Q. Mr. McCluney, are you currently employed?

12 A. Yes, sir.

13 Q. And where do you work at?

14 A. Jetline.

15 Q. How long have you lived in Cherokee County?

16 A. All my life.

17 Q. And in August of 2012 were you working?

18 A. Yes. Well, no, I had just got laid off.

19 Q. And what is your relationship with Nick Bonner?

20 A. He's a friend of my brothers.

21 Q. And how long have you known him?

22 A. I grew up in the neighborhood around him.

23 Q. And is Nick Bonner in the courtroom today?

24 A. Yes, sir.

25 Q. Where is he sitting?

1 A. Right there.

2 Q. Now, do you know where Nick Bonner lives?

3 A. Yes.

4 Q. Where does he live?

5 A. 126 Iris Lane.

6 Q. And back on August 6th, 2012, where was he living?

7 A. From my understanding he was at 126 Iris Lane.

8 Q. Okay. And do you remember an incident that occurred at
9 Nick Bonner's house on August 6th, 2012?

10 A. Yes, sir.

11 Q. And were you arrested?

12 A. Yes, sir.

13 Q. For what?

14 A. Trafficking crack cocaine.

15 Q. And do you remember who all was living there at the
16 time?

17 A. Chris, Ronald, Nick, and Ms. Gwen.

18 Q. Are you familiar with the layout of this house?

19 A. Yes.

20 Q. How many bedrooms are there?

21 A. I think there is three.

22 Q. All right. Do you know if Nick Bonner had a bedroom on
23 August 6th, 2012 in the house?

24 A. I think Ronald shared a bedroom with him, in his room.

25 Q. So did Nick Bonner have a bedroom?

1 A. Yes.

2 Q. And who else stayed there?

3 A. Ronald, Chris, and Gwen.

4 Q. Okay. And who is Gwen?

5 A. His mother.

6 Q. Was his mother there on August 6th, 2012?

7 A. No, sir.

8 Q. How long were you there that day?

9 A. I think I got there like ten o'clock.

10 Q. In the morning?

11 A. Ten o'clock in the morning.

12 Q. Okay. Do you remember if Gwen was there at all that

13 day?

14 A. Yes, she was leaving for work.

15 Q. Okay. But she wasn't there at the time of the search

16 warrant, is that correct?

17 A. No.

18 Q. And on August 6th, 2012, what were you doing over

19 there?

20 A. I was sitting on the chair smoking.

21 Q. What were you smoking?

22 A. Marijuana.

23 Q. And who all was over there?

24 A. Me, Chris, Nick, Ronald, Nick, Nickcos, Jordan Smith,

25 Travis Davidson, and Quintin Horton.

1 Q. Okay. And were those -- those are the people that were
2 there when the search warrant was served, correct?

3 A. Yes.

4 Q. Were there other people there between ten o'clock and
5 when the search warrant was executed?

6 A. I can't really remember how many people come and go.

7 Q. Okay. Is it -- is it usual for people to be coming and
8 going?

9 A. Yeah. It's a big neighborhood, so yes.

10 Q. Okay. And are you familiar with or have you seen
11 illegal narcotics?

12 A. I don't really -- I mean, other than marijuana, I don't
13 really pay attention to it. I try not to.

14 Q. Okay. Well, are you familiar with what crack cocaine
15 looks like?

16 A. No, not really.

17 Q. Are you familiar with what cocaine looks like?

18 A. I just know it's all white.

19 Q. Okay. And is it fair to describe that as a white
20 powdery substance?

21 A. Yes.

22 Q. And on August 6th, 2012, did you see any drugs in the
23 house that day?

24 A. Yes.

25 Q. What did you see?

1 A. Eric Lattimore came to the door and pulled out of his
2 pocket a substance, white substance.

3 Q. What type of narcotic -- do you know if that's a
4 narcotic that you saw?

5 A. No, I just know it was hard.

6 Q. What did Eric Lattimore do with the drugs?

7 A. He had asked for a scale and I reached him a scale and
8 he weighed it.

9 Q. Okay. Did Eric Lattimore call you before he arrived at
10 the house?

11 A. No.

12 Q. Did Eric Lattimore just go show up at the house?

13 A. Yes, he came.

14 Q. Did Eric Lattimore have any prior knowledge that you
15 had a scale on you?

16 A. No.

17 Q. Did you let Mr. Lattimore use a scale?

18 A. Yes.

19 Q. What kind of scale was it?

20 A. A gray hand digital scale.

21 Q. All right. I'm handing you what's been entered into
22 evidence as State's Exhibit 32. Do you recognize this?

23 A. Yes.

24 Q. And what is that?

25 A. It's a scale that I had.

1 Q. And is that a scale that you gave to Eric Lattimore
2 that day?

3 A. Yes, sir.

4 Q. Will you please open the scale?

5 What appears to be on the scale?

6 A. Marijuana and the white substance that he left on it.

7 Q. Okay. Thank you.

8 And where was the white substance laid?

9 A. On the floor.

10 Q. What -- in what room?

11 A. I was standing beside the couch in the breezeway of the
12 front room and kitchen.

13 Q. And who else was in that room?

14 A. You had Ronald, Stephon, and Nickcos in the kitchen.
15 Me, Nick, Jordan in the front room.

16 Q. Okay. So Nick was in the room when you pulled out the
17 scales?

18 A. He was toward the front room.

19 Q. Okay. Now, did Eric Lattimore go to another room to
20 weigh those?

21 A. No.

22 Q. All right. Did he weigh it out in the open?

23 A. Yes.

24 Q. And did anyone tell you not to pull out the scale?

25 A. No.

1 Q. Did anyone tell you not to let Eric Lattimore weigh
2 drugs in that house?

3 A. No.

4 Q. Did you see drugs exchange hands between anyone?

5 A. No, sir.

6 Q. Did you see -- at any point in the house did Nick
7 Bonner call for Eric Lattimore?

8 A. No, sir.

9 Q. Do you ever remember seeing an exchange between Nick
10 Bonner and Eric Lattimore?

11 A. No, they -- Eric come to the door and called Nick out
12 the door and he came back in the door.

13 Q. Okay. So Eric calls Nick out the door?

14 A. Yes.

15 Q. And then Eric came into the house?

16 A. Yes.

17 Q. And after Eric called Nick outside is when he came in
18 and asked for the scale, is that correct?

19 A. Yes.

20 Q. But you didn't see anything between Eric and Nick, is
21 that correct?

22 A. No, sir.

23 Q. You just heard Eric call for Nick?

24 A. Yes.

25 Q. How many times have you hung out at Nick Bonner's house

1 prior to August 6th, 2012?

2 A. A few times.

3 Q. And is Nick Bonner typically there when you are there?

4 A. He in there. Sometimes he there. I hung out with
5 Chris.

6 Q. Okay. But other times you've been over there, has Nick
7 Bonner been there?

8 A. Yes.

9 Q. And are there usually a lot of people coming over to
10 the house?

11 A. Yes.

12 Q. And do a lot of cars pull up at the house?

13 A. People come and go.

14 Q. Okay. Do you know how long some of these cars stay?

15 A. Here and there. I mean, people come and see, watch
16 games, drink, chill. It would be like in and out.

17 Q. Tell us what happened when the police arrived.

18 A. When the police came -- I heard somebody holler raid,
19 police coming, so I picked my scale up and put it in my
20 pocket. And then everybody was running back and forth.
21 Ronald went out the door. I stepped through the door. Eric
22 ran toward the kitchen.

23 Q. Okay. Did you see any arguments between any
24 individuals?

25 A. Yes.

1 Q. Who did you see an argument between?

2 A. Nick and Eric.

3 Q. Do you know what that argument was over?

4 A. Eric was asking everybody to put the drugs on a 14 year
5 old.

6 Q. Okay. And after you were arrested, did the police
7 transport you to the detention center?

8 A. Yes, sir.

9 Q. And how did they transport you there?

10 A. In a van.

11 Q. And who all was in the van with you?

12 A. I really can't recall. I think it was me, Eric --
13 well, no, Eric, he went with Anderson. Jordan, Travis,
14 Nickcos. I mean, it was good bit of us in there.

15 Q. Okay. Was Nick Bonner in the van with you?

16 A. I really can't recall.

17 Q. Okay. Eric Lattimore was not in the van with you, is
18 that correct?

19 A. No.

20 Q. Okay. Do you remember giving a prior sworn statement
21 stating that Nick Bonner was in the van with you?

22 A. No.

23 Q. And what happened after you were transported to the
24 detention center?

25 A. We was -- we was processed, put in the holding cell.

1 We was brought out one by one to be interrogated.

2 Q. Okay. And who was in the holding cell with you?

3 A. Everybody except Eric.

4 Q. Okay. So when you say everyone --

5 A. Except Eric and Jordan. Me, Nick, Quintin, Nickcos.

6 Q. Now, they put y'all in the same holding cell at the
7 detention center, is that correct?

8 A. Yes.

9 Q. All right. Would it make sense that they put you all
10 in the same van to transport you there?

11 A. I can't recall. I mean --

12 Q. But they didn't have to separate Nick Bonner from
13 y'all, did they?

14 A. Once the argument and fight -- the punch went on, it
15 was like officers grabbing different people.

16 Q. And do you remember how Eric Lattimore was transported?

17 A. Ronnie Anderson took him straight to his jeep.

18 Q. What jeep?

19 A. It was like a jeep that he normally drive. It was a
20 white jeep.

21 Q. Okay. Would it surprise you at this time that Ronnie
22 Anderson was getting a search warrant from a magistrate
23 court judge?

24 A. No. I mean, it couldn't have been because he was on
25 the scene.

1 Q. Okay. I'm talking about when y'all were transported.

2 A. You asked me well, one of them was in the car when we
3 were transported. We were transported. I was just being
4 transported.

5 Q. Okay. Would it surprise you that when you claim Ronnie
6 Anderson was transporting Eric Lattimore, he was getting a
7 search warrant from a magistrate court judge?

8 A. I just know he wasn't in the van with me.

9 Q. That Eric Lattimore wasn't in the van with you?

10 A. Yeah, he wasn't in the van with me.

11 Q. And you are not sure if Nick Bonner was in the van with
12 you?

13 A. I know that Toot-Toot -- I know that Jordan Smith
14 wasn't in the van. I know that Eric wasn't in the van.
15 There was so much commotion in the van that I really don't
16 know who all was in the van. I was in the back of the van.

17 Q. Let me clarify. You said that Jordan wasn't in the
18 van?

19 A. No, sir.

20 Q. And Eric wasn't in the van?

21 A. No, sir.

22 Q. And those are the two that you specifically remember
23 not being in the van?

24 A. Yes.

25 Q. Were there any discussions in the holding cell about

1 the incident?

2 A. There was arguing back and forth.

3 You had Eric was sitting on one side and he had us in
4 the corner like.

5 Q. Could you hear between the holding cells?

6 A. Yes, sir, you can hear between the holding cells.

7 Q. And did you give a statement to the police concerning
8 this incident?

9 A. Concerning which incident?

10 Q. Concerning the search at 126 Iris Lane.

11 A. Yes, sir.

12 Q. And did you give that statement freely and voluntarily?

13 A. Yes, sir.

14 Q. Okay. Did -- do you remember what officer sit in with
15 you?

16 A. Federico and Brandon Gardner.

17 Q. And do you remember if they read your statements of
18 rights?

19 A. Yes.

20 Q. They did?

21 A. Yes.

22 Q. And did you waive those rights?

23 A. Yes, sir.

24 Q. And who wrote the statement?

25 A. Federico.

1 Q. All right. Well, did the officer who wrote the
2 statement read it back to you?

3 A. Yes.

4 Q. And did they read it back to you before you signed it?

5 A. Yes.

6 Q. Did any officer tell you what to write in your
7 statement?

8 A. No, sir.

9 Q. Did any officer coach you in any way?

10 A. No, sir.

11 Q. Okay. Did the officers tell you anything about the
12 drugs located across the street prior to writing that
13 statement?

14 A. They only spoke of the drugs that was in the house.

15 Q. Okay. So when was the first time that you heard about
16 the drugs across the street?

17 A. Once I retained my lawyer and got the motion of
18 discovery.

19 Q. Okay.

20 Now, you just mentioned the house across the street, is
21 that correct?

22 A. Say that again.

23 Q. You just mentioned about the house across the street,
24 is that correct?

25 A. No, you mentioned the house across the street. I don't

1 know anything about the drugs at the house across the
2 street.

3 Q. Okay. And you said that you were familiar with the
4 house across the street, is that correct?

5 A. I had a friend that stayed there.

6 Q. Okay. Well, back on August 6th of 2012, did anybody
7 stay there?

8 A. No, I think he just moved out prior that year.

9 Q. Okay. So is it fair to say it was a vacant house on
10 August 6th, 2012?

11 A. Yes, sir, it was.

12 Q. And would you have a clear view of that carport
13 standing in front of Nick Bonner's yard?

14 A. Yes.

15 Q. And do you recall if there was a trash can in that
16 carport that day?

17 A. I think it is.

18 Q. And could you have seen that trash can from Nick
19 Bonner's yard?

20 A. I was in the house, so I wasn't sure where the trash
21 can would have been at, but I know it's an abandoned house
22 have a trash can.

23 Q. Okay. But you had a clear view of that house across
24 the street?

25 A. No, not from inside the house I don't.

1 Q. Okay. Standing in the front yard, you would have a
2 clear view of the house across the street?

3 A. Yes.

4 MR. BAIN: No further questions, Your Honor.

5 THE COURT: Yes, ma'am.

6 MS. LAPHAM: Thank you, Your Honor.

7 CROSS EXAMINATION BY MS. LAPHAM:

8 Q. Now, you testified earlier that you give a statement to
9 law enforcement, is that correct?

10 A. Yes, ma'am.

11 MS. LAPHAM: May I approach the witness, Your
12 Honor?

13 THE COURT: Yes, ma'am.

14 BY MS. LAPHAM:

15 Q. Can you please read the statement?

16 A. "I had been at Nick Bonner's house since about 10:00 in
17 the morning at Monday August 6, 2012. I chilled out at the
18 house all day. About 10 or 15 minutes before the raid Eric
19 Lattimore asked me if I had a scale, and I gave him my scale
20 to use for his own use. He placed a white powdered
21 substance on the scale. I got scales back and minutes later
22 somebody said here they go. And I laid down when I opened
23 up the door and saw the cops."

24 Q. Thank you.

25 MS. LAPHAM: I'm going to offer this into

1 evidence, Your Honor.

2 MR. BAIN: No objection, Your Honor.

3 THE COURT: Without objection.

4 (Pre-Interrogation Waiver Form and Written
5 Statement of Jarvis McCluney was marked as Defendant's
6 Exhibit No. 12 and entered into the record as evidence)

7 BY MS. LAPHAM:

8 Q. So on that day, August 6th, 2012, it was Eric Lattimore
9 that you saw walking in the door with those drugs, correct?

10 A. Yes, ma'am.

11 Q. Those weren't your drugs?

12 A. No, ma'am.

13 Q. They weren't Nick's drugs?

14 A. No, ma'am.

15 Q. And y'all had a discussion about whose home it was at
16 126 Iris Lane?

17 A. Yes, ma'am.

18 Q. Was it true that Nick grew up there?

19 A. Yes, ma'am.

20 Q. Now, really at this time his mother's home, is that
21 correct?

22 A. Yes.

23 Q. He would come and visit and stay with her, things of
24 that nature?

25 A. Yes, ma'am.

1 Q. Now, Nick has some children and he has a -- do you know
2 Ronda Norris?

3 A. Yes.

4 Q. How do you know Ronda Norris?

5 A. Grew up around the neighborhood.

6 Q. Now, wouldn't it be a possibility that Nick was living
7 with Ronda, since they have a child together?

8 A. Yes. They -- they got a kid together.

9 Q. They have been together for a long time, haven't they?

10 A. Yes.

11 Q. Many many, years?

12 A. Yes.

13 Q. But he could be living there at that address with
14 Ronda, correct?

15 A. Yes.

16 Q. Now, during this time when you were at the home, did
17 you ever see Prentiss Jefferies?

18 A. No.

19 Q. Did you ever see some supposed man from North Carolina
20 that came into the home to exchange drugs with Nick?

21 A. Uh-uh.

22 Q. Because isn't it true that you were at the home before
23 Eric got there?

24 A. Yes.

25 Q. So you never saw any mysterious man from North Carolina

1 come in and bring bags of drugs?

2 A. No.

3 Q. And this home was not known to be trafficking cocaine
4 or powder, was it?

5 A. No.

6 Q. And, to the best of your recollection, did Eric
7 Lattimore leave with Ronnie Anderson?

8 A. Yes.

9 Q. And, to the best of your recollection, you think Nick
10 Bonner left with another law enforcement officer?

11 A. I mean, it could have been, but I'm not sure.

12 Q. When law enforcement came in the home for the raid --

13 A. Yes, ma'am.

14 Q. -- could you tell me where Ronald Littlejohn went?

15 A. Ronald Littlejohn ran out the door.

16 Q. Could you tell me where Travis Davidson went?

17 A. Travis was standing towards the back.

18 Q. Could you tell me where Eric Lattimore went?

19 A. He ran in the kitchen.

20 Q. Did he run by the stove?

21 A. Yes. He was at the back door.

22 Q. Can you tell me where Nick Bonner went?

23 A. He was still standing faced towards the front window.

24 Q. And can you tell me where Jordan Smith went?

25 A. He was still on the couch. He didn't -- he didn't

1 never make it past the threshold.

2 Q. Did Eric Lattimore have a large black bag with him?

3 A. Yeah.

4 MS. LAPHAM: Nothing further, Your Honor.

5 THE COURT: Yes, sir.

6 MR. BAIN: Thank you, Your Honor.

7 REDIRECT EXAMINATION BY MR. BAIN:

8 Q. Was that black bag a book bag?

9 A. He had it on his shoulder.

10 Q. Okay. And you said that Eric Lattimore weighed the
11 powdered stuff 10 to 15 minutes before the raid?

12 A. Yes.

13 Q. Is that correct?

14 A. Yes, sir. His exact words were that he got a cell he
15 had to pay.

16 Q. Okay. But it was 10 to 15 minutes before the raid?

17 A. Approximately, yes.

18 Q. Okay. And this weighing of the powdered stuff, this
19 occurred in the presence of Nick Bonner and other people in
20 the house?

21 A. Everybody was in the house.

22 Q. Okay. And did anyone in that 10 to 15 minutes ask Eric
23 Lattimore to leave?

24 A. No.

25 Q. And did you provide him a scale to weigh the drugs?

1 A. Yes.

2 Q. And Eric Lattimore didn't call you to ask you if you
3 had a scale?

4 A. No.

5 Q. Are you familiar with a bond sheet?

6 A. Say that again.

7 Q. Are you familiar with what a bond sheet is?

8 A. Yes, sir.

9 Q. All right. Well, did you have to fill out a bond sheet
10 to bond out of jail?

11 A. Yes.

12 Q. All right. And when you fill out that bond sheet, what
13 kind of information do you put on it?

14 A. You have to give information of people that you call to
15 get in contact with you.

16 Q. Okay. Do you give your address and where you live?

17 A. Yes.

18 Q. And why is that?

19 A. So they can find you.

20 Q. Okay. So they can notify you about your court
21 proceedings?

22 A. Yes.

23 Q. I'm handing you what's been entered into evidence as
24 State's Exhibit 33. Will you please take a look at that?

25 A. Uh-huh.

1 Q. Whose signature appears on that bond sheet?

2 A. Nick Bonner.

3 Q. And what is the address listed on that bond sheet?

4 A. 126 Iris Lane.

5 MS. LAPHAM: Your Honor, I object. How would he
6 know that that really is his signature of my client?

7 MR. BAIN: It's in evidence, Your Honor. He's
8 testifying the name that's on the signature line.

9 THE COURT: He asked him if he knew what it was
10 and he said yes.

11 MR. BAIN: Thank you, Your Honor.

12 No more questions on that.

13 BY MR. BAIN:

14 Q. Now, you have known Nick Bonner to live at 126 Iris
15 Lane, is that correct?

16 A. Yes.

17 Q. So you don't know if he was living with Ronda Norris or
18 not, do you?

19 A. Usually -- it wasn't none of my personal business. I
20 mean, I hung out with Chris.

21 Q. Okay. But you knew Nick Bonner lived at 126 Iris Lane?

22 A. Yes.

23 Q. Now, when Eric Lattimore first came in the house, you
24 didn't see him with the drugs, is that correct?

25 A. When he came into the house, no.

1 Q. Okay. You only saw it once he pulled it out, according
2 to you, out of his book bag?

3 A. He pulled it out of his pocket.

4 Q. Out of his pocket?

5 A. Yes.

6 Q. Okay. And Eric had called Nick outside prior to
7 entering the house?

8 A. Yes.

9 MR. BAIN: No further questions, Your Honor.

10 THE COURT: Yes, ma'am.

11 RE CROSS EXAMINATION BY MS. LAPHAM:

12 Q. Couldn't he have called him out front for a cigarette,
13 which is the intent for supposedly coming?

14 A. He could have.

15 Q. You didn't see anything in the front yard?

16 A. No, ma'am.

17 Q. The drugs were brought in the door with Eric Lattimore?

18 A. Yes.

19 MS. LAPHAM: Nothing further, Your Honor.

20 THE COURT: All right. Sir, you may step down.

21 Please be careful.

22 MR. BAIN: We ask this witness be excused.

23 MS. LAPHAM: No objection, Your Honor.

24 THE COURT: Sir, you may stay or go, whichever you
25 choose.

1 MR. BAIN: Your Honor, the State's next witness
2 will be here at nine a.m. in the morning from SLED.

3 THE COURT: Okay.

4 Madam Forelady and ladies and gentlemen, due to
5 some scheduling conflicts, we have some witnesses that could
6 not be here today. They will be here in the morning at nine
7 a.m.. We are going to end a little early day.

8 Again, I charge you and tell you and instruct you
9 do not try to learn anything about this case. Don't try --
10 please don't talk about this case with anyone. Don't
11 discuss it with your family members, or friends, or each
12 other. Actually don't even think about it. You are again
13 at work. It's not time for you to begin that process. It
14 shortly will be, but not at this point in time.

15 With that we are going to let you go for the
16 evening. Have a good evening. Be back in the morning at
17 whatever time you need to be here so that we can begin at
18 nine.

19 Again, I'm usually here about eight o'clock, 8:05,
20 something like that and get some coffee and get ready to go
21 so I intend to take the bench at nine a.m..

22 They are going to be here at nine, right?

23 MR. BAIN: Yes, sir, Your Honor, I have confirmed
24 with that.

25 THE COURT: Yes, we'll get started at nine o'clock

1 promptly in the morning.

2 Madam Forelady.

3 (The following takes place outside the presence of
4 the jury panel).

5 THE COURT: Anything from the State?

6 MR. BAIN: Nothing from the State, Your Honor.

7 THE COURT: From the defense?

8 MS. LAPHAM: Nothing from the defense, Your Honor.

9 THE COURT: Okay. Before we recess let me see the
10 lawyers.

11 (Whereupon, proceedings were recessed until April
12 26, 2017)

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2 STATE OF SOUTH CAROLINA)
3 COUNTY OF CHEROKEE) IN THE COURT OF GENERAL SESSIONS
4

5 THE STATE OF SOUTH)
6 CAROLINA)
7 -vs-) TRANSCRIPT OF RECORD
8) 2012-GS-11-00820
9) 2012-GS-11-00821
10) APRIL 26, 2017
11) GAFFNEY, SOUTH CAROLINA
12)
13)
14)
15)
16)
17)
18)
19)
20)
21)
22)
23)
24)
25)

(VOLUME III)

B E F O R E:

THE HONORABLE R. KEITH KELLY, JUDGE. ; And a Jury.

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

CHRISTOPHER M. BAIN, ASSISTANT SOLICITOR
ATTORNEY FOR THE STATE

CANDICE K. LAPHAM, ATTORNEY AT LAW
ATTORNEY FOR THE DEFENDANT

MICHAEL R. WATTS
CIRCUIT COURT REPORTER

1	INDEX	
2	(APRIL 24, 2017)	
3	WITNESSES	PAGE
4	JURY VOIR DIRE -- PAGE 23	
5	(SUPPRESSION HEARING)	
6	OFFICER BRANDON GARDNER (SW)	
7	DIRECT EXAMINATION BY MR. BAIN	55
8	CROSS EXAMINATION BY MS. LAPHAM	65
9	NICHOLAS BONNER (DW)	
10	DIRECT EXAMINATION BY MS. LAPHAM	69
11	CROSS EXAMINATION BY MR. BAIN	71
12	ERIC LATTIMORE (SW)	
13	DIRECT EXAMINATION BY MR. BAIN	83
14	CROSS EXAMINATION BY MS. LAPHAM	87
15		
16	(JURY TRIAL)	
17	JURY SWORN -- PAGE 96	
18	OPENING STATEMENT BY MR. BAIN -- PAGE 104	
19	OPENING STATEMENT BY MS. LAPHAM -- PAGE 110	
20	PRENTISS JEFFERIES (SW)	
21	DIRECT EXAMINATION BY MR. BAIN	114
22	CROSS EXAMINATION BY MS. LAPHAM	126
23	REDIRECT EXAMINATION BY MR. BAIN	130
24	RECROSS EXAMINATION BY MS. LAPHAM	133
25		

INDEX

(APRIL 24, 2017)

WITNESSES	PAGE
MICHAEL TODD PARKER (SW)	
DIRECT EXAMINATION BY MR. BAIN	135
CROSS EXAMINATION BY MS. LAPHAM	144
REDIRECT EXAMINATION BY MR. BAIN	146
ERIC LATTIMORE (SW)	
DIRECT EXAMINATION BY MR. BAIN	151
CROSS EXAMINATION BY MS. LAPHAM	171
REDIRECT EXAMINATION BY MR. BAIN	180
RE CROSS EXAMINATION BY MS. LAPHAM	181

INDEX

(APRIL 25, 2017)

WITNESSES	PAGE
OFFICER NICK FEDERICO (SW)	
DIRECT EXAMINATION BY MR. BAIN	201
CROSS EXAMINATION BY MS. LAPHAM	215
REDIRECT EXAMINATION BY MR. BAIN	224
RECROSS EXAMINATION BY MS. LAPHAM	231
RONNIE ANDERSON (SW)	
DIRECT EXAMINATION BY MR. BAIN	232
CROSS EXAMINATION BY MS. LAPHAM	248
REDIRECT EXAMINATION BY MR. BAIN	251
RECROSS EXAMINATION BY MS. LAPHAM	252
STEPHON ADAMS (SW)	
DIRECT EXAMINATION BY MR. BAIN	254
CROSS EXAMINATION BY MS. LAPHAM	265
REDIRECT EXAMINATION BY MR. BAIN	270
RECROSS EXAMINATION BY MS. LAPHAM	273
OFFICER BRANDON GARDNER (SW)	
DIRECT EXAMINATION BY MR. BAIN	276
CROSS EXAMINATION BY MS. LAPHAM	323
REDIRECT EXAMINATION BY MR. BAIN	338
RECROSS EXAMINATION BY MS. LAPHAM	339

INDEX

(APRIL 25, 2017)

WITNESSES	PAGE
OFFICER RODNEY BRIGHT (SW)	
DIRECT EXAMINATION BY MR. BAIN	342
CROSS EXAMINATION BY MS. LAPHAM	346
OFFICER MIKE SCRUGGS (SW)	
DIRECT EXAMINATION BY MR. BAIN	347
CROSS EXAMINATION BY MS. LAPHAM	352
OFFICER JIMMY HENSON (SW)	
DIRECT EXAMINATION BY MR. BAIN	356
CROSS EXAMINATION BY MS. LAPHAM	361
REDIRECT EXAMINATION BY MR. BAIN	363
RE CROSS EXAMINATION BY MS. LAPHAM	364
OFFICER BILLY ANTHONY 9SW)	
DIRECT EXAMINATION BY MR. BAIN	365
CROSS EXAMINATION BY MS. LAPHAM	372
JARVIS MCCLUNEY (SW)	
DIRECT EXAMINATION BY MR. BAIN	378
CROSS EXAMINATION BY MS. LAPHAM	392
REDIRECT EXAMINATION BY MR. BAIN	396
RE CROSS EXAMINATION BY MS. LAPHAM	399

INDEX

(APRIL 26, 2017)

WITNESSES	PAGE
SLED AGENT DONNA MONEY (SW)	
DIRECT EXAMINATION BY MR. BAIN	417
CROSS EXAMINATION BY MS. LAPHAM	426
REDIRECT EXAMINATION BY MR. BAIN	427
RECROSS EXAMINATION BY MS. LAPHAM	427
SLED AGENT KIMBERLY MEARS (SW)	
DIRECT EXAMINATION BY MR. BAIN	428
CROSS EXAMINATION BY MS. LAPHAM	434
SLED AGENT MARIBETH MCCORMACK (SW)	
DIRECT EXAMINATION BY MR. BAIN	435
CROSS EXAMINATION BY MS. LAPHAM	443
SLED AGENT LYNN BLACK (SW)	
DIRECT EXAMINATION BY MR. BAIN	444
CROSS EXAMINATION BY MS. LAPHAM	453
STATE RESTS -- PAGE 460	
RODNEY LOVE (DW)	
DIRECT EXAMINATION BY MS. LAPHAM	461
CROSS EXAMINATION BY MR. BAIN	472
REDIRECT EXAMINATION BY MS. LAPHAM	488
RECROSS EXAMINATION BY MR. BAIN	489

INDEX

(APRIL 26, 2017)

WITNESSES	PAGE
RONDA NORRIS (DW)	
DIRECT EXAMINATION BY MS. LAPHAM	490
CROSS EXAMINATION BY MR. BAIN	496
REDIRECT EXAMINATION BY MS. LAPHAM	515
RODNEY DAVIDSON (DW)	
DIRECT EXAMINATION BY MS. LAPHAM	517
CROSS EXAMINATION BY MR. BAIN	521
SHAKEIA DAVIDSON (DW)	
DIRECT EXAMINATION BY MS. LAPHAM	526
CROSS EXAMINATION BY MR. BAIN	528
DAPHINE BONNER (DW)	
DIRECT EXAMINATION BY MS. LAPHAM	530
CROSS EXAMINATION BY MR. BAIN	532
REDIRECT EXAMINATION BY MS. LAPHAM	539
RECROSS EXAMINATION BY MR. BAIN	539
DARIUS LOGAN (DW)	
DIRECT EXAMINATION BY MS. LAPHAM	543
CROSS EXAMINATION BY MR. BAIN	544
REDIRECT EXAMINATION BY MS. LAPHAM	546

INDEX

(APRIL 26, 2017)

WITNESSES	PAGE
TODD FERNANDERS (DW)	
DIRECT EXAMINATION BY MS. LAPHAM	546
CROSS EXAMINATION BY MR. BAIN	553
REDIRECT EXAMINATION BY MS. LAPHAM	571
LATONYA SMITH (DW)	
DIRECT EXAMINATION BY MS. LAPHAM	573
(NO CROSS EXAMINATION)	
CHRIS BONNER (DW)	
DIRECT EXAMINATION BY MS. LAPHAM	578
CROSS EXAMINATION BY MR. BAIN	588
REDIRECT EXAMINATION BY MS. LAPHAM	604
RE CROSS EXAMINATION BY MR. BAIN	606
NICHOLAS BONNER (DW)	
DIRECT EXAMINATION BY MS. LAPHAM	610
CROSS EXAMINATION BY MR. BAIN	621
REDIRECT EXAMINATION BY MS. LAPHAM	678

INDEX

(APRIL 27, 2017)

WITNESSES PAGE

NICKCOS SMITH (DW)

DIRECT EXAMINATION BY MS. LAPHAM 697

CROSS EXAMINATION BY MR. BAIN 701

REDIRECT EXAMINATION BY MS. LAPHAM 704

DEEGEE BONNER (DW)

DIRECT EXAMINATION BY MS. LAPHAM 705

CROSS EXAMINATION BY MR. BAIN 711

STACY COVINGTON (DW)

DIRECT EXAMINATION BY MS. LAPHAM 714

CROSS EXAMINATION BY MR. BAIN 719

REDIRECT EXAMINATION BY MS. LAPHAM 727

DEFENSE RESTS -- PAGE 730

OFFICER MIKE SCRUGGS (SW0 (REBUTTAL)

DIRECT EXAMINATION B MR. BAIN 731

CROSS EXAMINATION BY MS. LAPHAM 732

OFFICER RONNIE PAINTER (SW) (REBUTTAL)

DIRECT EXAMINATION BY MR. BAIN 733

CROSS EXAMINATION BY MS. LAPHAM 737

REDIRECT EXAMINATION BY MR. BAIN 738

INDEX

(APRIL 27, 2017)

WITNESSES

PAGE

OFFICER TIM TATE (SW) (REBUTTAL)

DIRECT EXAMINATION BY MR. BAIN

739

CROSS EXAMINATION BY MS. LAPHAM

742

REDIRECT EXAMINATION BY MR. BAIN

743

CLOSING ARGUMENT BY MR. BAIN -- PAGE 748

CLOSING ARGUMENT BY MS. LAPHAM -- PAGE 765

FINAL ARGUMENT BY MR. BAIN -- PAGE 774

COURT'S JURY INSTRUCTIONS -- PAGE 778

JURY VERDICT -- PAGE 806

SENTENCING -- PAGE 820

COURT REPORTER'S CERTIFICATE -- PAGE 821

		EXHIBITS		
	NO.	DESCRIPTION	ID.	EV.
1				
2				
3	S-1	CONFIDENTIAL INFORMANT AGREEMENT		117
4	S-2	VOLUNTARY STMT OF PRENTISS JEFFERIES		122
5	S-3	PHOTOGRAPH		170
6	S-4	PRE-INTERROGATION WAIVER FORM &		
7		STATEMENT OF ERIC LATTIMORE		167
8	S-5	PHOTOGRAPH		238
9	S-5-A	PHOTOGRAPH		238
10	S-5-B	PHOTOGRAPH		238
11	S-5-C	PHOTOGRAPH		238
12	S-5-D	PHOTOGRAPH		238
13	S-5-E	PHOTOGRAPH		238
14	S-5-F	PHOTOGRAPH		238
15	S-5-G	PHOTOGRAPH		239
16	S-5-H	PHOTOGRAPH		239
17	S-5-I	PHOTOGRAPH		239
18	S-5-J	PHOTOGRAPH		239
19	S-5-K	PHOTOGRAPH		239
20	S-5-L	PHOTOGRAPH		239
21	S-5-M	PHOTOGRAPH		239
22	S-5-N	PHOTOGRAPH		239
23	S-6	PHOTOGRAPH		236
24	S-6-A	PHOTOGRAPH		236
25	S-6-B	PHOTOGRAPH		236

EXHIBITS				ID.	EV.
	NO.	DESCRIPTION			
1					
2					
3	S-6-C	PHOTOGRAPH		236	
4	S-6-D	PHOTOGRAPH		237	
5	S-6-E	PHOTOGRAPH		237	
6	S-6-F	PHOTOGRAPH		237	
7	S-6-G	PHOTOGRAPH		237	
8	S-6-H	PHOTOGRAPH		237	
9	S-7	PHOTOGRAPH		240	
10	S-7-A	PHOTOGRAPH		240	
11	S-8	PHOTOGRAPH		240	
12	S-9	PHOTOGRAPH		206	
13	S-10	PHOTOGRAPH		206	
14	S-10-A	PHOTOGRAPH		206	
15	S-10-B	PHOTOGRAPH		206	
16	S-11	PHOTOGRAPH		207	
17	S-11-A	PHOTOGRAPH		207	
18	S-11-B	PHOTOGRAPH		207	
19	S-11-C	PHOTOGRAPH		207	
20	S-12	PHOTOGRAPH		207	
21	S-12-A	PHOTOGRAPH		207	
22	S-13	PHOTOGRAPH		207	
23	S-14	PHOTOGRAPH		207	
24	S-14-A	PHOTOGRAPH		207	
25	S-14-B	PHOTOGRAPH		207	

		EXHIBITS		
	NO.	DESCRIPTION	ID.	EV.
1				
2				
3	S-15	PHOTOGRAPH		207
4	S-15-A	PHOTOGRAPH		208
5	S-15-A	PHOTOGRAPH		208
6	S-16	PHOTOGRAPH		208
7	S-17	PHOTOGRAPH		208
8	S-17-A	PHOTOGRAPH		208
9	S-18	PRE-INTERROGATION WAIVER FORM &		
10		STATEMENT OF NICHOLAS BONNER		313
11	S-19	SCALES		244
12	S-20	CLOTH BAG		243
13	S-21	PLASTIC BAG		244
14	S-22	PLASTIC BAG		244
15	S-23	DRUGS		451
16	S-24	DRUGS		451
17	S-24-A	DRUGS		451
18	S-25	DRUGS		451
19	S-26	DRUGS		452
20	S-26-A	DRUGS		452
21	S-26-B	DRUGS		452
22	S-26-C	DRUGS		452
23	S-26-D	DRUGS		452
24	S-26-E	DRUGS		452
25	S-26-F	DRUGS		452

EXHIBITS				
	NO.	DESCRIPTION	ID.	EV.
1				
2				
3	S-26-G	DRUGS		452
4	S-26-H	DRUGS		452
5	S-26-I	DRUGS		452
6	S-26-J	DRUGS		452
7	S-26-K	DRUGS		452
8	S-26-L	DRUGS		452
9	S-26-M	DRUGS		453
10	S-26-N	DRUGS		452
11	S-26-O	BOX	22	
12	S-27	AERIAL MAP		297
13	S-28	PRE-INTERROGATION WAIVER FORM &		
14		STATEMENT OF STEPHON ADAMS	22	
15	S-29	PRE-INTERROGATION WAIVER FORM &		
16		STATEMENT OF JARVIS MCCLUNEY	22	
17	S-30	DRUGS		443
18	S-31	DRUGS		441
19	S-32	SCALES		306
20	S-33	ACKNOWLEDGEMENT OF DEFENDANT BOND SHEET		292
21	S-34	PHOTOGRAPH		228
22	S-34-A	PHOTOGRAPH		228
23	S-34-B	PHOTOGRAPH		228
24	S-35	PHOTOGRAPH	702	
25	S-36	CHEROKEE COUNTY PROPERTY REPORT		736

EXHIBITS				
	NO.	DESCRIPTION	ID.	EV.
1				
2	D-1	PHOTOGRAPH		466
3	D-3	PHOTOGRAPH		583
4	D-4	PHOTOGRAPH		583
5	D-5	PHOTOGRAPH		583
6	D-6	PHOTOGRAPH		583
7	D-7	PHOTOGRAPH		583
8	D-9	BANKING RECORDS		708
9	D-10	ESTATE RECORDS		717
10	D-11	PRE-INTERROGATION WAIVER FORM & STATEMENT OF STEPHON ADAMS		268
11	D-12	PRE-INTERROGATION WAIVER FORM & STATEMENT OF JARVIS MCCLUNEY		393
12	D-13	PHOTOGRAPH		583
13	D-14	PHOTOGRAPH		583
14	D-15	PHOTOGRAPH		583
15	D-16	PHOTOGRAPH		605
16				
17				
18				
19				
20		(NOTE: DEFENDANT'S EXHIBIT NO. 2 AND		
21		DEFENDANT'S EXHIBIT NO. 8 WERE NEVER		
22		MARKED FOR THIS TRIAL)		
23				
24	CT-1	JURY NOTE	800	
25	CT-2	JURY NOTE	800	

1 (PROCEEDINGS, APRIL 26, 2017)

2 THE COURT: Anything from the State?

3 MR. BAIN: Nothing from the State, Your Honor.

4 THE COURT: Defense?

5 MS. LAPHAM: Nothing from the defense, Your Honor.

6 THE COURT: We will have the jury.

7 (The following takes place in the presence of the
8 jury panel)

9 THE COURT: Good morning, ladies and gentlemen.

10 Madam Forelady, any matter for the jury?

11 JURY FOREPERSON: No.

12 THE COURT: Everybody ready to go to work?

13 JURY FOREPERSON: Yes.

14 THE COURT: Solicitor?

15 MR. BAIN: Your Honor, the State calls Donna
16 Money.

17 SLED AGENT DONNA MONEY, having been first duly
18 sworn, testified as follows:

19 THE COURT: Agent, tell us your name and spell
20 your last name for my court reporter, please.

21 THE WITNESS: Donna Money, M-O-N-E-Y.

22 THE COURT: Thank you.

23 Solicitor.

24 DIRECT EXAMINATION BY MR. BAIN:

25 Q. Ms. Money, where are you currently employed?

1 A. I am currently employed at the South Carolina Law
2 Enforcement Division, also known as SLED.

3 Q. And how long have you been employed there?

4 A. Approximately four and a half years.

5 Q. And can you please tell the jury about your education
6 and training?

7 A. I received a Bachelor's Degree in Forensic Science from
8 the Pennsylvania State University in 2011.

9 Q. And have you had any training?

10 A. Yes, upon the start of my employment at SLED I
11 underwent a year and a half long training program under a
12 qualified DNA analyst.

13 Q. Okay. And what are some of your duties at SLED?

14 A. I perform DNA analysis on evidence items and known
15 standards for the case work department.

16 Q. So you have had an opportunity to compare DNA from an
17 item and compare it to a known DNA sample?

18 A. Yes.

19 Q. And approximately how many times have you done that?

20 A. Over 500 cases.

21 Q. And have you ever testified as a DNA expert before?

22 A. Yes.

23 Q. How many times?

24 A. Approximately 13.

25 MR. BAIN: Your Honor, at this time I would like

1 to offer Donna Money as an expert in the field of DNA and
2 DNA comparison.

3 MS. LAPHAM: No objection, Your Honor.

4 THE COURT: Okay.

5 She is so -- she is --

6 Ladies and gentlemen of the jury, normally a
7 person cannot give opinion testimony. When a person
8 testifies, they must testify to something they have seen,
9 heard, or sensed by smell or something of that nature. An
10 exception to this is someone who is qualified due to their
11 education, experience, knowledge, skill or training. They
12 are permitted to give their opinion in certain areas if the
13 court so qualifies them.

14 This SLED agent is now qualified as an expert in
15 the area of DNA analysis.

16 MR. BAIN: And comparison.

17 THE COURT: And comparison.

18 That does not mean that you must accept her
19 opinion, but it is evidence for you to use in any way that
20 you see fit and give it the weight and credibility that you
21 believe is appropriate.

22 Solicitor.

23 MR. BAIN: Thank you, Your Honor.

24 BY MR. BAIN:

25 Q. Ms. Money, can you briefly explain how DNA works?

1 A. DNA is a chemical found in cells in the human body and
2 it's essentially the genetic blueprint for a person.

3 Q. And can you explain what a DNA profile is?

4 A. A DNA profile is a numerical representation of a
5 person's genetic code.

6 Q. And can you tell us what short tandem repeat PCR DNA
7 analysis means?

8 A. Short tandem repeat or STR is the means of which we
9 perform our analysis. An STR is a short segment and number
10 of times that sequencing of that segment appears is what we
11 use to determine a person's profile.

12 Q. Okay. And can you just a little more in depth how do
13 you conduct that analysis?

14 A. DNA analysis is a four-step process.

15 First we will extract DNA from the sample to cell swab
16 or cutting from an item. From there we will determine how
17 much DNA is present. From there we will then make copies of
18 the DNA to allow us to have more to work with. And then
19 that sample is run through an instrument where the DNA is
20 separated by size and thus will get turned into a DNA
21 profile.

22 Q. And are you familiar with the term touch DNA?

23 A. Yes.

24 Q. Can you please explain that to the jury?

25 A. So if a person were to handle an item or place their

1 hand on a surface, the skin cells that may be left behind
2 are where we can get touch DNA from. We are getting DNA
3 from those skin cells.

4 Q. So you get DNA from skin cells left behind on an item,
5 is that correct?

6 A. Yes.

7 Q. And did you have an opportunity to review different
8 items received by SLED in this particular case?

9 A. Yes.

10 Q. And what items did you receive?

11 A. When this case was submitted to SLED I initially
12 examined swabs that were taken from a black bag labeled E &
13 J, X - O. I also examined a swab taken from another black
14 tote bag and I received a known standard from Nicholas
15 Bonner.

16 Q. Okay. Did you receive buccal swabs from any other
17 individuals?

18 A. Yes. In a second submission I received known buccal
19 swab DNA standards from Stephon Adams, Quintin Horton, Eric
20 Lattimore, Travis Davidson, and Christopher Bonner.

21 Q. And what do you do with those buccal swabs when you
22 receive them?

23 A. We do the same four-part DNA analysis method to
24 generate a person's profile and then that profile is
25 compared to the profile developed from evidence.

1 Q. And were you able to make a DNA profile from the buccal
2 swabs that you received?

3 A. Yes.

4 Q. So you had known DNA profiles from Nick Bonner, Stephon
5 Adams, Quintin Horton, Eric Lattimore, Travis Davidson, and
6 Christopher Bonner?

7 A. Yes.

8 Q. And you also received a black tote bag, is that
9 correct?

10 A. I received swabs from that tote bag.

11 Q. And do you know where those swabs were taken from?

12 A. According to our evidence processing technician, Verona
13 Gibson, she swabbed -- which tote bag are you referring to,
14 because there were two?

15 Q. The black tote bag with E & J on it.

16 A. That item was actually swabbed by latent prints
17 examiner Kimmy Harris and according to her description, it
18 was from the drawstring and opening edge of that bag.

19 Q. Okay. And I'm handing you what's been entered into
20 evidence as State's Exhibit 20. Will you please take a look
21 at that item?

22 Now, why would, in particular, would you swab those
23 specific areas on a bag like that?

24 A. Typically when a person swabs for touch DNA, it will be
25 in the areas of the item that are most likely going to be

1 handled by a person. So if this -- since this is a bag,
2 that's typically worn on the back, you would swab the
3 strings, because that's where a person would handle the bag
4 to put it on and take it off. And since there is one
5 opening for this bag, they would swab around that opening,
6 because that's where one would be expected to handle it in
7 order to open and close it.

8 Q. Okay. And were you able to develop a DNA profile from
9 that bag?

10 A. No, I was not.

11 Q. So you couldn't compare anything from that bag to any
12 of the known standards that you had?

13 A. That is correct.

14 Q. Is it common when you receive an item to not have any
15 DNA on it?

16 A. Yes.

17 Q. And what are different reasons you might not have DNA
18 on a particular item?

19 A. There are numerous factors that can play into whether
20 or not DNA is left behind; for instance, how often an item
21 or a surface is touched; the type of pressure that a person
22 uses when handling it; whether or not that item was exposed
23 to extreme heat, extreme cold, it was washed; if the texture
24 itself is smooth versus rough are just a few.

25 Q. And when you receive an item, what exactly are you

1 testing for to try to get DNA from? Like, for example,
2 blood, different type of items that you could get DNA off of
3 that could be on an item?

4 A. You can get DNA from blood, from saliva, from skin
5 cells, from semen.

6 Q. And in your opinion when someone touches an item, do
7 they always leave behind a DNA sample?

8 A. Not necessarily.

9 Q. Okay. What are some reasons why skin cells may not be
10 left behind?

11 A. Again, as I mentioned, it depends on the amount of
12 pressure that a person may apply. It depends on the object
13 itself, if it's smooth versus rough. How often they handle
14 it. If it's new versus if it's been around for awhile.

15 Q. Okay. And even if some skin cells are left behind,
16 does that guarantee that you can make a meaningful DNA
17 profile?

18 A. Not necessarily.

19 Q. And why not?

20 A. The analysis method we use targets a certain amount of
21 DNA. If there is too little left, then we may not be able
22 to detect it.

23 Q. Okay. And you also received another black tote back in
24 this case, is that correct?

25 A. Yes, our evidence processing department received a

1 black tote bag.

2 Q. And did -- where there swabs from that bag?

3 A. Yes, swabs were taken.

4 Q. Okay. And were you able to develop a DNA profile from
5 this bag?

6 A. I was able to develop a partial DNA profile.

7 Q. And can you explain what a partial DNA profile is?

8 A. So when we create a DNA profile, we look at 15
9 locations on a person's DNA, including a gender XY marker.
10 When we don't have information in all those locations, then
11 we consider that a partial profile.

12 Q. Okay. And did you compare that partial profile to the
13 DNA profile that you had received from the suspect?

14 A. Yes.

15 Q. And were you able to form an opinion on whether there
16 was a match?

17 A. Yes. May I read my results?

18 Q. Yes, go ahead.

19 A. The partial DNA profile developed from the black tote
20 bag was a possible mixture. Due to it being a possible
21 mixture, I was unable to draw a conclusive statement
22 regarding the inclusion or exclusion of Quintin Horton.

23 The profiles for Nicholas Bonner, Stephon Adams, Eric
24 Lattimore, Travis Davidson and Christopher Bonner were
25 excluded.

1 MR. BAIN: No further questions, Your Honor.

2 THE COURT: Yes, ma'am.

3 MS. LAPHAM: Thank you, Your Honor.

4 CROSS EXAMINATION BY MS. LAPHAM:

5 Q. Good morning.

6 A. Good morning.

7 Q. So at any time during this case were you ever sent drug
8 bags to analyze for DNA?

9 A. No.

10 Q. So you never received 25 drug bags, period?

11 A. No, the case agent was never submitted any evidence
12 from drugs.

13 Q. It was never submitted.

14 As far as the content of DNA on the actual bag, that
15 was never sent to you?

16 A. Correct.

17 Q. And so my client was not a match to these profiles,
18 correct, for the DNA?

19 A. Which items are you referring to?

20 Q. For the DNA that you actually performed on the black
21 bag, my client was excluded?

22 A. Yes, he was excluded from the black tote bag.

23 Q. And from the drawstring?

24 A. There was no profile from that item.

25 Q. Thank you.

1 MS. LAPHAM: Nothing further.

2 THE COURT: Anything at all?

3 MR. BAIN: Briefly, Your Honor.

4 REDIRECT EXAMINATION BY MR. BAIN:

5 Q. Is a plastic bag a good item to get DNA off of, like a
6 plastic table setting?

7 A. That's hard to say. There is so many different types
8 of plastic bags. And, again, there is other factors that
9 play into whether or not a DNA profile.

10 Q. And are those the factors that you mentioned earlier?

11 A. Yes.

12 Q. So even if you have received a plastic bag, you can't
13 guarantee there is a DNA on it, is that correct?

14 A. That's correct.

15 MR. BAIN: No further questions.

16 RECROSS EXAMINATION BY MS. LAPHAM:

17 Q. But there could have been DNA on there?

18 A. It's possible.

19 MS. LAPHAM: Nothing further, Your Honor.

20 THE COURT: Thank you, agent. You may step down.

21 MR. BAIN: We ask that this witness be excused,
22 Your Honor.

23 MS. LAPHAM: No objection, Your Honor.

24 THE COURT: Agent, you may stay or go, whichever
25 you choose.

1 MR. BAIN: Your Honor, the State calls Kimberly
2 Mears.

3 SLED AGENT KIMBERLY MEARS, having been first duly
4 sworn, testified as follows:

5 THE WITNESS: I do.

6 THE COURT: Agent, tell us your name and spell
7 your last name for the court reporter, please.

8 THE WITNESS: Kimberly Mears. My last name is
9 spelled M-E-A-R-S.

10 THE COURT: I would ask you to move that
11 microphone a little closer. Thank you.

12 Solicitor.

13 MR. BAIN: Thank you, Your Honor.

14 DIRECT EXAMINATION BY MR. BAIN:

15 Q. Ms. Mears, where are you employed?

16 A. The South Carolina Law Enforcement Division, which is
17 commonly known as SLED.

18 Q. And can you tell the jury about your education and
19 training?

20 A. I have a Bachelor's of Science Degree in Biology from
21 Winthrop University.

22 Once I was hired by the latent print department at SLED
23 I completed their in-house training program.

24 Then I was accepted into the latent print examiner
25 training program sponsored by the National Institute of

1 Justice, which was a ten week program with courses covering
2 all aspects of fingerprint work.

3 Q. And what are some of your duties at SLED?

4 A. We receive evidence from crime scenes throughout the
5 state to process for the presence of fingerprints. We
6 submit fingerprints into the Automated Fingerprint
7 Identification System, which is AFIS, for a search against
8 known standards, and we conduct fingerprint comparison,
9 issue reports and testify in court.

10 Q. Okay. And have you had an occasion to analyze items to
11 determine if there were any fingerprints on the item?

12 A. Yes, I have.

13 Q. Approximately how many times?

14 A. It would be in the hundreds.

15 Q. Okay. And have you had occasion to analyze a pair of
16 fingerprints from a known suspect to fingerprints from found
17 on another particular item?

18 A. Yes, I have.

19 Q. How many times?

20 A. That would be in the thousands.

21 Q. And have you ever testified as a fingerprint expert
22 before?

23 A. Yes, I have.

24 Q. Approximately how many times?

25 A. About 17.

1 MR. BAIN: Your Honor, at this time I would like
2 to offer Kimberly Mears as an expert in the field of
3 fingerprint identification.

4 MS. LAPHAM: No objection, Your Honor.

5 THE COURT: All right, without objection.

6 Once again, ladies and gentlemen, this witness is
7 qualified as a fingerprint identification expert. That does
8 not mean that you must accept her opinion, but it is
9 evidence for you to use in any way you see fit and give it
10 the weight and credibility you deem appropriate.

11 Solicitor.

12 BY MR. BAIN:

13 Q. Ms. Mears, did you have an opportunity to review
14 different items received by SLED in relationship to Nick
15 Bonner's case?

16 A. Yes, I did.

17 Q. And what were the items that you received?

18 A. I received 25 plastic bags and one black
19 drawstring-style bag.

20 Q. Okay. And what did you do with those items?

21 A. The black drawstring bag, I just swabbed for DNA
22 because the type of bag it was is not conducive for latent
23 prints.

24 The 25 plastic bags I processed for latent prints,
25 developing one print suitable for comparison.

1 Q. Okay. Did you receive a Dollar General bag?

2 A. Yes, that was part of the 25 bags I received.

3 Q. Were you able to lift a print from the Dollar General
4 bag?

5 A. Yes, that is where the print that I later compared came
6 from.

7 Q. Okay. And were you able to determine whose fingerprint
8 was on the Dollar General bag?

9 A. No, I was not.

10 Q. Can you please explain to the jury what the South
11 Carolina Automated Fingerprint Identification System is?

12 A. That is what we call AFIS and it is a database of known
13 fingerprints from criminals in South Carolina, as well as
14 law enforcement employees, applicants for state jobs, such
15 as teachers or nurses. Also applicants for concealed
16 weapons permits.

17 Q. And did you run the print you got off the Dollar
18 General bag through that system?

19 A. Yes, I did.

20 Q. Were any identifications made running the print through
21 that program?

22 A. No, they were not.

23 Q. Did you also have an opportunity to compare it to a
24 known print of Nick Bonner?

25 A. Yes, I did.

1 Q. And what was the result?

2 A. It was not identified to that known standard.

3 Q. Can you please describe how fingerprints end up on an
4 item that people touch?

5 A. Your fingerprint is made up of moisture that
6 accumulates on your skin. So when you go to touch a
7 surface, that moisture is transferred. Leaving a print on
8 an object depends on the person, the object being touched,
9 and the environment it's in.

10 If the person has too much moisture on their hands or
11 not enough, that's going to affect how it's transferred to
12 that object.

13 If the object is smooth, shiny wood, such as this
14 banister, that is generally a good surface for receiving the
15 moisture.

16 Carpet or textured leather, things of that nature,
17 don't generally produce good comparison quality prints.

18 If the object is outside in the rain, that's going to
19 affect the moisture, potentially getting washed away. If
20 it's also outside in the heat under the sun, that moisture
21 can potentially get baked off. So leaving a print is really
22 just a chance event.

23 Q. Okay. So every time someone touches an item, does that
24 mean they leave a fingerprint?

25 A. Not necessarily, no.

1 Q. Okay. And in this case you said that you were handed
2 how many plastic bags?

3 A. 25.

4 Q. And besides the Dollar General bag, can you briefly
5 described the other types of bags that you received?

6 A. They were 18 sandwich bags and then a Dollar General
7 bag. An Authentiks style bag, and then the rest were also
8 more sandwich bags.

9 Q. Okay. And can you please tell the jury how an item
10 like an sandwich bag, is that a good item to get
11 fingerprints off?

12 A. It can be. Like I said, it really just depends on how
13 the object is handled and the person handling the object.

14 Also if you think about your thinner plastic grocery
15 bag, or sandwich bag, the more they are handled, the more
16 wrinkled they become, so that can also affect how a print is
17 transferred to that item.

18 Q. Were there any partial prints on any of those other
19 bags?

20 A. Yes, there were.

21 Q. And were you able to make a good enough fingerprint to
22 compare it to anything?

23 A. No, there was just the one print on the Dollar General
24 bag that was suitable for comparison with enough standards.
25 The rest were just what we call no value, meaning you can

1 tell the item was touched, but it was not good enough to
2 compare with any known standard.

3 Q. And if that plastic baggy were left out in the heat,
4 how could that affect fingerprints being left on them?

5 A. The moisture transferred to those items could
6 potentially be baked off or melted, if you will, to a point
7 where they cannot be compared with a known standard.

8 Q. And is it fair to say it also depends on how many times
9 somebody touched a particular item?

10 A. Yes, that can also affect how the print looks when it
11 comes to me to be compared.

12 MR. BAIN: No further questions, Your Honor.

13 THE COURT: Yes, ma'am.

14 MS. LAPHAM: Thank you, Your Honor.

15 CROSS EXAMINATION BY MS. LAPHAM:

16 Q. So from your results, though, my client did not match,
17 correct?

18 A. Correct.

19 MS. LAPHAM: Nothing further, Your Honor.

20 THE COURT: Agent, you may step down. Please be
21 careful.

22 Do you want her excused?

23 MR. BAIN: Yes, we ask that witness be excused,
24 Your Honor.

25 MS. LAPHAM: No objection.

1 THE COURT: Agent, you may stay or go, whichever
2 you choose.

3 THE WITNESS: Thank you.

4 THE COURT: Thank you.

5 MR. BAIN: Your Honor, the State calls Mary
6 Maribeth McCormack.

7 SLED AGENT MARIBETH MCCORMACK, having been first
8 duly sworn, testified as follows:

9 THE WITNESS: I do.

10 THE COURT: Agent, tell us your full name and
11 spell your last name, please.

12 THE WITNESS: Maribeth McCormack,
13 M-C-C-O-R-M-A-C-K.

14 THE COURT: Solicitor.

15 DIRECT EXAMINATION BY MR. BAIN:

16 Q. Ms. McCormack, can you please tell us where you are
17 employed?

18 A. The South Carolina Law Enforcement Division, commonly
19 known as SLED.

20 Q. And can you tell the jury about your education and
21 training?

22 A. Yes, I have a Bachelor of Science Degree in Chemistry
23 and a Masters in teaching chemistry and physics both from
24 the University of South Carolina, and I have been trained in
25 the Drug Analysis Department at SLED.

1 Q. And what are some of your duties at SLED?

2 A. I analyze evidence for the presence of controlled
3 substances.

4 Q. And have you had occasion to analyze substances to
5 determine whether that substance is or whether it contains a
6 narcotic or narcotic-type drug?

7 A. Yes.

8 Q. How many times?

9 A. I have tested over 6,000 cases.

10 Q. And have you ever testified as an expert in the
11 analysis of narcotics?

12 A. Yes.

13 Q. Approximately how many times?

14 A. 31 times.

15 MR. BAIN: Your Honor, at this time I would like
16 to offer Maribeth McCormack as an expert in the field of
17 chemistry and analysis of narcotics.

18 MS. LAPHAM: No objection, Your Honor.

19 THE COURT: Ladies and gentlemen, once again, this
20 witness is qualified as an expert in the area of chemistry
21 analysis of narcotics. That does not mean that you must
22 accept her opinion, but give whatever evidence you see fit
23 and appropriate.

24 Solicitor.

25 MR. BAIN: Thank you, Your Honor.

1 BY MR. BAIN:

2 Q. Ms. McCormack, I'm handing what's been pre-marked
3 State's Exhibit 31 for identification purposes only. Can
4 you please take a look at that item?

5 Are you able to identify that package?

6 A. Yes.

7 Q. And how are you able to identify it?

8 A. There is a bar code with a lab number on it and I see
9 my initials in several places.

10 Q. Okay. And when did you receive this package?

11 A. May I refer to my notes?

12 Q. Yes.

13 A. I received it on October 23rd, 2012.

14 Q. And how did you receive it or who did you receive it
15 from?

16 A. I received it from a technician in the evidence log-in
17 department. Her name is Patricia Crooks.

18 Q. Okay. And can you explain how a technician would
19 receive it?

20 A. Yes. This was delivered by Billy Anthony of the
21 Cherokee County Sheriff's Office --

22 Q. Okay.

23 A. -- to the log-in department.

24 Q. And why was the package ultimately delivered to you?

25 A. For the analysis to see if there was controlled

1 substances present.

2 Q. And can you describe how the contents or package when
3 you received them?

4 A. Yes. They were packaged in what we call a BEST Kit.
5 It is a tamper-evident bag containing the evidence.

6 Q. And what is the purpose of the BEST bag?

7 A. It's just to contain the evidence. And like I
8 mentioned, it is tamper evident. There is a seal at the top
9 and it would be pretty obvious if it had been tampered with.

10 Q. So would you have tested the item if the BEST bag had
11 been opened or tampered with?

12 A. No.

13 Q. And why not?

14 A. Because the integrity of the evidence would have been
15 compromised.

16 Q. So when you received the bag, it hadn't been tampered
17 with in any way?

18 A. No.

19 Q. And what did you -- how do you conduct your test on the
20 drug? Do you -- do you first weigh it or test the
21 substance?

22 A. I weigh the substance and then performed a preliminary
23 test, which is a chemical spot test, and then a confirmatory
24 test, which is gas chromatography mass spectrometry.

25 Q. Okay. And what do you use to weight the substance that

1 you are analyzing?

2 A. A certified balance.

3 Q. And can you please tell us what you determined the
4 weight of the substances in that bag to weigh?

5 A. Yes. There were several different items.

6 Item 1.1.1 was cocaine base, crack. 1.8 grams.

7 The next item was cocaine base crack, 2.2 grams.

8 The next item was cocaine found, 3.6 grams.

9 Q. And were those items in different baggies, like
10 separate baggies in the BEST bag?

11 A. The first item was loose. There was -- there was a
12 plastic bag. Contained in that plastic bag was loose rock
13 substance, and then there were two other plastic bags.

14 Q. And when you receive drugs separately in separate
15 plastic baggies, do you mark them to know which one tested
16 for what?

17 A. Yes.

18 Q. So inside -- the plastic baggies inside the BEST bag
19 are marked, correct?

20 A. Yes.

21 Q. And what kind of markings do they have on them?

22 A. They have the lab number, the item number, and my
23 initials.

24 Q. So the item number would be, for example?

25 A. 1.1.1.

1 Q. Okay. And that's written on the plastic, the plastic
2 baggy?

3 A. Yes.

4 Q. Now, I think you mentioned this earlier, but what test
5 do you perform to actually test the substance?

6 A. A preliminary test, which is a chemical spot test, and
7 a confirmatory test, which is gas chromatography mass
8 spectrometry.

9 Q. And after you conduct these tests are you able to state
10 what it is?

11 A. Yes.

12 Q. And will you please state your opinion as to what drugs
13 tested positive in those three samples?

14 A. Yes. Item 1.1.1, cocaine base or crack.

15 1.1.2 was cocaine base, crack.

16 And 1.1.3 was cocaine.

17 Q. And can you describe how you package the drugs when you
18 finished testing them?

19 A. Yes. I repackaged them in ziploc bags and then I put
20 everything in a heat-sealed pouch and date it and initialed
21 it.

22 Q. Okay.

23 MR. BAIN: Your Honor, at this time the State
24 offers State's Exhibit 31 for admission into evidence.

25 MS. LAPHAM: No objection, Your Honor.

1 THE COURT: Without objection it's admitted.

2 MR. BAIN: Thank you, Your Honor.

3 (Whereupon, State's Exhibit No. 31 was entered
4 into the record as evidence)

5 BY MR. BAIN:

6 Q. I'm now handing you what's been pre-marked State's
7 Exhibit 30. Will you please take a look at those, that
8 package?

9 Are you able to identify it?

10 A. Yes.

11 Q. And how are you able to do so?

12 A. There is a bar code labeled with a lab number and also
13 I see my initials on the bag.

14 Q. Okay. And did you receive this package in the same way
15 that you received the last one?

16 A. Yes.

17 Q. And when you received the BEST bag, had it been
18 tampered with in any way?

19 A. No.

20 Q. And, once again, would you have tested it if it had
21 been?

22 A. No.

23 Q. And concerning that package, did you conduct the same
24 tests? Did you weigh it first?

25 A. Yes.

1 Q. And what do you use to weigh the substance?

2 A. A certified balance.

3 Q. Okay. And did you then test the substance?

4 A. Yes.

5 Q. Did you use the same tests?

6 A. Yes.

7 Q. And after testing the substances, were you able to
8 state what they were?

9 A. Yes.

10 Q. And will you please state your opinion?

11 A. Yes, there were two plastic bags and I did combine
12 those weights, so the results are cocaine base, crack, with
13 a combined weight of 108.4 grams.

14 Q. Okay. And there were two separate baggies that you
15 received inside the BEST bag, is that correct?

16 A. Yes.

17 Q. And did you weigh each of them separately first?

18 A. Yes.

19 Q. And can you tell us the weight of each individual item?

20 A. Yes. The first bag weighed 54.4 grams, and the second
21 bag weighed 54.0 grams.

22 Q. And how did you package it when you were finished
23 testing it?

24 A. I packaged them in two separate ziploc bags and then I
25 put everything in a heat-sealed pouch and with my initials

1 and the date.

2 Q. And you ran the same tests on both the packaging I
3 showed you?

4 A. Yes.

5 Q. And the items inside the packaging?

6 A. Yes.

7 MR. BAIN: Your Honor, at this time the State
8 offers State's Exhibit 30 for admission into evidence.

9 MS. LAPHAM: No objection, Your Honor.

10 THE COURT: Without objection it's admitted.

11 (Whereupon, State's Exhibit No. 30 was entered
12 into the record as evidence)

13 MR. BAIN: No further questions, Your Honor.

14 MS. LAPHAM: Thank you, Your Honor.

15 CROSS EXAMINATION BY MS. LAPHAM:

16 Q. It was my understanding that you merely tested these
17 drugs for the presence of the drug, correct?

18 A. Yes.

19 Q. And so was there any tests performed to look at the
20 composition of the batches say to indicate that one batch in
21 one location exactly matched the same composition somewhere
22 else?

23 A. No.

24 MS. LAPHAM: Nothing further, Your Honor.

25 MR. BAIN: Nothing, Your Honor.

1 THE COURT: Agent, you may step down. Please be
2 careful.

3 THE WITNESS: Thank you.

4 MR. BAIN: Your Honor, we ask that this witness be
5 excused.

6 MS. LAPHAM: No objection.

7 THE COURT: Agent, you are excused from your
8 subpoena.

9 MR. BAIN: Your Honor, the State calls Lynn Black.

10 SLED AGENT LYNN BLACK, having been first duly
11 sworn, testified as follows:

12 THE WITNESS: I do.

13 DIRECT EXAMINATION BY MR. BAIN:

14 Q. Ms. Black, where are you currently employed?

15 A. I'm employed as a drug analyst in the forensic services
16 laboratory at the South Carolina Law Enforcement Division,
17 commonly known as SLED.

18 Q. And can you please tell the jury about your education
19 and training?

20 A. Yes, I have a Bachelor of Science Degree in Chemistry
21 from Kentucky Wesleyan College, a Certificate of Medical
22 Technology from the University of Louisville, and a Master
23 of Science Degree in Forensic Science from Marshall
24 University.

25 Also prior to my job at SLED I worked as a drug analyst

1 in the Georgia Bureau of Investigation laboratory in
2 Atlanta, Georgia for about eight years.

3 Q. And what type of training have you had?

4 A. At the Georgia Bureau of Investigation I have training
5 in the identification of controlled substances, and also the
6 same sort of training at SLED as well when I first started.

7 Q. Okay. And what are some of your duties at SLED?

8 A. I receive and analyze substances bought in by law
9 enforcement and determine whether they are controlled
10 substances or not.

11 Q. Okay. And how many times have you done that?

12 A. How many times?

13 Q. How many times have you analyzed a substance?

14 A. Thousands. In Georgia I have analyzed over 9,000
15 cases. Here at SLED I have analyzed over 8,000.

16 Q. And have you ever testified as an expert in the
17 analysis of narcotics?

18 A. Yes, I have.

19 Q. How many times?

20 A. A total of 130 times.

21 MR. BAIN: Your Honor, at this time I would like
22 to offer Lynn Black as an expert in the field of chemistry
23 and analysis of narcotics.

24 MS. LAPHAM: No objection, Your Honor.

25 THE COURT: Ladies and gentlemen, this witness is

1 qualified as an expert in chemistry and analysis of
2 narcotics. You do not have to accept her opinion, but it's
3 evidence for you to use and what weight you see fit.

4 Solicitor.

5 MR. BAIN: Thank you, Your Honor.

6 BY MR. BAIN:

7 Q. Ms. Black, I'm handing you a box that contains State's
8 Exhibit 23, State's Exhibit 24 and 24-A, State's Exhibit 25,
9 and State's Exhibits 26 through 26-N for identification
10 purposes only.

11 A. Okay.

12 Q. Can you please take a look at the different packages in
13 that box?

14 A. Okay.

15 Q. Okay. Are you able to identify those packages?

16 A. Yes, these are packages from the case that I analyzed,
17 which is my case L -- excuse me, L-12-09819. They appear to
18 be just the containers that I placed the evidence in once I
19 was finished analyzing it. It's not the original box that
20 it came in though.

21 Q. Okay. And how did you receive that box?

22 A. I received it from one of our evidence control
23 technicians.

24 Do you want me to go into the date and all that as
25 well?

1 Q. Well, who did your technician receive it from and on
2 what date?

3 A. The technician received it from Billy Anthony of the
4 Cherokee County Sheriff's Office on August the 15th of 2012.

5 Q. And when the package was delivered to you, how was
6 it -- how did it appear?

7 A. It was in a box, a sealed box, that had evidence tape
8 on it.

9 Q. And can you briefly explain to the jury what evidence
10 tape is and why it's used?

11 A. Evidence tape is just special tape that we get from
12 certain vendor that has the tape that we use and I believe
13 it was on this box was probably that said SLED on it and
14 evidence and had a place to initial and put dates on it for
15 whoever seals it, but it's placed on there to show that the
16 box is sealed and that no -- you know, no tampering has been
17 done. You know, if that tape had been cut, or, you know,
18 otherwise, in bad shape, then I would have noticed and noted
19 that, and also at that time we would have not accepted that,
20 if it had not been sealed up.

21 Q. Okay. So the box didn't appear to be tampered with in
22 any way?

23 A. Correct, it did not.

24 Q. And if it had been, you wouldn't have tested the item,
25 is that correct?

1 A. That's correct.

2 Q. Did you have any concerns the evidence had been
3 tempered with?

4 A. No.

5 Q. All right. When you received the substances, what do
6 you do with them? Do you weigh it or test the substance
7 first?

8 A. I weigh them first.

9 Q. Okay. And what do you use to weigh the substances when
10 you are analyzing?

11 A. We have -- set this down.

12 Q. Sorry.

13 A. We have special balances that we use that we -- that
14 are certified and that we check the calibration of it at
15 least once a week before we analyze substances.

16 Q. And did you actually test the substance?

17 A. Yes.

18 Q. And what test did you perform?

19 A. I performed a chemical or color test. That's a
20 preliminary test. And I also performed two different types
21 of confirmatory tests. One is called a gas chromatograph
22 mass spectrometer, and the second one is the Fourier
23 Transform Infrared Spectroscopy. I know there is a
24 mouthful. The first one we shortened to GCMS. The second
25 one we shortened to FTIR, but both of those are confirmatory

1 tests and I performed both of those on a variety of these
2 samples.

3 Q. Okay. And when you receive different items, do you
4 mark them in any way? Do you label them?

5 A. Yes. The way we mark things are the box itself would
6 have been item 1, and then everything subsequently would
7 have been -- like the first bag would have been 1.1, and
8 then we go on from there. It gets a little confusing with
9 all the dots, but we do itemize each thing and have an
10 inventory of it that we have on a worksheet.

11 Q. Okay. And in this case you itemized different
12 packages, correct?

13 A. Yes.

14 Q. And were you able to form an opinion as to what the
15 different items tested positive for?

16 A. Yes.

17 Q. And were you able to determine a weight of what the
18 different items tested positive for?

19 A. Yes.

20 Q. Can you please state your opinion on what the
21 substances were and the weight of those substances?

22 A. Yes, I can. How do you want me to do that? With your
23 item numbers, or --

24 Q. How you listed your items on your --

25 A. On the report?

1 Q. SLED report, yes.

2 A. Okay. Do you want me to describe the whole thing, like
3 the 1.1, the black cloth bag and go from there? Is that --

4 Q. Yeah, you can do it that way.

5 A. Okay. My item 1.1 was a black cloth bag with a
6 drawstring and it contained -- there were 15 plastic bags
7 that contained compressed powder substance and those I found
8 cocaine to be present with a combined weight of 825.1 grams.

9 Then there was a plastic bag -- this was my item 1.1.2,
10 one plastic bag containing rock substance and this came back
11 to be positive for cocaine base, as known as crack. And
12 that weighed 70.4 grams.

13 My item 1.1.3, that was five empty plastic bags, which
14 I did not do any analysis.

15 And then I had item 1.2 was a large white plastic bag.
16 And item 1.2.1 was just a plain rock substance that was
17 loose in that bag. That was positive for cocaine base, also
18 known as crack, and that weighed 151.9 grams.

19 My item 1.2.2 were two plastic bags that contained rock
20 substance. They were positive for cocaine base, also known
21 as crack, with a combined weight of 408.1 grams.

22 And my last item was 1.3 and it was an empty yellow
23 plastic bag that I did not perform any analysis on.

24 Q. Okay. So in total you had 15 plastic bags containing
25 825.1 grams of cocaine?

1 A. Yes.

2 Q. And one plastic bag containing 70.4 grams of crack
3 cocaine?

4 A. Yes.

5 Q. And a rock-like substance of 151.9 grams. That was
6 crack cocaine?

7 A. Yes.

8 Q. And two plastic bags that contained a white rock-like
9 substance which was 408.1 grams of crack cocaine?

10 A. Yes.

11 MR. BAIN: Your Honor, at this time the State
12 offers State's Exhibits 23, 24, 24-A, State's Exhibit 25,
13 and State's Exhibit 26 through 26-N for admission into
14 evidence.

15 MS. LAPHAM: No objection, Your Honor.

16 THE COURT: Without objection, they are admitted.

17 MR. BAIN: Thank you, Your Honor.

18 (Whereupon, State's Exhibit No. 23 was entered
19 into the record as evidence).

20 (Whereupon, State's Exhibit No. 24 was entered
21 into the record as evidence).

22 (Whereupon, State's Exhibit No. 24-A was entered
23 into the record as evidence).

24 (Whereupon, State's Exhibit No. 25 was entered
25 into the record as evidence).

1 (Whereupon, State's Exhibit No. 26 was entered
2 into the record as evidence).

3 (Whereupon, State's Exhibit No. 26-A was entered
4 into the record as evidence).

5 (Whereupon, State's Exhibit No. 26-B was entered
6 into the record as evidence).

7 (Whereupon, State's Exhibit No. 26-C was entered
8 into the record as evidence).

9 (Whereupon, State's Exhibit No. 26-D was entered
10 into the record as evidence).

11 (Whereupon, State's Exhibit No. 26-E was entered
12 into the record as evidence).

13 (Whereupon, State's Exhibit No. 26-F was entered
14 into the record as evidence).

15 (Whereupon, State's Exhibit No. 26-G was entered
16 into the record as evidence).

17 (Whereupon, State's Exhibit No. 26-H was entered
18 into the record as evidence).

19 (Whereupon, State's Exhibit No. 26-I was entered
20 into the record as evidence).

21 (Whereupon, State's Exhibit No. 26-J was entered
22 into the record as evidence).

23 (Whereupon, State's Exhibit No. 26-K was entered
24 into the record as evidence).

25 (Whereupon, State's Exhibit No. 26-L was entered

1 into the record as evidence).

2 (Whereupon, State's Exhibit No. 26-M was entered
3 into the record as evidence).

4 (Whereupon, State's Exhibit No. 26-N was entered
5 into the record as evidence)

6 MR. BAIN: No further questions, Your Honor.

7 THE COURT: Yes, ma'am.

8 MS. LAPHAM: Thank you, Your Honor.

9 CROSS EXAMINATION BY MS. LAPHAM:

10 Q. Good morning.

11 A. Good morning.

12 Q. So it's my understanding that you just did an analysis
13 on the presence of these drugs, correct?

14 A. Yes.

15 Q. There was no breakdown of the composition to compare
16 one batch to another batch, correct?

17 A. That's correct, there was not.

18 MS. LAPHAM: Nothing further, Your Honor.

19 MR. BAIN: Nothing, Your Honor.

20 THE COURT: Agent, you may step down. Please be
21 careful.

22 MR. BAIN: Your Honor, we ask that this witness be
23 excused.

24 MS. LAPHAM: No objection.

25 THE COURT: Ma'am, you are excused. You may stay

1 or go, whichever you choose.

2 THE WITNESS: Thank you, Your Honor.

3 MR. BAIN: Your Honor, may we approach?

4 THE COURT: Yes.

5 (Whereupon, the lawyers approached the bench for
6 an off-the-record discussion)

7 THE COURT: Madam Forelady, ladies and gentlemen,
8 I have a small matter I need to take up with the lawyers.
9 They will need a quick break, so we will stop for a few
10 minutes. Expect about a ten minute break or so.

11 Don't talk about the case. It's certainly not at
12 an end.

13 Madam Forelady.

14 (The following takes place outside the presence of
15 the jury panel)

16 THE COURT: You need a few minutes?

17 MR. BAIN: Yes, sir, Your Honor.

18 THE COURT: Okay.

19 (Whereupon, proceedings were recessed)

20 (Whereupon, proceedings were reconvened)

21 THE COURT: We are back on the record in the
22 matter of the State versus Nicholas Bonner.

23 Solicitor?

24 MR. BAIN: Your Honor, at this time the State
25 rests its case.

1 The State rests.

2 Any matters from the State?

3 MR. BAIN: Nothing from the State, Your Honor.

4 THE COURT: From the defense?

5 MS. LAPHAM: Your Honor, at this time I would like
6 to make a motion, Your Honor. I would like to move for a
7 directed verdict that in the light most favorable to the
8 State they cannot prove their burden in this case, Your
9 Honor. At this time we feel that the evidence presented has
10 not met that burden and I would ask for a directed verdict,
11 Your Honor.

12 THE COURT: Solicitor?

13 MR. BAIN: Your Honor, the State put up evidence
14 of several witnesses that over a thousand grams of crack and
15 cocaine were found across the street in the trash can; that
16 50 grams -- over 50 grams was found in the oven on Nick
17 Bonner -- at Nick Bonner's house, and that over 50 grams
18 were found in the yard on his property line.

19 Your Honor, we also have SLED analysts to confirm
20 that those drugs did test positive for those substances.

21 Although there might be issues of credibility,
22 it's for the jury to determine, I think at this point in the
23 light most favorable to the State we put forth enough
24 evidence where a jury could return of verdict of guilty.

25 THE COURT: The court must view the motion in the

1 light most favorable to the nonmoving party, which is the
2 State of South Carolina, and the court refers counsel to the
3 matter of the State v. Kenneth G. Butler. That's a 2013
4 case where that matter was -- the trial judge, which
5 happened to be me, was affirmed on a directed verdict
6 motion. The trial court is concerned with the existence of
7 evidence, not its weight, so the motion is denied.

8 Anything else?

9 MS. LAPHAM: Thank you, Your Honor.

10 THE COURT: All right. Are we ready for the jury?

11 MS. LAPHAM: No, sir, Your Honor.

12 If I may just bring two motions forward to verify
13 that they will be testifying without the presence to their
14 attorney, Your Honor.

15 THE COURT: Sure.

16 MS. LAPHAM: First I would like to call, Your
17 Honor, is Chris Bonner. Would you like him to stand forward
18 here, Your Honor?

19 THE COURT: That's fine.

20 Sir, you are Mr. Chris Bonner?

21 CHRISTOPHER BONNER: Yes, sir.

22 THE COURT: Mr. Bonner, it's good to see you
23 again.

24 CHRISTOPHER BONNER: Good to see you.

25 THE COURT: Ms. Lapham.

1 MS. LAPHAM: Thank you, Your Honor.

2 He is currently being represented by Scott
3 Robinson. I have contacted Mr. Robinson. He understands
4 that Chris will be testifying, but I still wanted Chris to
5 waive his right to have his attorney present here today,
6 Your Honor.

7 THE COURT: Sir, you have a right to have your
8 lawyer here. Do you understand that right?

9 CHRISTOPHER BONNER: Yes, sir.

10 THE COURT: Do you want to waive that right?

11 CHRISTOPHER BONNER: Yes, sir.

12 THE COURT: Do you wish to testify without your
13 lawyer here?

14 CHRISTOPHER BONNER: Yes, sir.

15 THE COURT: And that's your decision?

16 CHRISTOPHER BONNER: Yes, sir.

17 THE COURT: You are not under the influence of any
18 drugs or medication or any substance, are you?

19 CHRISTOPHER BONNER: No, sir.

20 THE COURT: All right.

21 MS. LAPHAM: Thank you, Your Honor.

22 Your Honor, this is Nickcos Smith.

23 THE COURT: Good morning, sir.

24 Mr. Smith -- who represents Mr. Smith?

25 MS. LAPHAM: He's represented by Zach Ellis, Your

1 Honor, and I have contacted Zack over the weekend. He
2 understands that he will be testifying for us. Of course,
3 it's against his advice. However, he understands that at
4 this point Mr. Smith does want to testify. I want him to
5 waive his right to an attorney on the record as well.

6 THE COURT: Sir, you are represented by Mr. Zach
7 Ellis, is that true?

8 NICKCOS SMITH: Yes, sir.

9 THE COURT: Mr. Ellis has given you legal advice
10 not to testify, but I understand you desire to testify
11 anyway, is that true?

12 NICKCOS SMITH: Yes, sir.

13 THE COURT: Is it also true that you don't desire
14 for him to be here?

15 NICKCOS SMITH: No, sir.

16 THE COURT: You have a right to have him here. Do
17 you want him here?

18 NICKCOS SMITH: No, sir.

19 THE COURT: Do you want to testify?

20 NICKCOS SMITH: Yes, sir.

21 THE COURT: Did anyone force you, threaten you, or
22 make you do so?

23 NICKCOS SMITH: No, sir.

24 THE COURT: Are you under the influence of drugs,
25 alcohol, medication, or any substance?

1 NICKCOS SMITH: No, sir.

2 THE COURT: This is your decision?

3 NICKCOS SMITH: Yes, sir.

4 THE COURT: It's his decision.

5 MS. LAPHAM: Thank you, Your Honor.

6 THE COURT: Anything further?

7 MS. LAPHAM: Nothing further, Your Honor.

8 THE COURT: Okay.

9 What we will do, as we talked about in chambers,
10 as I often do, since the jury was out. When the jury comes
11 back, solicitor, we will let you rest in front of the jury
12 and you can renew motions without going into detail, because
13 we have already really done that. It's just going to be for
14 show on the record --

15 MS. LAPHAM: Right.

16 THE COURT: -- when the jury comes back and we
17 will proceed with the defense witnesses.

18 MS. LAPHAM: Last one, I'm not mentioning my
19 motion, but I'm asking to renew my motion.

20 THE COURT: Yes.

21 Anything from anybody?

22 MR. BAIN: Nothing, Your Honor.

23 THE COURT: Is the jury ready?

24 THE BAILIFF: Yes.

25 THE COURT: We will have them.

1 (The following takes place in the presence of the
2 jury panel)

3 THE COURT: Madam Forelady, any matters for the
4 jury?

5 JURY FOREPERSON: No, sir.

6 THE COURT: Ready to go to work?

7 JURY FOREPERSON: Uh-huh.

8 THE COURT: All right.

9 Solicitor?

10 MR. BAIN: Your Honor, at this time the State
11 rests its case.

12 THE COURT: Okay.

13 Madam Forelady, ladies and gentlemen of the jury,
14 the State has now rested its case, which means it does not
15 intend to call any other witnesses or put any other evidence
16 into the record at this time.

17 Yes, ma'am.

18 MS. LAPHAM: Thank you, Your Honor.

19 I would like to renew my motion from earlier.

20 THE COURT: And the motion is denied for the same
21 reasons heretofore announced by the court.

22 MS. LAPHAM: Thank you, Your Honor.

23 THE COURT: Ready to go?

24 MS. LAPHAM: I'm ready to go, Your Honor.

25 THE COURT: All right. Call your first witness.

1 MS. LAPHAM: Thank you, Your Honor.

2 The defense would call Rodney Love.

3 RODNEY LOVE, having been first duly sworn,
4 testified as follows:

5 THE WITNESS: Yes, ma'am.

6 THE COURT: Sir, tell us your full name and spell
7 your last name for my court reporter, please.

8 THE WITNESS: Rodney Love, L-O-V-E.

9 THE COURT: Thank you.

10 Yes, ma'am.

11 MS. LAPHAM: Thank you, Your Honor.

12 DIRECT EXAMINATION BY MS. LAPHAM:

13 Q. Good morning.

14 A. Good morning.

15 Q. Can you tell me where you live?

16 A. 138 Camelia Circle, Gaffney, South Carolina.

17 Q. Can you tell me what neighborhood or subdivision that's
18 in?

19 A. Can you repeat that again? I'm sorry.

20 Q. That's okay.

21 Can you tell me what subdivision or what part of the
22 Cherokee County that's in?

23 A. I'm sorry?

24 Q. What neighborhood it's called?

25 A. Westerly Park.

1 Q. Okay. Thank you.

2 Now, can you tell me how long have you lived in
3 Cherokee County?

4 A. All my life.

5 Q. All your life?

6 A. Yes, ma'am.

7 Q. How far did you go in school?

8 A. To college -- well, I -- excuse me, I graduated and I
9 went on to college.

10 Q. Okay. Now, what sort of college classes, careers were
11 you looking at?

12 A. I was going for physical therapy and I went to USC
13 Salkahatchee in Savannah.

14 Q. Did you do any athletics or anything there?

15 A. Yes, sir, I played basketball.

16 Q. Did you have any scholarships?

17 A. Yes, ma'am.

18 Q. Awards?

19 A. Yes, ma'am, that's what I went for.

20 Q. Now, can you tell me about your employment, where you
21 used to work?

22 A. I used to work at Spartanburg Water, but now I'm
23 employed at Nestle.

24 Q. Nestle?

25 A. Yes, ma'am.

1 Q. Now, I know this situation happened a long time ago.

2 A. Uh-huh.

3 Q. Many years ago.

4 Can you tell me how you know Nick Bonner?

5 A. He's a friend.

6 Q. For about how long, how many years?

7 A. Probably 20. 20 years.

8 Q. 20, 20 years.

9 A. Yes, ma'am.

10 Q. Now, how often would you have contact with Nick?

11 A. Probably every day.

12 Q. Every day?

13 A. Yes, ma'am.

14 Q. So you are familiar with other family members and
15 things of that nature?

16 A. Yes, ma'am.

17 Q. Can you tell me about the environment of that home,
18 meaning if we have testimony regarding lots of people coming
19 and going. Can you kind of tell me --

20 A. Yes, it's --

21 Q. -- what it's like?

22 A. It's a lot of people, but it's basically family and
23 friends, but nothing other than that.

24 Q. Did they have family functions, or --

25 A. Yes.

1 Q. -- try to explain to me what like an average family day
2 would be there.

3 A. Every Sunday is a big meal cooked and family, friends,
4 everybody is there.

5 Q. Right.

6 So when you went to this house, whose house did you
7 know it to be?

8 A. Gwen's. Gwen Bonner's.

9 Q. Thank you.

10 And that would be -- how was Gwen related to Nick?

11 A. That's his mother.

12 Q. His mother.

13 A. Yes, ma'am.

14 Q. Now, on this day in question, August 6th, 2012, were
15 you there at 126 Iris Lane?

16 A. Yes, ma'am, I was.

17 Q. Explain to me what you observed.

18 A. I just had pulled up. I was standing across the street
19 at the abandoned house where everything across the street
20 was going on. That's that one on -- I really don't remember
21 the exact address.

22 Q. But the abandoned house we are talking about?

23 A. Yes, ma'am. That's where -- it's like 30 people
24 standing in that yard right there. And the police was
25 already busted across -- at Gwen's house.

1 Q. Uh-huh.

2 A. And I really can't tell you what went on in that house,
3 but outside of the house I could tell you that right there.

4 Q. Okay.

5 A. It was officers in the back yard where -- where they
6 found a red bag off the property --

7 Q. Correct.

8 A. -- off in the woods --

9 Q. Right.

10 A. -- but they supposedly I guess brought the bag back --

11 Q. Right.

12 A. -- on the property line, but they didn't find the bag
13 on the property. It was off the property.

14 Q. When you say off the property line --

15 MS. LAPHAM: If I may approach, Your Honor?

16 THE COURT: Yes, ma'am.

17 BY MS. LAPHAM:

18 Q. How familiar are you with that property?

19 A. I'm very familiar with it.

20 Q. With the back yard?

21 A. Very.

22 MS. LAPHAM: Your Honor, if I may approach,
23 please, with Exhibit No. 1, Your Honor.

24 BY MS. LAPHAM:

25 Q. Does this area look familiar --

1 A. Yes, ma'am.

2 Q. -- to you?

3 A. Uh-huh.

4 MS. LAPHAM: If I may offer into evidence this
5 photograph number one?

6 MR. BAIN: No objections, Your Honor.

7 THE COURT: Without objection, that would be
8 admitted. Defense 1.

9 MS. LAPHAM: Defense 1.

10 (Whereupon, Defendant's Exhibit No. 1 was entered
11 into the record).

12 MS. LAPHAM: If you may publish it to the jury,
13 Your Honor?

14 THE COURT: Yes, ma'am.

15 MS. LAPHAM: If I may have the witness to step
16 down, Your Honor?

17 THE COURT: Yes, ma'am.

18 Stand next to my court reporter, please.

19 THE WITNESS: Okay.

20 (Witness off the witness stand).

21 BY MS. LAPHAM:

22 Q. If you can use this laser pointer. Okay.

23 And if you can kind or show me back in that area where
24 that red bag was and the different property lines that you
25 are familiar with?

1 A. This is the property line right here.

2 Q. Okay.

3 And on which side of that stake would be the actual
4 home of Gwen Bonner?

5 A. This line right here.

6 Q. Okay.

7 A. That would be his property right there.

8 Q. Right.

9 A. Anything beyond that right there --

10 Q. Right.

11 A. -- is not their property.

12 Q. All right.

13 And what did you see with regards to the red bag on
14 that day?

15 A. What did they find there?

16 Q. Uh-huh.

17 A. In this area right here.

18 Q. Right there in that abandoned lot?

19 A. Yes, ma'am.

20 Q. All right. Thank you.

21 (Witness back on the witness stand)

22 BY MS. LAPHAM:

23 Q. Now, can you tell me what else you saw on that day as
24 to law enforcement, things of that nature? Did you happen
25 to see any altercation in the front yard between Nick and

1 Mr. Lattimore?

2 A. No, ma'am, I didn't. I didn't see that part right
3 there.

4 Q. You weren't there for that?

5 A. No, ma'am, I wasn't.

6 Q. Were you there with regard to Ronnie Anderson? Did you
7 ever see Ronnie Anderson?

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

9 Q. Tell me about Ronnie Anderson.

10 A. I seen Ronnie Anderson and Eric Lattimore, they got in
11 his jeep. They actually had two jeeps at the time. The K-9
12 jeep, and Anderson, he was one of the drivers of one of the
13 K-9 jeeps, but Eric Lattimore got in his back seat and they
14 left and he came back probably 15 minutes later.

15 Q. When you say he came back, who came back?

16 A. Ronnie Anderson.

17 Q. Ronnie Anderson.

18 Now, tell me about what you saw regarding the house
19 across the street, the abandoned house?

20 A. Like I said, it was probably 30 of us standing in that
21 yard. And after Anderson, Ronnie Anderson, after he pulled
22 back up, it was probably like maybe the whole police force
23 came to the abandoned yard.

24 Q. Right.

25 A. And a few of them went around and a few of them went

1 around another way. They was knocking on doors, knocking on
2 windows, which was an abandoned house and you know nobody
3 lived there.

4 Q. Right.

5 A. And they went under the garage. They knocked on that
6 door and they lift up the trash can and a celebration just
7 begins.

8 Q. What do you mean by celebration?

9 A. High fives, chest bumping, "we got 'em".

10 Q. By the police officers?

11 A. Yes, ma'am.

12 Q. You explained about 30 people, or so, that were in that
13 area --

14 A. Yes, ma'am.

15 Q. -- correct?

16 Can you explain, as far as people in the neighborhood,
17 would they cut through homes, or running down streets, or
18 kind of explain to me why so many people were up and down
19 the street?

20 A. It's pathways all through, through my neighborhood,
21 through Westerly Park.

22 Q. Pathways?

23 A. Like where people walk through your yards. Drug heads.

24 Q. Right.

25 A. Just different kind of people there.

1 Q. All right.

2 Now, as far as going to the Bonner home, aren't there
3 children there all the time?

4 A. Yes, ma'am.

5 Q. Are there children all the time?

6 A. I take my daughter there too sometimes.

7 Q. You take a child?

8 A. She's a one year old.

9 Q. You have no problem taking your child there?

10 A. Not at all.

11 Q. And have you ever been at that home and seen crack
12 cocaine coming and going?

13 A. No. Gwen, she -- she doesn't -- she doesn't allow
14 anything like that. I mean, I respect her.

15 Q. Cocaine powder coming into the home?

16 A. No, never.

17 Q. Have you seen Nick in the home doing drugs?

18 A. Never.

19 Q. Tell me about Gwen. Tell me about your interactions
20 with her.

21 A. She was like a -- she was like a grandma, more of a
22 mother to all of us.

23 Q. Right.

24 How long did you know her before she passed away?

25 A. All my life.

1 Q. All your life?

2 A. Yeah.

3 Q. Now, how often would she come and go from that house?

4 A. She -- she was there -- well, she went to work. Well,
5 she worked second shift. She worked at Nestle as well.

6 Q. Right.

7 A. So it was there every day we was in, she come home, she
8 go to work. She cooked.

9 Q. So that was her home?

10 A. Yes, ma'am.

11 Q. In other words, she just didn't stop by once in a
12 while?

13 A. No.

14 Q. That's where she lived?

15 A. Yeah, that's where she lived, yes.

16 Q. And as far as Nick living at that home, kind of explain
17 to me him coming and going or where you knew him to live
18 August 6th, 2012.

19 A. He didn't live there.

20 Q. Where did he live?

21 A. He stayed on Arrowood, Arrowood Drive.

22 Q. Who was he living with at the time?

23 A. His girlfriend Ronda Norris.

24 Q. And had they been together for a while?

25 A. For a long time.

1 Q. How often would he come and see his momma?

2 A. Every day.

3 Q. Because he loved his momma?

4 A. Yeah. I tell my momma. I go to see her every day too.

5 Q. Thank you so much.

6 MS. LAPHAM: No further questions, Your Honor.

7 THE COURT: Solicitor.

8 MR. BAIN: Thank you, Your Honor.

9 CROSS EXAMINATION BY MR. BAIN:

10 Q. Now, you had just mentioned you saw Eric Lattimore get
11 in the jeep with Ronnie Anderson, is that correct?

12 A. Yes, sir.

13 Q. And how would you describe that jeep?

14 A. It's white.

15 Q. Did you say it was a K-9 jeep?

16 A. Yes, sir, it was.

17 Q. Okay. And did you say Eric Lattimore got in the back
18 seat?

19 A. Uh-huh.

20 Q. Would it surprise you that the K-9 was held in the back
21 seat of the K-9 jeep?

22 A. I'm not a police officer, sir, so I couldn't tell you
23 anything about that.

24 Q. Would it surprise you that Ronnie Anderson said he was
25 in an unmarked vehicle?

- 1 A. He wasn't.
- 2 Q. He wasn't in an unmarked vehicles?
- 3 A. No, he wasn't. I witnessed it with my own eyes.
- 4 Q. Now, you have known Gwen Bonner your whole life, is
- 5 that correct?
- 6 A. That's correct.
- 7 Q. Would she allow drugs in her house?
- 8 A. Not at all.
- 9 Q. Would she allow people to smoke marijuana in the house?
- 10 A. She was sick, so, no, sir.
- 11 Q. Would she allow people to smoke cigarettes in the
- 12 house?
- 13 A. No.
- 14 Q. And why wouldn't she let people smoke in the house?
- 15 A. She had heart problems.
- 16 Q. I'm showing you what's been entered into evidence as
- 17 State's Exhibit 15 -- or State's Exhibit 9.
- 18 Do you recognize that photo?
- 19 A. Yes, sir.
- 20 Q. Are you able to see it from where you are sitting?
- 21 A. Yeah, I can.
- 22 Q. And what is that a photo of?
- 23 A. The kitchen.
- 24 Q. Okay. And whose kitchen?
- 25 A. Gwen's kitchen.

1 Q. And does she allow drugs in her house?

2 A. No.

3 Q. Then can you explain why there is two bags of marijuana
4 on that same kitchen table?

5 A. No, I couldn't.

6 Q. Okay. Can you explain why it's on the kitchen table?

7 A. No.

8 Q. Okay. And she didn't allow smoking in the house, is
9 that correct?

10 A. Correct.

11 Q. Can you please describe that picture? That's State's
12 Exhibit 13.

13 Is that Gwen Bonner's nightstand?

14 A. Yeah, it is.

15 Q. Why are there cigarettes on it?

16 A. She probably took them away from the kids. I'm not
17 saying that the kids smoked, but --

18 Q. So she took them away from the kids and put it on her
19 nightstand?

20 A. Uh-huh.

21 Q. She didn't throw them away?

22 A. Yeah, I mean, if that's hers. They belong to someone,
23 so --

24 Q. But she didn't allow cigarettes, she didn't allow
25 smoking in her house, is that correct?

1 A. That's correct.

2 Q. And she didn't allow marijuana in her home, is that
3 correct?

4 A. That's correct.

5 Q. Now, what about cocaine and crack cocaine? Did she
6 allow that in her house?

7 A. No, that's a drug too.

8 Q. Okay. Well, would it surprise you that crack cocaine
9 was found in the oven?

10 A. It would surprise me.

11 Q. What?

12 A. It would.

13 Q. Okay. Do you have an explanation for that?

14 A. No.

15 Q. Okay. And also were you aware that Ronald Littlejohn
16 was in the house that day?

17 A. No, sir, I -- I couldn't tell you nothing about --

18 Q. Okay.

19 A. -- what went on in the house.

20 Q. Well, you remembered a lot about it earlier.

21 A. Yeah.

22 Q. Were you aware of who all was in the house that day?

23 A. No, I wasn't.

24 Q. Okay. So you don't know if Ronald Littlejohn was there
25 that day?

1 A. No.

2 Q. But you saw Eric Lattimore get in the car with Ronnie
3 Anderson, is that correct?

4 A. Yes, sir, I did.

5 Q. Was Gwen Bonner there that day?

6 A. She was earlier.

7 Q. So you remember she was there earlier, but you don't
8 remember if Ronald Littlejohn was there at the time of the
9 bust?

10 A. Correct.

11 Q. Well, did you see where Ronald Littlejohn -- did you
12 see any defendant get put in any cars?

13 A. No, sir, I didn't, besides Eric Lattimore.

14 Q. So it just so happens the only person that you saw get
15 put in a car was Eric Lattimore?

16 A. Yes, sir.

17 Q. With Ronnie Anderson?

18 A. Yes, sir.

19 Q. And that's the only one that you saw?

20 A. Yes, sir.

21 Q. Now, you mentioned the red bag across the street was
22 found next to --

23 A. The red bag in the back yard, not across the street.

24 Q. Okay. Well, where were you during this incident?

25 A. Standing at the vacant house.

1 Q. At the vacant house?

2 A. Yes, sir.

3 Q. And was that across the street from Nick Bonner's
4 house?

5 A. Yes, it was.

6 Q. I'm showing you what's been entered into evidence as
7 State's Exhibit 27.

8 A. Uh-huh.

9 MR. BAIN: Your Honor, permission for the witness
10 to step down?

11 THE COURT: Yes, sir.

12 (Witness off the witness stand).

13 BY MR. BAIN:

14 Q. Now, do you see any identifying writing on this
15 exhibit?

16 A. Yes. That?

17 Q. Yes?

18 A. Yes.

19 Q. Can you please read which house is 126 Iris Lane and
20 point it out?

21 A. That right there.

22 Q. And can you tell us the vacant house that you were
23 standing at, 125 Iris Lane?

24 A. That's the one right there.

25 Q. So you were at the vacant house, is that correct?

1 A. Yes.

2 Q. Where was the red bag found?

3 A. The red bag? Can I move --

4 Q. Yes.

5 A. The red bag was found --

6 Q. Show the jury so they can see it.

7 A. Okay.

8 It was found back in this area here.

9 Q. Okay. So from standing there you could see where the
10 red bag was found, is that correct?

11 A. Right. I was standing here.

12 So if you were standing right here, you got a clear
13 path to the view from here all the way back to the other
14 yard.

15 Q. Okay. So you -- you can have a seat.

16 (Witness back on the witness stand).

17 BY MR. BAIN:

18 Q. So standing across the road --

19 A. Yes, sir.

20 Q. -- at 126 Iris Lane --

21 A. Uh-huh.

22 Q. -- you could see a red bag laying in that area?

23 A. You can't see it laying there, but you could see them
24 pick it up. That's what I seen.

25 Q. Okay. So standing across the road you could see

1 officers pick up a red bag from that area?

2 A. Yes, sir. If you -- on this picture right here, you
3 just got a picture of the back yard.

4 Q. Right.

5 A. But if you had a picture where I was standing and you
6 snapped it, like you snapped this picture right here, and
7 you could -- you could see that right there.

8 Q. Now, I'm showing you State's Exhibit 11.

9 A. Okay.

10 Q. Does that bag appear to be buried?

11 A. Yeah. Yes, sir.

12 Q. Okay. So you couldn't see the bag and where it was
13 laying?

14 A. Could I -- what now, sir?

15 Q. You couldn't see the bag and where it was laying,
16 correct?

17 A. No.

18 Q. Well, then how do you testify that it was laying behind
19 this?

20 A. They found it behind the green box.

21 From where I was standing, you could have seen where --
22 you could have seen that right there.

23 Q. Okay. You testified to Ms. Lapham that you knew where
24 the property line was, is that correct?

25 A. Yeah, the property sticks over there.

1 Q. So standing across the street at 126 Iris Lane, you
2 were able to determine that officers were standing across
3 the -- across the small sticks that represents the property
4 line?

5 A. I have a picture, you could see it.

6 Q. Okay. Would you agree it would be convenient if it was
7 found across the street -- I mean not on Nick Bonner's
8 property?

9 A. Say what now, sir?

10 Q. Would it be helpful to Nick Bonner if the cocaine
11 found -- if the crack cocaine found in that bag was found
12 off of his property?

13 A. If it was found off his property, yeah. Yes, it would
14 very helpful.

15 Q. Okay. Now, you don't remember if Ronald Littlejohn was
16 there, you didn't see any defendants get in the van besides
17 Eric Lattimore, yet you were paying enough attention to see
18 the exact moment officers picked up a red bag?

19 A. Yes, sir, paying attention to some things.

20 Q. And is it convenient that Eric Lattimore got in the car
21 with Ronnie Anderson? Does it help Nick Bonner if he gets
22 in the car with Ronnie Anderson?

23 A. It doesn't -- it doesn't matter if he got in there with
24 him, or if he -- it wouldn't matter if it would help him --
25 it wouldn't matter if -- it wouldn't -- it wouldn't have to

1 help him or not help him. I know what I seen. From where I
2 seen was Eric Lattimore got in the car with Ronnie Anderson
3 and they left and Ronnie Anderson came back.

4 Q. Do you know what time of day this occurred?

5 A. Do I know what, sir?

6 Q. What time of day it occurred?

7 A. No. It was almost five years ago now.

8 Q. Okay. Was it in the late evening?

9 A. It was probably about -- well, I really -- I really
10 can't say. I -- I'm not going on sit up here and tell a
11 lie.

12 Q. Would it surprise you that Ronnie Anderson was getting
13 a signature from a magistrate court judge around this time?

14 A. Uh-uh.

15 Q. It doesn't surprise you?

16 A. Uh-uh.

17 Q. So he took Eric Lattimore with him to go see a
18 magistrate judge?

19 A. I can't tell you what Eric done. I just know what I
20 seen. I seen Eric Lattimore and Ronnie Anderson leave
21 together.

22 Q. But it doesn't surprise you he was at that time going
23 to get a signature from a magistrate court judge?

24 A. It wouldn't.

25 Q. He wasn't going to get a signature of a magistrate

1 court judge?

2 A. No -- I know what I seen. I seen Ronnie Anderson and
3 Eric Lattimore leave together.

4 Q. Okay.

5 A. I seen that with my own eyes.

6 Q. What if I showed you the search warrant with Ronnie
7 Anderson's name on it and a judge's signature on it on
8 August 6th, 2012?

9 A. I -- I -- I don't have nothing to do with that right
10 there, so I just know what I seen. I'm telling you what I
11 seen.

12 Q. Okay. Well, do you see Ronnie Anderson's name on it?

13 A. I mean, I can't see that right there.

14 Yeah, I see Ronnie Anderson.

15 Q. Okay. And do you see this line that says signature of
16 a judge?

17 A. Yeah, I do.

18 Q. And do you see a signature on it?

19 A. Yes, sir.

20 Q. Okay.

21 A. What does that mean? It's not proving anything.

22 It's -- I seen what I seen.

23 Q. Are you claiming that Ronnie Anderson forged that
24 search warrant?

25 A. I mean, I don't know nothing about that search warrant

1 right there. I'm telling you what I seen. I seen Ronnie
2 Anderson and I seen Eric Lattimore leave together and Ronnie
3 Anderson came back.

4 Q. And I asked you did you see a search warrant with
5 Ronnie Anderson's name on it?

6 A. Yeah.

7 Q. Okay. And did you see a search warrant with a judge's
8 signature on it?

9 A. Yes.

10 Q. And it was dated August 6th, 2012?

11 A. I -- I -- I didn't read the date.

12 Q. What's the date?

13 A. August 6th.

14 Q. 2012?

15 A. Yeah. Seven p.m.. 7:20 p.m. on it.

16 Q. Okay.

17 A. I think all of them -- I think they all might have been
18 in jail by then.

19 Q. Now, how many people were standing out there?

20 A. In the abandoned yard?

21 Q. In the abandoned lot, yes.

22 A. Probably 30. Maybe more than that. The whole
23 neighborhood was there.

24 Q. Did you see anyone around that trash can?

25 A. No. I mean, I'm pretty sure we would have knew

1 anything was in the trash can, we wouldn't have been
2 standing in the yard.

3 Q. And how long had you known Nick Bonner?

4 A. 20 years.

5 Q. And was he living at 126 Iris Lane on August 6th, 2012?

6 A. No.

7 Q. He was not?

8 A. No.

9 Q. Would it surprise you that he listed on his bond sheet
10 he was living at 126 Iris Lane?

11 A. Uh-uh.

12 Q. And why not?

13 A. Because he didn't stay there.

14 Q. Why didn't he put the address he stayed at on the bond
15 sheet?

16 A. I couldn't tell you anything about that, sir. All I
17 can tell you is the things that I seen.

18 Q. Okay. And what time did you say Gwen Bonner leaves for
19 work every day?

20 A. I didn't never say a specific time.

21 Q. You never said a specific time?

22 A. No.

23 Q. Can you give me an approximate time?

24 A. I mean, she left at different times. She might have
25 went in early some days. Some days she made regular time.

1 Q. Okay. Do you remember a prior sworn statement that you
2 have given?

3 A. Huh?

4 Q. Do you remember a prior sworn statement that you have
5 given?

6 A. No.

7 Q. You don't remember one?

8 A. A statement?

9 Q. A prior sworn statement.

10 A. If you read me --

11 Q. Well, I'm asking you to read it.

12 Will you read line 23?

13 A. "She leaves to go to work around 1:30 every day."

14 Q. Thank you.

15 Now, would it surprise you that Jarvis McCluney said he
16 was there at ten in the morning?

17 A. Would it surprise me?

18 Q. Yeah.

19 A. No, it wouldn't surprise me.

20 Q. Would it surprise you that Jarvis McCluney said they
21 were smoking weed there?

22 A. No, it wouldn't surprise me. It just depends on --

23 Q. Well, a little while ago you testified Gwen never let
24 drugs into her house.

25 A. No, they don't -- you don't smoke weed -- she don't do

1 that in her house.

2 Q. But you just said it wouldn't surprise you if Jarvis
3 McCluney and them were smoking weed in the house.

4 A. No, you never did say the house. You just said smoking
5 weed.

6 Q. Okay. Well, would it surprise you if he said he was
7 there at ten o'clock?

8 A. No, that wouldn't surprise me.

9 Q. Okay. And would it surprise you that he said he was
10 smoking weed?

11 A. Uh-uh, it wouldn't surprise me.

12 Q. Okay. Well, if Gwen Bonner goes to work every day at
13 1:30, would she not have been there at ten o'clock?

14 A. Yeah.

15 Q. But she never allowed drugs in her house?

16 A. Never. Never in her house.

17 Q. But on this particular day we find a substantial amount
18 of drugs across the street in a trash can. We find over
19 50 grams in a red bag in the yard. We find over 50 grams of
20 cocaine -- of crack cocaine in the oven, and two baggies of
21 marijuana, and other defendants have -- co-defendants have
22 testified saying they were smoking marijuana, but she didn't
23 allow drugs in her house?

24 A. The drugs was found across the street, not on the
25 property. The red bag was found not on the property. The

1 drugs that you found in the house, to my call, you got nine
2 people, nine statements saying they were Eric Lattimore's.

3 Q. So it is a coincidence that they found all these drugs
4 in or around 126 Iris Lane?

5 A. They found them on the property, sir.

6 Q. Okay. Well, is it a coincidence that there is a pack
7 of cigarettes on Gwen Bonner's dresser?

8 A. You can buy cigarettes out at the store.

9 Q. And is it a coincidence that those cigarettes were
10 found on top of a dresser that over \$13,000 was found in?

11 A. Talking about the money drawer?

12 Q. Yeah, the money drawer.

13 A. Yeah, uh-huh.

14 Q. So that dresser is the money drawer?

15 A. Yeah.

16 Q. And it's Gwen Bonner's money drawer?

17 A. Yes, sir, it is.

18 Q. And she doesn't smoke cigarettes?

19 A. No, she don't.

20 Q. But she had cigarettes on top of it?

21 A. Nothing wrong with that.

22 Q. Well, why were she have cigarettes on top of it?

23 A. You can have cigarettes anywhere, sir. It's her house.

24 MR. BAIN: Me further questions, Your Honor.

25 MS. LAPHAM: Briefly, Your Honor.

1 REDIRECT EXAMINATION BY MS. LAPHAM:

2 Q. You don't know what time Jarvis was over there smoking
3 weed, do you?

4 A. No, ma'am, I don't.

5 Q. Okay. That had nothing to do with you?

6 A. No, I don't.

7 Q. And in regards to mailing address and the bond form,
8 you have no information about that?

9 A. No. The only thing I can say is the things I seen what
10 happened that day.

11 Q. What you saw is Eric Lattimore leave with Ronnie
12 Anderson?

13 A. Yes, ma'am.

14 Q. So couldn't it be he was taking him en route to get the
15 search warrant?

16 A. Yes, ma'am.

17 Q. Then Ronnie came back is your testimony 15 minutes
18 later?

19 A. Uh-huh.

20 Q. And you can't testify to what happened inside, or what
21 Ronald Littlejohn did inside, or what anybody did inside,
22 can you?

23 A. No, I don't know anything about that. No, ma'am.

24 Q. You were outside?

25 A. I was outside.

1 Q. And you are telling the truth today?

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

3 MS. LAPHAM: Nothing further, Your Honor.

4 THE COURT: Anything?

5 MR. BAIN: Briefly, Your Honor.

6 RE CROSS EXAMINATION BY MR. BAIN:

7 Q. You only saw Eric Lattimore?

8 A. Yes, sir.

9 Q. You didn't see any of the other defendants?

10 A. No, sir.

11 MR. BAIN: Nothing further, Your Honor.

12 THE COURT: Sir, you may step down. Please be
13 very careful.

14 MS. LAPHAM: Your Honor, if I may ask this witness
15 be released?

16 MR. BAIN: No objection, Your Honor.

17 THE COURT: Sir, you may stay or go, whichever you
18 choose.

19 MS. LAPHAM: Defense is ready to call Ronda
20 Norris.

21 RONDA NORRIS, having been first duly sworn,
22 testified as follows:

23 THE WITNESS: I do.

24 THE COURT: Please tell us your full name and
25 spell your last name for the court reporter, please.

1 THE WITNESS: Ronda Norris, N-O-R-R-I-S.

2 THE COURT: Yes, ma'am.

3 MS. LAPHAM: Thank you.

4 DIRECT EXAMINATION BY MS. LAPHAM:

5 Q. Good morning.

6 A. Good morning.

7 Q. Can you please tell me where you live?

8 A. 302 Arrowood Drive.

9 Q. And can you tell me where you work?

10 A. Freightliner.

11 Q. How long have you been at Freightliner?

12 A. Going on 13 years.

13 Q. And how many children do you have?

14 A. I have two.

15 Q. And about how old are they?

16 A. Now? I have a nine year old and a 21 year old.

17 Q. And how do you know Nick Bonner?

18 A. I used to live in the neighborhood.

19 Q. And how long have you known him?

20 A. About 30 years.

21 Q. How long have you been in a relationship with Nick?

22 A. About 11.

23 Q. And do you share any children together?

24 A. Yes, ma'am.

25 Q. And how old is that child?

1 A. My son is nine.

2 Q. Nine.

3 Now, can you tell me where Nick lives today?

4 A. Today Nick lives at 302 Arrowood Drive.

5 Q. Can you tell me where Nick lived on August 6th, 2012?

6 A. 302 Arrowood Drive.

7 Q. And how long had y'all lived there before 2012? How
8 long have you been in that house together?

9 A. Maybe seven years. Seven, eight years.

10 Q. All right.

11 Now, do you own that property?

12 A. No, ma'am.

13 Q. So do you rent it?

14 A. Yes, ma'am.

15 Q. Who do you pay your rent to every month?

16 A. Gaffney Realty.

17 Q. And has it been the same realty agency pretty much the
18 whole time through?

19 A. Yes, ma'am.

20 Q. All right.

21 Now, throughout this time period when Gwen was alive,
22 did she ever help y'all pay your rent?

23 A. Yes, she did.

24 Q. And why was she helping y'all pay the rent?

25 A. I would always pay my half because we were going half

1 in on bills.

2 Q. Right.

3 A. I would pay my half --

4 Q. Right.

5 A. -- and she would help him pay his half.

6 Q. And how did Gaffney Realty get paid every month?

7 A. Through checks.

8 Q. And who wrote that check?

9 A. Gwen Bonner.

10 Q. So she wrote the check for 302 Arrowood?

11 A. Yes. I would give her my half with cash and she would
12 write the check for the rest amount.

13 Q. For both of you?

14 A. Yes, ma'am.

15 Q. Now, can you tell me any information about what you
16 would see at the home on a regular basis with friends and
17 family, neighborhood people? Kind of give me an idea of
18 what the environment was at 126 Iris Lane.

19 A. The environment -- this is a huge, huge family. A lot
20 of little kids.

21 Q. Right.

22 A. There is a close tight family, so there is always
23 birthdays, holidays. A lot of I guess you call them home
24 boys would come over and watch football games, basketball
25 games.

1 Q. Okay. Now, how often was Gwen there at the house?

2 A. She was there often. This is her house.

3 Q. And didn't that house also have other family members
4 that owned the property, to the best of your knowledge?

5 A. Yes, ma'am. It's like five sisters that own it.

6 Q. So was it a family home that was passed down?

7 A. Yes, ma'am.

8 Q. So when everyone came over, you know, did everyone feel
9 welcome by Gwen?

10 A. Yes, ma'am.

11 Q. Kind of explain how Gwen was in the neighborhood, or
12 her position.

13 A. Gwen was like a -- excuse me, I get emotional talking
14 about her.

15 Q. I'm sorry.

16 A. Gwen -- Gwen --

17 Q. I'm sorry. Do you want something to drink?

18 A. I got some.

19 Q. Just take a minute.

20 A. Thank you.

21 (Off the record)

22 (Back on the record)

23 BY MS. LAPHAM:

24 Q. I know this is painful to kind of talk about now and I
25 don't mean to put you into this position.

1 How long ago did she pass away?

2 A. Maybe about three years -- two or three years.

3 But Gwen was like a mother to everybody in the
4 neighborhood. If you needed something, she was the type
5 person that you could go to get whatever you wanted,
6 whatever you needed.

7 Q. So she would help her children a lot, basically?

8 A. Yes, of course. Yes, ma'am. She helped me a lot also.

9 Q. And so this is the type of woman that would not allow
10 this sort of activity becoming on a regular basis in her
11 home, would she?

12 A. No, ma'am. She didn't allow -- she didn't allow that.
13 I smoke cigarettes and I couldn't never smoke in her house.

14 Q. It was enough that she would get angry and take on more
15 things of that nature?

16 A. Yes, ma'am, she always talked about me smoking
17 cigarettes.

18 Q. Is that because she had health problems?

19 A. Yes, ma'am, she had heart problems and she was always
20 telling me to "put those cigarettes down, you are going to
21 be in the same condition I was in."

22 Q. Can you tell me how she passed away? Was it her heart?

23 A. Yes, ma'am.

24 Q. Okay. It was her heart.

25 Now, since you and Nick have been together, obviously

1 through those financial hardships, right, but during this
2 time period, or very close before, did Nick sell a
3 four-wheeler, to your knowledge?

4 A. Yes, ma'am, in August, it was like close for school to
5 start back, and we had talked about getting -- because
6 combined we have four kids. He has two kids outside of our
7 relationship.

8 Q. Right.

9 A. So we had all these kids going to school at this time,
10 getting ready for school.

11 Q. Right.

12 A. And we talked about we didn't feel comfortable asking
13 Gwen for money because she was getting her heart medication,
14 doctors bills and stuff, so he was saying that he would sell
15 his four-wheeler to help get the kids school supplies.

16 Q. And so you were -- were you there when he sold it, or
17 do you have knowledge that it was sold?

18 A. I just have knowledge that it was sold.

19 Q. Do you know for approximately how much did he sell the
20 four-wheeler? Do you know?

21 A. I didn't ask him.

22 Q. Did you know that he sold it?

23 A. It was sold. The kids was upset because they loved the
24 four-wheeler.

25 Q. During your time with Nick has he consumed drugs?

1 A. No, ma'am, I -- my kids come first --

2 Q. Right.

3 A. -- before any man.

4 Q. Right.

5 A. And I wouldn't put my kids around that environment,
6 that situation, no, ma'am.

7 MS. LAPHAM: Nothing further, Your Honor.

8 THE COURT: Solicitor?

9 MR. BAIN: Thank you.

10 CROSS EXAMINATION BY MR. BAIN:

11 Q. Now, when Ms. Lapham was questioning you, you said
12 y'all felt uncomfortable asking Gwen for money, is that
13 correct?

14 A. When it was in August getting ready for school, we
15 discussed that we wasn't comfortable asking her for any more
16 money. That's when she started -- she was buying medication
17 for her heart, doctors visits, medication. If I would have
18 asked her, I know she would have given it to me.

19 Q. Okay.

20 A. Given it to us.

21 Q. But you didn't feel uncomfortable in asking her to pay
22 half of Nick's rent at 302 Arrowood Drive?

23 A. She did that on her own. She had generosity for her
24 son. She did that for many years before she even got sick,
25 sir.

1 Q. How much was the rent?

2 A. 630.

3 Q. Okay. And did she pay -- was she renting or did she
4 own 126 Iris Lane?

5 A. She owned or --

6 Q. Did she own or did she rent 126 Iris Lane?

7 A. She owned 126 with her sisters.

8 Q. Okay. But according to you, she lived there, correct?

9 A. Gwen Bonner lived at 126 Iris Lane.

10 Q. Okay. Did she pay the bills on that house?

11 A. I'm pretty sure she did.

12 Q. Okay. And she paid half the rent at 302 Arrowood
13 Drive?

14 A. Yes, she did.

15 Q. Do you have any idea how she saved \$13,084 in small
16 bills?

17 A. I don't ask her about her money.

18 Q. Okay. Were you aware she had a money drawer?

19 A. I heard her talk about it.

20 Q. Okay. So you wouldn't have any idea how she would save
21 \$13,084 in cash?

22 A. I don't know how she would save that amount. I don't
23 keep up with her money, sir.

24 Q. Now, you stated that Nick Bonner had to sell a
25 four-wheeler for back to school, is that correct?

1 A. He sold his four-wheeler.

2 Q. And who did he sell that four-wheeler to?

3 A. To Gus. I think his name is Gus.

4 Q. Okay. Do you remember giving a prior sworn statement?

5 A. I may have.

6 Q. Okay. Will you read line 14, please?

7 A. "From my knowledge, Nick had to sell his four-wheeler."

8 Q. Keep reading.

9 A. "Nick had -- I can't --

10 "From my knowledge, Nick had to sell his four-wheeler.

11 Nick has a four-wheeler and he sold the four-wheeler to

12 Rodney Davidson."

13 Q. Okay.

14 A. "And Ashton, Jr., which is Nick's other child, they
15 were upset because it was sold -- because he sold their
16 four-wheeler."

17 Q. Okay. So he sold the four-wheeler to Rodney Davidson,
18 not Gus, correct?

19 A. Rodney -- Rodney took him to sell the four-wheeler.
20 I'm sorry.

21 Q. Okay.

22 A. So you misspoke in this prior sworn statement.

23 I guess --

24 Q. It says "he sold the four-wheeler to Rodney Davidson,"
25 correct?